HOUSE OF ASSEMBLY

Thursday 24 November 1994

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

CORRECTIONAL SERVICES (PRIVATE MANAGEMENT AGREEMENTS) AMENDMENT BILL

The Hon. W.A. MATTHEW (Minister for Correctional Services): I move:

That the sitting of the House be continued during the conference with the Legislative Council on the Bill.

Motion carried.

LAND AGENTS BILL, LAND VALUERS BILL AND CONVEYANCERS BILL

The Hon. W.A. MATTHEW (Minister for Emergency Services): I move:

That the sitting of the House be continued during the conference with the Legislative Council on the Bills.

Motion carried.

LOTTERY AND GAMING (TWO UP ON ANZAC DAY) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 20 October. Page 742.)

Mr MEIER (Goyder): I oppose this Bill, as I did when it was introduced in an earlier session of Parliament. My views have not changed during that time. I am very concerned that the member for Spence should, in his second reading explanation on this Bill, indicate that he hopes that if the Bill is passed some RSL clubs might stage two up games between the dawn service and the march and again after the march, without fear of prosecution. That is fine. It looks as though it will simply be a gambling day rather than one for the memories that should be first and foremost on that day, I would have thought. But I am particularly concerned when he says:

It will enable the opportunity to introduce the game to a new generation of Australians.

I am amazed that the member for Spence should want to promote gambling, and that is what it is doing. Personally the two up game does not upset me one way or the other. Interestingly, I have had no RSL member (in fact, no-one) contact me to ask me to support this Bill or open up the opportunity for legalised two up betting. I have not had pressure put on me. I have association with several RSL clubs in my electorate and I broached the subject when it first came before us as to what members thought about that. They had no feelings one way or the other.

I am very concerned, though, particularly when we see the dangers of the latest unleashing of poker machines across the State and the negatives that they are causing. There is no doubt that they are causing many negatives. Only one group will win, namely, the hotels, clubs and the Casino, which is why they have them and, on average, the people playing them will lose. I realise that the member for Spence is not talking on a large scale here and that it is only for one day of the year that he says, 'Let's just legalise it'. However, I maintain my position: why promote gambling when we see so many ills deriving from it? It is simply not necessary. There has not been a call of a general nature for the legalisation of the gambling.

I was also very upset when I heard the member for Spence say, when the Bill was last debated—and I refer to *Hansard*—that he did not think that many new members were aware that it was a conscience vote and they dutifully followed their Ministers. As the Government Whip, I can say that it was made blatantly obvious and very clear to members that it was a conscience vote, not on one occasion but on more than one occasion. I think that the honourable member's comment is a reflection on members on both sides of the House; that they were not aware how to exercise a conscience vote. I am very upset at that insinuation, and I want to repudiate it once and for all. It was very clear that it was a conscience vote last time, and the member for Spence would have been well aware of it, because the vote was relatively close. It is quite clear that members had the chance then to exercise their conscience and they will have their chance to do so again this time.

I must agree with the comments of the member for Florey who said that he felt that gambling should be in a controlled environment. We should not just allow this to open up in the way that the member for Spence proposes. I ask members to think very carefully before supporting this Bill. I would say that we already have enough problems with legalised gambling at present; let us not open up the floodgates any more, even though it would be in a minor way. I oppose the Bill.

Ms HURLEY secured the adjournment of the debate.

WORKERS REHABILITATION AND COMPENSATION (MENTAL INCAPACITY) AMENDMENT BILL

Second reading.

Mr CLARKE (Deputy Leader of the Opposition): I move:

That this Bill be now read a second time.

It is with a great deal of pleasure that I rise to speak to the Bill, which was introduced by a colleague in another place. I want to read out to the House a press release that was issued jointly by the Royal College of Psychiatrists, the AMA (South Australian Branch) and the Accident Compensation Committee of the Law Society of South Australia on 21 November this year in relation to the passage of this Bill in another place. It states:

The AMA, College of Psychiatrists and Law Society applaud the passing of the Workers Rehabilitation and Compensation (Mental Incapacity) Amendment Bill in the Legislative Council on 16 November 1994. Spokespersons for the three groups joined to express appreciation of the recognition of the rights of workers who suffer permanent psychological/psychiatric disability from work place injury to receive lump sum compensation.

Without this legislation there will be an unacceptable distinction between those suffering permanent physical injuries and those suffering psychiatric injury. Such a position would be discriminatory and especially shameful at a time when awareness of psychiatric conditions has increased. It is especially appropriate given recent discussion of such important issues, from amongst other sources, the Burdekin report, greater knowledge of the extent of psychiatric conditions in the community at large and the recognition of the fundamental need for equality of all citizens before the law.

The three professional bodies called on the State Government to ensure passage of the Bill in the House of Representatives next week.

The genesis of this Bill lies in a decision given on 28 July 1994 by a Full Bench of the Supreme Court of South

Australia in a case known as Hann. The worker involved in the case, Elizabeth Hann, was a receptionist in a dental practice. As a result of her continuing difficulties with one of the dentists in the partnership she developed a major depression. So she developed a recognised psychiatric illness arising out of her employment. In fact, her treating psychiatrist was clearly of the view that Mrs Hann had suffered a permanent disability of some kind. It is not necessary to go into the details of her illness and her symptoms, suffice it to say that the Full Court found that there was no dispute about the nature or extent of the respondent's injury.

Since our workers' compensation system, like all workers' compensation systems, provides for lump sum compensation for permanent disabilities, naturally enough Mrs Hann applied to WorkCover for lump sum compensation. WorkCover's response was to reject the application for lump sum compensation on the basis that the legislation, as it now stands, does not provide for any lump sum compensation at all in respect of psychiatric disabilities. Of course, Mrs Hann's lawyer argued that the third schedule to the WorkCover Act must have provided for lump sum compensation even for injuries of this kind since section 43 of the Workers' Rehabilitation and Compensation Act provides generally for lump sum compensation in respect of permanent disabilities.

I point out to members that the third schedule consists of a list of various names and disabilities to which a certain percentage is attributable, together with explanatory notes. The percentage attached to each disability indicates the proportion of the prescribed sum which is payable as lump sum compensation in respect of the disability. After going through the appeal process, the argument in the Full Supreme Court was about the interpretation of the third schedule to the Act. The courts are called upon to interpret the legislation—that is one of the essential functions of the courts. In this case, the presiding judges in the Full Court had no doubt as to the 1992 amendments. His Honour Justice Debelle said:

> In my view, these amendments indicate a clear intention on the part of Parliament to remove mental disability from the disabilities for which section 43 provides an entitlement to lump sum compensation for non-economic loss.

Her Honour Justice Nyland, with whom Justice Mohr agreed, stated:

> In my opinion, Parliament, by deleting the reference to 'mental' from section 43, evidenced a clear intention to exclude lump sum payments for loss due to the impairment of a mental faculty from the operation of that section and the schedule.

The surprising thing is that the court does not seem to have considered *Hansard* at all. I will cite references in *Hansard* to demonstrate that the Supreme Court justices got it terribly wrong when they drew conclusions about Parliament's intentions. If they did not get it wrong, then Parliament itself got it terribly wrong in 1992 when these amendments were rushed through.

As some members of the previous Parliament who are still in this House would recall, the third schedule in its present form was part of a package of amendments to the WorkCover legislation which was presented by a former Speaker of this House, the Hon. Norm Peterson, at the end of 1992. I refer members to page 1087 of *Hansard* of 1992. On 27 October that year, the Hon. Norm Peterson moved various amendments to the Labor Government's Bill. One of the Hon. Norm Peterson's amendments was to amend section 43 of the principal Act by striking out subsections (3), (4) and (5). The primary effect of these amendments, which were carried, removed the subjective element from assessments of permanent disability so far as reasonably practicable. In other words, rather than the worker describing his or her changes in lifestyle, including the ways in which the disability affected his or her domestic and recreation activities, much greater emphasis was placed on the percentages which various medical practitioners came up with in respect of the permanent disability of the worker. I particularly ask members to read that debate and the Hon. Norm Peterson's remarks.

The then Minister of Labour, the Hon. R.J. Gregory, opposed the amending clause on behalf of the Labor Government. The current Minister, then shadow spokesperson for industrial matters, supported the amendment on behalf of the then Opposition. However, I stress that nowhere in the debate on the amendment of section 43 was there discussion on excluding stress claims or other psychiatric injuries from entitlement to lump sum compensation. It must be noted from *Hansard* that the Hon. Mr Peterson intended that all permanent disabilities would be compensated by the third schedule. I refer members to page 1093 of *Hansard* of 1992.

On 27 October 1992, the Hon. Norm Peterson moved a further amendment to the Act in the following terms:

> The third schedule of the principal Act is repealed and the following schedule is substituted.

The Hon. Norm Peterson then presented a revised third schedule. The word 'mental' had been deleted from the third schedule which was presented by Mr Peterson. There was no clear reference at all to psychiatric illnesses. This is the third schedule that was ultimately passed and the subject of interpretation in the Full Court recently.

I come to the main point. After presenting this revised schedule, the Hon. Norm Peterson said the new clause was consequential and additional to the section 43 amendment. The House of Assembly evidently accepted that the amendment was consequential because it was passed without debate, and I stress that it was passed without any debate whatsoever. The subsequent chapter in the history of this revised third schedule is very brief. In the Legislative Council, it was simply passed without discussion. The conclusion I draw then, which is plain for everyone to see, is that there was absolutely no discussion in this House or in another place about an amendment which utterly extinguished lump sum compensation entitlements for a very significant class of injuries.

My purpose in introducing the Bill to amend the principal Act, and the third schedule in particular, is not simply that Parliament overlooked the effect of what it was doing in 1992. There are very significant and substantial reasons why the third schedule should not remain as it is. As a civilisation we have come to recognise that psychiatric illnesses are just as debilitating and worthy of compassion as physical injuries. This Bill has the support of not only the Labor Party and the union movement but also the College of Psychiatrists, the South Australian branch of the AMA and the Law Society's Accident Compensation Committee. As far back as August 1994, those three groups issued a press release supporting the introduction of the Bill into this Parliament.

I hope that members opposite will support this Bill out of a sense of justice. If there is some concern about the so-called stress claims, I must stress that people applying for lump sum compensation must prove not only that they have a work related disability but also that it is permanent. In most cases where people claim they are under stress at work, I suggest it would not be easy to persuade psychiatrists that the disability is permanent, particularly where the worker is

unlikely to have to face the stress factors which led to the worker's taking time off from work.

The Bill is designed to allow lump sum compensation for those people who are left with a genuine psychiatric or mental illness of some kind which will last for the rest of their working life. Numerous examples have been given to me of workers who have been injured and are unjustly excluded from a lump sum compensation entitlement as a result of the present state of the legislation. There have been bus drivers and truck drivers involved in horrific accidents who literally have never been able to drive again because of the shock and enduring anxiety resulting from these traumatic accidents. It is also easy to imagine fire officers or police officers developing some kind of psychiatric disability as a result of exposure to a particularly traumatic disaster or exposure to road accident carnage over a period of time. It is quite conceivable that these sorts of psychiatric disabilities could have lasting effects on the individual. There is no good reason why they should not be entitled to lump sum compensation. I commend the Bill to members.

As far as the explanation of the clauses is concerned, it is brief. Clause 2 makes the amendment effective as from the date of operation of the Peterson amendments of 1992. The effect will be as if the deletion of entitlement for loss of mental capacity never occurred. Clause 3(a) replaces the brain damage item with a disability to be known as 'loss of mental capacity', which should cover all manner of permanent psychiatric disability as well as impairment of mental capacity as a result of brain damage. Clause 3(b) ensures that the amount of compensation awarded will be proportional to the severity of the loss of mental capacity. Clause 3(c) provides for the loss of mental capacity to be diagnosed and assessed according to the same supposedly objective set of guidelines against which physical disabilities are assessed. I again commend the Bill to the House.

Mr BASS secured the adjournment of the debate.

MEMBERS, TELEPHONE LISTING

Mr LEWIS (Ridley): I move:

That this House deplores the decision by the editor of the telephone directory to remove the list of members of Parliament from the front of the directory and requests that the list be reinstated in future editions of the directory.

I am talking about the telephone directory, regardless of the number of directories relevant to each given locality throughout the State. There used to be a convention, which is obscure in history as far my research can reveal, where members of Parliament were listed within the numbers provided for both the Commonwealth and State Government departments and agencies at the front of the telephone directory. That has now gone. Indeed, Telecom has opted for a more difficult way of discovering who your member of Parliament is.

If you are a new resident somewhere and are likely to be encountering considerable problems of one kind or another—we all know that research shows the high levels of stress that can occur when someone shifts residence for whatever reasons—and you seek assistance in getting through the log jams you have come up against, one of the people you are likely to want to contact is your local member of Parliament. It may be that you have attempted to get some satisfaction or solution to the problem by contacting various agencies and departments and have not been able to do so. If you do not know the name of your member of Parliament, you cannot discover who it is by referring to the simple list that was formerly printed in the front of telephone directories.

Over recent time, there has been quite an anomalous position. I would have to point out that it would not cost Telecom much more than a fig seed to restore the listing of members of Parliament to the front of the directory, as well as leaving them where they are in the alphabetical listings. At present, there is a Government Easy Guide, for instance, in the front of the South-East telephone directory, which points out that you can find members of Parliament, Commonwealth, under 'C'—because 'Commonwealth' starts with 'C'—not under 'A' for 'Australian'. Then for State members of Parliament, you would look under 'S' but in some interstate directories you would look under 'P', for 'Parliament of Queensland', not 'State Parliament of Queensland'. If you have moved from Queensland to South Australia and you do not understand the arrangement of directories, you would look at the Government Easy Guide, from which you could get your member of Parliament's telephone number in some directories, only to find that in South Australia you are referred somewhere else. So that increases the level of stress and distress, I suggest, to the person who is trying to find their way through the maze.

Then if you look in the front of the 087 directory under 'South Australian Government', you will find under the section 'Government' the Parliament of South Australia under 'P', and there are listings for the members who have whole or part of their electorates within the area covered by the 087 area code directory. That is different from the Adelaide White Pages, which is different from the Melbourne White Pages, which is different again from the Perth and Sydney White Pages.

We see in the 087 directory that the member for Gordon is listed under 'A', where any citizen represented by him would expect to find him. He is there: 'Allison, Harold', and the phone numbers are given. But, in some instances, the honourable member's name is followed by the phone number of the electorate office and the residence. In other instances, only the number for the electorate office is shown and, in further instances, in the regional directories outside the 08 area where Parliament House is situated, there is sometimes reference to the free call that can be made to the 008 number by country residents of South Australia but in other instances there is no such reference.

That, I presume, is a consequence of the choice made by the individual member and not by Telecom, though I am not sure on that point. I myself have had to closely monitor the entries that are made in telephone directories on my own behalf to ensure that my constituents are able to find my phone number and call me in the event that they need to do so. To that extent, I am grateful for the latitude that Telecom has developed over recent years and the consultation it has introduced into the system.

An example in point about the difference between whether or not there is a mention of the 008 Parliament House free call number for callers from rural areas of South Australia outside the 08 directory is where one finds the listing for the member for MacKillop. The entry is not in raised type but in ordinary type and the electorate office is given. It is under 'Baker, Dale, MP, Member for MacKillop', but there is no mention whatever of the free call 008 number, and I believe that is probably a disadvantage to the people in MacKillop who might not otherwise know that, in the event that they are out and distressed somewhere, and Parliament is sitting, they

are able to call Parliament House without the necessity to use coin.

I have looked through other directories in South Australia and elsewhere and I find that in the main the regional directories do contain reference to the Parliament under the Government section in the front of the telephone book. In the 086 directory, for instance, which is different from the 087 directory, the State Government ministry numbers are given. The Parliament itself is listed in a similar fashion as in the 087 directory. Sir, even your entry differs from the entry for other people who have an entry in the 086 directory. Again, I wonder whether or not Telecom made it plain to the member for Flinders, for instance, as to the fashion in which it was possible for her to have her entry listed in the telephone book, because at present it does not show.

That may be, of course, because the 1994 directory cut-off time for the 086 directory came before the election in late 1993. It may be that, but it may not be. One would wonder at that, because I have looked closely at the listing for the former member for Flinders, Peter Blacker. Were it to be the case, as I have just suggested, his name would surely have been shown as 'MP', but it was not. The member for what was formerly Whyalla, now Giles, has the telephone number of his office in Whyalla Norrie listed, but no after hours number and no reference to the free call that his constituents could make to Parliament House in Adelaide when he is here.

There are anomalies, the most serious of which I have drawn to the attention of the House in this motion. When people leave rural South Australia, as they are now doing in increasing numbers, to come and live in the city, because they think that their employment prospects and life chances will be enhanced by doing so, they will find that there are differences between how they will locate their member of Parliament in the directory in the regional context compared with the 08 directory of the metropolitan area.

For simplicity's sake and to stop the members of the public who take some sport—if it is not that, they have genuine concern and despair at the difference—in the way in which they upbraid me for not having my telephone in the front of the 08 directory where they can find me easily, I have pointed out to them that it is an editorial decision made unilaterally by Telecom, not a decision that I have made. I suggest in the public interest that whoever publishes these directories in future should include the name and phone number of members of Parliament and other essential information about the Government at no cost to Parliament.

After all, it is an essential part of the infrastructure of any civilised society that citizens should be able to communicate with their representatives. Accordingly, I believe that Telecom and the Federal Government should support my call to restore that section to the front of the telephone book and that it ought to be put there and elsewhere at no cost to the taxpayer, the citizen or the member.

Motion carried.

WINE TAX

Mr BROKENSHIRE (Mawson): I move:

That in the interests of the Australian wine industry, and in particular the South Australian wine industry, this House requests that the Federal Government reverse the current policy to increase wine tax to 26 per cent in July 1995 and cap the tax at the general level of 21 per cent.

This matter is very dear to me, because not only do I enjoy a moderate drink of wine from time to time but also I represent one of the most important wine-producing areas in this State and, indeed, country. Since I saw the Federal Government's budget in 1993, I have been concerned at the catastrophe that the projected increases in wholesale sales tax for the wine industry would have on the whole of Australia and, in particular, South Australia.

Currently South Australia enjoys about 65 per cent of the whole of Australia's income and development from the wine industry. As most of us will be aware, the South Australian Government is working very hard with the wine industry here to make sure that we see a considerable growth within the industry between now and the year 2000.

We have to ask: why wine? Every time the wine industry starts to show some advancement and improvement and opportunity for this country, why do Governments have to look at taxing it again? It was not so many years ago when we saw what happened when an excise was put on brandy. We saw what happened to the brandy industry in South Australia, especially in the Riverland, and in my area where we have one of the most well-established wine companies, Hardys, which has the famous world-known Black Bottle brandy. As a result of that and a few other problems, we had to go through a vine pull scheme.

Of course, we have learnt from that. Whilst not everyone would agree that the vine pull scheme was a catastrophe, certainly many people are now questioning whether or not we should have had it. One of the greatest reds produced by the Kay Brothers winery at McLaren Vale is from root stock that is more than 100 years old; it is Block Six, which is in high demand. Unfortunately, we have already lost many of those very good old grapes and that is putting part of our region under threat.

However, the good news is that the wine industry is expanding rapidly. Whether or not the Federal Government likes it, the bottom line is that in Australia, for as far as I can see into the future, we will still rely very heavily on agriculture and, in particular, the growth in horticulture and viticulture, to see job creation and better export potential. It is enormously important that we look after the wine industry and agriculture in general. As I have already said, South Australia produces 65 per cent of Australia's total wine yield.

At least the Federal Government has now agreed to a national inquiry, which must report by June 1995. However, I must say that the Federal Government was not keen for this inquiry. In fact, the contrary was the case: it was set up only after a hell of a lot of hard work by industry members. I can give an accolade to our Federal Liberal Party, because it really got in and worked hard to lobby and argue that this tax should not become an impediment to the industry. Many of us in this State—whether we were members of Parliament or candidates at that time—worked very hard with petitions and general lobbying to our Federal colleagues to ensure that the pressure was put right on the Federal Government. So, it was not the Federal Government saying, 'Yes, maybe there are some problems in increasing the wholesale sales tax on the wine industry. We had better have an inquiry into it.' It was only as a result of opposition from the Liberal Party and the Greens, as we well know, that this came about and that there were some reductions in that draconian increase in the tax levels in respect of the industry.

Probably it would be a heck of a lot better if the Federal Government were to practise what it preached and undertook some real restructuring and reform. It should stop blowing out its budgets and throwing money into marginal electorates, where it tends to put most of its money these days so that it can continue to buy votes. Perhaps it would be a lot better if it were to become responsible and started to say, 'We have a huge problem with our balance of trade. We have a huge

problem with our blowing out deficit and with interest rates now rising.' That will affect the Federal Government just as it is affecting us here. Perhaps we had better start being a bit stronger in the way in which we govern rather than just using the age-old remedy of increasing taxes.

We must not continue to tax and charge business out of existence. Why kill the goose that laid the golden egg? We realise that the wine industry is a golden egg for this State, and that is why the Brown Government is a very strong supporter of the industry. That is why we are holding down our taxes and charges, albeit that that is difficult with the interest rate increases and the other problems that we have inherited. However, at least we have made that commitment, because we understand just how important these industries are to Australia and, in particular, to our State.

If members picked up the newspaper recently they would have read a report with the headline 'Warning over wine exports', in which the Federal Government's chief commodities forecaster was highlighting the fact the he believed there could be a significant shortfall in the billion dollar export of wine projected by the year 2000. Dr Brian Fisher, the Director of the Australian Bureau of Agricultural and Resource Economics, said that the exports would reach only $750 million. That is very concerning, particularly to all members in this House.

Domestic wine sales represent 80 per cent of all Australian wine business. So, if the consumer has to pay an extra 10 per cent it would definitely affect purchasing. It would particularly affect my area of McLaren Vale, where we happen to enjoy not only a very good export market but also incredibly good cellar door sales because of the quality of the wine, particularly the red wine. We have boutique wineries so close to Adelaide, and we can offer a very good service not only to the residents of the metropolitan area but also to interstate and overseas tourists.

We have the potential to see a huge expansion of this industry in the whole of Australia—and we are seeing some massive plantings at the moment—but increases in sales tax start to sound warning bells for those people who are prepared to stick their necks out, borrow that extra money and have a go. In our own area, once we get the water back from the Christies Beach treatment plant, we can see an increase of about 1 600 hectares of additional vineyard planting. At an average of one full-time job for every 10 acres or four hectares planted, plus the multiplier effect for that, that will have enormous benefits for my electorate.

Let us face it, there is no-one here who would be able to disagree with me that in our area in particular we have huge problems with unemployment, particularly with youth unemployment. We all know that the south has been neglected for a long time. Of course, that is changing and the policies that we are putting into place and the push from all the members in the south now, who are a united team, are making sure that that does change and will continue to change. But this impost will not help at all. From a confidence point of view, are you going to go to your bank manager and say, 'I would like to borrow another $2 million or $3 million to plant a few more grapes', only to know that in July 1995 potentially we are going to see the wine tax increase to 26 per cent? That would make even the strongest investor start to knock at the knees.

This is crucial to jobs. As I have said, the Federal Government is claiming that it is all about jobs. We have been through the recession that we were meant to have and had to have. We have seen a million people out of work. We are now starting to see some recovery, and I applaud everybody who has been involved in helping towards that recovery, but I add that ultimately, even if you try to work against recovery, you will come back on the wave and you will see some recovery. Frankly, I do not know whether the Federal Government has helped this recovery as much as it makes out it has. Frankly, it has been due to a lot of restructuring and reform in the States and industry being prepared to get in there and fight and have a go. The general turn of the tide throughout the world economic base has really had the biggest influence, rather than the Federal Government.

I would also like to quote at this stage from Mr Len Evans (whom we all know), a well-known wine connoisseur who understands the industry and who is Chairman of the Wine Foundation of Australia. Recently he told a conference that the local industry had the potential to surpass the French as the world's leading wine industry in the next 30 years. Mr Evans said:

> Wine could become Australia's leading rural industry in the same period with sales worth up to $8 billion and an additional 70 000 people being employed in Australia just from growth and development of our wine industry.

That is massive. That outstrips anything else that we could imagine in this country, be it information technology growth, be it the car industry, or be it more in the way of other value added agricultural projects. Nothing is potentially projected to be able to increase in worth as much as the wine industry, and yet we have a Federal Government that is prepared to get in there and belt that industry around the ears.

Frankly, I will not stand for that; neither will my constituency because they see a wonderful opportunity here. They are very proud of the winemakers and the grape growers. They know that it is a great chance for their kids to get a job: whether their children have the ability to obtain a degree in oenology and get in there at the top; whether their children have the ability to be executives; or whether their children want to sit on a tractor, take on a labouring job and get out and plant more grapes, or work as cellar door hands or forklift drivers, or whatever it may be, there is a wonderful opportunity in this State to generate some real jobs right across the board for all South Australians. And yet, the Federal Government wants to hit us with a 26 per cent tax increase by July 1995. I say 'No.' I say 'No' not only on behalf of myself, but I say 'No' on behalf of the enormous number of constituents who have contacted me—in the hundreds now I might add—over the last 12 months, expressing major concern about this huge impost.

In conclusion, my motion is clearly that there be a 'No' to the 26 per cent wholesale sales tax in July 1995 and that, at the worst, we should see the 21 per cent capping of the wholesale sales tax with respect to the wine industry, which then brings it into line with all the other general levies of wholesale sales tax. Surely, the wine industry, directly through a tax of 21 per cent and indirectly through all the other taxes it pays in creating jobs and in the day-to-day functions of its industry, is paying enough tax for any Government. Let us get behind this motion and give the message once and for all, whilst this inquiry is going on, that we support the excellent submission the national industry has put to the wine grape and wine industry inquiry, and appeal to the Federal Government to come to its senses, to give this industry a go and let it get on with the job it wants to do of increasing wealth and creating jobs for this State and for this country.

The Hon. FRANK BLEVINS (Giles): I will be very brief on this. I was interested in what the member for

Mawson had to say, although I was a little disappointed that he overlooked giving credit to the previous State Labor Government for its contribution to the debate after the 1993 budget came down. Perhaps the member for Mawson did not have time to do his homework thoroughly and examine the *Hansard* of that period, or he would have found that the opposition to the very severe increases in sales tax on wine was led by the State Labor Government—and very effectively, too.

