HOUSE OF ASSEMBLY

Thursday 23 March 1995

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

RETAIL SHOP LEASES BILL

At 10.31 a.m. the following recommendations of the conference were reported to the House:

As to Amendment No. 1:

That the House of Assembly do not further insist on its amendment.

As to Amendment No. 2:

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendments Nos 3 to 5:

That the House of Assembly do not further insist on its amendments.

As to Amendment No. 6:

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 7:

That the House of Assembly amend its amendments by striking out '$200 000' and substituting '$250 000', and that the Legislative Council agree thereto.

As to Amendments Nos 8 to 11:

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 12:

That the House of Assembly do not further insist on its amendment but make the following amendment in lieu thereof:

Clause 13, page 6, line 27—Leave out 'Tribunal' and insert 'Magistrates Court' and that the Legislative Council agree thereto.

As to Amendment No. 13:

That the House of Assembly do further insist on its amendment but make the following amendment in lieu thereof:

Clause 25, page 14, line 34—After 'rent' insert, 'a component of rent or outgoings', and that the Legislative Council agree thereto.

As to Amendments Nos 14 and 15:

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 16:

That the Legislative Council do not further insist on its disagreement thereto and that the House of Assembly make the following consequential amendment:

New clause, page 35, after line 21—Insert new clause as follows:

Vexatious acts

79A. A party to a retail shop lease must not, in connection with the exercise of a right or power under this Act or the lease, engage in conduct that is, in all the circumstances, vexatious.

Maximum penalty: $5 000.

and that the Legislative Council agree thereto.

As to Amendments Nos 17 to 19:

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendments Nos 20 to 33:

That the House of Assembly do not further insist on its amendments.

As to Amendment No. 34:

That the House of Assembly do not further insist on its amendment but make the following amendments in lieu thereof:

Clause 75, page 34, line 4—Leave out 'Industry' and insert 'Retail Shop Leases'.

Clause 75, page 34, lines 5 to 12—Leave out subclauses (2) and (3) and insert—

(2) The Committee will be constituted in the manner prescribed by the regulations.

(3) The regulations may also provide for—

(a) the procedures of the Committee; and

(b) other matters relevant to the functions or operation of the Committee.

and that the Legislative Council agree thereto.

As to Amendment No. 35:

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 36:

That the House of Assembly do not further insist on its amendment but make the following amendments in lieu thereof:

Clause 77, page 34, line 20—Leave out 'continuous'.

Clause 77, page 34, line 21—Leave out paragraph (b).

Clause 77, page 34, line 22—Leave out 'special'.

Clause 77, page 34, line 23—Leave out 'special' twice occurring.

Clause 77, page 34, lines 24 to 27—Leave out subclauses (2) and (3).

and that the Legislative Council agree thereto.

As to Amendments Nos 37 and 38:

That the Legislative Council do not further insist on its disagreement thereto and that the House of Assembly make the following consequential amendment:

Clause 66, page 31, line 9—After 'mediation of' insert—

(a) [include remainder of line 9]; or

(b) a dispute related to any other matter relevant to the occupation of the premises or to a business conducted at the premises.

and that the Legislative Council agree thereto.

As to Amendments Nos 39 and 40:

That the House of Assembly do not further insist on its amendments.

As to Amendments Nos 41 to 43:

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 44:

That the House of Assembly do not further insist on its amendment.

As to Amendment No. 45:

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 46:

That the House of Assembly do not further insist on its amendment.

SOCIAL DEVELOPMENT COMMITTEE: UNEMPLOYMENT

Mr LEGGETT (Hanson): I move:

That the sixth report of the committee on long-term unemployment and the adequacy of income support measures be noted.

I rise to speak on the report of the Social Development Committee on long-term unemployment and the adequacy of income support measures, which was handed down in this House on 9 March. In 1992 when this matter was referred to the Social Development Committee, the unemployment rate in South Australia was 12 per cent and the rate for the whole of Australia was 10.4 per cent. This poor showing by South Australia in the number of jobless prompted the then member for Stuart (Mrs Colleen Hutchison) to say:

Unemployment is one of the biggest single problems that we face in both country and urban areas.

Mrs Hutchison then moved a motion referring the issue of unemployment to the Social Development Committee stating:

. . . so that we can investigate ways in which to do something positive to attack the unemployment program in our State.

The social and economic harm which unemployment causes not only to the individual but also to society as a whole is, of course, well documented. For the individual, over time, unemployment leads to reduced skill level, reduced self-esteem, and financial and social isolation. For society as a whole, there are increased costs. For example, it is known that the unemployed are over-represented in health statistics, having 50 per cent more doctor visits, 35 per cent more hospital admissions, and nine times more suicides than the rest of society. It is also known that unemployment contri-

butes to both domestic violence and marriage breakdown. For society as a whole, the economic cost of long-term unemployment from both a business and social welfare perspective is high.

If one looks at a breakdown of the unemployed by age it produces a very disturbing picture indeed; unemployment being the most prevalent amongst young people aged under 30 years, with this group making up over 50 per cent of unemployed people. It is interesting to note that within this group the 15 to 19 year age group remains especially high, even with increased retention rates in education. This certainly tells us something about the necessity of education for securing employment. Statistics in respect of the long-term unemployed show that 40 per cent of people who have been unemployed for more than one year are aged under 30 years with 20 to 24 year olds having the highest rate. In addition to these disturbing figures, it must also be noted that both Aboriginal and Torres Strait Islanders and people of non-English speaking background make up a disproportionately higher percentage of the unemployed. It is probably not far from the mark to say that Australia's and South Australia's ability to correct this over-representation will have implications on long-term economic and social stability.

