HOUSE OF ASSEMBLY

Thursday 16 March 1995

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

LEGISLATIVE REVIEW COMMITTEE: CRIMINAL INJURIES COMPENSATION

Mr CUMMINS (Norwood): I move:

That the report of the Legislative Review Committee on the Criminal Injuries Compensation Act 1978 be noted.

Members will know that under our legislation the victim of an offence or a surviving relative of a deceased person may make a claim for compensation within three years from the date of any offence. The Criminal Injuries Compensation Act was referred to the committee by the Legislative Council and asked to examine and report on several matters: the effect of the introduction of the amendments of 12 August 1993 to the Criminal Injuries Compensation Act; the adequacy of compensation provided to the victims of crime; whether the required burden of proof be changed from 'beyond reasonable doubt' to 'on the balance of probabilities'; whether the award of damages should be indexed to inflation; and the manner in which the Attorney-General had been exercising his discretion to make *ex gratia* payments.

I will deal shortly with each of those items. With regard to the effect of the introduction of the amendments of 12 August 1993 to the Criminal Injuries Compensation Act, damages used to be assessed by the old common law method. However, the amendment of 1993, introduced by the former Labor Attorney-General in another place, changed the method of assessment to the assessment used in the Wrongs Act for personal injuries. What happens is that when assessing damages a numerical value of one to 50 is allocated to the pain and suffering and it is then multiplied by $1 000. By doing that one assesses the pain and suffering and arrives at a figure. The maximum under the legislation after August 1993 was $50 000. The result is that awards for economic loss since then, on the statistics to which we had access, decreased to about one-fifth to one-quarter. When the amendments to the Wrongs Act were introduced, the awards for pain and suffering at common law also decreased because of the introduction of the same system.

There is no doubt that the clear intent of that amendment was to decrease the burden on State revenue. I do not criticise that, because, looking at the statistics and projecting them forward, without the amendments the scheme would have blown out. Even since those amendments, looking at the figures now and projecting them to 1997, there will be a blow out of payments from $2.38 million to $29 million, so we can see that it was necessary to do what the former Labor Government did. In view of those statistics, the committee took the view that it should not do anything about the amendment introduced by the former Labor Government on 12 August 1993. In fact, the committee thinks it was a wise move.

I turn now to the adequacy of compensation to victims. It is obvious that no-one can ever be compensated properly for the effect of a criminal offence. We must always bear in mind that the State is paying the compensation, not the perpetrator of the offence. It is very rare for the perpetrator of an offence to have any assets, and in many cases it is difficult to find them after they have been convicted as many are itinerants. The committee took the view that the fund should be spread across rather than that individual amounts should be increased. The Law Society of South Australia agrees with that approach. The committee's view is that there is no reason to increase the amounts of compensation, but it felt that the approach should be to ensure that the fund was spread across as far as possible.

Turning to the burden of proof, the issue was whether we should change from the criminal burden 'beyond reasonable doubt' to the civil burden 'on the balance of probabilities.' The legislation requires that the commission of an offence for which compensation is sought is proved beyond reasonable doubt—the criminal burden of proof. But, having said that, any other fact that needs to be proved, under the legislation, has to be proved only on the balance of probabilities. In relation to the criminal burden of beyond reasonable doubt, one can imagine that in some cases a person who is the subject of a criminal offence may have great difficulty in establishing entitlement to damages if they are put to strict proof. For example, a person who is attacked in the street, is rendered unconscious and suffers from amnesia as a result, may have difficulty in proving beyond reasonable doubt that the assault was the result of a criminal offence, although, on the balance of probabilities, if that person was found in the gutter with their head smashed, a court exercising its civil burden may be more ready to accept that that person was the subject of an offence.

Another situation in which there may be difficulties relates to children. Under the Evidence Act certain children are not competent to give evidence, and the courts are always reluctant to accept the evidence of children for numerous reasons. The committee's view was that the burden of proof in relation to the commission of an offence should be changed from 'beyond reasonable doubt' to 'on the balance of probabilities.' The committee felt that that would ensure justice for individuals in the situations that I have mentioned. Therefore, its recommendation is that in relation to establishing the commission of the offence, the burden of proof should be changed from 'beyond reasonable doubt' to 'on the balance of probabilities.'

The next item was whether the award of damages should be indexed to inflation. The former Labor Government did not index the multiplier of $1 000 to inflation, nor did it index the gross amount of $50 000 to inflation. A Bill could be introduced to amend either of those amounts, and the former Attorney-General in the Labor Government specifically said that in another place. In most other States the maximum amount is $50 000 and the amount is not indexed.

We know that the fund is running into deficit and that the deficit is increasing. The committee felt that there should be some indexation, rather than come back to the House and amend the legislation piecemeal, so it has recommended that the multiplier be indexed to inflation, particularly as overall awards since the 1993 amendments, which we accept were correct, have decreased to one-fifth to one-quarter of previous awards. Therefore, the recommendation is that the multiplier be indexed to inflation, particularly as awards overall have decreased in the past few years.

I now turn to item V, namely, the manner in which the Attorney-General has been exercising his discretion to make *ex gratia* payments. Under section 11(3) of the Act the Attorney-General has an absolute discretion to make *ex gratia* payments for compensation in certain specified circum-

stances, for example, if there is an acquittal due to lack of *mens rea* or acquittal due to automatism. I had a case when I was at the bar of a drug addict who assaulted three policemen and put a couple into hospital. I had him acquitted on the basis of automatism, that he did not know what he was doing at the time and could not form the intent to commit the offence. Although he was acquitted, those police officers would be entitled to compensation under the provisions of the *ex gratia* payment in section 11(3).

There was some criticism that the Attorney-General was not making *ex gratia* payments to people, but when we looked at the figures that was not substantiated. If one looked at the gross figures since the present Attorney has been in office, there was hardly any difference between them and the gross payments made in previous years. Looking at the actual payments made, for example, in 1991-92 they were $43 000; in 1992-93, $110 000; and in 1993-94, $100 000. So, the committee took the view that the criticism of the current Attorney was not established in relation to that matter. Dealing with related matters, the committee had great difficulty in considering some of the issues referred to it due to the lack of statistical information, and we have therefore recommended that broader statistics be kept so that, if any issues are referred to us again, we will be in a position properly to assess them. Those recommendations appear at page 38 of the report.

Another problem that came to our notice is the problem with Aboriginal women. The Australian Legal Rights Movement will not act for Aboriginal women against Aboriginal males. It seemed to us that that was not right; that something has to be done about it. Both you, Mr Speaker, and I have been to the Aboriginal lands and will be going again towards the end of this month, and we were made aware when we were there last that one of the problems is that there are no female field officers in the Aboriginal lands and females will not complain to a male field officer. It seems to me that there is a need for ATSIC to look at that issue, because it is its responsibility: it is a Federal responsibility and not a State one.

Current field officers, I understand, are employed by ATSIC. That should be done so that Aboriginal women who are assaulted by Aboriginal men are put in a position where they can get advice and bring an action under this legislation. We did, however, recommend in our report for the interim that the Aboriginal Legal Rights Movement arrange to instruct other solicitors when Aboriginal women are contemplating an action against a male.

The other matter raised in this legislation on which we thought we should make recommendations is the question of costs. The costs of legal practitioners have not changed since 1988. As members know, I am a legal practitioner and I would be advocating that the legal profession should get a lot of money. The reality, though, is that legal practitioners get a pittance for the work they do in this area, and I think it is treating victims of crime as second rate citizens. As far as I and the committee are concerned, that is not on. We believe that there should be a review, and we recommend that the Attorney-General review legal practitioners' fees in relation to this legislation.

Something else we looked at is the District Court recommendation that the proceedings in these matters be issued against the Crown rather than against the actual perpetrator of the offence. We took the view that it was the responsibility of the victim to try to ascertain who and where the person who committed the offence was. There was some question as to whether that would bring about injustice. We took the view that it would not, because there are clearly provisions within the legislation if the perpetrator of an offence cannot be found.

The court has power to dispense with service if an individual cannot be found. That is a simple matter of an application with an affidavit before the court to the effect that you have done due search and inquiry and cannot find the perpetrator, and then an order for substituted service would be made against the Crown. We did not see that as a real problem and we made no recommendations in relation to proceedings being issued directly against the Crown and putting the burden on the Crown to hunt out perpetrators of an offence. We did not think that was necessary. I have pleasure in commending that this report be noted.

Motion carried.

PUBLIC WORKS COMMITTEE: PATAWALONGA

Mr ASHENDEN (Wright): As Chairman of the committee, I move:

That the report of the committee tabled yesterday into the Patawalonga dredging project be noted.

Through the Urban Land Trust the Government has demonstrated to the Public Works Committee a clear, long-term strategy in its desire to act as a catalyst for private investment at Glenelg by promoting clean-up works and other developments on the Patawalonga. Despite this longer-term plan, the process of dredging and restoring the Patawalonga as a recreation venue fit for humans is viewed by the committee as a separate and individual exercise, and the first step only in the long-term development of this area. I want to stress that a long-term program and plans are in place for the Patawalonga area (some of which are causing local residents concern), but I stress that this report refers only to the dredging of the Patawalonga itself.

This is, in the view of the committee, both long overdue and of sufficient merit to be supported as a public work, irrespective of the direction the Government's long-term development strategy at Glenelg will take. This report, therefore, while aware of the context of the larger proposal, addresses only the efficiency and desirability of the Patawalonga dredging as a discrete project. Two matters should be borne in mind with respect to this decision. First, the dredging is to be funded by Federal grant moneys allocated as part of the Building Better Cities program. These moneys are tied to particular approved initiatives, in this case the Patawalonga clean-up. They may not be spent elsewhere and must be expended within a set time period or the funds will be withdrawn and cannot be replaced. Secondly, the balance of the activities and private investment plans for the area have yet to reach a point where sufficient information exists for the committee to determine the level, if any, and justification of further public spending. These matters will be the subject of separate reports if and when the need arises.

The proposal before the committee, as I have said, is the first stage of an overall program by the Government to attract private investment for the redevelopment of the Glenelg-West Beach foreshore, including the Patawalonga and its environs. The redevelopment of this important and high profile tourist destination has been the subject of numerous studies, and attempts by successive Governments to secure a privately initiated redevelopment have failed.

In a bid to redress the situation the present Government proposes to encourage private investment by itself initiating

capital works that address the age and infrastructure of the area and thus make the area more attractive for private development. The dredging of the Patawalonga is one such initiative. The scope of the works to be undertaken include the excavation and deepening of the Patawalonga basin, the disposal of the spoil, and construction of new edge treatments along the lake. The works are estimated to cost $4 million. The successful contractor will be required:

- to excavate approximately 150 000 cubic metres of sediment and silt from the Patawalonga basin and stockpile this material on Federal Airports Corporation land at West Beach while it dries;
- to excavate approximately 150 000 cubic metres of underlying sand from the basin and separately stockpile this material on FAC land while it dries;
- to install new edge treatments to the Patawalonga basin; and
- to shift the sediments and sand, when dry, from the FAC land to form a cover over the former waste disposal site on the West Beach Recreation Reserve, thus enabling that land to be made useable for extensions to the golf course or for other recreational purposes.

The committee has reviewed previous experience of attempts to initiate development at the Bay, and this review has demonstrated clearly that such exercises are of no economic gain to private investors, and the burden of funding such essential tasks has so reduced potential returns as to act as a disincentive to private capital. It is for this reason that infrastructure works must now move ahead. The committee is convinced that private development will not be forthcoming until the Government begins these works.

Problems with water quality in the Patawalonga and the management of sand at Glenelg have been evident for many years. With all previous development proposals, the State Government and the Glenelg council have required the developer to bear the costs of works to deal with the environmental problems of the Patawalonga. On this occasion, the State Government has given priority to providing an adequate level of public funding to enable the problems in the area to be addressed. This will then allow private sector funds to be directed to the more commercially viable development opportunities in the area.

In its present condition, the Patawalonga represents one of the worst cases of environmental degradation of a waterway in a densely populated urban recreation area. Its waters are subject to the accumulation of the sediments of polluted stormwater run-off from a third of Adelaide's households in addition to many commercial activities. It is unfit for human recreation, produces foul odours, does not adequately serve the boat owners who use it, is generally littered and unsightly, and poses a physical danger to marine and bird life in the vicinity. The periodic release of stormwater from the Patawalonga discharges polluted water into the marine environment, resulting at times in closure of beaches to the north, and producing unacceptable health risks to the public.

The Public Works Committee conducted a site inspection of the Patawalonga, and the areas on FAC and West Beach Trust land where it is proposed to treat material dredged from the basin. The committee found the condition of the Patawalonga appalling, particularly at its northern reaches, and the site inspection clearly demonstrated that action to restore the Patawalonga is urgently required. If any honourable member doubts that, I suggest they go and see at first hand the appalling situation that exists.

The Government is giving an emphasis to total management across the whole of the catchment area for the Patawalonga. This involves bringing together the upstream councils to form a catchment management authority, the funding of remedial works in the upstream catchment, and preparing a total catchment management plan. Legislation to provide for these matters is before this Parliament, and the committee believes it is extremely important that an authority be established to provide for the ongoing management of the catchment. An amount of $1.5 million has been allocated by the Government for remedial works in the upstream catchment during 1994-95, and these works are currently being designed.

On 20 February 1995 the Minister for the Environment and Natural Resources announced the signing of a memorandum of understanding between the Government and the Patawalonga Catchment Steering Committee. This important first step in the establishment of catchment water management is welcomed by the committee. The committee examined three options for the flushing of the Patawalonga, subsequent to dredging works. These works range in cost from $10.4 million to $14.5 million. It is not necessary to detail these options to the Parliament at this time, but they are summarised in the committee's report for those who are interested. However, members should note that all options for the flushing of the Patawalonga are subsequent to the dredging and do not form part of the proposal presently being assessed by the committee.

The Urban Land Trust has given a commitment, which the committee acknowledges, that a final decision on these subsequent works will be made only after the completion of consultation processes and the full assessment of any environmental impact. The committee is satisfied that the trust is fully aware of the ramifications of the engineering options for flushing the Patawalonga and has carefully considered the general amenity of existing residents with a view to maintaining or improving current conditions during the secondary stages of the Government's overall strategy.

Clear evidence was given to the committee of broad and comprehensive consultation by the proposing agency. The committee acknowledges that some agencies and some sections of the community have reservations about proposals for cutting a new outlet to the sea, which is the preferred option 3, and this will need to be addressed by the Government during this consultation period over the next six months. The committee has been satisfied that all works will be undertaken in a manner which will satisfy requirements of the environmental and health authorities, and we have been impressed with the thoroughness of the consultation thus far, despite some media reports to the contrary. Generally, the committee finds that the Government has satisfactorily demonstrated its efforts in this area.

The area covered by the report has been subject to five environmental impact statements over the past eight years, and the results of these investigations are being used in the assessment of the current project. In relation to the dredging works, sediments in the basin have been sampled and tested to satisfy the requirements of the Environmental Protection Agency office and the Health Commission. Importantly, tender documents require the contractor to manage the processes to minimise the impact on neighbouring residents. A public trial dredging process was carried out in the basin on 19 January 1995. Tenderers, as well as media and State and local government representatives, were invited to observe the process which was used to test for odours from the

dredged material. The results show that concerns about odours are largely unfounded and the committee, which visited this trial area, is satisfied that the proposed process will not pose a threat to nearby residential areas.

The committee takes the view that there is no dispute about the necessity to carry out the works, as a problem clearly exists with the quality of the Patawalonga environment. Irrespective of the success of the latter stages of the project strategy, the moneys allocated to dredging the Patawalonga will deliver value to the community. The Public Works Committee therefore recommends this project to Parliament, as it will:

- improve the water quality and amenity of the Patawalonga, ideally to support water based recreational and leisure activities;
- improve recreational boating facilities, including provision for all weather, all tide boat launching and sea access with appropriate car and boat trailer parking;
- make a significant contribution to tourism infrastructure and the economic activity that will develop in the area;
- enhance opportunities for community recreation through provision of and/or upgrading facilities for that purpose;
- ensure all works are carried out in a manner that accommodates proposed extensions to Adelaide Airport runway and with minimum disruption to users of existing facilities; and
- ensure that all development is environmentally sustainable and does not contribute to increased beach erosion or pollution.

The portion of the overall project strategy which is the subject of this report is not expected to generate revenue. Rather, it is to be seen as an essential public infrastructure investment which will seed private investment into the enhancement of the broader precinct. Any private sector development opportunities will be established on a commercial basis, and any revenue derived from this will be used to fund further public works to complete the secondary stages of the Government's overall strategy. These further stages may be the subject of subsequent reports to Parliament.

The committee therefore recommends that the Patawalonga, being one of the most prominent and serious pollution problems in Adelaide, must have that problem addressed. The basin requires excavation if the Patawalonga is again to be made available for human use. A clean Patawalonga will be a catalyst for further upgrading and redevelopment of the Glenelg-West Beach area in the longer term, while in the short term it will provide for safe public recreation, increase the attraction of the area for tourists, upgrade boating facilities and reduce pollution hazards.

The committee is firmly of the opinion that this opportunity should be grasped, and recommends to Parliament that the totally unsatisfactory state of the Patawalonga be no longer tolerated. The absence of upstream catchment management has necessitated the flushing of the Patawalonga into the ocean, resulting in the closure of public beaches, pollution of the marine environment and the unacceptable contamination and derogation of a prime South Australian tourism icon.

The committee has witnessed first hand the detail of the devastation caused to both the Patawalonga and the neighbouring marine environment by years of neglect and bad practice and urges Parliament to use all resources available to it to obtain support for the concept of catchment management from local councils, community groups, residents, industry and the media. Rapid agreement on this issue will provide the greatest potential for the people of this State to capitalise on the dredging works at the Patawalonga. Pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to Parliament that it recommends the proposed public work.

Mr CONDOUS (Colton): I think this is the appropriate time for the member for Colton to put forward his concerns at what is proposed. While I commend the Chairman for a very comprehensive report, I must say that I cannot be satisfied that what is being done is the right thing. I have spoken with many of my constituents at West Beach about this matter, and members must remember that the dredging of the Patawalonga is only the first stage. There are many fights to be fought in the future on further stages as they arise, because some of them will without doubt affect the electorate, and I want the correct answers.

My constituents have expressed their concerns to me about the dumping of this silt out of the Patawalonga onto FAC land and the fact that it will be left there for about 12 months before it is transferred, as the Chairman said, to the West Beach Reserve land, to be covered with about one foot of sand and then good quality soil before it is greened to make more of the reserve available to the community. However, one has to look at the fact that the responsibility for the whole clean-up of the Patawalonga has been put into the hands of the Minister for Housing, Urban Development and Local Government Relations.

It just so happens that the Patawalonga is in his electorate, and he has promised his constituents that he will give them a wonderfully clean Patawalonga which they will be able to use for many years for their milk carton regattas, swimming and canoeing. They will also have six lovely little beaches with plenty of water being pumped in from Glenelg, reticulated and sent out at the other end, if option No. 3 is adopted, into a man-made channel which will cut through the sandhills of West Beach alongside the Glenelg Sewage Treatment Works. That is great for the Minister. Everybody down in his area will think it is absolutely fantastic. However, it is not a bad idea to ask the people who will be the recipients of this what they think about the issue.

I have listened to both the Minister's adviser, Mr Rod Hook, and to Kinhill's who have told me that there will be absolutely no problems at all. When they decide to dredge the Patawalonga, in a proportion of one part silt to four parts water, it will be agitated with both air and water and then pumped over to the FAC land. That process will get rid of the carbon dioxide and there will be absolutely no smell. They have carried out tests on this. They took two cement trucks, with just the plain silt without being agitated, and then another two trucks that had been agitated, and there was no doubt that the samples that had been agitated gave off no smell at all.

All I can say is that everyone who makes a decision on this, including the Public Works Committee, will have to accept the responsibility that they are recommending today that this first stage be taken on. I do not mind that if they can give me an underlined guarantee that no smell will be detectable by the residents of West Beach, no matter what the weather conditions. The only thing separating this soil from the houses on West Beach Road is the roadway. If you get the right weather conditions—and let us hope it does not happen—and if this is not done correctly, that sulphur dioxide smell will go into every home in West Beach.

I know what stance I am taking. I am supporting my constituents, and I am saying on the record in this House today that all those who have made a decision and put their names to this report, including the Minister and those members who support it, will be the ones who are accountable. If there is one problem, I will come back here and thrust the responsibility back onto the very people who made that decision.

I have been through the report quickly and I cannot see any reference to an analysis of the silt in the Patawalonga. It may be in the report, but I could not find it. I am told by Mr Hook and Kinhill's that they have done tests on it and, although there are pollutants and some heavy metals, they will not endanger the community. I want to know why that information is not included in the report. I want to be able to go to my constituents and say, 'Have no fears at all of any seepage into the underwater system. Here is the report. This is exactly what the silt contains. Have no fears. It is a written guarantee and it is there before you.' I want that report produced in this Chamber. It is the responsibility of the Public Works Committee to ask for the results of the analysis by both Hook and Kinhill's to be furnished so that the community knows exactly what pollutants are in the silt that will come out of the Patawalonga.

If this process does not work—and I am hoping that it will—who will then take the responsibility? Who will come to me and say, 'We have made a mistake. We have to come down and help you straight away.' The silt is being dumped on land in the electorate of the member for Hanson, but my electorate is on his border. Who will come to us and say, 'We have made a mistake; we will help you get out of it.' Rather than leave it for 12 months, will they come along immediately and cover it over with sand and do something about it before the smell emanates through the community? There are so many unanswered questions.

It is great to say that we will clean up the Patawalonga. I do not think there is one person in the whole electorate of Colton who has anything but praise for this Government for accepting the responsibility of handling the issues of the clean-up of the Patawalonga because it was neglected for a period of 11 years. The Opposition can say whatever it likes, but nobody accepted the responsibility of going down there and saying, 'This is one of the worst waterways in this country; we have to do something about it.' This Government has now put $4 million towards it. The Federal Government has put $11 million towards it. More money will be available if we can prove to the Federal Government that we are acting responsibly in making this a waterway that no-one has to worry about any longer, one they can jump into at any time and have a swim without fear.

All I want to say is: let us treat this with kid gloves. Let us be responsible in cleaning up this waterway. Let us obtain a report by next week, because I want an analysis of the silt in the Patawalonga. I, too, have a vested interest. I have a child, and my constituents have either children or grandchildren, who at some stage would like to know that they can use that Patawalonga without fear to their health. Let us not put the entire burden on the people of Colton by dumping it there. I notice that it will not be dumped in the electorate of Morphett. They could have found an area in Morphett to dump it, but they did not want it there.

So that members appreciate the amount of soil involved, I point out that it will be the size of Football Park to a depth of three metres. That is an enormous amount of silt to come out of a waterway and be dumped right next door to approximately 4 000 or 5 000 houses at West Beach. I just say: let us be careful about it because, if it does not work, I will come back here and hound the very people who made that decision.

Mr BECKER (Peake): I thank the members of the Public Works Committee for the work they have undertaken in assessing this project. That committee, which was part of the reorganisation of the committee structure of this State Parliament, has not been operating for all that long. As a local resident, I must express my interest in the project. Also, I represented the area for 23 years and I know the history of that location. When I was first elected to Parliament, as the member for Coles will note, we discovered all sorts of debris and animal bodies floating around in the Patawalonga. The Labor Party used to accuse me time after time of planting those animal bodies there, but I did not have to. That was the condition of the streets, the footpaths and the behaviour of the residents who lived along the Sturt Creek area and Brownhill Creek which eventually flows into the Patawalonga basin and the Patawalonga.

From the very early 1970s—1970 or 1971—when I started to complain about the condition of the Patawalonga, the EWS Department, through the then Deputy Premier (Des Corcoran), flatly denied that the waterway was polluted or that there were any environmental problems. We then saw the establishment of the portfolio of Minister for the Environment. Again, that department denied, in conjunction with the EWS Department, any of the problems that had been experienced in the Patawalonga area, and flatly denied time after time that the water from the Patawalonga was killing the sea grasses. A report by Scorsby-Shepherd from the Fisheries Department proved conclusively that the discharge from the Patawalonga and the Glenelg sewage treatment works was having a disastrous effect on the sea grasses. Lies and threats were directed at me for highlighting these problems in the Patawalonga over 20-odd years of Labor Governments, but it has finally been proven that I was right.

The Public Works Committee confirms what I have been saying all along: the Patawalonga is the most polluted waterway in Australia. It is an absolute disgrace, and it is a disgrace that this Government—this new Government that is faced with the worst economic situation imposed on any Government in modern times—must now spend $4 million to dredge and clean up one little waterway. God only knows what they will find. I am absolutely frightened, as a local resident, to think what they will find. There will be a lot of political pamphlets and signs, including my own, Ralph Jacobi's, and goodness knows what else—there could be all sorts of things.

It will also create an environmental problem because, when the water level is reduced, the smell of the Patawalonga is bad enough now and competes only with the gas emissions from the Glenelg sewage treatment works. It is time that the people of South Australia were taken down to that area to experience the problems that we, the local residents, must put up with. It is the most expensive boat mooring location in Australia. The Glenelg council has consistently lost anything between $200 000 and $300 000 a year to maintain the locks, the boats, the harbor, and the boat launching facility for something like 60 boats and trailers.