Mr Brokenshire interjecting:

The Hon. FRANK BLEVINS: I did not interrupt you: just develop a few manners. On the evening the budget came out, as soon as the copy of the budget was available to the Labor Government (and that was virtually as it was being delivered) a press release was prepared that condemned this increase out of hand. It condemned it instantly, not after anybody else had picked up the cudgels. That is by the bye, and I do not want to get stuck into the member for Mawson, because I know that time is short for members and they cannot always do their homework as thoroughly as they would like.

What happened in that 1993 budget was an absolute disgrace. It was as if the Federal Government had gone around looking for a group that it had not yet offended—and there were very few—and it found the wine industry, which was really prospering, and it decided to give it a vicious belt around the ear for getting its act together, for getting itself in some kind of shape and exporting to a tremendous degree. The thanks it got from the Federal Government was that it should have its tax increased to an unacceptable degree. I have opposed the imposition of sales tax and sales tax increases since I have been a member of this Parliament: even when they were first implemented by a Liberal Government.

A Federal Liberal Government was the first Government to put tax on wine. It was eventually removed and then reimposed by a Labor Government, but let us not forget who put it there in the first place. But none of the Governments has bowed to the lobby groups: the breweries, the AMA and some other people who want to treat wine as any other alcoholic beverage and to have an excise on wine that would be absolutely devastating to the wine industry. To believe that wine is in the same category as beer is a joke. Apart from the brewing of the barley, beer is a manufacturing operation: it is all over in half a day, in the bottles and in the shops. It is a totally different industry from the wine industry and they should not be treated the same. And, fortunately, Governments have not bowed to pressure from the breweries, the beer industry or the AMA—and for very good reasons.

I do have another interest in this because, apart from my efforts in sorting out the bank, SGIC and a couple of other things in the brief period during which I was Treasurer, I hold the record throughout the British Empire for reducing taxation on alcohol. I was the one Treasurer who actually reduced tax on alcohol. So, I hold some credentials in this area, and on several occasions I have applied for that achievement to go into the *Guinness Book of Records* but as yet have been unsuccessful. I think all members will agree that it is something of which I can be proud.

Also, the Government of which I was a part earlier (and I am relying on memory here, because I did not do it personally) removed any form of State tax—or franchise fee, as we coyly call it—on cellar door sales. The previous Labor Government looked after the wine industry as much as that was possible. When the Federal Government, insensitively and without any thought about the industry at all, increased tax to an unacceptable level, we opposed it. It is all on the record, and we opposed it strongly.

I am sure the member for Mawson recognises that. One of the quibbles I have with the motion is that it attempts to influence the Federal Government (and I do not necessarily oppose that) in a way that is contrary to the agreement made between the industry and the Federal Government as to how the whole question of taxation would be handled in regard to this vital South Australian industry. The agreement reached was a good agreement. It was an agreement supported strongly by the then Government and, until that has worked its way through, our expressions of concern or otherwise will be taken for that.

I am not sure whether the member for Mawson has spoken to Brian Croser, for example, who led the negotiations and has his full support in moving the motion. I do not know, but I speak for all members of the Opposition on this matter, because we want to wait and see what final agreement comes out of the negotiations and inquiries that are still going on between the wine industry and the Federal Government.

I congratulate all those people who were involved in the 1993 campaign. It was a good campaign—not a ratbag campaign. We had some very powerful forces against us from the Federal Government, the AMA, the beer industry, and so on, and we beat them; or at least we made them modify their position to something more sensible. I believe the outcome will be something that the wine industry will find reasonable.

Mr LEWIS secured the adjournment of the debate.

SPEAKER, IMPARTIALITY

Adjourned debate on motion of Mr Atkinson:

That in the opinion of the House the Speaker ought not attend parliamentary Party meetings.

(Continued from 17 November. Page 1113.)

Mr CLARKE (Deputy Leader of the Opposition): I will spend only a few moments dealing with this motion. I, like a number of other members in this Parliament, have not been here very long and have obviously not had the opportunity of observing the work of previous Speakers. However, I commend the Deputy Speaker and Chairman of Committees, the member for Gordon, with whom I have had to work on a number of occasions this year, particularly in his capacity as Chairman of Committees. We have dealt in this House with a number of contentious Bills, and I refer to a few of them in which I have been involved as lead speaker for the Opposition.

Earlier this year I, on behalf of the Opposition, introduced over 100 amendments for debate on the industrial relations measure then before the House. I also moved a significant number of amendments to the Government's WorkCover legislation. In addition, the Public Sector Management Bill was recently debated and was the subject of a great deal of amendment by the Opposition.

As a new member, I well recall the debates on the industrial relations provisions in March this year. Having actually sat in this House at the time for a period of just over a month, I was called upon to try to shepherd those amendments through. My knowledge of the rules and procedures that had to be followed, particularly in Committee, was obviously limited and I relied a great deal on the advice and counsel of the Chairman of Committees.

Despite his being a member of an opposing political Party, I must say that the member for Gordon, in his roles as both

Deputy Speaker and Chairman of Committees, has displayed a tremendous range of skills which all future Speakers could well look to emulate. I will briefly mention a few of those skills. First and foremost, the Deputy Speaker has extended courtesy and respect to all members (particularly new members) by giving them friendly advice on matters such as the necessary procedures and protocol to be followed in this House. He has gently chided those of us (particularly new members) who may have transgressed from time to time, and is prepared to spend a little time with those new members, whether inside or outside the Chamber, by offering them advice in a genuine effort to assist them in having a better understanding of the workings of this House and this Parliament.

The Deputy Speaker also has had the ability to read the mood of the House. There have been times when he needed to be firm in his handling of the House, when he believed it may have been getting somewhat unruly, whether it has been during initial debate on a measure or in the Committee stage. The Deputy Speaker has shown the ability to read the mood of the House and to let proceedings and the banter run from time to time when there has been *bonhomie* and goodwill between members on both sides, without causing unnecessary interruption and trying to sit members down on various points of order that have been raised.

At the same time he has ensured that, where the boundaries of the good conduct of the House may be overstepped, he has been able to step firmly into the breach as required to ensure that the necessary order and the protocols of the House are observed. In all these matters the Deputy Speaker has displayed a number of other attributes in his capacity as Chairperson. I also commend the member for Florey, particularly as a new member to this House. He has acted as Acting Speaker in this House on a number of occasions and has shown a great deal of willingness to assist new members, even though he is a new member himself, but he has been very firm in his rulings, in particular on interjections from Government members—his own supporters—when they have been getting out of hand with respect to speakers on our side of the House. He has been very firm in his rulings in that area.

I commend the member for Florey on his ability to do that, particularly because, like me and a number of others, he was elected to this House only in December last year, but he has grown quickly into his position and is already showing very good signs of being future Speaker material. Needless to say, we trust that his career will be cut short somewhat at the next election. Notwithstanding that, he has displayed those sorts of skills and abilities which the member for Gordon has been able to display.

I commend the motion to the House. It seeks not to prevent any future Speaker of the House from being a member of their political Party or engaging in the normal political process of their Party but simply to prevent their attending parliamentary Party meetings. That is because, whilst this can never be the same as a court or an appearance before a Supreme Court judge or some other member of the judiciary, the fact of the matter is that the Speakership is a high office. It is a position which should and must be respected for the good order and maintenance of our parliamentary democracy. All members of the House must feel that whoever occupies the Chair is not unduly influenced in their rulings on contentious matters which inevitably arise from time to time or by the fact that they regularly attend Party meetings of the parliamentary Party and may be subject, however unwittingly, to any influences that may be brought to bear in the Party room. For those reasons I fully commend the motion of the member for Spence for the consideration of this House.

Mr BECKER (Peake): I oppose the motion. As the second longest serving member of the House and having been here for some 24½ years, like you, Sir, I have served under nine Speakers. The first was the Hon. Reg Hurst from 1970-73, who was followed by Paddy Ryan; then we had an Independent Speaker, Mr Connelly, followed by Mr Langley, Dr Eastick, Mr McRae, Mr Trainer, another Independent Speaker, Mr Peterson, and now you, Sir.

The Hon. Frank Blevins: Connelly was not always Independent. He started as Independent and finished up in the Labor Party.

Mr Kerin interjecting:

Mr BECKER: That's right, as the member for Frome says. However, in that time I have never had any reason to dispute or argue with the rulings of the Chair, and I cannot accept the argument put forward that we in this Parliament need to change the system, and to quote the motion:

> That in the opinion of the House the Speaker ought not attend parliamentary Party meetings.

To the contrary: personally, I think it is very handy to have the Speaker there for wise counsel on occasions in relation to procedure, and we found it very handy in Opposition to have the services of the former Speaker, Dr Eastick, in discussing parliamentary tactics. There is no doubt that the current Opposition would feel that they are disadvantaged because they have nobody with experience over a reasonable time within this House, and that is proving to be their Achilles heel at present. I do not think I have seen a parliamentary team so disorganised, so disjointed, and yet so determined to bring down the whole of the traditions of Parliament. It is almost as though there is a death wish within the Labor Party to destroy totally everything that we who served in the Opposition for so many years were told to do. We were told, 'This is the way it will be done, these are the rules of the Parliament, these are the traditions, these are the protocols and this is what you will do.' That is the way we were dictated to under Labor, by Premiers and managers of the House in years gone by. So I find it quite strange that now that the Labor Party suddenly finds itself in Opposition it therefore wants to strip the Government of having the Speaker attend their Party meetings. That is really what it is all about.

Mr Atkinson interjecting:

Mr BECKER: I just hope that this is not one of the member for Spence's ego tripping, publicity stunts again, to grab a quick headline at the expense of parliamentary procedure and the members of this House. This has proved to me how bereft the Opposition is of ideas and how disjointed and disorganised it is. When we did have a dispute in this Chamber, one of the greatest rules we were always taught was that the dispute would not spill over into the corridors of the Parliament. I was quite surprised when on Thursday 20 October 1994, during a motion to suspend a member of this House, the Leader of the Opposition said (*Hansard*, page 754):

> For the Government to support such a motion would be a political cover-up designed to gag the Opposition's legitimate inquiries and questions on a serious subject. If the Government wants to gag the Opposition, that is fine, because the debate will go on outside this Chamber. I assure members of the Government that it will go on outside this Chamber.

There was then a grievance debate and there was further discussion there as well. On that occasion, as members often do, we were enjoying a cup of coffee in the refreshment room, and I was surprised when the Leader of the Opposition came into that room and verbally attacked you, Mr Speaker.

Mr Atkinson interjecting:

Mr BECKER: Whether it was verbally or orally, I do not give a damn; he abused the daylights out of the Speaker in the refreshment room—that is a simple, hard, cold fact of life. I was stunned by the actions of the Leader of the Opposition, because the way he attacked the Speaker in front of other members was most unbecoming of any member of Parliament. I have always been taught: have a debate in the House, have a ding-dong slanging match if you want, and use all your skills in debate to make your point. However, the moment you walk out of this Chamber that is it; you do not continue the discussion in the corridors of this House or anywhere else, and you certainly do not carry a grudge in this place, because if you do you are not fit to be a legislator in any way, shape or form.

The Speaker and I were having a personal conversation and we were interrupted, and I was surprised at the viciousness of the attack on the Speaker. Other members were also present. On three occasions I have asked the Speaker for a ruling on the matter because I believe that the conduct of the honourable member was unbecoming; it was totally out of order. Perhaps there should have been some disciplinary action, because members should not go out of this Chamber and attack the Speaker. You must have someone who can control the House and who is unanimously appointed to uphold the rules of the Chamber and the principles of the Westminster parliamentary system as we have adopted them in this State. Woe betide anyone who wants to destroy those traditions or take away from us the right to elect a Speaker. In the past, the position of Speaker was never sought eagerly because whoever is appointed as Speaker must rule over the proceedings of Parliament in a most impartial manner. Having served under nine Speakers and having seen how some of those Speakers were elected, be it Connelly or Peterson—and I will not reflect on them, except to say that—

Mr Atkinson: Not much!

Mr BECKER: They were Independents; why were they put there? The member for Spence knows as well as I that the Party that has 50 per cent plus one rules in this Chamber; and, if a member receives 50 per cent plus one of the vote, he or she is elected to this Chamber. It is a simple fact of life that everything is based on 50 per cent plus one. I will never reflect on any one of those nine Speakers, because they carried out their duties impartially and had my admiration and respect for carrying out a difficult task. On many occasions the vote was 23 all, and you can imagine the debates and the tactics that would take place, but they upheld the principles of the parliamentary system.

Mr Atkinson: You voted no confidence in Peterson.

Mr BECKER: So what!

Mr Clarke: It makes what you just said in the past 10 minutes a load of rubbish.

Mr BECKER: No, it doesn't. The trouble with members of the Opposition is that they believe they are the only class that can rule the country; they are the only political class—

Mr Atkinson: That's true.

Mr BECKER: The member for Spence says, 'That's true.' Members opposite think that they have the divine right to rule the country the way they want to. The Opposition's rule is: 'You will do as you are told'. To hell with the principles of the people!

Mr Atkinson interjecting:

Mr BECKER: I saw the performance of the Labor Party last night; it really stood up for small business last night! The point I am making is that no-one can criticise the performance of any person who has served as Speaker in this Chamber in the past. If it is a matter of their own choice in supporting the Government on a particular issue, that is a different matter. You have to look at each issue as it comes up. This motion is typical of members of the Opposition, who have not yet accepted the fact that they are the Opposition and that that is where they will remain unless they learn to appreciate the Westminster system.

Members interjecting:

The SPEAKER: Order! The member for Ridley.

Mr LEWIS (Ridley): I move:

That the debate be adjourned.

Mr MEIER: Mr Speaker, I would like to speak on this matter. I am sorry that I was slow getting to my feet.

The SPEAKER: The member for Goyder.

Mr MEIER (Goyder): Thank you, Mr Speaker.

Members interjecting:

The SPEAKER: Order!

Mr ATKINSON: On a point of order, Mr Speaker, the member for Ridley has moved that the debate be adjourned, and I would like the motion to be put to the House.

The SPEAKER: Order! Has the member for Goyder participated in this debate?

Mr MEIER: To the best of my recollection, no, Sir.

The SPEAKER: The member for Ridley has moved that the debate be adjourned. Is the motion seconded?

Mr ATKINSON: Yes, Sir.

The SPEAKER: The question is that the debate be adjourned. All those in favour say Aye, against No. I think the Noes have it.

Members interjecting:

The SPEAKER: Order! The Chair is not being assisted by the interjections. Does the member for Spence wish to respond?

Mr ATKINSON: I call for a division, Sir.

The House divided on the motion:

AYES (9)

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

NOES (24)

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

Majority of 15 for the Noes.

Motion thus negatived.

Mr MEIER (Goyder): I am totally opposed to this motion. Surely the member for Spence should appreciate,

even though he has been here for only one and a bit terms, that there has been a long tradition in this Parliament that the Speaker does attend Party meetings, if he or she so desires. That has been the case. Whilst we follow much of the Westminster system, there are many things for which we have also set our own standards and traditions, and that has been one of them.

I appreciate that the member for Spence moved this motion only because he was instructed to do so or felt so inclined as a result of a little furore in this House when an honourable member opposite did adhere to Standing Orders and you, Mr Speaker, rightfully gave a warning and then indicated that that honourable member should leave the House. As the member for Peake identified, he has had full respect for the authority of the present Speaker, and certainly that applies to past Speakers. That is the ironic thing: there has been full acceptance of the authority of the Speakers for a long time, despite the fact that (with the exception of the Hon. Norm Peterson, who was not tied to any particular Party) under normal circumstances those Speakers attended Party meetings.

The aspect that has to be remembered first and foremost is that you, Mr Speaker, as has been the case with former Speakers, represent an electorate. Surely, it is absolutely imperative that you attend Party meetings to find out about or to have your say on what should or should not be Government policy, initiatives or undertakings. Surely you, Mr Speaker, should have the chance in that Party room debate to put views on behalf of your constituents and to ensure that they are appropriately represented, and they have been excellently represented by you, Mr Speaker.

Therefore, I find it incredible that the member for Spence should come forward with such a motion, particularly since you, Sir, are the Speaker in this case. As the member for Peake pointed out earlier, it was a different matter when Labor Party members were in the Speaker's chair, but now there has been a change of Government and a member who has been here for only one term wants to change the rules mid-term. It is not on.

This motion simply seeks to stir—to create some publicity. It is a great shame, because we need more positive publicity in this State. The State is on its feet, and it is going places at long last. We can be very thankful to you, Mr Speaker, for the way you are conducting and have conducted the affairs of this House. I believe that all members have full confidence in you, and certainly members of the Government would want to see you continue to attend Party meetings on a regular basis for the remainder of your term. I oppose the motion.

Mr FOLEY (Hart): I support the motion, and I will refer to what I have observed in this Chamber over seven years as both a former staffer to a Government Minister and now a member of Parliament.

Members interjecting:

Mr FOLEY: Yes; I did actually. I gave very good advice. And I observed the behaviour of former Oppositions. I always find it just a little precious that we on this side of the Chamber are continually lectured about parliamentary behaviour and decorum. Having observed from the gallery some quite interesting behaviour over the years, I find that just a bit cute at best. It reminds me of the book *Animal Farm* that we read in school. One of the things that did impress me over the past four years was that, whilst it was a very difficult time for a Government that did not have a majority on the floor, we did have an independent Speaker in the true sense, that is, a Speaker who was not from either political Party.

I can say categorically that at times that caused the former Government concern, as it caused angst for the Opposition. Let us recall what the former Opposition tried to do to a former Speaker in a previous Parliament: a no-confidence motion was moved. It is a bit rich for the member for Peake to say in this Parliament today that he had respect for all nine Speakers during his time as a member: the member for Peake was one of those who voted in a no-confidence motion against a former Speaker, yet he now tells us that he had some degree of respect for that Speaker. Those two aspects simply do not add up.

The merit of the debate today is: is the Parliament assisted by having an independent Speaker? Evidence over the past four years would have to show us as a Parliament that it provided for a balance between the needs, desires and wants of an Opposition and the needs and wants of a Government. We should not automatically dismiss at all the motion moved by the member for Spence as being one of any political intent; it is simply putting on the record a view that Parliaments that have had an independent Speaker, for a variety of reasons, have perhaps assisted respective Parties in the Chamber. That is no reflection on any Speaker current or former, or, for that matter, any Speaker in the future—it is just a fact. Having observed the situation, I can say that the simple ingredient missing from the Parliament between 1985 and 1989 and the present Parliament is the fact that we had an independent Speaker in the Chamber, and that should be looked at.

I am now finding, as a new member of an Opposition that is significantly numerically outnumbered, that at times it is very difficult for us to operate as effectively as we should; that is because we are simply overpowered when it comes to the voices on the floor and the tactics that can be applied to the running of the Parliament.

An honourable member interjecting:

Mr FOLEY: That is right: we do not have the numbers. The member for Peake said, '50 plus one means that we rule the House.' That may well be so when it comes to the order of business for the Government, but it is not the case when it comes to the orderly conduct of this House. It is totally inappropriate for a member of the Parliament brazenly to say that if they have 50 plus 1 per cent of the vote they then rule the House, because they do not. All of us are elected as members of Parliament to represent our constituencies. We all have a job to do. Some of us, I might add, will be doing that job a lot longer than others, but the fact is that the job can be made more difficult or it can be made more accommodating depending on how the House is ruled and run.

I do not accept any notion, as put forward by the member for Peake, that simply because the Government of the day has 50 plus 1 per cent of the vote it then rules the Parliament. That is not what parliamentary democracy is about.

An honourable member interjecting:

Mr FOLEY: No, it's not. We, as members of Parliament, have every right to go about our duties as members, and we should not in any way, shape or form have that job hindered or made more difficult because of our small numbers. The fact of the matter is that we have every right to conduct ourselves in a manner which we see fit and which is consistent with the rules of the Parliament. The important word in all of this is 'consistency'; that is all any political Party can ask from a Speaker.

It would be fair to say that, over time and throughout different Parliaments, that is not necessarily what we have

seen in this Chamber, but that is my point. In the last Parliament we had perhaps the most consistent of Speakers because that person was not aligned to a particular political Party. It is worthy of merit that we consider the motion as an important reform for future Parliaments, and that the Speaker of the day not participate in Party room meetings during the sitting of Parliament, to allow that Speaker to be free of any accusations that he or she is acting in a partisan way.

It is a minor reform but an important reform. As the Westminster system has unfolded and different reforms have been undertaken and different principles adopted by various Parliaments throughout the Commonwealth, there is nothing stopping this Parliament from adopting its own mild reform that would see the Speaker of the day not participate in Party room meetings.

As an Opposition we are elected to apply the scrutiny and the rigour to the Government of the day. That job can be made more difficult if we do not have a consistent approach to all members and the way in which they conduct their business. On any interpretation, I think it would be fair to say that for the first 12 months of this Parliament the Opposition has found itself in a difficult position at times, believing perhaps that it has not been fairly treated when it has come to rulings of the House. However, as an Opposition we will continue to scrutinise and analyse the actions of this Government.

Our role is to uphold democracy in this State and ensure that the sheer weight and imbalance of numbers in this Chamber are not used to the detriment of the community. As an Opposition, we will ignore the tactics or techniques that may be used to make our job more difficult, and move on. I think that this motion has merit. It gets to the nub of what the Opposition feels is important: that the rulings of the House should be consistent not on occasions but throughout the sittings of the Parliament.

The SPEAKER: Order! I suggest that the member for Hart is getting particularly close to reflecting on the Chair.

Mr FOLEY: I apologise, Sir, if that is how it appeared to be. In the last four years of the former Parliament, I think there was much to be gained by the fact that we had an independent Speaker. Even considering the former Labor Parliament, when the Speaker was not independent, the past four years have demonstrated that it is a useful reform because both sides cannot feel aggrieved at any time. Of course, politics is a perception.

Mr Meier interjecting:

Mr FOLEY: The member for Goyder says that Norm always picked on him. I do not think that would have been the case at all; nobody would pick on the member for Goyder.

Mr SCALZI (Hartley): I oppose the motion. If one is concerned about the principle about which the member for Spence is talking and which he suggests we support, he has found a silly way to put it, because it is not taken out of the context of this House. If the member for Spence were really serious about the principle of not having the Speaker attend Party room meetings, he would put that principle to his Party platform, and at the right time before the next election he would say, 'This is what we are going to do.' In that way it would not reflect on the present Speaker or on past or future Speakers.

I congratulate you, Mr Speaker, on your even-handed way of dealing with a rowdy class. As a former school teacher, I can sympathise with you. This is a composite class of different levels and of disruptive members on both sides, and I have seen the Speaker deal with them objectively. I am only an apprentice. I am not afraid to use the word 'apprentice', which is traditionally applied to members opposite, because I do not believe in stereotypes. The Speaker has dealt with matters in this House in an even-handed way, and to suggest otherwise is to undermine what we are all about.

If the member for Spence would like to change what has been taking place for a long time in this House—and I have not had time to read all our Standing Orders, so I am still learning—

Mr Atkinson interjecting:

Mr SCALZI: From time to time the member for Spence can correct me. If he is right, I will take his advice, but on this occasion he is not right. He is making a farce of this motion by moving it at this time. If he were really concerned about the principle of having an independent Speaker, he would pursue it seriously in his Party and put it on the Party platform before the next election.

If I were concerned about something like this, I would go to the State Council of the Liberal Party, put it to the members and have surveys conducted. Members opposite tell us that they go to the people. In that case they should do so in order to find out what the public wants in relation to this matter. The honourable member is suggesting a major change. This process has not been occurring over a number of years. He introduces it at a time when it can reflect on the present Speaker or previous Speakers, whom he has mentioned in this House. It is a farce.

I do not reject the principle out of hand, but the honourable member should think about promoting it in a proper way, in a proper debate. He should bring it to the people. It is silly to bring it in at this particular time, when a member has been suspended from the House and so on. It does not do the principle any good; it does not promote rational debate and it will not do the cause of democracy any good. For those reasons, I oppose the motion.

Mr LEWIS (Ridley): I move:

That the debate be now adjourned.

The House divided on the motion:

AYES (10)

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

NOES (24)

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

Majority of 14 for the Noes.

Motion thus negatived.

Mr LEWIS: I move:

To delete all words after 'not' and in their place substitute 'to be opposed by any candidate who is a member of or supported by the political Party which is in Opposition at the time the Speaker is elected.'

The motion would then read:

That in the opinion of the House the Speaker ought not to be opposed by any candidate who is a member of, or supported by the political Party which is in Opposition at the time the Speaker is elected.

I rise reluctantly today to join this debate, but respect the wish of the House that I do so, and accordingly I have moved my amendment because it, in effect, makes possible the decision, the choice, of any Speaker to decide whether to attend Party meetings or not, knowing that in the process of making that decision it would not affect either the Speaker's ability to represent his or her constituents during the course of a Parliament, nor fear deposition at the time of the next election from a member of Her Majesty's loyal Opposition or a candidate supported by a member of Her Majesty's loyal Opposition.

That gives substance to the proposition which is put by the member for Spence as it stands, in that at present he merely seeks to score a point without providing any real practical alternative. I regret that I am forced to put this amendment without having prior discussion with my Party room colleagues of my belief that it will represent a substantial reform of the way in which Speakers are elected and able to conduct the affairs of the Chamber.

Not only would all members know that they are then impartial, but the general public would know and see that they are impartial, since they do not have anything to fear from the consequences of exercising such impartiality. It is a tradition that is followed in other Parliaments similar to our own (not all, but some), and it is certainly the tradition of the House of Commons, whence this Parliament derives its traditions and conventions and upon which our Standing Orders are based. Admittedly, given the intimacy of this Chamber and the fact that there are only 47 members as opposed to almost 15 times that number in the House of Commons, we find that it is therefore more difficult to surrender, as it were, 2 per cent of the vote in the Chamber, at least, by electing the Speaker and putting that Speaker in the position of not knowing what he or she as Presiding Officer can or cannot do that will be accepted by the members of the same Party (if the Speaker belongs to a political Party).

I see some merit in future in the Speaker of the House not being compelled, as it were, to toe a Party line but, having been elected to that high office, finding himself or herself in a position where, without fear he or she can exercise his or her responsibility according to his or her judgment of proceedings in the Chamber for the benefit of the traditions of, and the good conduct of business in, the Chamber. It was my wish that it not be necessary for me to put this proposition today but to put it some further distance down the track when, perhaps, members would have had greater time to reflect upon the benefit that might accrue from supporting the amendment rather than the motion. Therefore, it pleases me to move the amendment in principle, which simply requires that the Opposition Party neither endorse nor support any candidate opposing Mr Speaker (or Madam Speaker, as the case may be) at the subsequent election.