The committee's terms of reference were broad and, at the time the committee began its investigation, the Federal Government convened the Committee on Employment Opportunities to examine the causes, extent and characteristics of unemployment and to prepare a discussion paper outlining options for assisting unemployed people back into the work force. The final result of that committee was the Working Nation report. To undertake its investigation that committee was provided with a research staff of 23 people, but as members would know the research staff provided to a standing committee of this Parliament comprises a single research officer.

With similar terms of reference but vastly different resources available, the Social Development Committee agreed that it would not be an effective use of the committee's resources to attempt to duplicate the work of the federally convened committee. We have produced a report which provides an overview of both Federal and State initiatives designed to reduce unemployment. Initiatives introduced by the State include a set of programs designed to create jobs and reduce unemployment by attracting increased business investment. Of particular note are five programs designed to assist school leavers and long-term unemployed people find employment. I briefly outline these schemes, as follows:

1. The WorkCover subsidy scheme. This scheme, which is designed to encourage small to medium businesses take on additional employees, provides for payment of the WorkCover levy for one year for each additional employee taken on who is either a recent school leaver or who has been unemployed for the previous six months.

2. The payroll tax rebate scheme. This three tiered scheme is for businesses involved in the value adding exporting of goods or services. A rebate of 10 per cent is available for existing exporters. A 50 per cent rebate is available for businesses which demonstrate that sales growth is attributable to company growth, the establishment of new ventures or relocation of operations from another State. Exemption from payroll tax is available for any additional full-time staff taken on who have been continuously out of work for at least six months.

3. The traineeship and group training schemes. The sum of $1.5 million has been allocated for the expansion of industry training to meet industry specific shortages. Employers in the building, retail, electrical and metals industries will also be helped by a $50 a week subsidy for each new trainee taken on.

4. The employment broker scheme. The sum of $1.5 million during 1994-95 has also been provided for this program in which private agencies act as central brokers, employing young people and then contracting them out as required to businesses that need their services. Young people employed under this scheme receive award wages and the broker covers employment costs.

5. The Greening Urban South Australia scheme. For this scheme $1 million has been allocated to help councils establish more parklands in urban areas. The scheme is designed to provide long-term unemployed people with landscaping and other environmental skills. In addition to these schemes the Government has also introduced the Young Farmers Incentive Program, the business development plan scheme and the export employment scheme.

As I stated, the unemployment rate in South Australia in 1992 was 12 per cent, 1.6 per cent above the national average. In January this year the rate had fallen to 9.8 per cent, only .8 per cent above the national average. Whilst this is still too high, the improvement in South Australia's level of unemployment is heartening, and I am sure that, by working in conjunction with the Federal Government, South Australia will continue to address the difficult issue of long-term unemployment. I commend the report to the House.

Motion carried.

ELECTORAL (POLITICAL CONTRIBUTIONS AND ELECTORAL EXPENDITURE) BILL

The Hon. M.D. RANN (Leader of the Opposition) obtained leave and introduced a Bill for an Act to make provision for the collection and public inspection of information relating to political contributions and electoral expenditure associated with parliamentary elections; and for other purposes. Read a first time.

The Hon. M.D. RANN: I move:

That this Bill be now read a second time.

This Bill is historic in nature and historic in scope. It seeks to guarantee full, open and public accountability by any person or organisation involved in South Australian parliamentary elections. Above all, it is about honesty and full disclosure, not sham disclosure. It is consistent with Commonwealth legislation in this area, but in the area of political donations it goes further by closing perceived loopholes in that legislation. It goes much further by imposing a ban on donations by foreign companies not registered in Australia and individuals not resident in this country. My Bill also seeks to prevent the laundering of donations through a web of companies, a practice the intent of which is only to subvert existing laws and to cover up the true identity of those really making the donations.

It also requires the listing of directors and key shareholders of companies making donations. The cornerstone of our Westminster parliamentary democracy is free and democratic elections. If there is even a hint of impropriety about anything to do with the conduct of an election, then our entire democratic process is contaminated. The soiling of our electoral processes occurs when there is a deliberate attempt to hide who is really behind donations and, instead, we see

front companies and phoney donors put forward to hide the identity of those standing behind them. The Western Australian Royal Commission into the Commercial Activities of Government, and other matters (the WA Inc. inquiry), stated emphatically under the heading of'Political finance':

> First, our inquiries have convinced us that a wide-ranging disclosure Act is essential if the integrity of our governmental system is to be secured. The secret purchase of political influence cannot be tolerated. Nor can we have the situation where those who are dealing with government are pressured by political leaders to make donations far in excess of amounts which they would contemplate if accorded freedom of choice.
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> Secondly, and parallelling the disclosure of donations, we believe the public is entitled to be informed as to how those donations are spent for electoral purposes. This form of disclosure is itself a significant means of verifying the disclosure of donations. Equally, it provides some check upon malpractice and deception in the electoral process. Above all, the electoral process itself must be open. The public's knowledge of how moneys are expended to solicit their votes is central to an open system.