It is absolutely ludicrous that we have such a luxurious facility for a handful of people, yet most of the cost is borne by the local ratepayers. To put up with that we will now get this area cleaned up and dredged. The member for Colton has expressed concern that his West Beach constituents, number-

ing about 3 000, could feel concerned that the soil taken out of the Patawalonga and dumped at West Beach will cause a problem for them. I cannot understand why it is not taken out to sea, because the normal course of all this fill would have gone out to sea over the past 25 years and been washed back onto the shore as sand. That is how sand is created.

Why must we dump that fill on top of a former rubbish dump—a rubbish dump operated in conjunction with the Glenelg and West Torrens councils; a rubbish dump that has so much methane gas in it that no-one is game to walk across it, let alone put some holes down to find out what it contains; a rubbish dump that will cost $14 million to remove? Some of the mistakes that have been made and some of the damage that has been done to the local environment over the years by haphazard councils and irresponsible Governments—and, yes, they do go back to the Playford era, and we are still paying for all his sins—now involves a very expensive exercise indeed.

As a local resident, I take some warning from the report of the Public Works Committee. We do not want the return of some activities that occurred on the Patawalonga prior to its closure. We do not want the Milk Can Regatta; we do not want irresponsible water ski clubs from the universities; we do not want people blocking the middle of the road along the Patawalonga frontage, drinking stubbies of beer and throwing their rubbish all over the place; and we do not want people parking across our driveways, and so forth. Yes, the situation is worse than during a football match at West Lakes. I can assure the House that some problems experienced by local residents will not be appreciated.

If the Public Works Committee thinks it will get into further stages without consulting the local residents, it will experience some difficulty. The Presiding Member of the committee said in the report:

> The proposal before the committee is the first stage of an overall program by the SAULT to attract private investment for the redevelopment of the Glenelg/West Beach foreshore, including the Patawalonga and environs.

In 1988, when Kinhill started to promote Jubilee Point, it was told that it was the wrong location. Kinhill was told to locate it at West Beach where there would be no interference with the residents or damage to the residential environment. Of course, Kinhill proceeded, spent $2 million and got nowhere. I told them the project would never get off the ground and it never did. In the Project Summary of the report, the Presiding Member said that the successful contractor would 'excavate approximately 150 000 cubic metres of sediment'. That is about 150 000 tonnes, as I understand it. I would have thought that it would be a lot more than that.

The report also states that approximately 150 000 cubic metres of underlying sand will be excavated. The member for Colton is right: that will cause a terrible smell. By God, if it is intolerable I will bring it in here in buckets and put it on everyone's desk to let them experience it. That is not an idle threat. The report states that there will be new edge treatments to the Patawalonga basin. I believe that natural grass is far better than putting in wooden pylons, etc. There will be problems with the water quality in the Patawalonga and so there will be some flushing, and there will be improvement in that regard. The big problem with the Patawalonga has been the building of the groyne and the weir. Of course, the union stepped in and wanted it manned 24 hours a day with three shifts, and goodness knows what added to the cost. Let us hope this whole problem can be solved. It is interesting to note that at page 6 the report states:

> The Government is proceeding with design work on excavation and flushing of the Patawalonga basin. Kinhill Engineers Pty Ltd has been engaged to undertake this design work. These works will be largely funded by the BBC program.

Kinhill Engineers was involved in the 1988 Jubilee Point project. I wonder how Kinhill got the contract? I will not say anything; I am not implying anything, otherwise they will be knocking on the door. But they did lose $2 million on the Jubilee Point project. The member for Colton, of course, is concerned about the future of this project. Yesterday, some of the other members of the Economic and Finance Committee and I toured the MFP wetlands at Gillman. If we follow the work that has been done there, we will have no problems at all.

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

Ms STEVENS (Elizabeth): There is absolutely no doubt that something has to be done about the Patawalonga. That point has been made by many people both here and nationally. The report deals with the first stage, which is the dredging of the Patawalonga. The State Government is providing $4 million for the project, together with $11 million of Federal Better Cities money. So, there is a strong commitment from the Federal Labor Government and from this Liberal Government to do something about the problem. The report, as the member for Wright said, deals only with the first stage.

We have a big problem which needs to be remedied. The previous two speakers referred to the consultation process. The committee is well aware of the concerns of local residents. We spent a long time going carefully through the evidence, ensuring that there had been consultation. We checked details and asked questions to find out what was happening. We were concerned especially to ensure that, when the options are decided later this year, the consultation process was exemplary, that everyone has had a chance to have their say and that the facts were known. We have been very aware of that at every stage of our discussions. Obviously, as a member of that committee, I support the action because I believe that it is the right thing to do and something with which we must proceed.

Mr ASHENDEN (Wright): In closing the debate, I assure members that I will speak only briefly. I want to address some of the concerns raised by the member for Colton. First, as the member for Elizabeth has pointed out and as I stressed in the report, at this stage we are addressing only the dredging of the Patawalonga and not any future works that may occur. I am surprised that two members in the House have expressed fairly strong opposition to this essential work, because all of us should agree that it is absolutely essential that steps be taken to overcome the problems of the Patawalonga. The committee is assured that the proposals will reduce, as much as possible, any temporary inconvenience to residents.

I point out to the member for Colton that the analysis of the soils is available; the committee has viewed it and examined it thoroughly and, as it is its duty in reporting to the Parliament, has ensured that it has taken into account that report. The committee is quite comfortable with the analysis and is convinced that the information provided in that report indicates that the soils which are to be taken out will not cause the problems about which the honourable member is concerned. I can certainly provide the honourable member

with a copy of that report, and if he sees me after the debate I will ensure he gets it immediately.

The other point is that the waste is to be stored on FAC land, and that is absolutely ideal. It is a long way from housing; it is flat; it is open; and it is in a position where prevailing winds will take any smell, if there is any, away from the surrounding homes. There is much concern about the smell. I point out to the member for Peake, who addressed this particularly, that the Patawalonga smells at the moment when the water level drops because of anaerobic bacteria, which are acting within the silt and other sediments in the Patawalonga. The material will be removed and aerated, and therefore the breakdown will be undertaken by aerobic bacteria. Believe it or not, I am very keen on tropical fish breeding and am therefore well aware of what anaerobic bacteria can do, even in a fish tank. However, as soon as you take out that material and spread it out to dry, the smell disappears virtually immediately. In other words, the smell which is generated by anaerobic bacteria while the material is under water and wet disappears as soon as it is aerated. Of course, this waste will be spread out and therefore the aerobic bacteria will not create the problems which anaerobic bacteria presently cause in the Patawalonga.

I also point out that the cost to take this waste material to sea is absolutely prohibitive, particularly when right next door to the Patawalonga you have such a huge open space on which the sediment can be deposited. I stress again that testing has been undertaken by the contractors, and the committee observed this testing and was able to see the way in which the soil would be spread, how quickly it dried and how quickly it encouraged plant growth. The issue of consultation was touched on by the member for Elizabeth, and I again assure the member for Peake that there will be six months of community consultation before any further stages are undertaken. I stress to members that we are debating today only the removal of material from the Patawalonga and that none of the further planned works will occur until after that consultation period has taken place. I therefore urge members to support the report of the committee.

Motion carried.

VOLUNTARY EUTHANASIA BILL

Adjourned debate on second reading.

(Continued from 9 March. Page 1866.)

Mr ATKINSON (Spence): It is one thing to administer large doses of pain-relieving drugs with the intent of keeping a dying person comfortable: it is another to inject such a person with toxins unrelated to pain relief with the intention of killing him or her. The first situation is what Parliament hopes to achieve when it passes the Consent to Medical Treatment and Palliative Care Bill, which I expect to become law soon. In my opinion, Parliament's purpose in supporting that Bill is to ensure that doctors and nurses have immunity from prosecution should they administer doses of opioids which are justified by the patient's pain but which may contribute to the patient's death. This is called the principle of double effect.

The second situation is the lethal jab, and this Bill would allow it. I support the first but not the second. I accept that the member for Playford moves this proposal in all sincerity. I know he thinks his father suffered unnecessarily during his terminal illness and, like so many South Australians, the member for Playford thinks a swiftly fatal injection earlier in his illness would have been the best thing. The member for Playford visited my father in his final extremity and I remain most grateful to him for that kindness.

For two years I served on the House of Assembly Select Committee on the Law and Practice Relating to Death and Dying. We took evidence from the South Australian Voluntary Euthanasia Society and others who favour active voluntary euthanasia. I found the then President of the society, Doctor Eric Gargett, a reasoned and courteous advocate for his cause. Indeed, on Monday I was pleased to have him address the Spence ALP sub-branch on the member for Playford's Bill. Doctor Gargett defines voluntary euthanasia as a medically-assisted, quick and peaceful death at the request of and in the interests of the patient. He says he cannot see the difference between bringing about a person's death and letting a person die. For him there is no useful distinction between mercy killing and matters that I condone, such as allowing the patient to die by withdrawing futile and burdensome treatment or by alleviating the pain of a terminal illness with large doses of opioids, such as morphine, which could hasten death. I oppose the Bill because I see a difference between these things. The select committee put it this way:

> The concept of intent has always been crucial to the law as, for example, in the legal distinction between murder, manslaughter and accidental death. Whether a death is categorised as being as a result of murder, manslaughter or accident is determined solely by the finding of the intent of the alleged perpetrator. In three cases a human being dies. In each case society's response is different. Thus, society has placed a significant moral and legal weight on intention.

I oppose the Bill for other reasons. I do not want to help create a class of doctors and nurses whose job it is to administer the lethal jab. Such a vocation would demean anyone who practised it. Nor do I want to create wards set aside for the lethal jab in our hospitals and hospices, although I accept that, should the Bill become law, in the early days, with few applicants and hospital opinion adverse, the lethal jab would have to be administered by the patient's general practitioner in the patient's home.

If more South Australians knew their rights, they would see that we do not need active euthanasia. The great majority of South Australians do not know that they have an absolute common law right to refuse medical treatment whether or not they are in a terminal illness. Advances in medicine allow life-prolonging treatment of which many people are justly fearful. However, it can be refused. The common law says it is an assault if a medical practitioner imposes treatment.

My statement of law can be illustrated by examples. Patients are taken off respirators now; not-for-resuscitation orders are common in our hospitals and hospices. Glenside Hospital does not treat pneumonia and urinary tract infection in some of its dementia patients. That is happening now and has been for a number of years. Most South Australians are unaware of our hospices, which are models of palliative care, and of the services available in the home should a terminally ill patient decide to retire there from hospital. If these matters were more widely known, opinion polls would not show 70 per cent plus in favour of the lethal jab. As the President of the Australian Medical Association, South Australian Branch, Dr John Emery, says:

> When this fundamental confusion about the difference between good palliative care and active euthanasia has been explained, most people are reassured and see the need for voluntary euthanasia in a different light.

Moreover, the criminal law no longer makes suicide or attempted suicide an offence. Long gone are the days when a person who killed himself forfeited his estate to the Crown. Advocates of active euthanasia can administer the lethal dose or jab to themselves. They know how because they have published and circulated books on the matter for years. Why must we have a Bill to cast on a new generation of doctors and nurses the duty to do what euthanasia advocates can do for themselves now under the current law and with a little preparation?

Life expectancy continues to rise because medicine has succeeded in eliminating as fatal diseases influenza, tuberculosis and pneumonia. Now we are left to die of the diseases of last resort, the chronic diseases of ageing. Cancer is one of the most important of these and it now takes one in four South Australians. Although the word does not appear in the Bills, cancer is what this Bill and the Consent to Medical Treatment and Palliative Care Bill are about. How often after a death from cancer do the relatives say, 'He tried so hard to stay with us'? Some relatives may feel ambiguous about the deceased's struggle for life and think that all could have been remedied by the lethal jab. What they will not admit to themselves is that the deceased might not or would not have taken it had it been available. These relatives want the lethal jab administered for their own conscience, just as other guilt ridden relatives want doctors to perform heroic measures on a dying person to keep that person alive so they might be reconciled with them.

Nor are South Australians aware of advances in pain relief that mean that 99 per cent of people with a terminal illness in South Australia need not die in pain. Good palliative care not only takes away the pain but maintains comfort and dignity. Good palliative care relieves other symptoms of the patient's disease and prepares the patient for death and the family for coping with loss and grief. We should not be seeking easy and simplistic legislative solutions to the problem of dying. The former member for Coles, whom I miss more than most MPs from the previous Parliament, said we should be asking the following questions: why do people dread being a burden to their family? Why do they expect loneliness in their final illness? How can we care for the dying in a way that relieves their suffering and loneliness? The former member for Coles did something about these things by establishing a select committee, and the committee's Bill is still before the House. A vote for that Bill is a positive response to these concerns.

I accept that pain is, from the point of view of the terminally ill patient, sometimes not the worse aspect of dying. Worse is the nausea, the restlessness, the gasping for air, the dependence for feeding and toileting, the loss of faculties and reversion to the helplessness of a baby. This was, in part, the fate of my colleague the Hon. Gordon Bruce, who died recently of motor neurone disease. Gordon left me in no doubt that he supported active voluntary euthanasia. Indeed, he sought me out to tell me his opinion, because he knew I would be an opponent of a law of this kind, and I told him much the same as I am telling the Parliament.

Palliation can help some but not all of the symptoms I mention. I accept that there are a few terminal maladies that are resistant to pain management. However, we make laws for the people in general and not for individuals. Hard cases make bad law. I am not prepared to vote for a law for the 1 per cent which could corrupt medicine in the long run, which could put at risk many people who are past modernity's use-by date and which could tempt our cost-conscious Health Commission into budget driven homicide. Palliative care is as expensive as any other medical treatment. With the increase in life expectancy and the baby boom generation about to put an unprecedented bulge in the 65-plus population cohort, one day soon we will have a Minister who sees only good budget lines in this proposal.

I do not suggest that either the member for Playford or Dr Gargett intends or foresees that elderly and sick people will be given the lethal jab to save money for the Health Commission and the South Australian economy. I foresee it because I have seen respect for human life diminish in my own lifetime. The Parliament that voted in 1969 for legalised abortion on compassionate grounds did not foresee that the number of abortions would increase every year for 25 years until they were more than a quarter of live births and that one day a Minister for Health in a Liberal Government would approve of abortions up to and including the seventh month of pregnancy in the Adelaide Children's Hospital without seeking parliamentary approval in the normal way. Death is a natural part of life, which needs to take its course. Accomplishments in palliative care mean we do not have to accept the suffering.

No-one, least of all the church, believes that a terminally ill person should be kept alive at all costs. During the two years the select committee heard evidence, not once did any witness express this opinion. We searched without success for a word to describe the philosophy of life at all costs. We tried the word 'vitalism' but could not find someone who believed in it or a body of doctrine. Supporters of the Bill who try to paint priests and doctors keeping the living dead alive by tubes and respirators cannot paint any authentic local scenes of this. This argument is as cheap a debating point as anti-euthanasia advocates suggesting that their opponents in South Australia intend now to kill people without their consent. The recently issued *Catechism* of the Catholic Church states at page 549:

> Discontinuing medical procedures that are burdensome, dangerous, extraordinary or disproportionate to the expected outcome can be legitimate; it is the refusal of over-zealous treatment. Here one does not will to cause death;—

and I hope that will answer the member for Unley's question—

> one's inability to impede it is merely accepted. . . The use of painkillers to alleviate the sufferings of the dying, even at the risk of shortening their days, can be morally in conformity with human dignity if death is not willed as either an end or a means, but only foreseen or tolerated as inevitable. Palliative care is a special form of disinterested charity. As such it should be encouraged.

I believe we should not quickly and efficiently snuff out the last stage of life by practising active euthanasia. I believe death is as important as birth, adolescence, middle and old age. Death is a natural part of life even though many are terrified by it.

My final point is that, human nature and government being what they are, voluntary euthanasia can become, in the future, involuntary euthanasia when respect for human life is diminished by laws such as this one and when the cost of caring for the terminally ill, the demented and those in a persistent vegetative state leads health administrators to new solutions. The member for Playford does not want people who have not asked for it be euthanased. The Bill does not and will not bring involuntary euthanasia, as practised in Holland, by itself. In the Hague in Holland there is dissent from the Justice Minister's decision to allow active euthana-

sia for patients who are not about to die, which was the previous formula for immunity from prosecution.

The Minister says this move is justified by a 1994 court decision refusing to punish a psychiatrist who supplied a severely depressed woman with a deadly dose of sleeping pills. The patient was neither physically nor terminally ill. The danger of the Bill is that it will create a climate that might persuade the elderly and infirm that they have a duty to die and it may encourage some who have the care of the elderly and infirm to stretch the law further. If doctors are given the authority to take the lives of their patients, then this option, albeit voluntary, changes the climate of the previously supportive environment in which the elderly and sick were nursed. It is not reassuring for a patient to have to wonder whether the doctors, nurses or his relatives might be forming the opinion that his life is so burdened he ought to choose euthanasia. If a small number of doctors is prepared to break the law against homicide now, it would be trusting of us to think that some would not stretch a voluntary euthanasia law and begin to kill those who they consider would benefit from euthanasia if only they were sufficiently competent to ask for it. As my friend Father John Fleming says, 'You can't have a little bit of killing.'

The DEPUTY SPEAKER: The honourable member's time has expired. Before calling the member for Florey, and this is no reflection on the honourable member, I note that one or two newer members of Parliament have been conferring over the boundary between the Chamber and the gallery. That is against Standing Orders. If members wish to confer with people in the gallery, it is appropriate to step outside. That rule has been breached a couple of times this morning and this is a courtesy reminder to members. The member for Florey.

Mr BASS (Florey): Before speaking in support of the Bill, I have been asked by the member for Playford to make an important correction to a statement in his introductory speech concerning Dr Roger Hunt of Daw House Hospice. The statement was based on a report in the *Advertiser* of 28 February 1995 which he now knows to have been incorrect. A situation is correctly described in Dr Hunt's letter in the *Advertiser* of 9 March, as follows:

> Some people have gained the impression that voluntary active euthanasia is practised at the hospice but this is not so. Euthanasia is neither countenanced nor practised at Daw House.

Dr Hunt goes on to say that, despite the high standard of palliative care available, a two-year study revealed that 6 per cent of cancer patients had consistently requested euthanasia. The member for Playford stressed the importance of this issue now before the House. He urged members to give it the serious attention it deserves and to enter into a constructive debate. I am sure that members will have read his speech in *Hansard* and studied the terms of the Bill. However, I would like to refresh our memories about two important aspects of the proposed law.

First, its provisions are minimal. The request for medically assisted death must be in respect of a current condition and come from a competent patient who has a life expectancy of less than 12 months. If we approve the Bill we shall not be deciding whether or not the patient is to die, but in what manner—quickly and peacefully, or slowly in great distress. Secondly, it is entirely voluntary. Only the patient can initiate the procedure and no doctor or any medical facility is required to participate. The patient can withdraw the request at any time. Although it is a matter of choice on the part of the person concerned, there is also the requirement of a sound medical assessment involving a second doctor.

The Bill deals with the response to be made to dying persons whose distress and suffering have become so unbearable that death is welcome. It is our nature to strive for life, even against the greatest odds. But when all quality of life has gone and cannot be recovered, when the process of living has become the process of dying, it takes courage to accept the inevitable end, to relinquish the struggle and ask to die.

There may be some who will say that we are inviting doctors to kill their patients. I hope that the debate will not be debased by such emotive language, conjuring up visions of violence against an innocent victim. In voluntary euthanasia there is no violence and no victim—only a dying, suffering fellow human being seeking release through a doctor's compassionate act. Do not be misled by anyone who omits the word 'voluntary' and speaks only of 'euthanasia' or talks of 'judging that someone's life is not worth living'. Voluntary euthanasia respects everyone and judges no-one.

There is bound to be reference to the sanctity of life. This is something which we all must hold in the highest regard. But the sanctity of life does not represent an absolute value. Section 8 of the New Zealand Bill of Rights Act 1990, for example, provides:

> No-one shall be deprived of life except on such grounds as are established by law and are consistent with the principles of natural justice.

I believe that that is also how we view the position in Australia. We are now being asked to decide whether, under appropriate safeguards, it should be lawful for a doctor to end the life of an already dying patient who has seriously requested this. The option which is provided by the Bill does not deny the sanctity of life. It is an affirmation of our respect for the quality of life once it has been irretrievably degraded by disease. Also, it shows our respect for the autonomy of the person whose life it is.

As to natural justice, can anyone seriously claim that it is natural justice to say to a dying patient who is asking for a quick, painless death, 'You must continue to suffer for weeks and months because Parliament will not pass a law that will entitle you to the relief you seek'? The matter will be decided on a conscience vote, but I hope that that does not mean that we are each entitled to vote in whatever way pleases us personally without regard to the effect that our decision will have on others. We do not live alone—we are responsible for each other. By opposing the Bill we condemn others to unwanted suffering. We need to have strong reasons indeed for doing that.

Nor should our consciences ignore the fact that several opinion polls have shown that the great majority of the electorate—nearly 80 per cent—would like to see a Bill such as this pass into law. So would many doctors—perhaps a majority—judging by the careful studies that have been undertaken in three States. As elected members, do our consciences allow us to ignore the will of the electorate and succumb to a vocal minority?

Studies have also shown that more than a few doctors actively help patients to die. This is not surprising. Doctors are compassionate and they are often called upon to share the burdens of a dying patient. It takes both compassion and courage for them to risk their careers and even their liberty under our present cruel law. In fact, the Bill will not introduce a new element into medicine: it will regulate an existing practice and make it possible for it to be discussed openly.

In turn, this will enable the medical profession to draw up its own sound practice guidelines to supplement and strengthen the provisions of the law. Instead of being carried out in secret, the practice will be more monitored and brought under the control of the medical profession and ultimately of Parliament. There will be some whose religious belief has predetermined their approach to the Bill, and we must respect this. They would be wholly free, either as doctors or patients, to have nothing to do with it should it become law. However, I do not accept that they have the right to deny the option of voluntary euthanasia to others who hold different views. I point out that not only public opinion surveys but a recent survey of church attendees involving 19 Christian denominations and some smaller congregations has shown that the opinions of church leaders are not wholly shared by their adherents. In the latter study, only 30 per cent of church attendees disagreed with voluntary euthanasia, 42 per cent agreed and 25 per cent were uncertain.

I have no doubt that the subject of the Netherlands will be raised in the debate, as it is the only country where voluntary euthanasia is accepted and has been practised for 20 years. It remains illegal, but doctors are not prosecuted if stringent guidelines and procedures are followed. The Dutch Parliament ratified this only after a very detailed study of past and current practice showed that voluntary euthanasia was being responsibly handled by doctors and represented only 2.1 per cent of total deaths.

I hope that during this debate no one will sink to the smear and scare tactics of associating voluntary euthanasia with the odious practices instigated by Hitler in Nazi Germany. Voluntary euthanasia has been described as a gentle act of merciful clinical care. That is what we are talking about, nothing less. We are examining a proposal that allows the free choice of free people, and I have no doubt that we will keep it that way. I hope that nobody in this House will be so unscrupulous as to try to muddy the waters by raising the unrelated spectre of so-called euthanasia in Nazi Germany.

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

Mr SCALZI (Hartley): I oppose the Voluntary Euthanasia Bill. Like the member for Spence and other members, I believe there is a clear distinction between what the Bill proposes and what the Consent to Medical Treatment and Palliative Care Bill will ensure. As the member for Spence has outlined, there is a clear distinction, and the Bill that is in another place will allay many of the fears and concerns expressed by the former member for Coles which the committee discussed for two years. I believe that this Bill in this context is not only untimely but unnecessary, and it would blur that clear distinction.

There are no perfect men or perfect women; only men and women with perfect intentions. I do not doubt the intentions of the member for Playford, the member for Florey or any other member who has expressed views. However, this Bill is not only imperfect but dangerous. There is a clear distinction between promoting values, to which we would all adhere as a civilised society, and endangering fundamental values. This is true even of those who do not take a religious stance or have a moral view. The reasons are quite clear. There is no doubt that the intentions of the member for Playford are worthwhile, and I can understand why he is pursuing this course. He does not want to see unnecessary pain and suffering. There is no doubt that he introduces this Bill from the point of view of compassion for his fellow human beings. However, in promoting compassion and caring for people who are suffering, we must not endanger a fundamental value and principle—life itself. I know that members may not intend that, but in reality when we start to meddle with that fundamental principle we could endanger it and, of course, blur the distinction.

Members who support the Bill talk about choice. I accept the fundamental principle of choice. However, we are blurring it and promoting something which could endanger the choice of others. No good law is based on exceptions. No matter how compelling a particular case might be, we should be wary of proposing such laws. We should not go down the path of making decisions from the heart. Indeed, that is dangerous, whatever our point of view.

No-one can doubt that laws originate from values, and values have an important aspect after laws have been passed. To put it in an historical perspective, when communities got together they developed certain customs, traditions and values and placed them on their communities, and, as a result of continuing to adhere to certain values and customs, they eventually became laws. That is where laws originate, and it is two-way traffic. When a law is passed, it impacts on the values that that community or society holds. If we pass a law allowing voluntary euthanasia—I am not under any illusion that it is not voluntary, because I understand the intentions of the supporters of this Bill—we are sending a message to the community, and that message may not always be what is intended.