The SPEAKER: Is the amendment seconded? As no member has seconded the amendment, it therefore lapses.

Mr ATKINSON (Spence): I would like to thank all members for their contribution to this important debate and particularly thank the Leader of the Opposition, whose contribution was in the tradition of the Irish writer Jonathan Swift. I want to remark on the member for Peake's contribution, because I really did think that he exposed the Government's position when he said that this motion would 'strip the Government of its Speaker'. He went on to say that those who have 50 per cent rule in the Chamber. The motion before the House is in line with a suggestion of former Victoria Senator David Hamer in his book *Can responsible Government survive in Australia?* He writes:

A problem in all Australian Lower Houses is that the Speaker is a Party appointment and, particularly in the Labor Party, he offends the ministry at his peril.

I must interpolate at this point that former Prime Minister the Hon. Gough Whitlam's refusal to move for the suspension of the Hon. Clyde Cameron after Speaker Jim Cope had named him, thus forcing Speaker Cope's resignation, was one of the lowest points in modern parliamentary history. Hamer continues:

To avoid constant disputes over the Speaker's rulings, he is tied down by a web of standing orders and has little discretion. The result is that Question Time is far too rigid and the length and relevance of Ministers' answers are rarely controlled.

Mr Speaker will say that our Standing Orders do not allow him to require of Ministers' answers that they be pertinent. Hamer again:

The elected Speaker knows that he owes his appointment and survival to his Party: the Opposition does not matter, unless the uproar created by highly partisan rulings causes political embarrassment for the Government. . . The essential first step would be to appoint an independent Speaker with unquestioned authority. . . The problem is that there is a long tradition of the Speakership being one of the spoils of office. . .

For the record, in South Australia the Speaker gets $50 747 on top of the basic parliamentary salary of $67 663, that is, a 75 per cent wage increase plus a chauffeured white limousine. The current Speaker had to face a challenge in the Party room for this prize from the member for Gordon and the member for Peake. Hamer explains that the idea of the Speakership as victor's loot is:

. . . reinforced in the case of the Labor Party by experience of trade union meetings where the Chair has a powerful influence and impartiality is regarded as weakness.

Having a Speaker who maintains the appearance of impartiality by not attending parliamentary Party meetings is just a first step in improving the public standing of Parliament. The Opposition will support a stricter application of Standing Orders by the Speaker provided that application is fair.

We will support brief suspensions from the House for disorderly conduct at the Speaker's discretion—that is the sin bin—provided its application is fair. The Speaker was right when, in answer to my question to him recently, he said the Opposition would not support his proposal for a sin bin. We will not support it standing alone. We would like provision in the Standing Orders for a supplementary question and for a requirement that Ministers' answers be relevant to the question. Questions on notice ought to be answered within a week or two, even if the answer be provisional only. The trade-off for this ought to be a limit on the number of questions on notice standing in any one member's name.

Each sitting day petitions are lodged from residents of South Australia but rarely is there any parliamentary response. I think the Government ought to make some response to petitions, no matter how perfunctory, within a month of those petitions being tabled.

Mr MEIER: Mr Speaker, I rise on a point of order. What relevance do petitions and Parliament's addressing them have to this motion?

The SPEAKER: Order! The contribution by the mover of a motion to the debate must be relevant to the original

motion. Therefore, I ask the member for Spence to ensure that his comments are relevant.

Mr ATKINSON: Certainly, Sir. We also support an opportunity for citizens aggrieved by allegations made against them under privilege to have a brief statement published in *Hansard* replying to the allegations. This motion is a first step towards a better Parliament. I urge members opposite to look beyond their record majority and the Labor Party's shift from gamekeeper to poacher on reform of Parliament. I ask them to support this motion in a bipartisan spirit, exercising their renowned freedom from Party room discipline.

The House divided on the motion:

AYES (9)

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

NOES (23)

Allison, H.	Andrew, K. A.
Armitage, M. H.	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.
Kerin, R. G.	Kotz, D. C.
Leggett, S. R.	Lewis, I. P.
Meier, E. J. (teller)	Oswald, J. K. G.
Rosenberg, L. F.	Scalzi, G.
Such, R. B.	Venning, I. H.
Wotton, D. C.	

Majority of 14 for the Noes.

Motion thus negatived.

ADELAIDE AIRPORT

Adjourned debate on motion of Mr Lewis:

That this House commends the Government and particularly the Minister for Transport, the Minister for Tourism and the Minister for Industry, Manufacturing, Small Business and Regional Development for the steps they have taken to publicly press the Federal Government to increase the amount of money available to the Federal Airports Corporation to extend the operational facilities at Adelaide Airport to accommodate a greater number of interstate and international flights forthwith and calls on the Federal Government to take immediate action to rectify the situation without further cost to or discrimination against South Australians.

(Continued from 13 October. Page 617.)

Mr FOLEY (Hart): It is interesting to note that just as we moved to vote on that prior motion the member for Lee left the Chamber and was not prepared to vote. The motion that I am debating now concerns the issue of the further development of Adelaide Airport. In his motion, the member commends the Government on the work that it undertook. It is also equally important to restate for the record the role of the State Labor Opposition in the work that it undertook at the recent Hobart conference of the national ALP and the work undertaken by the Leader of the Opposition, the member for Ramsay, who was instrumental in brokering a deal that saw the Federal Government commit itself to the financial assistance regarding upgrading and extension of the third runway at Adelaide Airport.

While I am prepared to stand in this Chamber and acknowledge that the Minister for Industry, Manufacturing, Small Business and Regional Development has been diligent in the work that he has undertaken to advance the cause of Adelaide Airport, there have been many players in this equation. I suspect that this is very much a fine example of what can be achieved at the State level when we have a degree of bipartisanship. The former Labor Government earmarked $10 million towards the upgrading of Adelaide Airport. It saw the upgrading of Adelaide Airport as vitally important. It undertook that work with a degree of reluctance and resistance from Canberra and particularly the Federal Airports Corporation. It pressed on and we now have a new Liberal Government that has equally taken up the challenge of wanting to see Adelaide Airport upgraded.

In Hobart in September the Leader of the Opposition was in a position to make very clear to the national ALP that the contingent from South Australia of which I was a member would not allow or support the leasing of the Federal Airports Corporation unless we had a commitment—and they were his words—that Adelaide Airport would be upgraded and the runway extended. We said that if that were not the case there would be no support forthcoming from South Australia. That meant that the Leader of the Opposition was in a position to broker a deal that will see the airport upgraded and the runway extended to make Adelaide Airport an important element of our State's economic development future.

Very few would deny that without an upgrade of Adelaide Airport our economic development can only be hampered in the areas of economic development through the need to export product by air freight and also the ever-increasing market share available to this State in the area of interstate and international tourists. It is an obvious fact that a fully laden jumbo jet is unable to land at Adelaide Airport, because the runways are not long enough.

Whilst I acknowledge the motion's intention to commend the present Government, I would also add that the present Leader of the Opposition and the State Labor Party should also be acknowledged for the work they undertook to secure that upgrading. I also want to take the opportunity to deliver a broadside to the Federal Airports Corporation. I never miss an opportunity to put clearly on the record my views on that corporation. I went to Hobart as an ALP member of the contingent and, whilst not a delegate, I certainly participated in the debate that led to certain decisions. I went to that conference with no interest in protecting the interests of the Federal Airports Corporation, because its negligent handling of the whole issue of the upgrading of Adelaide Airport makes it impossible for a South Australian to give any degree of support to that organisation.

Having been involved with some discussions when in a former occupation, I know that the Federal Airports Corporation ranks Adelaide Airport somewhere below Townsville. The order of priority was something like Sydney, Melbourne, Brisbane, Perth, Darwin, Alice Springs, Mackay, Rockhampton, Townsville and then Adelaide. So the FAC saw the priority of Adelaide Airport as an absolute non-event. In fact, for many years now I have been critical and extremely concerned with the whole attitude of the Federal Airports Corporation when it comes to the need to upgrade Adelaide Airport.

One of the very interesting things I found was the extraordinary lengths to which the Federal Airports Corporation would go to influence the outcome of the ALP National Conference in Hobart. One could forgive it for having self-interest at heart in doing that, but as the shadow Minister for Tourism I found it quite interesting in the extreme that, a few weeks before I was due to attend the ALP conference in Hobart, I received a telephone call from the State Manager of the Federal Airports Corporation lobbying me and giving

his view as to why the current arrangements for the upgrade of the Adelaide Airport in terms of what the FAC saw as important were perfectly okay and that the argument for extending the runway and upgrading the facilities were at best a cargo-cult mentality.

The former or possibly present management of the FAC two years ago accused the then Premier, Lynn Arnold, of having a cargo-cult mentality in wanting to push for the upgrade of Adelaide Airport. I send a message to the FAC in Adelaide that I am no fan of the FAC and that I am critical of it. The FAC's handling of the whole issue of Adelaide Airport has lacked any real empathy with the economic need, the regional importance and the significance of having a world-class viable airport in Adelaide. The FAC has neglected that issue year after year, and it took the combined political might of the State Government and the State Labor Opposition to convince the Federal Labor Government that it must override the decision-making process of the FAC and put in place a plan to upgrade our airport.

It is interesting to note that it has taken a State Liberal Government, a State Labor Opposition and a Federal Labor Government to finally make it clear that we do not accept—nor do we deserve—a substandard airport in Adelaide. It is not a cargo-cult mentality but the attitude of many in our community that we need to have an upgraded airport to continue the development and restructuring of our economy. I look forward to the contribution by the member for Peake, as I know that his views are quite contrary to mine and quite contrary to those of the Minister for Industry, Manufacturing, Small Business and Regional Development and the Premier. I will leave it to the member for Peake to decide whether he should enter the debate.

I conclude by making the point that it is not simply a case of commending the present Government, as the work was begun by the former Government and continued by this Government. The real brokering came from the pressure applied by the Liberal Government in South Australia and, most importantly, the work undertaken in Hobart by the Leader of the Opposition. He put it clearly on the table that we would not cop the FAC's recalcitrant attitude to Adelaide Airport any more, and its view as to whether or not we are cargo cult is irrelevant. We wish to see our State's economy develop. All members, barring perhaps the member for Peake, have the view that Adelaide Airport must have an extended runway and it must be upgraded. With those few words I support the motion.

Mr LEGGETT secured the adjournment of the debate.

UNEMPLOYMENT BENEFITS

Adjourned debate on motion of Mrs Rosenberg:

That this House urges the Federal Parliament to make such legislative and administrative changes as necessary to require recipients of Social Security unemployment payments for 12 months or more to perform work for a proportion of each week either for local government or in a community service program within the locality in which they live, if not already in an approved training course.

(Continued from 27 October. Page 841.)

Mrs PENFOLD (Flinders): I wish to place on record my support for the motion. Too often the long-term unemployed make a choice, often because of lack of confidence or self-esteem, to stay as long-term unemployed. In parts of Australia this has led to three whole generations living solely on the welfare system. As a nation, we must make every endeavour to break this vicious cycle. We must short-circuit the negativity and give these people some achievable goals. In Australia today, if mum or dad does not go out to work, there is a very real chance that their children will do likewise. Not only is this a drain on resources but it is a waste to our society.

There are many examples, both in Australia and overseas, that prove beyond doubt that work-for-the-dole programs work very well. My own city of Port Lincoln was the birthplace for a very successful community development employment program. This was initially a pilot program for Aboriginal people, and it now has been adopted by Aboriginal people all over Australia. It is estimated that by 1995 in excess of 30 000 people will be working in CDEP schemes. Port Lincoln Aborigines have provided an example which has been copied all over Australia, and only recently it was recognised at a conference in England.

In Port Lincoln, one group called Kuju has been operational for five years. It is a voluntary program so there is no requirement for people to take part. However, despite that fact, people join in the program readily. It is funded by an arrangement between Government agencies and ATSIC, and people work two days for their entitlement. To judge its success, one has only to look at the fact that it now has, I understand, 130 people working on the scheme, and this figure is expected to increase. Kuju workers undertake a range of tasks in the community, such as yard cleaning, carpentry and mechanical based services. What must be remembered is that these community services are not normally provided by anyone else.

The other example I would like to cite is from the Far West Coast town of Ceduna. Unemployed Aboriginal people in Ceduna have had the same chance to work in a Community Development Employment Program. This program has proved so successful in the community that some Aboriginal school children now say that they have the ambition of becoming a CDEP worker. My information is that this has led to a very marked change in attitude from that which prevailed before CDEP started. I am particularly proud to say that the people working on CDEP have gone from lacking in motivation and self-esteem to becoming important role models for their children and others in the community.

The scheme is a credit to those hard-working, motivated people who make it work. I can think of no better example than this one to share with members of the House. This example truly supports the sentiments behind the motion of the member for Kaurna. In Port Lincoln and Ceduna we have broken the barrier; whereas Aboriginal people saw their entitlement to unemployment benefits as a handout, they now see it as something in which they have to put some extra effort to earn.

The only flaw I can see with this program is that it targets Aborigines in particular. It should be expanded to take in everyone across the nation. I am sure that our worthy Speaker, the member for Eyre, would support my sentiments that the CDEP program has helped to break the endless cycle of hopelessness for many Aboriginal families. The program in Ceduna has many goals, including the development of an oyster farm and an emu farm venture. Funds generated go back into the scheme to help provide employment options for an even greater number of people. This program has led to a remarkable rise in self-esteem for the participants, and it has led to a greater understanding among other people in the Port Lincoln and Ceduna communities.

To highlight the lack of desire for employment among some of our long-term unemployed, I would like to pass on

the experience of one large supermarket situated in Port Lincoln. Eight people, all long-term unemployed, were selected to be trained as checkout operators by this large supermarket. On the starting day, only one turned up for work, and this particular person did not finish the week. I will also read a letter, which was sent to me recently—only the names have been deleted—and which states:

Dear Mrs Penfold, I am writing to you with concerns that I have arising from the CES JobStart program. I am a small business, operating in the building industry. I have employed a small number of people, part time, over the past four years, but I have found that the costs take the incentive out of being able to keep an employee—until the JobStart subsidy scheme. I took up the offer that the scheme provided. The officers at the CES supplied me with a short list of people who could be suitable. First, I made inquiries (on my own behalf) to familiarise myself with the names I did not know on the list. I was in disbelief when I was told by a local person that one of the people would probably be unsuitable because he would need the time off to build his house on a block just acquired (registered as unemployed for 36 months or more).

Things got worse as this situation unfolded. A footnote to the list I was given explained that none of these people had any experience. Then I find at the top of the list an ex-employee who had worked for me for four months in 1990. RECORDS?? He declined my personal approach by informing me that he had possible work coming up in two months' time, another owner-builder in the middle of construction, hence too busy to take work (18 to 36 months unemployed). Just a point about building your own home at taxpayers' expense. Surely building permits should be issued only when sources of income are disclosed, after all the Government does not recoup any funds from, for example, the sale of a property funded and built from unemployment benefits. I am also assuming that people on social security can apply and receive loans from banking institutions.

After personally looking for someone on the list who was keen to take work, I finally decided to leave it to the CES. I gave them the name of the person I felt was suitable and they arranged an interview and the required paperwork. The interview was suddenly put at a stalemate when doctors' certificates were produced (unknown to anyone). They have a back problem, even though his activities lead me to suggest he would be suitable for the job. The officer advised me that it could be unwise to take him on with a back problem. After the interview I was approached by the person in question and he informed me that, 'You know my lifestyle, I need to go surfing a couple of times a week, I couldn't do eight hours' work these days, unless you're paying cash.' I could not believe what I had just heard.

The CES then contacted two more people from the list and they were instructed to phone me about the job. The first of the two contacted me and suggested he would like the job. He rang me back (after doing his sums) and told me he would be $200 worse off and it was not worth taking the job. You have probably heard all this before! The second person has not bothered to contact me at all.

The situation now is that I have not found anyone I chose from the list so far, and I have been turned off the idea altogether. I am faced with the situation of having to notify the CES that these people have refused work, an unenviable position to be in, living in a small country town. This is the first piece of correspondence to a member of Parliament so I will be interested in reading your reply to an issue I knew existed but could not believe to what extent it is being manipulated. I hope that if some of these issues were addressed it could help towards reducing debt and creating employment for those who honestly want to make our State productive. In closing I would like to say that the officers from the CES were very prompt and helpful under the circumstances I have outlined.

What sort of work ethic is this when some of our long-term unemployed deliberately choose to be unemployed rather than seek out work? With the present number of unemployed that we have in this country, there should not be one plastic bag or bit of rubbish lying anywhere to be seen. Once people have worked to earn their unemployment entitlement by cleaning up the environment in which they live, they will be less likely to add to that litter level again. I believe it would also lead to a drastic reduction in the level of graffiti, which we presently spend enormous sums removing.

We must take steps to break this cycle of unemployment. It is my view that a work for the dole program would be a very good start. As soon as people become unemployed, they should be offered training schemes to update, change or improve their skills. The present system of waiting until a person has been out of work for some time is depressing for the person concerned, promotes a negative attitude and increases the difficulty for such people to maintain motivation. People who desperately want work and need the retraining to qualify for that work miss out. They cannot get the necessary assistance, as our resources are now targeted to the long-term unemployed. To preserve self esteem, and for people to keep their pride and dignity, we must reduce assistance waiting lists.

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

Mrs GERAGHTY (Torrens): I would like to say in response to the last contribution that there may be some people who do not wish to work but I would say they would be in the minority by far and most of the unemployed in this country actively seek work and do so willingly. I might say that this motion is about forcing people to work for the dole. It really has not taken very long for dole knocking to come out of the woodwork, something I find absolutely appalling. I make it perfectly clear that this motion is nothing more or less than a work for the dole scheme. The scheme advocates that young and unemployed people become forced labour and unfortunately—

Members interjecting:

Mrs GERAGHTY: —probably working under very poor conditions and low wages. These people who push this draconian rubbish do not mention wages and conditions, and these are the same types of people who think along the same lines as those in the 1850s—and it may be pressing the point a bit far—who supported slave labour. Unless we forget, the Australian example of slave labour was blackbirding—the abduction and misleading of islanders to provide a work force in the cane fields.

Let us ask ourselves: who are the unemployed people of the 1990s? Who are the unemployed in this country at any time? They are the uncompensated victims of the time. In the main, it is not their fault as a group that they are unemployed. The basic underlying philosophy of the member for Kaurna's motion is to punish the victims—to punish the innocent victims. Let us gouge this motion open a little further. In doing so, we can expose the logic that is at its core and see that it is fundamentally flawed. This motion, if put into practice, would destroy the capacity for the unemployed to get back into the work force. There is nothing in it about training.

Mrs Rosenberg interjecting:

Mrs GERAGHTY: Well, let me enlighten the honourable member. It is evident to any thinking person that the best approach to addressing the issue of the long-term unemployed is to give them the tools to re-enter the work force.

Mr Rossi: Yes, graffiti tools. Give them graffiti tools.

Mrs GERAGHTY: That is absolute rubbish! Constantly knocking people who are unemployed is of no benefit to anyone, certainly not to the honourable member's credibility. What we need to do is provide unemployed people with the opportunity to be retrained and encourage them to enter educational institutions. Work for the dole denies them the valuable time and, indeed, a valuable opportunity. These are good reasons, as I pointed out—

Members interjecting:

The DEPUTY SPEAKER: Order!

Mrs GERAGHTY: —to treat the honourable member's motion as exactly what it is—unjust rubbish. It has been ripped out of the nineteenth century, and it ought to go—

Mr Condous: Read the motion.

Mrs GERAGHTY: I have read the motion. It is about forcing people to work for the dole, and I oppose it.

Mrs ROSENBERG (Kaurna): I thank members for their contributions and I trust that the motion will be supported.

Motion carried.

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

STUDENT TRAVEL

A petition signed by 89 residents of South Australia requesting that the House urge the Government to consider the effects of the abolition of free student travel for school card holders and introduce a limited form of free school travel through the school system for students who are socially or financially disadvantaged was presented by Ms Greig.

Petition received.

ABORIGINAL AFFAIRS MINISTER

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

Leave granted.

The Hon. DEAN BROWN: This morning, I met 14 representatives of Aboriginal groups to discuss a remark made in this House on Tuesday by the Minister for Aboriginal Affairs. I apologised to them on behalf of the Government for the remark—an apology I had already given publicly on a number of occasions since Tuesday. I emphasised to the group that the Minister had not made the remark in a racist context and that he deeply regretted the offence it had caused. I also pointed out that the Minister had asked to be given the Aboriginal Affairs portfolio because he has a deep and genuine commitment to improving the living standards of the South Australian Aboriginal community. I then invited the Minister to speak to the meeting. He again apologised unreservedly for the remarks, and for any offence the remarks may have caused. The Aboriginal community representatives asked me to consider the Government's ongoing relationship with them in the light of this incident. They said that in the interests of the relationship the Minister should be replaced. I should say that this view is not shared by a number of Aboriginal leaders who were not at this morning's meeting.

The Minister for Aboriginal Affairs has spoken personally to a number of Aboriginal leaders who consider that the Minister's apology ought to be accepted and that ought to be the end of the matter. They also indicated that they wanted to continue to work with the Minister. Those to whom the Minister has spoken include the following leaders of national significance: Commissioner Yami Lester, the South Australian Zone Commissioner for the Aboriginal and Torres Strait Islander Commission; Mr Archie Barton AM, Administrator, Maralinga Tjarutja; and Mrs Val Power AM, Karpanyeri Association. After carefully considering the range of views put to the Government, I do not accept that there is a case for the Minister to be replaced. No member of this House believes that the Minister is in anyway a racist. Yet to concede to the demand to replace him to would be to accept that accusation against him, and I will not do so.

Over a long period, Liberal Governments in South Australia have sought to act in the best interests of our Aboriginal communities. It was a Liberal Government which appointed South Australia's first Minister of Aboriginal Affairs in 1962 and removed all constraints from Aborigines to act as equal citizens in the community. It was the last Liberal Government which reached the historic Pitjantjatjara land rights agreement. My Government has a program for reform in a range of areas to assist our Aboriginal communities. The Minister for Aboriginal Affairs is giving the highest priority to the services available to those communities. He has also moved, at national level, to deal with the need to achieve workable solutions to Aboriginal heritage issues.

In relation to the specific matter before today's meeting, I invited the Aboriginal representatives to work with the Government to ensure that no material with offensive racist connotations be allowed to circulate in our learning institutions, and they have agreed to do so with the Government. I said that the public debate, which had been generated by the Minister's remarks, ought to be used to the benefit of the whole South Australian community by highlighting the need to eliminate any comments with racist connotations—whether that talk occurred in the pub, the schoolyard or in the street. In the circumstances, I believe the action that I have taken and the unreserved apology of the Minister are an appropriate response from the Government. As I emphasised to the meeting this morning, to continue this debate would only inflict harm on the process of reconciliation—a process to which this Government, the Minister and I personally have the strongest commitment.

DROUGHT DECLARATION

The Hon. D.S. BAKER (Minister for Primary Industries): I seek leave to make a ministerial statement.

Leave granted.

The Hon. D.S. BAKER: Many of South Australia's primary producers, particularly those on upper and western Eyre Peninsula, are facing a particularly difficult season this year because of the low seasonal rainfall and the devastating effect of this on crop and livestock production. These seasonal conditions follow almost a decade of declining farmers' terms of trade and high interest rates. As well, the past few seasons have imposed wet weather damage and there have been frosts and, more recently, a mouse plague. As a result, many producers have experienced negative incomes for several seasons and many are already cutting into their asset bases to continue normal management.

South Australia has not had a declared drought since 1982 and remains a strong supporter of the national drought policy, which was accepted by all States and the Commonwealth Government in 1992. This policy emphasises that drought is a normal part of a variable climate and of farm life in South Australia, and that farmers should be expected to plan for and manage drought as part of their normal business. The South Australian Government accepts the Commonwealth stipulation that there needs to have been at least exceptional circumstances leading to more than one year's consecutive failure in the production enterprise. This would then qualify for assistance under exceptional circumstances.

While the dry seasonal conditions in South Australia have not affected farm families to the same extent as those in Queensland and parts of New South Wales, there is no doubt that many areas are facing difficult economic circumstances. However, rainfall data for 1993 and 1994 superimposed by the information on crop, pasture and stock conditions, environmental concerns, water supplies and farm income levels over the past few years indicate that an area of Eyre

Peninsula, in particular the local government areas of Ceduna, Streaky Bay, Le Hunte, Elliston, the southern section of Cleve and the unincorporated west, would qualify for exceptional circumstances drought under the criteria agreed to at the recent ARMCANZ meeting in Adelaide. This acceptance of a national harmonised system of core criteria to enable the declaration of regional drought follows discussions between the Prime Minister and the Premier earlier this year, which have been continued in regular meetings I have had with the Federal Minister for Primary Industries, Senator Bob Collins.

Discussions have also been held to ensure that this region is included when regional reconstruction measures are considered for South Australia. The area covered by the agreed criteria comprises about 3.7 million hectares and has experienced rainfall equal to or less than that which has fallen in the lowest 10 per cent of all years on record during the April to September seasons of both of the past two years. Crop yields in the area have been about 36 per cent of the five-year average, and this year net farm incomes have been negative for both 1992 and 1993-94. Therefore, as a matter of urgency, the South Australian Government will apply for exceptional circumstances drought to apply over this region. This declaration would allow farmers in the area to apply for an interest rate subsidy on the amount considered necessary to gain continued and adequate working capital, that is, carry-on finance.

The majority of Federal and State Government support under exceptional circumstances would be provided to meet farm and living expenses for farm families during the next 12 months. However, the successful implementation of exceptional circumstances drought is reliant on support from Minister Collins' advisory council, RASAC. South Australia is indeed fortunate to have as the only farmer member of the council the President of the South Australian Farmers Federation, Tim Scholz, who, as a resident of the area so badly affected by drought, is only too aware of the pressures on families in his region. The South Australian Government will be applying for the regional drought declaration under the Commonwealth Rural Adjustment Act as a matter of urgency.

A successful application will result in the normal triggering of the shared Commonwealth-State financial arrangements. The South Australian Government stands willing to support these farm families in the drought stricken areas of Upper Eyre Peninsula, and we await early advice from the Federal Minister that our application has been successful.

QUESTION TIME

CENTRE FOR ECONOMIC STUDIES

The Hon. M.D. RANN (Leader of the Opposition): Does the Treasurer have full confidence in the Under Treasurer (Dr Peter Boxall) and other senior officials of the South Australian Treasury, and why did the Treasury commission the assessment of the IBM and EDS tenders by the Centre for Economic Studies if they were not involved in the tender process? How much did the report cost? And does the Treasurer share the Premier's view that Treasury had to be excluded because there would be a greater chance of information being leaked?