This Bill in many ways is similar to legislation introduced in South Australia on two previous occasions. As a member of the former Arnold Government I was proud that our Attorney-General (Hon. Chris Sumner) sponsored disclosure legislation in 1993. That legislation was opposed by the Liberals and the Democrats. In Opposition Chris Sumner again introduced his legislation in February 1994. That Bill was defeated by the combined vote of the Liberals and the Democrats, but the central issues remain to be tackled in this State.

With my legislation in place, the public will be able to scrutinise Government and Opposition policy and the processes of decision making and check whether decisions have been influenced in any way by campaign donations that must be listed and disclosed by the law of the State. This Bill is about full and public accountability of politicians and political Parties. The obligations of the Bill fall on political Parties, candidates, companies or individuals—in fact, anyone who participates in or seeks to influence the outcome of a State election.

The Bill therefore sets up various reporting requirements, and these requirements are not particularly onerous. As far as political Parties are concerned, the information required for returns to the State Electoral Commissioner will be much the same as the information required to be furnished to the Commonwealth Electoral Commissioner. The legislation is clearly based on the Commonwealth political donations provisions which are found in the Commonwealth Electoral Act. However, the Opposition is keeping a close watch on the Senate of the Commonwealth Parliament at the moment because of the Act's amendments which are about to go before it.

The Premier asked why it is necessary to have this legislation when there is legislation at the Commonwealth level—legislation that his Party opposed in the Federal Parliament. The fact is that this legislation puts a duty on State Parties and politicians under State law. Instead of waiting until after Federal elections to receive the list of campaign donors for State elections, my Bill will require full and total disclosure within 15 weeks of a State election. Rather than waiting many months, or even years, to get the full list of State campaign donations, this Bill will require speedy and full compliance shortly after each State election.

As I have already pointed out, my legislation improves on the Commonwealth law in two critical respects. First, it provides that the directors and substantial shareholders of donating companies are disclosed. This will make tracing easier and prevent individuals from hiding behind company structures. Secondly, it seeks to prohibit completely donations coming in from individuals who are not resident in Australia and companies which are not registered in Australia.

A significant aspect of the problem with some recent donations is that they were made by overseas companies with no apparent connection with South Australia. It was, therefore, difficult to gather details of the entities and individuals behind these companies, because it was clear that both the spirit and the letter of the Federal law was being avoided and at times deliberately subverted. If political donations are limited to Australian registered companies, not only will the real donors be easier to trace due to the stringent reporting requirements of the Australian Securities Commission, but the State will also be able to prosecute actual South Australian donors who do not submit a donor's return.

It has perhaps been overlooked by many people that organisations and individuals making political donations are defined to have made political expenditure if they have made a gift to another person on the understanding that the recipient will apply the gift, either directly or indirectly, to those activities which are more overtly political, such as political advertising, political campaigning, or making gifts to political Parties or candidates. In other words, there is a tracing provision built into this Bill which I bring before Parliament in clause 10(3). The intention of that subclause is to be able to trace back through a series of gifts along a chain of donors to the original source of funds of which a political Party ultimately has the benefit.

The problem with recent situations is that no Australian law could force an overseas company or resident into filing a political expenditure return in Australia. This Bill closes that loophole by banning returns from overseas entities altogether. This will not hurt investment in Australia, as some editorial writers and Liberals have said. It will not stop investors with interests in South Australia from making these donations; it is simply that they will have to make those donations through their locally registered subsidiary companies where the reason for the donation will be transparent.

This cannot hurt investment in South Australia. After all, if these overseas companies maintain that their donations are made with no strings attached and no kickbacks wanted, how can they possibly claim that compliance with Australian electoral law will affect investment here? Only the dishonest and corrupt need to worry about full disclosure. Only the dishonest and corrupt need to worry about my Bill. All of us—Liberal, Labor and Democrat—would not want donations from the dishonest or corrupt and would not tolerate Government assistance for dishonest and corrupt organisations, either at home or abroad.

The Bill does not stop multinationals from making campaign donations; it is simply that those multinationals will have to make their donations through their locally registered Australian subsidiaries where the reason for the donation will be transparent and the real names, real addresses, real directors and real shareholders will be disclosed. The Bill also reflects the Commonwealth provisions in relation to electoral advertising returns by broadcasters and publishers, which are intended to elicit information from broadcasters and publishers about the political advertisements they run with the full commercial rates being charged for political advertising. It is clear that there is broad community support for these changes, and I look forward to providing greater detail in Committee.

A great deal has been said about the Catch Tim and Moriki campaign contributions to the Liberal Party in this State. The Premier says that the protracted debate about the real source of these donations has enhanced his credibility and enhanced the integrity of his Government. Only the Premier believes that. I want to thank those honest, decent Liberals who have contacted me personally by telephone, fax and letter to tell me that the truth was not told to the people of South Australia about who was really behind Catch Tim. Many weeks ago Rob Gerard and the Premier expressed their outrage in the media and in this Parliament when I sought to link Gerard Industries with political donations. Right from the start the Opposition was told of a connection between Gerard Industries and its overseas associates about both these donations. After weeks of questioning by the Opposition and after weeks of evasion, half truths and untruths by the Government, by Ms Vickie Chapman and others, finally at least part of the truth came out that Gerard Industries and its associates were involved and that there had been a deliberate attempt to avoid full compliance with the law. In the case of Catch Tim—

Mr Lewis interjecting:

The Hon. M.D. RANN: I assure the honourable member that when he introduces his Bill about witches and warlocks I will keep silent. In the case of Catch Tim I believe there was a conspiracy to pervert both the intent and application of Federal laws by key officials of the Liberal Party, including its President (Adelaide lawyer, Vickie Chapman), its former State Director (Grahame Morris, who is now working for John Howard), Mr Rob Gerard, and Adelaide accountant and bag man for the Liberal Party (Mr Bill Henderson), along with key advisers to the Premier. Rob Gerard's role in this affair is still to be fully told. I believe that the Premier was at a meeting where Mr Gerard promised to bankroll his campaign by arranging donations.

