HOUSE OF ASSEMBLY

Thursday 23 February 1995

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

PROSTITUTION REGULATION BILL

Mr BRINDAL (Unley) obtained leave and introduced a Bill for an Act to regulate certain aspects of prostitution. Read a first time.

Mr BRINDAL: I move:

That this Bill be now read a second time.

In so moving, I inform this House that in building on the past efforts of the Hon. Robin Millhouse, the Hon. Carolyn Pickles and the Hon. Ian Gilfillan, this Bill seeks to provide the people of South Australia, in keeping with the wishes and expectations of contemporary society, with a compassionate and enforceable consolidation of the body of law related to the regulation of prostitution. The objects of the Act are clearly enunciated: to safeguard the public health; to protect children from exploitation in relation to prostitution; to protect the social and physical environment of the community by controlling the location of brothels; to promote the welfare and occupational health and safety of prostitutes; and, to encourage prostitutes who wish to do so to gain education and training in other professions.

From their own experience and from yours, Sir, members will be aware of the time, effort and commitment that goes into researching any aspects of legislation. An unfortunate side effect of such commitment is, occasionally, to become so structured, so focused in argument or opinion as to step from our rightful role as parliamentary advocate for a point of view, becoming instead the worst type of zealot or preacher. I am and remain passionate in my conviction that the current legislation relating to prostitution in South Australia is inadequate, discriminatory, unjust and must arguably be repealed. Because many members have indicated that they will not vote for half a measure, and find the notion of repeal of any body of law unacceptable unless they clearly understand what will take its place, I commend to members a Bill which it was never my intention to introduce in this House. Originally it was prepared as an exemplar for Government, hopefully thereby providing a template on which the combined intellect of Government agencies and community interest groups could develop a piece of legislation that reflected best efforts in the interests of all South Australians.

This Bill falls short of that aim, since, while I have consulted and read as widely as possible, it represents at this stage the best efforts of a single Parliamentary member. However, I present it with simple confidence: confidence because it now no longer belongs to me—it is the property of this House; confident because I know, despite the constructions that will be put on the best and least of all our efforts by some in the media, that each and every member will give this matter serious and careful consideration and will, as we always do in matters of great moment in this place, put aside self-interest and personal prejudices to concentrate and thus ensure that we may do as well as this Parliament is capable in the interests of all South Australians.

I am therefore confident of the outcome. Whether the Bill leaves this place at all, whether the Bill leaves here substantially amended, or whether it leaves here largely as it is presented, it will leave here as the carefully considered opinion of 47 members of Parliament. If it passes into law it will do so after also having been carefully considered by those in the other place, all of whom take seriously the trust which they were elected to fulfil.

In as much as this Bill represents my diligent efforts in the House's service, I commend it to members. However, I trust that it will represent for all of us the rough matter out of which, by working together, a much more polished product will emerge. With the help of various expert groups, and the particular interest of some parliamentary colleagues, a number of redrafts have already occurred. I would be disappointed if this Bill were not to leave this House considerably strengthened by the contribution of all colleagues. Members need no reminder of the emotiveness of the issue. In another context I have canvassed—some would argue either more than adequately or more than is good for advancing the cause—the need for reform. I will avoid the temptation to repeat a lecture. Thus far, in community forums, much of the debate has hinged around the words 'decriminalisation' and 'legalisation'. It is important that members understand this Bill in that context. Central to any debate on this issue is the act of a prostitute, which is defined thus in the *Macquarie Dictionary*:

> A person, especially a woman, who engages in sexual intercourse for money as a livelihood. One who debases himself [or herself] or allows his [or her] talents to be used in an unworthy way, usually for financial gain.

Even in the definitions we are confined and inhibited by our use of language. The very words we use have weight traditionally leveraged against reform. Members will have noted that one of our foremost dictionary defines the prostitute as 'especially a woman', and burdens that profession by talking of talents used in an unworthy way. While those of us who have lived in Australia in the 60s, 70s and 80s would accept such a definition almost without question, the Japanese concept of a geisha (a prostitute of the highest order) carried prestige, status and an elevation rather than a devaluation of the talents involved.

Similarly, some ancient religious practice, of both East and West, not only sanctioned but elevated prostitution to a sacred duty. Like all of you, I am a product of my times. I hold no such views, but I do urge all members not to let themselves be trapped by the values implicit in words. After all, language is our servant not our mistress, and words will mean tomorrow what we determine today. We should honour our past, not be bound by it.

What does this Bill do to the central action then, of prostitution? Does it decriminalise it or does it legalise it? As has been discussed, both in this Chamber and in public fora, the act of prostitution neither is nor never has been illegal in this or any other State of the Commonwealth of Australia; neither has the payment of money from client to prostitute. So that there can be no doubt on this point, I refer to his Honour Justice Jacobs at page 211 of the judgment *Fingleton v Bryson*, and I quote:

> It is important to remember that it is not an offence in the eyes of the law to be a prostitute or to engage in an act of prostitution.

The measures introduced in this Bill cannot be seen as decriminalisation measures since, even if passed in its entirety, they make the act of prostitution neither more nor less legal, neither more nor less morally acceptable than it is

as I speak. If part of our actions, as human beings living in a complex society, is circumscribed by a body of law, if it is given some type of legal framework or reference points, it can be considered to be legalised. Clearly, by this definition, prostitution in South Australia is already legalised, for in this legislature we have deliberately chosen:

1. neither to make the act itself nor the payment of money for the act criminal;
2. to disallow soliciting and street prostitution; and
3. to pass laws prohibiting the keeping and managing of brothels while completely ignoring the prostitution services available through escort agencies and opportunistic prostitution.

Thus, we have already chosen one legalised framework. If, then, this Bill is about neither on the one hand decriminalisation nor on the other hand legalisation, what is it about? Simply, it is about reform—reform that will, by replacing an antiquated body of law, be humane, relevant and in keeping with the expectations of South Australians and the best interests of our community.

This then is neither a decriminalisation nor a legalisation Bill: it is a reform Bill that seeks to improve a current unsatisfactory situation. That reform is needed, few can doubt. For those who do, I quote the South Australian Police Commissioner, as follows:

> Legalisation adopted today must address today's environment and not rely on antiquated brothel legislation which no longer applies to today's trends.

The direction of reform will be determined by the consensus of this House and the deliberations of another place. Although my thoughts are embodied in the Bill, each member has, by its introduction today, an opportunity to reform this body of law, to amend this Bill as their conscience dictates. There are those here who, believing that some of my suggestions are too liberal, will accept Commissioner Hunt's words, as follows:

> It should be an offence for any person who—
> (a) engages in prostitution;
> (b) knowingly receives money, reward or credit directly or indirectly as a result of prostitution;
> (c) facilitates prostitution.

In the Committee stage, I urge members who believe those words to put forward such amendments so as to allow this House a full and frank debate of all valid points of view.

Sections 28 and 29 of the Summary Offences Act create the offences of keeping and managing a brothel and of permitting premises to be used as a brothel. Despite these laws, figures from police sources indicate the department's belief that in October 1988 23 brothels and 32 escort agencies were operating in Adelaide, while as at February 1990 there were 37 brothels and 23 escort agencies. Those of us who drive down Waymouth Street have seen for the best part of a decade Stormy's Studio. I am reliably informed that these premises are in fact more notable for their bedroom furniture and sex aids than they are for their artists pallets, easels and paintbrushes. There can be little more eloquent proof of the ineffectiveness of the current law.

The Bill before this House allows us to see a brothel for what it is, to call it a brothel and to demand thereby in law that it meets the standards that would be deemed necessary and desirable by the community in general. Since a prostitute working in an escort agency is, in my view, no less a prostitute than one who works in a brothel, the provisions of this Bill are equally directed towards those in that business. Consequently, this Bill requires the registration of all brothels and escort agencies. The registrar will require the business name and address; the name and residential address of the person in day-to-day control of the business; if a natural person carries on the business, the person's name and residential address; and, if a body corporate carries on the business, its name and business address together with the name and residential address of each real person being a director and shareholder. Substantial penalties are imposed where a person fails to register a brothel or escort agency, fails to notify change in particular within seven days, or provides false or misleading information. The provisions requiring—

Mr Atkinson interjecting:

Mr BRINDAL: Certainly not the member for Spence, and the sex industry will be very grateful that he is not. The provisions requiring the identification of owners and operators as natural persons, which extends to the requirement that any body corporate operating such a business discloses the names of all natural persons being either directors or shareholders, gives a desirable transparency to the industry and is calculated to diminish the opportunity for the clandestine involvement of organised crime and bikie groups.

Similarly, by acknowledging the existence of brothels and requiring their registration, the expressed public desire of containment is in fact far more achievable. One of the greatest public concerns—and I am sure every member has heard it—is, 'How would you like a brothel to open next door to your house?' The illegal status of brothels currently hinders rather than expedites their control. Under current legislation, if a brothel were set up in any street in South Australia it is a long and most difficult process to have it closed. Clause 11 of the Bill restricts brothels to 'locations specified by regulation'.

I am informed that, under this new body of law, prosecutions for non-compliance would be relatively simple and easy to prove. In this context, it is often the small operation which is of most concern—an operation which the member for Spence quite erroneously informs this House is currently legal in this State. This Bill does not propose the registration of sex workers, since such registration militates against some future rehabilitation if that were to be sought by the worker. However, it does require the registration of brothels. The interpretations in the Bill define a brothel as 'premises used for the purpose of prostitution'. Hence, while nothing in the Bill precludes industry workers from working from and in their homes, their premises as brothels would have to be registered and fulfil the requirements of clause 11—

Mr Atkinson interjecting:

Mr BRINDAL:—as is the case with the current law, if the honourable member would care to read the current law instead of being more interested in his own interjections. It is generally accepted that brothels would be limited to light commercial precincts, and I additionally propose that local government be given an overriding veto power regarding operation within their jurisdictions. Thus, while the Bill does not preclude sex workers from using their homes as brothels, they could lawfully do so only where they had purchased a home in an appropriate location. There will therefore be considerably less rather than more containment of brothels under the proposed reforms. Notably, too, this Bill contains a provision under clause 12 to restrict the operation of other businesses—any other business—from a brothel or escort agency unless that business is approved by regulation.

All those who have contributed to the public debate—and I include the member for Spence in this—cite the greatest evils of the industry as coercion and violence, exploitation, especially of minors, hard drugs, use of illegal immigrants and the possible involvement of organised crime. Clause 9 of the Bill provides a penalty of six years imprisonment for the use of coercion, violence, intimidation, deception or the supply of or offer to supply a drug of dependence to either cause or induce another to provide commercial sexual services. A similar provision prevents the transfer of payment derived from commercial sexual services. It should be particularly noted that these provisions apply only to adults. Clause 8(3) of the Bill provides:

> A person who causes, induces or permits a child to provide or receive commercial sexual services is guilty of an offence.

Where the child is under 12 years of age, the penalty is life imprisonment. If the child is aged between 12 and 18 and coercion and undue influence are involved, imprisonment is for 10 years and, in other cases of children aged under 18, the penalty is imprisonment for eight years.

Mr Atkinson interjecting:

Mr BRINDAL: The honourable member asked whether that is a minimum or maximum term; I have just said that the Bill is in the hands of this House. If the member for Spence wants to make it a minimum provision, let him move an amendment and not waste my time.

Mr Atkinson interjecting:

The SPEAKER: Order! The member for Spence will have ample opportunity to comment at a later stage.

Mr BRINDAL: Other offences involving child prostitution are set out in clause 8. Subclause (1) provides that, where a child in the course of business of either a brothel or escort agency provides or receives commercial sexual services and the child is under 12, the penalty is life imprisonment. So, for procuring a child under 12 the penalty is life; for then using a child under 12 (as opposed to the initial act of procuring), the penalty is life as well. Current law already provides these penalties for the client who uses the services of a minor, and *vice versa*. However, this measure clearly provides that the penalty be extended to include both: the person in day-to-day control of the business and the person or persons carrying on the business. It is my intention to ensure that the shareholders and directors of any corporate body which is the subject of this law are held equally accountable with the operator in the day-to-day business.

Further provision is made regarding the offences of children entering and remaining in brothels and obtaining money from a child knowing it to have been derived from prostitution. Members will note that 'a child' is clearly defined as a person who has not attained the age of 18 years, and the proposed measures should considerably strengthen the ability of both the police and the courts to deal with child prostitution.

In 1995, no discussion of proposed reformer legislation related to the sex industry would be complete without an examination of public health issues. It is to the credit of health professionals and bodies such as the AIDS Council and the sex industry itself that the known incidence of sexually transmitted disease within the industry is lower than its incidence within the general population at this time. It can, therefore, legitimately be reasoned that the provisions of section 13 (Precautions against sexually transmitted disease) are as much about greater protection for sex workers as they are about preventive and protective community health measures that safeguard the general populace.

This is a most difficult area, since the rights afforded by society to protect the dignity of, and in particular bigoted discrimination against, individuals must be balanced against the well-being of society and the responsibility that that same individual bears towards the larger group. This Bill is predicated on that same notion which is generally inherent in our law that, where commercial reward is the basis of any activity, the State has a role as arbiter and often demands the surrender of individual rights in the process. To become qualified to practise in certain areas, many people must obtain prescribed qualifications and agree to forsake certain privacy provisions by being entered onto a register of their profession. Aircraft pilots are precluded from their profession if they fail to meet rigorous health standards, and a surgeon who contracted Parkinson's disease would no longer be able to practise as a surgeon.

With this in mind, the Bill proposes that the operator of a brothel or escort agency be held responsible and that the prostitute and client are precluded from receiving or providing commercial sexual services if they are infected with a sexually transmitted disease. Under this Bill, the current voluntary system of testing will, effectively, become mandatory and be equally incumbent on all sex workers, whether they work in a brothel, an escort agency or any other part of the industry. Any sex worker is only as free from infection as their last client contact. It is, therefore, a great danger in this type of proposed reform that either the industry or the client will see health checks as a type of guarantee of a lack of infection. Subclauses (8) and (9) address this problem by making it an offence for operators or workers to use certificates for that purpose.

Subclause (4) is necessarily one of the most controversial in this Bill since it demands the use of a prophylactic with a penalty of $5 000 for default. The provision is equally incumbent on the sex worker and the client. In subclause (5) responsibility also extends to the operator of the brothel or escort agency. While there has already been some wry amusement expressed at this provision and while I accept that it would not be easily enforced or policed, it has an important place in this Bill. I do not have to remind members who recently debated other measures in this House that sometimes they say it might be unenforceable but that it has good educative value. Primarily, this measure is educative and gives a clear signal to all the community. That signal we all know: 'If it's not on, it's not on.' It is an important lesson which needs to be spread not only throughout the commercial sex industry but to all those who either engage in casual sex or have more than one partner.

Secondly, for the first time it affords legal protection to the sex worker, who not only can deny sexual gratification to a client who refuses to wear a condom but this Bill legally obliges them to do so. Notwithstanding these considerations, I am informed that these provisions are, given the will, capable of being both policed and enforced. Although I would contend that their educative and protective value alone should commend to this House their inclusion, given the advice that they are enforceable they represent a major area of positive reform within the legislation. The health provisions of this Bill, if passed, will be a significant and positive step which better serve the interests of the South Australian community.

Instances of interstate activity suggest the increasing use of illegal immigrants and aliens within the sex industry. I am indebted to the Festival of Light and to the Police Commis-

sioner for pointing out this to me. Consequently, for the first time in a Bill of this type, that matter is addressed. Clause 14 provides that, in the case of employment of each and every unlawful non-citizen or person on a temporary visa, significant financial penalty be imposed. The Bill allows, as is generally accepted, for the promulgation of regulation. I would hope that this would be achieved through the appointment of a consultative committee composed of health professionals, industry workers and operators, and members of the community. Such a committee is already operating most effectively within the ACT. Such matters as advertising, cleanliness and inspection procedures would be handled by the committee under the Minister, and there is no reason to believe that the current practices in respect of such matters would not at least be maintained.

Much has been made of the inability of law enforcement agencies to enforce the current legislation. While these reforms render a commercial sexual act between consenting adults in private even less a concern in law than at present—and, as the member for Spence will acknowledge, the act itself is no concern in the law at present—strengthened powers are conferred with respect to special enforcement provisions by clause 17 and the evidentiary provisions of clause 18. This latter clause, I acknowledge, will create some controversy as it contains the provision, 'Evidence of an offence should not be excluded solely on the basis that it has been obtained through entrapment.' We are talking about offences against children and illegal immigrants with respect to health measures. I make no apology for this, since I believe that, in enforcing the law related to the exploitation of our children and those from other race or cultural background, and to guard against sexually transmitted disease, extraordinary measures are justified.

Finally, much has been made in this place by the members for Spence, Hartley and others of the offence of soliciting. I share the general concern that it is both inappropriate and undesirable. Accordingly, clause 10 of the Bill replaces and considerably strengthens the provision currently contained in section 25 of the Summary Offences Act. The new penalties are four times the old. The new offence is applicable towards the sex industry worker and the prospective client and renders unnecessary the need for a 'gutter crawling' offence, as suggested by the member for Spence.

I therefore commend this Bill to the House in the knowledge that, if passed, it will remove the discriminatory gender biased nature of the current body of law and will provide in its place a considered humane and enforceable reform.

Mr Atkinson interjecting:

Mr BRINDAL: The member for Spence says he supports one clause. We are indeed winning in this debate! I neither condone nor support the sex industry. I believe that our sexuality is an important core of our being and an integral part in our participation as members of family groupings. Indeed, I hold monogamy and fidelity to be moral and ethical virtues, and I know that most members here would share that belief. However, as legislators, we must ask ourselves the question: is the prostitute less human than our virtuous partner? Is it either our right or our duty to enforce our personal standards on others, especially where such insistence might cause more harm to society than good? Can we, to quote Othello, judge 'a housewife that by selling her desires buys herself bread and clothes'?

In the time available to me I have but briefly skated the surface of this matter. Much more can and should be said. However, in closing, I would like to touch on one question that I am sure we will be asked. It is at the heart of this debate, and it is this: how would you like to see your daughter working as a prostitute? With most of South Australia, I find that prospect to be truly appalling. Yet, I have lived enough of life to know that, despite the best efforts of any parent, the path of each individual child is their own and we cannot control their destinies any more than our parents controlled ours.

It does not seem to occur to us, but every sex worker actually has a mother and a father. Probably, most of them neither wanted nor encouraged their children into prostitution. They probably disapprove of their children's method of earning a living. If we asked those parents what they would want for their children, their answer would be equally simple and, I believe, it would be this: a chance for a new life, a new start and forgiveness for past mistakes. That is what I would want for mine and, I am sure, it is what every member in this House would want for theirs. The current law seeks to discourage participation in the sex industry through sanction, through stigma and through penalty. It victimises those who are, arguably, already some of society's most tragic victims and tacitly militates against rehabilitation.

If any members can come into this House and demonstrate any aspect of the current legislation that is used to help the rehabilitation of those who wish to be rehabilitated, let them do so: I have found no evidence of such. The dogs of prostitution, leashed to the current legislation like hounds, are coercion, exploitation and victimisation. What we have here today and in the weeks ahead is a unique opportunity, by reforming a demonstrably bad law, not to approve or sanction the sex industry but to make South Australia a better, safer and more just place for us all to live in.

In conversation with Lord Beaverbrook, Kipling referred to power without responsibility as the prerogative of the harlot throughout the ages. I commend this Bill to the House in the hope that it will exercise its power with responsibility. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause contains definitions of words and phrases used in the Bill including definitions of commercial sexual services and prostitute.

Clause 4: Objects

The objects of this proposed Act are—

- to safeguard public health;
- to protect children from exploitation in relation to prostitution;
- to protect the social and physical environment of the community by controlling the location of brothels;
- to promote the occupational health, safety and welfare of prostitutes;
- to encourage prostitutes who wish to do so to gain training or education in other occupations.

PART 2

REGISTRATION

Clause 5: Registrar

A Registrar appointed under the *Government Management and Employment Act 1985* will be appointed for the purposes of this proposed Act.

Clause 6: Register of brothels and escort agencies

The Registrar must keep a register of brothels and escort agencies (the *Register of Brothels and Escort Agencies*) that must be available for inspection during normal business hours on payment of the fee fixed by the regulations.

Part of the register that must be set aside for confidential information is only able to be inspected by a member of the police force, a person appointed to the Public Service or a person (or a person of a class) specified by regulation acting in the ordinary course of his or her duties.

Information relating to the address of premises at which a prostitute normally resides and other information of a class specified by regulation must be treated as confidential.

Clause 7: Requirement to register commencement of brothel or escort agency and to update registered information

The operator of a brothel or escort agency must give written notice to the Registrar containing the following particulars with respect to the business:

- the business name (if any) and address;
- the name and residential address of the person in day-to-day control of the business;
- if a natural person carries on the business—the person's name and residential address;
- if a body corporate carries on the business—
  - *(a)* its name and business address; and
  - *(b)* the name and residential address of each director and each shareholder;
- in respect of each of the addresses disclosed—a statement of whether or not a prostitute normally resides at the premises;
- any other particulars required to be disclosed by regulation; and
- be accompanied by the fee fixed by regulation.

If particulars provided in a notice become inaccurate, the operator of the brothel or escort agency must give written notice to the Registrar of the change in particulars within 7 days after the date on which the particulars become inaccurate. The penalty for an offence against this proposed subsection is as follows:

(a) in the case of a natural person—$10 000 or imprisonment for 2 years;

(b) in the case of a body corporate—$50 000.

A person who makes a statement that is false or misleading in a material particular in information provided under this proposed section is guilty of an offence. The penalty for such an offence is as follows:

(a) if the person made the statement knowing that it was false or misleading—$10 000 or imprisonment for 2 years;

(b) in any other case—$2 000.

PART 3
OFFENCES

Clause 8: Child prostitution

This clause creates offences relating to child prostitution.

The operator of a brothel or escort agency is guilty of an offence if, in the course of the business, a child provides or receives commercial sexual services. The penalty for an offence against this proposed subsection is as follows:

(a) if the child is under 12 years of age—imprisonment for life;

(b) in any other case—imprisonment for 8 years.

A person who, without reasonable excuse, permits a child to enter, or remain in, a brothel is guilty of an offence and liable to a penalty as follows:

(a) if the child entered or remained in the brothel for the purposes of providing or receiving commercial sexual services—imprisonment for 4 years;

(b) in any other case—$2 000.

A person who causes, induces or permits a child to provide or receive commercial sexual services is guilty of an offence and liable to a penalty as follows:

(a) if the child is under 12 years of age—imprisonment for life;

(b) if the child has attained 12 years of age but the person used coercion or undue influence to cause or induce the child to provide or receive commercial sexual services—imprisonment for 10 years;

(c) in any other case—imprisonment for 8 years.

A person who, for the purpose of offering or procuring commercial sexual services, accosts a child in a public place is guilty of an offence and liable to be imprisoned for 3 years.

A person who obtains money in respect of commercial sexual services provided by a child or obtains money from a child (except in the ordinary course of a business unrelated to prostitution) knowing it to have been derived from commercial sexual services provided by the child, is guilty of an offence and liable to imprisonment for 8 years.

In proceedings for an offence against this proposed section—

- an allegation by the prosecution that a person was under 18 years of age at the time of the alleged offence constitutes proof, in the absence of proof to the contrary, of that fact; and
- it is not necessary for the prosecution to establish that the defendant knew the victim of the alleged offence to be a child.

It is a defence to a charge of an offence against this proposed section (except where the offence allegedly involves coercion or undue influence) if it is proved that the child had at the time of the alleged offence attained 16 years of age and that the defendant took reasonable steps to ascertain the age of the child concerned and believed on reasonable grounds that the child had attained 18 years of age.

Clause 9: Duress

A person who, by coercion or undue influence, causes or induces another to provide commercial sexual services is guilty of an offence and liable to imprisonment for 6 years.

A person who, by coercion or undue influence, causes or induces another to provide him or her with payment derived (directly or indirectly) from the provision of commercial sexual services is guilty of an offence and liable to imprisonment for 6 years.

Clause 10: Soliciting

A person who, for the purpose of offering or procuring commercial sexual services, accosts any person, or solicits or loiters, in a public place or within the view or hearing of any person in a public place is guilty of an offence and liable to a fine of $2 000.

Clause 11: Location of brothels

The operator of a brothel is guilty of an offence if the brothel is not in a location specified by regulation and liable to a penalty as follows:

(a) in the case of a natural person—$10 000 or imprisonment for 12 months;

(b) in the case of a body corporate—$50 000.

Clause 12: Restrictions on other businesses at brothels, etc.

A person who carries on a business other than a business consisting of prostitution, or arranging prostitution, and providing related services or a business of a kind allowed by regulation, at a brothel or at premises from which an escort agency is operated is guilty of an offence and liable to a penalty as follows:

(a) in the case of a natural person—$10 000;

(b) in the case of a body corporate—$50 000.

If a business is carried on in contravention of proposed subsection (1), the operator of the brothel or escort agency is also guilty of an offence and liable to a penalty as follows:

(a) in the case of a natural person—$10 000;

(b) in the case of a body corporate—$50 000.

Clause 13: Precautions against sexually transmitted disease

The operator of a brothel or escort agency must take reasonable steps to ensure that a prostitute does not provide sexual services in the course of the business if the prostitute is infected with a sexually transmitted disease. The penalty for an offence against this proposed subsection is as follows:

(a) in the case of a natural person—$10 000 or imprisonment for 12 months;

(b) in the case of a body corporate—$50 000.

In any proceedings for an offence against this proposed section in which it is established that a prostitute was infected with a sexually transmitted disease at a particular time, it will be presumed that the operator did not take the required steps unless the operator proves that, at the time, he or she believed on reasonable grounds—

- that the prostitute had been undergoing regular medical examinations, as required by regulation, for the purposes of determining whether he or she was infected with a sexually transmitted disease; and
- that the prostitute was not infected with a sexually transmitted disease.

A person who provides or receives commercial sexual services must take reasonable precautions to ensure against infection by sexually transmitted diseases and against transmission of sexually transmitted diseases including—

- using or insisting on the use of a prophylactic in any case of penetration of the labia majora or oral or anal penetration; and
- any precautions required by regulation.

The penalty for an offence against this proposed subsection is a fine of $5 000.

Clause 14: Illegal immigrants or persons in Australia under temporary visas not to be employed as prostitutes

The operator of a brothel or escort agency is guilty of an offence if a prostitute who provides sexual services in the course of the business—

- is an unlawful non-citizen within the meaning of the *Migration Act 1958* of the Commonwealth; or
- is permitted to remain in Australia by reason of holding a temporary visa in force under that Act.

The penalty for an offence against this proposed section is as follows:

(a) in the case of a natural person—$10 000;

(b) in the case of a body corporate—$50 000.

PART 4
MISCELLANEOUS

Clause 15: Offences by bodies corporate

If a body corporate is guilty of an offence against this proposed Act, each member of the governing body and the manager of the body corporate are guilty of an offence and liable to the same penalty as may be imposed for the principal offence.

Clause 16: Continuing offences

Where an offence against this proposed Act is committed by a person by reason of a continuing act or omission, additional penalties are applicable.

Clause 17: Special enforcement provision

A member of the police force may enter a brothel or escort agency (and, if necessary, use reasonable force to gain entry) in order to administer or enforce the provisions of this proposed Act relating to—

- child prostitution; or
- prostitution by an unlawful non-citizen, or person holding a temporary visa, within the meaning of the *Migration Act 1958* of the Commonwealth.

A person authorised by the Minister may enter a brothel or escort agency (and, if necessary, use reasonable force to gain entry) in order to administer or enforce the provisions of this proposed Act relating to sexually transmitted diseases.

Clause 18: Evidence

In any proceedings, a certificate executed by the Registrar certifying as to information contained in the *Register of Brothels and Escort Agencies* constitutes proof, in the absence of proof to the contrary, of the matter so certified.