What value do we put on the aged; what value do we put on the terminally ill; and what value do we put on suffering? A letter in *The Bulletin* of 14 March puts this in context. Under the heading 'Euthanasia masks deeper ill,' it reads:

> David McNicoll's support for euthanasia (February 21) is easy to understand, but I fear that emotions have clouded any real logical thought about the issue.
>
> It is easy enough to kill people—much harder to care for them, visit them, provide them with medical care and spend years of research and effort trying to find cures for diseases, pain-killers and other forms of care to alleviate suffering. If euthanasia becomes accepted, we will tend to avoid the hard slog, with the result that diseases that might have been cured will remain incurable, and pain and suffering that might have been alleviated will remain untreatable.
>
> Worse, our society will come to regard those people with serious illnesses and handicaps as unnecessary burdens on society.

Whether that is the intent or not, we often find that laws have a different effect from what we intend. There is a negative multiplier. We must not eliminate suffering at the expense of undermining a basic human value. There is a big danger if we do not take in the full perspective when passing laws such as the one that is proposed.

I should like to refer to the surveys that have been published in newspapers and the 75 per cent poll that has been quoted. There is no doubt that 75 per cent answered the question in a particular way. To suggest that they did not would be misleading. However, when a particular question is asked, we know that we are not really looking at the whole problem. As the member for Florey mentioned in his speech, 6 per cent of cancer patients consistently ask for voluntary euthanasia. If this figure is correct—

The DEPUTY SPEAKER: Order! The time for private members' Bills has expired.

TRANSPORTABLE HOUSES

Mr EVANS (Davenport): I move:

That this House condemns the move by the Australian Tax Office to impose sales tax on transportable houses and calls on the Federal

Government to take whatever action is necessary to ensure that sales tax on transportable houses remains unchanged.

The Australian Tax Office announced in bulletin No. 23 that as from 1 November 1994 it intended to change how sales tax is applied to transportable homes, cabins, granny flats and homes constructed in sections. Naturally enough, the South Australian division of the Housing Industry Association was outraged by this proposal and invited the Australian Tax Office to come to Adelaide and inspect the transportable home industry. While it was in Adelaide investigating the industry, the Australian Tax Office agreed to delay the implementation date for this bulletin, subject to the Housing Industry Association putting a submission before the tax office. One can only wonder why the tax office did not investigate the proposal before announcing it, but it appears that it did not and, now that it has announced it and caused all this confusion, it will now investigate it. Only the tax office would operate in such a manner. It decided to meet in Adelaide because South Australia has one of the best transportable home industries in Australia. Some of our best companies here are SARAH Homes, System Built Homes, Selecta Relocatable, empak and Noel's Caravans, just to name a few.

Using the definition in the bulletin, the Australian Taxation Office intends to apply a sales tax to homes constructed in sections. I do not know about the rest of the members of the House, but I do not know of any home that is constructed as a whole. Every house that I have had anything to do with as a licensed builder over 15 years has always been constructed in sections. How the tax office intends to define a transportable home as distinct from a non-transportable home definitely needs clarification. The draft tax bulletin proposes to replace the existing system of taxing all inputs and not charging tax at the sales point on any of the prefabricated building.

It intends to replace this by not charging sales tax on inputs, in other words, making inputs to the product sales tax exempt, but charging sales tax at this point of sale. On a wholesale transaction, for example, it intends to charge 21 per cent tax on the taxable value, that taxable value being 12.5 per cent of the wholesale value. So, if the wholesale price is $60 000, the 12.5 per cent taxable value is $7 500. The Australian Taxation Office then intends to charge tax at a rate of 21 per cent on that taxable value—21 per cent of $7 500—so the tax paid will be $1 575. That is the wholesale situation.

The retail situation is about 95 per cent of the market in transportable homes; most of them sell by retail, and I think only two or three builders in the whole of Australia sell transportable homes by wholesale. In the retail sector the Australian Taxation Office intends to allow manufacturers to determine their own taxable value and then apply a tax of 21 per cent on that. If all the transportable home manufacturers in Australia have the opportunity to determine their own taxable value, that will create an administrative nightmare for the Australian Tax Office, because every single transportable home builder in Australia will apply a different taxable value to their product. That means greater administration costs to the Australian Tax Office and greater administration costs to the industry itself. One would have to question why the tax office wants to introduce a system that brings on itself a greater administration cost and therefore a greater cost to the Australian taxpayer, but that is certainly the end result of this proposal. One could even be a cynic and suggest that perhaps the tax office is trying to build an empire.

This proposal attacks not only the South Australian home building industry but also a number of other communities in South Australia. It attacks the Aboriginal and rural communities, the mining industry, those involved in export markets, the elderly, family units and also low income families, and I will elaborate on some of those later. This proposal shows a number of things, not the least of which are that the Australian Government, and the Australian Tax Office in particular, does not understand the building industry, particularly the transportable building industry, and that the Federal Labor Government has no commitment to social justice. It simply does not understand the building industry and how this will affect it.

I will cite some examples. Under this proposal the builders of transportable homes will be disadvantaged in relation to the traditional home builder in two key areas. First, the tax that the transportable home builders will be paying will increase by well over 200 per cent, even after they take into consideration the benefit they get by buying sales tax exempt products under this proposal. The tax those builders will be paying will increase by 200 per cent, so obviously their product will become dearer in the marketplace. The traditional home builder's product will become cheaper in the marketplace, so the transportable home market will drop.

Secondly, the transportable home builder's administration costs will be increased. By becoming sales tax exempt builders, the number of records they have to keep for the Australian Tax Office greatly increases, and therefore the administration cost greatly increases. Again, the transportable home cost will go up because of the increase in administration costs. Anyone who does not believe that the paperwork will be horrific only has to look at what happened in the building industry when tax was changed for subcontractors and paper warfare was introduced for the prescribed payment system in the building industry. So, there is no doubt that the builders of transportable buildings will be disadvantaged under this scheme.

The vast majority of builders affected produce high quality domestic and commercial products. Gone are the days of 10 years ago when the transportable product was a cheap and poor quality product, and this is illustrated by the fact that these days the vast majority of transportable homes never leave the initial site once they are in place. That is a tribute to the quality of the product. The product is now indistinguishable from the non-transportable home. The Australian Tax Office discovered that when it visited Adelaide. It is now difficult to tell a transportable home from a non-transportable home. That is a compliment to the transportable home industry which, over the years with better technology, service and standards, has lifted the quality of its product. These days, many of the builders are moving from traditional home building to transportable home building, and this has been brought about by an increase in costs and difficulties in getting building materials to remote sites. So, rather than having to transport materials to somewhere like Roxby Downs, they build it in Adelaide and transport the whole building out, and in some cases that is a far cheaper and easier method of building.

The transportable home market is certainly an increasing market. The distinction between the two products is becoming blurred. With the advent of steel framed home construction and bolt-together construction, even many traditional homes are now built so they can be transported at a later date if need be. The transportable home industry has undergone a great revolution over the past 20 years; it is now one of

Australia's growing export industries. In fact, to its credit (and let us give credit where it is due), the Federal Government gave $100 000 to a Tasmanian company to increase its export ability in this area. While I understand that as an exporter it is sales tax exempt, the Federal Government now intends to tax the strong local base that exists to support the export industry. Why it would do that is beyond me.

One of the main areas of concern to me is that the builders who construct both traditional and transportable homes now have an administrative nightmare on site. For example, how do they distinguish between the materials they purchase for a traditional home site and the materials they purchase for a transportable home site, which under this proposal would now be tax exempt? How do they keep records of what goes where? As an example, I refer to a situation where a builder might have three our four sites going (in some cases they have dozens) and it rains on the traditional building site. They may be short of a hand basin, a sheet of iron or whatever on a transportable home site, so the subcontractor picks one up and carts it to the transportable home site. Technically that material has to be sales tax exempt, but its sales tax has already been included because the item was intended for use at the traditional site. So, the builders will have an absolute nightmare in trying to keep track of what is sales tax exempt and what is not.

They have the same problem with tools. A tool purchased for the traditional home sector is not sales tax exempt whilst, under this proposal, a tool purchased for the transportable home sector will be tax exempt. If you are using your Makita power saw on the traditional home site and it starts to rain, and if you then move to a transportable home site which is out of the weather, all of a sudden the tax treatment on your tool is changed. That creates an administrative nightmare for the subcontract labourer. There are some major administrative problems in relation to this proposal. The Australian Tax Office is under the impression that transportable homes are built in a factory. They are not.

There are major flaws in this proposal. The existing sales tax practice in the industry is worth looking at. The current law is well understood within the industry and there is a high compliance rate. With that high compliance rate comes a very low cost to the Australian Tax Office in administration. Under this proposal, the compliance rate will be very low because of the complexity of administering it. Because the Australian Tax Office simply does not understand the industry, it is bringing in a system that will be so complex to administer and bring to fruition that it will double or triple its administrative costs in that regard.

At present those in the building industry purchase all goods tax inclusive, and all capital, in other words all equipment, is tax inclusive. The proposal is to make it tax exempt and impose a tax at the wholesale level or the output stage. Even after the exemption on the capital inputs, the increase will be at least 200 per cent. That represents about 10 per cent of the transportable home builder's profit. You can see that that simple increase of 200 per cent of tax represents 10 per cent of their profit. This industry works on low profit margins. It is not a high profit industry. They will simply not be able to pass on these costs. There is also a proposal to calculate the tax at the wholesale level, but that does not recognise that all but about two of Australia's builders are retailers, who sell direct to the client. This draft bulletin with deal with only two or three builders throughout Australia.

The draft bulletin attacks a number of other communities. The Aboriginal community is a big user of transportable homes. Why the Federal Government wants to tax the Aboriginal communities more is just beyond me. The rural communities are a big user of transportable homes and the mining industry is one of the biggest users. So, what does the Federal Government do? It decides to belt the Aboriginal and rural communities and the mining industry with a greater tax burden. To me, that is clearly ridiculous.

Mr Atkinson interjecting:

Mr EVANS: The member for Spence says tax this one and tax that one. What he has not realised is they will not tax the wealthy. The wealthy person who wants to put a non-transportable home in the middle of Burnside does not pay the tax, but the member for Spence is quite happy for the tax to be imposed on the Aboriginal community living in the outback. If that is his philosophy in life, good luck to him. I do not think it is correct in this case: it is crazy. The Federal Government clearly shows by this proposal that it does not have a commitment to social justice.

The amazing thing is the Federal Treasurer and the Australian Tax Office have worked on this proposal for 18 months. It was not dreamt up yesterday. They did not even have the courtesy to go to Cabinet and ask, 'Do you want us to tax the Aboriginal or rural communities more?' They did not get approval from Cabinet: they just introduced it. We all know that because Brian Howe, the Minister for Housing, wrote to the Treasurer telling him he was wrong: he had never heard of the proposal and did not agree with it. So the Federal Government is split on this issue. I congratulate Brian Howe for taking this stance. The Federal Treasurer was wrong on this issue.

Not only is the proposal attacking the Australian transportable home industry: it is also attacking the Aboriginal and rural communities and even the granny flat. If I want my grandmother to move out the back and live with me in my family unit, what does the Federal Government do? It belts her with a higher tax. I do not agree with that philosophy. I think it is wrong, and this House should stand up to the Federal Government and say it wants the sales tax on transportable homes to sit right where it is. Currently, the sales tax on transportable homes is at zero level. That is where it should be, and I urge all members to support the motion.

Ms HURLEY (Napier): I support the motion. The member for Davenport has dealt extensively with details of the taxation system and the implications for builders and manufacturers of transportable homes. However, I want to emphasise his point about people who use transportable homes from the view of my own local electorate. There are two major users of transportable homes in my electorate. There is a retirement village just up the road from me, the Edinburgh Park Residential Village. There are no caravans but transportable homes of varying sizes. The people in this village, which is extremely well laid out and well kept, have landscaped around their houses and made extensions and additions making it obvious to anyone looking at that retirement park that these constructions are these people's homes.

I understand that this is where some of the confusion arises in the Australian Taxation Office draft ruling: it is assumed that transportable homes are not homes as such but are in a different category. I think anyone looking at the Edinburgh Park Residential Village would understand that

these transportable homes are people's homes. They are affordable so that people in my area, where traditional houses fetch very low prices, are still able to sell their homes that have become too large for their requirements and move into a comfortable transportable home at this retirement park, enjoying the security and maintenance of that park.

The second major user of transportable homes in my electorate are those people who live on the urban fringe, which is a major part of my electorate. They are either hobby farmers or people who move to a larger block to enjoy the country atmosphere and to look after a few animals, or they are market gardeners. A number of people who have moved into the area in the recent past or who are currently moving in have started up without much capital. Through their own hard labour, working day and night, seven days a week, they have built up market gardens. In the initial stages, they struggle to survive. All these people make use of transportable homes as their first home on that site. Many of them go on to build traditional homes on their site but many do not. It is very important to those people that they have access to the cheap but very livable and comfortable conditions that a transportable home provides.

This illustrates what the member for Davenport was saying: we are looking at people who have a great need of access to a low cost home for whatever reason. I do not believe it is appropriate to increase the sales tax on those people. I would offer full support for the motion while not necessarily endorsing his views on the Federal Government.

Mr MEIER secured the adjournment of the debate.

SOUTH AUSTRALIAN PORTS CORPORATION

Mr BROKENSHIRE (Mawson): I move:

That this House congratulates the Government and the South Australian Ports Corporation for the positive growth and development of cargo services and in particular the 24 per cent increase in trade volumes in recent months and the expected record trade volumes in 1995.

It is a great pleasure to speak in favour of this motion. It is fundamental for any Government to look at every aspect of micro and macro economic reform and, where applicable, urge the Federal Government to do the same. Currently, the State Government is urging the Federal Government to look at our airports and air transport. When our Government came into power in December 1993, we immediately—as most people in South Australia now fully realise—got on with the job. This Government pledged to look at how it could, first, save money for this State and, secondly, get on with the job of creating money and wealth to support the residents of South Australia.

As we all know, one of the first areas we looked at reforming was our ports. Whilst I do not want to spend a lot of time this morning talking about the problems we have had in this State with the ports over the years, the fact is that we have not been competitive with the Eastern seaboard and far from competitive with our closest Asian neighbours. Looking at the State as a whole, it was an area the Government and the Premier—and in this case, Minister Di Laidlaw—were very keen to address. I read an article in February which talked about the new look South Australian port and the cuts in its rates, and I quote:

South Australia's new Ports Manager, Peter Edmonds, expects record trade volumes in 1995 after a 24 per cent increase in recent months.

What a marvellous achievement for the Government and for all South Australians. Not very long ago this area had been neglected, and there had been very little reform, vision or direction but, in just 12 months, it has been turned around and, in 1995, we will see record trade volumes. We have seen cuts in charges of 13 per cent.

Today, we read a headline in the paper about a small increase in taxes on overseas students—108 of them only—yet I have seen nothing whatsoever on the front page of the *Advertiser*, or in any other media, about significant cuts, such as this reduction of 13 per cent, which will bring freight rates per TEU from $75 back to $65. The cargo service charge for refrigerated containers has decreased from $72.10 to $65. In the first six months of 1994-95, total container trade was 32 140 TEUs. That was an increase of trade through the ports in South Australia of 2 114 containers, or 7 per cent. Full container trade in 1994 was 25 039 TEUs—up a massive 12 per cent on 1993, which recorded 22 425 TEUs. Exports increased 10 per cent over 1993 and imports increased 16 per cent over the last half 1993. The other important matter that needs to be recorded is that empty container movement through our ports fell 7 per cent over the equivalent 1993 period.

Clearly, this shows what can be done if a Government is prepared to run the affairs of a State like a business. Increased volume obviously means more trade—more trade for South Australia and more trade for each and every one of our electorates. It means a better economic development opportunity for the State, more cash injection into the State and, what we are all after, more jobs. As highlighted last week, and whilst there is more work to be done, it is encouraging to see unemployment levels dropping back to the best level for four years.

It is unfortunate, of course, that we are seeing blows from the Opposition. It is fabricating and misdirecting innuendo today and it continues to propagate, through this House, the suggestion that we should not be looking at these areas of reform, because any form of outsourcing or so-called privatisation in other areas should never be on. I ask the Opposition to explain why that should be the case when I have been able to illustrate today just how efficient, productive and beneficial it can be when you take the bull by the horns and make some of these decisions.

I congratulate Peter Edmonds and the new South Australian Ports Corporation, the Minister and our Government. In conclusion, I believe that this is absolute proof that well planned and managed reform can work and is working, and the public should be able to look to this motion as an example of the direct and indirect benefits to our State. South Australia must continue to look at these important matters to get this State going again.

Mr De LAINE secured the adjournment of the debate.

WINE TAX

Adjourned debate on motion of Mr Brokenshire:

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

(Continued from 16 February. Page 1641.)

Mr BROKENSHIRE (Mawson): I move:

That this Order of the Day be discharged.

Order of the Day discharged.

WINE INDUSTRY

Mr BROKENSHIRE (Mawson): I move:

That this House condemns the minority recommendations of the Chair Mr Bill Scales as set out in the Interim Report into the Wine and Grape Industry and urges the Federal Government not to adopt those recommendations which would have a devastating effect on jobs growth and economic development in South Australia.

What an outrage we have seen this week from the Chairman of the Industry Commission regarding the inquiry into the wine and grape industry. The Chairman, Mr Bill Scales, in an interim report released last Friday encouraged the devastation of the fastest growing industry South Australia and Australia is currently enjoying.

Let us look at the history of this industry. We have heard for many months, as we have debated the developments occurring in this State, about the enormous growth in the wine industry, which has enjoyed 40 to 45 per cent growth each year on a compounding basis over the past five years.

I believe that the Chairman has been put up as a political stooge by the Prime Minister, Paul Keating, to tear down an industry that is flourishing in this State. How can anyone substantiate such massive increases in tax, and why should they substantiate them when nearly all other goods, services and commodities that involve wholesale sales tax are being hit at a maximum of about 21 per cent? In real terms, the recommendations propose to increase taxes on the wine industry to nearly 60 per cent. Even the social justice issues must be questioned by anyone supporting such a move when there is a proposal for an increase on wine casks of anything up to $4 a cask.

Many people in South Australia and, indeed, in Australia enjoy wine and in this day and age how they can be expected to pay an additional $4 a cask is simply not on. I know that my colleagues will support me in this matter so that we can get some sanity back into this argument. If this were adopted, we would see enormous problems arising not only in ensuring that we continue to have a stable and vibrant existing wine industry but also in maintaining the magnificent development opportunities that have occurred in all our electorates. And let us remember that this State produces more than 60 per cent of Australia's total wine exports.

At the moment we are working very hard in the electorate of Mawson to ensure that recycled water gets back into that basin. As late as Friday of last week I met with one of the largest wineries in Australia, and it is currently putting before its board a decision of intent, subject to the viability of obtaining this water, to plant an additional 100 hectares of vineyard in the McLaren Vale region. That is just one company. There is the possibility of 400 to 450 jobs being directly created just in my electorate. Whilst my electorate of Mawson has the best premier wine in South Australia, many of my colleagues have a larger area of vineyard, so members can imagine what effect this will have if we do not get some sanity back into the argument.

Frankly, after doing some homework on this matter, I believe that, as I said earlier, the Prime Minister has seen a golden egg in South Australia and he wants to get his hands into the tax area of it. In my opinion he has never shown a lot of interest in agriculture and our primary industries and, instead of making the necessary reforms, he is getting stuck into the wine industry. Let us remember that this is a minority recommendation, and it is good to see that Mr Brian Croser and Professor John Freebairn are not recommending the same tax regime for the wine industry as Mr Scales. However, I believe that Mr Scales has been appointed to do a job and that Keating will be happy to slug our industry with another $150 million: he puts up the initial proposal for a $200 million increase, and then he will try to negotiate it to the fall-back position, which is the position that he intended with respect to our wine industry from day one.

I urge every South Australian to say to Paul Keating and the Federal Labor Government that enough is enough; we will not take this any longer; we are behind this exciting, vibrant and prosperous industry, which is important to South Australia. It is a South Australian-owned industry because we have the lion's share of the national effort and we should be telling Mr Keating to leave it alone; that it is an impost and an outrage; that it is draconian; and that he should get back to Canberra and do the job he was elected to do, and that is to get on with microeconomic and macroeconomic reform and creating an environment for industry, such as the wine industry, to develop rather than continually destroying anything that shows a bit of growth because he cannot take the hard decisions. Over the next few weeks I look forward to working as hard as I can for my electorate, my winemakers and grape growers and South Australians to ensure that we can get some sense back into this argument and see this wine industry continue to flourish for South Australia.

Mr ANDREW (Chaffey): As members would be aware, I raised this issue in the House on Tuesday by way of a question to the Premier, and I thank him for his response in acknowledging his concern and indicating the action he will be taking to oppose this proposed tax measure because of the devastating impact it will have on the wine industry in South Australia, and particularly on my electorate of Chaffey. Earlier this week in the press I said that these taxation proposals by the Industry Commission Chairman, Mr Bill Scales, were irresponsible, illogical and unreasonable. It is nothing more than a tax grab and indicates a return to the devastation caused to the brandy industry in the 1970s by Governments listening to bureaucrats who had no practical appreciation of the effect of such decisions.

After the uproar of the 1993 Federal budget, which increased the sales tax on wine, it is unfortunate both for the State and for my electorate that a further wine tax obviously is firmly back on the agenda with the release last week of this Federal Government committee of inquiry's interim report. This minority recommendation by Mr Bill Scales specifically requests a 32 per cent wholesale tax and a tax by volume of $4 per litre on alcohol and, in doing so, would lift the tax on wine to the equivalent of 50 per cent wholesale tax. As I said, it is nothing more than a revenue grabbing exercise, and I believe that it would disproportionately discriminate against both South Australia and the Riverland—South Australia because it is the major wine producing State in this country representing more than 70 per cent of the current export growth, and the Riverland because it is responsible for more than 50 per cent of the State's production.

In brief, this means that, depending on the price, the non-premium cask market may have to bear up to 50 per cent more taxation than a premium bottle of wine. I also note that even the majority recommendation of a 10 per cent sales tax regime, followed by a $4 per litre volume of alcohol, would result in the equivalent of a 26 per cent sales tax. Although theoretically the proposal would direct more wine production

to the export market, this would only be at the expense of local consumers and local wine grape producers.

Much has been said in the press this week about this issue, but I firmly state that this tax is particularly discriminatory against the wine industry. The wine industry involves a product different from other liquors; it is an unsubsidised product; it is environmentally friendly; it is a major bonus in terms of decentralised employment; it has an effect in terms of regional employment, with the multiplier effect in those regional areas; and it is a flagship of example in export growth and an innovation in responding to the challenges of export opportunities. There is a lengthy lead time before return on investment; there is a dependency on climatic conditions; and it should be recognised that something in the order of 80 per cent of wine is consumed with food.

These taxes would devastate growers in all the winegrowing areas of South Australia, but I reiterate that it would be particularly devastating to the price sensitive cask wine grape market because, in my electorate, although there is innovation, development and redevelopment, which is focusing on the export opportunities that are now growing with the industry, there has to be a strong local domestic market. We cannot have a growing export market unless the local market is strong and healthy. You cannot have the stability or maintain the infrastructure and the competitive cost of production and winemaking unless the domestic market is also strong.

This proposed tax grab of something in the order of $200 million on the industry fundamentally undermines the domestic market and, in doing so, threatens the export market. The wine industry, for all the reasons I have stated, cannot simply be compared to other liquor production. It is a success story; it is a model for other rural industries; it has had a history of market responsiveness; it has a quality focus; it has had a value adding effect for the economy; it has technological sophistication; and it has a culture of innovation.

I place on the record some of the absolute figures the impact of this proposed tax will have. Under the minority decision, the price of a cask currently retailing at $10 will jump to something in the order of $13, and the price of a cask currently retailing in the order of $8 will increase to around $10 or $12. The price of a $10 bottle of wine will increase to nearly $11. Under the proposed regime it will again have a significant impact on the brandy industry by raising the price of a bottle of brandy from $17 to $20.

An honourable member: It has already destroyed that industry.

Mr ANDREW: It has already destroyed that industry—the Federal Government has a history and a record of that. I implore all members of this House to support this motion on the basis of its devastating effect on the South Australian wine industry in general but particularly, as I have indicated, on the major wine growing area of my electorate of Chaffey. I condemn the negative effects it will produce. In supporting this motion I urge all members to take the appropriate action with members of the Federal Parliament so that they will get the message across to the Federal Government, and to the Prime Minister in particular, that this is only a negative and regressive potential tax that will have serious and deleterious effects on South Australia.

I call on all members to take that action and put the pressure on the Federal Government. I assure this Parliament and my constituents in the electorate of Chaffey that I will be doing so, thereby hopefully preventing the imposition of this proposed tax and ensuring that the wine industry in South Australia continues to prosper and achieve the record targets that it is on the way to achieving.

Mr VENNING secured the adjournment of the debate.

ADELAIDE OVAL

Adjourned debate on motion of Mr Condous:

That this House expresses its support for the playing of AFL matches at 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.

(Continued from 23 February. Page 1748.)

Mrs HALL (Coles): Politics is a tribal business but it has nothing on football. The vast majority of people are caught up with earning a living Monday to Friday, and on Saturday it is the footy—anyway, that is the way it used to be. Now it is football Friday night, Saturday, Sunday. There was footy again last night—and it is still only mid-March. I must confess here that I am not a football fanatic. Perhaps it was a deprived childhood, but I am now a devoted and sometimes loud and always enthusiastic fan of the magnificent Adelaide City Soccer. Somehow the passion that Australian football generates in so many did not envelop me, but I also admit that I am probably in a minority. There is no doubt that for a majority of South Australians the main event is footy.