The Hon. S.J. BAKER: I have actually been waiting for a question on this matter. I am sure that the House would be fully cognisant of the desire by this Government to get it absolutely right. In fact, at my request there was an involvement of Treasury not during the process but at the end, to give us some guidance on what savings we should be aiming for. Not only did we have Treasury on board for that process but we also had Nolan Norton, our international advisers, Shaw Pitman and Technology Partners, all with the same intent in mind, and that was simply to get the best deal for Government. So, when the honourable member produced the report of yesterday, the issue was quite clear. Why should we not use a variety of people to make sure that we get it absolutely right?

We did not use Treasury during the whole process until the point at which there had to be an assessment of what was, in fact, the critical issue of savings. If we were not going to get savings, we simply were not interested in the contracts. From our point of view, Treasury had a requirement at the end of the issue of the BAFO statement to say, 'What do we have to get out of the system?' What happened was that it engaged the Centre for Economic Studies to do that analysis. The Centre for Economic Studies produced a report, which stated that certain issues had to be grappled with. That was consistent with the advice we had been receiving from Nolan Norton, from Shaw Pitman, from Technology Partners and from everyone involved in the process.

In fact, as the Premier said, it was outdated, because by the time we had that report available—which was, again, an independent assessment—we had information flowing from each source to say that the savings were simply not good enough and that to proceed with the contract on that basis would be inappropriate.

The Hon. M.D. Rann: But do they leak?

The Hon. S.J. BAKER: The Leader of the Opposition has asked a question. I would ask him to listen to the answer, because I will answer the whole of it. Unlike the contracts previously written by the former Government, we did not just walk in there and say, 'Take what's on offer.' We went through a very strenuous and extensive process. As the Premier has pointed out, the findings came much later than those which had already been prepared from other independent sources, but they reinforced the need to ensure that we got savings out of the system, because we were simply not satisfied.

Indeed, the Premier said that the process had to be tight, because the Government knows, if there were any leaks at the time, what the Opposition would have done. It would have scuttled the process and brought up every innuendo. It would have had international people asking, 'What is happening in South Australia?' The Opposition does not care about what it damages in this State and it does not care about South Australia. The Leader of the Opposition happens to be one of the worst parliamentarians I have seen in my life. There was no way whatsoever that the Government was not going to keep that process tight. At great credit to everyone involved, we went through that process in a professional fashion, and nothing, either from Treasury, OIT or the people involved, got out. It was kept very tight but very professional. I would like that put clearly on the record. If the Leader of the Opposition had had the full documentation, he would have seen that the subsequent minute from Treasury on September 30 stated:

> Clearly, the negotiations have produced a result that has significantly enhanced the quantum of savings that are guaranteed from the current level of assumed South Australian Government baseline costs.

They said, 'We had some concerns at the front end but at the back end, at the finish, you have got there.' That is what they said independently—independent of our international experts.

In terms of the leak, as I said, nothing was leaked at the time. It was a critical process, and it is of great credit to all the people concerned that it went through without a hitch.

An honourable member interjecting:

The Hon. S.J. BAKER: I would like to make a point about leaks. Members must remember that, for a Government that has come in after 11½ years—we have had a particular regime in power in South Australia—there are always some difficulties with people adjusting. We might have 99.9 per cent of people on side and it will be the .1 per cent, just one or two individuals, who will use the opportunity to cause damage. The Government simply cannot prevent that. We will not be like the former Government, which rushed around trying to pin people against the wall in order to find out where leaks were. We are simply saying—

Mr Clarke interjecting:

The Hon. S.J. BAKER: Well, that had nothing to do with the Minister for Industrial Affairs.

The SPEAKER: Order! One question a time.

The Hon. S.J. BAKER: The Opposition has already heard the answer. It was not the Minister for Industrial Affairs who instituted anything in that case. So, what we are saying is—

Members interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: We are saying that there are very few people. I have had fantastic support from my agencies. The hard work and after hours work that has been carried out during the past 11 months (and I have said it outside and I will continue to say it) has been above and beyond the call of duty. I pay homage to the people who are working diligently to improve this State. There will always be one or two individuals who think that it is time for them to show their political colours and pass information. All I can say is that they are cowards; they do not do any favour to their workmates. We cannot stop it but I suggest that, if anyone finds them doing it—and it might be one of their workmates—they will suffer the consequences.

STATE ECONOMY

Mr ASHENDEN (Wright): Has the Premier seen the November economic briefing produced by the South Australian Centre for Economic Studies and, if so, can he tell the House what the report has to say in relation to the South Australian economy?

The Hon. DEAN BROWN: The November report and economic briefing of the South Australian Centre for Economic Studies was released this morning by Professor Cliff Walsh, who has come up with some interesting findings about the South Australian economy. I invite members opposite to listen, because it is the best good news on the economic front that this State has had for many years.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: First, the report indicates that there is now a clear direction from the Government in terms of bringing about economic growth and the creation of jobs here in South Australia. The report goes on to state:

> It has become clear that South Australia's labour market has at last broken out of the doldrums.

That is good news for South Australians. The report goes on to point out that since March of this year (it is a six monthly report), seasonally adjusted, there has been 2.6 per cent total employment growth in South Australia, representing an annualised growth rate of 4.5 per cent. The report states that South Australia 'has been out-performing the nation as a whole in employment growth'. That is good news for South Australians, particularly unemployed South Australians.

The report notes also that South Australia's job vacancy rate as recorded by the ABS suggests that our State labour market faces a brighter prospect ahead than that of Victoria. It goes on to say that, whilst the 160 per cent jump recorded in the August job vacancy rate must be treated with some caution due to possible statistical error, it still gives some indication of the very positive trends in employment prospects. The report goes on to say that the growth in full-time jobs in South Australia has been stronger than employment growth in total—2.9 per cent over a seven-month period in South Australia compared with 2.6 per cent as a national average. The statistics mean that 15 000 more South Australians now have a full-time job than was the case in January of this year. That is well in advance of the 12 000 jobs that I set as the target for this Government in its first year in office.

It is noted that this growth is occurring in industries where it needs to occur if there is to be long-term improvement in South Australia's employment situation, namely, in those industries which are the major private sector employers in this State. This is in stark contrast to the Labor Government's record where growth tended to be in the public sector. The report also suggests that the .4 per cent drop in the State's unemployment rate, from 10.8 per cent to 10.4 per cent, does not truly reflect the States' strong employment performance, due to the fact that many more people are now re-entering the labour market as confidence grows in the State's economy.

These results were further backed up by the McGregor marketing survey, which showed that about 80 per cent of employers in South Australia now believe that South Australia will be able to climb out of the economic recession and doldrums imposed by the former Government. It also noted a very interesting fact, namely, that it was not simply due to a national economic recovery but that 95 per cent of respondents believe that the State Government has played a role in the economic turnaround. The report of the South Australian Centre for Economic Studies should be recommended reading for every member of the Labor Opposition in this State because it shows that, with a clear focus on economic growth, on building up industries and the creation of jobs, an economy can be effectively turned around in a 12-month period, thereby giving the State a long-term optimistic outlook.

EDS

Mr FOLEY (Hart): Will the Premier advise whether legislation will be required to support the Government's contractual arrangements between the Government and EDS?

The Hon. DEAN BROWN: To my knowledge, the answer is 'No.'

STATE FLEET

Mr BRINDAL (Unley): Will the Treasurer advise what the Government is doing to reduce accidents involving State Fleet vehicles? The State Government's small vehicle fleet is of the order of more than 9 000 vehicles, and this represents a significant investment to the State. At the same time there is the issue of minimising accidents, which could injure public sector workers and/or innocent other parties.

The Hon. S.J. BAKER: This is a very timely question, because we are in the process of reducing the fleet size,

increasing its utilisation and eliminating areas of wastage. It is interesting to note that of the 2 300 vehicles under the control of State Fleet—and that number of vehicles is increasing because all vehicles are being drawn back from the various agencies—the 1993-94 average number of accidents was 1 190. That is a lot of accidents—a 50 per cent hit rate, as they say—even though most were minor accidents involving an average cost of $995. You do not have to do much damage today to incur that sort of cost. So, it would appear from those statistics that there is certainly a problem that needs to be addressed.

Based on the first few months of this year, the projections are that, instead of one in two vehicles being involved mostly in relatively minor accidents this year, that figure will be increased to one in three, and that this will be the case for a variety of reasons, including better management and more responsibility being placed upon the agencies. Some of the greater contributors towards those accident statistics may well have involved hire vehicles, in respect of which probably less care is taken.

To assist further in not only managing the process but ensuring that greater care is taken, State Fleet has initiated a half day driver training program particularly for those people who regularly drive a vehicle in the course of their work. This program has been developed in conjunction with the Driver Development Centre of the Department of Transport. The program comprises some classroom theory, simulated driving through a course (including reversing and parking) and a practical road test with the instructor pointing out common errors that are made by the driver. The emphasis is on acquainting users with the common reasons for accidents, with particular attention being given to safe driver techniques and care in reversing.

There has been much interest in this program by customers of State Fleet, particularly as it has been advertised on the weekly *Notice of Vacancies* during October. The course is now being run by the Driver Development Centre in conjunction with our needs. We will look at the performance of this initiative, which we believe is a step in the right direction. However, we need to undertake a further analysis to know exactly where the core problems are arising. It may well be that there is a concentration of younger people who have yet to achieve their full driving skills, or the problems may well involve those cars that are subject to more intense use.

It should be remembered that while the accident rate is very high, the utilisation of vehicles is much higher than average. We would like to get a better understanding of why there are so many accidents and make some improvements. The savings are quite dramatic. Based on this year's figures alone, we believe that we will save almost $780 000 during this year due to the improvements that have taken place to date.

EDS

Mr FOLEY (Hart): In view of the Premier's decision to lock State Treasury out of negotiations with EDS, what guarantees and warranties cover the advice received from American advisers, Nolan Norton and International Technology Partnerships?

The Hon. DEAN BROWN: The honourable member seems to be trying to put a different twist on this issue every day in every question. I have given the honourable member the basic framework, and I suggest he read again what I said to the Estimates Committee where I outlined the procedure for 1½ hours; all the detail is there. However, let me go through it again. The final negotiations with the company came down to a very tightly knit negotiating and assessment team, and so they should. You cannot have a huge committee trying to negotiate with commercial companies and get a satisfactory outcome.

Secondly, the key advisers were people who have had considerable experience in negotiating and outsourcing information technology contracts around the world and who have been involved internationally in assessing cost savings and everything else involved, including the technical aspects of those negotiations.

First, Nolan Norton was brought in as an international group to advise on the process—not the negotiations or the benefits but the process. I told the honourable member that back in September when we had the Estimates Committees. Shaw Pitman and Technology Partners Incorporated were the two key groups involved in the negotiations. Shaw Pitman was involved as the legal firm and it sent over two lawyers, one in particular who did nothing else day in and day out but negotiate information technology outsourcing contracts. He was regarded as probably the best person in the world in this area. He came from Washington DC. Technology Partners Incorporated was involved because apparently it is the best group in the world in terms of identifying cost savings and other problems.

As I said to the House yesterday, there was a daily conference back to America where a computer model was set up to analyse this sort of thing—the sort of thing you would not have available here—where information was fed in and the savings that arose each day out of the negotiations was fed back. Another group was brought in specifically to look at the economic benefits—not the outsourcing part of it but the economic benefits—arising from the new economic activity component. As I have explained to the honourable member before, there were two key components in this assessment: one was the outsourcing and the technical aspects of that, as well as the legal aspects and the savings that could be achieved; the other was the assessment of what new economic activity would be brought to South Australia.

The economic activity part of it principally was the responsibility of the Information Technology Task Force, which I set up as Premier in December last year. It was one of the very first task forces I set up. It has been interesting to see the key role that that task force has taken to give a clear focus about where information technology should head in South Australia over the next 10 years. It was the task force that came up with the IT 2000 strategy, which has been widely applauded by the information technology industry in this State. KPMG management consultants was brought in to assess some of the economic development side of this and as a result was engaged on just a small part of the overall project.

I am talking about the final assessment. There was the earlier assessment by Treasury and a range of different Government agencies. But the final assessment in the crucial weeks of the negotiations fell to those individual consulting groups and the negotiating team. Specific lawyers were involved. They all had to sign confidentiality, secrecy and 'no conflict of interest' agreements. That team made the final recommendations. Again I state to the House, with a great deal of confidence, that the final outcome for South Australia has been a very significant new direction for this State's economic development, one which will be of enormous benefit to this State. I will correct what I happened to hear on one media outlet last night. It claimed that I said that 4 000 people would be employed within EDS by the year 2000.

That is not what I said: I said that 4 000 people would be employed at Technology Park by the year 2000.

WATERWAYS POLLUTION

Mr BUCKBY (Light): My question is directed to the Premier. What further action has the Government taken to clean up the waterways on the Adelaide Plains, thus honouring its promise before the last election to remove pollution in our water courses?

The Hon. DEAN BROWN: I thank the member for Light, who lives on one of our river systems, for that question. This morning the Government, with the Minister for Environment and Natural Resources and the President of the Local Government Association, made a very significant announcement, that is, that, after years of frustration, inactivity and the disgrace of river systems such as the Patawalonga and Torrens, we have decided to take bold steps to establish catchment authorities. Those catchment authorities will displace the former drainage boards which literally took years to get together. There was no power to direct them to get together or what funds would be spent by them.

The Government will introduce legislation into this Parliament early next year. Under that legislation, a catchment authority will be set up for each major river system in the State, with the exception of the Murray River, which is covered under the Murray-Darling Basin Commission. Under those catchment authorities, we will see a concerted program put in place where there is legislative power for the authorities to require all local government bodies to come together and participate and to make a financial contribution. A levy will be imposed across each catchment authority.

The level of levy will depend upon the nature and size of the problem within each authority. The levy as such will replace existing non-specified funds which come out of local government already. The problem has been that, although some councils have been playing their part and spending their money—and Salisbury is one such example—other local government bodies further upstream have refused to participate. For the past 9 or 10 months, we have had the frustration of trying to bring together all the councils involved with the Patawalonga, and this has caused trouble.

Through these new authorities, for the first time we will be able to establish effectively a number of major new technologies, including wetlands within the metropolitan area so that everyone can enjoy seeing birds again in the community. We will be able to take the unique step of starting to recharge underground aquifers and to re-use that water that has been put underground to irrigate ovals, lawns, golf courses and things like that. We will stop the excessive flow of stormwater into the gulf, the nutrient flow that goes with that, and the seagrass problem that arises as well. So, for the first time we will have the legislative control plus the dedicated money to make sure that in South Australia—not just in the metropolitan area but the country as well—we will be able to apply on a realistic basis to the benefit of South Australians the best technology in the world in terms of water management, water re-use and environmental protection.

CENTRE FOR ECONOMIC STUDIES

Mr FOLEY (Hart): In view of the Treasurer's comments today that the Centre for Economic Studies was engaged by State Treasury to advise on the level of savings, why does the report say that it was engaged to, first, participate in the evaluation of tenders; secondly, advise on the methodology used; and, thirdly, review assumptions underpinning the estimates of benefits and costs?

The Hon. S.J. BAKER: We just did not say, 'Look, tell us about the savings.' It was given terms of reference, and we said, 'We want to know how good it is or how bad it is.' Professionally, if you want someone to do a job, you say, 'These are the terms of reference.' You just do not say, 'Look, tell us about the savings.' The terms of reference are consistent with what the Government intended. If the honourable member reads them again three times, he might understand that they were perfectly reasonable and adequate terms of reference.

WATERWAYS POLLUTION

Mr CONDOUS (Colton): Will the Minister for Environment and Natural Resources advise the House what action has been taken to advance the process of cleaning up metropolitan waterways, in particular the Patawalonga?

The Hon. D.C. WOTTON: Further to the response that the Premier just provided to the House, I am delighted that a scheme is now set to be put in place with legislation to be brought before the House early next year. When I became Minister some 11 months ago, one of the first things that I did was to arrange a meeting of all 11 councils within the Patawalonga catchment area. At that meeting, I set down the plans detailing the Government's very clear direction in working towards the establishment of authorities in each of the catchment areas. Earlier this year, I was able to release a report setting out the priorities for capital works to be spent on the Patawalonga. That is now very clearly in place, and we are able to recognise where items such as trash racks and other measures that are needed to clean up the Patawalonga will be placed. More recently, we have moved towards a memorandum of agreement that has been established and is currently being considered.

As the Premier has indicated, there has been some frustration about the time taken in the establishment of the authorities, and the new authorities that will now be put in place as a result of legislation to be introduced will mean that it is a very real partnership between State and local government. That is essential, because it is a matter of the community overall recognising the responsibility that we all have in cleaning up the waterways which will in turn clean up the marine environment as well. I believe that having equal numbers of both State and local government representatives on those authorities with an independent chairman will go a long way towards assisting in the direction we put down very soon after we came to office. We also plan to implement the very strong stormwater policy that was developed when we came to Government. We were particularly keen to be able to recognise stormwater as an important resource rather than seeing it as the management problem that it has been in the past.

I have been very pleased with the work that has been carried out by a number of the councils, particularly through the metropolitan area. Yesterday, I had the opportunity to launch a new project at Regency Gardens. That project has been put together by the Enfield council and the joint venturers for that project at Regency Gardens. Again, I would like to commend them for the work that they are doing in setting up wetlands and for their experimental work in regard to the recharging of aquifers in that area. I believe that we have come a very long way in the past 12 months in regard to cleaning up our waterways and other matters in respect of the better use of stormwater. I look forward to the support of

the House on both sides when legislation is introduced early next year.

INFORMATION TECHNOLOGY

Mr FOLEY (Hart): In view of the importance of the $700 million contract with EDS to the future of South Australia and the risks associated with contracting all information technology requirements to one company, will the Premier now agree to refer all advice, reports and contracts to the Economic and Finance Committee of Parliament for scrutiny?

The Hon. DEAN BROWN: No, and neither should I. They are—

Members interjecting:

The SPEAKER: Order! I suggest that, if members want an answer, they give the Premier the opportunity to be heard in silence.

The Hon. DEAN BROWN: I point out that the Government has for many years signed a large number of contracts, some big and some small, and those contracts are never taken off to the Economic and Finance Committee. I do not see why this particular contract should be either.

MURRAY RIVER

Mr ANDREW (Chaffey): Will the Minister for the Environment and Natural Resources advise the House what action is being taken by the Department of Environment and Natural Resources to remove willow trees from the Murray River in South Australia? There is continuing concern in the Riverland that the action being taken to destroy willows along the banks of the eastern end of the Murray River is not consistent with the Government's position that has been arrived at with community consultation and agreement.

The Hon. D.C. WOTTON: In recognising the question that has been asked by the honourable member, I also recognise the sensitivity in regard to this issue. There has been a lot of consultation. In fact, since 1989, there has been a program of willow poisoning in the upper reaches of the Murray River with funding initially coming from the Murray-Darling Basin Commission. Initial work carried out as a result of the grant from the commission has since been carried out by the Department of Environment and Natural Resources, the Australian Nature Conservation Agency, the Murraylands Conservation Trust and State Flora.

Following a public consultation process, the former Minister for the Environment and Natural Resources approved the adoption of a management plan that included control of willows as an agreed part of management. I have received a number of representations in relation to the impact of the poisoning of willows in the upper reaches of the Murray River and the aesthetic unpleasantness of the affected trees, and I have noted, in going through the files, that the former Minister received similar representations.

Following representation from the Riverland Local Government Association late last year, all work was ceased in order to allow discussions to be held with local government. In December, a meeting was convened with the President of the Riverland Local Government Association, representatives of the Renmark Corporation and the Chairman of the Murraylands Conservation Trust.

After what has been described as full and open discussion at that meeting, the following approach was agreed to: first, willow treatment would be limited to those areas included within the Bookmark Biosphere Reserve; secondly, the treatment of trees would generally be restricted to backwaters and wetlands, but poisoning would not be undertaken where the trees were part of the infrastructure associated with irrigation pumps and equipment, where quite obviously removal would result in bank erosion, or where the tree or trees form part of a recognised vehicle access based recreational area; thirdly, where trees have been previously treated within the mainstream, spraying would cease except where a 90 per cent kill had been achieved—in these cases work would be completed; and, finally, the implementation of future annual programs would be subject to consultation and, I would expect, agreement with the Riverland Local Government Association and the Renmark Corporation.

In conclusion, a second meeting between the Riverland Local Government Association and the Murraylands Conservation Trust occurred on 18 October this year at which it was agreed that willow treatment would be limited to the Bookmark Biosphere Reserve except where the landowner requests help; that trees on the biosphere reserve which have received treatment but which have not yet been killed will be controlled this spring; and that monitoring of the breakdown of dead willow trees will be undertaken. Prior to the meeting, a survey of willow trees from Renmark to the New South Wales border was undertaken and it showed that some 2065 trees existed, of which 540 are located in the biosphere reserve. Thus only about 25 per cent of the willow trees in the Riverland have actually been controlled.

Further concern has been expressed to me about the program of willow poisoning, as has been pointed out by the member for Chaffey, and I have requested my department to maintain close communication with local government through the Murraylands Conservation Trust to ensure that programs are well understood and accepted by the public. I have also sought a further updated briefing from my department to address some of the specific concerns that have been put to me. I recognise the concern that has been expressed by the honourable member and it is a matter on which I will continue to keep a very close watch.

MOUNT PLEASANT ROAD RESERVE

Ms HURLEY (Napier): Why did the Minister for the Environment and Natural Resources take the extraordinary action of overruling a recommendation of the Surveyor-General to uphold the objections of the Department of Recreation, Sport and Racing and the Federation of South Australian Walking Clubs to the sale of a road reserve in the Mount Pleasant council area to a local landowner, and will he now reconsider his decision?

The Opposition has been contacted by representatives of the Federation of South Australian Walking Clubs and South Australian horse riding clubs who are greatly concerned by the actions of the Minister to overrule the Surveyor-General's recommended rejection of the application of a Mr Hugh McLachlan to purchase the land. The Opposition has been advised that Mr McLachlan had made a similar request during the time of the previous Government but that on that occasion the Surveyor-General's advice was not overruled.

The Hon. D.C. WOTTON: At the outset, can I say that I am delighted to have received a question on the environment portfolio from the Opposition. I think this is the third one in nearly 12 months. I cannot believe my good luck that at last I have been invited to answer a question. Let me first outline to the honourable member what making a decision under the Roads (Opening and Closing) Act is really all about. I must say that I anticipated that such a question would

be asked by the Opposition, because I had been advised that the Opposition had received representation on the matter.

Under the Act, it is the Minister for the Environment and Natural Resources who makes the final decision on whether to decline or confirm a road process order or, in other words, whether to open or close a road. The Minister receives advice from the Surveyor-General prior to making a decision and is also provided with details of the often conflicting views of the community on whether or not the order should be made.

In this case, there were a number of conflicting views in the community as to whether or not the order should be made. There were those such as the local council, which had been strongly of the view that the road should be closed, and those such as the Federation of South Australian Walking Clubs, to which the honourable member referred, which was strongly of the view that it should not be closed.

The department summarised all the competing views for me, and the Surveyor-General provided me with his recommendation, which was not to make the order. However, the Surveyor-General made clear to me that he made that recommendation only because, based on an old policy, the Surveyor-General automatically recommends that the order not be made where it is not supported by the Department of Recreation and Sport.

In other words, based upon that outdated policy, the Surveyor-General has not been exercising any independent discretion at all. That is a matter that I personally raised with the Surveyor-General, and I have advised him that in the future I will be seeking his own independent views on whether or not an order should be made. In passing, I might add that the Surveyor-General was happy with the decision that I made.

The House might be interested to know what I did with all the information that was provided to me. I read it, discussed it with officers of my agency and my staff, considered it for myself and then made a decision that, on balance, an order ought to be made that the road be closed. I know that Ministers in the previous Government found it difficult to make decisions, but a decision had to be made in regard to this matter, so action on my part may come as a bit of a surprise to members opposite.

Before concluding, I would like to make clear to the House that I will always take advice from my agency, and it is only after careful consideration that I will ever go against a recommendation that is forwarded to me. But I can assure you, Mr Speaker, that I gave considerable thought to this matter. I will not reconsider it, because I believe that the decision I made was the right decision.

NEIGHBOURHOOD WATCH

Mr SCALZI (Hartley): My question is directed to the Minister for Emergency Services. I note from recent media reports that a new initiative will allow the South Australian police to fast track 280 Neighbourhood Watch programs. Will the Minister please provide details? Under the previous Labor Government, the waiting time for a Neighbourhood Watch program was five years. I am informed that in the general Payneham area there are five outstanding at present. In Hartley, specifically, there are two: Hectorville and Felixstow.

The Hon. W.A. MATTHEW: I am aware of the honourable member's strong support for Neighbourhood Watch and of the support he gives, in particular, to Campbelltown and the Erindale-Wattle Park groups within his electorate. The member for Hartley and many other members in this House have expressed concern to me about the long waiting list for Neighbourhood Watch. On 21 September this year, I advised the Estimates Committee that the Police Commissioner was devising a strategy to increase the take-up rate of Neighbourhood Watch programs to reduce those significant delays for new programs. As the honourable member has indicated to the House, the waiting time was some five years.

The Neighbourhood Watch scheme in South Australia presently includes some 394 Neighbourhood Watch programs and 50 Rural Watch areas. Petitions for a further 230 programs have been received, and it is those 230 programs that will become part of the fast tracking process. As part of this process, on 14 November a letter was sent to all Neighbourhood Watch area coordinators advising of the new strategy to be implemented by police. The responsibility for launching new programs has been devolved from a central body to the police divisional and subdivisional levels, in direct response to the Liberal Party policy of devolving responsibility for policing initiatives and police work down to regional commanders, and also devolving to them financial and operational responsibilities.

The divisional and subdivisional police commanders will be assisted in the task of increasing Neighbourhood Watch launch rates by the former program's unit members who have now been relocated to northern and southern command positions. The strategy involving those officers is designed to effect a reduction in outstanding petitions of a minimum 80 new programs by 30 June 1995. The balance of programs is targeted for completion by no later than 30 June 1996. This reorganised strategy is aimed at radically improving the rate at which areas are launched and at more closely linking divisional police with their local communities.