In proceedings for an offence against this proposed Act relating to—

- child prostitution; or
- prostitution by an unlawful non-citizen, or person holding a temporary visa, within the meaning of the *Migration Act 1958* of the Commonwealth; or
- sexually transmitted diseases,

evidence of the offence should not be excluded solely on the basis that it has been obtained through entrapment.

Clause 19: Regulations

The Governor may make such regulations as are necessary or expedient for the purposes of, or as are contemplated by, this proposed Act.

Mr LEGGETT secured the adjournment of the debate.

PROSTITUTION (DECRIMINALISATION) BILL

Adjourned debate on second reading.

(Continued from 16 February. Page 1630.)

Mr WADE (Elder): I noted from reading *Hansard* and listening to the debates that the member for Spence seems very tired of answering his door to people who think that his house is a brothel. I thank the honourable member also for reminding this House that licensed prostitution was the norm in England for 400 years: not four years, not 40 years but 400 years. I find it hard to believe that the English would be that tolerant for 400 years of any situation that did not work. That is the best argument for decriminalisation of brothels that I have heard for some time. That period of time is twice as long as European history in Australia. The member for Spence, though, did mention that it was removed. Why was it removed?

Mr Atkinson: You tell us.

Mr WADE: I am about to. We should remember that the puritan faction was gaining power in the 1500s—and members opposite know all about factions and how they wax and how they wane. Indeed, this is an excellent breeding ground for good puritans such as Richard Cromwell, his son Robert Cromwell and, of course, his son Oliver Cromwell, Oliver Cromwell being the puritan *par excellence* who managed in 16 swift years to dissolve two Parliaments, behead one king, murder thousands of Irish and Scots and steal enough titles to ennoble all his friends.

Members should recall that these were the times when dancing, singing (other than hymns), colourful fashions and Shakespeare plays were banned. What hope had the prostitutes? The member for Spence has no concern for the plight of South Australian prostitutes. The member would allow them to continue as they are even though he had problems with an illegal brothel in his area. But, as the member managed to have it moved somewhere else, he sees no need to change the current laws. In fact, the member regards repealing laws against brothels as something that politicians do when they are bored, yet the member then says that the current laws need improving. I remind the member that this Government, unlike the Opposition, is concerned with ensuring that laws are relevant and workable and, unlike the member, does not rate their importance on a scale of boredom. With that kind of attitude, I am not surprised that the member for Spence wants to keep prostitution unobtrusive and hidden away in illegal ghettos where the health, safety and general welfare of the mostly women involved are left to the criminal elements of our society while the member tries to forget that they exist.

The present law in South Australia was enacted in line with the express recommendations of the 1949 United Nations Convention for the Elimination of all Forms of Discrimination Against Women. The apparently laudable aim was to protect the woman and punish her exploiter, but as prostitution in itself is not an offence other offences had to be substituted to protect the prostitute from exploitation by procurers and those who ran common bawdy houses. Yet, countless prostitutes have been arrested, intimidated and harassed under our present laws whilst very few brothel keepers and no clients have found themselves before the courts. Under the current laws, a woman who works within an illegal brothel establishment (mostly because working alone is just too dangerous) is forced to associate with criminals. She is therefore exposed to the full range of criminal underworld activities. She has been exposed to the one group from which the law was meant to protect her. So much for the UN convention and so much for our present law!

As we stand again on this threshold of change we are not being faced with a moral dilemma. Our morality is not being challenged. The law that was enacted to reflect our desire to protect the prostitute against physical, emotional, psychological and financial abuse has failed us; it has failed them. The hopes of those who thought that denying the prostitute legal access to brothels would drive her from the profession, and indeed of those who thought suppressing brothels' activities would somehow remove prostitution from our society, have not been fulfilled by the present law; we all accept that. In every area of our moral reasoning the law has failed. So, it must be changed. It is our moral obligation to correct what we all know to be wrong.

The member for Spence says that the law can be improved. The member for Hartley recognises the injustice which he says should be looked at. This Bill is the first step. It wipes the slate clean; it clears the way for vigorous debate on the prostitution regulation Bill that is designed to fulfil our

unchanged moral obligation to protect our prostitutes (again who are mostly women) against those who presently can abuse them with impunity. By stating that a situation needs improvement and recognising an injustice does not itself bring about those needed improvements and does not make right the wrong—action must follow words. We must clear the slate of this failed law and commit ourselves to making improvements in righting this injustice. What is the right action to take? What lessons can we learn from others who have passed this threshold before us and who have succeeded in achieving objectives similar to ours?

Suppression of prostitution has not worked anywhere in the world. Licensing of prostitutes and brothels with compulsory medical checks has been tried elsewhere and has been abandoned. However, if we look to Europe, we need look no further than the city of Malmo in Sweden to gain a clearer picture of the road that we should be taking. In Malmo brothels are decriminalised and registered. Known criminals cannot own or run them. Malmo's Government, social support mechanisms and the general population place their emphasis on education and intervention at the social rather than the legal level.

That was their way of dealing with the problem of prostitution. An outreach program was introduced whereby the police and social groups made contact with women new to prostitution. They helped them to find alternative accommodation and with any physical or psychological problems that they may have had. The police actively supported this social role. Because brothels were no longer illegal, there were opportunities to survey why women became prostitutes and why men sought their services. Financial problems were only part of the picture. Many of the women suffered from very low self-esteem and self-confidence. They found that many had disturbed family backgrounds and that a great many were the victims of incest at an early age. The clients tended to bring out feelings of loneliness, isolation and curiosity, and 80 per cent of the clients were married men. We do not have those types of statistics here because our brothels are illegal.

What was the impact of decriminalised brothels and the social, not legal, intervention by police and social agencies? Over three years the number of prostitutes employed in brothels dropped by 75 per cent and every massage parlour and sex club closed. Therefore, if we want to protect prostitutes, remove the criminal element and prevent people entering prostitution out of desperation, we must make brothels open to scrutiny; we must decriminalise them as the first step. This will give the prostitutes access to support agencies from within a non-criminal environment and give support agencies an opportunity to assist those in need of psychological, financial and emotional help.

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

Mr LEGGETT (Hanson): I rise to oppose the Brindal Bill on the decriminalisation of prostitution.

The SPEAKER: Order! The member for Unley's Bill.

Mr LEGGETT: The member for Unley's Bill. I commence by quoting a quotation in a speech made on this subject in April 1992 in reference to the Gilfillan Bill by the Hon. Rob Lucas:

> The basic argument of those who promote legalisation or decriminalisation seems to essentially be that, because prostitution is a problem that the law and society has not been able to deal with, legalising prostitution somehow makes it acceptable.This argument is nonsense. The correct philosophical view surely is that prostitution is objectionable. Prostitution is degrading to all those who are involved, both men and women, but it is particularly degrading to women who are in the main the victims of this business, victims in terms of their emotional, mental and physical health and victims in terms of economic exploitation. . .

The Hon. Mr Lucas then said:

> That quote does not come from a member of the Liberal Party, the National Party, the Festival of Light, the League of Rights or any other conservative group;it comes from the Labor Premier of Queensland, Wayne Goss. On this issue I find myself in complete agreement with the views that Premier Goss has expressed on the thorny question of prostitution law reform.

Brothels are an insidious blot on our society, and decriminalisation or legalisation would not change the reputation of prostitution or give it higher professional status. In all of this we also need to examine the effects that decriminalisation or legalisation will have on people's lives and, in particular, the effect that it will have on young people and, as I mentioned to the press last week, homeless children, who are easily lured into this profession. If decriminalisation of prostitution is successful, what about the advertising and the devastating effect it will have on children? How well indeed will the advertising be controlled?

We have heard all sorts of comments from the member for Unley, but the proliferation of identifiable brothels will not be confined to the Yellow Pages of the Adelaide telephone directory—whether or not we think it will. What about the psychological effects, especially self-esteem and self-respect, on the prostitutes themselves? What about the rapid growth of pornography and drug abuse that has always been a part of the scene? Will it diminish? I very much doubt it.

I believe that, in endeavouring to understand the member for Unley's Bill, it is important also to understand just what is meant by 'decriminalisation'. It is a confusing term, because it means different things to different people; for example, the former member for Mitcham now Mr Justice Millhouse, when introducing his Bill, said:

> In law there is no difference between decriminalisation and legalisation.

The danger of the term 'decriminalisation' lies in its use to give a proposed change in law a moderate appearance, but the proposal by the member for Unley is quite radical. I would disagree with the member for Spence on many issues in this House—we have vast philosophical differences—but I do support the stand that he took last week in one of his quotes. He said:

> Brothels are a public nuisance; people knocking on front doors of suburban homes looking for brothels are public nuisances.

But this is what will happen under the member for Unley's Bill. There will be permission for small brothels to operate in any suburb in Adelaide, and nothing can stop that. There is no way of knowing what will happen or is happening in these small brothels. They could easily be run by single mothers or by single mothers who have young children.

Brothels will be set up and, according to the member for Unley, neither the police nor the citizens would really have any substantial power to stop them. With this Bill, there is an expectation that this Parliament and the public should tolerate them. There is no way of checking that prostitutes are free of disease or that they will always insist, for example, that their customers wear condoms. How do the police propose to look at this? How will they police the use of condoms. I venture to suggest that more problems will arise than will be solved;

more lives will be ruined than improved. The Bishop of the Murray states:

> The Bill if passed would appear to offer protection to prostitutes not only from harassment and the payment of protection money but also because of the provision for compulsory health checks. It reinforces prohibition against child prostitution.

He continues:

> In summary, however, these benefits are superficial. Infection is not overcome even by regular health checks, because the prostitute can be infected and immediately after such a check can pass on the infection to others. The Bill which is concerned for the prostitute does not make provision for her or his rehabilitation.

That is something which the member for Unley did not mention in his Bill. The law is meant to sustain a reasonable standard of living for the majority of the population and, therefore, retain a standard of morality. As the member for Spence stated, the member for Unley really believes that opposition to his Bill is unworldly. So be it; if I or others are deemed unworldly on this matter, good. If it means protecting our young people, especially homeless young people, girls and boys, who will be easily lured into the profession, and keeping families together, I do not mind being called unworldly.

The member for Unley believes that opponents to his Bill do not really fully realise that this profession is the oldest one in the world—actually, that point can be questioned. The member for Unley produced a list of quotable quotes to support his argument. Many of them are quite irrelevant. For example, the honourable member claims that prostitution has happened and will always continue to happen, so decriminalisation obviously has to be the answer or is one of the answers. I point out that, so, too, will thieving and burglary go on, but there is no thought of decriminalising them.

I want to highlight the human aspect, and the Bible is quite specific, too, that it is wrong to be a prostitute and/or to use a prostitute. The member for Unley spoke to me privately and also publicly—and I do not think he will mind my mentioning this—and he used the example of Christ's encounter with the woman, presumably a prostitute, who was caught in the act of adultery, as described in John 8:1-11. The honourable member endeavoured to use that account, I believe out of context, to justify his argument.

We see here a pattern for a Christian attitude towards the prostitute. Christ displayed a perfect balance between compassion and judgment. He did not pretend that the woman was innocent. He did not get sidetracked into debate about the man's guilt or the unfairness of the woman alone being brought to judgment. He simply had compassion for her; he forgave her and told her to go away and not do it again.

I have stated my position on moral grounds but obviously prostitution—like theft and fraud—will not go away. But whether or not we argue on moral grounds there still has to be a standard of social morality. Again, I point out that it is the families in our society and the young people who are at risk. The member for Unley is quoted as saying:

> What I am asking for is that the morality question be taken out of prostitution.

Decriminalisation will not remove these elements. There will always be a multi-million dollar business connected with crime and drugs in relationship to prostitution. I quote here from an article in the *Advertiser* (Thursday 28 April 1994) by Glen Schloss, headed 'Thai women net brothel owners. . . ':

> An Asian prostitution racket bringing women to Australia on forged passports had netted more than $4 million from the vice trade, a parliamentary inquiry was told yesterday.

The report goes on to say:

> [Many] women from Malaysia and Indonesia. . . were also involved. Prostitutes entering Australia with forged passports—stolen or bought from Australians who acquired them legally—were difficult to detect. [The spokesman] said police were also concerned about the spread of HIV which was rife in prostitution in Thailand.

He said that that would also be a problem in Australian brothels. As individuals in society we are not free to do as we like. Our actions, decisions and attitudes affect our fellow man. Freedom does not mean a licence to do as we please. If we are truly concerned about upholding the dignity of the human person and the sanctity of sexuality and human relationships we cannot consider decriminalisation or legalisation. Prostitution may have been with us for thousands of years and no doubt it will continue for centuries to come, but there is no reason to accept it as a normal part of human life or form of employment.

Mr CAUDELL secured the adjournment of the debate.

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

In Committee.

(Continued from 16 February. Page 1632.)

Clause 2—'Two-up on Anzac Day.'

Mr SCALZI: I move:

> Page 1, line 19—After 'Anzac Day' insert 'on the premises of a branch or sub-branch of the Returned & Services League'.

My amendment is a good compromise in order to establish something that is part of the Australian tradition without incriminating people taking part. Members will be aware that I supported the Bill in its entirety. I do not believe that one day of playing two-up in Returned & Services League branches is in any way supporting the extension of gambling. As I have said on previous occasions, it is like picking up the crumbs and throwing away the loaves. If members are concerned about gambling they would have opposed the introduction of poker machines, as I would have (as I have said on numerous occasions) had I been a member in this Chamber at the time. Poker machines are the things that are extending gambling; they are the things causing a lot of hardship; and they are the things we should have avoided. The one day tradition involved in this Bill gives recognition to the fact that it is part of Australia's history, and the amendment gives this matter a greater focus.

I know that I have the support of other members for my amendment, which restricts the playing of two-up to the RSL branches. It acknowledges the concerns of those who fear that this activity will spread and become part of general gambling, although I disagree with that view. However, giving this activity status such that it may occur on only one day will keep it under control. The argument that it will affect families is fallacious. To be told that participation in two-up on Anzac Day by people in their 70s and their 80s (who are the ones who mainly enjoy this tradition) will be of great detriment to their families is a silly argument. Nevertheless, if we restrict it to the RSL and its branches it should counter that argument and also those concerns that people have in not supporting the Bill without the amendment.

I urge all members to look at this matter in its proper perspective; to realise that it is part of the Australian tradition; that it gives recognition to part of Australia's history; that it does not make criminals out of people who are

genuinely enjoying an Anzac Day tradition; and that those returned services men and women who wish to participate in this tradition should not be hindered in doing so. In fact, by supporting the Bill with the amendment I have moved, the House is giving recognition to those points and allowing a tradition its rightful place as part of Australia's history. I urge all members to support the amendment.

Mr ATKINSON: So, it seems that the RSL is to tighten its monopoly on the one day of the year. I had hoped that legalised two-up could be played wherever the ex-servicemen chose to play it. I had an idea that the Rats of Tobruk, or the members of the 2/48th Battalion, might play their game in the laneway behind the Adelaide Oval scoreboard or wherever they chose to play it. However, I do accept the member for Hartley's amendment, which seems necessary for the Bill to pass through this House and, to that end, I am happy to accept it.

Mr BROKENSHIRE: Although I also support this amendment, I strongly oppose gambling *per se*. Having had a grandfather who went from riches to rags as a result of gambling, this is a matter about which I have particularly strong views, and I am very much against gambling.

Let us just pause for a moment to consider what this amendment now does. Had this amendment not been proposed by the honourable member I would not have supported the Bill because, frankly, I do not want to see two-up running rife throughout South Australia. In my opinion there is already far too much opportunity for gambling available. This Bill is very relevant this year—50 years after World War II, Australia Remembers—and the amendment allows people a privilege that certainly they deserve, in my opinion, to go to their local RSL club and legally play two-up if they so desire. Let us remember that it is still up to the committee of the individual clubs to make a decision on whether two-up is allowed, but this Bill allows it legally to be an operational gambling service on an RSL sub-branch property.

As I have said previously, having a father who suffered enormously with major war injury, I know just what returned service people have done for this country. It is a damn pity that too many people have already forgotten that, and I hope that one thing that comes out of Australia Remembers—the 50th Anniversary of World War II—is a re-focusing on what those people did for Australia and the reasons why we live in such a good country today. I support just about anything that gives these people a privilege and an opportunity and if, each year after attending such an important and emotional service as the Anzac Day service on 25 April, they go back to their clubs for lunch and a bit of mateship and they want to play two-up, good luck to them. I hope that other members of the House will look upon this in a similar light and support this amendment, and therefore pass this Bill.

Mr LEWIS: I support this amendment. In the event that it gets up, I foreshadow a further amendment to it, which does not in any way negate what the amendment seeks to do but further adds to it. In brief, informal discussions that I have had with the member for Harley, he, too, would accept that amendment. It is simply to allow for those circumstances where after the service the returned servicemen and the people attending the dawn service retire not to an RSL sub-branch or to the RSL office in Angas Street but rather to a drill hall or some other place owned by the Defence Forces of Australia. The amendment would be:

After 'Returned & Services League' insert 'and any premises owned or occupied by the Defence Forces of Australia'.

I am sure the member for Spence would find that an acceptable extension, as would most other members. Accordingly, we would do well to bear in mind the sentiment which has sensibly motivated the member for Hartley, as well as the member for Mawson in supporting him and the member for Spence in accepting his amendment, to allow those groups of returned servicemen and their family and friends, who retire not to a sub-branch building but rather to a drill hall somewhere in the immediate neighbourhood to play two-up. I am no advocate of gambling as I understand the evils that it can bring to society. That is well illustrated by the remarks I have made in this place in relation to the desire to licence the casino, for instance, and the proposals to provide for poker machines and other electronic gaming devices, and the rank hypocrisy that was put about by people at that time in relation to what they would or would not do subsequently. It is all history now, Mr Chairman. We find that we have all forms of gambling imaginable made lawful.

If what has previously been unlawful on Anzac Day but clearly part of what most people regard as the fine Australian tradition of letting off steam on Anzac Day, is to have a game of two-up or swy, and to do it in places where it is not likely to cause any offence whatever or congestion or lead to any commission of other criminal activity, then I will support that, too. I do not see it as being in any way different and the appropriate place for it is where those people gather who wish to participate in it, on the basis that it has always been something that a significant proportion of Australians did when they were overseas fighting for this country's constitution and what that entails. It is for that reason I say that we should also extend it to premises owned or occupied by the Defence Forces of Australia.

The ACTING CHAIRMAN (Mr Leggett): Before calling the member for Peake, I point out that the amendment foreshadowed by the member for Ridley actually refers to premises that are owned and occupied by the Commonwealth, and State police have no jurisdiction in Commonwealth owned property and land.

Mr LEWIS: Mr Acting Chairman, notwithstanding the directive Standing Orders on your willingness or otherwise to participate in the debate from the Chair—and I take exception to that—may I answer the point, Sir, that what you raise is a point in the constitution that has yet to be tested in the High Court and, accordingly, it is not clear as you have stated that the State police have no jurisdiction. A murder committed on the premises of a drill hall is indeed a murder which is investigated and prosecution brought by the police of South Australia. That much is established but whether or not offences committed to Acts which are not regarded as felonies has not been tested in the High Court and, accordingly, I believe it appropriate for us, in any case, to make it plain that we would not want officers of the Police Force to prosecute or attempt to prosecute somebody who was playing two-up on Defence Force property, and that is why I have suggested that it ought to be included.

Mr ATKINSON: On a point of order, Mr Acting Chairman, is it in order for you as the Acting Chairman to make a contribution to the debate and not a point of procedure from the Chair?

The ACTING CHAIRMAN: First, there is no point of order and, secondly, I remind the member for Ridley that I am not involving myself in the debate. As the Chairperson I have a right to raise a matter for your information relating to the competence of the amendment. Does the member for

Spence wish to speak on the amendment from the member for Ridley?

Mr ATKINSON: Yes, Sir.

Mr BECKER: I had the call.

The ACTING CHAIRMAN: That is correct; sorry. I call the member for Peake.

Mr BECKER: This shows very clearly what I think about the whole issue. It is the most stupid, idiotic piece of legislation I have ever seen, let alone the amendment, and the member for Ridley has just added further to it. How crazy can you get? We are in the worst economic situation the State has ever been in, and we have spent about a hour this morning worrying about prostitutes and worrying about two-up. You are not doing a damn thing to create jobs for anybody. Let us look at this issue. It is a pity the honourable member was not around in this country when our returned servicemen came back.

Mr ATKINSON: I rise on a point of order, Sir.

Mr BECKER: Sit down. The member for Spence carries on like a—

Mr ATKINSON: Could the member for Peake address the House and, in particular, address me as the member for Spence.

The ACTING CHAIRMAN (Mr Bass): The point of order is correct. The member for Peake has the call.

The Hon. D.S. Baker: What more could you expect?

Mr BECKER: That is very true. After the Second World War, I was living with my aunt in a country hotel and, for the benefit of the member for Spence, I was old enough to know what went on. I was absolutely sickened to see returned servicemen go down to the local pub to have a few drinks and then, the next minute, some little con man would get them into a ring and start up a game of two-up. What would happen? They would lose all their pay. They would lose all the money that had been put aside for them while they were in the Middle East or in New Guinea fighting our enemies. They lost the lot.

It was taken off them, and they would have to go home to their wives, their girlfriends or their families and say, 'Mum, give us a quid, so I can go down to the pub and have a drink with my mates.' If that is 'true Australianism', I do not want to be a part of it. It was sickening to see men risk everything. Some men who came back did not gamble and were lucky enough to go out and buy a house, but those who were sucked in by these little con men lost the lot and could not afford to provide shelter for their families. It is a pity that the member for Spence never saw that occurring in small country towns throughout the State.

It is a pity he was not even in the country to see what happened when the American soldiers came over here as well. Do not tell me about 'Australia Remembers'. Do not get me on about Australia remembers the Second Word War; I could tell some stories that would make people's hair curl. How about one of the richest businessmen in Adelaide—

Mr Atkinson: Name him.

Mr BECKER: That is all the member for Spence can say: 'Name him. Name this one; name that one.' I do not have to: I have already been pulled up by the Party for mentioning his name once before in this House. He made a fortune out of two-up on the Port Adelaide wharves. That is the sort of people they are: they take their mates down for a few bob or a few quid. If this House wants to legislate to do it, there is something wrong with the State. There is something wrong with this country if we legislate to make the game legal to keep a few con men happy. The RSL is not asking for it. The Returned & Services League has not written to me. Not one secretary of one RSL club near or around my electorate has written to me. Not one returned servicemen—and I know quite a lot of them—

Mr ATKINSON: I rise on a point of order, Sir. Are the comments of the member for Peake relevant to the clause or is he speaking to the principle of the Bill as a whole?

The ACTING CHAIRMAN: Yes, it is relevant to the clause, but I remind the member for Peake to keep his remarks relevant to the amendment of the member for Hartley.

Mr BECKER: I am sick and tired of being sabotaged by those who oppose anything the Liberal Party does, and we see that in the wider community at the present moment. Every now and then we see it in this House, and we see it with this amendment. I do not need to remind members that the amendment seeks to allow two-up gambling in RSL clubs, and we heard the incredible speech from the member for Ridley suggesting that two-up could be played wherever returned servicemen gather: the various drill halls, or whatever. He envisaged playing two-up at the Woodside Army camp, where I had three delightful months of National Service. The honourable member suggested that men could go out into the paddocks and have a game of two-up.

The member for Ridley wants to legalise the playing of two-up on Commonwealth land. As was quite rightly pointed out, what happens on Commonwealth land has nothing to do with us. If South Australia legalises two-up, the Commonwealth authorities could, if they so desired, authorise two-up on their land. I have already experienced this with the poker machines when I asked the airport authorities whether poker machines could be licensed or authorised on airport land, and they said, 'Yes. Once the State authorises it then anybody could, if they wanted to, apply to put poker machines on airport land.' So, the same thing will apply in respect of two-up.

That is why I am suspicious of this Bill: it is a toe in the door. Members say, 'Let's get this amendment through; it looks good and sounds nice. Our friend who proposed it made a very good speech, and it is wonderful for those old guys who served this country and gave everything so that we can enjoy the freedoms that we have in this country—the freedom of speech and movement.' I am very grateful to the RSL and the returned servicemen of this country.

The member for Spence's own political Party, which was in Government in Canberra at the time, wanted to deport me—an Australian-born citizen who had a German father. The honourable member's Government wanted to deport me and my sister. Bloody democracy! The honourable member should never get me on to that subject, or he will hear a hell of a lot more truths, and I might even get more physical, too. I get absolutely fed up when I see nonsense like this. I am disgusted to think that we have to waste our time over stupid issues like this when we should be doing something for the country and for the unemployed and disadvantaged people within the community. Let us make their life a little easier and better and throw out this legislation.

Mr SCALZI: Not only do I look up to the member for Peake but I respect him. I respect his wisdom on most things and I often take counsel from him on the procedures of the House and matters that concern the House. However, I think that on this occasion he is misguided. It is one day out of 365 days in a year. I, too, am against the evils of gambling. One night during the tea break I happened to go around the corner to see the poker machines and the one-armed bandits, and I

saw the people who play the machines all day. I, too, am concerned about this. I am concerned to hear that at some hotels they have removed the salad bowls from the dining rooms because elderly citizens were playing the poker machines and then, because they did not have enough money to buy their lunch, they were helping themselves to the salads. That is an example of the evils of gambling.

This amendment, and indeed the Bill, restricts the playing of two-up to one day a year. As I said previously, we are picking up the crumbs and throwing away the loaves. What is happening now is a crummy argument. It has no substance. Members are going on about something that is a small issue. The Bill seeks to recognise a tradition observed on only one day in the year. I would like to measure the significance of playing two-up on this one day each year against all the money that is lost in all the other facets of gambling. I recognise that Australia has one of the highest proportions of gamblers in the world. We should look at that and support the agencies that are doing their darnedest to help the victims of gambling. I am all for that. However, you cannot put this in the same league: we are not comparing apples with apples or pizzas with pizzas.

The honourable member's amendment seeks to widen the legislation to apply to an RSL hall or a hall hired by the RSL. We are talking about the premises, but the building itself is irrelevant. It is the body of returned servicemen and women that is important. That is what makes the RSL—the gathering of those people. The amendment moved by the member for Ridley makes sense. In other words, if it is not this building, it is another building, but it is still giving legitimacy to the returned servicemen and women of the league. It is giving them that recognition. It is not incriminating them; it is saying, 'Let's go on.' How much money will be gambled on that day? There are no bookies; there is no provision for registration; and there will be no percentage for the Government coffers. If there were such a suggestion, I would be the first to oppose it.

We are just talking about an Australian tradition: on one day in the year, a body of returned men and women celebrating Anzac Day have a bit have fun. We are saying that that should not be an incriminating offence as it is today: it should be given recognition. As a student of Australian history, I see no evil in that, and I cannot understand why other members see evils in it when, as I said, they are picking up the crumbs and throwing away the loaves daily. Do not let the loaves of bread go mouldy: support this.

Mr MEIER: I am totally opposed to this amendment. This clause provides that two-up is not an unlawful game when played on Anzac Day, and 90 per cent of the time or more it will be played in RSL clubs. The amendment includes those premises owned by the Defence Forces of Australia, and I guess that would take it to 99 per cent. My views on this are not changed one iota by our saying, 'Let's allow two-up in RSL clubs or in Defence establishments as well.' I have stated previously that I do not believe there is any need nor any push for this to be legalised. Certainly, I am not and have not been an advocate of gambling. Personally, if I have the option to gamble, that is something that I have to weigh up, but I see the negative consequences far too often.

It was very interesting to hear the member for Peake earlier give examples of members of the Defence Forces who had lost their whole pay packets in two-up games in earlier years. Why as a Parliament should we be giving legal sanction to such activities? I think it is very silly to do so. The next call will be that more money needs to be made available for social rehabilitation. I guess the same argument applies to the poker machines that are around at present: used in moderation they probably cause no harm but, abused, they cause serious social consequences in our community. I am totally opposed to this provision and the amendment, which seeks to add some respectability to a Bill which I believe is not necessary, is not wanted and should be opposed by members in this House.