Mr WADE: I rise on a point of order, Mr Deputy Speaker. I point out that the Leader is addressing the gallery rather than the Chair.

The DEPUTY SPEAKER: Order! The Leader has been advised of the need to address the Chair.

The Hon. M.D. RANN: I believe that the Premier was at a meeting where Mr Rob Gerard promised to bankroll his campaign by arranging donations from friendly overseas companies with links to Gerard Industries.

The DEPUTY SPEAKER: Order! I have listened very carefully to the Leader's address, and he has been quite careful to not specifically refer to individual members of Parliament but, in referring to the Premier and possibly implying impropriety, he is beyond the Standing Orders of the Parliament.

The Hon. M.D. RANN: Mr Gerard promised at a meeting of the Liberal Party that he would underwrite the campaign and provide top up funds should there be any shortfall in donations. He sent Mr Henderson out far and wide to do his and the Premier's bidding. I have no argument with Mr Tang, Mr Lo or Mr Lamb. They are the fall guys and the patsies—

Mr BRINDAL: I rise on a point of order, Mr Deputy Speaker. I know that the Leader is speaking on a Bill about disclosure, but I would ask the—

Members interjecting:

The DEPUTY SPEAKER: Members will be quiet while a point of order is being taken.

Mr BRINDAL: I ask you, Sir, to rule on relevance. I cannot see that the Leader's current line has anything to do with it.

The DEPUTY SPEAKER: There is no point of order.

The Hon. M.D. RANN: Mr Henderson promised them total anonymity—no fuss, no sweat and no risk of disclosure if they assisted in this laundering process. The game is up and this legislation seeks to prevent this kind of caper occurring again. The Premier was up to his ears in the evasion process. He knows it, his Ministers know it, his Party knows it and the public certainly know it. The Premier can now enhance his credibility and the integrity of his Government by supporting this Bill in its totality. The Bill cannot prevent the likes of Rob Gerard from boasting that he has the best Party money can buy. However, it will ensure that no-one can ever own a Government; and, no matter how influential someone is in our community, it will ensure that they do not evade scrutiny, avoid disclosure or seek by influence assistance from the public purse. At the end of this debate let us be able, in a bipartisan way, to boast that we have the cleanest campaign fund donation system in this country. I seek leave to insert the second reading explanation in *Hansard* without my reading it, including all the clauses—the remainder of the speech.

Mr BRINDAL: I rise on a point of order, Mr Deputy Speaker. I believe the Leader said that he wished to insert the remainder of his speech, including the—

The DEPUTY SPEAKER: The Leader said that he would like to incorporate his second reading explanation. The Chair took the view that he had already given his second reading explanation and that the Leader was really referring to the clauses.

The Hon. M.D. RANN: Because there was an attempt to suppress my speech, I wanted to ensure that it will be inserted in *Hansard* as I know it will duly be because I gave the entire speech just in time.

Leave granted.

This Bill adds to the increasingly wide range of statutory and administrative instruments which ensure the full and public accountability of public officials.

The Bill seeks to ensure that there is full public accountability for and by those people and organisations who are involved in elections for the South Australian Parliament.

The obligations of the Bill fall equally on political parties (registered or otherwise), on candidates, on groups, on individuals, on publishers, on broadcasters, on government departments and on any organisation which participates in or seeks to influence the outcome of a State Election.

It should be seen as part of the public accountability regime which is manifested elsewhere by the code of conduct for Cabinet Ministers and the Cabinet Handbook, by the Code of Conduct for public servants (including Police Officers), by the Code of Conduct for Ministerial staff, by the proposal for the Code of Conduct for elected Members of State and Local Governments; it is also manifested by *The Whistleblower's Act* and by the *Statutes Amendment and Repeal (Public Offences) Act*.

Members are also aware of the initiatives the government has taken through the establishment of the Police Complaints Authority as well as the Anti-Corruption Branch of the South Australian Police Department and the establishment of the Public Sector Fraud Co-ordinating Committee.

All of these initiatives go to the issue of ethics and integrity in government and administration.

One of the most important elements of our Westminster parliamentary democracy is free and democratic elections.

The election process becomes contaminated if there is any question about the propriety if how it was conducted. Propriety comes into question if it is unclear who is funding whom and the uses to which donations and contributions are put.

Members will, no doubt, be aware of the report of the WA Royal Commission into Commercial Activities of government and Other Matters. Chapter 5 of Part 11 of the Report deals with the Parliament and under the heading of "Political finance" says this, at paragraph 5.9.3 and 5.9.4.:

> "5.9.3 First, our inquiries have convinced us that a wide ranging disclosure Act is essential if the integrity of

our governmental system is to be secured. The secret purchase of political influence cannot be tolerated. Nor can we have the situation where those who are dealing with government are pressured by political leaders to make donations far in excess of amounts which they would contemplate if accorded freedom of choice.