The South Australian police recognise the valuable work that is being undertaken by Neighbourhood Watch: it is of primary importance in the new South Australian police objective of community policing in conjunction with crime prevention. It not only provides for police a method by which crime reduction can be achieved but also encourages and supports a close liaison between the community and police. Like other members, I look forward to this new take-up rate of Neighbourhood Watch to ensure that its success rate continues in South Australia.

RACISM

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Minister for Aboriginal Affairs. Further to my question to the Premier on 2 November, and now that the South Australian Government has had the opportunity to examine the Federal Government's racial vilification Bill, will the Minister indicate whether he supports the principle of racial hatred legislation, given the Premier's statement today about the need to eliminate comments with racial connotations from the pubs, from the schoolyards and from the streets? What is your personal view?

The SPEAKER: Order! The Leader is commenting. The honourable Premier.

The Hon. DEAN BROWN: On a point of order, Mr Speaker, the Leader of the Opposition knows as well as anyone in this House that questions are to Ministers on matters of State, not on personal opinions.

The Hon. M.D. Rann: It is the Government's view—

The Hon. DEAN BROWN: Exactly, and I have put down the Government's view.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! There is one question at a time. The Leader is taking a point of order, therefore he should deal with the point of order, not answer interjections.

The Hon. DEAN BROWN: The portfolio of Minister for Multicultural and Ethnic Affairs is mine. I am the Minister who would be responsible for such legislation, therefore I direct that the question should come to me as the appropriate Minister. In answering this question, I point out to the House that I have indicated quite clearly that the Government, after it has had a chance to consider both the New South Wales legislation and the Federal legislation, will decide its position. I stress the fact that the former Labor Government sat in this State for 11 years and did absolutely nothing.

There is no legislation, draft legislation or position documented on the files that I have been able to see from the then Minister for Multicultural and Ethnic Affairs. As to the other point the honourable member is trying to raise concerning any material within the education system in particular or material put out by the Government, I indicated earlier this afternoon that the Government is working through and trying to identify any such material and to make sure that it is immediately eliminated, particularly from the education system. I was delighted to be able to say that the group I met with this morning has already undertaken to work with me to bring that about as quickly as possible.

ELECTRICITY TRUST BUSINESS PROGRAMS

Mr CAUDELL (Mitchell): Will the Minister for Infrastructure advise the House of recent progress with ETSA's business energy efficiency and productivity program to assist businesses in improving their energy efficiency and hence their competitiveness?

The Hon. J.W. OLSEN: The business energy efficiency productivity program was launched by the Electricity Trust in May this year. It has a dual purpose: to give advice to business as to how it can put in place better practices within the workplace to reduce consumption and, therefore, the cost of electricity so as to be more internationally competitive; and it also has a benefit for the Electricity Trust. In 1996-97 there will be a requirement for more peak load generating capacity and, with the more efficiencies we can put in the business system and the manufacturing/industrial sector of South Australia, not only do we assist those businesses with their production costs but we are also assisting the State in terms of reducing the capital cost for new additional generating capacity.

The scheme is one where a maximum grant of $100 000 is given for each project to enable the business enterprise in question to undertake a study on how it can put in place better electricity efficiency within the business. When the first round of bids closed at the end of August there were 48 expressions of interest from companies. The cost to ETSA would be in the order of $1.8 million and a capital expenditure of some $10 million required by those companies to install that scheme. Those bids have since been evaluated. ETSA is now in the process of making offers to some 39 projects. Those applicants include companies from the automotive, wine, brewing, foundry and plastic industries which are located not only in the metropolitan area of Adelaide but also in regional centres of South Australia like the Barossa Valley and the Riverland. Once those programs have been put in place, greater efficiency gains can be established by those businesses and, of course, the benefit is to ETSA and taxpayers.

Given the amount of interest and the success the programs have had within the business community, it is ETSA's wish and intention in early 1995 to call for a second round so that we can start working with businesses to put in place better management practices, better efficiency gains and lower operation costs, and give them greater international capacity to meet existing market opportunities and challenges, at the same time reducing the probable costs that ETSA will face in terms of installing greater, expensive generating capacity in the 1996-97.

FAMILY IMPACT STATEMENTS

Ms STEVENS (Elizabeth): To acknowledge the International Year of the Family and the Government's recent commitment to prepare family impact statements on all important decisions affecting families, will the Minister for Family and Community Services release for public information details on all major announcements and decisions affecting families?

The Hon. D.C. WOTTON: A question similar to this has been asked previously. It is important that we look at what family impact statements are all about and how they work. I am absolutely determined that they will play a very important part in decision making as far as Government is concerned. First, the question of whether or not a family impact statement is prepared is the responsibility of the relevant Minister, and I believe that that is the way it should be. In order to assist Ministers and agencies in determining whether or not a family impact statement is necessary, as the honourable member would be aware, the Government established the Office for Families within the Department for Family and Community Services, and it is the responsibility of each Minister to seek out the necessary assistance from that office. I am pleased to note that many questions have been asked and a lot of assistance has been sought from that office.

The Office for Families has now briefed each Minister on the circumstances in which it will be necessary to prepare a family impact statement and the process which should be followed when a statement is to be prepared. Family impact statements form a part of the Cabinet submission and are not publicly released. The Government believes that they should not be publicly released. As such, it is inappropriate for me, as Minister for Family and Community Services, to comment on particular matters raised in those submissions. The Government is vitally interested in strengthening families and in making informed decisions. As a result, it was this Government which reintroduced the requirement for family impact statements, and I might add that this matter has the full support of the Premier, who is committed to ensuring that the process is carried out effectively. As I have indicated, because they form an important part of the Cabinet submission, the statements will not be released publicly, and it is up to each Minister to determine whether such a statement should be prepared.

KICKSTART

Mr BECKER (Peake): Is the Minister for Employment, Training and Further Education aware of the success of a local flower grower in finding a new export market after receiving support from a KickStart program run by the Minister's department? Is this another positive good news story that has gone unnoticed?

The Hon. R.B. SUCH: I thank the honourable member for his question and interest in this matter, because it is

another example of what KickStart does. The people involved in the KickStart program are dedicated public servants, and I readily acknowledge the excellent work they do. I refer to a letter I received today from Mr Larry Cavallaro, who is involved with Tessa Flora International, which says:

> I would very much like to thank you and your department for supporting this State's cut flower growers through Northern Adelaide KickStart. Ms Lyn Brabiner, the local KickStart officer, accompanied me on the recent Government sponsored trade delegation to Hong Kong that coincided with the Grand Prix celebrations. It was as a result of Ms Brabiner's excellent managerial skills that we were able to arrange and attend four very successful meetings with Hong Kong cut flower wholesalers.
>
> We are now able to select two wholesalers through whom the State's flower exports will be directed. It was Ms Brabiner who coordinated the packing and transporting of 100 kilograms of native and exotic flowers for exhibition in two venues in Hong Kong. She also coordinated the flowers and their arrangements with two Hong Kong florists. . . I believe that this market will prove to be lucrative for this State's flower growers and so lead to further employment among small businesses.

This is just one more example of the excellent work done by KickStart. In the South-East this week 90 people started through KickStart working in the viticulture area on vines, which with the rapid expansion of plantings need to be trained. In addition, because other States do not have KickStart programs, the Government recently completed a how-to-do-it manual so that other States can implement similar KickStart programs. Furthermore, to tackle youth employment issues, the Government is establishing a junior version of KickStart to specifically target youth employment and training initiatives.

This is further evidence of a fine group of public servants within my department who at the regional level are totally dedicated to assisting South Australians in obtaining employment and appropriate training. I publicly commend them for their efforts and the success of the Hong Kong mission which was strongly supported by the Minister for Industry, Manufacturing, Small Business and Regional Development. It is a further example of the success of this Government in reviving the economy of this State.

BOLIVAR TO VIRGINIA PIPELINE

Ms WHITE (Taylor): Is the Minister for Infrastructure committed to the Bolivar to Virginia effluent reuse pipeline project, and will he guarantee that the Better Cities funding that has been allocated by the Federal Government will be spent in such a way that all growers along the pipeline will have access to its water at a viable cost? Several growers in the Bolivar to Virginia region have expressed concerns that this State Government wants them to take all the risk and cover the cost for a project which may not retain its public equity. They have also expressed concern about the Minister's level of commitment to the project.

The SPEAKER: Even though the honourable member was commenting, I will allow the Minister to answer the question.

The Hon. J.W. OLSEN: We have established a new benchmark today. The answer to the first part of the question is 'Yes'; the Government and I are committed to the scheme. I have said on a number of occasions in this House that this is an important, innovative, benchmarking scheme—a scheme that we can take to the international markets and project manage on various scales within those markets. Not only does it solve the problem of discharge of 50 million megalitres of water into Gulf St Vincent, which impacts on the seagrass, our fish breeding grounds and our export markets, but by redirecting that water to the northern Adelaide plains we can open up a whole range of export opportunities in floriculture, viticulture and horticulture. The Government is proposing to pursue that course.

To ensure that it happens, the Government has undertaken a number of initiatives. First, I have established a working party, comprising multi-function polis, EWS and the Economic Development Authority personnel, with the purpose of resolving those issues between the agencies and the objective to fast track the scheme. However, at the end of the day the scheme has to be commercially viable. I am sure the honourable member would not want $40 million of taxpayers funds spent on a scheme if ultimately it was not commercially viable. This Government is about making sure that we get it right and that not only is it to the benefit of the EWS as regards the discharge into the Gulf but that the environment is improved and there is an opportunity for growers to get much needed water for the expansion, even the maintenance, of their current operations.

The EWS Department is also looking at the development of technology whereby the water can be used to recharge the underground aquifer. As the honourable member would well know and understand, part of the problem is that, with growers drawing water out of the underground basin, sea water has penetrated that basin, making the water saline and restricting the types of crops that can be grown in the northern Adelaide plains. With some research, which we think will take between six and nine months, we hope to have the technology for that water to be used to recharge the aquifer. The benefit to those growers and farmers is that they will not have to sell up and relocate elsewhere in South Australia to get water as well as land to enable them to continue their operations on the basis that they are out of water in the northern Adelaide plains or that the water is simply too saline to grow the crops they want to grow to meet the market opportunities and generate income for themselves.

The Government is committed: the $10 million allocated under the Better Cities program will be used on that scheme. We are simply not able to use it elsewhere, even if we wanted to—and the Government does not want to do that, and has no intention of and never considered doing that. We are working as quickly and expeditiously as we can, coordinating the activities of a number of Government agencies, so that we can put in place a commercially viable scheme at the earliest opportunity.

MINISTERIAL STATEMENTS

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): On behalf of my colleague, I seek leave to make two ministerial statements.

The SPEAKER: Is leave granted?

Mr Clarke: No.

Members interjecting:

The SPEAKER: Order! Leave is withdrawn. It is unusual, but leave has been withdrawn.

GRIEVANCE DEBATE

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

Mr CLARKE (Deputy Leader of the Opposition): I will briefly explain.

Members interjecting:

The SPEAKER: Order! I ask the House to contain itself. The member for Unley has a point of order.

Mr BRINDAL: If it is in order, I move:

That Standing Orders be so far suspended as to enable the Minister to make a statement forthwith.

The SPEAKER: Order! I have given the Deputy Leader of the Opposition the call. The honourable member will have to wait until the Deputy Leader has concluded his comments.

Mr CLARKE: I regret that I took the action I took a few moments ago, but there is a very simple reason for it, and as regards this matter it is on the Deputy Premier's own head.

Members interjecting:

The SPEAKER: Order! I will not allow the conduct of the House to degenerate and I would suggest to members that they take a step backwards and remember that they are elected members of this House and that the public expects them to behave in a much better way than the way in which they are currently conducting themselves.

Mr CLARKE: The reason is quite simple: we have had an understanding with the Government since the last election that the Opposition is entitled to 10 questions per day and that Question Time is extended if required. We have had only nine questions today and only nine questions yesterday. However, of even more concern was the intimidatory tactics of the Deputy Premier when he came over to me just prior to the conclusion of Question Time to say that he would not be moving an extension of Question Time as a so-called retribution for yesterday. I will put this on the record: neither I nor any member of the Opposition had anything to do with that outburst in the House yesterday.

Members interjecting:

The SPEAKER: Order! The Chair has asked that the House conduct itself in a reasonable manner. I will have to take further action if this continues. The Deputy Leader of the Opposition.

Mr CLARKE: I did not know the person. That person telephoned my electorate office this morning asking to speak to me because she was upset, apparently, that I and the Leader of the Opposition were being blamed for her outburst yesterday. The woman concerned, I have subsequently found out, is a resident in my electorate. She spoke to my electorate secretary, and I told my secretary that I had no desire to speak to the person concerned. I was ashamed of her outburst yesterday and, indeed, she did her cause and that of the Aboriginal community no good by her outburst yesterday.

Members interjecting:

The SPEAKER: Order! The members for Wright and Chaffey are out of order.

Mr CLARKE: So, I will not cop the Deputy Premier trying to put that sort of rubbish on the Opposition and trying to make this a tit for tat exercise by promising that, if we look after ourselves—if we cop it on the chin today and behave like good boys and girls—we will go back to 10 questions next week. I tell the Deputy Premier: do not try those tactics with us; if you want to screw us down from 10 questions because life is getting too difficult for this Government—because you are getting too arrogant—by all means try it, sunshine! We will not cop it, and we can make life and the workings of the Parliament very uncomfortable for you and your colleagues.

So, do not threaten us; we will conduct ourselves appropriately. I suggest that you and other Ministers conduct yourselves properly. I regret that the first Minister to suffer in that sense will be the Minister for Infrastructure, who in the past has conducted himself with dignity towards the Opposition. I want to make quite clear that we will not tolerate the sort of attitude that the Deputy Premier showed towards the Opposition on this occasion and yesterday, and I place firmly on the record the fact that the Opposition had absolutely nothing to do with yesterday's outburst.

Members interjecting:

Mr CLARKE: You may not choose to believe the truth—

Members interjecting:

The SPEAKER: Order! I suggest to all members that they contain themselves. The member for Chaffey.

Mr ANDREW (Chaffey): I suggest to the member for Ross Smith that, if he counted the number of five and six part questions that were encompassed in almost every question that was asked today by the Opposition, he would lose more than his toes and fingers in terms of getting to the end of his calculator. I rise today to condemn strongly the actions and statements of some of the current staff of the South Australian Institute of Teachers (SAIT). Some of their actions and statements are absolutely appalling and pathetic. I find it totally unreasonable that SAIT staff breeze into an area such as my electorate, mouth off, drop a few allegations and hot trot it out of town to dream up another set of allegations and way out claims.

It is not my normal practice to respond to those types of tactics by the South Australian Institute of Teachers if for no other reason than their claims generally do not warrant any credence or highlighting. However, I believe it is appropriate in this case that I set the public record straight and put a few of the issues into perspective so that some of these absolute fallacies, flaws and smokescreens that are being put up at the moment by SAIT and its representatives with these hit and run tactics are firmly put in their place.

I want to illustrate the types of antics by SAIT representatives as they occurred in relation to me in the Riverland region over the past few days. I think it was last Thursday when the Minister for Education and Children's Services issued a statement detailing the appointment of 150 new teachers next year, mostly for country areas, approximately 70 of whom would be employed under a fixed term contract appointment for three years. The major reason for this is the number of surplus teachers in the metropolitan area because of conditions that have been guaranteed for certain groups of teachers. That is another example of the inefficiencies in the current staffing arrangements for schools which, undoubtedly, still have to be renegotiated with SAIT.

Last Friday in the Riverland region, the local SAIT field representative bounced into the local radio and television station in his usual form and made the usual alarmist and outrageous comments. I would like to cite a couple of examples of those comments this afternoon. The first comment was that Riverland schools would have almost half their staff employed in temporary positions within the next three to four years. What nonsense! I suspect that, because of his current lack of credibility, when he comes into the region and professes to visit the schools and talk to the teachers and know what their real status is the teachers do not even bother to talk to him.

I thought I would look on the surface for a couple of examples. I refer to a nearby primary school that is typical of the schools in my area. It employs seven, eight or nine staff, the majority of whom have been there for longer than 10 years. They have particular longstanding stability, they enjoy the area and want to stay, and in this coming year only one

is likely to move. So, it totally puts into perspective the fact that it is impossible for the majority of teachers in the next three or four years to be made up of a percentage of contract teachers. Similarly, at a local high school, the same sort of figures apply. The vast majority of staff are there because they enjoy the area and want to stay. I would imagine that more than three-quarters of those teachers expect to be there in the next three or four years.

I thought I had better check the facts, and what did I find? In 1995, of these 70 contractual appointments only six are likely to go to the Riverland—that is, six out of a teaching staff in the Riverland of about 500. I ask the SAIT representative to get out his calculator and work out that percentage. It is about 1 per cent. How is that likely to generate itself over the next three or four years into more than 50 per cent of staff in the area? He then went on to say that many employable teachers would not be prepared to disrupt their life and take up a three year appointment in the area. I contend that that is an insult to the area. Not only do we have existing teachers on one or four term contracts who are delighted with the opportunity to progress to a three year contract and look forward to it but we also have newly qualified teachers who are prepared to take up these types of contracts, and that will give them the opportunity to have a permanent job later.

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

Ms STEVENS (Elizabeth): Yesterday, the member for Unley gave an extraordinary speech in this House which revealed his misunderstanding of the gravity of the issues about which he spoke and why so many people in our community responded with such outrage. He talked about, and I quote from *Hansard*, 'politically crucifying people because they do not speak the proper language'. The language we use is important: it frames our thoughts, ideas and values and is a window on the sort of person we are and the sort of attitudes we hold. The fact that the Minister for Aboriginal Affairs used a term that has disappeared from common usage because of its racist connotations, a term that is heard only in the most reactionary and red-necked sections of any society, and the fact that he did not understand the gravity of his words, is remarkable; it lays bare his insensitivity to the horror of racism and indicates that his frame of reference is embedded in the past. The member for Unley went on to say:

> . . . we degenerate to the sort of rubbish that we see in some of our departments and the sort of education system that unfortunately is pervading our schools on some occasions because it is deemed more important to be politically correct than democratic.

What a disgraceful insult to the students, teachers and parents in our school communities who, for many years, have worked continually to eradicate racism and to change attitudes, beliefs and behaviour, and this is particularly the case in relation to Aboriginal people.

As it did with regard to sexual harassment, the Education Department in this State has taken the lead in overcoming racism by working on curriculum content, teaching strategies through the teaching of Aboriginal studies, instituting inclusive teaching practices and classroom management, working with parents, and putting together grievance procedures which mean that any person, student, teacher or parent can actually do something about racist insults and comments that are levelled at them. The Education Department has taken the lead in doing this, and it has been doing so for many years.

An honourable member interjecting:

Ms STEVENS: Maybe I could—I do not believe that would be the case. This is the important bit: let us not denigrate our education system, which freely and proudly admits that it has banished statements such as the one used by the Minister for Aboriginal Affairs. Let us instead be thankful that the fruits of the work in our preschools, primary schools, secondary schools and community groups, through ethnic media and other avenues contributed greatly to the outcry over the past few days and that this outcry forced this Government to confront a racist slur used by the Minister for Aboriginal Affairs.

Mr BASS (Florey): As most members know, I spent 33 years as a police officer, and during the last four years of active police work I was trained as a criminal analyst in the Bureau of Criminal Intelligence. Last night while driving home, still feeling sick about the political stunt that was pulled in this Chamber, I looked at what happened from the point of view of a criminal analyst. I will go through it as such and see what conclusion I come to. A group of children came into the strangers' gallery. There were no seats at the front so they stopped at the back. For the first time since I have been in this House one of the television cameras spun around and filmed those children.

An honourable member: Coming in?

Mr BASS: No, as they stood there. That alone does not mean much. But, when I made some inquiries, I found that those children had attended in Centre Hall and asked for a Mr Peter Chataway, who, I understand, is a member of the Labor staff. Again, that does not mean much. However, it should be remembered that they went to a Labor staffer, who put them in the strangers' gallery. I do not know why the camera turned around. The children and their mother were later moved forward as soon as a vacancy became available at the front. Maybe that does not mean much. But, when you look at it, on most days the television cameras leave three-quarters of the way through Question Time. However, that did not occur yesterday—they remained. I wonder why?

You would think that if the Deputy Leader was so concerned about the Minister's comments he would have asked the question earlier, but he did not. I think that seven questions were asked and answered about information technology very early during Question Time, so there was no reason for the cameras to remain, but they did. Mr Deputy Speaker, I ask you to look at what happened, at how the Deputy Leader asked his question towards the end of Question Time, at why the cameras remained and why they spun around when the people came in. It is circumstantial evidence. As a trained criminal analyst I would have quite willingly—

Mr Atkinson: What's your allegation?

Mr BASS: I am not making an allegation. I am putting together a series of facts. I will ask the people of South Australia and the members of this House to draw their own conclusion. I am not accusing anybody of anything—notwithstanding the fact that today the Deputy Leader denied that he had anything to do with it. I am asking the people of South Australia to look at the series of events and make up their own mind as to what happened.

I feel terribly sorry for the little girl who twice—not once but twice—reached up and tried to pull her mother down because she was embarrassed at what was taking place. Anybody who would put a young girl into that situation deserves to be thrown out of this Parliament. However, I am not accusing anybody. Let the people look at the circumstantial evidence and make up their own mind. We do not have

to accuse anybody; the people will draw their own conclusion. Someone opposite just might have to stand up and admit what has been going on.

Mr ATKINSON: I rise on a point of order, Sir. The member for Florey has accused a member of the Opposition of orchestrating a disruption to Question Time yesterday. I ask him to withdraw the allegation because he is not allowed to make it under Standing Order 127, which provides that a member may not impute improper motives to any other member.

The DEPUTY SPEAKER: The member for Spence did raise the matter of a point of order and an allegation. I advise members who wish to pursue this line, irrespective of which side of the House they are on, that, should they wish to pursue it with such vigour, it would be more appropriate to raise the matter by substantive motion than by grievance. The next grievance is the member for Napier, and the same rules apply to that member.

Ms HURLEY (Napier): As a new member of this House I am astonished by the carryings on and by the mock indignation of the Government with regard to this incident. Only last week we had the Deputy Premier falsely accusing the Leader of the Opposition—

Mr BRINDAL: I rise on a point of order, Mr Deputy Speaker. The member for Napier clearly accused members on this side of the House of mock indignation. That is a personal reflection on me as a member on this side of the House. I take strong objection, Sir, and I ask that she withdraw.

The DEPUTY SPEAKER: It was a general reference rather than a specific reference. I will listen carefully for any further references made by the member for Napier.

Ms HURLEY: On the basis of some wild rumour, the Deputy Premier made an allegation against the Leader of the Opposition, but members on this side of the House accepted the Deputy Premier's word that it was a mistake and we went on. The Leader of the Opposition and the Deputy Leader have both categorically stated that the Opposition had nothing to do with the incident in the gallery yesterday, but members opposite are carrying on, no doubt for their own reasons, and pretending that we had something to do with organising that incident.

As for the member for Florey's circumstantial evidence, the reason we asked so many questions about information technology and why we asked them first was that we saw that as a most important issue requiring an explanation from the Government to the people of South Australia. We were doing our job in looking after the interests of the people of South Australia.

Members opposite, in the face of inaction by the Government and in the absence of anything else, have chosen to put on this display about something that did not happen. That is all that members opposite have to spend their time on. Members opposite should question their Ministers in the Party room about what they are doing in secrecy and away from the Treasury so that there is little scrutiny as to what they are doing on a contract—

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Mawson and the member for Chaffey.

Ms HURLEY: So here we have all these Government backbenchers without, as I said—

Mr BASS: I rise on a point of order, Mr Deputy Speaker. The member for Napier just referred to 'you backbenchers', and also said we were 'gutless'. I think that one is unparliamentary and the other is incorrect according to Standing Orders.

The DEPUTY SPEAKER: The honourable member may take exception to the latter term, but it is improper to refer directly to members. I would caution the member for Napier as to the allegation that members of Parliament are acting with insincere motives—it is the third or fourth time. I can understand members on either side of the House taking exception to allegations such as that.

Ms HURLEY: Thank you for your advice, Mr Deputy Speaker. But I believe that all along Government members have accused the Opposition of insincerity and not telling the truth in our explanations. So, here we have Government members who want to spend their time beating up this little episode, and they are accusing us of beating up what happened. They are not concentrating on what their Minister for Aboriginal Affairs did or what their other Ministers are doing. They prefer to carry on about this episode, and to use this as an excuse—

Mr Brindal interjecting:

The DEPUTY SPEAKER: Order! The member for Unley. The Chair is aware of the incident in question and needs no reminding. The member for Napier.

Ms HURLEY: The Government is also using this opportunity to break what I understand are conventions and agreements of this House in ways that they have been tending to all along. I take no exception with their trying to use a little bit of muscle with their large majority—

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

Ms GREIG (Reynell): I did not want to refer to yesterday's incident but, given all the comment that has been made today, some things need to be clarified. First, no racial connotations were attached until the Leader of the Opposition decided to attach connotations. He was the one who raised the racism side of things, and that is what people are overlooking: his narrow minded views brought racism into this. Before he started, the debate would have gone on with nothing made towards people whatsoever. To bring children into the Chamber to sit there and watch their mother carry on like that, under the direction of whomever, leaves a lot to be desired.

Those children were embarrassed by what was going on. The tears we saw were tears because of their mother's behaviour. It was frightening for those children to hear their mother raising her voice like that. They were tugging on her saying, 'Mummy, sit down before we get into trouble.' I could hear that from here; I could see them pulling on her; and nobody did anything about that. The set-up was well done but it was low. To use children is an utter disgrace; it should never be allowed; and I hope it never happens in this Chamber again.

I have said what I have to say on that issue. What I want to talk about today relates to the shopkeepers across the road from my electorate office. There are some 20 owner-operator businesses of various types within the area. These people, like many others in the same situation, work damn hard to make ends meet. Like most of us, they work extremely long hours and provide a service to the community. Unfortunately for them, they have to rely totally on their sales to provide them with an income. Yes, this is normal for any shopkeeper, as it is normal for them to pay rent, wages, WorkCover levy, superannuation and, of course, like all other honest workers, taxation. It is hard at times. Most of these businesses have felt the bite of the recession, but they have pulled through. They

are not complaining about the troubled times they have had to endure: in fact, most of them are confident that things will get better.