The Committee divided on the amendment:

AYES (26)

Ashenden, E. S.	Atkinson, M. J.
Baker, S. J.	Brindal, M. K.
Brokenshire, R. L.	Caudell, C. J.
Condous, S. G.	Cummins, J. G.
De Laine, M. R.	Geraghty, R. K.
Greig, J. M.	Gunn, G. M.
Hall, J. L.	Hurley, A. K.
Ingerson, G. A.	Kotz, D. C.
Lewis, I. P.	Matthew, W. A.
Penfold, E. M.	Quirke, J. A.
Rann, M. D.	Rosenberg, L. F.
Scalzi, G. (teller)	Stevens, L.
Wade, D. E.	White, P. L.

NOES (13)

Andrew, K. A.	Armitage, M. H.
Baker, D. S.	Bass, R. P.
Becker, H.	Buckby, M. R.
Evans, I. F.	Kerin, R. G.
Leggett, S. R.	Meier, E. J. (teller)
Rossi, J. P.	Such, R. B.
Venning, I. H.	

Majority of 13 for the Ayes.

Amendment thus carried.

Progress reported; Committee to sit again.

ADELAIDE OVAL

Mr CONDOUS (Colton): I move:

That this House expresses its support for the playing of AFL matches at the Adelaide Oval from the beginning of 1996 and calls on the SANFL to address the strong support of a vast majority of South Australians for AFL football to be played at Adelaide Oval.

I was not going to get involved in this matter. However, there was an enormous amount of reporting in the paper of the point of view put by the SANFL and by the South Australian Cricket Association, but nobody was putting the point of view of the ordinary football supporter who had very strong opinions on what should happen but did not have access to the media to be able to express those opinions. I am not going to talk about the survey which was conducted by SACA and the results of which appeared in the paper this morning. However, I will talk about the one that was conducted by the *Advertiser*. It did a random test right across the State which showed that nearly 70 per cent of the community—and that is a community in each of our electorates right across the board—was totally in favour of Adelaide Oval being used for the playing of AFL matches. Other surveys showed a figure as high as 75 per cent.

Both my good friend Graham Cornes on 5AA and Mr Max Basheer, when he appeared on 5AA, said that it was not up to politicians to get involved in this matter. I beg to differ, and I will tell members why: I believe that we as politicians are obliged to intervene in sporting issues when it has become patently obvious that sports people cannot, or in this case will not, resolve an issue in the interests of the public of South

Australia. That is why we as politicians have a responsibility to become involved.

The other thing of which I would like to remind Mr Basheer is that he is an administrator. He is only the custodian of the game on behalf of the people of South Australia. The game itself belongs to the people: it does not belong to the administrators, in the same way that we as politicians are only custodians of the State's assets and are at the whim of the people every four years through the ballot-box. Mr Basheer has no other mandate than that.

I have no vested interest: I said last week during the debate and I reiterate that I have paid to see something like 1 000 league games, interstate games and AFL games during my time. I am not a member of the South Australian Cricket Association; I am a member of the South Australian National Football League.

But let us look closely at what this is all about. It is about the anger that has existed between the two bodies since the early 1970s, when the problem arose. We, the politicians, have an obligation to ensure that the football supporters of South Australia will not be made the scapegoats for the deep-seated wounds that have existed since 1970 between some executives of the SANFL and some executives of the South Australian Cricket Association.

Therefore, we must look without any prejudice at all at what is being presented by both bodies in a business sense and not be clouded by the bitterness that has existed in the past. Rather, we must look to the future, because this plays a very big part in this State's tourism industry. Literally tens and even hundreds of thousands of Victorians each year come to South Australia to watch their teams play here, generating millions of dollars in the hospitality industry in accommodation in hotels, and this is of State importance.

The other matter that angered me when I read the paper was that the SANFL kept on saying that it had never received any support from the Government—that it had gone down there and done it alone. Let me just reiterate part of the speech made on 13 September 1973 by Sir Donald Bradman as the President of the South Australian Cricket Association to the members of the Cricket Association. He said:

> Regrettably, from our point of view, the decision by the South Australian National Football League to leave the oval was encouraged and financially supported by the South Australian Government.

Not only that, but when the SANFL decided to go to West Lakes and it did not have the money to be able to do it, the South Australian Government guaranteed its loan to the Bank of New South Wales for $2.25 million. When the SANFL overran that project by $.5 million again the Government gave it an extension and guarantee. The SANFL had cash flow problems in 1976 and the State Government again gave it an extension. The then Minister, Michael Wilson, ensured approval for lights after there was upheaval by West Lakes residents who were given assurances when they built their houses down there that lights would not be installed at West Lakes. The SANFL then spent money on lights without Government approval.

One condition of the guarantee required from the Government was that approval for additional capital expenditure would have to be approved by the Government. 'Guarantee' meant that if the SANFL defaulted the Government had to pay. The Government of South Australia then leased to the SANFL additional lands, which the Treasurer tells me are worth $2 million. The previous Government gave the SANFL that enormous expanse of land on a 45 year lease at $200 a year. It was not even a commercial rate of return.

Mr Caudell: How much?

Mr CONDOUS: A 45 year lease on $2 million worth of property at $200 a year. The SANFL is now leasing or selling use of that land to people like myself who are paying $70 (and I have no qualms about that) to park their car at Footy Park. We should at least get a sensible rate of return for the Government. In 45 years' time we could be paying $250 for one of those spaces. I worked out that if we had that $2 million today and put it in the bank on compounding interest at 10 per cent, in 45 years we would have $142 571 175. In that 45 years what will we get? We will get only $9 000 back from the SANFL, yet it claims that the Government has not helped. I would hate to see what would happen if we rolled out the red carpet and gave the league a little bit of assistance. How do the 150 000 women netball players who participate every week down on Anzac Highway feel about that? They cannot even give the girls a decent deal to build a stadium for an international sport of which we are number one. We beat South Africa last night by 34 goals. How would they have liked to receive $2 million worth of property for $200 a year.

My mate, the member for Hart, went on the 5AA radio show and opposed it. In fact, I will show later on that the constituents of the member for Hart will actually benefit more than anyone else. The member for Hart is like the colourful budgerigar, chirping away at himself in the mirror and going on without any address at all to the 75 per cent of people out there who want to see football played at Adelaide Oval. The member was talking about Government guarantees and new lights not being viable. What he does not understand, and I am surprised, is that the Bradman Stand was built for cricket; it was never built for football. The lights that are going up are going up for cricket, not football.

SACA does not rely on income from Adelaide Oval to keep itself going because that comes from international cricket. The next tour in two weeks of the West Indies will generate money from which all cricket associations in Australia will get financial benefits. SACA is not looking for guarantees from the Government. All it is saying is that it wants to see, for the benefit of the community, football played at Adelaide Oval.

The other thing that gets me is the SANFL's saying that SACA's lobbying of the AFL direct is impertinent, insulting and unprofessional. Let us open up a few little memories because we cannot let that go unabashed. I refer to a little poster in front of me and ask: who is in the poster? Joel Garner, Viv Richards, Mike Proctor, Clive Lloyd, John Snow, Ian Chappell, Graham McKenzie, Zaheer Abbas, Imran Khan, and it goes on. Fifty-three of the finest cricketers who have ever played in the world but where are they photographed? They are not photographed at the Adelaide Oval; they are photographed at Football Park in 1977. Why? Because the league decided that it wanted to assist Mr Packer in putting on the World Series cricket. By doing so, they did not care whether the Cricket Association went broke; they were concerned only to put a dollar in their pocket and if cricket went by the wayside, bad luck. And they have the audacity to say that the SACA is being insulting and unprofessional! The Chief Executive Officer, Leigh Whicker, has said:

> West Lakes is the home of football. Surely we have the right to play the game at our home if it is in the best interests of football and the football public.

How would anyone know if they do not look at the business proposition? Let the people be the judges; it is their game. Let the Football League produce the Arthur Andersen report

which says that it is not viable for football to be played at the Adelaide Oval. Let the Cricket Association put its report forward which shows that in the first year $7.5 million would go to the Football League. Then let the people decide; not turn around and say that it cannot work. I believe that more revenue would be generated for the league if the second licence was played on a different ground. The financial return will be unattainable if both South Australian sides play at the same venue. If $7.5 million to the SANFL can be generated in the first year, why can we not be decent and look at it?

I cited this point this morning and that is why the member for Hart has missed out. What will happen if we all renew our membership? Where will the Port Adelaide supporters go to see their team? By splitting the two, we will provide an opportunity to expand the spectator base and get more people watching AFL football. That has to be in the interests of the Port Adelaide Football Club. What will happen if the AFL suddenly decides that there is a magnificent ground in the Adelaide Oval just sitting there begging and Fitzroy or Footscray decide, 'Why shouldn't we go and set up there?' Max tells us that we do not have to worry about that because they will not do it unless they confer with the SANFL. I would not trust the AFL. Would anybody trust Victorians if they say they will never do something?

Let us consider the advantages of going to the Adelaide Oval. The member for Lee will confirm that to go to Football Park people have to park at Seaton High School and walk three kilometres to get there. In the city we have the Torrens Parade Ground, the northern and southern car parks, the Festival Theatre car park, the Exhibition Centre car park, John Martin's, David Jones, Harris Scarfe, My Fair Lady, Light Square, Topham Street and the Waymouth Centre. I can name another dozen car parks that will accommodate 7 000 or 8 000 cars.

What will it do for this State's economy? When the football finishes at Football Park, you get into your car and drive home. On a Friday or Saturday night, when it finishes at 10.30 p.m., at least half the people who were at the game will patronise the city's hotels, discos, coffee bars, restaurants, fast food outlets, McDonald's and Hungry Jack's, the Casino and the Entertainment Centre. We will create 2 000 to 3 000 new part-time jobs for young people in the hospitality industry. Football is about tourism. We have to be responsible, and so does the league. We will give more people the opportunity to watch the game, and that is what they have not done at this stage.

I believe that we must all support at least looking into it. Why would anyone want to close down anything without looking at a business proposition? I believe there are young people on the South Australian National Football League Commission who want to look at it, but they have been thwarted by the older fellows who want to keep a tight grip and who are still bleeding because of what happened in 1970. Instead of putting on clear glasses and looking at it, they are jeopardising the entire game in South Australia for their own benefit. I say, 'Be honest, produce your reports, and let the people of South Australia, your paying customers, make the decision. Do not turn around and dictate to us simply because you have your own little hidden agendas.' The game is bigger than the individual; they are only the custodians. The game belongs to us. Let us make a judgment on behalf of the community.

Mr LEGGETT (Hanson): That is a tough act to follow. As a fellow sporting fanatic who needs a fix at least once a week on sport—knowing what the scores are, etc.—I support the member for Colton's motion. I, too, call on the South Australian National Football League to address the overwhelming support from the vast majority of people who were surveyed throughout South Australia, and particularly during the fourth test (which, sadly, Australia lost in Adelaide back in January). South Australia deserves to have the very best, particularly in sport. The AFL, whether or not we like it, is the very best—sadly, as the member for Spence said, at the expense of the South Australian National Football League (the local competition). But that is another issue. If we have the very best, we need the very best facilities with some upgrading. That is financially viable and, contrary to what the member for Hart (who really does not know what he is talking about on this issue; he seems to see everything in black and white) says, this can easily occur at the Adelaide Oval if the South Australian National Football League accedes to the wishes of the majority—not the minority but the majority.

I have enormous respect for Max Basheer—he has been an outstanding administrator for many years—but in this instance he is quite wrong. I have tremendous respect for Graham Cornes as a player; I remember his taking that brilliant mark in 1973 (I was just behind him, not above him) to win the game for Glenelg in the grand final. I have tremendous respect for him as a coach and as a commentator, but his comments in the *Sunday Mail* report, headed 'Keep our MPs out of footy', are, as the member for Colton said, inaccurate and misleading. Cornes said:

> But the reality and the practicality of it is that the South Australian National Football League had to go down to Football Park and develop it from scratch, from a swamp, with no Government assistance. They were set adrift by the South Australian Cricket Association and, indeed, the politicians of the State at this time.

The member for Colton has already adequately covered that aspect, and he has challenged Graham Cornes by saying that the South Australian National Football League did not go it alone. In fact, there were original loans, as we know, to build Football Park, and they were Government guaranteed. This, as the member for Colton also said, was verified by Sir Donald Bradman in his final address to the South Australian Cricket Association, in his final year in 1972-73. Among many things, Sir Donald said:

> Regrettably, from our point of view, the decision by the South Australian National League to leave the Adelaide Oval was encouraged and financially supported by the South Australian Government.

Sir Donald goes on to say:

> It is beyond my comprehension why Australian rules football, which can scarcely be termed a national sport—

that is 20 years ago; times have changed—

> should receive Government assistance and be immune from price control.

He asked:

> Why should cricket receive no assistance and have a ceiling placed on its admission charges?

Incidentally, as the member for Colton said when he held up the poster, there was cricket at Football Park, not just during the world series cricket time but also when two McDonalds Cup matches were played there in 1986-87. I would like to describe conditions there. I not know whether it was because it was Football Park, but it was a day/night game, played in arctic conditions, on 18 and 19 October. It was raining all the time—they probably could have come out with their footy boots on—there was hail (and, by the way, Les Burdett, as he

normally does, did a superb job) and I think the matches finished at some stage. But, despite those conditions, South Australia went on to win the McDonalds Cup that year. In the mid-1950s—not 1850s—when I was a young bloke, I used to jump on the *Overland* at Bordertown and come down to get my sports fix. I had my little lunch packed for the journey—five barley loaves and a couple of fish—hopped on the train, came down to Adelaide, had my pie, probably had a smoke behind the bushes, and walked down to the Adelaide Oval, which was just a short walk from the station; it was ideally situated.

I went down there and I watched the great players of the day—and I know the member for Colton mentioned names—P.B.H. May, Cowdrey, Benaud, Davidson, Arthur Wallace, Theodore Grout (the wicket-keeper), Slasher McKay, Booth and O'Neill; they were great memories for me. I also watched the West Indians and saw Kanhai and Lance Gibbs—no relation to Barry—who took a superb hat trick for the West Indies in that series of 1961.

I used to come down to watch interstate football and saw all the greats. After coming from Bordertown, which is a bit further up from your District of Gordon Mr Deputy Speaker, I had my pie at the Adelaide railway station and then went to Adelaide Oval and watched the great names, Whitten, Polly Farmer, Skilton and Jesaulenko. We saw the very best at that time, and now all we want are 11 AFL matches in one given year at Adelaide Oval. It can be done and, for the sake of our economy, it must be done, as the member for Colton has already mentioned.

Adelaide Oval is the best ground in the world: everyone knows that and, when the lights are erected, there will not be the same problems as they had at West Lakes, in the district of the member for Lee (who, as we know, is doing a marvellous job there), and it will provide one of the greatest spectacles of all time. Most importantly, those lights will not be a residential problem at the oval. The South Australian Cricket Association (SACA) says it can be done and I believe we have to give it a go. When our Premier wrote to Barry Gibbs, he stated:

> There is no doubt about it: having some Australian Football League matches at Adelaide Oval would be a boon for our city and our State.

The member for Colton mentioned that. The Premier says he wants to be part of the crowd; he will go with his kids, have a meal and walk down to Adelaide Oval. What a magnificent activity for a Friday night. It keeps the family together and boosts the South Australian economy. Adelaide's Lord Mayor, Henry Ninio, said he was delighted to learn that football would be played at Adelaide Oval, adding that most South Australians are aware of the City Council's continuing efforts to bring people back into the city. He said he gave full support to the AFL playing on Adelaide Oval. The South Australian National Football League put up 30 points. I will not go through all of them, but I refer to two points and to SACA's responses. Mr Basheer stated:

> The proposed grandstand at the oval would diminish the ground's ambience and restrict views of surroundings.

SACA made the following response:

> SACA has demonstrated with the Sir Donald Bradman Stand and other developments its ability to sensibly manage and develop Adelaide Oval within heritage guidelines and community expectations. When an AFL side is confirmed at Adelaide Oval we would be delighted to receive any architectural suggestions from the SANFL.

I now refer to point No. 9 submitted by Mr Basheer and referred to by the member for Colton. SACA is accused of going directly to the AFL, a move described as being impertinent, insulting and unprofessional, but SACA's response is as follows:

> We will not trade insults. It would be extremely unprofessional if SACA did not do everything it could to get the highest standard of football at Adelaide Oval in the interests of the public and the football community.

Although SACA has been called unprofessional, I have a telex from the then General Manager of the South Australian National Football League, Mr Don Roach, who bypassed SACA and went straight to the Australian Cricket Board (ACB). Who is being the hypocrite? He said, 'We're having trouble trying to arrange cricket at Football Park. We're having trouble with SACA. Can you help us?' He bypassed SACA and went straight to the Australian Cricket Board. In its wisdom the ACB came back and said, 'We cannot really help you. You have to go back to SACA and negotiate. Don't jump over SACA. You go back and deal with SACA. Don't come to us first.' I have all this detail in front of me.

The South Australian National Football League and SACA have to get together on this matter. We have the best State; we have people who love their sport, especially football. Every sports lover in South Australia needs a fix, and probably more than once a week if it involves cricket or football. We have the best oval in the world: let us upgrade it and play AFL football in Adelaide in 1996. I support the member for Colton's motion.

Mrs HALL secured the adjournment of the debate.

ABARE NATIONAL OUTLOOK CONFERENCE

Mr VENNING (Custance): I move:

> That this House notes the outcomes of the 1995 ABARE National Outlook Conference in Canberra and commends all the industry sectors for what is forecast to be a generally positive outlook.

I was honoured to attend this conference and I thank the House for allowing me to be absent from the House. Once again it was a very successful conference and attended by over 1 000 people. But, as always, I question the cost of the conference because it cost the average person attending over $1 000 for their accommodation, air fares and conference fees. The cost is of value, though, because the information gathered there is priceless—what price information? Also, what price the opportunity to speak with the many people in industries across Australia and around the world at one conference centre to discuss the very important issues of our trade and the outlook for our agribusiness, for our primary industries in Australia for the year ahead?

The conference was opened by the Federal Minister, Senator Bob Collins. He stressed very strongly the impact of the 1994 drought, which has meant a drop of $450 million in our exports, and Australia is now having to import grain for the first time in many years. We have lost an estimated 23 000 jobs as a result. There is a good chance that the drought will break—and it has in many regions of Australia. The Department of Meteorology is hopeful that we will have a reasonable year weatherwise. With the breaking of the drought, the income for 1995 will increase significantly. An increase of up to 50 per cent is being forecast for farm incomes—that is a huge leap.

Several schemes, including the Rural Adjustment Scheme and Landcare schemes, are being put into place to help the

farmers who have suffered so very badly during the 1994 drought. The drought also overshadowed many other important developments that occurred in this time, particularly the GATT round successes, the dairying agreement, the new citrus deal, grain handling etc. reviews, the US Farm Bill, the APEC agreement—which will greatly affect us—and the wine industry inquiry. So much happened, but it was all overshadowed by the disaster of the drought.

The carbon tax—in relation to which the Federal Minister tells us there will not be one—overrode the whole conference, because it is an underlying problem and everybody is talking about it. When one realises that most other industrial countries in the world are implementing one, have got one or are considering one, I do not believe the Minister when he says we will not be having a carbon tax or an environmental levy—call it what you like. It is of great concern. But the Minister said that it was not intended to introduce one at this time. He said:

> . . . it is a greenhouse issue. We are already up with the world's average standards and it is difficult for us to put a tax on because we have no other alternatives that are available to other countries.

We do not have hydro or nuclear power. So many other countries are introducing carbon taxes because they have the nuclear option. There is no tax whatsoever on nuclear power or hydro. The Japanese are flat out building new nuclear stations. Nuclear is clean energy. This carbon tax is going to force us all to reconsider the options. But nobody mentions the word 'nuclear' because it is very emotive here in Australia. That is of concern to me and a subject for another debate and when I have got enough courage I will certainly be addressing that situation.

However, this carbon tax is going to hit Australia fairly and squarely between the eyes and it will affect us all. It will not go away as the Minister says it will. The forecast for 1994 was a confident increase in most prices but the drought changed everything. In 1995, we are looking very confidently to increased prices in almost every industry and the consolidation of much of the progress we have made in recent years. One of the questions to Federal Minister Senator Bob Collins related to RASAC and whether business assets should be taken out when relief is considered. This is an issue that is very close to me. This is being considered and also investment allowances on water storage are being considered, and so on. This is good news indeed, because so many of our people in country regions who are asset rich (that is, the farm is worth a lot of money) but income poor (in fact with zero incomes) cannot get any of the RASAC benefits. Another question to the Minister was:

> Why are we choking (financially and physically); why are the very industries that can save Australia battling; are we going down the same path as Mexico?

The Minister assured us:

> Our exceptional circumstances grants—we are looking at them—we did not like the interest rate rises, either, but it affects us all. We currently have both a climatic and money drought.

We certainly will not be going down the path of Mexico, but many people in industry think that we could unless drastic changes are made very quickly. What is the Federal Government doing about it? Only 4 per cent of farmers are getting any assistance at all. The Minister's response was that the global amount of money does not allow it to go any wider. I question that assertion. Much work is being done with biogas to generate electricity, and so on, from our emission gases, particularly where it is very intensive, such as in piggeries, feedlots and rubbish dumps.

Dr Brian Fisher from ABARE spoke very well, as he always does, and particularly on Australia's fossil fuels. Coal and gold are the major exports this year; then wool, which is worth $46 billion; and then iron ore. Short-term and medium-term outlooks were given, as well as a 25 year forecast on China. Energy prices will recover but the recovery will depend very much on our exchange rate, and that point came up time and again. After the weather, our exchange rate is our single most important factor. If it were 75¢ we could trade very nicely but at the moment it is 83¢, and we know that that puts an extra hurdle in front of our exports. I often wonder who orchestrates this, because certainly it puts a large impost on our rural industries.

Rural incomes will be flat, even as prices fall, but this will be covered by more production. Wool growers will have difficulty increasing farm size, but that will not occur in dairying because many of the milk farmers are increasing farm size and staying very competitive. Metal prices are experiencing a lower trend, and this is a general demand trend. We need innovative ideas to handle the environmental problems, as I have already intimated. Olympic Dam in South Australia was mentioned as a very good outlet for farmers to find work, and this proves that our mining industries are providing very valuable work for our out-of-work primary producers, and they are working in tandem.

China was referred to time and again. Trade is to increase four-fold in the next few years. China's GNP today is 9 per cent of total world product, and this is expected to reach 18 per cent by 2020—and thinking in population terms, a massive increase. Today's 9 per cent in China is generated on 4 per cent of the world trade, and this is expected to be 20 per cent in 2020. These figures are staggering. Generally speaking, considering the prediction that the drought will break, the outlook is the best since 1989-90, and the year 1995-96 should be a time when a lot of rural reconstruction can take place. In 1993-94 our economy grew by 4 per cent. The Government sector and housing sector will slow—and for the Government sector I am quite happy about that—but that will impede some growth. We have to avoid inflation and the balance of trade problems we had in the 1980s.

Our widening current account deficit is very concerning. Inflation is averaged at only 2 per cent, and wage pressures are using up any spare capacity we generate in that sector. The economic forecast for 1995 is robust, with a slowing in 1996. There is an expected rise from 7.5 to 10 per cent in interest rates this year. We have seen that since this conference was held, and it concerns me greatly. The problem is that the dollar will go up as our commodity prices increase, and this drew concern from many conference members. It was the underlying factor. As soon as our commodity prices increase, the farmers have a better income and the Australian dollar is compensated to bring it back down where it was. It is very frustrating indeed.

With respect to the Asian economies, the looming giants are China and India, as their economies are growing fast. The greatest problem we have at the moment is the cloud of higher interest rates and the rate of our dollar against other currencies, particularly the American dollar. India and the Philippines will be the biggest improvers, with huge gross domestic product growth. Currently China is having a policy induced slow down to take some of the heat out of its booming economy. Singapore and Hong Kong are also having a downturn, which is cyclical. The Asian economies are feeling the pinch of interest rates as well.

The vision of 2020 is with Asia remaining the fastest growing region. We have heard it time and again. In everything we do, the same message comes through that the growth is in China. We are in a great position to pick this up, as we are the food basket of Asia. This is another reason why the railway from Alice Springs to Darwin is critical in solving this problem and keeping our markets alive and viable.

The other problem we have is with the exchange rate. Today it is 83 cents. However, our forecasts were based on 75 cents. The high cost of transport in Australia is another factor. It costs $120 more to slaughter a beast in Australia than in the United States or Uruguay. We have high input costs in Australia, and we must address that. People say we have to devalue our farms to make them viable. This important point was brought up, and you will not read it in any book. Farmers' income for the next few years will be fairly flat because our commodity prices will not see the high prices we saw 10 years ago. Are our farms over-valued? The word from the bankers is 'Yes'. What do we do about that?

In the past few years farmers have been paying too much for property, especially when one looks at the expected income. The pressure is on there and, as a result of the conference, I want to caution farmers to watch their input costs, and particularly costs associated with land, and assets such as plant and equipment. Australians, without a doubt, are way over-capitalised. They may not have been when they bought their property many years ago, but they certainly are today. It is a sad day when land prices need to come down to make our farmers viable, but that is the reality. How can you justify the difference between 5 per cent interest on earnings (the deposits in the bank) and the 13.5 per cent you pay on your borrowings? This question was raised at the conference. Bank margins are under pressure. They need to keep up charges and drop interest rates; in other words, you pay for the service you get. We must keep bank charges up and interest rates down. It will be an ongoing issue.

The comment was made that we are seeing tunnel vision in agriculture from the bottom of the hole. Another question raised was whether we should divest in agriculture; the answer was 'No'. The great hope that Australian agriculture will be the bread basket of Asia is still relevant, but it had better happen quickly. Some farmers are making good returns, and agriculture is certainly not dead in Australia. Probably the most successful and greatest growth industry has been our wine industry. I spoke on that matter in the House last week, and I will do so again shortly.

It is a fantastic industry; it goes from strength to strength. It is probably the glamour industry not only in Australia but also the world, so much so that the demand on our wine is causing a big increase in price. It is causing us to lose some market share, particularly in the UK, but there is plenty more potential in Germany, the Netherlands and Switzerland. It will be all go in the wine industry, particularly over the next two years; it may flatten in the third year. It is great to see the wool industry recovering—prices are up 40 per cent. We heard of record prices today. It is great that, after such a very difficult period, the wool growers who hung in there and persisted are now getting back on their feet. Once again, it will depend on what happens over the next 12 months.

Mr De LAINE secured the adjournment of the debate.

PORT ADELAIDE GIRLS HIGH SCHOOL

Mr De LAINE (Price): I move:

That this House—

(a) condemns the decision by the Minister for Education and Children's Services to close the Port Adelaide Girls High School at the end of 1995 without considering the particular needs of the students in the local community or providing any options for the future education of girls attending the school;

(b) and calls on the Minister to reverse his decision and provide additional resources to the school for a trial period in order to broaden the curriculum to give the school an opportunity to attract additional enrolments and to ensure the best educational outcomes for its students.

The decision to close the Port Adelaide Girls High School in the recent announcement by the Minister for Education and Children's Services has been a massive blow to the whole of the Port Adelaide community, and it has angered me particularly, as the local member for the area. The Minister stated—

The Hon. W.A. Matthew: Your Government put up the recommendation.

Mr De LAINE: We did not do it, though. The Minister's stated justification for the closure at the end of this year is not adequate when one looks at the unique nature of this excellent school. The future of the school has been perceived by parents to be in doubt because the Education Department has persistently refused to appoint a permanent principal to the school; instead, it has appointed a couple of acting principals. My perception of this situation in the past has been that it was purely an interim measure to enable restructuring and revitalisation of the school.

Mr Brindal: Are they being appointed for a year at a time?