5.9.4 Secondly, and paralleling the disclosure of donations, we believe the public is entitled to be informed as to how those donations are spent for electoral purposes. This form of disclosure is itself a significant means of verifying the disclosure of donations. Equally, it provides some check upon malpractice and deception in the electoral process. Above all, the electoral process itself must be open. The public's knowledge of how monies are expended to solicit their votes is central to an open system."

The only other State to have public disclosure legislation in relation to State Elections is New South Wales—and their regime was and is part of their legislation, providing for the public funding of elections. However, both Victoria and Western Australian Governments were considering legislation before their parliaments were prorogued prior to State elections.

The disclosure provisions (in those bills) extended, as this legislation does, beyond accounting for public funds received and expended, to funds received and expended from all sources. While the NSW regime is similar to the Commonwealth—and not just because both jurisdictions have public funding—it does not entirely mirror it. This legislation does.

There are two important points that need to be made in respect of this:

· The first is, that mirroring the Commonwealth legislation in South Australia will not be onerous.

Currently, all political parties—registered or not—and all candidates for a Federal Election are required to submit to the Commonwealth Electoral Commissioner after the election—(whether they win, lose, withdraw or even fail to nominate after announcing their candidature,)—a report, dealing with the donations received for that election and the purposes to which they were put. The same applies to anyone else who participates in the election whether they were unions, business organisations or churches, etc.

In addition, in a non-election year registered political parties are also required by the Federal legislation to submit annual income and expenditure returns.

The obligations under this legislation do not exceed those required of participants in Federal elections and in many instances parties and candidates will be able to submit a duplicate copy of the return they have submitted to the Commonwealth Electoral Commissioner.

Where a separate return is required it will be in a similar format.

· The second reason why this legislation mirrors the Commonwealth rather than establishes a regime of its own, is that the Commonwealth legislation is now the benchmark to which all other jurisdictions will eventually move—possibly including New South Wales.

Members might note that when the Political Broadcasts and Political Disclosures Bill 1991 was being introduced into the House of Representatives by Mr Beazley, the Minister for Transport and Communications, on the 9th May 1991, he said that "The Government was putting the comprehensive disclosure laws prepared in the Bill as the basis for uniform legislation". It is interesting to note that the Commonwealth Electoral Commissioner, in his submission to the Federal Parliament Joint Committee on Electoral Matters, argued that the Commonwealth ought to run and administer the election disclosure regime for all of the States. The Committee had not been asked to report on such a cooperative national scheme and put the proposal to one side—but it does indicate that as States establish disclosure regimes, they will be likely to mirror the Commonwealth, rather than invent their own.

Nonetheless, in acting as the benchmark for disclosure the Commonwealth legislation moves the States, into some new areas of regulation with respect to elections. They are:

Firstly- obligations on 'third parties' (eg. trade unions and community and business organisations);
Secondly— obligations on publishers and broadcasters;
Thirdly— obligations on government departments.

The State Government similarly considers that a regulatory regime of disclosure would not be complete without these inclusions as each can play a critical and crucial role in the outcome of an election, either in respect of a party or candidate or a group of candidates.

It is probably important to say, at this stage, that the legislation is not intended to stop political donations of whatever size—nor to limit or prevent organisations positively and actively participating in elections. If the UTLC wish to give $50 000 to the A.L.P. or run a campaign of its own against the abolition of awards; or, if a farmer from Kangaroo Island wishes to run a campaign supporting the Liberals law and order campaign; or, if the Institute of Teachers wanted to campaign against class sizes; then they all could. However, as participants in the political process they would be required by this legislation (as they are by the Commonwealth legislation) to declare how much they used, where and from whom it came, how and where the money was spent and the purposes to which it was put.

The extension of these reporting and disclosure obligations is, however, consistent with obligations incorporated bodies have under other statutes and should neither impose extra heavy burdens on them nor act as a disincentive to making either political comments or political donations.

The obligations on government departments are again fair and reasonable, particularly in the context of the obligations on everyone else. Departments already publish for the public record their income and expenditure activity. It is contained in their annual report as well as in their program estimates papers presented to parliament as part of the Budget. Informing the public of their rights and obligations, as well as the services available from government and the programs that implement both the law and government policy decisions is a major responsibility. Requiring them to report annually on expenditure in relation to advertising agencies, market research organisations, polling organisations, direct mail organisations and media advertising organisations and include it in their annual report will simply be an extension of what already occurs and in many cases is already required under the GME Act.

It is the area of publishers and broadcasters that this Bill breaks new ground for State governments. However, it is important to emphasise that the obligations placed on them are:

· no more than that already required by the Commonwealth, and
· no more than is imposed on every other participant in the electoral process.

In other words publishers and broadcasters are to be considered no differently to any other "third party".

The size of donations which have to be disclosed and the way in which that disclosure must be made is the same as in the Commonwealth Act, namely $200 to a candidate, $1 000 to a Legislative Council group of candidates and $4 500 to a party or other organisation.

Similarly, the penalties for non-compliance and the penalties for contravention of the provisions of the Bill whether arising out of random or organised audits or not are consistent with the Commonwealth Act.