However, one of my local retailers has decided that being complacent and pulling your weight obviously is not the right way to go—or it was until the shopkeeper next door showed him an article from a newspaper on the ANL deal. This article now sits in his shop window, as it has for the past two months, for all passers-by to read. The article, as I mentioned earlier, was given to the retailer by his neighbour, who was so disturbed by what she read that she contacted a local radio station talkback show to let everyone listening know what she thought of the tax trade off between the Federal Government and the maritime unions involved.

Some members may remember the joke that was on the radio a few months ago. I recollect hearing it one day as I was driving into town: it went along the lines of, 'What's the difference between the pilots union and the seamen's union?' (I gather they meant the unions in question.) The answer was, 'One delivers tickets for the Labor Party.'

It was funny at the time but in reality it is not: you do not have to think too far back—to the pilots strike and what our Federal Government did then. The Federal Government was not going to let the pilots hold the country to ransom. However, shipping is another story. A press release issued by Laurie Brereton on 13 September 1994 states:

> Minister for Transport and Minister for Industrial Relations, Laurie Brereton, today announced a wide-ranging package of reforms to improve the performance of the shipping industry along with plans to put Australia's national shipping line ANL Limited back onto the market.
>
> Following lengthy talks last night between the Prime Minister, senior Cabinet Ministers, the ACTU, the Maritime Union of Australia and the Maritime Officers' Union, Mr Brereton released the terms of agreement which laid the foundation for today's welcome return to work. Mr Brereton said the package would continue the fundamental reforms to the shipping industry carried out by the Federal Government and the union movement since the 1980s.
>
> A key element of the terms is the agreement of the Treasurer to investigate a taxation regime for international seafarers which would reduce the cost disadvantage of Australian shipping. This measure has been long sought after by the industry and is one of the key recommendations of the shipping industry reform authority report by Ray Taylor.

So as these retailers and I see it, the Maritime Union of Australia recently stopped work and closed Australia's ports at an estimated cost of $14 million a day. Approximately 1 000 members of unions involved have exemption from the income tax system. A special group of Australian seamen are exempt from paying income tax on their wages. Can you see why these retailers are finding this a bit difficult to swallow? Most people open their pay packet and look at how much tax is taken out and sent to the Government but, if you are a seaman opening the same pay packet and if you look down to see how much tax is deducted, the figure is zero.

The Hon. S.J. BAKER: Mr Deputy Speaker, I draw your attention to the State of the House.

A quorum having been formed:

STANDING ORDERS SUSPENSION

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

That Standing Orders be so far suspended as to allow the Minister for Industry, Manufacturing, Small Business and Regional Development to make two ministerial statements without notice.

Members interjecting:

The SPEAKER: Order! I have counted the House and, as there is an absolute majority of the whole number of members of the House, I accept the motion.

Members interjecting:

The SPEAKER: Order! I warn the member for Custance for interjecting out of his place and for defying the ruling of the Chair. I suggest to members that the patience of the Chair not be tested. Is the motion seconded?

An honourable member: Yes, Sir.

The SPEAKER: All those in favour say 'Aye', against 'No'. I think the Ayes have it.

Members interjecting:

The SPEAKER: Order! There is a dissenting voice. There must be a division.

The House divided on the motion:

AYES (31)

Allison, H.	Andrew, K. A.
Armitage, M. H.	Ashenden, E. S.
Baker, D. S.	Baker, S. J. (teller)
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.
Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Leggett, S. R.
Lewis, I. P.	Matthew, W. A.
Meier, E. J.	Olsen, J. W.
Penfold, E. M.	Rosenberg, L. F.
Rossi, J. P.	Scalzi, G.
Venning, I. H.	Wade, D. E.
Wotton, D. C.	

NOES (8)

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

Majority of 23 for the Ayes.

Motion thus carried.

TAXI DRIVER CHARGED WITH RAPE

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): I table a ministerial statement made by the Minister for Transport in another place on this day in relation to the suspension of a taxi driver charged with rape.

BOATING

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): I table a ministerial statement made by the Minister for Transport in another place on this day in relation to recreational boating regulations.

STATUTES AMENDMENT (OIL REFINERIES) BILL

Returned from the Legislative Council without amendment.

GAMING SUPERVISORY AUTHORITY BILL

The Hon. S.J. BAKER (Deputy Premier) obtained leave and introduced a Bill for an Act to establish the Gaming

Supervisory Authority and to provide for its powers and functions; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

This Bill seeks to establish a Gaming Supervisory Authority to provide improved control with respect to the licensing, supply and monitoring of gaming machines. Currently, each element of the gaming machines structure is subject to the statutory, administrative and disciplinary powers of the Liquor Licensing Commissioner through the licensing process and to the statutory conditions applied to licences in accordance with schedules 1 and 2 of the Gaming Machines Act. However, from a practical perspective, a significant level of independence is available to the various licence holders and despite the wide powers of the Liquor Licensing Commissioner, effective control is to some extent reliant upon the cooperation of licensees.

This level of independence contrasts with interstate jurisdictions where centralised control is a key feature of the efforts to maintain the integrity of the gaming machine industry. As a consequence, the provisions of this Bill are designed to provide the Gaming Authority with an overarching supervisory responsibility for all aspects of the gaming machines industry and an overriding authority on any matters which are not the direct responsibility of the Liquor Licensing Commissioner.

These changes will be achieved by expanding the role of the Casino Supervisory Authority which already supervises gaming operations, including gaming machines, conducted at the Adelaide Casino. This expansion is a logical progression of that Authority's current role and can be achieved with a minimum of effort. Thus, the new Authority would have similar powers in relation to gaming machine operations outside of the Casino to those currently available to the Casino Supervisory Authority with respect to the Casino. The Liquor Licensing Commissioner will become responsible to the Gaming Supervisory Authority for the scrutiny of the Casino and all gaming machine operations, and the Authority will have the overall responsibility for those matters, with the power to give directions to all licensees and to hold inquiries into any aspect of the Casino or the gaming machine industry. The Liquor Licensing Commissioner will still retain independence with respect to the exercise of statutory discretions under the *Gaming Machines Act* or the *Casino Act*.

Under the *Gaming Machines Act*, appeals against directions or decisions of the Liquor Licensing Commissioner are heard by the Casino Supervisory Authority. Decisions taken by the Commissioner under the *Liquor Licensing Act* are subject to appeal to the Liquor Licensing Court. There is a close link between liquor and gaming machine licensing and it would be sensible to place the responsibility for adjudicating on appeals with the Court. This will ensure consistency with respect to the hearing of appeals. It will also allow the Gaming Supervisory Authority to concentrate on its supervisory responsibilities. The Bill does provide for directions issued by the Liquor Licensing Commissioner, as distinct from decisions or orders, to be reviewed by the Authority, so that directions issued by the Commissioner which licensees consider unreasonable can be reviewed without the need for an appeal to the Court.

It is relevant to point out that the proposed arrangements for the supervision of the gaming and casino industries will not affect the essential independence of the Commissioner of Police or the Auditor General in these areas.

It is proposed that the new Authority will consist of five members (the Casino Supervisory Authority has only three members) in view of its expanded role.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement of the Act to be by proclamation.

Clause 3: Interpretation

This clause provides the necessary definitions.

Clause 4: Establishment of Authority

This clause establishes the Gaming Supervisory Authority.

Clause 5: Constitution of Authority

The Authority will consist of five members appointed by the Governor on the nomination of the Minister. One must be a legal practitioner of at least 10 years' standing or a retired judge of a superior court in this State or any other State or Territory or of the Commonwealth. A person is not eligible for appointment if he or she has a direct or indirect financial or personal interest in the undertaking under the casino licence or a licence under the *Gaming Machines Act*. The legal practitioner (or retired judge) will be the presiding member. Deputies may be appointed. The deputy of the presiding member must also be a legal practitioner or retired judge.

Clause 6: Conditions of membership

This clause sets out the term of office for members (a term not exceeding three years) and also sets out the grounds on which a member can be removed from office.

Clause 7: Allowances and expenses

This clause provides for members' allowances and expenses.

Clause 8: Validity of acts of Authority and immunity of members

This clause provides the usual immunity for the Authority and its members, and also provides for the validity of acts or proceedings despite vacancies in membership or defects in the appointment of members.

Clause 9: Conflict of interests

This clause prevents a member from taking part in decisions where there is a conflict of interest. Such conflicts must be declared and recorded.

Clause 10: Secretary

This clause provides for the position of Secretary to the Authority.

Clause 11: Functions and powers of Authority

This clause sets out the functions and general powers of the Authority. The Authority's functions in relation to the *Casino Act* are to determine the conditions of the casino licence, to ensure that a proper system of supervision over the casino is maintained and to advise the Minister on matters relating to the casino or the *Casino Act*. Its functions in relation to the *Gaming Machines Act* are to ensure that a proper system of supervision exists over the operations of all licensees under the Act and to advise the Minister on matters relating to those operations or the Act. The Authority can require the Liquor Licensing Commissioner to furnish the Authority with reports relating to the operations of the casino or any licensee under the *Gaming Machines Act* or relating to the Commissioner's scrutiny of those operations. The Authority may give the Commissioner directions (but not in relation to the exercise by the Commissioner of a statutory discretion).

Clause 12: Proceedings of Authority

This clause provides that a quorum of the Authority consists of two members plus the presiding member or deputy presiding member. The presiding member (or deputy) will determine questions of law or procedure.

Clause 13: Inquiries by Authority

This clause empowers the Authority to conduct inquiries. The Minister may initiate an inquiry into any matter relating to the *Casino Act* or the *Gaming Machines Act* or any licence under either of those Acts. Reports of inquiries must be laid before both Houses of Parliament unless the Authority recommends that they should remain confidential.

Clause 14: Powers and procedures of Authority on an inquiry or appeal

This clause sets out the powers and procedures of the Authority when conducting an inquiry or hearing an appeal. This provision is identical to the current provisions in the *Casino Act* and *Gaming Machines Act*.

Clause 15: Representation before Authority

This clause allows persons appearing before the Authority to do so by way of a legal practitioner or by an employee of a representative industry association.

Mr CLARKE secured the adjournment of the debate.

STATUTES AMENDMENT (GAMING SUPERVISION) BILL

The Hon. S.J. BAKER (Deputy Premier) obtained leave and introduced a Bill for an Act to amend the Casino Act 1983, the Gaming Machines Act 1992 and the Liquor Licensing Act 1985. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

This Bill gives effect to changes arising from the proposal to establish a Gaming Supervisory Authority. Apart from minor

amendments to remove reference to the Superintendent of Licensed Premises from the *Casino Act*, the Bill seeks to amend the *Casino Act* and the *Gaming Machines Act* to reflect the establishment of the Gaming Supervisory Authority and its powers and responsibilities. The *Liquor Licensing Act* is amended to allow the Licensing Court to consider appeals arising from the decisions or orders of the Liquor Licensing Commissioner under the *Gaming Machines Act*.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement by proclamation.

Clause 3: Interpretation

This clause defines "principal Act" for each of the Parts.

PART 2

AMENDMENT OF THE CASINO ACT 1983

Clause 4: Amendment of s. 4—Interpretation

This clause inserts the necessary new definitions in the *Casino Act*.

Clause 5: Repeal of Part II

This clause repeals the Part of the *Casino Act* that established the Casino Supervisory Authority.

Clause 6: Amendment of s. 12—Inquiry to be held by the Authority

This clause effects a consequential amendment.

Clause 7: Variation of conditions of the licence

This clause provides that a proposal for variation of the casino licence conditions may be initiated by the Minister, the Liquor Licensing Commissioner, the licensee (i.e. the Lotteries Commission) or the Authority itself.

Clause 8: Amendment of s. 19—Exclusion of certain persons from casino

Clause 9: Amendment of s. 21—Responsibility of Commissioner

Clause 10: Amendment of s. 22—Power of inspection

These clauses effect consequential amendments.

PART 3

AMENDMENT OF GAMING MACHINES ACT 1992

Clause 11: Amendment of s. 3—Interpretation

This clause inserts the necessary new definitions in the *Gaming Machines Act*.

Clause 12: Substitution of s. 5—Commissioner responsible to Authority for scrutiny of undertakings under certain licences

This clause changes the Liquor Licensing Commissioner's responsibility under the *Gaming Machines Act* from the present general administrative responsibility to the Minister to a more specific responsibility to the new Gaming Supervisory Authority for the constant scrutiny of the operations under all licences under the Act.

Clause 13: Repeal of ss. 11, 12 and 13—Authority may give directions to licensees

This clause repeals those sections that dealt with the Casino Supervisory Authority's inquisitorial powers (these are now covered in the *Gaming Supervisory Authority Bill*) and replaces them with a provision that empowers the new Authority to give written directions to any licensee under the Act. Failure to carry out such a direction bears a penalty of a division 2 fine or division 4 imprisonment (in the case of the holder of the monitor's licence) and division 3 fine or division 5 imprisonment in the case of any other licensee. The Authority's direction will prevail over a direction of the Commissioner.

Clause 14: Amendment of s. 69—Right of appeal

This clause provides a right of appeal to the Liquor Licensing Court from decisions or orders of the Commissioner or to the Authority in the case of a direction given by the Commissioner.

Clause 15: Amendment of s. 70—Operation of decisions pending appeal

This clause makes consequential amendments to the provision dealing with the operation of decisions, orders and directions pending appeal under the previous section.

PART 4

AMENDMENT OF THE LIQUOR LICENSING ACT 1985

Clause 16: Insertion of s. 12A—Jurisdiction of Court

This clause inserts a new section in the *Liquor Licensing Act* to make it clear that the Liquor Licensing Court has the jurisdiction conferred on it by that Act and any other Act (i.e. the *Gaming Machines Act*).

Clause 17: Amendment of heading

This clause is a consequential amendment to a heading.

Clause 18: Amendment of s. 19—Proceedings before the Court

This clause makes it clear that section 19 of the principal Act applies to all proceedings before the Court, whether under the *Liquor Licensing Act* or any other Act.

Clause 19: Amendment of s. 23—Appeal from orders and decisions of the Court

This clause provides that there is also no right of appeal to the Supreme Court from a decision or order of the Licensing Court on an appeal against a decision or order made by the Commissioner under the *Gaming Machines Act*.

Mr CLARKE secured the adjournment of the debate.

PARLIAMENTARY REMUNERATION (SALARY RATES FREEZE) AMENDMENT BILL

The Hon. G.A. INGERSON (Minister for Industrial Affairs) obtained leave and introduced a Bill for an Act to amend the Parliamentary Remuneration Act 1990. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

This Bill amends the *Parliamentary Remuneration Act 1990*, and in particular the definition of "base salary" for the purposes of that Act.

The effect of this Bill is to establish a fixed base salary for the purposes of the Act. That fixed base salary is $1 000 less than the amount applying as the Commonwealth parliamentary base salary as at 1 September 1994.

This proposal gives effect to the decision foreshadowed by the Premier in June of this year with respect to the fixing of State parliamentary remuneration. That decision is designed to limit the automatic flow on into the South Australian *Parliamentary Remuneration Act* of salary movements at the Federal level.

The Bill is an appropriate response by the State Government to the current issues concerning parliamentary remuneration.

I commend this Bill to the House and seek leave to have the explanation of clauses inserted into Hansard without my reading it.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 3—Interpretation

"Basic salary" is currently defined under section 4 of the principal Act as $1 000 less than the amount applying from time to time as Commonwealth basic salary. Commonwealth basic salary is, as the term suggests, defined by reference to the basic salary for Commonwealth parliamentarians. The definition of "basic salary" is then used under section 4 of the Act to fix the salary and additional salary for members of the South Australian Parliament.

The clause amends the definition of "basic salary" so that it is fixed at $1 000 less than the amount applying as Commonwealth basic salary as at 1 September 1994.

Mr CLARKE secured the adjournment of the debate.

SOUTH AUSTRALIAN WATER CORPORATION BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 3—After line 32 insert new clause as follows:

'Restriction on contracting out by Corporation

8A. The board must not cause or permit water or wastewater services or facilities to be provided or operated on behalf of the Corporation by another party under a contract or arrangement unless—

(a) the board first obtains a full and independent report as to the Corporation's capacity to provide or operate the same services or facilities competitively; and

(b) the report discloses that the Corporation could not provide or operate the services or facilities competitively.'

No. 2. Page 5, line 5 (clause 11)—Leave out subclause (2) and insert new subclause as follows:

'(2) the board consists of—

(a) four members appointed by the Governor; and
(b) the chief executive officer.'

No. 3. Page 5 (clause 11)—After line 8 insert new subclause as follows:
'(3a) At least one member of the board must be a woman and one a man.'

No. 4. Page 5, line 9 (clause 11)—After 'director' insert '(who must not be the chief executive officer)'.

No. 5. Page 5, line 10 (clause 11)—After 'director' (first occurring) insert '(who must not be the chief executive officer)'.

No. 6. Page 5, line 13 (clause 11)—Leave out 'a director' and insert 'an appointed director'.

No. 7. Page 5, line 19 (clause 12)—Leave out 'a director' and insert 'an appointed director'.

No. 8. Page 5, line 20 (clause 12)—Leave out 'a director' and insert 'an appointed director'.

No. 9. Page 5, line 22 (clause 12)—Leave out 'a director' and insert 'an appointed director'.

No. 10. Page 6, line 2 (clause 14)—Leave out 'A director' and insert 'An appointed director'.

No. 11. Page 6, line 12 (clause 15)—After 'director' insert '(who must not be the chief executive officer)'.

Amendment No. 1:

The Hon. J.W. OLSEN: I move:

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

The Bill returned from the Legislative Council contains a number of new amendments moved by the other place. The amended Bill is not one that the Government is prepared to support or agree with. The amendment moved by the Opposition in the other place would effectively remove the opportunity for outsourcing, which is a key component of the South Australian Water Corporation Bill, a key component of its objective and a key component to meet the requirements of Hilmer, the Federal Government and COAG. The Government has consistently said that it would pursue outsourcing in only four functions as nominated by the Deputy Premier and Treasurer in the main ministerial statement to this Parliament, and that that outsourcing would only take place provided that competitive tenders were lodged for outsourcing of those functions.

Given that position, the Government is not prepared to destroy, in effect, the main intent of this legislation. Therefore, we will be opposing this amendment and, in its place, seeking to insert an alternative amendment, as follows. I move:

New clause, page 3, after line 32—Insert—
Restriction on contracting out by corporation
8A. The board must not cause water or waste water services or facilities to be provided or operated on behalf of the corporation by another party under a contract or arrangement without first giving full consideration (having regard to the powers, functions and duties of the board under this Act, the Public Corporations Act 1993 and any other Act) as to whether the corporation could provide or operate the same services or facilities competitively.

That alternative amendment picks up the essence of the Opposition's amendment when the matter was first before the House of Assembly. Whilst there has been some variation of that amendment, the net effect is that the Government is prepared to accept the intent of the Opposition's original amendment but not that which subsequently has been moved and accepted in the Legislative Council. As to the principal effect of the second amendment, that is, as it relates to the composition of the board (and the intent of the Opposition's amendment is, in effect, to put the chief executive officer on the board), that was not the Government's intention. As the honourable member opposite would know, even in presenting evidence before the State Bank Royal Commission, the Government indicated that it was our view that a chief executive officer should not be a member of the board; that there should be a separation of the policy determination and management functions of a corporation.

Having said that, however, it is not the Government's intention to pursue that matter; we would reluctantly accept the amendment moved in the other place. However, regarding the first amendment, that is an issue of concern, hence the reason why I have put on notice today and had distributed an alternative amendment to that moved in the Legislative Council.

Mr FOLEY: The Opposition has approached the whole issue of corporatising the EWS with the seriousness and constructive approach incumbent on an Opposition in the current economic environment under which we all have to operate. The Opposition, as it said in its original contributions to this Bill, is mindful of the Hilmer report (indeed, the Hilmer report is the product of significant microeconomic reform put in place by a Federal Labor Government). We also highlighted, as has the Government, that we have some problems with elements of Hilmer, based upon the regional nature of our economy here in South Australia. Only yesterday I had the opportunity to have discussions with the Assistant Treasurer of the Federal Government, Mr George Gear, and we made that very point to him; that, whilst Hilmer is a national strategy to provide national microeconomic reform, it does not automatically mean that what is good for the eastern seaboard of this nation is good for South Australia.

The opportunity to discuss these matters with the Assistant Treasurer was very timely, but also gave the Federal Government yet again a reinforcing comment which I am sure the State Government has been putting, and which I am sure the Minister and Premier have put to the Federal Government, that certain conditions must be agreed to before South Australia can be truly a player as Hilmer would like us to be. The reason for the Opposition's moving the original amendment, which was defeated (the amendment was reissued in the Upper House in a different, stronger form) was essentially based upon our concern that the staff and work force of the EWS be given every opportunity to maintain their positions with the corporation.

I have, perhaps, a slight difference with the Minister that outsourcing and Hilmer do not necessarily go hand in hand. I acknowledge the need for the EWS to reform and to become a more efficient organisation. Much of that work has been done previously under former Governments and, indeed, much of the structural reform was undertaken by the former Government. The Opposition felt it important that existing EWS employees be given every opportunity to reform their own work sites and to be able to offer services at a competitive price that delivers the Government the savings it is looking for but still maintains their position within the EWS.

The Government did not accept our further amendment in the other place. However, it has resubmitted our original amendment together with another set of words. The Opposition will be supporting that amendment by the Minister. Whilst disappointed that we were not able to win the day on our tougher amendment, we are pleased that the Government has acknowledged that the general thrust of the Opposition in the earlier debate was worthy of some consideration. I appreciate the fact that the Minister has constructively taken that on board. The Government will achieve its savings but, in doing so, will at least give some of the work force an opportunity to tender for their own job.

I would also like to put to the Minister the issue of the work force. The Opposition would ask the Minister to give a commitment here today on behalf of the Government that

those employees of the corporation whose position will be made redundant through the outsourcing operations will be provided with the appropriate retraining and reskilling to enable them to seek a position, should they so desire, with an outsourcing contractor. The Hilmer report made the very statement that it was incumbent upon Governments, with their utilities, to ensure that those workers displaced did have the opportunity to be provided with the retraining and upskilling of their abilities to enable them to compete for positions with the contractor.

I would be seeking from the Minister today a commitment that the Government would be prepared to enter into discussions at the earliest opportunity both with the trade unions involved and with EWS management, with some involvement from the Minister at the beginning, to come to an agreement about a training regime and certain benchmark levels so that those EWS employees who do want to seek a position with an outsourcer but who do not possess the appropriate level of skills that a contractor may be requiring can, if they choose to do so, undertake a training regime that will give them the skills to compete for that job.

I think that is a fair and just request, and I would appreciate the Minister giving that commitment today. That commitment will need to be a real commitment obviously involving levels of expenditure. I could not hazard a guess at what expenditure levels will be needed to put the appropriate regime in place; however, with the TAFE system we have in this State, together with other in-house training and expertise available, that should not require a significant outlay, and given the huge social dislocation involved with outsourcing of this massive scale it is incumbent upon the Government to undertake that commitment.

The Hon. J.W. OLSEN: As a matter of simple social conscience the Government has no difficulty with the proposal put forward by the Opposition. The Government wants to ensure that those workers who will be outsourced have the best opportunity to find gainful employment with the outsourcer or with the expanded new water industry that the Government believes it can establish in South Australia through the course it is pursuing to position South Australia ahead of the other States in the international marketplace. Training and skills development is an important and integral part of attaining those goals.

From the Government's point of view, I am happy to give a commitment to the Committee that EWS management will have discussions with the respective union officials to ensure that an appropriate training mechanism is in place. It might not necessarily be with the TAFE system: it may well be in-house EWS training. That will be a matter pursued between EWS and the union officials to give the best opportunity for those looking at either taking a TSP or at outsourcing rather than redeployment within the EWS. The Government will facilitate the development of skills to provide the best opportunity for people to move to the private sector to participate in a meaningful way as employees in the private water industry in South Australia.

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 1 be disagreed to, and that the Minister's amendment to be inserted in lieu thereof be agreed to.

Question agreed to.

Amendments Nos 2 to 11:

The Hon. J.W. OLSEN: I move:

That the Legislative Council's amendments Nos 2 to 11 be agreed to.

Mr FOLEY: Who said you cannot achieve some things in Opposition? The Opposition has a view, and I am pleased that the Government on further consideration has shared that view, that the board of the new Water Corporation should be a small board. It is a board of five people, and under the original Bill the Chief Executive Officer of the EWS did not by right have a position on that board. The Opposition felt that that was a peculiar position given the nature of the organisation and the integral role that the Chief Executive Officer will play in the restructuring, reforming and driving of the new water corporation. I did not believe that not allowing that individual to have a position on the board was the most appropriate situation, notwithstanding comments of the Royal Commission into the State Bank of South Australia.

I suspect that the fact that the Chief Executive Officer sat on the board of the State Bank does not necessarily offer a correlation with whether one should be on the board of EWS. It is a difficult time for EWS or, as it will soon be called, the Water Corporation, and the Chief Executive Officer and his or her expertise will be integral to the success of the organisation. The Opposition's view is that that person should also be involved in the policy making decisions of that organisation, and that the argument for separation of powers as such does not provide the best fit for this organisation. He or she will only be one voice among five, so the Chief Executive Officer will not be in a position to dominate the board. However, the Chief Executive Officer will be in a position to provide his or her input into the organisation, and I welcome the Government's agreement to accept the amendment of the Opposition.

Motion carried.

CONSUMER CREDIT (CREDIT PROVIDERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 November. Page 922.)

Mr ATKINSON (Spence): The Opposition understands that this Bill ends the licensing of those credit providers who come within the scope of the Bill. The truth is that most credit providers such as banks, credit unions, building societies and insurance companies do not and never have come within the scope of the Bill. We understand that a national uniform consumer credit code will come into force in September 1995, and some aspects of this Bill anticipate that code. The only aspect of the Bill with which the Opposition quibbles is the loss of jurisdiction to the Commercial Tribunal.

This is part of a pattern of Bills that have been before the House recently, and the Opposition sees no reason why the Commercial Tribunal ought to lose its jurisdiction to the District Court. That case has been made in other debates and I will not labour the point. I accept the argument of the Government that there have been very few cases arising out of this Act before the Commercial Tribunal in the past 12 months; nevertheless, the Opposition must record its objection to the loss of the Commercial Tribunal's jurisdiction, because it is part of a pattern of which the Opposition disapproves. With those few remarks the Opposition supports the Bill.