Once football was a suburban game, now it is truly national. Whether that is a good thing or a bad thing I am not here to argue but, quite clearly, big crowds at local games at suburban venues are a thing of the past. Members need only read the *Advertiser* and the *Sunday Mail* to see the number of column inches devoted to the Crows and to realise just how big they are even in the middle of summer. Football followers care passionately about their team and their game: as my colleague the member for Colton has said, it is those people who own the game. The game in this State is entrusted to the care of the SANFL but it is only the custodian for the sporting public.

Legislators nowadays are often accused of governing by opinion polls: governing for the majority and governing according to public will. The SANFL is certainly innocent of these charges: it is clearly ignoring the public. To use the sporting vernacular—the score is on the board. The sums have been done and the figures do add up. Football at Adelaide Oval would be of benefit to both the league and the community in terms of finance generated and jobs created.

It seems to me that we have done a lot of moaning about losing the Grand Prix to our friends across the border. Perhaps that is justified given the shoddy way in which it was lost. I cannot help but think that there is a bit of culture cringe in all of this. What does that mean? Week in, week out the business of football continues: fans going through the turnstiles, buying food, drink and souvenirs. They buy newspapers and magazines about the game, they watch it on television, they listen to it on the radio, they argue about it in the pub and they have a bet on it at the TAB. Do the patrons care whether their event is world class?

It also has been a tradition for many South Australian parents to take their children to the Adelaide Oval for their first taste of footy or cricket—and what a venue it is. It is certainly without peer in this State and widely regarded internationally as the most stunning cricket arena in the world—a world class venue. Test cricket grounds throughout

mainland Australia—the MCG, SCG, GABA and WACA—are all used for AFL football during the winter, except Adelaide Oval. How do we use this world class venue other than for cricket? We have had rock concerts, SANFL and amateur football, and even a Rugby League match between two teams from Sydney. I know there has been some talk of a non-Australian AFL team coming to play its games at Adelaide Oval. They, too, would be well supported. It would be a pity if one of our own home grown teams did not use this magnificent facility.

For the sake of football, the SANFL should reconsider SACA's proposal. Football Park is a tribute to the SANFL, but it is not convenient for everyone, and football ought not to have all its eggs in one basket. I certainly cannot comprehend the league's 'Don't call us, we'll call you' attitude. Successive Governments in South Australia have helped the SANFL in its endeavours. Now we are told by the league that politics has no place in the future of football. While I believe Governments should not be intrusive, I reiterate the words of my colleague the member for Colton:

> . . . politicians are obliged to intervene. . . 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. . .

I challenge the league to poll the football public to judge in whose interests it is now acting. It may be that in these days of big sponsorship, television coverage and the like, the best interests of the game, the fans and the league do not always coincide. But here the choice is clear. The old wounds of past decades are gaping still when it comes to relations between some of our sporting bodies. For the sake of all footy fans who would love to see fortnightly AFL games at Adelaide Oval, may commonsense prevail at the expense of this pig-headed mind set. Adelaide is big enough to accommodate more than one venue.

As a challenge to the SACA, the SANFL and the Adelaide Crows, I ask the SACA: would you create a social club and an administrative home for the Crows within a new grandstand you intend building on the eastern side of Adelaide Oval? I ask the SANFL: could you give your blessing to the Crows leaving Football Park to build a new and immensely profitable home in the heart of Adelaide? I ask the Adelaide Football Club: do you want a home ground that incorporates all your membership facilities, modern offices, a social club and perhaps even a gaming centre? All this is possible at the transport, shopping, working, social and hospitality hub of your supporters' city. According to a recent SACA survey, almost 52 per cent of the 3 300 respondents want Adelaide Oval to be the new Crows' nest.

It is obvious that Port Adelaide will come to dominate the west and the north of Adelaide. It has a home base just around the corner from Football Park. Port Adelaide Football Club has exciting plans to extend its Alberton facility into a major social, gaming and health centre, and that is terrific. Where does this leave the Adelaide Crows? Obviously, the Crows must eventually shift if they are to maximise their franchise and exploit their essential cultural differences with Port Adelaide.

Both teams cannot sit on one end of the see-saw. A genuine central axis for football must be created if both clubs are to realise their potential across all of Adelaide. The SACA's profit projection shows that there will be more money for football if our two AFL clubs play at different grounds. The SANFL has not produced a credible response, so here are some more questions for the Adelaide football hierarchy. What do you think of SACA's projections? Would you and your fans prefer to have a real home base at the venue where you play your games? Would you like to have a real home as far away as possible from your rival, Port Adelaide?

This outcome—Adelaide Football Club at Adelaide Oval—would require hard work; it will involve much planning, ample vision and true management acumen. I am confident that our sporting custodians—the SANFL, SACA and the Adelaide Football Club—are up to it. Let us do it. The people—your fans of today and tomorrow—will be right behind you. I support strongly the motion and urge my colleagues to cast aside their tribal loyalty for one moment and consider the greater public good.

Mr LEWIS (Ridley): I support strongly the remarks made by the members for Colton and Coles, coming as they do from either side of the city. There is no question about the fact that the public believes that this is the most sensible way in which to utilise that most beautiful of our parkland resources, Adelaide Oval. If we cannot get this right as a society, what hope have we got on some of the other things? A clear and vast majority of members of the public want to see AFL football played on Adelaide Oval. If there is anything that we can do in this Chamber to have the administrators of football in South Australia understand the sincerity and seriousness of that wish which we reflect in our remarks in this place, we will do it. I say to the members for Colton and Coles: well done for that support from two sides of the tribal boundaries of our fair city. Let us just get on with the job.

Mr KERIN secured the adjournment of the debate.

FACTOR VIII

Adjourned debate on motion of Ms Greig:

That this House calls on the Federal Government to recognise the need for a national approach to determine the quantity, source and provision of Factor VIII to ensure efficient and equitable allocation and as part of this approach suggests consideration of the cost implication of the supply of recombinant or synthetic Factor VIII as a new product in the treatment of haemophilia.

(Continued from 25 August. Page 319.)

Mr BASS (Florey): A gentle bump into the kitchen table can set off excruciatingly painful internal bleeding and, even without childhood knocks, haemophiliacs, particularly children, can suffer spontaneous bleeding in the joints at any time. There is a high possibility of severe arthritis by the late teenage years, and then joint replacement as an adult. Regular injections of Factor VIII, the blood clotting ingredient that a haemophiliac cannot produce, would save him or her from that trauma. A large number of children suffer severely from the complaint and still remain on a waiting list for preventative treatment with Factor VIII. It takes almost 100 blood donations to isolate enough clotting factor to give preventative treatment to one teenager with haemophilia.

With extra supplies required for acute bleeding episodes our blood collection services are under continual strain to meet these demands. The real agony of haemophilia comes when the bleeding starts in the joints and fills the bone cavity, usually without reason or warning. The pain is appalling, the joints stiffen and the limbs twist. Life is a nightmare of pain, transfusions, plaster, splints, wheelchairs and of course months of missed schooling and loneliness. Children suffer every day. Sadly, some of these children through no fault of

their own also suffer from hepatitis C and live what has been described as a time-bomb existence.

An increased supply of uncontaminated Factor VIII would alter this picture dramatically and would no longer make haemophilia the crippling disorder that it is. It is imperative that the prophylactic needs of children, in particular, are recognised and addressed. We can no longer afford to keep these sufferers at risk while we pander to the ignorance of the Federal Government.

Last Thursday the member for Elizabeth asked the State Minister for Health to explain to the victims of haemophilia why a critical shortage of Factor VIII supplies has occurred in South Australia in spite of an offer from the Commonwealth to pay half the cost of emergency supplies of a synthetic product. The member for Elizabeth forgot to mention that the member for Reynell has been waiting for the member for Elizabeth to support her motion calling on the Federal Government to recognise the need for a national approach to determine the quantity, source and provision of Factor VIII, to ensure efficient and equitable allocation and, as part of this approach, suggest consideration of the cost implications of the supply of recombinant or synthetic Factor VIII as a new product in the treatment of haemophilia.

The debate was adjourned on 25 August because the member for Elizabeth wanted to speak to the motion. In fact, if anyone is holding the haemophilia victims to ransom, perhaps the member for Elizabeth should look at herself. For seven months she has ignored the issue and today is her chance to support the victims of haemophilia by supporting the member for Reynell's motion. We do not want short-term bandaid solutions; we have to address the long-term problem and recognise the needs of the many victims of haemophilia and do whatever is necessary to ensure a quality of life that can be enjoyed as much as possible by the victims and their families.

Ms STEVENS (Elizabeth): I am sure the member for Reynell's motion will have an enormous impact on the Federal Government. In recent weeks I have been in touch with the Federal Minister's office on this matter. If I had been the Minister for Health, we could have acted much faster in dealing with this short-term issue. There are two issues: there is the short-term issue and the long-term issue. The shortage in the short term could have been dealt with by our Minister, as I said last week, at the end of November last year, but he chose not to do that.

Debate adjourned.

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

RAILWAY STATIONS

A petition signed by 426 residents of South Australia requesting that the House urge the Government to establish an additional railway station on the Adelaide to Belair train line was presented by Mr Evans.

Petition received.

EUTHANASIA

A petition signed by 16 residents of South Australia, requesting that the House urge the Government to oppose any measure to legislate for euthanasia was presented by Mr Meier.

Petition received.

QUESTION

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

WANDANA SCHOOL CROSSING

In reply to **Mrs GERAGHTY (Torrens)** 23 February.

The Hon. R.B. SUCH: The Minister for Education and Children's Services has advised the responsibility for the funding of the installation or relocation of school crossings is set down in the Road Traffic Act. In brief, the responsibility for provision of crossings on major roads under the care of the Department for Transport is with that department, whereas responsibility for all other crossings is that of the relevant local council.

Wandana Road is the boundary between the Corporation of the City of Enfield and the Corporation of the City of Tea Tree Gully. Accordingly the relocation of the school crossing on Wandana Road is the joint responsibility of the Corporation of the City of Enfield and the Corporation of the City of Tea Tree Gully.

The school council has apparently been unsuccessful in persuading both local government authorities of the necessity to fund the relocation of the crossing which is estimated to cost $18 000.

MBf

The Hon. DEAN BROWN (Premier): I wish to make a ministerial statement. Yesterday, the Leader and two of his colleagues asked questions which alleged that the Government had somehow behaved improperly in seeking to inform this House about facts relating to the MBf company—developer of the Wirrina project. In their questions, the Leader and his colleagues alleged that the Government had used a document to discredit a South Australian journalist and to make unsubstantiated allegations against a Malaysian member of Parliament. Both allegations are wrong. This matter was originally raised in this House on 4 August and again on 9 August 1994. The *Hansard* for both days shows quite clearly that the Government's response did not in any way seek to discredit any journalist, and put facts, and nothing more, on the record about a Malaysian MP who himself had made unsubstantiated allegations against MBf.

The facts given to this House about an MP that the Opposition remains so anxious to defend were as follows: that certain allegations had been made against MBf and its Chief Executive Officer, Tan Sri Loy, in media reports in Malaysia; that the source of those allegations was Wee Choo Keong, an Opposition member of the Malaysian Parliament and a lawyer who had represented two former MBf employees dismissed by the company; that, during his defence of these employees, Wee made a series of allegations about MBf which have never been substantiated; and that Wee was subsequently convicted of contempt by the Malaysian High Court and sentenced to two years gaol.

Yesterday's questions clearly implied that the Government should have taken no action to check allegations being made in Malaysia about MBf and their source. Most of the information used by the Government to respond to these allegations was obtained while I was in Malaysia in June last year. At that time, allegations were put to me anonymously. They were in an envelope pushed under my hotel bedroom door while I was in Kuala Lumpur. The material indicated that it had also been sent to the Opposition in this House. On receiving these allegations, I took them up with the Australian High Commission and with a number of senior Malaysian Government officials and others, as I outlined to the House yesterday.

Subsequently, some further information was provided to my office about this matter. Much of this information merely confirmed what I had already established in Malaysia. The information sent to my office also contained some personal references to the Malaysian MP making allegations against MBf. The parliamentary record clearly shows that the Government has never used this personal information. Rather, it has been made public only because the Opposition quoted that material in this House yesterday.

The Opposition also asked me whether any member of my staff had asked for journalists seeking stories on MBf in Malaysia to be placed under surveillance and their tapes seized. The answer is an emphatic 'No.' The Government has never sought to put any barrier in the way of questions about MBf. We have responded fully to questions when they have been asked in this House and by the media, and we will continue to do so.

I should say in closing that, in the Opposition's vendetta against MBf, it is pursuing a company that the Leader and his former Cabinet colleagues actively wooed while they were in Government. On 28 March 1991 the then Minister for Tourism, Hon. Barbara Weise, went to see Tan Sri Loy and MBf in Malaysia to talk about investment with the Government in South Australia. On 6 May 1992 the Hon. Lynn Arnold met Tan Sri Loy in Kuala Lumpur to discuss a whole range of investment options, including tourism facilities.

In November 1993, just a month before the State election, Tan Sri Loy visited Adelaide, at the express invitation of the now Leader of the Opposition, to attend the Business Asia Conference, where, at the Leader's invitation at the time, he was a keynote speaker, and to attend the Adelaide Grand Prix. It was also the former Government which approved the Cape Jervis to Kangaroo Island ferry service link operated by Sealink, which MBf owns. In light of these facts, I would have thought that the Opposition owed some common courtesies to Tan Sri Loy and his company and not the scurrilous muck-raking to which this House is now becoming accustomed from members opposite.

BANK OF SOUTH AUSTRALIA

The Hon. S.J. BAKER (Deputy Premier): I wish to make a ministerial statement. I have been informed that the Commonwealth Treasurer has announced a change in policy in relation to the use of brand names by banks in Australia. In particular, as a result of the Commonwealth's change in policy, any new owner of the Bank of South Australia Limited (BankSA) would be able to continue to use the BankSA name when continuing the operations of BankSA in South Australia.

Under the previous Commonwealth policy, I am advised that this may not have been possible. In particular, a new owner of BankSA may have been required to rebadge BankSA's operations with its own Australia-wide brand name, thereby affecting the South Australian franchise identity which is so important to BankSA. The Government has been exploring this issue with the Commonwealth and is pleased that this flexibility is now being shown by the Commonwealth. This change of policy assists the Government in considering sale options for BankSA, including the maintenance of the BankSA brand name in South Australia. The use of the brand name could be important to a range of potential trade buyers of the bank, including Australian banks, overseas banks and other financial institutions.

Another issue that the Government has been exploring is that of maintaining the decision-making ability and head office of the bank in South Australia, at least for a significant period. This could include maintenance of a local board. As I have previously publicly stated, the Government is keeping its sale options open, including trade sale and public float. The Government is presently testing the market on what price trade buyers would expect to pay for BankSA. When the Government evaluates the interest shown by this market testing, we will consider the options available. At this stage, in light of equity market conditions, a trade sale is the more feasible option. I will inform the House when there is something further of substance on the sale of the bank.

OPERA AND ORCHESTRAL SERVICES

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): On behalf of the Minister for the Arts, I table a statement that she made in the other place.

PAPER TABLED

The following paper was laid on the table:

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

Triennial Review of the South Australian Housing Trust—Report, May 1994.

HOUSING TRUST REVIEW

The Hon. J.K.G. OSWALD (Minister for Housing, Urban Development and Local Government Relations): I wish to make a ministerial statement. I table the report of the Triennial Review of the South Australian Housing Trust. This is a report that comes at a time of great change in the area of public housing in this State and across the nation. Within South Australia the Government is driving a process of reform that will secure a significant lift in the performance of the public sector.

In the area of public housing, the Commission of Audit and the ministerial review of the Housing and Urban Development portfolios have both pointed the way forward in terms of change and improved performance. The findings of the Triennial Review of the Housing Trust operations both inform that process of change and at the same time provide confirmation of the appropriateness of the decisions already made by the Government in restructuring the portfolio.

The focus of this review was the long-term viability of the trust. The report concludes that, without significant change in policy in the area of public housing assistance, the Housing Trust will in time become insolvent. Clearly, that is a prospect that I as Minister, the Government and without doubt the South Australian community cannot countenance. The problems facing the trust are fundamental. The nature of the clientele has changed dramatically so that the number of tenants who are unable to afford the rent without a subsidy has risen from one in five in the late 1970s to four in five at the present time.

The consequence of this is an increase in the funds allocated for rent rebates of $60 million up to a total now of $122 million in 1994-95. In effect, there has been a massive cost shift from the Commonwealth with its responsibilities for income maintenance to the States by way of rental rebates. The location, composition and age of the Housing

Trust stock, with more than one-third of the stock now being over 30 years of age, means that a substantial new investment will be required which will also cause a problem.

The trust has a total debt of $1.2 billion and, as we all know, it has itself acted in the past two years to start to address the problem of the financial impact on its operations, particularly the $300 million in commercial debt over and above the long-term low interest CSHA borrowings. Compared with other States, this level of non-CSHA debt is very high and represents a great burden on the trust's finances, and it should be reduced quickly. The Government has already announced a series of measures that will assist in lifting the financial performance of the trust. More is required and I intend to make additional changes that will put the trust on a sustainable financial basis.

It is important that the Government do so, however, in the context of reform at a national level. Clearly, the current renegotiation of the CSHA provides the opportunity for reform of funding arrangements and aspects of policy. In the area of funding arrangements, the States are seeking the maximum level of flexibility in meeting housing needs. In terms of policy, both rent and rebate policies are the subject of examination and discussion by all Governments. It is now clear that those national negotiations will take some time yet, and accordingly I have decided to table the report now and the Government's response will continue to be developed in the national context. I propose to present a more detailed report on plans in this area in the context of the 1995-96 budget for the Housing and Urban Development portfolio. I commend the report to the House.

QUESTION TIME

The SPEAKER: Questions that would normally be taken by the Minister for Tourism will be taken by the Deputy Premier.

POLITICAL DONATIONS

The Hon. M.D. RANN (Leader of the Opposition): Will the Premier tell this House for what period he held the position as Treasurer of the South Australian Liberal Party, and was he personally involved in soliciting donations from business interests in Australia and overseas?

Mr LEWIS: I rise on a point of order, Mr Speaker. To what extent does that question relate in any way to the ministerial responsibilities of the Premier in this place?

The SPEAKER: Order! The Chair will determine the validity of the question.

Mr Brindal interjecting:

The SPEAKER: Order! When the member for Unley stops interjecting, the Chair will give a ruling. It is entirely in the hands of the Premier whether he determines to answer the question. The Premier is the parliamentary Leader of the Liberal Party and therefore whether he cares to answer the question is entirely in his hands.

The Hon. DEAN BROWN: I am only too willing to answer the question. I was Treasurer of the Liberal Party from, I think, 1990 to the beginning of 1992. The day I announced that I intended to run for preselection to come back into the House of Assembly I immediately stood aside and from that day on took no further action or role at all as Treasurer of the Liberal Party. In terms of whether I went out and solicited donations for the Party, the position was that a team of us went around to a series of companies and made, if you like, a road show presentation about what the Liberal Party does at a State and Federal level and the overall need for funds for the Liberal Party.

The Hon. M.D. Rann: Overseas?

The Hon. DEAN BROWN: No; I was never involved in talking to an overseas company either here in Australia or overseas about donations to the Liberal Party.

INFORMATION TECHNOLOGY

Mr WADE (Elder): Is the Premier aware of the recommendations which were released yesterday of the Federal Government's information technology review group, and can the Premier State whether these recommendations support the direction South Australia is taking to outsource Government information technology?

The Hon. DEAN BROWN: Members of the House will recall that, after the very significant steps taken by the South Australian Government last year in terms of contracting out its own information technology in a whole of Government approach, and after we made the announcement about the decision as to the preferred company, the Federal Government immediately decided to appoint an information technology review group. It was appointed by the Federal Minister for Finance, who was obviously very struck by the role that the South Australian Government had taken.

That report has now been handed down, and I guess it has highlighted four key areas. The first is that the same problems exist in the Commonwealth or Federal Government as existed in the South Australian Government until the change of Government and the steps taken by the new Liberal Government. These problems are well known: there is a proliferation of software packages, finances, accounting procedures and word processing.

Secondly, the report highlighted that there was no whole of Government approach at the Federal Government level, just as there was no whole of Government approach here in South Australia. Even though the present Leader of the Opposition was responsible for that area, he failed to see the opportunity there and failed to bring together an overall strategy for South Australia. The third key finding of this Federal report was that the Federal Government had no strategic blueprint on information technology, and the fourth key point was that there was no overall control of information technology within the Federal Government, and there needed to be. In fact, the review has recommended the establishment of an office of information technology, as we established one here, and it has recommended the appointment of a CEO to oversee that coordination.

It is interesting to see that, given this major study of the Federal Government, all the key recommendations were adopted by our Government within weeks of our coming into office. First, we established the Office of Information Technology; secondly, we established the Information Technology Industry Development Task Force; we produced the Government's IT 2000 Vision, which set a clear strategic direction in which South Australia should head; and we also determined that there should be common software packages across the whole of Government.

It is interesting, because members opposite have been very sceptical about whether or not there would be any cost savings through contracting out. This report has shown that through contracting out it is expected that the Australian Government and the Australian taxpayers will be saved more

than $1 billion over the next five years. If all these things were good enough for the Federal Government, why is the Labor Party not standing up and praising the initiatives that the Liberal Government took here in its first 12 months?

POLITICAL DONATIONS

The Hon. M.D. RANN (Leader of the Opposition): Did the Premier attend a meeting at which Mr Robert Gerard personally committed to him, the Party President (Ms Vickie Chapman), members of the Liberal Party finance committee and others that he would underwrite the raising of campaign funds needed for the 1993 State election and that Mr Gerard would either directly or indirectly through Gerard Industries and its associates here and overseas top up any shortfall?

The SPEAKER: Order! I point out to the House that the Premier is responsible to this House for the administration of the Government of South Australia. He is not responsible to this House for the internal workings of the Liberal Party. It is entirely up to the Premier whether he wishes to answer the question.

The Hon. DEAN BROWN: I am only too willing to answer the question, because I presume that that sort of undertaking was given to the finance committee of the Liberal Party, if it was ever given. I do not know whether it was or was not. That is what the Leader of the Opposition is alleging.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: I attended no meetings whatsoever of the Liberal Party finance committee.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: The honourable member just keeps wanting to fish and fish. I have made it quite clear that I have attended no meetings of the Liberal Party finance committee since being Leader of the Liberal Party.

Mr ASHENDEN (Wright): Has the Deputy Premier been made aware of actions taken to conceal union donations to the Australian Labor Party?

The Hon. S.J. BAKER: The answer, of course, is 'Yes.'

The Hon. M.D. Rann interjecting:

The SPEAKER: The Deputy Premier is in an identical position.

The Hon. S.J. BAKER: We have received a letter from a concerned union member about the misuse and abuse of his funds. I will relate that to the House. This union member observes that the Government has been having a bit of a rough time from the Opposition and suggests we should be looking at compliance in terms of the Opposition and the union movement. That is what this member suggests should be happening. He understands that we have complied fully with everything required under the Electoral Act, but not the ALP. I will relate it to the House.

It is related to the Australian Workers Union. If any member looks at the accounts of the AWU—and I am sure members opposite can provide them to whoever would wish to see them—they will see that there is a sum of $37 184 paid to the ALP as affiliation fees. The ALP affiliation fee for this union, as told by this member, is $2.95 per member, and these accounts identify a total membership of 9 071 persons. However, if the mathematics come out, the amount of affiliation fee required as a result of that affiliation is some $26 759.45—approximately $27 000. However, the total amount paid to the ALP was $37 184.

Members interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: You can only draw one of two conclusions. One is the ALP is not complying with the Electoral Act because the $10 000 is not declared—

Members interjecting:

The SPEAKER: Order! I would suggest to members that they cease the unnecessary interjections and allow the questions to be asked and answered in silence. The honourable Deputy Premier.

The Hon. S.J. BAKER: I have the letter from a member. It is not the sort of thing that normally comes. So, members should recognise that we are talking about 1993. The difference is $10 424.55. The amount of money declared in the electoral return is some $2 000. Therefore, there is only one of two conclusions. One is the ALP has not fulfilled its obligations under the Electoral Act. The second possibility is that $10 000 worth of union moneys is being paid in as affiliation fees and all the union members are being cheated in the process. There is no doubt that this is a common practice exercised within the union movement to provide money for the ALP under the header of affiliation fees. I would suggest that the Electoral Commissioner may well wish to look at the ALP returns and determine whether they have complied. So, whilst we on the Government side have fully complied with the responsibilities under both Acts, there is no doubt that the ALP—

The Hon. M.D. Rann interjecting:

The Hon. S.J. BAKER: —if I am allowed to finish—has a lot to answer for.

Members interjecting:

The SPEAKER: Obviously, members are not interested in Question Time continuing. That includes the member for Elizabeth.

Members interjecting:

The SPEAKER: Order! If the House would like to proceed with the normal business, the Chair is quite happy to facilitate it.

Mr ATKINSON (Spence): During the period in which the Premier was Treasurer of the Liberal Party, did he ever meet Mr Victor Lo or Mr Anthony Tang and, if so, was the Premier introduced by Mr Rob Gerard or by Gerard Industries Director—

Members interjecting:

Mr ATKINSON: I will read it again.

Members interjecting:

The SPEAKER: Order!

Mr ATKINSON: The Premier has asked me to repeat it.