In conclusion and in commending the Bill to the House, let me echo the sentiments of the Commonwealth Minister when their disclosure Bill was being introduced:

"There is no greater duty upon the representatives of the people in a democratic society than the duty to ensure that they serve all members of that society equally. This duty requires government which is free of corruption and undue influence. It requires standards of integrity and honesty from its representatives, and it requires that the system itself does not engender a diminution of those standards. The integrity of the electoral process is central to the maintenance of these standards and the honouring of this duty."

Explanation of clauses

PART 1

PRELIMINARY

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for the measure to be brought into operation by proclamation.

Clause 3: Interpretation

This clause provides definitions of terms and expressions used in the measure. The definitions of "gift" and "electoral expenditure" are the same as those in sections 287(1) and 308(1) (respectively) of the *Commonwealth Electoral Act 1918*.

Subclause (2) provides that terms and expressions used but not defined in the measure have the same respective meanings as in the *Electoral Act 1985* of the State.

Subclauses (3) to (8) correspond to definitional provisions of the *Commonwealth Electoral Act*.

PART 2
AGENTS

The provisions of this Part correspond to Division 2 of Part XX of the *Commonwealth Electoral Act.*

Clause 4: Appointment of agents by parties, candidates and groups

Under this clause, a political party (as defined in the *Electoral Act 1985*) must appoint an agent and a candidate in an election or a group of Legislative Council candidates may appoint an agent for the election. If a candidate does not appoint another person to be his or her agent, the candidate himself or herself is the candidate's agent for the election. If all members of a Legislative Council group are endorsed as candidates by the same registered political party (that is, a party registered under the *Electoral Act 1985*), the agent for the political party is an agent for the group. If the members of a group are not endorsed by a registered political party and if no person has been appointed by the group as its agent, the member of the group whose name appears first in the group on the ballot papers for the election is the group's agent for the election.

Clause 5: Requisites for appointment

This clause sets out the requisites for appointment of an agent, the principal requirement being that appointment be by notice in writing to the Electoral Commissioner of the State.

Clause 6: Registration of party agents

This clause requires the Electoral Commissioner to keep a register of party agents and provides for the commencement and termination of appointments and the making of substitute appointments on the death of an agent or on an agent's conviction of an offence against the measure.

Clause 7: Responsibility for action in case of political parties

Under this clause, an obligation imposed on a political party under the measure is imposed on each member of the party's executive committee, as is an obligation on the agent of a party for any period for which no agent has been appointed by the party.

Clause 8: Termination of appointment of agent of candidate or group

Appointment of an agent by a candidate or group may, under this clause, be revoked by notice in writing to the Electoral Commissioner, signed by the candidate or each member of the group. The clause also requires that the Electoral Commissioner be notified of the death or resignation of the agent of a candidate or group.

PART 3
POLITICAL CONTRIBUTIONS

This Part corresponds to Division 3 of Part XX of the *Commonwealth Electoral Act*.

Clause 9: Political contributions returns for candidates or groups

This clause requires that the agent of each person (including a member of a group) who was a candidate in an election must, within 15 weeks after the polling day for the election, furnish to the Electoral Commissioner a political contributions return for that candidate, in a form approved by the Electoral Commissioner.

The same requirement is applied to the agent of each group.

A political contributions return for a candidate or a group of candidates in an election must set out—

(a) the total amount or value of all gifts received by the candidate or group, as the case may be, during the disclosure period;

(b) the number of persons who made such gifts;

(c) the amount or value of each such gift;

(d) the date on which each such gift was made;

(e) in the case of each such gift made on behalf of the members of an unincorporated association, other than a registered industrial organisation—

(i) the name of the association;

and

(ii) the names and addresses of the members of the executive committee (however described) of the association;

(f) in the case of each such gift purportedly made out of a trust fund or out of the funds of a foundation—

(i) the names and addresses of the trustees of the fund or of the funds of the foundation;

and

(ii) the title or other description of the trust fund or the name of the foundation, as the case requires;

and

(g) in the case of each other such gift—the name and address of the person who made the gift and, if the person is a body corporate, the name and address of each of the body's directors and substantial shareholders.

"Gift" is defined as any disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money's worth or with inadequate consideration, and as including the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration, but as not including an annual subscription paid to a political party by a person in respect of the person's membership of the party.

A political contributions return need not set out any details as to a private gift received by a candidate (including a member of a group). A private gift is, for this purpose, defined in the same way as under the *Commonwealth Electoral Act* as a gift made in a private capacity to the candidate for his or her personal use that the candidate has not used, and will not use, solely or substantially for a purpose related to an election.

The details referred to in paragraphs *(c)* to *(g)* above, are not required in respect of a gift if the amount or value of the gift is less than $200 for a candidate (including a member of a group) or $1 000 for a group. In this connection, the clause provides that two or more gifts made by the same person to the same candidate or group are to be treated as one gift.