The Hon. S.J. BAKER (Deputy Premier): I thank the member for Spence for his consideration of the Bill. It is almost a cognate debate with the three or four matters that have already been considered. The honourable member is quite correct in his summary of the Bill, indicating that the

issues concerning the District Court and the tribunal loom large again in the amendments that the Government will be moving during the Committee stage. That is a matter currently under discussion, and I hope that the matter of who should oversee the system has been concluded by now. These Bills will incorporate a consistent system which will have some of the flavour of the tribunal. If I can properly second guess the conference, it will make the tribunal more workable by putting it under the jurisdiction of the District Court, but in non-legal matters there may be a relaxation of the rules involving evidence. We are really debating the same issues with this Bill and therefore we will be moving much the same sort of amendments that we moved with the other three Bills relating to land agents.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Interpretation.'

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

Page 2, after line 5—Insert new paragraph as follows:
(f) by striking out the definition of 'the tribunal'.

This amendment relates to the District Court as opposed to the tribunal. I believe that the matter will be satisfied during the conference on the other Bills.

Amendment carried; clause as amended passed.

Clause 5 passed.

Clause 6—'Substitution of Part.'

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

Page 3—
Line 2—Leave out 'tribunal' and insert 'District Court'.
Line 6—Leave out 'tribunal may' and insert 'District Court must'.
Line 9—Leave out 'tribunal, the tribunal' and insert 'District Court, the court'.
Line 16—Leave out 'tribunal' and insert 'court'.
Lines 19 and 30—Leave out 'tribunal' and insert 'District Court'.
Page 4—
Lines 8, 19 and 25—Leave out 'tribunal' and insert 'District Court'.
Page 5, line 3—Leave out 'tribunal' and insert 'District Court'.

Amendments carried.

Mr ATKINSON: The Opposition is curious as to why the Government should make such haste in removing the licensing requirement from the Bill when this could have waited until the Government brought in a Bill to bring South Australia into line with the consumer credit code, as it will do presumably early next year. Could it not have waited until then?

The Hon. S.J. BAKER: As the member would recognise, there have to be some consequential changes as a result of these Bills being passed. I presume it is the Attorney's intention to get the package sorted out with all the regulations. We are doing this now to ensure that the package goes forward. During the conference a number of matters were raised in relation to the previous Bills, which allude to certain other changes that have to take place in the interim. I presume that the proclamation of these Bills will be delayed until those things are put in place.

In terms of the specific question asked, the licensing issue has been well debated, and it was explained in the second reading explanation. Who is licensed, how far you licence and the fact that other legislation overlays this because we have uniform legislation are all matters to be considered. There is no licensing in respect of uniform credit legislation. The Commonwealth has been reasonably consistent on the issue of licensing and, because of the arrangements between the States, it will make it almost impossible for South Australia to have a set of rules that are different from those operating in other States. The member would well remember, having participated in the debate, the issue of being able to practise in different States and the fact that there should be no bar to that. I believe that answers his question.

Clause as amended passed.

New clauses 6A and 6B—'Amendment of sections 40 and 41.'

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

Page 5, after line 9—Insert new clauses as follows:
Amendment of s. 40—Form of credit contract
6A. Section 40 of the principal Act is amended by striking out from subsection (4) 'tribunal or'.
Amendment of s. 41—Form of contract that is a sale by instalment.
6B. Section 41 of the principal Act is amended by striking out from subsection (3) 'tribunal or'.

These new clauses are consequential.

New clauses inserted.

Clause 7 passed.

New clause 7A—'Harsh and unconscionable terms.'

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

Page 5, after line 11—Insert new clause as follows:
Amendment of s. 46—Harsh and unconscionable terms
7A. Section 46 of the principal Act is amended—
(a) by striking out from subsection (1) 'tribunal' and substituting 'District Court';
(b) by striking out subsection (2) and substituting the following subsection:
(2) In—
(a) proceedings before the District Court under subsection (1);
or
(b) proceedings before a court for the enforcement of a credit contract guarantee or instrument to which this section applies, or for the recovery of damages or other compensation for the breach of such a contract, guarantee or instrument,
the court may grant relief under this section.;
(c) by striking out from subsection (3) 'tribunal or the';
(d) by striking out from subsection (5) 'tribunal' and substituting 'District Court';
(e) by striking out from subsection (6) 'tribunal or a' and 'tribunal or';
(f) by striking out from subsection (7) 'tribunal or'.

This reinstates what was intended in the first place and is again consequential.

New clause inserted.

Clause 8 passed.

New clause 8A—'Relief against civil consequences of non-compliance with this Act.'

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

Page 5, after line 17—Insert new clause as follows:
Amendment of s. 60A—Relief against civil consequences of non-compliance with this Act
8A. Section 60A of the principal Act is amended—
(a) by striking out from subsection (1) 'tribunal' and substituting 'District Court';
(b) by striking out from subsection (3) 'tribunal' and substituting 'District Court';
(c) by striking out from subsection (4) 'tribunal' and substituting 'District Court';
(d) by striking out from subsection (5) 'tribunal' and substituting 'District Court';
(e) by striking out from subsection (9) 'tribunal' and substituting 'District Court'.

The amendments reinstate the District Court over the tribunal.

Mr ATKINSON: What does the Deputy Premier mean when he says 'reinstate'? It seems that, contrary to Standing Orders, he is referring to debate in another place. The Bill, as it came into this place, contained no reference to the District Court but referred only to the Commercial Tribunal. I ask the Deputy Premier to be more careful with his language.

The CHAIRMAN: The honourable member is correct with the point that he makes.

New clause inserted.

Clause 9 passed.

Schedule—'Transitional provisions.'

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

Page 6, line 7—Leave out 'Commercial Tribunal' and insert 'District Court'.

Amendment carried; schedule as amended passed.

Title passed.

Bill read a third time and passed.

SECOND-HAND VEHICLE DEALERS BILL

Adjourned debate on second reading.

(Continued from 2 November. Page 926.)

Mr ATKINSON (Spence): The Opposition has studied the Second-hand Vehicle Dealers Bill most carefully. The Bill, in the form in which it has been presented to the House, is an improvement of consumer protection and much to be desired. The Opposition will support the Bill in its current form. The Bill retains licensing for second-hand vehicle dealers. At a time when Government Bills have removed the need for licensing from several vocations in the past week, the Liberal Government clearly sees the need to continue licensing these dealers.

The Bill seeks to replace the indemnity fund to which all second-hand motor vehicle dealers must contribute. This indemnity fund has been used to pay for repairs to vehicles sold under warranty when the dealer has gone out of business or has otherwise been unable to pay for repairs owed to the purchaser. Dealers are not keen on the indemnity fund because they say that the good dealers subsidise the bad dealers. Dealers are still angry at the near exhaustion of their indemnity fund after Medindie Car Sales failed.

Instead of the indemnity fund, the Government proposes compulsory warranty insurance. The Opposition would support this if it could be assured that every dealer would have this insurance. The Bill provides that a dealer may not obtain a licence unless he can prove that he has 12 months' indemnity insurance. That provision assures us that insurance can be a substitute for the indemnity fund, but the Government proposes to take out that requirement. Our worries therefore remain. The Opposition thinks that a car dealer who is in financial trouble may not spend money on warranty insurance and thereby leave buyers with cars unable to be repaired in accordance with the warranty. The buyer will not get his repairs as he would have under the indemnity fund, and the subsequent fining of the car dealer will be no comfort to him.

I do not think, as the Government does, that warranty insurance will encourage individual responsibility among dealers. The cost of failed car dealers will still be shared. The more they fail, the more premiums will rise. The Opposition believes that the indemnity fund encouraged collective responsibility among dealers. Preservation of the indemnity fund might have encouraged dealers to dob in other dealers who were on the road to bankruptcy or to do something to avert another dealer's call on the indemnity fund. Insurance policies undermine that collective responsibility.

The Opposition supports the clause that ends the customer's option of waiving by certificate his right to have a dealer repair defects. This optional waiver was inserted for buyers who were mechanics or otherwise employed in the motor trade and who could be expected to make their own judgment about a second-hand motor vehicle. The provision for waiver was abused in recent years as it was used as a negotiating tool in second-hand car yards.

One of the improvements in consumer protection from the Opposition's point of view is the proposed three-day cooling off period for the purchase of a motor vehicle. The other two types of sales that must have a cooling off period in South Australia are door-to-door sales and the sale of real estate. The Opposition thinks that for individuals and families the purchase of a second-hand motor vehicle is second in importance only to the purchase of a home and that a cooling off period is justified. Alas, the Government has indicated that it will seek to omit the clause that allows for a cooling off period even though the Opposition's cooling off clause allows a buyer to waive the cooling off period.

The Deputy Premier told the House that 'major changes to the warranty provisions themselves are not proposed.' That is strictly true, but the Government proposes to amend the Bill to withdraw warranty coverage from most cars on sale in this State. As things stand now, a vehicle is under warranty provided it costs more than $3 000, is not more than 15 years old and has not travelled more than 200 000 kilometres. The Liberal Government seeks to move to amend the Bill to exclude the warranty beyond 10 years or 160 000 kilometres. Cars are better made today than ever, so in the Opposition's view the Government's proposed exclusion of these ever more robust cars from warranty after 10 years or 160 000 kilometres goes against the evidence.

The Bill also excludes from warranty motorcycles that have travelled more than 60 000 kilometres or are more than 10 years old. The Government seeks to exclude from warranty motorcycles that have travelled more than 30 000 kilometres or are more than five years old. The Opposition will resist this amendment. The philosophical division between the Labor Party and the Liberal Party on consumer protection could not be clearer than in these clauses. The Bill transfers responsibility for licensing second-hand motor vehicle dealers from the Commercial Tribunal to the Commissioner for Consumer Affairs. The Opposition does not object to that transfer provided the dealer can appeal to the Commercial Tribunal. We do, however, object to the Government's intention to eliminate the jurisdiction of the Commercial Tribunal over second-hand motor vehicles and give jurisdiction to the Magistrates Court.

The difference between the Government and the Opposition on the question of the Commercial Tribunal's jurisdiction is the same in this Bill as it has been in other recent Bills—I shall not labour the point. The Opposition is also curious about the delegation of regulatory power under the Bill to private associations, presumably such as the Motor Traders' Association. Again, this curiosity is the same as that which we expressed in regard to similar delegations in other recent Bills. In conclusion, the Opposition will support the Bill in its current form and defend it in the Committee stage.

The Hon. S.J. BAKER (Deputy Premier): I thank the honourable member again for his thorough consideration of this piece of legislation, and I appreciate the effort he makes to understand the Bill. As has been pointed out, there are some fundamental differences between the Government and the Opposition on this issue, and they relate to a number of matters. I know that the honourable member believes that the indemnity fund only enhances the situation of those who do not do the right thing. I think that some second-hand motor vehicle dealers who invariably default actually sneak back into the system under another name and with another

company and continue to do the same sorts of things they have always done with the same calamitous results.

This industry is fraught with difficulties and, quite frankly, some members of the industry are totally dishonest. That is not a reflection on all second-hand motor vehicle dealers, but the industry's history is not as good as it should be. When we reflect on the history of the second-hand motor vehicle industry, we could say that no-one has actually got it right. It seems that the industry is still as fallible as it always was. I know that those who are very reputable dealers—the honourable member would know a number of them, and I certainly know a large number who are strongly dedicated to delivering a first class service—get very angry with some of their colleagues in the industry who never have any intention of honouring any warranties they provide. Indeed, once they have skimmed the cash out of the system, they often are seen heading for the border.

So, this industry has had a lot of difficulties. Because of the nature of the industry itself we must be a little sensitive to past practices which we have not stamped out. I do not believe that anyone will fully stamp them out. All we can do is ensure that as many useful provisions as possible are put in place to reduce the activities of those who would wish to make a quick dollar at the expense of the unsuspecting motorist. The issue of the indemnity fund has been well canvassed. The Government believes that an insurance system is more appropriate, because those who are not of goodwill and good practice will not be insured by any reputable insurance company.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: I think the issue of who does over the buyer and where they seek some repair as a result of the action that has or has not been taken by the dealer is a matter that is addressed by the Bill. It can in fact be accommodated.

Mr Atkinson: A fine will not repair the car.

The Hon. S.J. BAKER: As the honourable member has quite rightly pointed out, a fine will not repair the car. Therefore it is vital, if this scheme is to succeed under the scrutiny of the Opposition and if what we wish to have in place succeeds in the Parliament, that it has to be enforced. It will mean that those people who have a particularly bad reputation will not be able to practise because they will not be able to afford the insurance; and those who are of goodwill will pay less but will provide the adequate coverage necessary should unforeseen circumstances prevail.

We are all aware of the cost of running the industry. A large stock of cars carries a high interest component. There are enormous pressures on this industry. New motor vehicle sales fell during the high interest rate period that prevailed during the late 1980s. The honourable member would recognise that a number of car yards disappeared during that period because they could not survive. There have been a number of hearings by the Commercial Tribunal on matters affecting second-hand motor vehicles. We do not believe that the provisions we wish to see in place will affect the capacity of the consumer to get justice in what is regarded as a very difficult industry. We also believe that there is a role, as was previously explained, for the MTA to play, just as there is a role for the REI to play in relation to the land agents and conveyancing matters which we considered previously.

The difficulty of a cooling-off period has occupied the mind of many people. The Government appreciates the sentiment involved. If somebody makes an investment of $2 000, $3 000 or $5 000, they should, according to some people, have a right to think about it after they have signed up. There are some impracticalities involved in that, particularly in relation to trade-ins. I do not think a dealer wants to see a car disappearing through the gate after saying, 'This is the trade-in price; I am giving you $2 000 or $3 000 on your vehicle', and have the vehicle returned with a few more kilometres on the clock than the salesman would have wished.

Mr Atkinson: In three days?

The Hon. S.J. BAKER: In three days, of course. The fact is that you can drive a car through the gate and get hit. I know a deal that got to the signing up stage, they drove around the corner and got hit. So they had to renegotiate the deal, because the vehicle that was to be the trade-in was not the vehicle that was returned. Explanations had to be made as to how—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: They had to renegotiate; I guess that was the issue. But the more fundamental issue is the extent to which the car is used and abused and parts changed during the period between the contract's being signed and the transaction's taking place.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: Then we get into the issue of the cooling-off period, but somebody will not have a car under that process. There are those sorts of practical issues. It may be that it does not suit either the consumer or the trader to operate in that fashion. There are many examples where it is impractical for the three days' cooling-off period to be a viable proposition. The honourable member would recognise that people from the country or interstate who need another vehicle—

Mr Atkinson: That is why, under the clause, the cooling-off period can be waived.

The Hon. S.J. BAKER: I appreciate that the matter is not black and white. The honourable member has presented some options to the House. The issue of the cooling-off period was vigorously debated, as was the issue of when a warranty on a vehicle should prevail. With regard to the old adage 'buyer beware', to what extent should people be paying for a warranty which quite often does not mean a great deal and which is on cars that really should not carry a warranty?

I appreciate that the honourable member has explained the issues particularly well. We will be going into Committee to debate the merit of the amendments that the Government intends to move. I think that this Bill in principle is of greater interest than perhaps some of the other Bills we have debated, because it goes right to the heart of consumer legislation and the rights of unsuspecting buyers. I believe that perhaps this matter has more importance and that the changes have more significance than others we have debated previously.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

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

Page 2, lines 16 and 17—Leave out these lines.

This amendment relates to the definition of 'tribunal'. Obviously it is the test clause. The debate has been covered under the other Bills that we have previously addressed.

Amendment carried; clause as amended passed.

Clauses 4 to 9 passed.

Clause 10—'Appeals.'

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

Page 5—

Line 27—Leave out 'tribunal' and insert 'Administrative Appeals Division of the District Court'.

Line 30—Leave out 'tribunal' and insert 'District Court'.

Page 6—

Line 5—Leave out 'tribunal' (first occurring) and insert 'District Court'.

Line 6—Leave out 'tribunal' (twice occurring) and insert, in each case, 'court'.

Line 8—Leave out 'tribunal' and insert 'District Court'.

Line 10—Leave out 'tribunal' and insert 'court'.

The matter of the tribunal's no longer being the vehicle through which matters will be contested has been debated. The amendments are consistent with that design.

Amendments carried; clause as amended passed.

Clause 11 passed.

Clause 12—'Requirements for insurance.'

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

Page 7, lines 1 to 9—Leave out these lines.

Rather than relying on the Act to describe the universe, we are saying that it is up to the regulatory process. We do not believe that these are issues of such import that they should be within the Act. One of the continuing issues is the extent to which the terminology and technology changes, and therefore Acts have to be amended so that the regulations are far more simple. It is the Government's intention, through the regulations, to put in place a scheme by negotiating with the insurer which will cover all contingencies, including a provision that the insurance cannot be avoided in the event of death, insolvency or default.

The Government intends to maintain flexibility by dealing with the issue of insurance in a comprehensive scheme under the regulations, as opposed to a less flexible approach under the current draft of the Bill to provide for this in the regulations. It was intended that evidence of current insurance would have to be produced not only at the time of application for a grant of licence but periodically. It was also intended that there would be constant monitoring to ensure that insurance was current and had not been avoided by surrender or other processes.

The Act provides consequences for trading without being licensed. There are substantial penalties in the form of a Division 5 fine, which will be a deterrent to allowing a policy of insurance to lapse. The Government's preference is to have the flexibility which the promulgation of a scheme in regulations would allow. The regulations would address any of the concerns by members in relation to the issue of insurance. This is consistent with our desire to provide for an insurance scheme. The honourable member has already expressed his reservations about that process.

What we are doing with this amendment is allowing the regulations to be the vehicle by which we control the industry rather than the legislation because, as I previously pointed out, I know that, for example, in the South Australian Government Financing Authority the number of financial instruments that are now in the marketplace compared with those of five years is quite dramatic. Therefore, the means by which people can provide for themselves adequately, in this case insurance—who should be an insurer, whether they are reputable; all those issues—should be done by regulation rather than by legislation. I can understand the honourable member would contest the issue of insurance and the extent to which it is possible for people to circumvent the system by signing up for a limited period or letting something lapse at the end of that period, and it is a matter of suitable import.

Mr ATKINSON: The Opposition supports the original clause and seeks to resist the amendment. The Deputy Premier said that this does not need to be dealt with in the Act; it is better dealt with in the regulations. He says that because he thinks that new forms of villainy will be invented and it is necessary to be flexible and to combat those forms of villainy by regulation. I do not think there are any new forms of villainy in selling used cars. They have all been well tried; we know what they are. The Labor Party supports the requirement for a second-hand motor vehicle dealer to have warranty insurance at all times to be in the Act, not hidden away in the regulations. For a moment, I want to analyse the text of this clause. It provides:

(1) A person must, at all times when carrying on business as a dealer, be insured in accordance with the regulations.

(2) A dealer's licence is suspended for any period for which the dealer is not insured as required under subsection (1).

The Government and the Opposition agree that far. I emphasise that the insurance we are talking about is a second-hand motor vehicle dealer being insured for repairs he may be obliged to carry out for a buyer under a warranty that the car is of a certain standard. Often dealers go out of business. The buyer might bring in a car for repair under the warranty but the repairs cannot be carried out because the dealer has gone bust. The repairs are now carried out at the cost of the indemnity fund. The Liberal Government wants to abolish the indemnity fund and have the dealers take out insurance individually to cover this possibility—the possibility of going bust and the buyer being unable to have his car repaired in accordance with warranty. So the Labor Opposition proposed a further subclause, and it is in the original Bill, as follows:

(3) A licence dealer must lodge with the Commissioner a certificate in the manner and form required by the Commissioner evidencing the dealer's insurance coverage as required by this section—

(a) on or following the grant of the dealer's licence; and

(b) when lodging the annual return.

We did that because it allows the dealer's holding of insurance to be reviewed at least every 12 months. What the Labor Opposition requires of used car dealers is that they show, every time they renew their licence, that for the next 12 months they have insurance coverage for repairs they might have to carry out under warranty. What the Liberal Government seeks to do by this amendment is to strike out that requirement and just rely on the dealer's having insurance. They might or might not have insurance. If it turns out that they do not have insurance, the buyer cannot have his car repaired in accordance with the warranty.

The Government says, 'Oh, yes, we will fine the dealer for not having insurance; we'll slap a fine on him.' The Labor Opposition says, 'That is not good enough, because a fine on the dealer does not repair the buyer's car; the buyer just misses out.' That is why the Labor Party proposed new subclause (3) that I have just read out: it would require the dealer to show the Commissioner for Consumer Affairs that he had the appropriate insurance for the next 12 months. That is the way to protect buyers of used cars. By getting rid of that clause, as the Deputy Premier proposes to do, he exposes buyers of used cars to the risk that, when they need to repair their car, the insurance will not be there. Sure, the Government will be able to fine the dealer, but that is no comfort to the buyer.

The Hon. S.J. BAKER: I thank the honourable member. He has put a very lucid argument about this issue, and most members in this House would agree with him. Simply, we do not want to avoid the need to ensure that someone has the appropriate insurance. What I said earlier was that we did not want to restrict the means by which that matter is scrutinised—

Mr Atkinson: Flexibility.

The Hon. S.J. BAKER: Flexibility, yes indeed. I suggest to the honourable member that, if we do get it wrong, we will

know about it very quickly. I do not know that we are anxious to cause ourselves a great deal of difficulty. A whole lot of new instruments are arising everyday—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: It's is not my concern: it will be the Attorney's concern. The Attorney did not want actually to restrict the Bill to say, 'You have done your duty when you have put in your annual licence and that has an insurance policy associated with it.' He did not believe that was necessarily appropriate, although the principle is appropriate. It was not a lack of interest in the principle. The Attorney said, 'We want the best coverage we can get under the circumstances, realising the shortcomings of the industry.' However, at the same time, the Attorney has said that there may be a better way of ensuring that that licence is maintained and that it is with an appropriate insurer, not some company set up for the purpose of taking on all the dud insurance policies on the cheap. That is not covered in the honourable member's amendment at all, as he can appreciate. I assure the honourable member that we do not want to ensure that diligence is applied: we are looking at other means of ensuring that that diligence is applied.

Mr ATKINSON: I hope the Deputy Premier can offer the member that assurance and the member will accept it.

Amendment carried; clause as amended passed.

Clauses 13 to 16 passed.

Clause 17—'Form of contract.'

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

Page 11, line 23—Leave out this line.

This amendment deals with the issue of a cooling off period. The correspondence on this issue is quite extensive. However, the former Minister of Consumer Affairs did not like the idea, either, for the reasons that I mentioned in the second reading reply. There are a number of impractical points associated with the cooling off period. In this circumstance we are guided by history, to a large extent, and the willingness of both buyers and sellers to have this separation to the extent of three days. This matter has been debated.

Mr Atkinson: The former Minister was all in favour of it.

The Hon. S.J. BAKER: If one former Minister was in favour of it she did not do much about it at the time. The frustration of not getting it done in Government may have motivated these amendments. Again, I have some sympathy with the arguments being put by the member for Spence. This matter has been debated. A recent review of the Victorian Motor Traders Act 1986 revealed that even though a cooling off period has existed for some time many consumers were unaware of their cooling off rights and that others believed they were legally obliged to waive their rights prior to taking delivery or that they would not be given access to finance unless they did so.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: It may be that he has not got around to it yet. Further, whilst it is stated that the three-day cooling off period is reasonable, suggestions have been made by sections of the industry that the cooling off period be reduced to one day, although there is no general agreement, even on this. The suggestion is that Victoria is the only other State that does it. The other suggestion is that it does not work particularly well and no-one is very delighted by it.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: As the honourable member suggests, it has not been repealed. That could be for a number of reasons and, as I am not able to look into the mind of the appropriate Minister in Victoria, I cannot provide any further information to the Committee than that which I have in front of me. There are a number of issues in relation to the cooling off period, including finance and the ability to obtain it. As I said, I have some sympathy with the argument put by the honourable member. However, on this occasion we believe that the majority of Australia works as well as can be expected in this industry without the cooling off period. Therefore, it is appropriate not to proceed with it here.

Amendment carried.

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

Page 12, lines 8 and 9—Leave out 'unless expressly provided for by this Act'.

Amendment carried; clause as amended passed.

Clause 18 passed.

Clause 19 negatived.

Clauses 20 to 23 passed.

Clause 24—'Duty to repair.'

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

Page 17, line 16—Leave out '15' and insert '10'.

This matter relates to whether a vehicle should have a warranty after 15 years or 10 years. The current wisdom is that perhaps it is inappropriate that vehicles have a warranty after 10 years. That is the case that prevails in New South Wales and the Northern Territory, but it is not necessarily universal throughout Australia, as members would appreciate. It is a feeling that perhaps at the 10-year mark people should really be looking at vehicles, testing them properly and having them properly examined and then making up their mind about the price, and not having to pay an inflated price for a warranty that may or may not do them any good at the end of the day.

There have been considerable problems with this. I know that some people take their rights very seriously to the point where upholstery is not quite of the order that it should be, and there have been a number of faults that are not of a particularly material nature in terms of the operation of the vehicle. There has been considerable contest because obviously after 10 years the vehicle has deteriorated dramatically and it is a matter of whether the price is representative of its performance.

That may relate more to the engine and its moving parts than to the decor. It is a matter that has caused considerable discussion and consternation over a period. If you are going to nominate a period it may well be that 10 years is far more appropriate. It should mean that people get a cheaper vehicle in the process, because there does not have to be a warranty associated with it. It will be incumbent on the people concerned to take the time to ensure that, if they are paying a particular price for a vehicle, that price is commensurate with the capacity of that vehicle to perform. We are reducing the period from 15 to 10 years, but I am sure that the member for Spence would wish to contest that issue.

Mr ATKINSON: The Opposition opposes the amendment. The Deputy Premier is right: the member for Spence does want to contest the amendment. The Deputy Premier says that, if we eliminate from warranty secondhand motor vehicles that are more than 10 years old, buyers will get a cheaper car. They will get a cheaper car because the car is not under warranty. I guess the Deputy Premier sees it as desirable that cars be cheaper even if they are not in good condition, yet this is the same Government that wants to introduce compulsory annual inspections of motor vehicles to ensure their roadworthiness. I find it hard to reconcile the two positions: the Deputy Premier's desire under this Bill that

you get cheap cars, even if they are bombs; and his Government's position that we should have compulsory annual checks for roadworthiness.

The two positions do not fit together—unless you take into account one thing: that is, that the Motor Trade Association kicked the tin for the Liberal Party at the last election. If you look at it from the Motor Trade Association's point of view, reducing the number of secondhand vehicles that are required to be under warranty is desirable. That is good for dealers in secondhand motor vehicles. Secondly, compulsory annual checks on roadworthiness are good for the Motor Trade Association, because its members get paid for the checking. It seems to me that this Bill is driven by a private interest group. Once the public has that knowledge it can reconcile this apparently contradictory position that the Government is holding.