The SPEAKER: Order! I point out to the member for Spence that the current Premier was not a member of the House at that time, and the Chair is of the view that the question is therefore out of order.

Members interjecting:

The SPEAKER: Order! I have therefore ruled it out of order and we will proceed to the next question. The member for Ridley.

CeBIT TECHNOLOGY EXHIBITION

Mr LEWIS (Ridley): My question is directed to the Minister for Industry, Manufacturing, Small Business and Regional Development. Following his talks with 30 plus

international companies during his recent visit to Europe, can the Minister tell us about South Australia's image overseas and will he elaborate on the crucial steps we must take to attract more attention to South Australia?

The Hon. J.W. OLSEN: To some important business for today, that is, an update to my answer to a question yesterday about the CeBIT conference in Hanover; I am pleased to announce that a South Australian based company, Prophecy, has won a contract worth $2 million to provide software access services and programs to the Polish Government and agencies and private businesses. In other words, it is a further extension, a good news story, from that CeBIT conference in Hanover, following the support of the Economic Development Authority in South Australia to assist a range of small and medium businesses in this State to get to an international exhibition and fair.

Specifically in reply to the honourable member's question about the 37 companies that I met over the course of that two weeks, I point out that it is very clear that companies throughout Europe are targeting and developing strategic plans to access the massive growing markets of the Asia-Pacific region. What is of particular concern, however, is that, in that strategy and plan to target Asia, they do not consider Australia to be part of the region or a base from which they can launch the assault for their marketing strategy into the Asia region.

Therein lies a very real problem—an issue to be addressed by both the Federal and respective State Governments. We need to market more effectively Australia's capacity to be the base or regional headquarters for the Asia-Pacific region. Given the low cost of operating a business in South Australia, Adelaide, compared with Singapore, Kuala Lumpur and Hong Kong, has significantly lower costs than offices in those cities have. Therefore, what we ought to do as a matter of urgency is market South Australia's capacity as a regional headquarters base in the Asia Pacific region because of our low cost of operation and, coincidentally with that, a great lifestyle. That is why Motorola, EDS and Australis have selected Adelaide. It is the reason and the marketing tool for us to go to Europe, to those respective companies I have mentioned, and to open up those opportunities. I refer also to other companies, including Mercedes Benz, which is currently looking to outsource more of its automotive component supplies from countries other than Germany. Currently, 12.8—

The Hon. Frank Blevins interjecting:

The SPEAKER: Order! I would suggest to the member for Giles that he read back through *Hansard* during the time he was Minister.

The Hon. J.W. OLSEN: Perhaps the member for Giles could put his car keys away for an extra half an hour and listen to good news for South Australia in the automotive industry, which happens to be important for this State. Indeed, the automotive component industry is a vital industry for this State. Mercedes Benz currently outsources 12.8 per cent of its product internationally, but will increase that to 25 per cent because of currency fluctuations which are being undertaken throughout the world and which have a significant negative impact on companies such as Mercedes Benz.

Therein lies an opportunity for component suppliers from South Australia to meet Mercedes Benz' contracts, both through Europe and those contracts that we have just won through Korea. All in all, there are some emerging opportunities for South Australia provided we continue to market our opportunities based on the success that the Government has achieved over the past 12 to 15 months. Success makes companies internationally sit up and take notice.

POLITICAL DONATIONS

Mr ATKINSON (Spence): During the Premier's visit to Hong Kong and the People's Republic of China in June 1994, accompanied by Mr Robert Gerard, did the Premier meet Mr Victor Lo or his assistant Miss Lily Cheung, and was Mr Lo's help to the Liberal Party at any time discussed?

The Hon. DEAN BROWN: First, because the honourable member asked me a question earlier which was ruled out of order, and even though I accept the Speaker's ruling, I point out to the House that if only the honourable member had bothered to listen to the *7.30 Report* last night he would not have been embarrassed in asking the question. On the *7.30 Report* last night I clearly indicated that at the time of the last State election I had never met Mr Lo, nor had I ever spoken to Mr Lo.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: I did not know Mr Lo at the time of the State election, which is what I said. I was asked whether, while I was Treasurer, I had ever spoken to Mr Lo and Mr Tang. I can quite clearly indicate to the House that, if I had not met or spoken to Mr Lo, or known him, at the time of the State election, I certainly did not know him when I was Treasurer. I do not know who Mr Tang is. I have never met or spoken to Mr Tang.

In answer to the honourable member's question, Mr Robert Gerard did not accompany me on the trip overseas. I met Mr Robert Gerard in Hong Kong, and I spent a day with him at the Gold Peak factory in China. There is no secret about that. I invited the media to attend. The media was advised that we were going to the factory, and it was a very interesting exercise. I visited a range of other areas in China as well: the proposed Grand Prix track, which is being designed by Kinhill Engineers in Adelaide; a number of operations in Shanghai; a dairy farm that I had put in place while I was in China; and a series of places in Shangdong Province.

When I visited the Gold Peak factory Mr Lo was not there. I met Mr Lo at a reception sponsored by the South Australian Government. Invitations to that reception had been sent out by the South Australian Government agent in Hong Kong. About 200 people were present, and I met Mr Lo very briefly at that public occasion. Never in my life have I spoken to Mr Lo about donations to the Liberal Party—never.

Mr Atkinson interjecting:

The SPEAKER: Order! I warn the member for Spence under Standing Order 137.

COFFIN BAY

Mrs PENFOLD (Flinders): Can the Minister for Primary Industries explain to the House the results of the test on the oysters from the Coffin Bay region which were in the vicinity of the algal bloom?

The Hon. D.S. BAKER: I thank the honourable member for her question and understandable concern in this matter. As I reported to the House yesterday, some testing was being done of the oyster samples by the IMVS. Someone made a comment to me today that we are putting a lot of work and effort into testing the problems existing at Coffin Bay, but the potential oyster leases we have on Eyre Peninsula, if fully

developed, will mean that there will be 3 500 tonnes of oysters available, which will make it the biggest fishery in South Australia by volume. We are very concerned to make sure that that fledgling industry has a very secure future because of the potential for exports for this State.

I am very happy to say that all the samples that have been collected and tested by the IMVS have proved negative, and all the oysters grown in Coffin Bay are fit for human consumption. It is also predicted that, with the weather conditions as they are, the algal bloom will never go near the oyster leases and, in fact, the existing conditions will ensure that it is carried further away from them as it disintegrates. There has been some concern in the past couple of days. I have kept this Parliament and the media fully informed as to what is going on, because of the potential for exports for South Australia of this very important product.

MORIKI PRODUCTS

Mr ATKINSON (Spence): Can the Premier name the affiliate of Singapore based Moriki Products Limited operating in Australia and say what is the nature of its business here? In a report dated 24 November 1993—

Members interjecting:

The SPEAKER: Order!

Mr ATKINSON: —the former State Director of the Liberal Party, Mr Grahame Morris, now a senior adviser to the Leader of the Federal Opposition, Mr Howard, said that Moriki had Australian links and that a Moriki affiliate had been operating in Australia for a long time.

The SPEAKER: Order! I point out to the member for Spence that it is not the responsibility of the Premier to advise the House whether or not certain companies operate in this country. If the Premier wishes to answer the question, I point out to him that the Chair is concerned that questions are being asked in the House today which do not relate to his responsibilities as Leader of the Government. The honourable Premier.

The Hon. DEAN BROWN: No.

TREES

Mr CUMMINS (Norwood): Can the Minister for the Environment and Natural Resources inform the House of any initiatives he has undertaken in relation to the conservation of historic trees in urban areas? There have been media reports in recent weeks about the proposed removal of significant historic trees in South Australia. My electorate office has had many calls expressing concern about this matter.

The Hon. D.C. WOTTON: I thank the member for Norwood for the question, because there is clearly wide community concern over the continuing removal of mature native trees in South Australian urban areas. In fact, I have received considerable representation from members of this House regarding this matter. Also, a number of reports, as the honourable member has indicated, have recently appeared in the press highlighting the level of concern and awareness in respect of this issue, and I have had the Department of Environment and Natural Resources investigate many of these reports. It is quite clear that current controls are proving inadequate in dealing with the sensitive issues of saving individual trees in built-up areas. There are some very good examples of where local government bodies have taken the initiative upon themselves to work with the community to ensure that some of these trees are protected, and I understand that Unley is one of those areas in which this is happening.

I have decided to invite the Local Government Association, the State Heritage Authority, the National Trust, the South Australian Conservation Council and other planning and developing interests to join with relevant Government agencies in round-table discussions on the question of how historic trees can be preserved. However, I still believe that local government and planning regulations are the best vehicles by which we can save individual trees. I have always considered this to be a local government issue because councils are positioned at the core of local communities, allowing them to monitor local sentiment, local history and local significance and to compile registers of heritage trees that should be protected. Councils are also at the coalface of the planning system and are aware of what development is taking place in their area through the local planning system. Therefore, they are the body which is initially alerted to the possible threat of clearance of such significant trees and they have the information, the power under the Development Act and the local knowledge to act decisively on this issue.

However, it is obvious that some guidelines are needed and that the issue needs to be investigated more fully. Guidelines, standards or possibly legislation would not only protect trees and our urban flora but also safeguard landowners so that they can be aware of their own rights and obligations when considering the purchase or development of land.

In conclusion, I have learnt recently that in New South Wales a blanket ban on the destruction of urban trees more than 100 years old has been implemented. This is a broad brush approach and I am not convinced as yet that this is an adequate solution. We need to weigh up against the rights of landowners and the scientific and historical value of individual trees the need for such action to be taken. Any ban would have to carry a right of appeal for landowners, and issues, such as the health and species of the tree, also would have to be taken into account. I believe that it is appropriate for the groups to which I have referred to meet on this matter, and I look forward to the outcome of this working party.

POLITICAL DONATIONS

Mr ATKINSON (Spence): Will the Premier ask his staff whether the letter from Mr Anthony Tang of Singapore referred to in the House earlier in the week was drafted by Mr Rob Gerard and Mr Bill Henderson and the form of words used in the draft letter agreed to at a meeting between Mr Gerard and Mr Henderson at the Hyde Park Hotel at 5.30 p.m. on Tuesday?

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: One only has to look at the letter, which I happened to read for the first time at about lunchtime yesterday, to see—

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: —who obviously drafted it. To start with, 'Labor' (in Labor Party) was misspelt—it was spelt 'Labour'. It talked about a Caucasian, and that is not the sort of word that I or any of my staff would use. This is absolutely preposterous stuff. We have the member for Spence using the protection of this Parliament to smear

whoever he possibly can with the worst possible sort of allegations—

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat. I suggest to the Leader of the Opposition that he not continue to ask questions. Therefore, I warn him under Standing Order 137.

The Hon. DEAN BROWN: I highlight the extent to which he has used and deliberately continues to use the protection of this Parliament to try to smear people when he has absolutely no evidence whatsoever. He is not even prepared to produce the evidence in this Chamber, let alone make those sorts of allegations or produce the evidence outside the Parliament—outside coward's castle. As I point out, anyone who read that letter yesterday could see that it was obviously written by an Asian and obviously written by someone who was not particularly familiar with the Labor Party of Australia, because they spelt the word 'Labour'. That, by itself, I think clearly and absolutely debunks what the honourable member is trying to suggest.

HOUSING TRUST TENANTS

Mr CAUDELL (Mitchell): Can the Minister for Housing, Urban Development and Local Government Relations reassure the House that action will be taken in the light of the unfortunate incident shown on Channel 7 last night, in which a Housing Trust tenant returned from a holiday to find her backyard reclaimed for a trust development? Mrs Blight lived in a Housing Trust property at 10 Hope Street, Dover Gardens, for a period of 41 years. She was 70 years of age, and she died last weekend. Her funeral was conducted on Tuesday 14 March. Mrs Blight had corresponded with me on a regular basis as she was concerned about the Housing Trust plans to erect a fence in the middle of her yard and to remove a plum tree that was a gift from her mother.

The Hon. J.K.G. OSWALD: I thank the honourable member for his question. I, like the honourable member, was very concerned to hear about Mrs Blight (who, as has been reported to the House, is now deceased) and the problems she experienced and reported with the South Australian Housing Trust. Members can rest assured that I have demanded a full investigation into the events, and measures are now being developed to ensure that this situation will never happen again. From the outset, I do not mind telling the House that when I was first told of the problem I thought that the trust could have shown far more sensitivity and that perhaps it was misguided, as has been suggested. I am not here to defend any insensitivity on the part of the Housing Trust.

However, I have been advised by the trust that the circumstances of the case are as follows: Channel 7 did not respond positively to repeated Housing Trust requests for a right of reply; the situation is more complex than was presented on television; discussions with Mrs Blight and her neighbours began back in 1992 when the trust identified two three-bedroom properties on large allotments, which could be replaced with up to five units; and Mrs Blight indicated that she did not wish to relocate; the trust respected her view and did not attempt to reverse her decision, although her neighbours were agreeable to transfer and subsequently moved to alternative accommodation approximately one year later.

The trust has informed me that it negotiated a compromise solution with Mrs Blight which resulted in using a portion of her rear yard and a reappraisal of the project to build three units instead of five. Mrs Blight was in constant contact with the Housing Manager for the area, and the Housing Trust was well aware of the sentimental value of the trees, in particular the plum tree in her backyard which her husband had planted. Discussions between the trust and Mrs Blight focused on the likely distress caused by the removal of the trees. Agreement was reached that work would coincide with Mrs Blight's trip to Queensland to visit family and that on her return the trust would discuss replacing the trees that needed to be removed by new plantings.

The Housing Manager, who had developed a close relationship with Mrs Blight, is still very upset over her death. She has not taken stress leave as was reported on television, but was absent from work for only one day. It is regrettable that this incident occurred and Housing Trust staff have been alerted to the importance of dealing with all tenants, particularly the elderly and the frail, with great sensitivity and compassion. The trust is developing a new tenant relocation policy, which is currently in the community consultation stage. This experience highlighted the need for communication and consultation, which will be encompassed within the new policy.

STATE BUDGET

Mr QUIRKE (Playford): Can the Treasurer tell the House precisely what information about the 1994-95 financial outcomes for individual agencies and the Government as a whole will be included in the budget material, and when does he expect to be able to table in Parliament the complete data for 1994-95? The 1995-96 budget will, for the first time, be brought down before the close of the current financial year, hence the question.

The Hon. S.J. BAKER: The budget material continues to be enhanced and, as the member would be well aware, a number of things will occur in terms of the changes in some agencies to accrual accounting and the issue of the evaluation of assets. More material will be provided, and there will be compliance with the ABS guidelines on accounting practices. There will be a number of changes to the format of the budget papers that will be presented to the Parliament. Obviously, as the member would recognise and has realised, as the budget will be presented on 1 June 1995 the full accounts for the year will not have been signed off at that time.

The finalisation of the accounts, which will be presented to the Parliament later, is an important issue, and the presentation of those accounts will occur at about the same time as past years—towards the end of August or the beginning of September. We will have the 1995-96 forward estimates, the four year rolling program in terms of our expenditures and revenues and the best estimate of where the year is going to finish. The finalisation of the accounts, so that everyone can see the actual outcomes, will be in late August or the beginning of September when we have all the reports.

STATE GOVERNMENT INSURANCE COMMISSION

Mr BUCKBY (Light): Will the Treasurer please inform the House of the financial performance of the State Government Insurance Commission for the first half of the 1994-95 financial year?

The Hon. S.J. BAKER: This afternoon at 2.30 the Chairman of SGIC, Mr Lamble, will present the six month

accounts. I inform the House that there is only a small profit to report for the first six months of 1994-95. There are some reasons for this—which will be evident to all members of the House—which have struck all insurance providers in the marketplace and a large number of other trusts. The areas where this mark to market valuation, which I have spoken about previously, has hit hardest has been in the area of securities where investments have been made and securities were locked in on a long-term basis at the beginning of the 1994 year when bills and bonds were at an all time low. So, there has been a significant discount in the paper held by these institutions.

The property market has not changed dramatically, and there certainly has been further fall out during this period. Of course, the equities market has again not gone in the right direction in terms of its position between 30 June and 31 December. For all these reasons—and they become apparent with all the reports issued in the marketplace by almost all institutions which rely heavily on investments—the results have not been as good as the previous year. The commission has made a small profit—$5.5 million before tax and $2.2 million after tax. I made the point about mark to market and have consistently done that. The Federal Government has suggested that the change has to be made, and I suggest that the sooner it occurs the better, because the ludicrous situation is that we have taken a $16 million hit on the mark to market between June and December, yet we made a $15 million profit from December to February. Those wild fluctuations do not assist long-term planning.

The other area which has caused us some difficulty is in financial risk insurance. All members of this House would be well aware of reinsurance and the costs of the hurricanes in the United States. They would also recognise the enormous cost associated with the 333 Collins Street property, where the estimated loss is well over $400 million. There is another account which has come through the books and which was signed up in 1992 under the old management—before Mr Lamble arrived and before the new Government came into force, but obviously with the complete agreement of the previous Government—and it is the equivalent of a put option. It is financial risk insurance, which has caused some difficulties for the accounts. Again we have to keep cleaning up the problems of the past because of the atrocious decisions, the non-commercial decisions, that were taken by the previous Government. We will make sure SGIC is worth selling, but I point out that when I walked into Government a lot of repair work had to be done.

FACTOR VIII

Ms STEVENS (Elizabeth): Will the Minister for Health admit that the rationing of Factor VIII used for the prophylactic treatment of bleeding disorders has been the result of the Government's unwillingness to pay its share of the cost of synthetic Factor VIII supplies; and when does he intend to provide additional funds to overcome the shortage? The Minister told Parliament one week ago that the matter of shortages of Factor VIII is being worked on. The Opposition has been told by parents and medical staff that prophylactic treatment for haemophilia sufferers has still not resumed.

Mrs KOTZ: I rise on a point of order, Mr Speaker. I ask you to check the Notice Paper. I believe that the question asked by the member for Elizabeth is a question on notice—question 198.

The SPEAKER: Order! I will check it and provide a ruling.

POLICE AIR WING

Mr BASS (Florey): Will the Minister for Emergency Services advise the House whether he intends to implement the Government agencies review group 1992 recommendation that police aircraft should be used as a Government air wing? The Labor Government's 1992 GARG report recommended a three stage process to establish a Government air wing involving the police, the Lands Department and the National Parks and Wildlife Service aircraft combined into one organisation under police management. The previous Government brought the Lands Department aircraft under police management and undertook two subsequent internal reviews: the review of organisation, structure and design; and the financial management practices review. Both reviews recommended the commercialisation of aircraft services.

The Hon. W.A. MATTHEW: I am pleased to report that the Government does not intend to implement the recommendations put to the previous Government to establish a Government air wing. In order to fully assess the situation concerning the Government air wing, a little needs to be understood about its origins and its method of operation. The South Australian Police Department's aircraft service organisation commenced in 1970 with a series of planned flights to the far north. It has been developed since that time to an in-house service which employs seven police pilots and operates three aircraft out of its own purpose built hanger at West Beach airport. The cost of operating this service in the 1993-94 financial year was $1.128 million.

Unfortunately for the employees in that service they were reviewed several times when the previous Government was in office and, as the member for Florey indicated, during 1992 the functions of the service were reviewed by the GARG committee and a report was subsequently committed to the Cabinet of the day later that year. The GARG committee recommended the establishment of an air wing for the Government. The member for Florey has also correctly indicated that two subsequent reviews were also undertaken by the previous Government. The problem for the previous Labor Government was that the first recommendation differed from the subsequent views expressed in the latter two recommendations. As was often the case with the previous Labor Government, when it was faced with conflicting recommendations and had to make a decision, it did nothing. While it did nothing, money continued to be expended on the provision of an expensive aircraft service.

Today I am pleased to announce to this House that the Government intends to remove itself from unnecessarily owning and operating aircraft. The first step in this direction is the sale of one police Cesna 402C aircraft, which is expected to return to the Government a price of well over $250 000. Work previously undertaken by that aircraft will be absorbed by the private sector through police personnel using normal commercial airline flights.

This is expected to save the taxpayer about $200 000 per annum. That aside, the Police Air Wing will still retain a search and rescue capability with its remaining two aircraft. The second stage of the process is to determine whether those two aircraft are best operated and owned at present by the Police Department and therefore the Government or whether other combinations should occur, for example, the ownership of the aircraft by an outside organisation and leased back to

Government, or total provision of the service by an outside organisation.

The third step, dependent upon the second step, includes the effective utilisation, including potential for sale, of the aircraft hangar at West Beach. Through that process in its first step we are providing significant returns to the taxpayer and a better service for the Police Department. The police personnel concerned have been advised of the changes, and the reduction in police personnel as a result of this change in the air wing has meant that two personnel have been transferred elsewhere within the South Australian Police Department.

FACTOR VIII

The SPEAKER: Order! I allow the question by the member for Elizabeth because it is far more specific than the question on the Notice Paper. Does the Minister require the question to be asked again?

The Hon. M.H. ARMITAGE: I think I recall the question because it has been asked before, Sir. Really, the question is a case of, if at first you do not succeed, try, try again. In fact, this question was asked in Parliament last week, and it received no media coverage whatsoever. The following day the member for Elizabeth put out a media release and held a media conference. We were contacted by a large number of the media outlets, to whom we gave the real story and, in fact, stopped the sensationalism of the member for Elizabeth being part of the story. Indeed, in a number of the media outlets the Labor Party Opposition and its side of the story was not even mentioned.

With respect to Orders of the Day: Other Motions No. 15, which was moved by the member for Reynell and which was the subject of a point of order earlier, it calls on the Federal Government in regard to recombinant Factor VIII. It has been on the Notice Paper since 25 August last year, and I am informed—

Mrs Kotz: What date?

The Hon. M.H. ARMITAGE: Since 25 August last year. There have been numerous overtures from this side of the House to get the member for Elizabeth to speak to that motion, but that has not happened. It is a shame that this important matter is once again clearly being politicised by the member for Elizabeth. As I indicated last week, and to the media the following day, the important point is that the problem is related to the fact that CSL has not been supplying the required number—and there is a deficit of some hundreds of bottles. At a briefing last week I was told that it is either 350 or 450 bottles (I am not sure which), and that matter was addressed at a meeting (again from memory) on 6 March with the Red Cross Blood Centre and representatives from CSL.

As I further said in response to a similar question from the member for Elizabeth last week, because of this shortage of supply from CSL the 300 bottles usually given at the beginning of each month to the Women's and Children's Hospital was altered to a supply of 70 bottles a week and, at the end of each week, people from the hospital were expected to have discussions with the Red Cross and, if there was a shortfall, it would be made up, as indeed it was when it was found that only one bottle remained.

I am informed that contact was made with the Red Cross and there was an advance, if you like, on the forthcoming week's supply of 70 bottles. Clearly, there was no specific danger. It is also important to point out that recombinant Factor VIII, which is extremely important, was addressed at a ministerial conference six, seven or eight months ago at which every Minister from around Australia suggested to the Federal Government that it ought to be a reasonable expectation of the Federal Government that it pay for this medication—just as it does for a number of other high cost drugs. However, I understand that the Federal Government has turned down that request, which is a pity. It is important to recognise that recombinant Factor VIII is available to only a very small percentage of children. So, it will not answer all the problems. However, it was a matter of debate at the AHMAC conference held in Adelaide about two weeks ago, and I fully expect that it will be considered at the next ministerial conference.

EWS PAY AS YOU USE CARD

Ms HURLEY (Napier): Will the Minister for Infrastructure reduce the minimum payment allowable on the EWS pay as you use card? The minimum payment for other similar cards, such as the ETSA and Telecom cards, is $10 or less a time, which is more affordable for people on low fixed incomes.

The Hon. J.W. OLSEN: I shall be happy to get the EWS Department to look at the proposal, although I point out that it could involve additional administration costs. However, I will ask the department to objectively look at it to assist EWS customers in the instalment payment of their accounts.

LIQUID PETROLEUM GAS

Ms GREIG (Reynell): Will the Minister for Mines and Energy say what steps are being taken to address problems caused by significant recent rises in LPG prices? In the southern suburbs we have 18 small businesses associated with the LPG industry and they have been severely affected by the recent price increases which have resulted in a reduction in turnover of about 90 per cent and, as a result, there has been a loss of jobs in the LPG conversion industry.

The Hon. D.S. BAKER: I thank the honourable member for her question and her concern in this matter. It appears to us in South Australia that, as soon as this Government gets small business going, someone tries to tear it down. At the outset I would say that the State Government does not impose any taxes at all on LPG. In fact, in an attempt to lower greenhouse gas emissions we have been strongly promoting LPG as an alternative to petrol. The promotion of LPG by the South Australian Government is not only affecting jobs in the LPG conversion industry but also small business operators who are using LPG in their trucks and taxis to lower their business costs to become more competitive in this State.

The Office of Energy is receiving many inquiries about this, and much concern has been expressed by members, including the member for Reynell, who asked the question. All I can say to them is that there are two people they have to contact. One is Ms Janet McHugh, the Federal Minister for Consumer Affairs, because LPG pricing is a Federal matter. The other person is that champion of small business in South Australia, Senator Chris Schacht, the Federal Minister for Small Business. Of course, his motto is that to create small business you start with a big one and then do nothing about it.

The Office of Energy is working on this matter, as is the Minister for Industry, Manufacturing, Small Business and Regional Development, and he is complaining to the Prices Surveillance Authority. I ask all people involved in small

business in South Australia to direct their concerns to those two Federal Ministers, because it is about time that they did something to help small business become competitive in this State.