The disclosure period, for the purposes of this clause, is the period that commenced—

(a) in relation to a candidate in an election who was a new candidate (other than a candidate referred to in paragraph *(b)*)—on the day on which the person announced that he or she would be a candidate in the election or on the day on which the person was nominated as a candidate, whichever was the earlier;

(b) in relation to a candidate in an election who was a new candidate and when he or she became a candidate in the election, was a member of the Legislative Council chosen by an assembly of members of both Houses of Parliament under section 13 of the *Constitution Act 1934*—on the day on which the person was so chosen to be a member of the Legislative Council;

(c) in relation to a candidate in an election who was not a new candidate—at the end of 30 days after polling day for the last preceding election in which the person was a candidate;

(d) in relation to a group of candidates in an election—on the day on which the members of the group applied under section 58 of the *Electoral Act 1985* to have their names grouped together on the ballot papers for the election,

and that ended, in any case, at the end of 30 days after polling day for the election;

Finally, a candidate is a new candidate, in relation to an election, if the candidate had not been a candidate in an earlier election the polling day for which was within five years before the polling day for the election.

Clause 10: Political contributions returns by persons incurring political expenditure

This clause requires a political contributions return to be lodged within 15 weeks after polling day for a general election by a person (other than a registered political party or a candidate) who incurred $1 000 or more political expenditure in relation to that election or any other election during the disclosure period. Political expenditure is defined for this purpose in the same way as under the *Commonwealth Electoral Act* as expenditure incurred in connection with or by way of—

(a) publication by any means (including radio or television) of electoral matter;

(b) by any other means publicly expressing views on an issue in an election;

(c) the making of a gift to or for the benefit of a political party, a candidate in an election or a group;

or

(d) the making of a gift to a person on the understanding that that person or another person will apply, either directly or indirectly, the whole or a part of the gift as mentioned in paragraphs *(a)*, *(b)* or *(c)*;

A political contributions return under this clause must set out—

(a) the total amount or value of each gift received by the person during the disclosure period—

(i) the whole or a part of which was used by the person to enable the person to incur or to reimburse the person for incurring political expenditure in relation to an election during the disclosure period;

and

(ii) the amount or value of which is not less than $1 000;

(b) the date on which each such gift was made;

and

(c) the same details as to the donors as are required under *clause 9*.

The disclosure period, for the purposes of this clause, is the period that commenced at the end of 30 days after polling day for the last general election preceding the current general election and that ended at the end of 30 days after polling day for the current general election.

Again, two or more gifts made by the same person to another person during the disclosure period are to be treated as one gift.

Clause 11: Political contributions returns by persons making gifts to parties or candidates

Under this clause, a person (other than a registered political party or a candidate) must, within 15 weeks after the polling day for a general election, furnish to the Electoral Commissioner a political contributions return, in a form approved by the Electoral Commissioner, if the person—

(a) made a gift to a political party during the disclosure period the amount or value of which is not less than the amount prescribed for the purposes of this paragraph, or, if no amount is prescribed, $4 500;

(b) made a gift to a candidate in the current election or any other election during the disclosure period the amount or value of which is not less than the amount prescribed for the purposes of this paragraph, or, if no amount is prescribed, $200;

or

(c) made a gift to a person or organisation prescribed by regulation.

The information to be included in this return is the same as for other political contributions returns.

The disclosure period, for the purposes of this clause, is the period that commenced at the end of 30 days after polling day for the last general election preceding the current election and that ended at the end of 30 days after polling day for the current election.

As for the preceding provisions, two or more gifts made by the same person to another person or organisation during the disclosure period are to be treated as one gift.

Clause 12: Certain gifts not to be received

This clause makes it unlawful for a political party or a person acting on behalf of a political party to receive a gift made to or for the benefit of the party the amount or value of which is not less than $1 000, unless—

(a) the name and address of the person making the gift are known to the person receiving the gift;

or

(b) at the time when the gift is made, the person making the gift gives to the person receiving the gift his or her name and address and the person receiving the gift has no grounds to believe that the name and address so given are not the true name and address of the person making the gift.

The same provision is made in relation to a gift made to or for the benefit of a candidate or a group where—

(a) in the case of a gift made to a candidate—the amount or value of the gift is not less than $200;

or

(b) in the case of a gift made to a group—the amount or value of the gift is not less than $1 000.

The information required as to names and addresses relating to unincorporated associations and trust funds or foundations is the same as is required to be disclosed in returns under the preceding clauses.

The clause also makes unlawful receipt of a gift by a political party, a candidate in an election or a group, or a person acting on behalf of a political party, a candidate in an election or a group, if the gift is made—

(a) by a foreign person; or

(b) outside Australia; or

(c) as part of a series of transactions and—

(i) a foreign person is a party to any of the transactions; or

(ii) any of the transactions is effected outside Australia.

For the purposes of the preceding provision, a foreign person is a person other than an individual resident in Australia or a body corporate registered under the *Corporations Law* or incorporated in Australia.

For the purposes of this clause, two or more gifts made by the same person to or for the benefit of a political party, a candidate or a group are to be treated as one gift.

The clause empowers the Crown to recover as a debt, by action in a court of competent jurisdiction, any amount received by a person that it was unlawful for the person to receive under the clause.

Clause 13: Nil returns

The clause requires a nil return to be lodged where no details are required to be included in a political contributions return under this Part for a candidate or a group.

PART 4

ELECTORAL EXPENDITURE

This Part corresponds to Division 5 of Part XX of the *Commonwealth Electoral Act*.

Clause 14: Electoral expenditure returns

This clause requires that the agent of each person (not being a member of a group) who was a candidate in an election must, within 15 weeks after the polling day for the election, furnish to the Electoral Commissioner an electoral expenditure return, in a form approved by the Electoral Commissioner, setting out details of all electoral expenditure in relation to the election incurred by or with the authority of the candidate.