Mr De LAINE: No, the appointments are not for any particular periods. Many parents in the area thought that this was being done to run the school down so that the school could be closed. This assumption has proved correct. The end result was that parents lost confidence in the school because of doubt about the principal and other factors, and they enrolled their daughters elsewhere. This caused student numbers to drop, thereby satisfying one of the Minister's justifications for the closure. I am particularly angry on two fronts: first, that I was given what I considered to be an assurance by the Minister that the school would not be closed; and, secondly, the appalling timing of the announcement of the closure.

This was done the day before the first term started this year. In an effort to allay fears last year that the school might close, I asked the Minister during the Estimates Committee hearing in September a two part question about the school's future. I quote from *Hansard* of 14 September last year. My question in part to the Minister was:

> I refer to the Port Adelaide Girls High School. . . In line with your stated commitment to the education of women and girls, will you give an assurance that this excellent school will, first, continue to operate and, secondly, will continue to be able to provide single sex education?

The Minister's response in part was:

> I have taken no decision to change the current arrangements to the Port Adelaide Girls High School. We are committed to the continuing provision of single sex girls' options at high schools.

Despite the assurance given by the Minister, he announced the impending closure 18 weeks later. If this was not bad enough, the timing of the announcement was even worse and totally unfair. It is just another example of how out of touch this Government is with people and their feelings. Many new students had already enrolled at the school and had even bought uniforms.

Mr Brindal: When was it announced?

Mr De LAINE: I just said that it was the day before the first term started. People had enrolled their daughters and many had already bought uniforms. The announcement was made, and the parents, particularly of students starting year 8, were concerned about the continuity of their daughters' education. So they decided at very short notice, within that day, to enrol their daughters at other schools. Then they had to purchase a second new uniform.

In addition, these mostly working class parents have had to find additional money to transport their daughters to school, either at Gepps Cross or Mitcham, to achieve their aim of single-sex education. This has come on top of the Government's action last year in abolishing free travel for students. So, it is putting an added impost onto these disadvantaged families who can least afford it.

There are many reasons why the school should not be closed. The school has been a focus for the education of girls and young women in the western suburbs for the past 70 years, and that is a long time. This is not just a school: it is a unique part of the wider Port Adelaide community and the community is exceptionally proud of it. There is also the importance of programs delivered by the school to girls and young women in the western suburbs. Some of these programs are unique in Australia and, in fact, have attracted attention from interstate educators. Some of the programs run over the past couple of years have won national awards.

There is a need for students who wish to attend a single-sex school to be able to do so. The Minister says that they can do so by travelling to Gepps Cross or Mitcham, or the Government might even set up a sham single-sex operation at the Le Fevre High School with single-sex classes within the campus of a coeducational establishment.

Mr Brindal interjecting:

Mr De LAINE: Parents want their daughters to go to a single-sex school, and that includes the whole school, not just the classroom. I am sympathetic with their wishes in this regard. The continuation of operation of this school also gives a guarantee that the goals of the social justice action plan will be met, and this is very important.

In addition, I received a letter from the Minister dated 2 February, a couple of days after the announcement of the impending closure, informing me that 11 schools in my electorate of Price—that is, all the public schools in my electorate—have been declared disadvantaged under the disadvantaged schools program and have been allocated grants accordingly. Of course, the Port Adelaide Girls School was one of those schools. The criteria for listing under this program are as follows:

> Schools declared under the disadvantaged schools program are identified as those serving the most economically disadvantaged communities.

The factors that are taken into account in identifying disadvantaged schools include school card enrolments, school card approvals and, particularly in this school, Aboriginal student enrolments. There is a very large Aboriginal student enrolment at this school. Despite this classification and the uniqueness of this excellent school, the Minister has decided to close it. I think it is outrageous.

Members opposite during the recent Supply debate were most upset that Opposition members claim to be the only champions in this Parliament of the disadvantaged groups in the community. The fact is that that is correct. History will prove this.

Mr Brindal: It is not.

Mr De LAINE: Look back over history. This appalling decision is just another example of the hypocrisy of the Brown Government and its members. Words are cheap, but actions speak louder than words. Conservative Liberal Governments, including this one, over many years have had a dismal record when it comes to looking after the working classes and disadvantaged groups in our society. Members need only look at the legislation in relation to consumer protection and all other reforms and they will find that this is quite true. I will not resile from that claim.

At a very well attended public meeting last Thursday night, some parents indicated that their daughters had been refused admission to other schools but had been readily welcomed and enrolled at the Port Adelaide Girls High School, were doing very well in their studies, had gained confidence in the system and were quite determined to better themselves in their lives because of the opportunities given to them by this excellent school—when other schools had turned them down and would not take them on.

The Port Adelaide Girls High School is more than just a local school. Over the past 70 years it has earned the reputation, and the credibility, of being an integral part of the Port Adelaide community. It is just another example of how Port Adelaide people view their institutions. For an example we can look at the Port Adelaide Football Club. This is an excellent club—the most successful in Australia's history—and, with all the history and traditions of the club, it has got there by the sheer hard work of Port Adelaide people—because of the attitude of Port Adelaide people and because they will never give up. I warn the Minister and the Government that if they want a fight they have got it down there. They may be able to close schools and do things in other areas but, when they dealing with Port Adelaide, it is a different kettle of fish, and the Minister will find out that this is the case. The Port people never give up; they are committed, they protect their own and they will certainly come out in large numbers to protect this very valuable resource in the Port area for the sake of disadvantaged kids and young women in the western suburbs.

In the second part of this motion I am asking the Minister to reverse his decision to close the school at the end of this year. I am asking him to put extra resources into the school for a reasonable period of up time (I am not prepared to put a particular time on that; I leave it up to the Minister) to enable the curriculum to be broadened, in fact, to reverse the situation we have seen where the curriculum has been depleted, causing enrolments to decline and giving the Minister one justification for closing the school. We ask that resources be put in and time given for the curriculum to be broadened, and I am sure that, given this opportunity, enrolments will increase dramatically and once again make the school a viable educational institution. It is important; it is not as if we have many single sex girls schools around the State. There are only three, including the Port Adelaide Girls High School, and if that is closed it leaves only two. I suppose there is a reasonably close option at Gepps Cross, but it is not favoured by many people. The Mitcham Girls High School is further away. If the curriculum were broadened, many of the girls who pass Port Adelaide at the moment to seek education in private schools would no doubt enrol back at the Port Adelaide Girls High School.

I think there is a hidden agenda here. A private school has been looking for premises to set up in the Port Adelaide area for some years now. I will not name the school at this stage, but a school is looking for a place and, if the Minister could

close this school, we might see another option arise: the Port Adelaide and Alberton Primary Schools would be amalgamated and relocated to the Alberton campus and the Port Adelaide Girls High School would be sold off to this or another private school. I might be wrong, but I think that is the hidden agenda behind this, as well as disadvantaging the people in the Port Adelaide area. I ask the Minister earnestly to reconsider his decision.

The Committee divided on the motion:

AYES (7)

Atkinson, M. J.	De Laine, M. R. (teller)
Geraghty, R. K.	Quirke, J. A.
Rann, M. D.	Stevens, L.
White, P. L.	

NOES (27)

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

PAIRS

Blevins, F. T.	Olsen, J. W.
Clarke, R. D.	Oswald, J. K. G.
Foley, K. O.	Wotton, D. C.

Majority of 20 for the Noes.

Motion thus negatived.

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

EDUCATION AND CHILDREN'S SERVICES

A petition signed by 29 residents of South Australia requesting that the House urge the Government not to cut the Education and Children's Services budget was presented by Mr Rossi.

Petition received.

LEADERS' FORUM

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

Leave granted.

The Hon. DEAN BROWN: As members would be aware, the Premiers and the Chief Minister of the Northern Territory will meet in Adelaide tomorrow at the Leaders' Forum. We were to have been meeting at this time with the Prime Minister at the Council of Australian Governments. However, the Prime Minister saw fit to cancel this meeting without any consultation whatsoever with the States and Territories. While this has typified Mr Keating's attitude to relations with the States, I want this Leaders' Forum to be the start of a new process of cooperation. The Leaders' Forum is not a talkfest. The issues with which we will be dealing are of real concern to Australians everywhere: health, housing and the effects of competition policy are issues that have a significant impact on all Australians.

The States and Territories have a key role to play in Australia's system of Government, one that the Commonwealth continually tries to ignore or minimise. The diversity of interests of all the people of Australia's States and Territories is supported by these meetings of State and Territory leaders. This diversity is an important part of what Australia is, and it needs to be protected against the Commonwealth's constant drive for uniformity. The States have much to teach the Commonwealth. We are at the forefront of public sector reform. We are re-engineering activities through contracting out, streamlining processes and undertaking other initiatives to improve services and to contain costs. At the same time, we are using these reforms to generate new economic activity and development.

On the other hand, the Commonwealth, stuck in 1950s style management, is lagging behind in reforming outdated practices, processes and structures. Despite more than four years of so-called reform initiatives in Australia's Federal system, excessive administrative and bureaucratic duplication, extensive overlapping of programs and downright interference by the Commonwealth in State priorities about the provision of services to people remain the rule rather than the exception. The Commonwealth has spoken about strategies for getting top quality services for the least cost but has failed to impose on itself the efficiencies necessary to provide resources to expand Australia's export growth and international competitiveness. The Federal Government is now fat and bloated while State Governments are lean and efficient.

When it has come to the crunch, successive Prime Ministers have found it easier and more convenient to get a free ride on State reforms to State business enterprises and regulatory regimes. Prime Ministers have been reluctant to take on their own ministerial colleagues and bureaucrats responsible for health, housing, community services, education and the other large spending areas of Government to force the necessary reforms. The result has been a double failure: the Federal Government has failed to reform its own areas of responsibility, and it continues to fail to establish efficient and mature arrangements with the States.

I am prepared to recognise that we are starting to see some improvement in the Federal Government's attitude, as shown by discussions that I had last week with the Deputy Prime Minister on increasing flexibility in how the States will deal with public housing. I will raise this matter tomorrow at the Leaders' Forum. The States will seek ways to ensure that what the Commonwealth is now suggesting is not merely rhetoric. We want action. What we want is the following: increased flexibility for the States to deal with public housing; significant refurbishment of existing public housing, such as, for example, the Parks redevelopment in Adelaide; greater opportunities for Housing Trust tenants to purchase their own homes; improvement in the viability of public housing by decreasing the high public debt and, therefore, interest payments, particularly in South Australia where, this State, through its own taxpayers and State Government, has made a bigger commitment over the past 40 to 50 years than any State in Australia when it comes to public housing; and, finally, the attraction of private sector investment to provide housing solutions and, in particular, to carry out the refurbishment.

We will also be discussing health. We all know that our public hospitals are under growing pressure. The Medicare

agreements have failed to deliver adequate funding and a workable system of health care. The current arrangements are inefficient, horrendously complex, and encourage doubling up of administration. For example, I understand that the complexities created by Commonwealth determined penalties and rewards in relation to hospital funding under the Medicare agreement require Commonwealth bureaucrats to use 21 different linked spreadsheets to calculate the distribution of grants between States. That is absolute and utter nonsense.

Public hospitals are in a constant state of crisis, while the health bureaucracy continues to grow. The Commonwealth has recognised the urgency of the problems facing the health system, evidenced by its release of a discussion paper recently which seeks to have health issues addressed at long last. Of course, the test of the Commonwealth's attitude to relations with other levels of Government will come in April at the Premiers Conference which is then to be followed also by the next COAG meeting.

At the Premiers Conference, we will be insisting that the Commonwealth does not transfer to the States more of the burden of its economic and financial mismanagement. The Commonwealth must not impose even greater funding cuts on the States to deal with its budgetary difficulties. Already, the Commonwealth has put unrealistic pressure on the ability of the States to deliver services that the community needs while Canberra has grown and prospered. At COAG, South Australia, after only one year with a Liberal Government, will be able to demonstrate to the Commonwealth that it supports increased competition. We are at the forefront in reform of increased competition, in areas such as water supply, information technology, public transport, ports and Government building. But, in the face of increasing competition, we still have community service obligations.

It is all very well for the Commonwealth to do economic models, as it has done with the recent industries commission study, which say that passenger transport fares should rise by 38 per cent, on average, that water rates in metropolitan Adelaide should increase by 7.5 per cent, and that the State will be a winner in revenue terms through the Hilmer reforms. The people of South Australia cannot be expected to endure such pain, and I know that the same reaction is coming out of the other States of Australia. The adjustment process must be much more fairly managed. The Commonwealth will bear very few of the adjustment burdens from the Hilmer reforms yet will receive substantially increased revenue as a result of enhanced economic activity from improved competition. The States and Territories deserve a fair share of this revenue. This is what South Australia will go in fighting for.

I have said that it appears that at least the Commonwealth has admitted that it needs a dialogue with the States on issues of delivery of services like public housing and health. It needs to consult with the States much more to ensure that the best outcomes for dollars spent are achieved. Game playing such as cancelling this month's COAG meeting without consultation with the States will not get anyone anywhere. We need to work together to ensure that funds go to where they are most needed in the delivery of services upon which the whole nation relies. In welcoming my State and Territory colleagues to Adelaide tomorrow, I look forward to a meeting which will show, as far as we are concerned, that we want cooperation and a constructive approach to one of the great issues facing our nation as we approach the centenary of Federation. Without mature Commonwealth-State relations, we are not a mature nation.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE

The Hon. G.A. INGERSON (Minister for Industrial Affairs): I seek leave to make a ministerial statement.

Leave granted.

The Hon. G.A. INGERSON: The major objective of the Liberal Government's worker safety policy since the December 1993 election has been to sharpen the focus of employers, employees and the community on the prevention of workplace injuries. Since May 1988 employers, unions and the Government have been talking about upgrading and consolidating South Australia's occupational health, safety and welfare regulations to meet contemporary occupational standards and to achieve maximum levels of compliance. I am pleased to advise the House that today Executive Council enacted a consolidation of regulations under the Occupational Health, Safety and Welfare Act 1986.

This reform represents a landmark package and is the most comprehensive overhaul of South Australia's workplace safety regulations in 23 years. Despite being long on rhetoric about occupational health and safety, the previous State Labor Government made no major changes to workplace safety regulations when introducing the 1986 Act and, from May 1988 to December 1993, failed to deliver the planned changes. The new occupational health, safety and welfare regulations are both a major consolidation and a major upgrade. They enact all relevant regulations in a single document and replace the existing 17 sets of regulations under the principal Act, together with three associated Acts and regulations.

The regulations now express legal requirements in a manner that is easier for employers and employees to understand and implement. The regulations adopt a hazard based approach to safety standards, ensuring consistent standards for the same hazards across different industries. The regulations require proactive steps to be taken by employers and employees at an individual workplace level to identify hazards and to assess or control risks. In other words, they are prevention oriented. The reform package also adopts a more flexible approach to regulation making. It gives recognition of 85 codes of practice to help employers and employees meet their proper health and safety standards, and meet their legal duties under the Act.

Importantly, these reforms also introduce into South Australia upgraded regulations in the key national priority areas of hazardous substances, plant, manual handling, certification of employee competency and confined spaces. Another feature of these new regulations is that they will apply to all workplaces throughout South Australia and not simply those that were traditionally covered by industrial, commercial or construction regulations. These regulations will come into effect from 3 April 1995. An integral part of the new regulations is their staged implementation to ensure that maximum levels of compliance are achieved within time frames. These regulations have been developed in a tripartite consultative fashion between Government, unions and employers.

Upon coming to government I was concerned that proposals for this regulatory reform had lapsed into State and national bureaucracies and needed clear direction. The Government immediately established a program for the

practical tripartite evaluation of the regulations, and then the Occupational Health, Safety and Welfare Advisory Committee endorsed them last November. Workplace safety is a joint responsibility of employers and employees. The Government firmly believes that insufficient leadership and assistance has been given to employers and employees to give workplace safety and prevention the same priority as other employment, industrial or management practices. This reform package represents a clear signal by the Government that employers and employees in both public and private sectors can and must lift their commitment to workplace safety.

The State Government will continue to give the highest priority to these results oriented objectives. The cooperation of employer groups and unions in South Australia in the development of these regulations and the positive spirit in the Department for Industrial Affairs and WorkCover's Occupational Health and Safety Division are approaching the next crucial stage of implementing these regulations and gives me confidence that policy objectives will be achieved.

MEAT HYGIENE

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

Leave granted.

The Hon. D.S. BAKER: I refer to a question asked yesterday by the member for Elizabeth, as follows:

Did the Victorian meat processor that supplied Garibaldi with meat subsequently found to be contaminated with E. coli 0-111 forward to his department official meat transfer certificates covering the contaminated meat, and have these documents been retained for evidence or forwarded to the Coroner for his investigation?

I have obtained a reply for the member.

1. Since the passage of mutual recognition legislation by the Commonwealth, States and Territories of Australia in March 1993, 'official' interstate meat transfer certificates are no longer legal documents. Under mutual recognition, any goods produced or manufactured lawfully in one State may be sold anywhere in Australia without any additional requirements in a second State. It is therefore unlawful for one State to require certification for any products moved interstate, unless the same certification is also required for movement of that product within the State of origin.

2. In the light of mutual recognition principles, State meat hygiene authorities, including South Australia, have moved to apply consistent standards in all sectors of the meat industry in order to ensure continued confidence in interstate meat processing and products. That is, there has been uniform adoption and acceptance of Australian Codes of Practice in Veterinary Public Health. These codes of practice form the basis of regulations under the new Meat Hygiene Act in South Australia.

3. Despite the loss of status as legal documents, the South Australian Meat Hygiene Unit has obtained agreement from interstate authorities that meat processors should continue to use cart notes or waybills, containing data on origin and destination, to accompany meat movements and for retention in the company of origin to allow effective trace back if required. Under quality-assurance based compliance programs to be introduced in South Australia, retention of movement records will be required as part of quality assurance and audited regularly by the Government's contracted audit agency, SGS Australia.

4. Despite the change in arrangements under mutual recognition, some meat companies have continued to send copies of interstate meat transfer certificates to authorities in the client State. These companies are being circulated with the new instructions. MCS Meat Packaging, the company referred to in the honourable member's question, is not one of those continuing to send copies to the South Australian Meat Hygiene Unit. A search of certificates received in November and December 1994 and January 1995 failed to locate any from MCS.

ECONOMIC AND FINANCE COMMITTEE

Mr BECKER (Peake): I bring up the thirteenth report of the committee on the economic and financial aspects of the operations of the MFP Development Corporation and move:

That the report be received.

Motion carried.

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

That the report be printed.

Motion carried.

PRESS GALLERY

The SPEAKER: Order! Last week during Question Time it was brought to my attention that an unauthorised person was in the Press Gallery. The person involved has been contacted and has apologised to the satisfaction of the Speaker. I remind members and members' staff that they should not assist unauthorised people to enter areas of the House which are preserved for the press and members. I also point out that the Press Gallery above the Speaker's chair in the House of Assembly can be entered only by authorised press officers of each political Party represented in the House of Assembly. They are not available to other people. Members and staff should be aware of the requirements of the Chair as the Chair intends to enforce them vigorously.

MBf

The Hon. M.D. RANN (Leader of the Opposition): Will the Premier explain the financing arrangements for the $200 million redevelopment of Wirrina by MBf and detail undertakings given by the Government? On Tuesday the Premier said a statement that the resort was to be financed by selling residential blocks for a community of 5 500 people was 'a stupid claim'. The Premier went on to say, 'Whoever made that claim clearly doesn't understand the financing of that development.' Perhaps he can explain to the House.

The Hon. DEAN BROWN: Yes, I can explain to the House. The question specifically put to me was, 'Is it correct that this company is simply selling blocks of land up front to make a huge profit?' I said that that was absolute nonsense. If you understand the nature of the project, you understand that it is a $200 million development with the cash going in over a long period and the developer is not expecting profits in the first few years. Quite clearly, the claim that I heard made on radio the previous day by a lawyer—who happens to be the some lawyer protesting against the WorkCover amendments—

The Hon. S.J. Baker: A stooge.

The Hon. DEAN BROWN: I found it interesting that the same lawyer is out there taking a strong anti-Government stance on two issues in successive weeks, one being Wirrina and the other WorkCover. In fact, he has been a key spokesperson on WorkCover. I come back to the claim specifically made on air on ABC radio on, I think, Tuesday morning that

by selling these blocks of land the company would make huge up-front profits. Because of the nature of the development, which is a substantial $200 million development over a 10 year period, there will not be the up-front profits that the lawyer was claiming. In both the press and television interviews, the same claim was put to me (obviously picked up from the radio interview and put in the same way) and I said that any such claim of big up-front profits was absolute rubbish.

The Hon. M.D. Rann interjecting:

The Hon. DEAN BROWN: MBf, having bought Wirrina, has undertaken to carry out a substantial redevelopment of the resort at a cost of about $200 million. It has already committed to the first stage of that, which is $30 million of expenditure. Work started on that first stage in September last year. I inspected the work in October and already they had refurbished about half the motel units and are bringing them up to a four star standard. The improvements were very substantial indeed. If people had visited Wirrina previously, they would have found that many of the carpets had holes; it was very tired and weary, and was in the hands of a receiver. Something needed to be done, otherwise it would have been lost as a tourist resort.

Detailed discussions are presently going on between the Tourism Commission and MBf over the precise timing of the second and subsequent developments. In the first stage, from my recollection, there were 80 condominiums and 115 housing allotments. That was specified in the press release that I put out. If anyone understands a $30 million investment just in stage one, they will realise that, when you construct 80 condominiums, you will not make much profit from selling 115 blocks of land. I realise that the Leader of the Opposition as a former member of the Labor Cabinet of this State has no understanding of finance, likewise his ministerial colleagues, who bankrupted this State. Heaven help us if anyone should ever think of putting them back in charge of the till again.

This State could not stand that sort of financial loss. Just yesterday we heard about one single venture in which that former Labor Cabinet involved us, that is, the Myer-Remm site. Despite professional advice given to them not to go into it—and directly to the Ministers not to go into it—they committed South Australia to what is a $916 million project that now has a market value of about $200 million. I refer again to Wirrina, which is what the question is about.

Members interjecting:

The Hon. DEAN BROWN: I have already said—

Members interjecting:

The SPEAKER: Order! The Premier has the call.

The Hon. DEAN BROWN: Having been well and truly knocked down on this question—

The Hon. S.J. BAKER: I rise on a point of order, Mr Speaker. I know that we like vigorous debate in this House, but the Leader of the Opposition has continued to disrupt this House with his interjections, and I ask that you rule accordingly.

Members interjecting:

The SPEAKER: Order! The Chair has given the Premier the call. The Leader of the Opposition has asked a question and I ask him to allow the Premier to answer it without further interruption—and that includes members on both sides.

The Hon. DEAN BROWN: Thank you, Mr Speaker, I appreciate that. As far as what work is included in stage two and beyond is concerned, that is currently the subject of detailed discussions between the Tourism Commission and MBf. That also includes discussions as to what infrastructure the Government will provide and when it will be providing it as part of that development.

In broad principle—and it is only in broad principle at this stage because detailed talks are going on—the Government has said that it will look at upgrading the road entrance to Wirrina and it will help to provide sewerage and, in particular, water facilities and some of the facilities in relation to the marina. We have said that a maximum cost for a $200 million development would be a contribution from the State of about $13 million. The actual detail of that is still subject to negotiation, but the broad principles of a major development there to the value of about $200 million have been agreed to and announced by the two parties involved.

MARINE PARK

Mrs HALL (Coles): Will the Premier explain to the House what action the Government is taking to protect the marine environment at the head of the Great Australian Bight?

The Hon. DEAN BROWN: This issue is of wide interest to all South Australians and, in fact, to Australians because of the significance of this area in terms of the calving of whales. Of course, is it of direct interest to the honourable member and the member for Eyre. I think it is of great significance in terms of the development of tourism as well as the protection and re-establishment of whales in the Southern Ocean. I have a vested interest in this issue, because those whales invariably visit my electorate and create a great deal of public interest. It is much easier for the people of Adelaide to drive to Victor Harbor to see the whales than it is for them to go across to the bay at the head of the bight. I am one of those who very strongly supports the protection of southern right whales and would want to ensure that the breeding of those whales was enhanced.

Cabinet has discussed the broad principles of this issue. There is clear consensus within the Cabinet—in fact, there is absolute consensus—that we should ensure that we protect the calving area in the bay at the head of the bight, and I am sure that all South Australians would want us to do that. There are some associated questions that need to be looked at: should there be a buffer zone and, if so, of what size; and what should be the interface between the mining industry or the fishing industry and the protection of the whales within that buffer zone?

The other important issue to consider is how we develop this bay as a key tourist attraction. I understand that, during this crucial period in the middle of winter when the whales are calving, you can see whales almost every day of the week and witness some of the most unique sights that you would find anywhere in the world. So, there is a significant potential for us in a sensitive manner to develop that as a key tourism—

The Hon. M.D. Rann: Do you support an exclusion zone?

The SPEAKER: Order! The Chair is particularly interested in the answer.

The Hon. DEAN BROWN: I thought I made it pretty clear—

The Hon. S.J. Baker: He's not listening.

The Hon. DEAN BROWN: I suggest that the Leader listen to what is being said in the House. I said that we intend—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I suggest that all members listen to what is being said, as the Chair is particularly interested in the answer.

The Hon. DEAN BROWN: Thank you, Mr Speaker; I appreciate your protection. I have already said that we will make sure that we protect fully the calving area for the whales in the bay at the head of the Bight. The procedure for this will be that these other broad issues I have mentioned will be examined by the Government. There is not the sort of division about which the Leader of the Opposition is trying once again to create a story in the media. When the report is presented to the Government by SARDI—and this report has been funded by the Federal Government and I understand is due to be received on Monday—we will be able to sit down and resolve these broad issues. I imagine that once that has been done we will be able to make a firm decision and announce that publicly.

MBf

Ms HURLEY (Napier): My question is directed to the Premier. Why did the Government not insist on an environmental impact study before rezoning land to comply with proposals by MBf for a major development to accommodate up to 5 500 additional residents adjacent to Wirrina?

The Hon. S.J. Baker interjecting:

The SPEAKER: Order!

Ms HURLEY: Advice from Bell Planning Consultants states:

> The scale of the development has increased and is now no longer a marina and associated tourist development but a small town, which under normal circumstances and with numerous precedents throughout South Australia would require a full EIS.

The Hon. DEAN BROWN: I realise that the member for Napier is new in this House, and she has obviously been set up to ask this question today. I wonder when she last visited Wirrina or bothered to sit down with the developer and ask about this proposal. If she had asked someone who knew, she would understand that she has been well and truly set up, because the former Labor Government decided that there would be no EIS and granted the planning approval for Wirrina to go ahead. So, the full responsibility for no EIS lies squarely with the former Labor Government.

As I said, the member for Napier has been well and truly set up in here today. No wonder the Leader did not ask the question. He was then the Minister for Tourism. The Leader of the Opposition is the very man who was in charge of this important tourism project and said that it should go ahead without an EIS. I point out that the original planning approval put through by the former Labor Government included a substantial residential development on the side of the golf course, including planning approval for the marina.

The Hon. M.D. Rann: We're not talking about that.

The Hon. DEAN BROWN: Well, you are. This dishonest Leader of the Opposition is now trying to suggest—

The Hon. M.D. RANN: I rise on a point of order.

The SPEAKER: Order! The Chair will deal with the matter. I suggest to the Premier that those comments are not appropriate, and that he should rephrase his response.

The Hon. DEAN BROWN: I will certainly rephrase it. The Leader of the Opposition, who has real trouble coping with the truth, should reveal the fact that the former Labor Government put the planning approval through. In fact, when you look at the takeover of Wirrina by MBf, one of the things that was promoted by the receiver prior to this—and being the local member I know a little about this—was that it was a major tourist development with the planning approvals in place, including the planning approval for the marina. If only the Leader of the Opposition had happened to tell the member for Napier, I am sure that she would not have bothered to ask the question.