CASEMIX FUNDING

Ms STEVENS (Elizabeth): When will the Minister for Health release the Ernst & Young report into casemix funding, and what impact will the recommendations of this report have on casemix funding levels for country hospitals relative to those in the city? Whyalla council has written to members claiming that country hospitals are disadvantaged relative to city hospitals in the level of casemix funding that they receive for out-patient services. The weightings for casemix funding were the subject of a consultancy by Ernst and Young, which the Opposition understands has been presented to the Government but not released.

The Hon. M.H. ARMITAGE: The matter of country disadvantage sits very poorly with the Opposition, as it is the Party which, in government, closed the Laura hospital, the Blythe hospital, the Tailem Bend hospital and hospitals in the Government Whip's electorate. Here we have the Opposition complaining about disadvantaged health care in the country. Quite frankly, it is a joke. Everybody in the country knows that one of the planks of the Liberal Party's campaign, which it took to the election, was that no country hospital would be closed or have its role altered unless local people came to the Government and said, 'We believe that we can do better with the money and have different services provided,' such as is happening around the country with multipurpose centres in at least two areas. Today I spoke with representatives of the Pitjantjatjara lands, and there are very exciting developments in relation to aged care in the AP lands.

People in the country recognise only too well that not only is there that commitment in the policy but there is also a specific commitment under casemix funding that certain amounts of money will be provided as rural access grants for the smaller hospitals which, in the true sense of the word, will not be able to provide cost efficient services. Therefore, it sits very poorly with the Opposition, which basically cut a swathe through rural health care, to be questioning the Liberal Government when we have clearly made specific policy commitments and, more importantly, backed them up with financial commitments.

LOCAL GOVERNMENT AMALGAMATION

Mr KERIN (Frome): My question is directed to the Minister for Housing, Urban Development and Local Government Relations. What is the Government's current policy on the amalgamation of local government areas? It concerns me that, despite policy previously having been made clear, some people in local government circles have chosen to misrepresent Government policy and, in doing so, have caused many rural councils to be disturbed that forced amalgamation is imminent.

The Hon. J.K.G. OSWALD: I thank the honourable member for his question. It is becoming of increasing concern to me, after a series of meetings that have been conducted by local government, particularly in rural areas, that an element is developing which is deliberately setting out to misrepresent the Government's agenda for local government reform. It has even reached the stage of a report that came to me this morning from the Mid North that not only do I have a map for new boundaries already drawn up in the top drawer of my desk but that in 1996 we will engineer a double dissolution of this Parliament so that we can get a majority in the Upper House and then I can do a Kennett and bring in that map. When one listens to that sort of story, which is floating around local government, one can start to understand why the local government agenda is being driven off the rails.

The Government has been very clear about its reform agenda. I do not believe that anyone would disagree that, if government, at both State and Federal level, is to go through a massive reform process, local government should also go through the same process. I believe there is acceptance in the local government sector that that should happen.

Just prior to Christmas, through the Premier, we announced that a ministerial advisory group had been set up to manage the reform process and to take evidence from councils throughout the State. MAG, as we call it, will report to me at the end of June. It will: report to me on the functions carried out by local government; report on the performance of individual councils compared with a range of appropriate benchmarks for best practice; examine and advise on the extent to which council services should be contracted out and the options for the use of competitive tendering; report on the need for structural arrangements under which local government areas can encompass a full range of current and proposed functions; report on the need for the provision of financial incentives or assistance to amalgamating councils to assist with the initial costs associated with boundary reform; and report on any legislative amendments which they recommend to me should be put in place.

I assure members and the local government sector that I do not have a map in my top drawer. The Government is genuinely tackling the issue of cooperation in an assessment of the new direction of local government with local government. As a result of that series of interviews, the committee will deliberate and report back to me in June. Then, and only then, will we sit down and start to look at where local government is going based this time, and for the first time in this State, on genuine data and financial information that has come from the councils, and we will then make a decision on the new direction and any proposals to suggest that councils come together. Councils will come together only on the basis of voluntary amalgamations. The opportunity is not available to the Government for compulsory amalgamation. Everyone knows that is not in the Local Government Act. We will work with local government to facilitate amalgamation if it is in the best interests of local government. If it is not in the best interests of individual councils, it is not on the agenda.

CHARITABLE ORGANISATIONS

The Hon. D.C. WOTTON (Minister for the Environment and Natural Resources): I wish to make a ministerial statement. I want to respond further to the question that was asked of me yesterday by the member for Elizabeth. As I indicated yesterday, the Department for Family and Community Services has closely monitored the progress of the social and community services award at all times. It has extensively consulted the non-government sector over the implications of the introduction of the award.

On 24 May 1994 the Premier approved an additional $1 million in recurrent funds for organisations currently funded by the department. This allocation represents the

greater proportion of the funds required to meet the cost of the full implementation of the award. It will be necessary for the sector to achieve efficiency gains or restructure to meet any costs over the $1 million allocated and any future costs resulting from the award. Negotiations will be undertaken with the sector as to the most effective way to achieve these efficiencies with the least impact on services.

Community organisations funded by the department were surveyed as to their translation to the award salary levels. Those organisations which responded appropriately have been paid the first two 2 per cent increases as per the phased implementation agreed between the union and employers. This represents two of four increases, which is half of the intended total. Additionally, the department will make payments to all funded organisations by 30 April to recognise the phased implementation award increases due up to and including 30 June 1995, as agreed by the Industrial Commission.

The department has also encouraged the establishment of the Community Employers Association and provided funds to employ staff experienced in industrial matters to advise community organisations on the implementation and translation of the award. With this support, the Community Employers Association has conducted training courses and assisted numerous organisations with advice on the implementation of the award.

The allocation of $1 million recurrently is a substantial commitment to meeting the costs of the implementation of the social and community services award in the non-government sector. As Minister for Family and Community Services, I am committed to efficient and effective services in the community sector which are appropriately resourced.

GRIEVANCE DEBATE

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

The Hon. M.D. RANN (Leader of the Opposition): For some weeks now the Opposition has pursued a line of questions in relation to both Catch Tim and Moriki and the involvement of the Premier and members of his Party in what I believe to be a substantial cover-up of their campaign donations. The fact is that you have to look at what was said some weeks ago. We all remember the massive denial when I mentioned Gerard Industries. Mr Gerard went on radio saying it was outrageous to mention his name. We remember too the denials of the Premier and the assurances he gave to this Parliament directly from Mr Gerard. So, we have pursued the matter.

Mr MEIER: I rise on a point of order, Mr Speaker. The Leader should know that he should address the Chair and not the cameras.

The SPEAKER: Order! I uphold the point of order.

The Hon. M.D. RANN: Despite an elaborate cover-up, we found no addresses, fake addresses, fake names, a maze of companies and a laundering process, but all roads led first to Mr Henderson and secondly to Mr Gerard. I hope the media in this town ask Mr Gerard and Mr Henderson about their meeting at the Hyde Park Hotel on Tuesday night. I hope they ask Mr Henderson about his phone calls to Mr Tang, Catch Tim and Mr Lam. We saw the pretence of the hapless Mr Lam hung out to dry. We did not believe it. No-one believed it. You did not believe it, but the Premier said he believed it. The Premier said he believed that Catch Tim was the true source. It was not: all roads went back to Gerard Industries. The Premier knows it and I know it: he, his staff, Vickie Chapman, Rob Gerard and Mr Henderson have been involved in a good, old fashioned cover-up.

I want to discuss another issue, and that is legislation. Today I have given notice of legislation which we will introduce next week and which will call for—

Members interjecting:

The SPEAKER: Order! There are too many interjections.

The Hon. R.B. Such interjecting:

The SPEAKER: The Minister will not interject while the Chair is endeavouring to restore order. The honourable Leader.

The Hon. M.D. RANN: The other matter is the legislation of which I gave notice today and which will specifically prohibit this sort of laundering nonsense in the future. There are anti-laundering provisions in the legislation which will prevent money being donated to the Liberal Party or anyone else through a series of fake and phoney companies established in a maze to disguise the true source of their donation. The true source of that donation were associates of Mr Rob Gerard, who told Vickie Chapman and the Premier several years ago that he would arrange for any shortfalls in money to be topped up. He certainly did: he got his mate Mr Henderson to make a few phone calls and put in place a series of webs of deceit to ensure that the process would be difficult to trace. We forced this Government into insisting that eventually the truth had to come out, but it is not the whole truth. The whole truth will come out, let me promise you.

The provisions in this legislation will be the toughest on the disclosure of campaign donations ever seen in any State or Territory of this country. I challenge the Premier to have the courage and the decency to stand up in this House and vote for this legislation so there can be no more of this nonsense, no more of these evasions and no more of these untruths. I look forward to a constructive debate about this legislation in this Chamber. I look forward also to Mr Gerard and Mr Henderson having their own news conference where they have to answer the questions that Mr Gerard denied four weeks ago.

Mr LEWIS (Ridley): What a hypocritical louse!

The SPEAKER: Order! I would suggest to the member for Ridley that those comments are not appropriate.

Mr LEWIS: Yes, Sir. He gets onto the body politic and sucks blood wherever he can find bare flesh. The truth is that it is absolutely irrelevant as to where the money came from for Catch Tim, because there was no connection between it and anything this Government has done or said it would do or will do. There is absolutely no impropriety whatever. Everything which the Premier has said about this and the other related matters and which the Opposition alleges reveal impropriety has been shown to be of no consequence to the benefit and interests of all South Australians. I do not know that he deserves even to be given the kind of recognition that membership of this place provides for him to do this sort of thing. He does not have the guts to say it outside. If it were true in any degree, surely he would have the courage to do that. But no; it is all a fabrication. We know the man's reputation in that regard. I have said enough about him; I have better things to do.

I would like to draw attention to a real problem that has been bedevilling our community, and that is prostate cancer. Mr Speaker, do you know that, of the 38 men in this Chamber this afternoon, in all probability four of us will be dead with prostate cancer within 20 years? Statistically it is almost certain that one of us will be and likely that as many as 13 will be, yet nothing much is known about this disease. The problem is that insufficient research has been done on the disease, sharply contrasted with the problem of breast cancer, which does not have as high an incidence. We must note that the *British Journal of Cancer*, the most respected journal on this matter, has drawn attention to the problem in its 1991 edition, where it points out that the incidence of prostate cancer had virtually doubled over the past 30 years. For such a common tumour, it is absolutely remarkable that so little is known about its molecular origins.

When we look at these statistics and the paucity of research and so on, that has to be put into perspective against the kind of claptrap carried on with in this place by members opposite, including the Leader and his so-called shadows. The level of debate about real issues of concern for welfare and compassion really amazes me, where we have one member bringing in Bills about how to kill people mercifully and another member saying how we need to track down the source of funds that the Liberal Party received, while over 10 per cent of the population of men will die from prostate cancer and we do nothing about it. It is important that we also recognise that the only way we can find out whether someone is affected is to do a DRE, that is, put a finger in the ringer. It is a gloved digital examination of the prostate area, but there is a 40 per cent certainty of missing the cancer, because it is like trying to find out what is on the other side of the moon by examining the exposed face very meticulously with a telescope. DRE on its own is notoriously unreliable. Studies have shown that up to 40 per cent of prostate cancers are missed by this method. Apart from that, there are blood tests and ultrasound.

Whilst it is rare in men under 50, the incidence rises rapidly as you approach 70, and 50 per cent of men at that age will have it. That does not mean they will die of it immediately or necessarily die of it at all, but the fact is that they do have it, it can be debilitating and over 10 per cent will die of it. We need to do more about examining how it is to be diagnosed and then controlled. Waiting and watching is not appropriate. Men certainly need to visit their doctors more regularly and, wherever advised, consult a urologist immediately for tests. We need to know too that the only solution at this time is a radical prostatectomy, that is, the total removal of the prostate gland. That has serious implications for permanent impotence and incontinence. Men should have the right to make an informed decision. Most men over 50 with a life expectancy of 25 years would want to know whether they were going to die from this cancer.

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

Ms HURLEY (Napier): I want to talk about a local issue, and I refer to community and neighbourhood houses which we all have in our electorates. Community and neighbourhood houses serve a community development function and they have a range of courses and activities in a number of different areas, including craft type courses as well as courses in literacy, self-esteem and nutrition. Many or most of them run youth groups as well. These courses all have a prevention focus to head off problems within the local community, to provide activities for people, to build up a good community atmosphere and to increase the value and self-esteem of that community.

They are established and managed by the local community and most of them rely heavily on volunteer work. In my own area, the Davoren Community Centre has a number of volunteers who work almost full time at the centre involved in reception work, office work and running courses and assisting with that work. Similarly, the Lynay Centre in Blakeview has a large number of volunteers who give their time to the management committee and to assist with courses. This is something that is being increasingly encouraged in our community. People in the local areas are able to get together and determine what they need and help put that into practice. Many of the community and neighbourhood houses have a paid coordinator and possibly additional staff, depending on their size, who assist in the work.

Because all members I hope would be well aware of neighbourhood houses and the valuable work they do in their electorate, I want to highlight the work of the Community and Neighbourhood Houses and Centres Association Incorporated, commonly known as CAN. This group was established in 1980 to represent and support neighbourhood houses. It is and has been funded since 1980 by Family and Community Services and also receives some funding from the Adult Community Education Unit.

CAN forms the peak body for about 90 neighbourhood houses and community centres and provides support and advocacy for these groups, which is very important. As we would all know, the reality of the situation is that most groups—community, volunteer, whatever—have to fight fairly hard for funding. This group provides much support and assistance in lobbying, and so on, and I believe will become more active in these areas.

A third mainstream of its function is information dissemination, and again we all know how important the role of information is in our society today. It is of principal importance in positioning groups and in communicating and developing positions. So, as well as newsletters and mail-outs, CAN maintains a database and conducts seminars and conferences to inform community houses and the people who work in them of the latest trends and information that assists them in their work.

My local neighbourhood houses, Davoren Community Centre and Lynay Community Centre, are members of CAN, which I know appreciates the work being done through them. Those two neighbourhood houses perform very different functions in my electorate. Davoren Community Centre is in an area of great disadvantage and does a lot of remedial and preventive work in the community with disadvantaged people and youth. It is simply an invaluable institution in the area in which it works. The Lynay Community Centre is in a newly developing area of Blakeview and has different requirements but also does valuable work.

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

Mr KERIN (Frome): I will speak about actions of the Transport Workers Union, which has singled out certain transport businesses to attempt to drag them under a Federal award. Amazingly, it appears in my part of the world that the union has targeted those businesses where the owner/operators actually belong to the union and have ignored those who do not. Through doing this, the union heavies have really displayed incredible disloyalty to their members in

singling them out and shown their true colours by certainly putting their own interests way in front of those who have been financial members for a long time. The ultimate result of this union selfishness will be lost jobs and dismantled businesses.

The businesses of the operators I am aware of who have been attacked have been built up as a result of hard work, good management and a willingness to have a go and employ a few people despite the enormous disincentives which were evident in business over the past 10 to 15 years when these businesses grew up. A unanimous reaction from businesses as I have gone around to see them is that they see no reason to continue to employ people, with all the barriers the union is putting in their way, and the union appears to be hell-bent on destroying them in favour of the big transport companies. I will quote from a letter written by a woman who, along with her husband, I have witnessed build up a very strong but small trucking business. She writes:

> We run a small transport business from our home. . . We employ one driver who works locally in Adelaide and two drivers who, with my husband, run Adelaide to Port Pirie with groceries/Coca-Cola and lead return.
>
> The Federal branch of the Transport Workers Union has issued a ludicrous log of claims to our company and 125 others. . . Under their award, we will have to pay our drivers an extra $5.25 per hour plus all the extras it entails. It also means we won't be able to complete a reasonable enterprise agreement that would have been available under the State award.
>
> I feel we should not be allowed to be bullied into this. The big companies have probably instructed their legal section to deal with the matter. I'm sitting at my kitchen table wondering what I can do.
>
> Our employees are all members of the TWU and are as concerned as I am over this action. We have talked at length with them about all possibilities, and they realise that our future, and theirs, is in doubt. They are angry that their union is working against them.
>
> Our success has come from the fact our business is small and approachable. I am not the transport manager directing some cowboy to go to Perth and be back in Brisbane by tomorrow night. Our drivers are sitting home with their families for their evening meal every night. I am not the payroll clerk carefully calculating and keeping all the appropriate records. I am writing out the pay cheques while I sit at netball practice or wherever. More and more of my time is being taken over by the business. I am primarily a wife and mother and I resent the fact that my family are losing out on my time. These bully boy tactics mightn't worry the big boys, but they have meant sleepless nights to me. I do not want to see our business ended—we have worked long and hard to build our reputation.

From knowing these people, I certainly know how long and hard they have worked and the sorts of things they have gone without over time to build that business. I also know that a lot of these people were basically incited into joining the union because there were certain places where there was a refusal to load unless they had a union ticket. They agreed to pay up. Now, after being members of the union for quite a few years, the union has turned around and bitten them.

Not only do the operators affected fear the attentions of the union, but the employee members I have been speaking with also feel it is absolutely ridiculous. They know these small businesses will not be viable any longer if they are forced to do what the union wants them to do under the Federal award. Many of these drivers are based in smallish country towns and there is no alternative employment. They therefore feel that, due to the selfishness of the union leaders who are putting their own agenda above that of their members, these businesses could fold. There is absolutely no reason why these small operators would continue to employ people. They would be better off going back to one truck and using subcontractors for any extra work, all because of the actions of a few bullies who want to get up in the union movement.

Mrs GERAGHTY (Torrens): I am sure there is a lot more to that story than just the circumstances that the honourable member has outlined. One of the great things that I see in this place—and I do not mean 'great' as a complimentary term at all—is the union bashing that goes on in this place. It does no-one any good and certainly is no credit to the Government, I can assure the honourable member.

Mr Kerin interjecting:

Mrs GERAGHTY: I bet you did not investigate it properly. I want to follow up my comments about WorkCover and show how two of my constituents have been incredibly poorly treated by case managers at WorkCover. Both of my constituents had relatively minor injuries, yet the treatment they received from WorkCover so disrupted their entire lives that one has become psychologically disabled and the other is certainly physically disabled. We should be asking: what is wrong with WorkCover? That is what the Government ought to be looking at, because—

Mr Kerin: We are.

Mrs GERAGHTY: You are looking at it in monetary terms. It is always money. Let us look at what is wrong with it in relation to injured workers. Injured workers constantly come up against bureaucratic red tape, and that bureaucratic red tape is answerable to no-one but the Minister. WorkCover administration is, quite simply in my opinion, and I am sure the opinion of many others, mismanaging millions of dollars on ludicrous programs that provide no benefit to anyone. As I said before, it employs bully-boy tactics and even blackmail over injured workers. It simply fails to inform injured workers of their rights and about proper safety, and quite often WorkCover case managers are intentionally changed just prior to a review case. Of course, the case is then adjourned.

The system could work very well, but at the moment it is failing miserably because of poor administration. WorkCover administration ought to be held accountable for its actions and held responsible for what it is doing to injured workers. It is about time the Government acted to ensure that people with similar stories—and there are thousands of them out there—are not left to an administration that is failing to do the job it was put there to do. It is up to the Government to police this system and to ensure that it is working correctly.

We should not be withdrawing services and rights to injured workers. The attitude of the administration is driving people to despair. Injured workers are not treated with any dignity. They are clients of a service—a service that is there because we have injured workers. It is not some sort of kindness being shown by a benefactor. The service is there because of the needs of injured workers. One of the biggest criticisms of WorkCover is its failure to rehabilitate.

WorkCover should be focused on return to work but, sadly, that is not the case. People are not encouraged to return to the work force. People want to return to work but are not encouraged or given any assistance, although they are given plenty of verbal abuse and harassment. It is high time that the rights of injured workers are addressed; that case managers concentrate on proper rehabilitation programs and stop harassing and discriminating against people simply because they are injured workers.

Mr BROKENSHIRE (Mawson): As a member of the tourism portfolio committee, and as someone who not only

is very interested in State development through tourism (because it is of benefit to the whole of my electorate) but also because of my particular interest in and passion for tourism, I was delighted last night to go with the member for Goyder and other members on this side for our regular fitness exercise—or one could say our irregular exercise—along Rundle Mall. It was great to see another new initiative that the South Australian Tourism Commission is putting before residents of South Australia.

Not only is the commission, as a professional organisation, going out nationally and internationally to market tourism opportunities within South Australia thereby generating jobs but it is promoting holidays within South Australia involving, for example, people from the West Coast choosing to holiday on the great Fleurieu Peninsula, and vice versa. It is also working with local tourist associations and communities to make sure that they become involved in marketing their own regions. In addition, I was delighted to see the publication *Country Holidays* sent out by Minister Ingerson—and I congratulate the Minister on his efforts with respect to promoting tourism—which highlights the importance of diversification of our mainstream agriculture and of providing further opportunities to maintain our families in the rural areas.

What a marvellous publication it is. Last night we compared it to many other publications throughout Australia, and we tried to be fairly critical. As a group we have been attempting to improve tourism promotion and to look at what has been done interstate. This publication is superior to other publications distributed by tourism commissions in Australia and overseas. We also know how popular and successful the 'Shorts' program has been, and this can only augur well for our future. I appeal to people in South Australia involved in tourism, and particularly those tourist operators in my electorate of Mawson, to take note of the new documents, publications, products and packaging that are now available, and not say, 'I would have liked to be involved in the *Country Holidays* brochure but I wasn't aware of it.'

They must watch their papers or telephone their local members of Parliament and ask, 'What is the Tourism Commission doing at the moment?' This is only the start of many exciting things for South Australia as we see further activities aimed at the development of tourism in our State. It is a vast improvement on the record of the Leader of the Opposition and his shabby efforts as Tourism Minister in this State. Day after day we put up with the ridiculous rubbish he goes on with, continually trying to pull down our Party—a Party of which I am very proud—because he has no answers for this State.

I have said before, and frankly I will have no hesitation in telling people I meet in future, that the Leader of the Opposition has no interest whatsoever in helping to get this State going. He could not do it as Minister for Tourism, he could not do it as Minister for Industry, Manufacturing, Small Business and Regional Development, and he certainly will not ever do it as Premier, because he has clearly demonstrated to this House and the people of South Australia that he neither deserves nor has the ability ever to be a Premier.

All he can do is stay in the gutter and carry on with the sort of thing that most South Australians are frankly sick to death of. All I can say is, 'Keep it up, Leader of the Opposition, and we will stay in Government for a long time.' Unfortunately, it is not only the Leader of the Opposition who uses shabby tactics but also his shadow Ministers. For example, the member for Elizabeth has deliberately avoided debating a motion placed on the Notice Paper by the member for Reynell on 25 August last year—seven months ago—yet she seeks to create the impression that she cares, and would have this House and the wider public believe that we do not, and that we are not doing anything about the Factor VIII treatment for haemophiliacs, particularly children. That really disappoints me.

Mr ATKINSON: I rise on a point of order, Mr Acting Speaker. The member for Mawson—who should remain seated while I am making a point of order—has imputed improper motives to the member for Elizabeth contrary to Standing Orders, namely, that she deliberately avoided having a matter debated on the Notice Paper.

The ACTING SPEAKER (Mr Bass): Will the member for Mawson please resume his seat.

Mr LEWIS: Mr Acting Speaker, under what Standing Order is the member for Mawson required to resume his seat? Get your facts straight.

The ACTING SPEAKER: The member for Spence has a point of order.

Mr ATKINSON: My point of order was that, during his contribution, the member for Mawson said that the member for Elizabeth was deliberately obstructing debate on an item on the Notice Paper in private members' time. I put it to you, Sir, that that is imputing improper motives to the member for Elizabeth contrary to Standing Orders and to practice, and I ask the member for Mawson to withdraw the imputation.

The ACTING SPEAKER: I do not accept that there is a point of order. I indicate to the member for Mawson that, as there was a point of order in respect of a comment he made, I asked him to return to his seat in case he was called on to withdraw his remark.

JOINT COMMITTEE ON WOMEN IN PARLIAMENT

The Hon. R.B. SUCH (Minister for Employment, Training and Further Education): I move:

That the joint committee have leave to sit during the sitting of the House today.

Motion carried.

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

A quorum having been formed:

MINING (SPECIAL ENTERPRISES) AMENDMENT BILL

The Hon. D.S. BAKER (Minister for Mines and Energy) obtained leave and introduced a Bill for an Act to amend the Mining Act 1971. Read a first time.

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

That this Bill be now read a second time.

I insert the second reading explanation in *Hansard* without my reading it.

This Bill is aimed at making some important changes to the Mining Act. The changes will establish a regime with the necessary provisions to allow the Act to better deal with major mining enterprises. While new developments are expected to result from the South Australian Exploration Initiative, in due course, some existing projects should also benefit from the amendments.

With the SAEI now well publicised it is timely to give the appropriate signals to industry that South Australia is not just the place to invest exploration funds but also development funds.

Therefore, the changes will create a climate wherein mining investors can be attracted to South Australia in the knowledge and confidence that an appropriate regime exists to deal with large

projects, and the regime recognises differing needs of projects. These changes will, however, not diminish the rigour with which proposals for mining development are assessed in this State before approval to proceed is given.

The approach is to introduce flexibility into the Mining Act by providing for provisions of the Act to be varied to accommodate large projects. There are three important elements to this:

(a) the concept of a special mining enterprise,

(b) a proposal put forward by a proponent, and

(c) an Agreement ratified by the Governor.