The Labor Party is currently considering its position on compulsory annual checks for roadworthiness, and that matter will be debated by our State council within the next month. But the Labor Party's position on the clause before us is straightforward: we think that cars that have been manufactured in the past 15 years are sturdier and more long lasting than they have ever been and that, therefore, there is no need to eliminate from warranty cars that are older than 10 years. We think it is fair to retain the current provision that used motor vehicles be excluded from warranty when they are older than 15 years. Accordingly, we support the original form of the clause and oppose the amendment.

The Hon. S.J. BAKER: I should respond to the entirely gratuitous comment made by the member for Spence that somehow there is a dollar in this and it is something related to an election promise. I can assure him that that is not the case. I also make the comment that the compulsory checks, as mentioned by the member for Spence, are in operation in other jurisdictions but have not as yet been brought into this State and are a matter under discussion. One school of thought says that we have to improve the roadworthiness of our vehicles—exactly the point made by the member for Spence. So, he cannot have it both ways.

Mr Atkinson: No, you're having it both ways.

The Hon. S.J. BAKER: No, the member for Spence says, 'We have to improve the roadworthiness of vehicles and, therefore, we have to keep a warranty on for 15 years', but then he says, 'I don't like the idea of compulsory road checks.'

Mr Atkinson interjecting:

The Hon. S.J. BAKER: Next month, okay. I am glad that we are not so far apart. On the issue of the 'old bombs', as the member for Spence so rightly described them, the statistics show that, unfortunately, if you took the mean age of all cars on the roads, South Australia has the oldest car fleet in Australia and potentially, I guess, one of the oldest in the western world. That is the product of a whole range of things including lack of income, habit, rural influences, the economy and the last 20-odd years under the previous Government: there is a whole range of issues we could consider in terms of why we have such old cars on the road. We do not believe that those safety nets should go beyond the 10-year period; we do not think it appropriate for them to do so.

We expect people to take a great deal more care in the way they select their cars. The member for Spence would recognise that many of these cars are sold from back yards with no warranties whatsoever: it is cash on the barrel, down the road and used by the next person. So, many of the cars we are talking about are well outside the auspices of the Act. Car yards simply do not like these old bombs sitting there. They are a hassle and there is not much money on the end of them. The money that is on the end of them is all bound up in warranty because of the restrictions placed upon them by the Government.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: When it's stolen, I think. There are many sound reasons why motor vehicles over 10 years old should not be subject to warranty. The member for Spence has already said, 'Look at all these old bombs.' I think he has actually answered his own question, but I do appreciate it is a matter of contest.

Amendment carried.

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

Page 17, line 18—Leave out '200 000' and insert '160 000'.

Basically, this amendment is of a similar nature, and it involves the issue of when a car becomes less useful or is subject to a significant amount of repair. Leaving aside taxis and all the other well travelled vehicles, I think the average usage of a vehicle is around 15 000 kilometres per annum, if my memory serves me right. We believe that the 160 000 is a pretty reasonable position to take; that after that time the warranty runs out. Again, I am sure the member for Spence would say 200 000 is better than 160 000, so we can assume that it is contested.

Mr ATKINSON: Mr Chairman, 200 000 is better than 160 000.

Amendment carried.

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

Page 17—
Line 20—Leave out '10' and insert 'five'.
Line 22—Leave out '60 000' and insert '30 000'.

For reasons previously canvassed, the experience in respect of the warranty of motorcycles suggests that with the ratios, if we believe that 15 goes down to 10, a large number of motorcycles on the road were built to last only a few years. I think they are called 'highly rated' motorcycles that have a small engine capacity but significant capacity for speed. The figures relate to average usage and what is a reasonable average lifetime for a vehicle under normal circumstances. The Government submits that a warranty of five years and 30 000 kilometres is more than enough for a motorcycle.

Amendments carried; clause as amended passed.

Clause 25—'Enforcement of duty to repair.'

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

Page 20—
Line 20—Leave out 'tribunal' and insert 'Magistrates Court'.
Line 30—Leave out 'tribunal' and insert 'Magistrates Court'.
Line 31—Leave out 'tribunal' and insert 'Magistrates Court'.
Page 21—
Line 3—Leave out 'tribunal' and insert 'Magistrates Court'.
Line 23—Leave out 'tribunal' and insert 'Magistrates Court'.
Line 29—Leave out 'tribunal' and insert 'Magistrates Court'.
After line 30—Insert—
(10a) The Magistrates Court Act 1991 applies to an application to the Magistrates Court under this section in the same way as it applies to a minor civil action referred to in section 3(2)(b) or (c) of that Act.
Line 31—Leave out 'tribunal' and insert 'Magistrates Court'.

Amendments carried; clause as amended passed.

Clause 26 passed.

Clause 27—'Cause for disciplinary action.'

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

Page 22—
Line 26—Leave out 'tribunal' and insert 'District Court'.
Lines 31 to 35—Leave out these lines.

Amendments carried; clause as amended passed.

Clause 28—'Complaints.'

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

Page 23, line 8—Leave out 'tribunal' and insert 'District Court'.

Amendment carried; clause as amended passed.

Clause 29—'Hearing by tribunal.'

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

Page 23—
Line 11—Leave out 'tribunal' and insert 'District Court'.
Line 14—Leave out 'tribunal' (twice occurring) and insert, in each case, 'court'.
Line 19—Leave out 'tribunal' and insert 'court'.

Amendments carried; clause as amended passed.

Clause 30—'Disciplinary action.'

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

Page 23, line 21—Leave out 'tribunal' and insert 'District Court'.
Page 24, line 5—Leave out 'tribunal' and insert 'court'.

Amendments carried; clause as amended passed.

Clause 31—'Contravention of orders.'

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

Page 24—
Line 20—Leave out 'tribunal' and insert 'District Court'.
Line 26—Leave out 'tribunal' and insert 'District Court'.

Amendments carried; clause as amended passed.

Clause 32—'No waiver of rights.'

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

Page 25—
Line 4—Leave out 'Except as expressly provided by this Act, a' and insert 'A'.
Line 7—Leave out 'otherwise than as expressly provided by this Act'.

Both amendments are consequential on the cooling off period.

Amendments carried; clause as amended passed.

Clause 33—'Interference with odometers prohibited.'

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

Page 25, lines 31 to 33 and page 26, lines 1 to 4—Leave out these lines.

This is another amendment which is important. The amendment is designed to remove a provision included in the Bill in another place with respect to interference with odometers. This is not in keeping with the structure of the Bill which is aimed at the licensing of second-hand dealers and provides sanctions against licensees who act improperly, and provides some criminal penalties for matters such as odometer interference. The legislation is not designed to provide mechanisms for consumers to recover, rather it affords consumers protection through the licensing regime.

If we accept this issue, there are many other issues that would have to be canvassed including the favourite trick of swapping over important parts of a car, which occurs on occasions, and using various devices to make sure that a car lasts for the warranty period. There are a whole range of devices that have been well known to the industry over a long time and are still being used. That is not the nature of the legislation, but the Government appreciates the issue raised. The Government says that this issue is dealt with in another way and it is not appropriate to have it in the Bill.

Mr ATKINSON: If we are not going to deal with the harm caused by winding back odometers this way, how will we deal with it?

The Hon. S.J. BAKER: There is a civil jurisdiction which is easily accessible. The Government is saying that that should occur through the civil jurisdiction. The member may have a problem with that proposition, but the Government submits that there is a simple, cheap, timely and available method of addressing civil issues. The Bill is distinctly different from what has occurred in the past. We are not trying to include all the little offences that can and do take place when second-hand motor vehicles are sold.

The Bill addresses the principle of how these dealers should operate. It does not deal with those areas that may cause people offence because they believe they bought something other than what they received. Civil remedies are readily available, and the member would no doubt appreciate the reference to the Magistrates Court. There are some administrative items that have to be tackled and are tackled in the appropriate court situations which we have already dealt with. Again, I appreciate the member for Spence's point on this issue but it is a difference of approach with this Bill.

Mr ATKINSON: The Opposition believes the clause ought to remain, out of an abundance of caution.

Amendment carried; clause as amended passed.

Clause 34 passed.

Clause 35—'Delegations.'

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

Page 26, lines 14 and 15—Leave out these lines and insert—
(c) with the Minister's consent, to another person.

Amendment carried; clause as amended passed.

Clause 36—'Agreement with professional organisation.'

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

Page 27, lines 6 to 12—Leave out these lines and insert—
(4) The Minister must, within six sitting days after the making of an agreement, cause a copy of the agreement to be laid before both Houses of Parliament.

This issue was debated in principle previously and it is the first time it has come up under this legislation, namely, how long an agreement should be available for scrutiny. I understand that there will be some form of accommodation in relation to the other Bills with which we have dealt.

Mr ATKINSON: The Labor Opposition takes the view that, when the Government delegates its regulatory power to private associations, it ought to do so subject to disallowance by Parliament. It is not accountable Government where the Government merely tables in the Chamber a deal that it has made with a private association and then says, 'There it is; you can have it'. There is nothing that the Parliament can do to disallow the deal, the agreement or the delegation—call it what you will. The original clause is to be preferred because it would give the Parliament the chance to debate and, if necessary, disallow a delegation of regulatory power from the Government to the Motor Trade Association.

As things stand, if the Deputy Premier's amendment is accepted, the Government will simply have to table the details of its delegation to the Motor Trade Association, giving Parliament no recourse. In the Opposition's view, that is not desirable parliamentary practice. No doubt the Deputy Premier has at his fingertips all legislation going back decades that contains provisions such as this and no doubt some were passed by the Labor Party when in Government. Is that what the Deputy Premier was going to say?

The Hon. S.J. Baker interjecting:

Mr ATKINSON: I thought so. Now that we are in Opposition we believe the Parliament deserves better and we oppose the amendment.

The Hon. S.J. BAKER: I have already mentioned the uniform fair trading legislation of the Commonwealth, agreed by the State Consumer Affairs Minister at the time. You can delegate literally anything under that legislation. Any of the powers can be delegated to a person inside or outside the Public Service. That is but one of a whole lot of examples. I suggest many agreements made with Government do not see the light of day within Parliament. In fact, we addressed one today in Question Time. At the end of the day the Govern-

ment must be very diligent to ensure that all appropriate safeguards are put in place in those agreements, and I assure the honourable member that we will do that and that there will be no short cuts. In terms of this provision, it is relatively minor compared with other changes made by the former Government.

Amendment carried; clause as amended passed.

Clauses 37 and 38 passed.

Clause 39—'Commissioner and proceedings before tribunal.'

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

Page 27, line 30—Leave out 'tribunal' and insert 'District Court'.

Amendment carried; clause as amended passed.

Clauses 40 to 48 passed.

Clause 49—'Evidence.'

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

Page 29, lines 29 to 31—Leave out these lines.

Amendment carried; clause as amended passed.

Clauses 50 and 51 passed.

Clause 52—'Regulations.'

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

Page 30, after line 20—Insert—

(ab) require dealers to lodge with the Commissioner certificates evidencing the dealers' insurance coverage as required under Part 2;

This amendment covers some of the material we dealt with earlier.

Mr ATKINSON: Will the Deputy Premier clarify this amendment? Not long ago we had a debate about whether it was desirable for second-hand motor vehicle dealers to have warranty insurance before being granted their licence for the next 12 months. He assured me that it was undesirable to do it in the legislation but it was desirable to do it in the regulations. We now find that he is inserting in the Bill a requirement for dealers to lodge certificates with the Commissioner evidencing the dealer's insurance coverage as required under part 2. That is what I asked for earlier. I commend him for doing it now, but why did he argue against it 20 minutes ago?

The Hon. S.J. BAKER: It is quite simple. If the member refers to the previous condition, he put down a format under which it should take place. Here we are saying that it should be subject to regulation. It is part of the regulation: how they do it, by fax or what form it takes will be satisfied by regulation.

Amendment carried; clause as amended passed.

Schedule.

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

Page 32—Insert new Schedule as follows:

Schedule

Repeal and Transitional Provisions

Repeal

1. The Second hand Motor Vehicles Act 1983 ('the repealed Act') is repealed.

Licensing

2. A person who held a licence as a dealer under the repealed Act immediately before the commencement of this Act will be taken to have been licensed as a dealer under this Act.

Registered premises

3. Premises registered in the name of the dealer under the repealed Act immediately before the commencement of this Act will be taken to have been registered in the dealer's name under this Act.

Duty to repair

4. A duty to repair that arose under Part IV of the repealed Act continues as if it were a duty to repair under this Act.

Disciplinary matters

5. Where an order or decision of the Commercial Tribunal is in force or continues to have effect under Division III or Part II of the repealed Act immediately before the commencement of this Act, the order or decision has effect as if it were an order of the District Court under Part 5 of this Act.

Secondhand Motor Vehicles Fund continues

6. The Second hand Vehicles Compensation Fund continues and will continue to be administered by the Commissioner.

Claim against Fund

7. (1) This clause applies only to a claim
   (a) arising out of or in connection with the sale or purchase of a second hand vehicle before the commencement of this Act; or
   (b) arising out of or in connection with a transaction with a dealer that took place before the commencement of this Act.
   (2) If the Magistrates Court, on application by a person who purchased a second hand vehicle from a dealer, is satisfied that
   (a) the Commercial Tribunal or a court has made an order for the payment by the dealer of a sum of money to the purchaser; and
   (b) either
   (i) the dealer has failed to comply with the order within the time allowed; or
   (ii) by reason of the death, disappearance or insolvency of the dealer, there is no reasonable prospect of the order being complied with,
   the Court may authorise payment of the amount specified in the order to the purchaser of the Fund.
   (3) If the Magistrates Court, on application of a person not being a dealer who has
   (a) purchased a second hand vehicle from a dealer; or
   (b) sold a second hand vehicle to a dealer; or
   (c) left a second hand vehicle in a dealer's possession to be offered for sale by the dealer on behalf of that person,
   is satisfied that
   (d) the person has, apart from this Act, a valid unsatisfied claim against the dealer arising out of or in connection with the transaction; and
   (e) by reason of the death, disappearance or insolvency of the dealer, there is no reasonable prospect of the claim being satisfied,
   the Court may authorise payment of the amount of the claim to that person out of the Fund.

Management of Fund

8. (1) The following amounts will be paid into the Fund:
   (a) contributions required to be paid under clause 9; and
   (b) amounts recovered by the Commissioner under clause 10; and
   (c) amounts paid from the Consolidated Account under subclause (3); and
   (d) amounts derived from investment under subclause (5).
   (2) The following amounts will be paid out of the Fund:
   (a) an amount authorised by the Court under clause 7; and
   (b) any expenses certified by the Treasurer as having been incurred in administering the Fund (including expenses incurred in insuring the Fund against possible claims); and
   (c) any amount required to be paid into the Consolidated Account under subclause (4).
   (3) Where the Fund is insufficient to meet an amount that may be authorised to be paid under clause 7, the Minister may, with the approval of the Treasurer, authorise the payment of an amount specified by the Minister out of the Consolidated Account which is appropriated by this clause to the necessary extent.
   (4) The Minister may authorise payment from the Fund into the Consolidated Account of an amount paid into the Fund from the Consolidated Account if the Minister is satisfied that the balance remaining in the Fund will be sufficient to meet any amounts that may be authorised to be paid under clause 7.

(5) Any amounts standing to the credit of the Fund that are not immediately required for the purpose of this Act may be invested in a manner approved by the Minister.

Licensed dealers may be required to contribute to Fund

9. (1) Each licensed dealer who was a licensed dealer before the commencement of this Act must pay to the Commissioner for payment into the Fund such contribution as the licensee is required to pay under the regulations.

(2) If a licensee fails to pay a contribution within the time allowed for payment by the regulations, the licence is suspended until the contribution is paid.

(3) Contributions may only be required to make provision for insufficiency of the Fund.

Right of Commissioner where claim allowed

10. On payment out of the Fund of an amount authorised by the Magistrates Court, the Commissioner is subrogated to the rights of the person to whom the payment was made in respect of the order or claim in relation to which the payment was made.

Accounts and audit

11. (1) The Commissioner must cause proper accounts of receipts and payments to be kept in relation to the Fund.

(2) The Auditor-General may at any time, and must at least once in every year, audit the accounts of the Fund.

Application of Fund at end of claims

12. When the Minister is satisfied that no more valid claims can be made which may require payment out of the Fund, any amount remaining to the credit of the Fund may

(a) be paid to an organisation representing the interests of dealers; or

(b) be otherwise dealt with,

as the Minister thinks fit.

Schedule inserted.

Title passed.

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

That this Bill be now read a third time.

Mr ATKINSON (Spence): The Opposition was most enthusiastic in its support for this Bill as it entered the House. However, in Committee nearly all the benefits of the Bill have been lost. By 'benefits' I mean those added measures of consumer protection that were contained in the Bill. The Liberal Government has used its majority in this House systematically to knock off every one of those improvements to consumer protection in the area of second-hand motor vehicles. Accordingly, with regret, the Opposition must oppose the third reading of the Bill in its current form.

Bill read a third time and passed.

ADJOURNMENT

At 5.41 p.m. the House adjourned until Tuesday 29 November at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 22 November 1994

QUESTIONS ON NOTICE

WESTCARE SHELTER

124 **Mr ATKINSON:**

1. Why did the Minister intervene to stop the Westcare youth shelter in a South Australian Housing Trust dwelling at 100 Diagonal Road, Somerton Park, to what extent was his duty as the member of Parliament representing the Somerton Park area a consideration in his decision to intervene and are there any precedents of a Housing Minister so intervening on the use of a trust dwelling in his or her own electorate?

2. Does the trust have a policy of keeping young people out of trust areas with many elderly residents and, if so, where has that policy been published?

The Hon. J.K.G. OSWALD:

1. The decision to stop the proposed Westcare youth shelter development at 100 Diagonal Road, Somerton Park, was taken by the Housing Trust after objections to the proposal were raised by the local community. These objections were well publicised in the local press, and delayed the granting of approval by the Brighton council. The property has now been sold by the trust, and the funds obtained have been used to purchase another more suitable property for the Westcare youth shelter.

At the moment the trust, in consultation with Westcare, is converting the alternative property at Edwardstown into a nine bedroom property. Although, as Minister, I followed these developments with interest and concern, the decision to sell the Diagonal Road property and buy another at Edwardstown was taken by the trust.

2. The trust does not have a policy of keeping young people out of trust areas with many elderly residents. The trust allocates on the basis of priority first followed by general wait/turn applicants, with the aim of creating, as far as possible, an effective social mix in any given area.

PUBLIC SECTOR SALARIES

125. **Mr QUIRKE:**

1. Who conducted the review of executive remuneration, referred to on page 18 of the 1993-94 annual report of the Department of the Premier and Cabinet?

2. When was the report completed and how much did it cost?

3. What were the recommendations of the report and will the Government implement them?

4. Will the report be made public and, if not, why not?

The Hon. DEAN BROWN:

1. The review was conducted jointly by John V. Egan Associates and Coopers and Lybrand.

2. The report was completed in June 1994 at a cost of $40 000.

3. The report recommends a number of different scenarios on how executive remuneration packages can be structured and provides advice on pay options taking into account public and private pay structures elsewhere.

4. This report was commissioned to provide advice to Cabinet and will form part of the proposal for consideration by Cabinet. As it will be part of the Cabinet document it will not be made public.

BENEFICIAL FINANCE

127 **Mr ATKINSON:**

Will the Minister provide the House with a list of corporate debtors of Beneficial Finance?

The Hon. S.J. BAKER:

I have received advice from the Crown Solicitor in connection with the information being sought. I am informed that customers of financial institutions are entitled to expect that details of their relationships with these entities (including whether or not they are a customer) will be kept absolutely confidential. In the absence of any details as to what public interest would be served by the release of this confidential and commercially sensitive information, it would be totally inappropriate for me to authorise its release.

EDS

130 **Mr FOLEY:**

1. Has the Government prepared an inventory of computer hardware and software owned or leased by its various agencies in preparation of its plans to outsource information technology to EDS and, if not, why not and, if such an inventory exists, will the Premier release it?

2. Will all personal computers or workstations now used in the Public Service be transferred to EDS ownership and, if not, what exceptions will apply?

3. Will all personal computers or workstations used in the Public Service in future be supplied and/or owned by EDS and, if so, will departments specify the type of PCs to be supplied by EDS or will EDS make such decisions?

4. Will any agencies within the Public Service be permitted to purchase and/or operate their own mainframes in future or will all mainframes to be used by the public service in future be owned and operated by EDS and will individual departments or agencies have any say in selecting which mainframes will be used?

5. Will mainframes used for Public Service tasks continue to be located within departments or will EDS decide their location?

6. Will any or all of the software now used or developed in the public sector be transferred to EDS ownership and, if some but not all software is to be transferred, what is the rationale behind the selection of the software to remain within Public Service control?

7. Will EDS pay fees for the use of software which has been developed within the public sector and which is subsequently used on computers under their control?

8. Will any development of software take place within the public sector following the signing of a contract with EDS and, if not, who will undertake the development and/or upgrade of systems such as the Spatial Information System and who will own the upgraded software?

9. How many public servants are now employed in the design, selection, servicing or programming of computer systems and how many are expected to be employed in the Public Service on these tasks, and in which departments or agencies, following outsourcing to EDS?

The Hon. DEAN BROWN:

1. A comprehensive list of hardware and software is being finalised as part of the pre contract preparation and due diligence processes which will occur over the next few months and will be done jointly by the Office of Information Technology, EDS and agencies.

2. Desktop personal computers used by agencies will remain the property of the agencies and will not be transferred to EDS. Desktop personal computers are not covered in the scope of the existing negotiations with EDS. Some personal computers used as file servers on networks may transfer to EDS.

3. Agencies will continue to acquire their personal computers through normal channels. Supply of Desktop personal computers is not covered in the scope of the existing negotiations with EDS. Quite separately from the negotiations with EDS, a specification is currently being developed for standard desktop personal computers for Government agencies. This specification will be used to establish a panel contract of a small number of suppliers from which agencies will acquire their personal computers.

4. Government agencies will cease to own their own mainframe computers when the contract with EDS is put into place. The Government will agree the technology strategy with EDS which will determine the type of equipment to be purchased, but primarily the Government will be buying a service from EDS, not a particular technology. Subject to that agreed strategy, the decisions on which equipment EDS will use to provide the services to Government will be commercial decisions made by EDS.

5. Current indications from EDS are that over time there will be a consolidation of mainframe hardware possibly to a single site. Generally EDS will determine the location of the computers but may keep a computer at a particular agency if the service level agreement requires it and it is a cost effective solution.

6. Agency developed application software is not part of the information technology outsourcing negotiations with EDS. There are some minor operating systems or system enhancements which are owned by the Government. Whether these will be transferred to EDS, and if so under what conditions, is yet to be negotiated with EDS.

7. As stated earlier, the negotiations with EDS involve information technology infrastructure only and do not encompass outsourcing of applications. In future, applications development may be outsourced, but this will not be done as part of this contract.

Maintenance of software would need to be considered as part of any outsourcing contract for applications development or support.

8. It is estimated that there are approximately 1 200 people in total in Government agencies working in information technology related activities. The current negotiations for outsourcing of information technology infrastructure are expected to affect about 400 people (most, if not all of whom will be offered employment with EDS), which is likely to leave around 800 people in the public sector in other information technology areas. Precise details of the numbers of people in each agency are not available at this time.

CATTLE TRUCKS

132. **Mr ATKINSON:**

Does the Government intend to repeal any regulations on the loading of cattle in trucks or waive any weight limit on cattle trucks?

The Hon. J.W. OLSEN: The Minister for Transport has provided the following information:

The mass limits for vehicles carrying all kinds of livestock are the same as for any other loads and no changes to vehicle mass limits are currently proposed.

The Minister for Transport recently announced a 2½ year trial of a scheme for loading of livestock on the basis of the dimensions of the stockcrate. Strict controls on the size and mass of the vehicles will control loading and ensure that axle group loads are not excessive. The trial will be evaluated to determine the appropriate form of any on-going provisions for the loading of livestock. If the honourable member would like a briefing about all the operating details of the proposed livestock loading scheme, the Minister will make the appropriate arrangements.

SCHOOL BUSES

134. **Mr ATKINSON:**

Does the Government intend to maintain the Education Department's yellow buses serving country schools an, if not, why not?

The Hon. J.W. OLSEN: The Minister for Transport has provided the following information:

It is Government policy to transfer the operation and control of school bus services from the Education Department to the Passenger Transport Board. Currently, staff of both agencies are discussing issues concerning the feasibility of the transfer of this function and whether the pre-determined savings targets can be met.

I believe there are significant savings to be gained through the public tendering of transport services and expect school transport to be another example of the efficiencies to be gained by the introduction of competitive tendering.

ONKAPARINGA BRIDGE

135. **Mr ATKINSON:**

1. Does the Government intend to extend Dyson Road at Port Noarlunga and build a new bridge over the Onkaparinga Estuary or does it intend to upgrade Saltfleet Street bridge?

2. What is the estimated life span on Saltfleet Street bridge and, if it is to be upgraded, when will it be done?

The Hon. J.W. OLSEN: The Minister for Transport has provided the following information:

1. The possibility of extending Dyson Road across the Onkaparinga River Estuary was the subject of preliminary planning investigations by the then Office of Transport Policy and Planning in 1990 with input from consultants Pak Poy and Kneebone. The investigation's preferred proposal recommended extensive road and bridge works, plus relocation of the EWS sludge drying ponds adjacent the river, all of which has been estimated to cost in the order of $45 million. A corridor of land is being reserved for this proposal.

Meanwhile, the Government's transport policy released last November recognises that Kinsman Pty Ltd, in partnership with the Government in the Seaford development, is investigating options to build and finance a new bridge across the Onkaparinga River connecting Dyson and Commercial Roads.

To cope with increasing traffic demands across the Onkaparinga River in the short term, the Government has given high priority to upgrading the Commercial Road and the Gray Street-Saltfleet Street link at Port Noarlunga, including the Saltfleet Street Bridge.

2. The existing Saltfleet Street Bridge, under the current 25 tonne load limit, is expected to remain structurally adequate at least for another 10 years. However, this bridge is relatively narrow and is clearly substandard for the amount of traffic it carries. Upgrading this bridge is currently programmed to commence in the 1996-97 financial year as part of the staged short-term improvements to Commercial Road and the Saltfleet Street-Gray Street link.