Members interjecting:

The SPEAKER: Order! There are too many interjections on my right.

The Hon. DEAN BROWN: What the Leader of the Opposition is not revealing is that this latest planning application is a very minor adjustment to what is there already. I also point out that this development has the overwhelming support—

Members interjecting:

The SPEAKER: Order! The Leader of the Opposition is out of order, as is the member for Mawson.

The Hon. DEAN BROWN: This tourism project has the overwhelming support of the people of Yankalilla, because that is one country town in the southern Fleurieu region which has a very high level of unemployment. I find it totally unacceptable for the Labor Party and the Leader of the Opposition to knock every single development that this Government gets up. Having failed as the Minister for Tourism to deliver—

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: —on any single tourism development, having been an absolute wipe-out for four years, he now turns around and knocks this major international tourist project. No wonder he sits there embarrassed; no wonder he is flushed to the point that he cannot contain himself, because I would be too. He should go down and talk to the people of Yankalilla, because they want this project to go ahead. They want the jobs, and they appreciate the fact that already hundreds of jobs are being created just through the first stage of construction work.

GOVERNMENT WAREHOUSING

Mr BRINDAL (Unley): My question is directed to the Treasurer. What positive progress is the Government making towards consolidation of Government warehousing and distribution within the public sector? I am aware of the Treasurer's long-term interest in this area, and it was again drawn to my attention when a number of large private industries in Unley that had made significant progress in rationalising their warehousing operations pointed out to me that thereby they had generated significant cost savings. One significant factor that they pointed to was the adoption of the 'just in time' method or principle of obtaining goods rather than tying up capital by holding large amounts of stock.

The Hon. S.J. BAKER: This is an important question, because it involves very large sums of money. I posed this question to my CEOs, stating that industry is operating in a 'just in time' mode whereby significant cost savings can be made by not holding stock, with its associated costs. I said, 'How do you think the agencies are operating?' One of the CEOs said, 'They are operating not on the JIT but the JIC (just in case) process.' We have seen agencies accumulate massive amounts of material and supplies just in case they may be needed, and this has cost the Government a huge amount of money. To give the House an impression of what is involved in terms of the Government's total order of basic

goods and certain services, I indicate that over $1 billion a year goes through the books on those items. Any small percentage saving obviously releases vast resources for more important applications within Government.

Also, to give the House some general indication of the magnitude of our warehousing effort, I indicate that the Government has 51 main warehouses with about $153 million worth of stock; 53 regional warehouses with about $27 million worth of stock; and 180 sub-stores with about $15 million worth of stock. That adds up to $197 million that is tied up at any given time and involves 284 warehousing arrangements for the Government. I have had a report prepared on this matter, and we are now working out a strategic approach to it in order to reduce the amount of warehousing space. Importantly, we cannot reduce warehousing space unless each agency understands that it is accumulating stores and goods which may not necessarily be needed immediately. If we can get back to the way in which industry is operating, on the basis of this 'just in time' principle, which the member for Unley quite rightly drew to the attention of the House, we will save significant amounts of money. We are now talking about putting in train processes in the distribution and warehousing systems to bring about a saving of at least $20 million a year within a very short time frame. So it is a very important issue.

MBf

Ms HURLEY (Napier): My question is directed to the Premier.

Members interjecting:

The SPEAKER: Order! There are too many interjections on my right. The member for Napier has not even had the chance to ask her question.

Ms HURLEY: Will the Government ensure that plans by MBf for a major residential development north of Wirrina meet all the requirements of the Development Act and are consistent with the aims and objectives of the Mount Lofty Ranges regional strategy plan? The Opposition has a copy of a submission made to the development advisory committee which sets out in detail how plans submitted by the developers failed to meet important requirements of the Development Act and the Mount Lofty regional strategy plan.

The Hon. DEAN BROWN: Of course, this minor adjustment to the original planning approval, which was put through several years ago under a former Government, is open to a formal planning process at present. The Government will not interfere with that formal planning process. There are hearings at Second Valley this evening, based on—

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: I think 40 specific applications were submitted in relation to the displayed plan, and that meeting tonight is part of that formal planning process. It is inappropriate for me to interfere with that formal planning process. Those people have a democratic right to put their case this evening. They will be heard as part of that planning process, and I would certainly encourage that. When those applications have been heard and considered, a formal decision will be made. What amuses me—

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: —is that the people who are running the objections against Wirrina are the political opposition of the Government at present. They are the ones who have been out there banging this—

Members interjecting:

The Hon. DEAN BROWN: I think there were 40 applications; only 11 of them appear here; and one of their cohorts, who was out there last week on the steps of Parliament House, is another one. I read the transcript of what this person said on radio. He is removed from reality; he just did not have the truth. During the radio interview, they talked about heading towards Victor Harbor for a nice day in the country and how this beautiful scenery would be destroyed because of Wirrina. Anyone who goes to Victor Harbor would realise that Wirrina is a hell of a long way out of the way to start with. They then talked about how housing was to be built right down against the foreshore. Anyone who has seen the planning application would realise that that is not the case at all.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: I'll take them down there; I'll be generous. The Leader of the Opposition did not have the courtesy to come to the opening of stage 1 of Wirrina. I wonder why. I wonder why the Leader of the Opposition, who is now opposed to this development, who has clearly come out as a knocker of any sort of development, having failed for four year, did not come to the opening. I pose the question: why did any member of the Opposition not come to the opening? I wonder why. If they had come, they would have had a chance to meet with the Aboriginal people who were there, the Kaurna people, who put on a significant series of performances on the day. They had a special ceremony on one of the appropriate sites and expressed their support and, in particular, their appreciation for the extent to which the developers went out of their way to sit down and consult with the Kaurna people and make sure that the significant Aboriginal areas were preserved, and that the important and unique characteristics of the rolling hills of Wirrina, close to Second Valley, were preserved in a manner that was satisfactory to them.

TOURISM, INTRASTATE

Mr CAUDELL (Mitchell): Can the Minister for Tourism advise the House on the latest addition to South Australia's tourism product? When releasing the South Australian Tourism Commission's new marketing plan, which aims to create 10 000 jobs in tourism and build turnover of $2.4 billion in the tourism industry in this State by the year 2 000, the Minister said that one of the areas to be targeted was intrastate tourism. I understand the Minister today is launching an initiative to help this objective.

The Hon. G.A. INGERSON: I thank the honourable member for his question, and I know of his special interest in tourism. Today, we launched another major holiday brochure—this time it is geared to country South Australia. It is now the ninth brochure that has been released by this Government in 18 months. That makes nine brochures now in the past five years. In the previous 3½ years nothing happened. So we now have some real marketing opportunities. The big plus is that it goes from the south of the State, right through the north and to Eyre Peninsula. As the Premier pointed out, it takes in the top of the Bight as it relates to whale viewing. It also includes all the wine producing areas of our State. It offers the Murray River as an opportunity. It is the first time that country South Australia has been put

together to promote our State on a national basis, as well as within our own State.

Today, at the Hilton Hotel, the Travel Talk organisation had in excess of 100 agents all showing their goods on South Australia to national and international sellers. It is an excellent exhibition, and we have released this substantial brochure on South Australia. Tourism in South Australia now is alive and is starting to get results. We have an excellent product. I extend to the House and to all members a copy of this magnificent brochure.

INDUSTRIAL NOISE

Mr ATKINSON (Spence): Why has it taken the Minister for Industrial Affairs 15 months to implement the work safety regulations announced today when they were agreed to by unions, employers and the Government in 1993? Why has the Minister agreed to noise levels deemed as safe for South Australian workers that are higher than those accepted interstate? Regulations announced by the Minister today were all agreed to in 1993 by the previous Government. However, the regulation in relation to acceptable noise levels has been amended, and it is now out of line with the national standard. The Minister has accepted a noise level standard of 90 decibels; the national standard is 85.

The Hon. G.A. INGERSON: I am fascinated that the member for Spence should get up and talk about why it has taken us 18 months to sort out the mess that the previous Government spent some five years creating. It has taken us less than 18 months to sort out the regulations and get them into a consolidated form. When I picked up this book initially it was a foot thick, and now we have a set of consolidated regulations that people can understand. We have brought together 18 different sets of regulations in a form that the member for Spence can sit down and understand. We have brought it down to grade 3 level, so that anyone who can read the regulations can make them work.

We spent the past 15 months talking to industry and to the unions about noise levels, and I might point out that it is the only area in the regulations that the union movement did not agree to. Here again, we have South Terrace coming in here by way of the member for Spence. It is the only area in which there has been any concern. We believe that this is the best standard we can have at this time, and we believe that you have to proceed in a graduated way to reach the national level. I do not believe that any regulation should be introduced that immediately creates problems for both the work force and the employers. A cost factor is involved in all regulation changes, and it ought to be introduced over time.

WORKPLACE SAFETY

Mr ROSSI (Lee): My question is directed to the Premier. What action is the Government taking to assist workers from non-English speaking backgrounds with advice on safety in the workplace?

The Hon. DEAN BROWN: Since becoming Minister for Multicultural and Ethnic Affairs I have been concerned about the fact that workers from a non-English speaking background have had a significantly higher incidence of WorkCover claims and industrial accidents than people from a traditional English speaking background. That has concerned me because, obviously, the language barrier is a direct cause of a number of these accidents. As a result of that, last year I initiated discussions between the Office of Multicultural and Ethnic Affairs and WorkCover to look at this problem and, as a result of those discussions, a major seminar was held last year to address this specific issue and to help implement a program to make sure that we started to overcome some of the causes of these industrial accidents, which result in higher WorkCover claims.

As a result of that seminar, it has now been agreed that a systematic program will be put in place; that both the employers and employee representatives, including the unions, will be consulted as part of that program; and that the program is to be fully implemented by December 1996. The program includes a number of different initiatives. The systematic program will be aimed at achieving a permanent change in addressing work safety issues for employees from non-English speaking backgrounds. Initiatives in the program will also include: inclusion of occupational health and safety issues for non-English speaking background workers in tertiary studies for health undergraduates; inclusion of occupational health and safety issues in English language training; ensuring that providers of Government services are culturally aware, through cross-cultural training for occupational health and safety managers and claims managers; information about occupational health and safety to be made available in plain English or different languages; and also to make sure that safety signs adopt the international code so that, regardless of the background of people, they can understand those codes.

Through those initiatives and others, the safety record and the industrial standards for people who do not understand English or who have great difficulty in understanding English will be substantially improved. I am delighted that there has been so much cooperation with the Department for Industrial Affairs and the Office of Multicultural and Ethnic Affairs.

FOOD CONTAMINATION

Ms STEVENS (Elizabeth): Is the Minister for Health concerned by reports that pre-packaged sandwiches that are stored at room temperature for long periods in outlets such as service stations pose a health risk to the public, and what action has he taken to address this problem? A recent nationwide food survey by the National Health and Medical Research Council found that a high percentage of pre-packaged sandwiches contained a cocktail of disease causing bacteria including salmonella and E. coli. These sandwiches, wrapped in plastic, were sold at retail outlets, especially service stations. Another survey in *Choice* magazine found that one third of 89 pre-packaged sandwiches were found to be contaminated with bacteria.

The Hon. M.H. ARMITAGE: The matter of pre-packaged sandwiches, and so on has been addressed. Regulation 18 of the food hygiene regulations 1990—and I emphasise to the member for Elizabeth that the regulations are administered by local councils—provides:

> A person who handles food for sale must ensure that the food is stored at such temperature as will, as far as practicable, preserve it from deterioration.

Section 18 of the Food Act provides offences for the manufacture or sale of food that is not fit for human consumption, and section 28 of the Food Act provides:

> It is the duty of each council to take adequate measures to ensure that food sold within its area is fit for human consumption.

This matter was canvassed in March 1994 and obtained some results from an area south of Adelaide. Those microbiological surveys indicated that 10 out of 12 sandwich samples had a

high total plate count; in fact, one example was found to have very high levels of a bug called *Listeria monocytogenes*.

The Health Commission distributed a circular to all local councils, advising them of the results and advising them that sandwiches with perishable fillings should not be offered for sale the day after the day of manufacture. The Noarlunga City Council notified the National Food Authority, and the authority released a discussion paper in October 1994. It is currently assessing comments received in response to this discussion paper. This is another matter I intend to raise at the next meeting of the National Food Standards Council (NFSC) within the next couple of months. I assure the member for Elizabeth that the matter is well and truly in hand.

SUPERANNUATION

Mr BROKENSHIRE (Mawson): Will the Treasurer make urgent representations to the Federal Government on the issue of fees being charged by some financial institutions on the administration of superannuation policies? I have received numerous complaints from constituents over the past few months about this matter. Clearly, the worst example was from a person who had been working part time and whose employer opened a superannuation savings account with a major national bank on 29 June 1993. Credits to that account up until 28 December 1994 amounted to $121.62. Debits up until that time totalled $81.02 and included deductions of Federal Government superannuation tax of $12.44 and bank service fees of $49.89. State taxes were less than $1. My constituent was left with a balance of just $40.60, and by the end of 1995 will receive a bill from the bank for an account supposedly designed to provide for his retirement.

The Hon. S.J. BAKER: It is a matter that I have expressed some extreme concern about since the superannuation guarantee was put in place. All members will recognise that, particularly for part-time and transient employees, where a superannuation guarantee has to be paid—it started off at 3 per cent and it now stands at 5 per cent and next year, I understand, it will be up to 6 per cent to be paid by employers—there are difficulties with the scheme, simply because, if people receive a credit to their superannuation account and do not continue in that employment, or move to another employer and do not have the superannuation credit transferred, it is subject to account keeping fees. I have quoted to the House several times the situation faced by rural workers where $60 or $70 has been paid in and then a bill is presented by the trustee or the financial institution stating, 'Thank you very much, but you now owe us $20.' This is a common problem.

The Prime Minister has acknowledged that there was a problem and suggested that a scheme would be put in place relating to accounts below $10 000 whereby there would be capacity within the reserve banking system to accumulate those funds and ensure that the costs of setting up the account and the maintenance of the account were kept to an absolute minimum. We have not seen action on behalf of the Federal Government. It is a widespread problem, it continues, and I will be delighted to take up the honourable member's question with the Federal Treasurer, because I believe it is an issue of significant importance.

In our own superannuation schemes, we are the most cost-effective holder of superannuation funds, as everyone in this House would appreciate. We would like to see that benefit transmitted across the board, because a lot of money is being lost between the cracks simply because the accounting and administration fees exceed the benefits that accrue from these superannuation schemes for particular employees. I will be delighted to take up that issue, which is of great importance to a large number of employees.

Mr VENNING: I rise on a point of order, Mr Speaker. Regarding your ruling before Question Time in relation to who should be in the Gallery, I understand there has been an unauthorised person in the Gallery for the past 10 minutes, but she has now left.

The SPEAKER: Order! The Chair has made a ruling. I direct that the ruling be carried out.

OUTSOURCING

Ms STEVENS (Elizabeth): Will the Premier confirm that no public hospital other than Modbury will be outsourced to private management? A report on ABC radio this morning stated:

> Premier Dean Brown says all of the main changes to Government departments have now been revealed. . .

The report then listed information technology, the Transport Department, water and sewerage and the contract for the private management of the Modbury Hospital. It then stated:

> The Premier says most of the key areas have now been dealt with.

The Hon. M.H. ARMITAGE: The member for Elizabeth does not seem to listen. That is okay: I can keep answering the same question time and again. I have said that in the health arena we are looking for two prime criteria for the people of South Australia: one is world class, world quality services; the second is the most cost-efficient price. That is exactly what the people of South Australia, the taxpayers, are telling us they want. I have identified on numerous occasions, I am happy to do it again and I will continue to do it—

The SPEAKER: Repetition is not in order.

The Hon. M.H. ARMITAGE: —that, if we are able to provide world quality services at a more cost-efficient price for the taxpayer, we are obliged, as good financial managers—as opposed to the previous Government—to look at every way we can do that, and we shall continue to do so.

UNIVERSITIES

Mr SCALZI (Hartley): Will the Minister for Employment, Training and Further Education advise whether any consideration is being given to changing the governance of the State's three universities?

The Hon. R.B. SUCH: I thank the member for Hartley for this question. I know of his commitment to the university sector and his involvement as a university council member. I believe it is time to consider the way in which our universities are governed and, to that end, I have taken up the matter with the Vice Chancellors. I am proposing a working party to examine the way in which the universities are governed to see whether the current council arrangements are appropriate for this day and age and into the future. The terms of reference of the working party that I have proposed to the Vice Chancellors will cover the following issues: the form of governance universities require; whether the composition, functions and powers of councils, as currently established, are consistent with that form; whether different universities require different forms of governance or different council compositions; and to what extent, if any, there should be changes in the composition of councils.

Our universities are a very important part of our community and we can all be very proud of them, but we

have different arrangements in each of the universities. That, in itself, is not a bad thing, but it is important that we make sure that the universities have the governing structures that are appropriate as we enter a new century. Our universities are very much involved in international education, as well as distance education and other delivery modes throughout Australia and, of course and in particular, throughout South Australia. We have excellent cooperative research centres here: in fact, per capita, we have more than any other State. But it is now time, I believe, to look at this issue. It is one that the universities themselves must own and my suggestion is that the working party comprise university representation with some outside representation as well. I believe that in the next few months we will see active consideration of this issue. There will be many members of university councils who do not want any change and retention of the status quo, of course, is always an option. But I believe that in South Australia it is time we considered the issue and re-evaluated where the universities are going, their role, the involvement of the community and other related matters.

PATHOLOGY SERVICES

Ms STEVENS (Elizabeth): My question is directed to the Minister for Health. What discussions has he or his officers had with Gribbles about the contract to provide pathology services at Modbury Hospital since that contract was signed, and have there been any subsequent alterations to the terms of the contract?

The Hon. M.H. ARMITAGE: I do not wish to mislead the House, so I shall go back through my records. I have had one telephone call that I can remember with the Director of Gribbles in the past three to four weeks which did not deal with the Modbury Hospital contract. To the best of my recollection, I have had absolutely no discussions with Gribbles whatsoever about it but, I reiterate, I do not wish to mislead the House, so I will check up, but I am confident that the answer is 'None.'

HEALTH SERVICES

Mr BASS (Florey): Will the Minister for Health inform the House whether the Government's openness to the involvement of the private sector in the provision of health services is consistent with the approach being taken by Governments in other parts of Australia and, in fact, the world?

The Hon. M.H. ARMITAGE: I am delighted to answer this question, and I thank the honourable member for his interest in this issue, particularly given that Modbury Hospital, which is producing such excellent services at a saving of $6 million to the taxpayer on an annual basis, is in his electorate. The battle for any Health Minister in any Party, in any State or in any country is to provide the best services as efficiently as possible within a given budget. Mr Speaker, at the risk of raising your ire, I have said that before, and I will again reiterate that to the member for Elizabeth. Any Minister who fails to do that has lost the medical plot or is duping the taxpayer of the State or the country, and I am not intending to do that. I was delighted to read in the *Australian* of 13 February this year an article which clearly indicates that, in the battle to provide the best health services as efficiently as possible, these boundaries are being jumped by everyone of every political persuasion.

I should like to read an excerpt from an article quoting the Queensland Labor Minister for Health, Mr Hayward. This is not a Liberal Government but a Labor Government. This was written 10 days ago in the *Australian* as follows:

> The Queensland health system faces widespread introduction of private servicing into public hospitals with the Minister for Health, Mr Hayward, declaring yesterday he would not limit private medical investment if it could cut waiting lists.

The story goes on:

> The Queensland Government, Mr Hayward said, is negotiating to boost specialist numbers by contracting private hospitals to take public patients—

and I am not sure whether that is a good idea but, nevertheless, they are doing it—

> and it also plans to encourage more private hospitals to share facilities with public hospitals in high growth areas.

The Hon. S.J. Baker interjecting:

The Hon. M.H. ARMITAGE: As the Treasurer says, that is what we are doing. We got in a little earlier, but that is what we are doing. Mr Ken Hayward is a good bloke; I have met him at many ministerial council meetings. Mr Hayward went on to say:

> The cooperation between the State hospital system and private health providers was the best way to improve medical services. The sick person is the one we should be focusing on in this debate rather than some notion of public versus private empires.

I repeat: the sick person is the one we should be focusing on.

The Hon. D.S. Baker interjecting:

The Hon. M.H. ARMITAGE: Indeed, he is a good bloke and he is absolutely right. It is surprising that, being Labor and being a Minister for Health—

The Hon. Dean Brown interjecting:

The Hon. M.H. ARMITAGE: Perhaps we can organise an appointment with Mr Goss: he will be here for the Leader's forum tomorrow. Maybe you would like to organise an appointment with him to see what they are planning in Queensland. What they are doing is exactly what we are doing. Unfortunately, they have been there for a number of years and are just catching up with the world trend and we are leading it. In answer to the question by the member for Florey whether I can inform the House whether our openness to the involvement of the private sector is consistent with the approach being taken by Governments in other parts of Australia and the world, the answer is most definitely 'Yes.'

GALAXY TV

The Hon. M.D. RANN (Leader of the Opposition): Will the Premier assure the House that no Ministers of the Crown have accepted or will take up any offer of free installation of pay TV made by Galaxy in recognition of Ministers' positions as 'Galaxy VIPs'? I have received an offer from Galaxy, signed by the State Manager for Galaxy—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Just wait for it.

Members interjecting:

The SPEAKER: Order! The Deputy Premier and the Minister for Health.

The Hon. M.D. RANN:—for a free installation of pay TV, a saving of $299. I understand that the same offer has been made to the Premier and Government Ministers. Australis Media, the parent company of Galaxy, has received a significant package of South Australian Government assistance. I have today written to Galaxy declining its offer.

Members interjecting:

The SPEAKER: Order! There are too many interjections.

The Hon. DEAN BROWN: The Minister for Primary Industries said that of course the Leader had to reject it because he would not be Leader by the time pay TV came on air. I have not yet seen any such offer.

The Hon. M.D. Rann: You got one.

The Hon. DEAN BROWN: I have not seen it yet. If only the Leader of the Opposition had read the Cabinet Handbook, he would realise that it is absolutely impossible for a Minister to accept such an offer, and therefore it would have to be rejected automatically by Ministers. If he had only bothered to read the handbook. He was a Minister for four years: apparently he did not understand what was in the handbook.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: It is astounding! The ignorance of the Leader of the Opposition on such fundamental issues about Government continues to astound me, question after question. It would be an absolute breach of the Cabinet guidelines for a Minister to accept that free offer, and therefore I certainly will not.

Members interjecting:

The SPEAKER: Order! I suggest that members on both sides cease interjecting. There have been three or four members who today have performed very badly.

Mr Atkinson interjecting:

The SPEAKER: Order! When the House sits again after the week off, the Chair will not accept any more unruly behaviour. I warn the House that I will name members. No member is immune, wherever they sit on either side, because it is clear that the latitude the Chair has tried to give the House to enable Question Time to proceed in an effective way has not been appreciated by members. The member for Light.

WINE GRAPES

Mr BUCKBY (Light): Will the Minister for Primary Industries outline the views from the recent Outlook Conference on the future of the wine grape industry—

The Hon. D.S. Baker interjecting:

The SPEAKER: Order! The Minister for Primary Industries will not have any latitude.

Mr BUCKBY:—given that this is one of South Australia's premier crops with a national economic significance?

The Hon. D.S. BAKER: Thank you for your protection, Mr Speaker. The future of the grape industry is most important to South Australia's future. We have instructed the managers in primary industries to go through the ABARE or Outlook Conference and look at each commodity area to ensure we are getting out to primary producers in South Australia what is the longer term outlook so that it can be factored into their budgets and planning over the next few years, as we are also ensuring in rural finance that it is getting down there. It is most important that primary producers in this State understand that there is light at the end of the tunnel and, if we can get some good seasons in South Australia, agriculture production in this State will rise dramatically.

One of the most important areas in agriculture production is the wine industry. That industry in terms of what it does not only for primary production but in exports and tourism is now part of the South Australian scene. The outlook is very good; in fact, it is predicted that the average price for grapes will go up by some 10 per cent this year. There is already an extreme shortage on the early predictions for this season because of the dry weather. Grape tonnages are down dramatically. If we are to get to the estimated sales of 250 million litres by the year 2000, we have to double our production and areas devoted to grapes over the next few years. That brings risks and, at every meeting of winegrowers that I attend, I tell them to ensure that they have a long-term arrangement with a reliable purchaser of their product. Most of the major companies are providing fixed 10 year contracts with CPI built in or a long-term contract with a weighted average district price. They are readily available from the department.

Mr Becker: Isn't that risky?

The Hon. D.S. BAKER: I would have thought that for the long-term investment and the capital required, people should ensure that they are protected in some form or another because, if there is a downturn, those who have no formal arrangement with wine makers or companies will find that they are the ones who will be hurt. So, there is a very good future for the wine industry in South Australia. It is terribly important that we encourage extra planting of grapes in South Australia to maintain our position as the premier wine State in Australia, and it is also important from the point of view of tourism and exports. 'Please plan carefully' is the message that the department will be getting out to all wine growers.

TRANSPORT DEPARTMENT

Mr ATKINSON (Spence): Will the Premier rule out sacking people in meeting the Department of Transport's target for reductions in employment? The Treasurer's 21 February statement in the House revealed that there was a shortfall of 1 600 full-time equivalents in the Government's target for agency work force reductions for 1994-95. He stated:

> Agencies have been advised that they must make greater effort to achieve the original work force targets.

At the same time, the Minister for Transport was announcing a restructuring of the Department of Transport, involving a work force reduction of 1 300 by December 1996.

The Hon. DEAN BROWN: It is unfortunate that the honourable member has not bothered to read the Minister's statement in detail or at least recognise what the Minister has said. The Minister has already outlined in that statement what action is proposed to be taken. This matter is not about the loss of 1 300 jobs, as some people have tried to suggest; it is about ensuring that we do things more efficiently at lower cost to the Government and, in the process, try to create extra jobs here in South Australia.

As to the matter of Government employees in specific areas to be contracted out, the Government has a very clear policy, to which the Minister herself referred, namely, that employees are first encouraged, then offered and given an incentive to go across to the contractor taking on the work, and that incentive is very attractive indeed. In relation to the Modbury Hospital, I think that over 70 per cent of the staff saw the value—and accepted the offer—of working for the contractor.

The second option is that they are offered a TVSP. For those older workers close to retirement that is the obvious thing for them to consider, but I stress that it is on a voluntary basis. The third option, if they do not choose one of the others, is that the Government will look for a place for the people concerned within Government itself. In the case of the

Health Commission, it involved only a very small number of people and positions were found within the health system. If a position cannot be found they go onto the Government's unattached list. That clearly spells out the three options available to people.

NETTING

Mr MEIER (Goyder): Will the Minister for Primary Industries advise this House when the review of the use of fishing nets in South Australia is due to be completed? Further, can the Minister indicate the extent of public interest there has been in this somewhat controversial matter?

The Hon. D.S. BAKER: I thank the honourable member for his question and his interest in this matter, because it does affect his electorate. In March 1994, the Government commissioned a review of net fishing in South Australia. Previous administrations have tended to chip away at the edges and not take any of the tough decisions or get input from those who use or are affected by net fishing in South Australia. We had quite a lengthy consultation period. In fact, we also took evidence from all councils whose territory abuts the coastline of South Australia. This not only affects net fishermen: it affects the tourist industry and the recreational fishing people, who in many cases are the backbone of local towns, especially on the West Coast.

We released the report just before Christmas, and it has been out now for just on two months for public comment. We have received 150 submissions from the public generally on the report. I will be reviewing all of those submissions with the Net Fishing Review Committee. I will then be talking to the Minister for Tourism. I will discuss the matter again with those local councils and then take the matter to Cabinet. The issues at the forefront of dispute in the past have been addressed by the Net Fishing Review Committee, and, when the results are finally collated, I am sure that a very sensible decision can be taken in the interests of all users of South Australian waters.