The concept of a Special Mining Enterprise is established by the Bill. Such an enterprise must be of major significance to the State and therefore justify special treatment. Accordingly, a project "Proposal" would be required to clearly define the Special Mining Enterprise. The proposal would set out the nature, extent and scheduling of the proposed mining development and include an economic analysis. The "proposal" is the basis on which the economic benefits can be assessed and appropriate terms and areas for leases can be determined.

The proponent will also be required to provide an assessment of the expected social and environmental impacts, a scheme of how the land would be rehabilitated and measures that will be taken by the proponent to protect Aboriginal sites and objects.

Further, an agreement, ratified by the Governor, is also envisaged for the exercise of powers under this amendment. The proponent of a project would be exempted from specified provisions of the Act or the application of provisions would be varied in accordance with the terms of the agreement. The approach has the flexibility to be project specific.

It is expressly intended that a mining tenement could be granted to cover all proposed activities associated with development of a mineral deposit for a term and area appropriate to the operations as described in the "Proposal". At present the Act has significant area, term and renewal constraints for tenements that mean they are not suitable for large projects.

The amendments will also require that the Minister notifies the public of decisions to grant exemptions or variations by placing a notice in the Gazette.

The Government believes that this measure will provide an incentive to the development of the mining industry in this State and I accordingly commend this Bill to honourable members.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will come into operation on a day (or days) to be fixed by proclamation.

Clause 3: Insertion of s. 41—Suspension or cancellation of lease

In conjunction with the proposed insertion of a new Part relating to special mining enterprises, it has been decided to make express provision in relation to the power of the Minister to suspend or cancel a mining lease if the lessee fails to comply with a term or condition of the lease. The Minister will be required to follow any procedure under the lease before he or she takes action to suspend or cancel a lease. A lessee will be able to appeal to the ERD Court against a suspension or cancellation.

Clause 4: Amendment of s. 56—Suspension and cancellation of licence

This amendment provides consistency with proposed new section 41 in relation to the power of the Minister to suspend or cancel a miscellaneous purposes licence, by requiring the Minister to comply with any procedures under the licence before taking such action, and including a right of appeal to the ERD Court.

Clause 5: Insertion of Part 8A

It is intended to enact a new Part relating to mining enterprises that are of major significance to the economy of the State. New section 56A sets out the object of the Part, which is to provide incentives for the establishment, development or expansion of major mining enterprises by allowing greater security and flexibility of tenure. New section 56B describes the nature of a mining enterprise that will be able to be brought within the operation of these provisions. The exercise of powers under this Part will be supported by a special agreement, that will need to be ratified by the Governor. An application under this Part will need to be supported by a proposal that addresses various matters, including the economic benefits expected to be derived from the enterprise and an assessment of social and environmental impacts. The application will be able to be made in relation to an area of land of any size, and the applicant will not need to have pegged out a mineral claim. While an application is being determined, the subject land will be "frozen", i.e., no competing claims can be made in respect of the land. If an application is refused, the applicant has a period of 28 days to decide whether to apply for "ordinary" mining tenements. If an application is accepted and an agreement entered into under this Part, the Minister will be able, under new section 56C and in accordance with the terms of the agreement (as ratified by the Governor), to grant various exemptions under the Act, or to vary the application of various requirements of the Act. New section 56D will facilitate the amalgamation of various existing tenements (if any) held in respect of the relevant enterprise.

Mr QUIRKE secured the adjournment of the debate.

STATUTES AMENDMENT (FEMALE GENITAL MUTILATION AND CHILD PROTECTION) BILL

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

I insert the second reading explanation in *Hansard* without my reading it.

The principal object of this Bill is to enact criminal offences and specific preventive powers aimed to eliminate or minimise the incidence of female genital mutilation.

Female genital mutilation (FGM), otherwise known as female circumcision, is a practice which mainly occurs in, but is not confined to, a number of countries. It may range from the ritual nicking of the female genitalia to what is known as ‘infibulation’, which is the wholesale removal of all external female genitalia and the closure of the vaginal opening. In general terms, FGM is believed to be practiced by some families from African countries such as Kenya, Somalia, Sudan, Egypt, Nigeria, Uganda, and Tanzania, and Arab countries including Oman and Yemen. This is not a full list. In addition, the extent of the practice among families in Malaysia and India is not known, but some families are believed to take part in this practice.

There is no defensible case for the practice in any form. The Family Law Council has addressed the arguments for the practice, and rightly dismissed them. It is also arguably contrary to a number of international agreements to which Australia is a signatory. The most specific of these is the UN Declaration on Violence Against Women. The practice is also contrary to Article 24(3) of the Convention on the Rights of the Child and it is that convention which places an obligation on Australia to address the practice.

On October 25, 1994, the Attorney-General made a Ministerial statement to the Legislative Council in which he announced the intention of the Government to legislate to outlaw FGM specifically. In November 1994, all Attorneys-General except the Attorney-General of Western Australia, agreed that specific legislation should criminalise female genital mutilation. The Attorney-General of Western Australia will await draft legislation before deciding whether to act. All jurisdictions took the view that a comprehensive and targeted community education programme must accompany such legislation.

The general social aim of outlawing FGM is to strengthen the right to protection of women and children. Apart from the obvious issue of the right to bodily integrity, FGM is associated with a range of health problems in women and girls which are likely to interfere with their capacity to reproduce and therefore to form their own families in the future. In the longer term, the explicit prohibition of FGM should lead to the enhancement of the status of women and children in the cultural groups involved and increased equality within the family unit.

There is no doubt that almost all instances of FGM are criminal under existing law. The question whether FGM is criminal or not turns on whether consent is a defence to the actions of the person performing the act. An adult may not in law consent to the infliction of actual bodily harm or worse unless the act can be justified in terms of medical benefit or the public interest. FGM is not in the public interest, nor is it medically justified. It follows that FGM amounting to actual bodily harm is criminal.

Where a child is involved, the rules similarly apply to any adult trying to consent on behalf of the child. The High Court, in what is known as Marion’s case, made it clear that the child’s parent or

guardian's consent must be in the best interests of the child, not merely in the biological sense but also in social and psychological senses. A parent or guardian could not consent to sterilisation of a child unless a court approved. The High Court specifically said that FGM was an instance in which a parent or guardian could not consent.

Nevertheless, specific legislation is recommended because the matter has never been tested at law and a specific offence is appropriate both to make sure and to send a clear and unequivocal message to those involved, or who may be involved.

The first part of the Bill contains two criminal offences to be inserted into the *Criminal Law Consolidation Act*. The first of these specifically targets those who actually perform these operations, clearly states that the consent of the victim or the victim's parents or guardians is no answer to the charge. In accordance with the Ministerial Statement, this offence does not target parents, but rather seeks to ensure that there is no-one available who will perform the operation, even if the parents desire it. The Bill also makes it clear that normal medical procedures are not affected.

The second offence is aimed at preventing and deterring the export of children off-shore to places where the operation is more freely available. It contains a reverse onus clause in relation to the intention to have the child subjected to the procedure, but that reverse onus clause does not come into operation unless the child has been taken from the State and the operation has actually been done. In such a case, the inference of intention is a quite logical and reasonable one.

The second part of the Bill contains an amendment to the *Children's Protection Act*. Clearly, prevention is better than penalising people after the event. Apart from an education campaign targeting the population at risk, there should be a clear power to intervene if a reasonable suspicion is entertained that a child may be subjected to the practice either here or elsewhere. The result of the enactment of specific criminalising legislation, and communication of its message, may be that children will be taken from Australia to have the practice performed in an overseas country where a more tolerant approach is taken. The proposed criminal offence directed at this behaviour will be very difficult to enforce. And in a number of such cases, it may well be too late for the child.

The powers and functions contained in the *Children's Protection Act* do not currently clearly cover the case in which it is reasonably believed either that a child is at risk of the practice or that a child may be taken out of South Australia for the purpose. Further, the objective of the Act which refers to the preservation and enhancement of the child's sense of racial, ethnic, religious and cultural identity does not make it clear that this may not be the case where there is conflict with international obligations or the democratically based condemnation of the South Australian community. As with the enactment of specific criminal offences, specific preventive legislation is contained in the Bill because the matter has never been tested at law and a specific reference is appropriate both to make sure, and to send a clear and unequivocal message to those involved, or who may be involved.

In view of these factors, the Bill proposes a separate set of provisions dealing specifically with this problem. The object of the provisions is to give the Court full power to step in and make an order effectively 'freezing' the situation should it find that there are reasonable grounds to suspect that a child might be at risk of female genital mutilation. The Bill also makes it clear that this is not a cultural or racial or religious practice which is ever in the best interests of the child.

The third part of this Bill also contains some amendments to the *Children's Protection Act*.

Section 27(2) of the Act requires a Family Care Meeting to be held before any application can be made under Division 2 of Part 5 of the Act. That includes applications for extensions, changes in access times and arrangements and other minor ancillary orders. It is simply unnecessary to require Meetings as a matter of law unless the application relates to a matter which is truly determinative of the child's future. The result is that the Family Care Meeting system will collapse under the weight of a large number of unnecessary meetings. It is therefore proposed to amend s 27(2) so that a Family Care Meeting is only required where the Minister is applying *either* (i) for the first order of custody or guardianship under s 38(1)(b), (c) *or* (ii) for a guardianship until 18 under s 38(1)(d).

Consequentially, s 27 is to be amended to give the Court power to order that a Family Care Meeting be held—or be not held—if, in the opinion of the Court, either order is appropriate in the circumstances of the case.

Section 55 of the Act establishes the Children's Protection Advisory Panel'. Section 55 (2) says that the maximum number of members of the panel is to be 5. In December 1994, the Minister for Family and Community Services decided to disband the Child Protection Council and expand the role and functions of the Advisory Panel. It is proposed to amend s 55 to enlarge the Panel and to widen its remit. These amendments are necessary to ensure that there is no gap between the closure of the Council and the expansion of the Panel and to ensure that there is at all times a legitimate co-ordinating and advisory body in existence.

I commend the Bill to the House.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause is an interpretation provision. It specifies that a reference in this Bill to 'the principal Act' is a reference to the Act referred to in the heading to the Part of this Bill in which the reference occurs.

PART 2

AMENDMENT OF CRIMINAL LAW CONSOLIDATION ACT 1935

Clause 4: Insertion of ss. 33-33B

This clause inserts a new division into Part 3 of the principal Act, which deals with offences against the person. The new division concerns the practice of female genital mutilation and contains the following provisions:

33. Definitions

This section defines the terms used in the division. Of particular significance is the definition of 'female genital mutilation' which is defined to mean—

(a) clitoridectomy; or

(b) excision of any other part of the female genital organs; or

(c) a procedure to narrow or close the vaginal opening; or

(d) any other mutilation of the female genital organs,

but does not include a sexual reassignment procedure or a medical procedure that has a genuine therapeutic purpose (as defined by subsection (2)).

33A. Prohibition of female genital mutilation

This section provides that a person who performs female genital mutilation is guilty of an offence and is liable to imprisonment for a period of seven years.

Subsection (2) makes it clear that the consent of the victim or the victim's parents or guardian does not negate criminal liability.

33B. Removal of child from State for genital mutilation

This section provides that it is an offence to take a child from the State, or arrange for a child to be taken from the State, with the intention of having the child subjected to female genital mutilation. The penalty is, again, seven years imprisonment.

Subsection (2) provides the prosecution with an aid to proof of intention for the offence.

PART 3

AMENDMENT OF CHILDREN'S PROTECTION ACT 1993

Clause 5: Insertion of Division 6

This clause inserts a new division into the principal Act dealing specifically with female genital mutilation as follows:

DIVISION 6—OTHER ORDERS

26A. Definitions

This section provides for definitions in the same terms as those inserted in the *Criminal Law Consolidation Act 1935*.

26B. Protection of children at risk of genital mutilation

This section provides that if the Youth Court of South Australia ('the Court') is satisfied that there are reasonable grounds to suspect that a child may be at risk of female genital mutilation, the Court may make orders for the protection of the child.

An order under this section might for example—

(a) prevent a person from taking the child from the State; or

(b) require that the child's passport be held by the Court; or

(c) provide for the periodic examination of the child to ensure that the child is not subjected to female genital mutilation.

An application for an order under this section may be made by a member of the police force or by the Chief Executive Officer.

The Court may make ex parte orders under this section, however, in that case the Court must allow the person against whom the order is made a reasonable opportunity to appear before the Court to show why the order should be varied or revoked.

Subsection (5) overcomes any confusion or difficulty that might be caused by the provisions of section 4(2)*(e)* of the Act, by providing that in proceedings under this section the Court must assume that it is in the child's best interests to resist pressure of racial, ethnic, religious, cultural or family origin that might lead to genital mutilation of the child.

Clause 6: Amendment of s. 27—Family care meeting must be held in certain circumstances

This clause amends section 27 of the principal Act by substituting a new subsection (2). New subsection (2) lists certain specific circumstances in which the Minister will be required to convene, or make all reasonable endeavours to convene, a family care meeting ie. where an application is to be made for an initial order under section 38(1)*(b)* or *(c)* or any order under section 38(1)*(d)*.

Clause 7: Amendment of s. 38—Court's power to make orders

This clause amends section 38(1) of the principal Act by inserting two new paragraphs into the list of orders that the Court can make. These new paragraphs provide that the Court can order—

— that a family care meeting be convened in respect of a child; or

— that, despite any provision of this Act, the Minister is not obliged to convene or hold a family care meeting in respect of a child.

Clause 8: Amendment of s. 55—Children's Protection Advisory Panel

This clause amends section 55(2) of the principal Act to change the maximum number of members of *Children's Protection Advisory Panel* from five to eight and to ensure that the Panel has a general power to provide recommendations to the Minister in relation to the administration of the Act.

Mr QUIRKE secured the adjournment of the debate.

CONSUMER CREDIT (SOUTH AUSTRALIA) BILL

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

I insert the second reading explanation in *Hansard* without my reading it.

This Bill and the *Credit Administration Bill 1995* are both essential to the introduction of the uniform Consumer Credit Code as law in South Australia. The Code has been the subject of many years of debate and negotiation between industry, consumer groups and governments at both the State and Federal level. In the last two years the Code has undergone rapid development and changed significantly from previous, early drafts. Such changes were largely the result of an extensive program of consultation with these differing groups, some of which had become alienated from the uniformity process. This was particularly the case with the representatives of the credit industry.

The Code, which is the subject of a Uniformity Agreement made at the Ministerial Council on Consumer Affairs, represents the final, agreed form of the legislation.

All other Australian States and Territories are in the process of introducing similar Bills to these two. The *Consumer Credit Act (Queensland) 1994* passed through the Queensland Legislature in September 1994 and that Act now provides the template legislation which all other States and Territories are to adopt.

National, uniform credit legislation will enable credit providers to adopt standard operating procedures, thereby reducing costs and for the first time, the majority of credit providers, including banks, building societies and credit unions, will be subject to the same credit laws for consumer lending. Representatives of the credit industry have had considerable input into the Code in order that common lending practices and procedures could be taken into account to reduce cost both to the lender and consumer.

Few areas are capable of impacting on consumers as significantly as credit. The family home and often the family car are usually purchased with funds borrowed through a lending institution. Many if not most persons have at least one credit card. Older members of the community often act as guarantors for younger ones where they are related to each other. Individuals and families will benefit from the Code's emphasis on disclosure of information, prior to entering into the credit contract and during its term, when they are making decisions about the management of personal finances.

The Code will apply to the provision of credit, including mortgages and guarantees, to ordinary persons and strata corporations where the credit is provided wholly or predominantly for personal, domestic and household purposes and where a charge is to be made for provision of the credit. Rural finance and business lending are not covered, and there are a number of other specific exemptions such as trustees of deceased estates and employee loans.

This Bill adopts the Code, which is essentially an Act of the Queensland Parliament, as a South Australian Act.

The issue of the appropriate jurisdiction in which Code matters can be heard has been left as an individual decision for each State. Under the *Consumer Credit (South Australia) Bill*, it is proposed that the jurisdiction for the Code be determined as follows:

1. Matters relevant to contractual disputes between the lender and the consumer will be dealt with by the District Court. An example of this type of provision would be the re-opening provisions under section 71. Bearing in mind the complex nature of many credit transactions and the fact that the prudential standing of the lender could be at risk, it is important for such matters to be heard by a judicial officer with some experience in commercial and credit law and for this reason the District Court should be preferred.

2. The provisions of Part 6 of the Code which impose civil penalties would be dealt with by the Administrative and Disciplinary Division of the District Court. Civil penalties are non-criminal sanctions imposed for breaches of the Code and have an effect akin to that of a disciplinary sanction.

3. Under the Code all criminal offences are dealt with summarily and would be heard in the Magistrate's Court.

Uniform national consumer credit laws will benefit members of the credit industry and consumers as one piece of legislation will apply to all credit transactions and national uniformity of procedures will reduce the risk of genuine error and loss by the credit provider.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Definitions

This clause defines various terms used in the Bill.

Clause 4: References to Queensland Acts

This clause provides that a reference to a Queensland Act includes a reference to that Act as amended from time to time and an Act passed in substitution for that Act.

PART 2

CONSUMER CREDIT (SOUTH AUSTRALIA) CODE AND CONSUMER CREDIT (SOUTH AUSTRALIA) REGULATIONS

Clause 5: Application in South Australia of the Consumer Credit Code

This clause provides that the *Consumer Credit Code* applies as a law of South Australia and may be referred to as the *Consumer Credit (South Australia) Code*.

Clause 6: Application of regulations

Subclause (1) provides that the regulations under Part 4 of the *Consumer Credit Act* apply as regulations in force for the purposes of the *Consumer Credit (South Australia) Code* and may be referred to as the *Consumer Credit (South Australia) Regulations*.

Where regulations under Part 4 of the *Consumer Credit Act* take effect from a specified day that is earlier than the day when they are notified in the Queensland Government Gazette subsection (1) of this section has effect, and is taken always to have had effect, as if those regulations had taken effect under the *Consumer Credit Act* from the specified day.

If a provision of the *Consumer Credit (South Australia) Regulations* is taken to have effect before the day of notification of the regulations the provision does not operate:

— so as to prejudicially affect the rights of a person (other than a Government authority) existing before its date of publication; or
— to impose liabilities on a person (other than a Government authority) in respect of anything done or omitted before the date of publication.

Clause 7: Interpretation of some expressions in the Code and Regulations

This clause defines various terms used in the *Consumer Credit (South Australia) Code* and the *Consumer Credit (South Australia) Regulations* and provides that the *Acts Interpretation Act 1915* does not apply to this Act, the *Consumer Credit (South Australia) Code* or the *Consumer Credit (South Australia) Regulations*.

PART 3
CONFERRAL OF JUDICIAL AND ADMINISTRATIVE FUNCTIONS

Clause 8: Conferral of judicial functions on courts and Commercial Tribunal

This clause confers jurisdiction under the *Consumer Credit (South Australia) Code* on the District Court of South Australia. In the case of an application under Part 6 of the Code, however, only the Administrative and Disciplinary Division of the District Court may determine the application.

Clause 9: Conferral of administrative functions

The Commissioner for Consumer Affairs has the functions of the State Consumer Agency under the Code and the regulations.

PART 4
GENERAL

Clause 10: Crown is bound

This clause provides that the scheme legislation of South Australia binds the Crown.

Clause 11: Amendment of certain provisions

If the Ministerial Council approves a proposed amendment of the *Consumer Credit Act* or regulations under that Act and approves regulations to be made under this Act in connection with the operation of the proposed amendment or regulations, the Governor may make regulations in accordance with the approval which vary the effect in South Australia of that Act or those regulations.

Clause 12: Special provision concerning offences

This clause is an interpretative provision which provides that a reference in the *Consumer Credit (South Australia) Code* to a court of summary jurisdiction is a reference to the Magistrates Court of South Australia and if an offence against the *Consumer Credit (South Australia) Code* may be dealt with summarily, the offence may be dealt with by a Magistrate sitting alone according to the provisions of the *Magistrates Court Act 1991*.

Clause 13: Maximum annual percentage rate

This clause gives the Governor power to make regulations prescribing a maximum annual percentage rate for any credit contract or class of credit contract. Subclause (2) then provides that Division 2 of Part 2 of the Code (which limits the debtor's monetary obligations) applies in relation to a prescribed maximum annual percentage rate as if that rate had been prescribed by the Code.

SCHEDULE
Repeal and transitional

The schedule repeals the *Consumer Credit Act 1972* ("the repealed Act") and provides for transitional arrangements as follows:
— the Governor may make regulations of a transitional nature consequent on the enactment of the Act;
— the repealed Act applies (subject to any modifications prescribed by regulation) to contracts and securities entered into before the commencement date;
— the repealed Act applies (subject to any modifications prescribed by regulation) to credit provided on a revolving charge account established before the commencement date until the date of transition fixed in the regulations, but as from the date of transition the *Consumer Credit (South Australia) Code* applies to such credit, subject to any modifications prescribed by regulation.

Mr ATKINSON secured the adjournment of the debate.

CREDIT ADMINISTRATION BILL

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

I insert the second reading explanation in *Hansard* without my reading it.

This Bill is the companion legislation to the *Consumer Credit (South Australia) Bill 1995*.

The Code does not address matters pertaining to the licensing and discipline of credit providers but leaves this to the decision of individual States. As intimated in amendments to the existing credit laws, I have proposed that credit providers in South Australia be negatively licensed. As well as being the most sensible and effective form of regulation for this industry, negative licensing overcomes the constitutional difficulties which would be present in any licensing regime which attempted to license banks.

This Bill puts in place a disciplinary regime for credit providers along similar lines to that which presently exists. An additional ground for disciplinary action, that of breach of an Assurance given to the Commissioner for Consumer Affairs under the *Fair Trading Act*, has been added. While the full range of sanctions, from reprimand to disqualification from the industry, will be available against most lenders, Banks, again for Constitutional reasons, could not be the subject of a disqualification order.

Where considered to be appropriate by the presiding judicial officer, the Court may sit with assessors. These assessors will be persons whose background and expertise is relevant to area of consumer credit.

The Bill also establishes a Fund, pursuant to section 106 of the Code, into which money derived from the imposition of civil penalties will be paid. Monies standing to the credit of the Fund will be accessible for two purposes, namely towards the cost of administering the Fund and for any other purpose approved by the Minister.

I commend the Bill to the House.

Explanation of Clauses

PART 1
PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause defines certain terms used in the Bill. In particular—
"Court" is defined to mean the Administrative and Disciplinary Division of the District Court of South Australia;
"credit" has the meaning given in the *Consumer Credit (South Australia) Code*;
"credit provider" means a person who provides credit and includes a prospective credit provider.

Clause 4: Commissioner to be responsible for administration of Act

The Commissioner for Consumer Affairs will be responsible for the administration of the Act, subject to the directions of the Minister.

PART 2
CONTROL OF CREDIT PROVIDERS

Clause 5: Basis of disciplinary action

This clause provides that disciplinary action may be taken against a credit provider if the credit provider has acted contrary to an assurance accepted by the Commissioner under the *Fair Trading Act 1987* or if the credit provider or any other person has acted unlawfully, improperly, negligently or unfairly in the course of conducting, or being employed or otherwise engaged in, the business of the credit provider.

If disciplinary action can be taken against a corporate credit provider such action can also be taken against each of its directors, however, disciplinary action cannot be taken against a credit provider or a director for the act or default of another if the credit provider or director could not reasonably be expected to have prevented that act or default.

The section is expressed to apply to conduct occurring before or after the commencement of the Act.

Clause 6: Complaints

The Commissioner or any other person can lodge a complaint with the Court.

Clause 7: Hearing by Court

When a complaint is lodged the Court must conduct a hearing to determine if disciplinary action should be taken. The Court may adjourn the hearing to enable the Commissioner to further investigate the complaint and may allow modification of the complaint or may allow additional allegations to be included in the complaint, subject to any appropriate conditions.

Clause 8: Participation of assessors in disciplinary proceedings

This clause allows the Court, when determining a disciplinary matter, to sit with assessors who have been appointed in accordance with schedule 1.

Clause 9: Disciplinary action

After hearing a complaint the Court may make an order or orders—

- — reprimanding the defendant; or
- — imposing a fine not exceeding $8 000; or
- — where it is constitutionally within the jurisdiction of the court, prohibiting the defendant from carrying on the business of a credit provider; or
- — prohibiting the defendant from being employed or otherwise engaged in the business of a credit provider; or
- — prohibiting the defendant from being a director of a corporate credit provider.

The Court may order that a prohibition is to apply permanently, for a specified period, until the fulfilment of conditions or until further order, or the Court may impose conditions about the conduct of the person or the person's business until a time fixed in the order.

Before making an order the Court must consider the effect the order would have on the prudential standing of the credit provider.

Subsection (4) prevents a person being penalised twice in respect of the same conduct.

Clause 10: Contravention of prohibition order

A person must not carry on the business of a credit provider in contravention of an order of the Court. The maximum penalty for this offence is $30 000 or imprisonment for six months.

If a person is employed, or otherwise engages, in the business of a credit provider or becomes a director of a corporate credit provider, in contravention of an order of the Court, that person and the credit provider are each guilty of an offence and are liable to a fine of $8 000.

Clause 11: Register of disciplinary action

The Commissioner must keep a register of disciplinary action taken under this Act and of any assurance given by a credit provider under the *Fair Trading Act 1987*. A person may inspect the register on payment of a fee fixed by regulation.

Clause 12: Commissioner and proceedings before Court

The Commissioner is entitled to be joined as a party to proceedings and may appear personally in the proceedings or may be represented at the proceedings by counsel or other representative.

Clause 13: Investigations

The Commissioner of Police must, at the request of the Commissioner, investigate matters that might constitute grounds for disciplinary action.

PART 3
THE FUND

Clause 14: Consumer Credit Fund

This clause establishes the *Consumer Credit Fund* for the purposes of section 106 of the *Consumer Credit (South Australia) Code*.

The Fund will be administered by the Commissioner and will consist of money paid as a civil penalty under the *Consumer Credit (South Australia) Code* and interest as well as any money required to be paid into the fund under this or any other Act.

The Commissioner may invest money constituting, or forming part of, the Fund in accordance with the regulations.

Money standing to the credit of the Fund is to be applied by the Commissioner in payment of the costs of administering the fund and in making any other payment authorised by the Minister.

PART 4
MISCELLANEOUS

Clause 15: Liability for act or default of officer, employee or agent

An act or default of an officer, employee or agent of a person will be taken to be an act or default of that person unless it is proved that the person could not be reasonably expected to have prevented the act or default.

Clause 16: Offences by bodies corporate

If a body corporate is guilty of an offence, each member of its governing body and the manager are guilty of an offence and liable to the same penalty on conviction unless it is proved that the person could not by the exercise of reasonable diligence have prevented the commission of that offence.

Clause 17: Prosecutions

Proceedings for an offence must be commenced within two years or, with the authorisation of the Minister, at a later time within five years after that date.

A prosecution for an offence against this Act cannot be commenced except by the Commissioner, an authorised officer under the *Fair Trading Act 1987* or a person who has the consent of the Minister to commence the prosecution.

In any proceedings, a document purporting to certify authorisation of, or consent to, a prosecution for an offence will be accepted, in the absence of proof to the contrary, as proof of the authorisation or consent.

Clause 18: Annual Report

The Commissioner must, on or before the 31 October in each year, submit to the Minister a report on the administration of this Act during the period of 12 months ending on the preceding 30 June and the Minister must, within six sitting days cause a copy of the report to be laid before each House of Parliament.

Clause 19: Regulations

The Governor may make regulations for the purposes of this Act.

SCHEDULE 1

Appointment and Selection of Assessors for Court

This schedule provides for the appointment of panels of persons who are representative of credit providers and persons who are representative of members of the public who deal with credit providers to act as assessors for the purposes of disciplinary proceedings under Part 2. In any proceeding in which it is considered appropriate to have assessors it is then up to the presiding judge to select one member from each representative panel to sit with the Court in the proceedings.

SCHEDULE 2

Transitional Provisions

If an order is in force under Part III of the *Consumer Credit Act 1972* immediately before the commencement of this Act suspending a person's licence as a credit provider, or disqualifying a person from holding a licence as a credit provider, the order has effect as if it were an order of the District Court under Part 2 of this Act.

Mr ATKINSON secured the adjournment of the debate.

RETAIL SHOP LEASES BILL

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

Consideration in Committee

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

That the House of Assembly insist on its amendments.

Motion carried.

COOPERATIVES (ABOLITION OF COOPERATIVES ADVISORY COUNCIL) AMENDMENT BILL

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

I insert the second reading explanation in *Hansard* without my reading it.

The purpose of this Bill is to amend the *Co-operatives Act 1983*, to remove the provisions establishing the Co-operatives Advisory Council and its functions.

The Council was established to provide advice to the Minister principally in relation to promotion in forming, and improvement in operation of, co-operatives, and also model rules for co-operatives and proposed regulations under the Act.

There are 88 registered co-operatives in South Australia, a few of which are in liquidation or are otherwise inactive. The number has been in decline in recent years and this is principally due to what were the larger co-operatives transferring their activities to companies. This has occurred primarily in the face of increased competition and an inability to raise sufficient funds within a co-operative structure to for example finance expansion.

During the last term of office of members, no meetings of the Council were convened.

The issues currently confronting some participants in the industry in South Australia, and particularly co-operatives which are registered in the eastern States, are those which relate to the ability to trade freely across State boundaries under the various State and Territory co-operatives legislation.

The Co-operative Federation of S.A. Incorporated has provided a forum for its member co-operatives on representations to the Government in relation to these issues. It also canvassed the views of co-operatives which are not members of the Federation during this process of providing comments to the Government. The President and Secretary of the Federation are the delegate and alternate delegate to the National Co-operative Council of Australia, which is an industry umbrella body of the various State co-operative federations or associations.

In the absence of a formal mechanism for industry consultation with the Government, the Co-operative Federation will be invited where necessary to submit the industry views in relation to any future legislative proposals, on the basis that it will circularise all registered co-operatives. These processes will not preclude individual co-operatives from making representations to Government.

There seems no point in maintaining a statutory committee which does not meet and whose functions can be better fulfilled by other means.

The objective of de-establishing the Council is consistent with Government policy to only provide for statutory committees where they are necessary.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Repeal of s. 3

Section 3 sets out the arrangement of the Act which is obsolete and superseded by the Summary of Provisions.

Clause 4: Repeal of Part 2 Division 2

This Division contains the sections dealing with the Co-operatives Advisory Council which is no longer required. By repealing this Division, the Council is abolished.

Mr QUIRKE secured the adjournment of the debate.

GAMING SUPERVISORY AUTHORITY BILL

Consideration in Committee of the Legislative Council's amendment:

Page 2 (clause 5)—After line 2 insert new subclause as follows:—

'(1a) At least one member must be a woman and one a man.'

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

That the Legislative Council's amendment be agreed to.

This amendment was inserted in the other place. It relates to gender balance and, of course, the Government is more than happy to accept the amendment.

Mr QUIRKE: The Opposition wishes to support those remarks and thanks the Government for its acceptance of the amendment from the other place. Indeed, this will become a standard amendment to establish gender balance on every board that comes before us from now on.

Motion carried.

DOG AND CAT MANAGEMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1—After line 16 insert new clause as follows:-

'Objects

2A. The objects of this Act are—

(a) to encourage responsible dog and cat ownership;

(b) to reduce public and environmental nuisance caused by dogs and cats;

(c) to promote the effective management of dogs and cats (including through encouragement of the desexing of dogs and cats).'

No. 2. Page 5, line 23 (clause 11)—Leave out '6' and insert '7'.

No. 3. Page 5 line 24 (clause 11)—Leave out 'five' and insert 'six'.

No. 4. Page 5, line 29 (clause 11)—Leave out paragraph *(b)* and insert new paragraph as follows:-

'*(b)* three persons—

(i) who together have the following attributes:

(A) veterinary experience in the care and treatment of dogs or cats;

(B) a demonstrated interest in the welfare of dogs or cats;

(C) a demonstrated interest in the keeping and management of dogs or cats; and

(ii) who have been selected from a panel of persons nominated, in accordance with the directions of the Minister, by associations or bodies that, in the opinion of the Minister, have a relevant interest.'

No. 5. Page 5, lines 30 to 33 (clause 11)—Leave out subclause (3).

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

'(4a) At least one member of the Board must be a woman and one a man.'

No. 7. Page 6, line 4 (clause 11)—Leave out '(who must not be the member nominated by the Minister)' and insert '(who must be one of the members representing the LGA)'

No. 8. Page 9 (clause 20)—After line 12 insert new paragraph as follows:-

'*(ba)* to inquire into and consider all proposed by-laws referred to it under this Act, with a view to promoting the effective management of dogs and cats, and, to the extent that the Board considers it appropriate, the consistent application of by-laws throughout South Australia;'

No. 9. Page 32, lines 9 to 17 (clause 65)—Leave out the clause and insert new clause as follows:-

'Liability for dogs[1]

65.(1) The keeper of a dog is liable in tort for injury, damage or loss caused by the dog.

(2) It is not necessary for the plaintiff to establish—

(a) negligence; or

(b) knowledge of the dog's vicious, dangerous or mischievous propensity.

(3) However, the keeper's liability is subject to the following qualifications:

(a) if the injury, damage or loss results from provocation of the dog by a person other than the keeper, the keeper's liability (if any) will be decided according to the *Wrongs Act 1936* principles;

(b) if the injury, damage or loss results from an attack on the dog by an animal for the control of which the keeper is not responsible, the keeper's liability (if any) will be decided according to the *Wrongs Act 1936* principles;

(c) if the injury, damage or loss is caused to a trespasser on land on which the dog is kept, the keeper's liability (if any) will be decided according to the *Wrongs Act 1936* principles;

(d) if the injury, damage or loss is caused while the dog is being used in the reasonable defence of a person or property, the keeper's liability (if any) will be determined according to the *Wrongs Act 1936* principles;

(e) if the injury, damage or loss is caused while the dog is in the possession or control of a person without the keeper's consent, the keeper's liability (if any) will be determined according to the *Wrongs Act 1936* principles;

(f) the keeper's liability (if any) is subject to any other defence available under the law of tort.

(4) If the plaintiff's negligence contributed to the injury, damage or loss, the damages will be reduced to the extent the court thinks just and equitable having regard to the plaintiff's share in responsibility for injury, damage or loss.[2]

(5) In this section—

'keeper' of a dog means the owner of the dog, or if the owner is under 18 years of age, the child's parents or guardians, and includes a person into whose possession the dog has been delivered;

'provocation' means—

(a) teasing, tormenting or abusing the dog;

(b) any act of cruelty towards the dog;

(c) attacking the owner of the dog, or a person towards whom the dog could reasonably be expected to be protective, in front of the dog.

[1.] At common law, the keeper of an animal was strictly liable for injury caused by the animal if the animal was *ferae naturae* (*i.e.* an undomesticated animal). If the animal was *mansuetae naturae* (*i.e.* a domestic animal), liability was dependent on proof of *scienter* (*i.e.* knowledge of the animal's dangerous or mischievous propensity).

These rules were abolished by Part 1A of the *Wrongs Act 1936* which provides that negligence is the basis of liability. This section, however, qualifies the *Wrongs Act 1936* principles by imposing strict liability in relation to dogs subject, however, to statutory qualifications.

[2]Compare Wrongs Act 1936 s.27A(4).'

No. 10. Page 39, lines 1 to 4 (clause 89)— Leave out subclause (2) and insert new subclauses as follow:-

(2) Without limiting the generality of subsection (1), the by-laws may—

(a) limit the number of dogs or cats that may be kept on any premises;

(b) fix periods during which dogs or cats must be effectively confined to premises occupied by a person who is responsible for the control or entitled to the possession of the dog or cat;

(c) require dogs or cats to be identified in a specified manner or in specified circumstances;

(d) require dogs or cats to be effectively controlled, secured or confined in a specified manner or in specified circumstances;

(e) make provision for a registration scheme for cats (including payment of a fee for registration) and encourage the desexing of cats;

(f) exempt (conditionally or unconditionally) classes of persons or activities from the application of the by-laws or specified provisions of the by-laws.

(2a) By-laws under this Act—

(a) may be of general application or limited application;

(b) may make different provision according to the matters or circumstances to which they are expressed to apply;

(c) may provide that a matter or thing in respect of which by-laws may be made is to be determined according to the discretion of the council.'

No. 11. Page 39, line 5 (clause 89)—Leave out 'such a by-law' and insert 'a by-law limiting the number of dogs or cats that may be kept on premises'.

No. 12. Page 39, line 6 (clause 89)—After 'prevent dogs' insert 'or cats'.

No. 13. Page 39, line 7 (clause 89)—Leave out 'at the kennel'.

No. 14. Page 39, line 8 (clause 89)—After 'section' insert 'subject to the following modifications:

(a) a council must, at least 42 days before resolving to make the by-law (and consequently at least 21 days before public notice of the proposed by-law is given) refer the proposed by-law to the Board; and

(b) at the same time the council must provide a report to the Board—

(i) outlining the objects of the proposed by-law; and

(ii) setting out how it is proposed to implement or enforce the proposed by-law; and

(iii) explaining the reasons for any difference in the proposed by-law from other by-laws about a similar subject matter applying or proposed to apply in other council areas; and

(c) the council must consider any recommendations of the Board relating to the by-law.'

The Hon. D.C. WOTTON: I move:

That the Legislative Council's amendments be agreed to.

In doing so, I wish to recognise the support that has been given to this legislation by members in another place and by all political Parties. I am aware that a significant scare campaign has been introduced regarding this legislation, and I want to make quite clear that people who respect and care for their cats have nothing to fear from this legislation. It is of concern to me that such a fear campaign has been introduced. Suggestions have been made that pet cats will be destroyed as a result of this legislation. That is not the case. If people care for their animal, it will be protected under this legislation.

This legislation is about two things in particular: first, it is about the promotion of responsible cat management; and, secondly, it is about dealing with stray cats. It is about identification of cats. People have a choice of two options: first, a simple collar and a tag, or a disc, which would provide either a telephone number or an address; and, secondly, a microchip, which is implanted and which may be the way owners wish to go. Surely, if people care for their cats, it is not too much to expect them to purchase a collar and place a disc on it.

One of the issues that has been raised today as part of this scare campaign is that, if people place a collar on their cat, it will be killed as a result of hanging itself or whatever the case might be. The RSPCA is currently providing cat collars and, if people wish to do so, they can make inquiries of that organisation. It is a very well respected organisation in relation to its dealings with the public on pet management. This is a very sensitive subject and it has been a very emotive debate, and I am very much aware of the amount of lobbying that has taken place since this legislation was introduced. It is a very emotive subject. I make no bones about the fact that the Government has adopted a middle of the road approach to this legislation. There are those people who are saying that we could have gone a lot further; and others are saying that we have gone too far.

The legislation does not provide for compulsory registration or compulsory desexing. At this stage we are told that some 92 per cent of owned cats are desexed, and it was felt that it was not necessary to move towards compulsory desexing in this legislation. I am very pleased with the outcome of the dog and cat management legislation, and I remind members that it does deal with the management of dogs as well as cats. I believe that this legislation will go a long way towards ensuring that native fauna is protected from stray cats in this State. It will also achieve a more responsible approach by cat owners in this State. I am pleased to support the amendments that come from another place.

Motion carried.

INDUSTRIAL AND EMPLOYEE RELATIONS (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 2, lines 8 to 21 (clause 4)—Leave out subsections (2) to (5) and insert new subsections as follow:

(2) However, an association, or two or more associations of employees, may enter into an enterprise agreement on behalf of the group of employees to which the agreement applies if the association or associations are authorised by a majority of employees constituting the group to act on their behalf.

(3) An authorisation given to an association by an employee for the purposes of subsection (2) is effective for a term or two years unless the employee by written notice given to the association revokes it before the end of that term.

(4) A member of an association is taken to have given the association an authorisation for the purposes of subsection (2) for as long as the member remains a member of the association unless the member by written notice given to the association withdraws the authorisation.

(5) If—

(a) an employer proposes to have an enterprise agreement with a group of employees who are yet to be employed by the employer; and

(b) the employees—

(i) are of a class not currently, or formerly, employed by the employer or arelated employer in South Australia; or

(ii) are to be engaged in operations of a kind that are not currently, and have not been formerly, carried on by the employer or a related employer in South Australia,

the employer may enter, on a provisional basis, into an enterprise agreement (a 'provisional enterprise agreement') with a registered association of employees that is able under its rules to represent the industrial interests of the employees.'

No. 2. Page 2 (clause 4)—After line 24 insert new subsection as follows:

(7) Employers are related for the purposes of this section if—

(a) one takes over or otherwise acquires the business or part of the business of the other; or

(b) they are corporations—

(i) that are related to each other for the purposes of the Corporations Law; or

(ii) that have substantially the same directors or are under substantially the same management; or

(c) a series of relationships can be traced between them under paragraph (a) or (b).

No. 3. Page 3, lines 16 to 22 (clause 6)—Leave out subparagraph (ii) and insert new subparagraph as follows:

(ii) if, in the course of the renegotiation, the employer and the group[1] reach agreement (either in the same or on different terms), the agreement is, on its approval under this Part, to take the place of the provisional agreement and, if agreement is not reached, the provisional agreement lapses at the end of the period fixed for its renegotiation.

[1]The group may, if the appropriate authorisation exists, be represented in the negotiations by an association or associations of employees—See section 75.'

No. 4. Page 3, lines 26 to 30 (clause 6)—Leave out subsection (8).

No. 5. Page 4, lines 8 to 17 (clause 9)—Leave out subsection (2A) and insert new subsection as follows:

(2A) The Commission cannot order the payment of compensation exceeding six months' remuneration at the rate applicable to the dismissed employee immediately before the dismissal took effect, or $30 000 (indexed), whichever is the greater.'

No. 6. Page 4—After line 17 insert new clause as follows:

Amendment of s.115—Freedom of association

9A. Section 115 of the principal Act is amended by striking out subsection (3) and substituting the following subsections:

(3) A person must not—

(a) require another to become, or remain, a member of an association; or

(b) prevent another from becoming or remaining a member of an association of which the other person is, in accordance with the rules of the association, entitled to be a member; or

(c) induce another to enter into a contract or undertaking not to become or remain a member of an association.

Penalty: Division 4 fine.

(4) A contract or undertaking to become or remain, or not to become or remain, a member of an association is void.'

No. 7. Page 5, line 4 (clause 11)—Leave out'be' and insert'by'.

No. 8. Page 5, lines 5 to 12 (clause 11)—Leave out paragraph (c).

No. 9. Page 5—After line 12 insert new clause as follows:

Amendment of s.198—Assignment of Commissioner to deal with dispute resolution.

11A. Section 198 of the principal Act is amended by striking out from subsection (2)'between the parties to' and substituting'arising under'.'

No. 10. Page 5, lines 13 to 18 (clause 12)—Leave out the clause.

Amendment No. 1:

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

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

Leave out proposed subsection (3) and insert:

(3) An authorisation given to an association by an employee for the purposes of subsection (2) is (subject to revocation by the employee) effective for—

(a) two years after the authorisation is given; or

(b) if an enterprise agreement is entered into on the basis of the authorisation—for the term of the enterprise agreement,

(whichever is the lesser period).

An employee may revoke an authorisation under this section by giving written notice of revocation to the association.

In proposed new subsection (5) after (a 'provisional enterprise agreement') insert 'binding on the employees who become members of the group with the Employee Ombudsman as representative of the group or'.

After proposed subsection (5) insert:

(5a) The Employee Ombudsman enters into an enterprise agreement under this section only in a representative capacity and the agreement may not impose obligations on the Employee Ombudsman personally.

We are amending this amendment because it contains important deficiencies. First, it confuses the clear policy distinction in the Act between a union's role in representing its members in enterprise agreements on the one hand, and a union's role in being the party to the enterprise agreement on the other hand. The Government is not opposed to unions being parties to agreements. However, the Government is opposed to unions having the ongoing authority of a group of employees to be a party beyond the life of an agreement for the following reasons.

First, all groups of employees will obviously change over time. Whilst it is appropriate policy to bind new members of the group to the decisions of their predecessors for a short period of time, that is, the life of the current agreement, it would not be appropriate to have them bound on an ongoing basis into the future. Secondly, these authorisations are being given to an association or associations by employees who may well not be members of the association and who may have no intention of becoming a member. In either case, when an employee authorises an association to be a party to an enterprise agreement, the employee is not authorising the association to be an agent acting on their behalf. These decisions should rightfully be separate, with the former being determined each time a new agreement is reached in the context of the specific agreement.

On the issue of an individual giving an ongoing right of representation to an association, I point out that it is not necessary, as there is currently no restriction to the giving of such authorisation in section 87 of the Act. Secondly, the amendment places unreasonable restrictions on the proposed mechanism whereby new businesses and major projects can access the new enterprise bargaining provisions of the Act—provisional enterprise agreements. It limits what is an important pro-development mechanism that the Government is initiating. The amendment does this by allowing a trade union but not the Employee Ombudsman to be the respondent party to a provisional enterprise agreement.

This proposal is based on an argument that registered associations are better able to represent the interests of employees than the Employee Ombudsman. In fact, the real effect is to provide a guaranteed opportunity for trade unions to monopolise and control a greenfields site as a ready-made site for recruitment. Such a situation, we believe, cannot be justified on policy grounds and unduly restricts the options of companies considering new projects in South Australia.

Mr ATKINSON: The Opposition is happy with the Bill as it comes from another place. The Opposition is worried that the Government version is an inducement to employers to set up bogus greenfields enterprises with a view to evading existing industrial arrangements. In order to protect existing industrial agreements entered into by registered trade unions, we oppose the Government's proposed amendment which appears to us to be an inducement to establish a greenfields site enterprise which is not in fact a greenfields site with a view to welching on agreements.

The Hon. G.A. INGERSON: Briefly, the Government is aware of the concerns of members opposite and that is why

we have suggested that the amendment from another place ought to include the Employee Ombudsman, who has been recognised within the community, for the past 12 months at least, as being an alternative, if you do not have a union. I accept to some extent what the member for Spence is saying, but we believe that by putting in the Employee Ombudsman it caters for everyone.

Mr ATKINSON: Much as the Opposition is a supporter of the man who is the Employee Ombudsman, we nevertheless have reservations about the office and whether it could really represent the interests of workers who, at the stage negotiations would be at when a greenfields site was about to be established, do not actually exist. We think that registered trade unions can better represent the interests of workers who are to be employed in the future on that site and whose identity we do not know but whose vocation we know and whose vocation has hitherto been represented by a registered trade union, better represented than by an Employee Ombudsman who after all is a public servant and has no intimate connection with the vocation the interests of which are to be defended.

The Hon. G.A. INGERSON: I need to make a further comment, because the inference from the member opposite is that the unions are the only people who have the ability to represent at that primary stage and into the future. It is my view that there is also a strong argument that, if the unions are the only ones allowed to be involved in the agreement before setting up in a greenfields site, they can attempt to guarantee coverage in future, and that should not necessarily be automatic. I am not saying in any circumstances it should not be the case, but it should not necessarily be guaranteed, and that is why we believe the alternative of the Employee Ombudsman gets the agreement through the commission and gets the business started.

Our proposal is that within six months of the agreement being set up the employees so covered can decide whether they want union representation or whether they want to represent themselves. It is really a mechanism to enable greenfields sites to set up enterprise agreements. When we introduced the Bill in the first session, this greenfields site problem was not properly covered in the enterprise agreement area. Obviously, it is in the award area but not in the enterprise agreement area.

Motion carried.

Amendments Nos 2 and 3:

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

That the Legislative Council's amendments Nos 2 and 3 be agreed to.

Motion carried.

Amendment No. 4:

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

That the Legislative Council's amendment No. 4 be disagreed to.

Motion carried.

Amendment No. 5:

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

That the Legislative Council's amendment No. 5 be agreed to.

Motion carried.

Amendment No. 6:

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

That the Legislative Council's amendment No. 6 be agreed to with the following amendment:

Leave out proposed subsection (4) and insert:

(4) If an employee employed under an award or enterprise agreement enters into a contract, or gives an undertaking, to become or remain, or not to become or remain, a member of an association, the contract or undertaking is void.

I should like to make a brief comment in moving this alternative amendment. Whilst the Government supports the principles behind the amendment, it is considered that situations may arise when it is inappropriate for executives and managers in a firm to be subject to this limitation. The Government's amendment provides for such flexibility by limiting the application of this clause to employees who are employed either under an award or an enterprise agreement.

Motion carried.

Amendments Nos 7 to 9:

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

That the Legislative Council's amendments Nos 7 to 9 be agreed to.

Motion carried.

Amendment No. 10:

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

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

The amendment is procedural in nature and is required due to the existence in a number of Acts and regulations of references to 'industrial agreements' which are no longer being created. Some of the instruments which contain this reference include the Workers Rehabilitation and Compensation Act 1986, the Construction Industry Long Service Leave Act 1987, (State) Long Service Leave Act 1987 and the Industrial and Commercial Training Act 1981.

Not only are industrial agreements no longer being created under the new Act but, in accordance with the transitional provisions, existing industrial agreements have a limited life not exceeding two years from the date of proclamation (August 1994). As a consequence, these instruments under the Act are soon to become obsolete.

Motion carried.

RETAIL SHOP LEASES 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 3.30 p.m. on Tuesday 21 March, at which it would be represented by Messrs Atkinson, S.J. Baker, Cummins, Ms Geraghty and Ms Greig.

ADJOURNMENT

At 5 p.m. the House adjourned until Tuesday 21 March at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 14 March 1995

QUESTIONS ON NOTICE

PARKING PERMITS

181. **Mr ATKINSON:** Why must frail and elderly users of the Noarlunga Volunteer Transport Service apply for parking permits individually rather than the service being granted a blanket permit by the Department of Transport?

The Hon. J.W. OLSEN: Current legislation limits the issue of disabled persons' parking permits to individuals who have a permanent physical disability that severely restricts their speed of movement. These criteria were introduced in 1978 on the recommendation of the 'Right Committee on the Rights of Persons with Handicaps'. The committee specifically recommended that the issue of disabled persons' parking permits should be restricted to persons with a permanent disability.

A review is being undertaken on behalf of the Department of Transport and the Department of Housing and Urban Development to clarify desirable respective responsibilities of State and local government in the regulation, enforcement and administration of on-road parking, private area parking and the disabled persons' parking permit scheme. The issue of disabled persons' parking permits to persons with a temporary disability and to organisations involved in the transport of disabled persons is being considered in the review.