WANDANA SCHOOL CROSSING

Mrs GERAGHTY (Torrens): Will the Minister representing the Minister for Education and Children's Services in another place provide information on what progress is being made regarding the relocation of the school crossing lights at Wandana Primary School? Since the amalgamation of Wandana Junior Primary and Primary Schools in 1991 there has been an identified problem with the school crossing. In response to my correspondence on this matter to the Minister for Education and Children's Services office, staff have been dealing with this problem, but I have heard nothing since 4 January of this year and I am very concerned about the safety of these children.

The Hon. S.J. BAKER: I rise on a point of order, Mr Speaker. I note your forbearance with new members, Sir, but the honourable member has transgressed every time she has asked a question. She has the same bad habits as the Leader of the Opposition. I hope you can counsel her to develop better habits.

The Hon. D.S. Baker: At least she is here.

The SPEAKER: The Minister for Primary Industries will not be much longer.

Members interjecting:

The SPEAKER: Order! The Chair has been listening to the questions, and particularly to the explanations. I suggest to the member for Torrens and a number of other members that they read in *Hansard* Speaker Trainer's rulings on explanations to questions. I will then consider whether I will enforce the explanations in the same rigid manner. The honourable Minister.

The Hon. R.B. SUCH: The safety of school children is a very important matter, and I am happy to take it up with the Minister for Education (it often also involves the Transport Ministry) and obtain a considered reply.

MULTICULTURAL YOUTH FESTIVAL

Mr WADE (Elder): I direct my question to the Minister for Youth Affairs. How will the young people of South Australia benefit from the forthcoming multicultural youth festival planned for June this year?

The Hon. R.B. SUCH: This is a very exciting development. The project, called Arndu Karobran, is unique because it will involve Aboriginal young people, young people from ethnic communities and other young people in a spirit of reconciliation participating in a series of activities spanning the year. A youth forum will be held on 11 March where issues relating to young people from those various parts of the community will be discussed. There will also be a three-on-three basketball competition on Sunday 26 March in Rundle Street East. That will be a very friendly competition between young people from Aboriginal communities, ethnic communities and other young people. In June there will be a multicultural Aboriginal arts festival, where young people from those various communities will be able to work together and promote aspects of their culture and highlight their contribution to our community.

Youth SA, which is part of my department, has contributed financially towards these projects, and I understand that the Adelaide City Council is also contributing. I have approached the Federal Minister, Senator Nick Bolkus, to see whether, in this International Year of Tolerance, he will also allocate money to support this very innovative and worthwhile range of programs.

Whilst we, as adults, may not have done as well as we could have done in respect of reconciliation, in this case the young people are showing the way, and we should encourage that. Last week I met with the young people from these communities and I was encouraged by their positive attitude and commitment to bringing about greater reconciliation between Aboriginal and non-Aboriginal youths and those from ethnic backgrounds and non-ethnic backgrounds. It involves a very exciting range of activities, which I welcome, encourage and am pleased to be able to support.

MODBURY HOSPITAL

Mr QUIRKE (Playford): Will the Minister for Health confirm whether anaesthetic services are no longer provided in-house at Modbury Hospital, and say whether the obstetrics emergency service is no longer provided on a 24 hour basis? Further, is it true that, should a difficult pregnancy need such medical intervention, it now takes more than one and a half hours at night to call in the necessary staff?

The Hon. M.H. ARMITAGE: I look forward to getting the specific examples of those allegations raised by the member for Playford. I will have them investigated and, in so doing, examine similar emergency times in public hospitals when the previous Administration was in power. As members opposite are failing to recognise for political

purposes, or at least failing to acknowledge—I am sure they recognise it—Modbury Hospital still is a public hospital. All its services are provided free of charge, as is required by Medicare. The same doctors are making the same decisions, and so on. I look forward to investigating the specific examples which the member for Playford identified.

I remind the House that, in providing the services to the people of the north-eastern area and providing also a lot of new infrastructure so that all those services can be provided more efficiently and in a better fashion, the people in the north-eastern area are, of course, South Australian taxpayers, and they are benefiting equally by the $6 million which is being saved on an annual basis.

CAMERON, Mr PETER CLYDE

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

Leave granted.

The Hon. W.A. MATTHEW: On Friday 17 February 1995 Chief Inspector Peter Clyde Cameron appeared before the Police Commissioner and pleaded guilty to nine incidents contained in five charges of breaches of police regulations. The charges related to the making of false entries in official police documents. Due to the seriousness of the case and the fact that Chief Inspector Cameron admitted to three other prior convictions for breaches of police regulations, which by their nature were relevant to the most recent charges, the Commissioner advised the Chief Inspector that he was considering the maximum penalty of dismissal.

The matter was adjourned until Tuesday 21 February 1995 for the purpose of taking total cognisance of the submissions and to enable the Chief Inspector to proffer any further mitigating factors and to show cause as to why he should not be dismissed. On Tuesday 21 February 1995, following due consideration of all factors including a further submission from the Chief Inspector in respect of penalties, the Police Commissioner advised the Chief Inspector that effective forthwith he was stood down from duties and that a recommendation would be made for dismissal. Today, acting on the recommendation of the Police Commissioner, Her Excellency in Executive Council approved the dismissal of Chief Inspector Peter Clyde Cameron from the South Australian Police Force.

GRIEVANCE DEBATE

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

The Hon. M.D. RANN (Leader of the Opposition): I thought it was appropriate that I address this House about a matter on which I have written to the Coroner in connection with the HUS epidemic. I am advising the House of my letter because I believe, first, that it is essential that all members recognise and support the independence of the Coroner and, secondly, that communications between the Minister and other MPs to the Coroner should be made public to avoid any suggestion of compromise. This is the letter I wrote:

> Dear Coroner,
>
> I have been concerned by a statement allegedly made by you and quoted in Parliament by the Health Minister Dr Armitage, indicating that there had been suggestions from some quarters that the coronial inquest into the tragic death of Nikki Robinson would not be independent. I wish to assure you that the Opposition has not at any stage called into question the independence of any coronial inquiry.
>
> The Opposition sought an inquiry into a broad range of issues relating to the epidemic and its handling that do not strictly pertain to the cause of Nikki Robinson's death. We clearly did so in the public interest. Indeed, it was our view that the inquiry we sought would complement your important investigation.
>
> We welcome the Government's indication that it will provide your office with extra resources to allow it to expedite the inquiry into the child's death. I enclose copies of *Hansard* and of Opposition media releases relating to this matter. I am sure you will see there is no suggestion made in any statement claiming any lack of independence on the part of you or your office. Your inquiry has the Opposition's strong support.
>
> I know that your aware that the Opposition has made an FOI [freedom of information] request for copies of documents and written advice to the Minister in the possession of the Health Commission. Such a request for those copies would obviously not impede your investigation. We will expect the law relating to our FOI request to be complied with by the Health Commission.
>
> I understand that you have spoken with the Attorney-General about the nature and extent of your inquiries. Given the seriousness of this matter and the importance of bipartisan support for coronial inquiries, I would be happy to meet with you at any stage if you deem that appropriate and useful.

On the question involving Galaxy, I thought it was extraordinary and naive of Galaxy to make such offers to members of Parliament, particularly to the Premier and senior members of this House. I hope that this occurred because of naivety on Galaxy's part. The media seem to be in the news at the moment, with Stephen Mulholland yesterday acting as the Eric Cantona of Australian news media ownership. I think we have to make sure that this Galaxy invitation is declined by all members of Parliament.

On the question of Wirrina, there has been a great deal of bluff and carry-on today. The fact is that the amendment proposes massive changes to the boundaries of the rural coastal zone and also would seek to transform the area in a way that would be completely out of character for the area. Indeed, it proposes to sweep away very precious development controls which were designed to protect the environment in order to allow development to proceed over the whole of the site. We all know that Bell Planning is one of the most reputable planning consultants in this State, and I quote from its letter as follows:

> The scale of development has increased and is now no longer a marina and associated tourist development but a small town, which under normal circumstances and with numerous precedents throughout South Australia would require a full EIS.

Mr BROKENSHIRE: On a point of order, Mr Acting Speaker, I draw your attention to Standing Order 128, paragraph (1), and ask that you rule accordingly.

The ACTING SPEAKER (Mr Bass): What is your point of order?

Mr BROKENSHIRE: This is referring to debate that has already been—

The Hon. M.D. Rann interjecting:

The ACTING SPEAKER: Order! I might be new in the House, but I would ask the Leader to respect the Standing Orders. What is the member for Mawson's point of order?

Mr BROKENSHIRE: My point of order is that Standing Order 128, referring to 'Irrelevance or Repetition', provides:

> If a member indulges in irrelevance or tedious repetition—

The ACTING SPEAKER: Order! There is no point of order.

The Hon. M.D. RANN: I will be asking for extra time because that clearly was a time wasting device, which has

become the habit of members who are going to lose their seats at the next election.

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

The Hon. M.D. Rann interjecting:

The ACTING SPEAKER: Order!

Mr Brokenshire interjecting:

The ACTING SPEAKER: Order!

The Hon. M.D. RANN: On a point of order, Sir, there seem to be some rather vigorous interjections from the other side. Perhaps you can call the hapless member to order and make sure that he stops abusing people across the House.

The ACTING SPEAKER: If you were listening, I was calling the honourable member to order. The member for Wright.

Mr ASHENDEN (Wright): I wish to address two matters that have been drawn to my attention by constituents who have expressed concern at recent announcements by the Corporation of the City of Tea Tree Gully. Recently I was advised that the Tea Tree Gully council has made a decision in relation to the collection of household waste in that city for the next seven years.

My constituents contacted me because they, in turn, had been contacted by a councillor who had expressed concern at the way in which the matter had been decided. According to the announcement released by the council, the tender has been let for the next seven years. Councillor Douglas, the Chairman of the waste strategy working party, states that the Domestic Waste Unit won a tender against stiff competition from Pacific Waste Management, Cleanaway and East Waste. He goes on to state that the Domestic Waste Unit has been set up by employees of Tea Tree Gully council. Councillor Douglas assures us that the tender process was extremely thorough and exhaustive. However, my constituents are concerned because, in relation to this matter, the following motion was passed by council:

> That pursuant to section 64(6)(b) council orders that part of the report C.TS.8/1995 (WSWP) Waste Collection Tender, specifically: table headed 'Tender Criteria Assessment', the 'Sub Analysis of Tenders', Paragraphs 1, 2 and 3 under the heading 'Reasons for Decision', Attachment 3 'Rating of Waste Tender Documents', Attachment 4 'Financial Report', Attachment 5 'Financial Review of Costing of Internal Tender' and letter of opinion be kept confidential for a period of 10 years unless decided earlier by council and that the minutes pertaining thereto be kept confidential. . .

My constituents are concerned that there has been no public release of the financial information that led to council's decision. I contacted the Chief Executive of Tea Tree Gully council, who assured me that the process was carefully monitored and that, in fact, Price Waterhouse conducted an overview of the processes that were undertaken. However, he said that council had evidently decided that the Price Waterhouse report was also to be kept confidential. In other words, my constituents are concerned that no-one except the elected council members and the council officers involved know the truth of the tendering situation.

I strongly urge the Tea Tree Gully council to reconsider its decision. If it has done everything, if this tender was the cheapest and if there was an even playing field, I urge the council, as it is being urged by its ratepayers, to release the details so that everyone can see that what council has done is absolutely above board. As I said, the Chief Executive has assured me that that is the case. All I am saying is that my constituents, the ratepayers of that council, are concerned that that may not be the case. There is one way in which to put this issue to bed quickly, and that is to release the details that have been declared confidential so that we can all make up our mind.

The second point that I would like to raise is that I have been advised that the Senior General Manager of the Tea Tree Gully council, Mr Reg Perkins, stated on radio that the water waste that is occurring in the Golden Grove development is the fault of the State Government. Those people who live in or drive through that area would know that it is common for the roads to be awash with water. I wish to have it firmly established that the decision as to how much water is put on to those road reserves is entirely that of Delfin, and Delfin alone. Delfin is the manager of that development. The only thing that the South Australian Government has ever had to do with this was through SAULT in the original agreement. SAULT has nothing to do with the way in which that development is operated. I urge council officers, who continually criticise this Government, before they do so, to please get their facts right.

Ms STEVENS (Elizabeth): The answer by the Minister for Health to the question asked by the member for Florey just a little while ago, which was accompanied by a gaggle of baying, jeering and egging on from those opposite, revealed just how limited is the Minister's real understanding of the process of Government and management of change. My concern is that no-one on the other side seemed to be able to recognise the flaws in what he said. Obviously, the role of Government is the provision of services, but it also has a role to balance all the aspects involved in that provision of services. For example, services need to be of high quality, we need to ensure access and equity, we have to take account of the needs of sick and well people in a health system, and services need to be cost effective.

The role of Government is to balance appropriately private sector for profit involvement and private sector for non-profit involvement with public sector involvement using the strengths of all three to ensure that we achieve the right balance. No-one disagrees with that, no-one at all. The role of Government is to mix and match, to take each case on its merits, to investigate it properly, and to get the best result while balancing all the aspects that I raised. When it is carrying out those functions, it is very important for a Government to have good processes, and they must be transparent. The word 'transparent' means clear and open. The Government must have public accountability, consultation and communication. When you operate a contestability policy you have benchmarks that are organised before you outsource or involve other people. You have hard data that is publicly known. In the past, the Labor Government in this State did those things.

I would like to cite two examples in the health system. I refer, first, to the Flinders Medical Centre. After a long process of consultation, communication and public accountability, the Labor Government proposed the collocation of a private hospital with the Flinders Medical Centre. This also happened with the Hutchinson Hospital at Gawler. An open process certainly happened at Mount Gambier where, after a long process of working with unions and the community, the board of the Mount Gambier Hospital determined, after it had gone through a long process of working through the issues and working things out with all the people involved, that the public hospital option was the cheapest.

Let us contrast that with what has happened with the Modbury Hospital under this Government. Did it have any

benchmarks that were to be used to compare services? No. Were there any benchmarks that were publicly known? No, of course not; there were not even any benchmarks, and they certainly were not publicly known. Was there an opportunity for the public sector to put in a bid to see whether it could meet the benchmarks? No, there was no opportunity at all. No opportunity was given to the public sector to meet agreed benchmarks in respect of management of the hospital, pathology or other functions that have been outsourced. Were there clear, open processes? No, it was all secret, it was all confidential, the Government could not tell anyone anything. Was there any public accountability? Again, no, it could not even wait for the select committee to bring down its findings.

The Minister did not do any of those things. He was locked into his ideological position. It was the Minister who said immediately, 'Private is better than public; that's the way we're going to go—done.' How dare he have the nerve to suggest that Labor has an ideological position. He needs to look at the facts and at himself to see that it is he who has not followed his policies, that it is he who does not understand how Government really works, and that it is he who is undermining our health system.

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

Mr VENNING (Custance): I want to raise a matter of serious concern today which affects all South Australians and which has had plenty of recent press coverage, and that is what is happening to the Government's legislation when it leaves this House. The Government of today has been absolutely strangled or stifled by the minority in the other House. This Government was elected to power on 11 December 1993 with a huge majority and a massive mandate. The voters sent the tired and troubled Labor Government packing and restored the Liberals to power with a huge 27 seat majority.

An overwhelming 62 per cent of the State's voters—that is a record for this State—elected the Government of their choice, on a two Party preferred vote. That represented massive support for the Brown Government to take charge and to make decisions. The voters wanted to see South Australia steered away from the economic turmoil that has been the way of this State for the past 20 years. They made quite clear that they considered that we were the best credentialled Party to take the hard decisions. So far Premier Brown and our Government have done a very responsible job. The Government has not stepped outside its mandate. It has been well respected, and it still has the support of the general electorate.

The system of proportional representation that elects MPs to the Upper House of this Parliament is frustrating the Government's initiatives and blunting its legislative drive. This Government has a 62 per cent mandate. The issues were discussed clearly at the election, particularly the policy of voluntary voting. It was there for all to see yet, when it was put up for the third time, it was defeated. What percentage of the vote did the Democrats attract at the last State election? In fact, one of those members stood for a Lower House seat. What was the result? That person was thrashed, and thrashed mercilessly. The former Leader of the Democrats was sent packing altogether. The Democrats enjoy support of about 11.2 per cent in the other place, yet they flex about 80 per cent of the muscle.

I despair, to say the least, at what this sort of behaviour does to this Parliament and the State. The people in South Australia expect us to make decisions and to fix the problems, and we are muffled all the way by this encumbrance, that is, the Democrats. The Democrats' policy—as you know, Mr Acting Speaker—is to keep the bastards honest. It makes me sick to see the policies they put up, how they interfere with everything, how they must change everything, and how they do a deal with the Labor Party just to frustrate the Government. The policies this Government is trying to implement are quite clear, and we have a mandate for them. The No. 1 policy is get this State's finances back to a reasonable level, to get this State fluid and financial again, and decisions are being made.

If this continues—and people are asking questions—what will we do about it? Proportional representation delivers some pretty difficult situations, as we have seen in Canberra. The Liberal Party won a clear majority during the Territory elections in Canberra. What will happen? The Greens and the Labor Party will form an alliance and they will govern. The whole thing makes me sick. It makes one question the very make up of the Parliament of this State, if this is what we have to put up with. If you elect a Government, I do not care whether it is Liberal, Labor or whatever, the majority of the people expect to get—

Mr Atkinson interjecting:

Mr VENNING: The member for Spence said, 'Abolish the Upper House.' That has been spoken of widely out there, and it has even been spoken of in the Liberal Party. If a system does not work, you have to make changes. I put the Democrats on notice: if they are going to frustrate and derail the Government's policies continually, we may have to make the ultimate decision.

Mr Becker: What's that?

Mr VENNING: The ultimate decision is always death; you know that. Death is inevitable—it is the end of the line. If you cannot make a thing work, you get rid of it— particularly the Democrats. I do not know why we put up with these people. They would never survive in this House, because people out in the electorates will not put up with their opportunistic nonsense, so why should we put up with them in the other place? They will destroy it.

The ACTING SPEAKER (Mr Bass): Order! The honourable member's time has expired. The member for Torrens.

Mrs GERAGHTY (Torrens): That was absolutely amazing. I do not know from where the honourable member came up with half of that. I want to talk about something rather serious, and this follows on from my question to the Minister. I want to reiterate my concern for the safety of the young children who attend the Wandana Primary School, which is in my electorate at Gilles Plains. Members will agree with what I have to say, because I am sure that most members are concerned about the safety of children using school crossings.

The problem that I mentioned earlier was that, at the Gilles Plains Primary School, the school crossing is on the crest of a hill. When the schools were amalgamated in 1991, it took quite some time to complete the transition of that amalgamation while the school was being renovated, and I do not think that occurred until about mid-1992. The significant problem arose when it was realised that the school crossing simply was not in the correct place. So, the crossing was not central to the school but further down. As a consequence, the school council took action and appealed to both the Enfield and Tea Tree Gully councils to have the crossing

put in a more suitable location. It appeared that there was little the council could do as it was not within its budget at that time. The whole process then went on to the Department of Road Transport, which wrote back saying that it was a council matter. The story just continued and, as members would be aware, it continues today.

In 1994 a police officer from the Road Traffic Division went to the Wandana school and trained some of the traffic monitors. It became abundantly clear to him that there was a serious safety issue. As I said, there is just no clear vision of oncoming traffic. Even the monitors themselves at times are placed in some danger. The monitors were instructed that they were not to stop buses or trucks because of the poor field of vision. When the situation was monitored by the police, between 8 a.m. and 9 a.m., one vehicle was clocked going through the school crossing between 81 and 90 kilometres per hour, and one was clocked travelling in the opposite direction at between 90 and 100 kilometres per hour. The majority of other traffic also exceeded the limit. That shows how serious this situation is.

I have written to the Minister for Education about the matter. I have also written to people involved in Federal and State transport offices but, unfortunately, the buck just keeps being passed around. There have been a couple of accidents at that location. It has reached a point where somebody has to take responsibility for it. It does not matter if it is not in anybody's budget—we cannot budget for a child's life. Somebody—and I suggest it is within the Minister for Education's brief—should make some arrangements for this school crossing to be relocated.

Mr BECKER (Peake): It is a pity that those who read *Hansard* cannot always get an indication of how the various speakers present themselves in the House. In the speech this afternoon by the member Custance, the aggressiveness in his voice and the tone he used to highlight his point had to be witnessed to be believed, because he was genuinely—

The Hon. S.J. Baker: He's generally meek and mild, isn't he?

Mr BECKER: He certainly is much more meek and mild, and I am quite surprised that he was cross. Pavaroti, the member for Colton, is out at the moment. The matter I wish to raise in this grievance concerns cyclists—and I am sorry the member for Spence is not here, because he probably would take a point of order. There has been quite a controversy in the letters to the Editor of the *Advertiser* in the past few days regarding the rights of cyclist—whether they should ride on footpaths or on a footpath on one side of the road—and certainly the behaviour of motorists towards cyclists.

One of my friends has contacted me and complained. She is a very keen cyclist and rides at Regency Park in the criteriums, which are very competitive bike races around the commercial properties, and she competes in certain categories of events where we have people such as Luke Roberts (presently in Mexico training for the Olympic Games) Brett Aitken and Nigel Grigg, who is the world junior champion. They are members of the South Australian Sports Institute and they ride at Regency Park. A few months ago they had tremendous trouble with people throwing tacks onto the track. That was sabotaging these events and costing these riders quite a lot of money.

The top professional and/or amateur road racing cyclists use tyres without tubes. They are called 'singles', and they are stuck to the frames of the bikes. They cost about $140 each so, once you have a puncture, that is the end of the tyre. Members can imagine that it can be pretty expensive when some fool throws tacks around the track to cause this sort of damage. The bikes they ride vary in price from $1 500 to $10 000, so it is no wonder, when we get members of the South Australian Sports Institute junior team, consisting of Matthew Meaney, Matthew Sparnon, Luke Kuss and Tim Lyons competing, that we cannot afford to take any risks.

These young people also train every day and ride hundreds of miles a week all over the State—down to Victor Harbor and back for morning tea, and down to Wirrina. They ride all over the State in training, so it is no wonder that they cover hundreds of miles a week. But my friend tells me that she is most concerned at the behaviour of some motorists, who will drive their motor vehicles up behind her and suddenly toot the horn of the motor vehicle or, as she has complained now on three occasions, will ride alongside her, slow down, and the passenger of the car will slap her on the bottom. She has said that this has happened to several of her friends as well. This almost unsettles her and, of course, can cause a very nasty accident.

The stupidity of motorists in this State who ride alongside cyclists, harass them, throw objects at them and try to drive their motor vehicles as close as they can to unsettle them is beyond my comprehension. I wish that the motorists in South Australia—not the responsible motorist (who does not have to worry) but the 5 per cent causing the loutish behaviour that we are experiencing—would realise that they are putting the lives of some of our top Olympians and possibly world champions at risk when they show this stupid behaviour. I am on the side of the cyclists: I think they have as much right on the road as anybody else. They are entitled to a fair go, and they do not have to be harassed by irresponsible motorists in this way. If the behaviour continues, I believe we will have to send out police patrols and unmarked cars to catch these villains.

The ACTING SPEAKER (Mr Bass): Order! The honourable member's time has expired.

JUDICIAL SALARIES

The Hon. G.A. INGERSON (Minister for Industrial Affairs): I lay on the table the determination of the Remuneration Tribunal in relation to members of the judiciary and seek leave to make a ministerial statement.

Leave granted.

The Hon. G.A. INGERSON: Today I table the report of the Remuneration Tribunal, which contains some comments in relation to the salary arrangements of the Senior Judge of the Industrial Commission, and I would like to make the following statement. Remuneration Tribunal comments relating to the Government's action in negotiating salary arrangements associated with the appointment of the Senior Judge-President of the South Australian Industrial Relations Court and Commission take no account of the sequence of events advised to the tribunal prior to the appointment's being effected.

The Government had earlier indicated its intention to consider the option of a separate appointment of a Senior Judge of the Industrial Relations Court and a President of the Industrial Relations Commission at salary levels below that

of a Supreme Court judge, that having been the level that had applied to the former President, Justice Stanley.

The Government had indicated to the tribunal that any appointments to the separate positions should be at lower salaries than those previously paid. The Government's position was based upon advice from the Crown Solicitor, and the Government's subsequent dealings with the tribunal and Mr Jennings were in accordance with that advice. Mr Jennings required some certainty concerning his salary before accepting appointment. Before discussing the possible salary with Mr Jennings, I obtained advice from the Crown Solicitor as to whether that was lawful and appropriate. The Crown Solicitor advised me that such discussions were permissible and posed no threat to judicial independence.

At the times in November 1994 that the tribunal had indicated it was available to hear submissions concerning the salary arrangements to apply to the positions of Senior Judge and President of the South Australian Industrial Court and Commission, negotiations with a prospective appointee were still in progress. The tribunal was advised that, until such time as an appointment was confirmed, the Government was unable to put a position in regard to salary levels. It was not until early December 1994 that the Government was able to confirm that, rather than making two separate appointments as had originally been proposed, a dual appointment would be made. Cabinet considered the matter of the appointment of the nominated candidate on 5 December 1994 and submitted its nomination to Executive Council on 8 December 1994. Thus, any available dates in November mentioned in the report of the Remuneration Tribunal were, in fact, irrelevant.

The Remuneration Tribunal met on 15 December and 19 December 1994, which were the first available meeting days after the appointment of Judge Jennings in December, and took submissions concerning the salary arrangements to apply to this appointment at that time. The Government's submission summarised the sequence of events leading to the appointment and confirmed that the Government had agreed to make a submission to the Remuneration Tribunal that a salary of $145 000 was appropriate.

These hearing dates were the first available hearing dates following the dual appointment of Mr Jennings on 8 December 1994. At no time did the Government vary its stated position in this regard and, in fact, the rate eventually set by the tribunal exceeded the figure proposed. The Government has at all times recognised that the setting of salaries for the judiciary and other statutory office holders remains the responsibility of the tribunal, as provided in the Remuneration Act 1990 and the Industrial and Employee Relations Act 1994. The Government has attempted at all times to apprise members of the Remuneration Tribunal of specific developments relating to the appointment of new office holders and has maintained a consistent approach to the negotiation of salary arrangements, which have always been within the parameters set by the tribunal.

It has also attempted to have any of the arrangements associated with this matter dealt with by the tribunal at the earliest possible date. Having regard to these facts, it is clear that the November 1994 hearing dates could not have been properly utilised whilst no appointment had been made and whilst the issue of a single or dual appointment remained unresolved. As soon as that issue had been resolved by Cabinet on 5 December 1994 and the appointment made on 8 December, the first available hearing date of the tribunal was utilised for the purpose of the Government's making submissions on this matter.

The Government has at all times complied fully with the Remuneration Act and the Industrial and Employee Relations Act provisions and ensured that the Remuneration Tribunal would set a rate for the appointed position at its discretion, taking into account all relevant circumstances. The fact that the tribunal awarded a higher salary than that advocated by the Government in its submission indicates the total propriety of the discussions held with Senior Judge Jennings in this regard.

The Hon. S.J. BAKER (Deputy Premier): I lay on the table a ministerial statement on judicial salaries made in another place by the Attorney-General.

PETROLEUM PRODUCTS REGULATION BILL

The Hon. S.J. BAKER (Treasurer) obtained leave and introduced a Bill for an Act to regulate activities involving or related to petroleum products; to repeal the Business Franchise (Petroleum Products) Act 1979, the Motor Fuel Distribution Act 1973 and the Petroleum Shortages Act 1980; to make consequential amendments to the Environment Protection Act 1993; 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.

This Bill will replace the *Motor Fuel Distribution Act 1973*, the *Business Franchise (Petroleum Products) Act 1979* and the *Petroleum Shortages Act 1980*. It also makes consequential amendments to the *Environment Protection Act 1993*.

It is the Government's view that the nature of petroleum products is such as to warrant a comprehensive regulatory regime. It has also been recognised by the Government that it is desirable to reduce duplication and red-tape as far as practicable.

The Bill merges and simplifies licensing and other regulatory requirements which currently apply to activities involving or relating to petroleum products. Under the scheme of the Bill, any person who keeps, sells, or conveys petroleum products, or who engages in an activity of a prescribed class involving or related to petroleum products, must obtain a licence. Provision is made for necessary exemptions to be *Gazetted*.

This Bill replaces similar requirements currently found in the *Motor Fuel Distribution Act*, the *Business Franchise (Petroleum Products) Act* and the *Dangerous Substances Act*. However, it has been of concern to the Government and sectors of industry that operators in the petroleum products industry have been required to obtain multiple licences. Persons wishing to operate petrol stations, for example, have been faced with a daunting array of paperwork from numerous Government Departments and agencies.

Under this new scheme operators need only obtain one licence in relation to petroleum products. The scheme will regulate aspects of their operations previously regulated by the Dangerous Substances Branch of the Department of Industrial Affairs, the Motor Fuel Licensing Board and the State Taxation Office. This stream-lining of administrative procedures should prove advantageous to industry, as it will reduce time and costs involved.

Petroleum is dangerous if not handled and stored safely. The Government is committed to ensuring public safety is maintained. The Bill enables licence conditions to be fixed for the protection of employee or public safety or health and for compliance with specified codes or standards. This will replace that part of the current Dangerous Substances licensing regime that relates to petroleum products. The Bill imposes a general duty to take reasonable precautions to avoid endangering the safety and health of others and the property of others. A similar duty in relation to plant used in connection with petroleum products is imposed, requiring reasonable precautions to be taken to ensure the plant is in a safe condition.

The Government also recognises that the storage and use of petroleum products brings with it environmental concerns. A general

duty to take reasonable care to prevent risk of significant environmental harm is imposed, and a similar duty in relation to plant used in connection with petroleum products is imposed to ensure that plant remains in an environmentally sound condition.

An enforcement regime using authorised officers is created under the Bill.

There is a requirement in the Bill that persons trading in petroleum products use correct and just measuring instruments. Compliance with the *Trade Measurements Act* is reinforced by making it a condition of licences authorising the sale of petroleum products.

This Bill also includes provisions dealing with the rationing and restriction of petroleum products during periods of shortages in terms similar to those currently contained in the *Petroleum Shortages Act*.

The Government has been concerned for some time about the devastating effects of petrol sniffing. This Bill makes it an offence for any person to sell a petroleum product to a child under 16 years of age. It will also be an offence for any person, acting on the request of a child under the age of 16 years, to purchase a petroleum product on behalf of a child for the purposes of inhalation.

At an administrative level, the Motor Fuel Licensing Board will be replaced with the Petroleum Products Retail Outlets Board. The Retail Outlets Board will be involved in making recommendations to the Minister concerning licences for retail sellers of petroleum products.

Wholesalers and retailers of petroleum products are currently subject to licence fees under the *Business Franchise (Petroleum Products) Act*. That Act will be repealed by this Bill, and the fee structure duplicated in this Bill. Money collected is earmarked for Government costs associated with petroleum products—the costs of administering this measure and other regulatory laws and costs incurred in connection with hospitals, ambulance services and roads.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Objects of Act

The objects are—

- to merge and simplify licensing and other regulatory requirements applying to activities involving or related to petroleum products; and
- to direct the revenue resulting from fees towards the costs of administration of this proposed Act and other areas of public administration incurring costs in consequence of activities involving or related to petroleum products.

Clause 4: Interpretation

This clause contains the definitions of words and phrases used in the proposed Act and is self-explanatory. It also provides that where, under a sale and purchase made outside the State, petroleum products are delivered within the State, that sale and purchase is for the purposes of this proposed Act to be taken to have been made within the State.

Clause 5: Division of State into zones

The State is divided into 3 zones for the purposes of this proposed Act.

Clause 6: Application of Act

The Minister may, by notice in the *Gazette*, exempt a class of persons or petroleum products from the application of this proposed Act or a specified provision of this proposed Act unconditionally or subject to specified conditions. The Minister may, by notice in writing to a person exempt the person from the application of this proposed Act or a specified provision of this proposed Act unconditionally or subject to specified conditions.

Clause 7: Non-derogation

The provisions of this proposed Act are in addition to and do not derogate from the provisions of any other Act. This non-derogation does not limit the effect of any regulation made under proposed Part 2 dispensing with a requirement for a licensee under this proposed Act to hold a specified licence or other authority under some other specified Act.

PART 2

LICENCES

DIVISION 1—GENERAL

Clause 8: Requirement for licence

A person must not—

- keep petroleum products; or
- sell petroleum products; or
- convey petroleum products; or
- engage in an activity of a prescribed class involving or related to petroleum products,

unless authorised to do so under a licence. The penalty for an offence against this proposed section is a fine of $10 000.

The clause further provides that the licence required under this proposed section is an annual licence subject to the exception that a monthly licence is required for the sale of petroleum products that have not been purchased by the vendor from another who sold the products under the authority of a licence.

A licence does not authorise a prescribed retail sale of petroleum products unless the sale is made from premises specified in the licence for that purpose.

Clause 9: Issue or renewal of licence

The Minister may, on application, issue or renew, or refuse to issue or renew, a licence under this proposed Act. Where an applicant for a monthly licence is a member of a group of petroleum vendors (*see schedule 2*), the application must be made on behalf of all members of the group.

Clause 10: Licence term, etc.

Subject to this proposed Act, a monthly licence expires at the end of the calendar month in which it came into effect and an annual licence expires on the anniversary of the date of issue of the licence and may be renewed on application for successive terms of one year.

Clause 11: Conditions of licence

The Minister may fix conditions of a licence, including conditions—

- requiring compliance with specified codes or standards;
- requiring the reporting of accidents;
- for the protection of employee or public safety or health;
- for the protection of the environment;
- requiring the licensee to prepare and submit to the Minister assessments of the safety, health or environmental risks associated with the activity authorised under the licence;
- limiting the premises that may be used under the licence;
- limiting sales of petroleum products that may be authorised by the licence;
- requiring the keeping of records and the provision of information;
- authorised or imposed under proposed Part 5 or 6 or the regulations.

Clause 12: Variation of licence

The Minister may (on application or at the Minister's own initiative—if satisfied that the licensee has contravened or failed to comply with this proposed Act or that other sufficient cause exists) substitute, add, remove or vary a condition of a licence or otherwise vary a licence. A licence may be varied by endorsement of the licence, by notice in writing to the licensee or by a notice published under proposed Part 5.

Clause 13: Form of application for issue, renewal or variation of licence

An application for the issue, renewal or variation of a licence must be made to the Minister in a manner and form approved by the Minister containing the information required by the Minister.

Clause 14: Reference of matters to other persons or bodies

Subject to this proposed section, an application for the issue or variation of a licence, an application for a development authorisation (referred under the *Development Act 1993* to the Minister) or any other matter with respect to a licence must be referred to the appropriate person or body for the recommendation of that person or body. Such a person or body may dispense with the requirement that a specified matter or class of matters be referred to it.

Subject to the regulations, the Minister must refer to the Retail Outlets Board for its recommendation—

- any application for the issue or variation of a licence authorising prescribed retail sales of petroleum products;
- any application for development authorisations referred under the *Development Act 1993* to the Minister where the application is for a development that relates to premises from which prescribed retail sales of petroleum products are to be made;
- any other matter with respect to a licence authorising prescribed retail sales of petroleum products.

Clause 15: Criteria for decisions relating to licences, etc.

This proposed section applies to a decision by the Minister in respect of—

- an application for the issue or variation of a licence; or
- an application for a development authorisation referred under the *Development Act 1993* to the Minister; or
- any other matter with respect to a licence.

The Minister must take the following matters into account in making a decision to which this proposed section applies:

- the protection of employee and public safety and health; and
- the protection of the environment; and
- whether the premises and plant proposed to be used or in use by the applicant or licensee comply with this Act and other relevant laws; and
- the applicant's or licensee's record of compliance with this proposed Act and other relevant laws; and
- in the case of a decision relating to prescribed retail sales of petroleum products—factors including the suitability of the premises, the need for facilities and services to be provided at the premises for the assistance of motorists, the extent to which the interests of retail customers for petroleum products will be served and the extent to which fair and reasonable competition in the retail sale of petroleum products will be affected; and
- any recommendation of a person or body to which the matter has been referred under this proposed Part; and
- any other relevant matters.

Clause 16: Avoidance of multiple licences

The Governor may make regulations applicable to licensees under this proposed Act dispensing with a requirement for a specified licence or other authority to be held under some other specified Act. A regulation under this proposed section has effect according to its terms and despite the provisions of any other Act.

Clause 17: Offence relating to licence conditions

A licensee who contravenes or fails to comply with a condition of the licence (whether fixed by the Minister or by proposed Part 5 or 6) is guilty of an offence and liable to a fine of $10 000.

Clause 18: Cancellation or suspension of licence

The Minister may, if satisfied that a licensee has contravened or failed to comply with this proposed Act or that other sufficient cause exists, suspend or cancel the licence.

Clause 19: Cessation of prescribed retail sales under licence

If, without the Minister's approval, the business of making prescribed retail sales of petroleum products from premises specified in a licence for that purpose is not carried on for a continuous period of one month during the term of the licence, the licence ceases to authorise such sales to be made from the premises (unless the Minister otherwise determines).

DIVISION 2—LICENCE FEES

Clause 20: Fees

The fee for an annual licence is fixed under the regulations. The fee for a monthly licence is assessed by the Commissioner by applying the following calculation:

the appropriate amount fixed under the regulations plus a percentage of the value of petroleum products sold by the applicant during the relevant period (*ie:* the calendar month that is the last calendar month but one preceding the calendar month during which the licence, if issued, would be in force—*see definition of relevant period in clause 4*).

The percentage rate varies according to the type of petroleum product and the zone in which the petroleum product is destined for use or consumption.

Clause 21: Determination of value of petroleum products

The value of motor spirit or diesel fuel sold during a particular relevant period will be taken to be the indexed amount or the amount prescribed by regulation and in force as at the commencement of the relevant period, whichever is the greater, multiplied by the number of litres of motor spirit or diesel fuel sold for the purpose of assessing the fee for a monthly licence. The method for calculating the indexed amount (which involves using the Consumer Price Index) is set out in this proposed section.

Clause 22: Recovery of unpaid fees from unlicensed persons

If a person was required by this proposed Act to hold but did not hold a particular licence in respect of any period, the person must pay to the Commissioner an amount equal to the licence fee that would have been payable if the person had held that licence. An amount assessed under this proposed section may be recovered by the Commissioner (as a debt due to the Crown) in a court of competent jurisdiction.

Clause 23: Reassessment of fee

The Commissioner may reassess a monthly licence fee or other amount assessed under this proposed Division on the Commissioner's own initiative or on receipt of an objection by the person liable to pay the fee or amount lodged with the Commissioner within two months after the service on the person of notice of assessment.

If on reassessment, the fee or amount is reduced, the amount overpaid must be refunded by the Commissioner and the Consolidated Account is appropriated accordingly. If on reassessment the fee or amount is increased, the Commissioner may recover as a debt due to the Crown the amount by which the fee or amount is increased from the person liable for the fee or amount.

PART 3

INDUSTRIAL PUMPS

Clause 24: Industrial pumps not to be installed without approval

A person must not install an industrial pump without the prior approval of the Minister who must not grant approval unless satisfied that the amount of petroleum products that will be supplied to the occupier of the premises in relation to which it is proposed to install the pump will be not less than 6 800 litres a month. The penalty for an offence against this proposed section is a fine of $10 000.

PART 4

GENERAL SAFETY AND ENVIRONMENTAL DUTIES

Clause 25: General duty

A licensee or other person must, in dealing with petroleum products, take such precautions and exercise such care as is reasonable in the circumstances to—

- avoid endangering the safety or health of another, or the safety of another's property; and
- prevent risk of significant environmental harm.

The penalty for an offence against this proposed section in the case of a body corporate is a fine of $50 000 and, in any other case, is a fine of $10 000 or imprisonment for 2 years (or both).

Clause 26: Duty in relation to plant

Plant that is used, or that is reasonably expected to be used, in connection with petroleum products must be kept in an environmentally sound condition. Plant is in an environmentally sound condition if it is in a condition that does not give rise to a risk of significant environmental harm. A person who contravenes or fails to comply with a provision of this section is guilty of an offence and liable to, in the case of a body corporate, a fine of $50 000 and, in any other case, a fine of $10 000 or imprisonment for 2 years (or both).

Clause 27: Improvement notices

If an authorised officer is of the opinion that a person—

- is contravening a provision of this proposed Part or a condition of a licence; or
- has contravened a provision of this proposed Part or a condition of a licence in circumstances that make it likely that the contravention will be repeated or reasonable to require that the contravention be remedied,

the authorised officer may issue an improvement notice requiring the person to remedy the matters occasioning the contravention. The proposed section sets out the matters to be included in an improvement notice.

A person who contravenes or fails to comply with an improvement notice is guilty of an offence and liable to a fine of $20 000.

Clause 28: Prohibition notices

If an authorised officer is of the opinion that a dangerous situation exists, the authorised officer may issue to the person apparently in control of the activity giving rise to the danger or risk a prohibition notice prohibiting the carrying on of the activity until an authorised officer is satisfied that adequate measures have been taken to avert, eliminate or minimise the danger or risk. Subject to this proposed Act, a person who contravenes or fails to comply with a prohibition notice is guilty of an offence and liable to a fine of $50 000.

Clause 29: Action on default

If a person is required by an improvement notice or prohibition notice to take any specified measures and the person fails to comply with the notice, the authorised officer who issued the notice (or any person authorised by him or her) may—

- after giving reasonable notice to the person required to take the measures, enter and take possession of any place (taking such measures as are reasonably necessary for the purpose); and
- do, or cause to be done, such things as full and proper compliance with the notice may require.

Clause 30: Action in emergency situations

If an authorised officer considers on reasonable grounds that a dangerous situation exists and there is insufficient time to issue a notice under this proposed Part, the authorised officer may, after giving such notice (if any) as may be reasonable in the circumstances, take action or cause action to be taken as necessary to avert, eliminate or minimise the danger or risk.

Clause 31: Cost recovery

Where a government authority incurs costs as a result of the occurrence of an incident to which this proposed section applies, those costs reasonably incurred by the government authority are recoverable as a debt in a court of competent jurisdiction.

Costs and expenses are not recoverable against a person who establishes—

- that the incident was due to the act or default of another person, or to some cause beyond the person's control; and
- that he or she could not by the exercise of reasonable diligence have prevented the occurrence of the incident; and
- that the incident is not attributable to an act or omission of a person who was an employee or agent of his or hers at the time when the incident occurred (unless it is proved that the incident is attributable to serious and wilful misconduct on the part of the employee or agent).

PART 5
PERIODS OF RESTRICTION
AND RATIONING
DIVISION 1—INTERPRETATION

Clause 32: Interpretation

This defines sale for the purposes of this proposed Part.

DIVISION 2—DECLARATION OF
PERIODS OF RESTRICTION
AND RESTRICTION

Clause 33: Declaration of periods of restriction and rationing

If, in the opinion of the Governor, circumstances have arisen, or are likely to arise, that have caused, or are likely to cause, shortages of petroleum products in the State, the Governor may by proclamation declare—

- a period (extending for not more than seven days) to be a period of restriction; and
- that the period of restriction will be a rationing period; and
- petroleum products of specified kinds to be rationed petroleum products.

The Governor may, by proclamation—

- extend a period of restriction for successive periods (each not to exceed seven days) but not so that the total period exceeds 28 days; or
- extend a period of restriction by such other period or periods as may be authorised by a resolution of both Houses of Parliament; or
- vary or revoke a proclamation or declaration under this proposed section.

Where a period of restriction expires, no subsequent period may be declared to be a period of restriction unless—

- that subsequent period commences 14 days or more after the expiration of the former period of restriction; or
- the declaration is authorised by a resolution of both Houses of Parliament.

DIVISION 3—CONTROLS DURING
PERIODS OF RESTRICTION

Clause 34: Controls during periods of restriction

The Minister may, if of the opinion that it is in the public interest to do so, fix conditions of licences and issue directions (applying to a particular person, a particular class of persons or to the public generally) that apply during a period of restriction in relation to petroleum products. A person to whom a direction is issued under this proposed section who contravenes or fails to comply with the direction is guilty of an offence and liable to a fine of $10 000.

DIVISION 4—CONTROLS DURING
RATIONING PERIODS

Clause 35: Controls during rationing periods

It is a condition of a licence during a rationing period that the licensee must not sell rationed petroleum products except to a permit holder. During a rationing period, a person who purchases rationed petroleum products who is not a permit holder faces a fine of up to $10 000. This proposed section does not apply to the sale of rationed petroleum products to, or the purchase of rationed petroleum products by, a licensee in the ordinary course of the licensee's business.

Clause 36: Permits

The Minister may, if satisfied that it is in the public interest to do so, issue a permit (to which the Minister may attach conditions) to any person.

It is a condition of each permit that the permit holder must carry the permit at all times when driving a motor vehicle to which petroleum products have been supplied under the permit. A permit holder who contravenes or fails to comply with a condition of the permit is guilty of an offence and liable to a fine of $10 000.

The Minister may by notice in writing served on a permit holder cancel the permit and the former permit holder must then return the permit or be fined $10 000.

Permits are not transferable.

DIVISION 5—LIMIT ON
PROCEEDINGS AGAINST MINISTER

Clause 37: Limit on proceedings against Minister

Except as provided by proposed Part 9, no proceedings can be instituted against the Minister to compel the Minister to take, or to refrain from taking, any action under this proposed Part.

DIVISION 6—CONSERVATION OF
PETROLEUM PRODUCTS

Clause 38: Publication of desirable principles for conserving petroleum

The Minister may publish principles that the public should, in the Minister's opinion, be encouraged to observe in relation to the conservation of petroleum products during a period of restriction. If, during a period of restriction, a person, by conforming with such published principles, commits a breach of a policy of insurance, that breach is, for the purpose of determining the rights of that person under the policy, to be disregarded.

Clause 39: Special consideration to be given to those living in country areas

In exercising powers under this proposed Part, the Minister must give special consideration to the needs of those living in country areas.

PART 6
CORRECT MEASUREMENTS

Clause 40: Correct measurements

A licensee or other person who uses for trade in petroleum products a measuring instrument that is incorrect or unjust is guilty of an offence and liable to a fine of $20 000. It is a condition of a licence authorising the sale of petroleum products that the licensee must comply with the requirements of the *Trade Measurements Act 1993*.

PART 7
SALE OF PETROLEUM PRODUCTS
TO CHILDREN

Clause 41: Sale of petroleum products to children

This proposed Part creates two offences dealing with the sale of petroleum products to children. A licensee or other person who sells a petroleum product to a child under the age of 16 years is liable to a penalty of $5 000. A person who, acting at the request of a child under the age of 16 years, purchases a petroleum product on behalf of the child for the purpose of inhalation, is guilty of an offence and liable to a penalty of $5 000.

An authorised officer may confiscate a petroleum product that is in the possession of a child under the age of 16 years if the officer has reason to suspect that the child has the product for the purpose of inhalation.

PART 8
AUTHORISED OFFICERS

Clause 42: Appointment of authorised officers

The Minister may appoint persons (subject to any conditions specified in the instrument of appointment) to be authorised officers for the purposes of this proposed Act. Members of the police force and authorised officers under the *Stamp Duties Act 1923* are also authorised officers for the purposes of this proposed Act.

Clause 43: Identification of authorised officers

An authorised officer (other than a member of the police force) must be issued with an identity card containing his or her name and photograph and stating that the person is an authorised officer for the purposes of this proposed Act. Where the powers of an authorised officer have been limited by conditions, the officer's identity card must contain a statement of the limitation on the officer's powers. An authorised officer must, at the request of a person in relation to whom the officer intends to exercise any powers under this proposed Act, produce identification.

Clause 44: Powers of authorised officers

This clause sets out the powers of an authorised officer, including the power to enter and remain on premises and inspect premises and the power to require persons to produce records for any reasonable purpose connected with the administration or enforcement of this proposed Act. A magistrate may issue a warrant for the purposes of this proposed section if satisfied that the warrant is reasonably required for the administration or enforcement of this proposed Act.

Clause 45: Offence to hinder, etc., authorised officers

A person who—

- hinders or obstructs an authorised officer, or a person assisting an authorised officer; or
- uses abusive, threatening or insulting language to an authorised officer, or a person assisting an authorised officer; or
- refuses or fails to comply with a requirement or direction of an authorised officer; or
- when required by an authorised officer to answer a question, refuses or fails to answer the question to the best of the person's knowledge, information and belief; or
- falsely represents that he or she is an authorised officer,

is guilty of an offence and liable to a fine of $5 000. For an offence to have been committed, the authorised officer must have been operating within his or her powers.

Clause 46: Self-incrimination

It is not an excuse for a person to refuse or fail to answer a question or to produce, or provide a copy of, a record or information as required under this proposed Part on the ground that to do so might tend to incriminate the person or make the person liable to a penalty. However, if compliance might tend to incriminate the person or make the person liable to a penalty, then—

- in the case of a person who is required to produce, or provide a copy of, a record or information—the fact of production, or provision of a copy of, the record or the information (as distinct from the contents of the record or the information); or
- in any other case—the answer given in compliance with the requirement,

is not admissible in evidence against the person in proceedings for an offence or for the imposition of a penalty (other than proceedings under this proposed Act).

PART 9
APPEALS

Clause 47: Appeals

An appeal to the Administrative and Disciplinary Division of the District Court (which may be constituted of a Magistrate) may be made—

- by an applicant for the issue, renewal or variation of a licence against a decision by the Minister to refuse to issue, renew or vary the licence; or
- by an applicant for the issue of a permit against a decision by the Minister to refuse to issue the permit; or
- by a licensee against a decision by the Minister to vary, suspend or cancel the licence; or
- by a permit holder against a decision by the Minister to cancel the permit; or
- by a person against an assessment by the Commissioner of a monthly licence fee or other amount under proposed Part 2 Division 2; or
- by a person to whom an improvement notice or a prohibition notice has been issued against the decision to issue the notice.

Except as determined by the Court, an appeal is to be conducted by way of a fresh hearing and, for that purpose, the Court may receive evidence given orally or (if the Court so determines) by affidavit. The Court may, on the hearing of an appeal, affirm, vary or quash the decision appealed against or substitute, or make in addition, any decision that the Court thinks appropriate and make an order as to any other matter that the case requires (including an order for costs).

PART 10
APPLICATION OF FEES REVENUE

Clause 48: Application of fees revenue

The money collected by way of fees under this proposed Act must be paid into the Consolidated Account and the Treasurer must apply the money—

- towards the costs of administration of this proposed Act; and
- to the Environment Protection Fund; and
- to the Highways Fund; and
- towards the cost of health and ambulance services; and
- towards other administrative costs incurred in consequence of activities involving or related to petroleum products.

PART 11
MISCELLANEOUS

Clause 49: Delegation

The Minister may delegate any of his or her powers or functions under this proposed Act to another Minister, the Commissioner or another person or body.

Clause 50: Register of licences

The Minister must cause a register (which must be kept available for public inspection) to be kept of licensees under proposed Part 2.

Clause 51: Particulars of dealings with petroleum products

The Minister or the Commissioner may require—

- a person who is carrying on, or has carried on, or is or was concerned in, a business involving or related to petroleum products;
- a person who, as agent or employee of such a person referred to above, has or has had duties or provides or has provided services in connection with a business so referred to,

to furnish in writing such information with respect to those petroleum products as is specified in the notice (not being information relating to any period after the date of the requirement). A person who fails to comply with a requirement under this proposed section is liable to a fine of $5 000.

Clause 52: Invoices, statements of accounts and receipts to be endorsed

The holder of a monthly licence must endorse on every invoice, statement of account and receipt issued by the licensee relating to the sale of petroleum products the words "Licensed petroleum wholesaler". There is a fine of $1 250 (which is expiable on payment of the expiation fee of $150) for failure to comply with this requirement.

A person who is not the holder of a monthly licence must not issue an invoice, statement of account or receipt relating to the sale of petroleum products that is endorsed with the words "Licensed petroleum wholesaler" or words of similar effect. The fine for contravention of this proposed subsection is $2 500.

Clause 53: Records to be kept

A person who carries on a business involving or related to petroleum products must keep accounts, records, books and documents as required by the Minister from time to time by notice published in the *Gazette* for a period of 5 years after the last entry is made in any of them. The fine for contravention of this proposed section is $2 500 (which is expiable on payment of the $200 expiation fee).

Clause 54: False or misleading information

A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information furnished, or record kept, under this proposed Act. A person who contravenes this proposed section is liable to a fine of $5 000.

Clause 55: Statutory declarations

A person who is required to furnish information to the Minister or Commissioner must, if required by the Minister or Commissioner, verified the information by statutory declaration. The person will not be taken to have furnished the information as required unless it has been verified in accordance with the requirements of the Minister or Commissioner.

Clause 56: Confidentiality

A person must not divulge any information relating to information obtained (whether by that person or some other person) in the administration of this proposed Act except—

- as authorised by or under this Act; or
- with the consent of the person from whom the information was obtained or to whom the information relates; or
- in connection with the administration or enforcement of this proposed Act; or
- to the Commonwealth Commissioner of Taxation, an officer of this or another State, or of a Territory, employed in the administration of laws relating to taxation, the Comptroller-General of the Australian Customs Service or for the purpose of any legal proceedings arising out of the administration or enforcement of this proposed Act.

The fine for contravening this proposed section is $10 000.

Clause 57: General defence

It is a defence to a charge of an offence against this proposed Act if the defendant proves that the offence was not committed intentionally and did not result from any failure on the part of the defendant to take reasonable care to avoid the commission of the offence.

Clause 58: Immunity from personal liability

No personal liability attaches to an authorised officer or any other person engaged in the administration of this proposed Act for an honest act or omission in the exercise or discharge, or purported exercise or discharge, of a power, function or duty under this proposed Act. A liability that would, but for proposed subsection (1), lie against a person, lies instead against the Crown.

Clause 59: Offences by bodies corporate

If a body corporate is guilty of an offence against this proposed Act, each director of the body corporate is, subject to the general defence, guilty of an offence and liable to the same penalty as may be imposed for the principal offence.

Clause 60: Continuing offence

A person convicted of an offence against a provision of this proposed Act in respect of a continuing act or omission—

- is liable (in addition to the penalty otherwise applicable to the offence) to a penalty for each day during which the act or omission continued of not more than one-tenth of the maximum penalty prescribed for that offence; and
- is, if the act or omission continues after the conviction, guilty of a further offence against the provision and liable, in addition to the penalty otherwise applicable to the further offence, to a penalty for each day during which the act or omission continued after the conviction of not more than one-tenth of the maximum penalty prescribed for the offence.

If an offence consists of an omission to do something that is required to be done, the omission will be taken to continue for as long as the thing required to be done remains undone after the end of the period for compliance with the requirement.

Clause 61: Prosecutions

Proceedings for an offence against this proposed Act must be commenced within 2 years after the date on which the offence is alleged to have been committed or (with the authorisation of the Minister) at a later time within 5 years after that date. A prosecution for an offence against this proposed Act cannot be commenced except with the consent of the Minister.

Clause 62: Evidence

In any proceedings for an offence against this proposed Act, an apparently genuine document purporting to be a certificate of the Minister certifying as to matters alleged constitutes proof of the matters so certified in the absence of proof to the contrary.

The presence on any premises of a vending machine from which petroleum products may be obtained is to be taken to constitute conclusive evidence that the occupier of the premises has sold petroleum products by means of the machine unless a licensee is authorised by licence to sell petroleum products by means of the machine.

Clause 63: Service

A notice, order or other document to be given to or served on a person may be given or served—

- by delivering it personally to the person or an agent of the person; or
- by leaving it for the person at the person's place of residence or business with someone apparently over the age of 16 years; or
- by posting it to the person or agent of the person at the person's or agent's last known place of residence or business.

Clause 64: Regulations

The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this proposed Act, including regulations that—

- provide for and require the making of returns relating to dealings with petroleum products;
- impose a penalty not exceeding $2 500 for a breach of a regulation.

The regulations may incorporate or operate by reference to a specified code or standard as in force at a specified time or as in force from time to time.

SCHEDULE 1

Petroleum Products Retail Outlets Board

This schedule establishes the *Petroleum Products Retail Outlets Board* with the function of making recommendations to the Minister in respect of matters referred to the Board under proposed Part 2 (Licensing) and carrying out any other function delegated to the Board by the Minister. The Board must take into account the matters that the Minister is specifically required by proposed Part 2 to take into account in making a decision relating to prescribed sales of petroleum products.

SCHEDULE 2

Groups for the Purposes of Licensing

This schedule contains provisions relating to groups of petroleum vendors that correspond to provisions contained in the repealed *Business Franchise (Petroleum Products) Act 1979* (*see schedule 3*).

SCHEDULE 3

Repeal and Transitional Provisions

This schedule contains repeal and transitional provisions.

SCHEDULE 4

Consequential Amendments to Environment Protection Act 1993

This schedule contains amendments to the *Environment Protection Act 1993* consequential on the passage of this Bill.

Mr QUIRKE secured the adjournment of the debate.

SUPERANNUATION FUNDS MANAGEMENT CORPORATION OF SOUTH AUSTRALIA BILL

The Hon. S.J. BAKER (Treasurer) obtained leave and introduced a Bill for an Act relating to the Superannuation Funds Management Corporation of South Australia; 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 reconstitute the South Australian Superannuation Fund Investment Trust (SASFIT), as the Superannuation Funds Management Corporation of South Australia.

The purpose of this Bill is to establish an investment body with a new image and mission, charged with the responsibility of investing the funds associated with the main State Government superannuation schemes.

The proposed legislation introduces a clear statement of objectives for the Government's superannuation investment body. The existing Investment Trust does not operate under its own legislation but under legislation which lacks performance guidelines, prudential guidelines and a clear statement of objectives.

The revamping of SASFIT is long overdue and the Government is pleased to be introducing this legislation that will also make the new Corporation much more accountable and subject to considerably more external scrutiny. To date, the scrutiny of SASFIT and its operations has been minimal.

One of the significant provisions of this Bill is a restructuring of the Board of Directors. In particular the Bill provides that the Board of Directors comprise persons with the abilities and experience necessary to form an effective investment body with a satisfactory level of performance. Accompanying this requirement, and for the purpose of strengthening the pool of expertise on the Board, the size of the Board of Directors is also being expanded to provide for a Board of between five and seven members. The existing arrangement for SASFIT provides that the Trust include an elected representative of superannuation scheme members and a member nominated by the Superannuation Federation. The Government is of the belief that the current arrangement may not always assure that the best available persons or appropriately experienced persons become Board members.

Whilst the Bill contains no automatic right for any interest group or body to have a representative as a Director, the Government is having discussions with those parties which have expressed a concern about this aspect of the Bill. It is likely that an agreement will be reached during the passage of the Bill through the Parliament, on an arrangement under which the Board of Directors will include a Director representing the interests of scheme members. In such circumstances the Government will seek to amend the Bill.

The Bill also establishes clear legal liabilities and duties for the Corporation. The legal position of the responsible Minister is also made clear. Under the existing legislation, the legal liabilities and duties of the Trust and the responsible Minister are not clear.

Another significant feature of this legislation is the requirement for the Corporation to prepare a performance plan in respect of each financial year.

The plan must set out a target for the rate of return on investments and management of the funds, strategies for the achievement of that target, the anticipated operating costs to be incurred by the Corporation during the financial year and the factors that, in the opinion of the Corporation,will affect or influence the investment and management of the funds during the year. Under this requirement, the Corporation's strategies and target rates of return in relation to recognised benchmarks will enable better scrutiny and evaluation.

In the past, broad strategies have been adopted without any particular reference or comparison to recognised investment return benchmarks in the market place. The new legislation will require constant monitoring of performance in respect to both short term and long term strategies, to ensure performance in the future is measured against recognised market place benchmarks. This will encourage a much more enhanced performance by the new Corporation while

at the same time not involving unacceptable levels of risk. The Corporation's objects set out in the Bill require the directors to have proper regard for the need to manage the risks relating to investment at an acceptable level.

Under the legislation, the Corporation must not only provide the Minister with a copy of the performance plan, but a copy must also be provided to the South Australian Superannuation Board and the Police Superannuation Board. This will enable not only the Boards as a whole, but in particular the member representatives to monitor the strategies and performance of the Corporation. The arrangement will enhance the link between the trustees administering the scheme and the body charged with investing the fund's money.

The Bill also establishes the Superannuation Funds Management Corporation of South Australia under a corporate charter with the appropriate requisite duties and responsibilities of a public corporation being attached to the Corporation.

Under the Bill, the definition of a 'public sector superannuation fund' is expanded to incorporate the employer contributions paid to the Treasurer under Arrangements entered into between the South Australian Superannuation Board and public sector bodies. Other funds can be included within the definition as a result of a determination by the minister. It is intended that the funds established by the Government for the purpose of funding the accrued and accruing employer liability of all the main Government superannuation schemes, be determined as being 'public sector superannuation funds' under this legislation and thereby invested by the new Corporation. SASFIT is currently investing these funds.

The Transitional Provision of the Bill provides that on the commencement of the Act, the offices of the members of the South Australian Superannuation Fund Investment Trust shall be vacated. This will enable the appointment of the initial Board of Directors of the Corporation. The Bill also contains some consequential amendments to the Superannuation Act, the Police Superannuation Act, and the Southern State Superannuation Act.

Explanation of Clauses

The provisions of the Bill are as follows:

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

Clauses 1 and 2 are formal.

Clause 3: Interpretation

Clause 3 defines terms used in the Bill.

PART 2

SUPERANNUATION FUNDS MANAGEMENT CORPORATION OF SOUTH AUSTRALIA

Clause 4: Continuation in existence of Corporation

Clause 4 continues SASFIT in existence under the name Superannuation Funds Management Corporation of South Australia.

Clause 5: Functions of the Corporation

Clause 5 sets out the functions of the Corporation.

Clause 6: Powers of the Corporation

Clause 6 sets out the powers of the Corporation.

Clause 7: Object of the Corporation in performing its functions

Clause 7 is a statement of the Corporation's object in performing its functions.

Clause 8: Common seal and execution of documents

Clause 8 provides for the use of the common seal and the execution of documents by the Corporation.

PART 3

THE BOARD OF DIRECTORS

Clause 9: Establishment of the board

Clause 9 provides for the establishment of the Corporation's board of directors.

Clause 10: Conditions of membership

Clause 10 provides for a maximum term of appointment of three years for directors and provides for the removal of directors and the vacation of office of director.

Clause 11: Vacancies or defects in appointment of directors

Clause 11 ensures that an act of the board is valid even though there is a vacancy in the board's membership or a defect in the appointment of a director.

Clause 12: Remuneration

Clause 12 provides for remuneration of directors.

Clause 13: Board proceedings

Clause 13 provides for procedures at meetings of the board. If the board consists of five members (or less where there is a vacant office) the quorum is three members. If the board consists of six or seven members, the quorum is four.

Clause 14: Directors' duties of care, etc.

Clause 14 deals with the directors' duty of care. This clause and clauses 15, 16, 17 and 18 follow the wording of similar provisions in the *Public Corporations Act 1993*.

Clause 15: Directors' duties of honesty

Clause 15 requires the directors to act honestly.

Clause 16: Transactions with directors or associates of directors

Clause 16 restricts the involvement of a director or the associate of a director in transactions with the Corporation.

Clause 17: Conflict of interest

Clause 17 deals with directors' conflict of interest.

Clause 18: Civil liability if director or former director contravenes this Part

Clause 18 provides for a director to be civilly liable if convicted of certain offences under the Bill.

PART 4

CHIEF EXECUTIVE OFFICER

Clause 19: Chief executive officer

Clause 19 provides for the appointment of a chief executive officer on the nomination of the board. The board may nominate one of their number or any other suitable person. The provisions for removal from office and vacation of office are the same as for directors. If the chief executive officer is also a director he or she ceases to be chief executive officer on ceasing to be a director.

PART 5

PERFORMANCE BY THE CORPORATION OF ITS FUNCTIONS

Clause 20: The performance plan

Clause 20 requires the Corporation to prepare a draft performance plan for each financial year. The draft plan must be submitted to the Minister and the superannuation boards and the Corporation must have regard to their comments. This means that the Corporation must give proper consideration to whether it should make any changes in light of the comments but is not bound to make any changes.

Clause 21: Government policy

Clause 21 requires the Corporation to have regard to Government policy set out in a notice or letter from the Minister to the Corporation when preparing a performance plan or carrying out its other functions.

Clause 22: Provision of information and records to Minister

Clause 22 enables the Minister to obtain information and records from the Corporation.

Clause 23: Notification of disclosure to Minister of matter subject to duty of confidence

Where the Corporation discloses confidential information to the Minister it must notify the person to whom it owes a duty of confidentiality in relation to the information.

Clause 24: No breach of duty to report matter to Minister

Clause 24 protects a director when reporting the affairs of the Corporation to the Minister.

Clause 25: Administration of s. 3(3) funds

Clause 25 requires the Treasurer to transfer to the Corporation a superannuation fund held by the Treasurer which is to be administered by the Corporation.

PART 6

ACCOUNTING RECORDS AND AUDIT

Clause 26: Accounts

Clause 26 requires the Corporation to keep accounts and prepare financial statements in relation to its financial affairs.

Clause 27: Internal audits and audit committee

Clause 27 provides for internal auditing by the Corporation.

Clause 28: External audit

Clause 28 provides for external auditing by the Auditor-General.

PART 7

REPORTS

Clause 29: Progress reports in relation to performance plan

Clause 29 requires the Corporation to submit a progress report to the Minister after 31 December in each year outlining its progress in achieving its target for that year.

A report at the end of the financial year as to the Corporation's success in achieving its target is also required. The Corporation must also prepare a report if a factor affecting its achievement of a target has changed or a new factor has arisen.

Clause 30: Annual reports

Clause 30 requires the Corporation to prepare an annual report which must include copies of the audited accounts and financial statements, valuations of the public sector superannuation funds and other relevant information.

PART 8

MISCELLANEOUS

Clause 31: Staff of the Corporation

Clause 31 provides for the staff of the Corporation.

Clause 32: Immunity for directors and employees

Clause 32 protects directors and employees of the Corporation from civil liability for honest acts or omissions.

Clause 33: Delegation

Clause 33 enables the board to delegate its powers or functions. The clause also deals with conflict of interest in relation to a person to whom a power or function has been delegated.

Clause 34: Transactions with executives or associates of executives

Clause 34 provides for transactions between an executive, or an associate of an executive, and the Corporation. It is similar to clause 16 which deals with transactions between a director and the Corporation.

Clause 35: Validity of transactions of Corporation

Clause 35 provides for validity of transactions to which the Corporation is a party.

Clause 36: Power to investigate Corporation's operations

Clause 35 empowers the Minister to appoint the Auditor-General or any other suitable person to investigate the operations or financial position of the Corporation and report to the Minister.

Clause 37: Exemption of Corporation from rates, taxes, etc.

Clause 37 exempts the Corporation from rates, taxes and other imposts. A similar provision applies to the Trust under section 16 of the *Superannuation Act 1988*.

Clause 38: Proceedings for offences

Clause 38 provides for proceedings relating to offences.

Clause 39: Regulations

Clause 39 provides for the making of regulations.

Schedule 1 provides for the vacation of the offices of the members of the Trust on the commencement of the Act.

Schedule 2 makes consequential amendments to other Acts.

Mr QUIRKE secured the adjournment of the debate.

LOTTERY AND GAMING (MISCELLANEOUS) AMENDMENT BILL

Returned from the Legislative Council with an amendment.

CONSUMER CREDIT (CREDIT PROVIDERS) AMENDMENT BILL

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

Consideration in Committee.

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

That the House of Assembly insist on its amendments.

These amendments go to the very heart of the reform package. I do not believe it is useful for the House to re-debate the issues that we discussed previously. We do not believe that the Legislative Council has met the direction that was set down by the Government; in effect, it has reversed the situation that we believed was appropriate, that is, that matters of consumer credit should be the province of the District Court rather than the Commercial Tribunal. We reject the amendments *en bloc* and insist on our own.

Mr ATKINSON: The Opposition does not quite understand the Government's hostility to the Commercial Tribunal. This hostility is still to be explained.

Motion carried.

SECOND-HAND VEHICLE DEALERS BILL

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

Consideration in Committee.

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

That the House of Assembly insist on its amendments.

The amendments deal basically with where matters of inappropriate practice are dealt with or where there are disputes that need to be settled. We have already made the point that the District Court could take evidence and conduct itself in the same way as a tribunal. Why do we need two bodies that can fulfil the same function? We are on about efficiencies. There are some other amendments which have been moved relating to monetary values and which, again, reflect on the jurisdiction that can be exercised. We reject the amendments in total and we insist upon the amendments that we sent to the Legislative Council in the first place.

Mr ATKINSON: The Opposition is partial to the amendments made in another place. Some of the disagreement between the Houses is caused by the Government's failure to consult with the Motor Traders Association about the Bill. That seems an ungrateful thing to do in the light of the five figure donation from the Motor Traders Association Electoral Committee. The same committee was also generous, although about 10 times less generous, to the Opposition. I have consulted with them throughout this process. It seems that the Motor Traders Association Electoral Committee is not getting value for money from the Government.

The Hon. S.J. BAKER: I do not wish to prolong the debate, but the member for Spence has more than adequately described the situation. We are on a process of reform and the industry occasionally takes some time to understand that and embrace the reforms with which we are attempting to proceed. As the member for Playford has so rightly pointed out, if indeed there was a donation which in any way suggested that certain favours would be given, this is the first one that we could use as evidence of our not having got off to a good start. Reservations have been expressed by the Motor Traders Association and other parties with an interest in this matter. As a Government we believe in the process of reform and in ensuring that the industry assumes its responsibility. They are the major thrusts of the Bill previously debated in this place and we insist on the amendments.

Motion carried.

LOTTERY AND GAMING (MISCELLANEOUS) AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendment:

Page 2, lines 23 to 30 (clause 6)—Leave out section 75 and insert new section as follows:

'Occupying a common gaming-house.'

75. (1) A person who is the occupier of a common gaming-house is guilty of an offence.

Penalty: Division 4 find or division 6 imprisonment.

(2) In proceedings for an offence under this section it will be presumed, in the absence of proof to the contrary, that the defendant knew that the house, office, room or place was being used as a common gaming-house.

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

That the Legislative Council's amendment be agreed to.

There has been considerable comment on how the law can catch up with these people who occupy gaming houses. A long history is associated with gaming houses, stretching back to 1845 in the English Gaming Act. The terminology in the Act very much reflects the position that prevailed in 1845 and does not take account of the deviousness of owners or occupiers of gaming establishments, although I am sure they

were always devious. The forms of proof and the capacity to prove an offence have been diminished by not only smart lawyers but also the existing wording of the Act. The matter of how we can make the Act more enforceable has been the subject of considerable debate between the police, my officers and certain lawyers in another place who have different opinions on how you can advance the cause and ensure that the Act is enforceable.

The amendment before us reflects a view taken by, I presume, all Parties that we have a far more enforceable section of the Act than we had previously. It will be possible under the new provisions for a person who is an occupier of a house, and aware of the common gaming that is happening in that establishment, to be prosecuted. The previous fear with the amendment contained in the Bill as it left this place reversed the onus of proof. This does not seek to do the same thing, but really meets a half-way house in the proof situation. It merely states that a person who is the occupier of a common gaming house is guilty of an offence. It does afford some protection for those who are honest and who have not been involved in the gaming activity by providing, under the new subsection, that in proceedings for an offence under this section it will presume, in the absence of proof to the contrary, that the defendant knew that the house, office, room or place in question was being used as a common gaming house. It has sparked considerable political debate within the ranks of the Government and among members with some legal training. I understand now that the Bill is in far more acceptable form and will be enforceable.

Mr QUIRKE: The Opposition has no problem with the amendment. The Hon. Trevor Crothers in another place was, I understand, given a briefing by the Minister for Education and Children's Services, who had the carriage of this Bill. He satisfied the Hon. Trevor Crothers that this provision was necessary in the Bill. Who am I to dispute with those two persons the necessity for such legislative change? If I wish to be difficult, I ask the Deputy Premier whether this amendment would cover a situation that I well remember in my childhood. The barber in the Elizabeth Downs shopping centre was busted for running a common gaming house in his barber shop on a Sunday afternoon. This was some 30 years before the concept of Saturday afternoon trading—never mind Sunday afternoon trading—was on the go.

This fellow could hardly say that he did not know what was going on, because people had to go in through the men's lavatory, climb up a ladder, get through a window and get down into the barber shop before they could get involved in these enterprises. The problem was that a police car was in the area and one of the police officers, having to answer a call to nature, went in, found a ladder and a large number of people. However, the story does have a happy ending. The said barber is now very much richer than most members in this place, so he must have run a few other houses and done very well out of them.

The Hon. S.J. BAKER: I presume that he did not spend a lot of money on lawyers trying to escape the penalties, otherwise he would probably be much poorer than everybody in this House. Under those circumstances, if the person concerned were seen holding cards and having money on the table, there could be no capacity for doubt. I understand from what the member for Playford suggested that, in fact, he was caught red handed. We now have a very sophisticated legal system, and the only way we are able to prosecute under existing provisions is to catch these people red handed with the cards in their hand or throwing the dice, and with the money on the table. That is not particularly helpful for prosecutions. As I said previously when debating the measure, we are not aiming at the little people. Some criminal elements in Adelaide occupy these premises and run the games. Some actually go into wider enterprises, including drugs and prostitution. It is an appropriate way to catch them, and prosecuting them is more feasible than was previously the case. I commend the amendment.

Motion carried.

CORPORATIONS (SOUTH AUSTRALIA) (JURISDICTION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 February. Page 1531.)

Mr ATKINSON (Spence): The Opposition has considered the Bill's clauses, their relationship to the principal Act that they amend, the Minister's explanation and the clause notes. We understand from the Bill that it will enable lower courts to hear corporate suits. That is to say, if a civil dispute about a company involves no more than a few hundred dollars it may be heard in the Magistrates Court or, if it involves a few thousand dollars, the District Court. Until now matters would have had to be heard in a superior court, such as the Supreme Court or the Federal Court, with all the attendant costs.

Although this barrier to bringing small corporate claims has resulted in the settling or withdrawal of these kinds of cases, we think the Bill is desirable because it lowers the barrier and increases access to justice for people who claim to have been damaged by breaches of the corporate law. Labor sees no reason why the Magistrates and District Courts should not be able to try company matters up to their usual monetary limits. The Bill is desirable on its merits, quite apart from its being suggested by the Ministerial Council and our being required to support it for the sake of uniformity.

Although the initiative for this Bill is national, it needs to be passed by the House into South Australia's statute book, because the Commonwealth Parliament does not have power to apply this law to South Australia, or at least not as thoroughly as the corporate regulators would like. The Opposition has no quibble with the change to the definition of 'officer' in the corporate law of the land. We welcome the abundance of caution that has prompted clause 19. There should be no impediment to the Commonwealth Director of Public Prosecution's pursuing malefactors under the old Companies Code.

The Hon. S.J. BAKER (Deputy Premier): I thank the member for Spence for his considered opinion of the Bill. The measure is a natural progression in improving the performance of the law. I think the member for Spence would recognise, and from his remarks he obviously does, that if it becomes unaffordable for people to pursue their natural rights then the law has failed. This involves a situation where very large sums of money can be spent in the pursuit of small claims simply because of the jurisdictional problems relating to the courts. In fact, we have made it easier for people to pursue their claims at a much lower cost than they would normally incur. We believe that justice in those cases will be much enhanced by this very simple provision. I note the honourable member's comments about the Commonwealth jurisdiction.

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

THOMAS HUTCHINSON TRUST AND RELATED TRUSTS (WINDING UP) BILL

Adjourned debate on second reading.

(Continued from 14 February. Page 1557.)

Mr ATKINSON (Spence): A long time ago one Thomas Hutchinson left a great deal of money to establish a hospital in the Gawler area. The hospital bore his name, and many distinguished South Australians have been born there, among them, the Secretary of the Public Transport Union, Mr John Crossing.

Mr Buckby interjecting:

Mr ATKINSON: The member for Light adds that he, too, was born there: another distinguished South Australian. It seems that the Hutchinson Hospital has outlived its usefulness and is to be replaced by a Health Commission funded hospital at Gawler. The trust that Thomas Hutchinson established is proposed to be wound up and its money devoted to the new Gawler hospital, which I believe will be called the 'Gawler Health Service'. It does not quite have the ring of the 'Hutchinson Hospital', but Gawler Health Service it is.

I believe there were three other bequests made to the Hutchinson Hospital that also have to be wound up and the money applied to the Gawler Health Service. In another place, a select committee was established to inquire into the winding up of the Thomas Hutchinson Trust and related trusts. This is a useful safeguard to ensure that with trusts for charitable purposes, when their initial object is frustrated—in this case through the closure of the Hutchinson Hospital—their assets and income are applied, as far as possible, in accordance with the original intention of the trust. The select committee took evidence from the Chairman of the Thomas Hutchinson Trust and from the Chief Executive Officer of the Women's and Children's Hospital. No objection was received to the proposed application of the funds of the trust and related trusts to the Gawler Health Service, and accordingly the Opposition raises no opposition to the use of the funds.

Mr BUCKBY (Light): I rise in support of this Bill. The bequest of Mr Thomas Hutchinson was a particularly beneficial one for the township of Gawler in that, in leaving a substantial amount of property upon which a hospital would be built, he delivered to Gawler the land for a facility through which Gawler has benefited over a long period.

As the member for Spence has said, a number of distinguished people have been born there. I would not count myself as one of those, but nevertheless I was born there. My family has also had times when the Hutchinson Hospital has been of service to them, and particularly good service at that. I congratulate the past boards on their excellent administration of the hospital, both for the local community and for the much broader community, which the hospital has served.

As the member for Spence said, the funds from the sale of the land and buildings will go to the new Gawler Health Service, which comprises a building valued at $18 million. It is a particularly useful building in that it combines all Gawler health services—that is, physiotherapy and a private hospital—on the one site only a matter of five minutes away from the old Gawler Hutchinson Hospital site.

The staff at the Hutchinson Hospital have worked under what could perhaps be called trying conditions over the past years, as the hospital really has outlived its time. Now, with the provision of the Gawler Health Service unit, they are working in what can only be described as excellent conditions and with excellent facilities to provide health and medical services to the surrounding areas of Gawler.

Another three trusts are included in this winding up Bill, and those people—John Alfred Dingle, James Commons and John Potts—were also well known around Gawler. The residual from their estates, which had been in the trust, is to be paid to the Gawler Health Service to provide facilities and equipment. I congratulate past boards and staff of the Hutchinson Hospital and pass on my good wishes to those who have transferred to the Gawler Health Service. I hope that they have much pleasure in being able to work in what is a very new and outstanding facility for the township of Gawler.

The Hon. S.J. BAKER (Deputy Premier): I thank both the member for Spence and the local member, the member for Light, for their contributions. The Thomas Hutchinson Trust has been a very famous trust. I remember when I first commenced employment that it was with the Chief Secretary's Department and that the Chief Secretary was then the Minister of Health.

Mr Atkinson: It was during the Playford era.

The Hon. S.J. BAKER: That's right, as the member for Spence would understand. At that time significant improvements were being made to what was a basic establishment. It formed the nucleus and provided a means for the people of Gawler and the surrounding districts to put together a hospital over the years about which all residents can justifiably be proud. It is an excellent hospital. I have not been a patient there but, when I visited the hospital, I found that the facilities were modern and appropriate. Most importantly, I found that the quality of the staff at the hospital was good; that people who attended the hospital were made welcome, whether they were patients or visitors. Nobody wants to go to hospital, but I am told that, if that becomes necessary, Gawler is the place to go because of the service provided.

It has had a proud history, but it is now being wound up. It no longer has any relevance. It has been through a select committee, as is appropriate. We have reached the stage where we can remember Thomas Hutchinson for the foresight that was shown at the time, and we can congratulate all the people who have been associated with the Hutchinson Hospital for the efforts that they made over the years.

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

[Sitting suspended from 4.45 to 5.26 p.m.]

SECOND-HAND VEHICLE DEALERS BILL AND CONSUMER CREDIT (CREDIT PROVIDERS) AMENDMENT BILL

The Legislative Council requested a conference, at which it would be represented by five managers, on the House of Assembly's amendments to which it had disagreed.

The House of Assembly agreed to a conference, to be held in the second floor conference room at 10 a.m. on Tuesday 28 February, at which it would be represented by Messrs

Atkinson, S.J. Baker, Caudell and Cummins and Mrs Geraghty.

ADJOURNMENT

At 5.35 p.m. the House adjourned until Tuesday 7 March at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 21 February 1995

QUESTIONS ON NOTICE

WORKCOVER

126. **Mr ATKINSON:** When an injured employee obtains WorkCover payments in respect of lost income and medical bills and then recovers damages for pain and suffering through a civil suit arising out of the same injury, why does WorkCover take all or some of the pain and suffering component of the damages to reimburse itself for income payments and payment of medical bills?

The Hon. G.A. INGERSON: WorkCover has the right pursuant to section 54(7)(d) and (e) of the Workers Rehabilitation and Compensation Act 1986 (WRAC) to recover compensation, paid to the worker, from damages received by the worker from a civil suit arising out of the same injury. The WRAC Act does not require WorkCover to restrict its recovery to the various heads of damages received by a worker in a civil suit, ie pain and suffering, economic loss, medical expenses etc. Also, WorkCover's recovery is not restricted to the various types of compensation, ie income maintenance, medical expenses, travelling expenses, commutation, permanent disability, lump sum, etc.

Chief Justice King in the Full Supreme Court matter of *Paglia v Trice* said, 'Section 54(7)(d)(i) does not limit the amount recoverable from the defendant by reference to any individual component of the corporation's entitlement.' Accordingly, WorkCover can recover against any damages received by a worker, providing they are in respect of the same injury.

AMBULANCE SERVICE

166. **Ms STEVENS:** What were the recommendations of the Audit Commission examination of the Ambulance Service referred to by the Minister on 5 and 10 May 1994, what action has been taken on these recommendations and when will the report be released?

The Hon. W.A. MATTHEW: At my request, the Commission of Audit undertook an analysis of the Ambulance Service. This was not stipulated as one of the original areas for examination by the commission. When my statements to the House of 5 May 1994 and 10 May 1994 were made, the Commission of Audit had referred a draft report to me. It was my understanding that a final report would be received. However, I have since been advised that, at the conclusion of the time for the work done by the Audit Commission, no final report was able to be prepared.

The draft report has been used as a guide for reform by the Ambulance Service. It has been superseded by the other review to which I referred on 10 May 1994. This review, undertaken by Ernst Young, is presently being assessed by the ambulance board.

ELECTORAL COMMISSION

169. **Mr ATKINSON:** Has the Australian Electoral Commission advised the State Electoral Office when it intends to conduct a habitation review for the Federal Divisions of Adelaide and Port Adelaide?

The Hon. S.J. BAKER: The Australian Electoral Commission is to conduct habitation reviews in all divisions commencing in the second half of March 1995 and continuing through to October 1995. In contrast to previous reviews, which were predominantly conducted by 'door-knocks', it is the intention of the commission to alter its procedure. The 1995 habitation review will be undertaken as follows:

- Established areas. A mail-out to all habitations followed up with a 'door-knock' to those habitations from which a reply is not received; and
- Growing areas. All habitations will be 'door-knocked'.