The same requirement is made in relation to a group.

Similarly, a person who incurs not less than $200 electoral expenditure in relation to an election otherwise than with the written authority of a registered party or a candidate must lodge a return giving details of that expenditure.

Electoral expenditure is defined in the same way as in the *Commonwealth Electoral Act* as expenditure incurred (whether or not during the election period) on—

(a) the broadcasting, during the election period, of an electoral advertisement relating to the election;

(b) the publishing in a journal, during the election period, of an electoral advertisement relating to the election;

(c) the display, during the election period, at a theatre or other place of entertainment, of an electoral advertisement relating to the election;

(d) the production of an electoral advertisement relating to the election, being an advertisement that is broadcast, published or displayed as mentioned in paragraph *(a)*, *(b)* or *(c)*;

(e) the production of any material (not being material referred to in paragraph *(a)*, *(b)* or *(c)*) that is required under section 112 or 116 of the *Electoral Act 1985* to include the name and address of the author of the material or of the person taking responsibility for its publication and that is used during the election period;

(f) consultants' or advertising agents' fees in respect of—

(i) services provided during the election period, being services relating to the election;

or

(ii) material relating to the election that is used during the election period;

or

(g) the carrying out, during the election period, of an opinion poll, or other research, relating to the election.

Clause 15: Electoral advertising returns by broadcasters and publishers

This clause requires that each broadcaster or publisher of a journal who, during the election period, broadcast or published in the journal electoral advertisements relating to an election with the authority of a participant in the election must, within 8 weeks after the polling day for the election, furnish to the Electoral Commis-

sioner an electoral advertising return, in a form approved by the Electoral Commissioner.

The return must set out particulars—

(a) identifying the broadcasting service by which or the journal in which each electoral advertisement relating to the election broadcast or published by the broadcaster or publisher during the election period with the authority of a participant in the election was so broadcast or published;

(b) identifying the person at whose request each such advertisement was broadcast or published;

(c) identifying the participant in the election with whose authority each such advertisement was broadcast or published;

(d) specifying the date on which each such advertisement was broadcast or published;

(e) in the case of broadcast advertisements—specifying the times between which each such advertisement was broadcast;

(f) in the case of advertisements published in a journal—specifying the page in the journal on which each such advertisement was published and the space in the journal occupied by each such advertisement;

and

(g) showing whether or not a charge was made by the broadcaster or publisher for each such advertisement and, if so—

(i) specifying the amount of the charge;

and

(ii) showing whether or not the charge was at less than normal commercial rates having regard to all relevant factors.

A publisher of a journal is not required by the clause to furnish a return in respect of an election if the total amount of the charges made by the publisher in respect of the publication of advertisements and any other advertisements relating to any other election that took place on the same day as the first-mentioned election is less than $1 000.

The return may be a copy of a return furnished by a broadcaster under the *Broadcasting Act 1942* of the Commonwealth or any other law of the Commonwealth, to the Australian Broadcasting Tribunal or any other body constituted under such a law where such a return contains the particulars that the broadcaster is required to furnish under this clause.

For the purposes of the clause, a "participant" in an election is a political party or a candidate or some other person by whom or with whose authority electoral expenditure was incurred in relation to the election.

Clause 16: Annual reporting by government administrative units of expenditure on advertising, etc.

This clause requires the chief executive officer of each administrative unit of the Public Service of the State to attach a statement to the unit's annual report setting out particulars of all amounts paid by, or on behalf of, the unit during the preceding financial year to—

(a) advertising agencies;

(b) market research organisations;

(c) polling organisations;

(d) direct mail organisations;

and

(e) media advertising organisations,

and of the persons or organisations to whom those amounts were paid.

An exception is made to this requirement if the value of a payment is less than $1 500.

Clause 17: Nil returns

This clause requires nil returns to be lodged by a candidate or group where no electoral expenditure in relation to an election was incurred by or with the authority of the candidate or the members of the group.

Clause 18: Two or more elections on the same day

Under this clause a single return may be lodged in respect of two or more elections that take place on the same day. Such a combined return need not distinguish expenditure relating to one election from expenditure relating to the other election or elections.

PART 5

ANNUAL FINANCIAL RETURNS BY REGISTERED POLITICAL PARTIES

This Part corresponds to Division 5A of Part XX of the *Commonwealth Electoral Act*.

Clause 19: Annual financial returns by registered political parties

Under this clause, the agent of each registered political party must, within 20 weeks after the end of each financial year, furnish to the Electoral Commissioner an annual financial return in respect of the financial year, in a form approved by the Electoral Commissioner.

The return must set out—

(a) the total amount received and the total amount paid by or on behalf of the party during the financial year;

(b) the total outstanding amount, as at the end of the financial year, of all debts incurred by or on behalf of the party;

and

(c) if the sum of the amounts received, the sum of the amounts paid, or the sum of the outstanding debts incurred, by or on behalf of the party during the financial year from or to the same person or organisation is not less than $1 500—

(i) the amount of the sum;

(ii) in the case of receipts or payments, the amount of each receipt or payment and the date on which it was received or paid;

(iii) in the case of a sum received from or paid or owed to an unincorporated association, other than a registered industrial organisation—

(A) the name of the association;

and

(B) the names and addresses of the members of the executive committee (however described) of the association;

(iv) in the case of a sum purportedly paid out of or into or payable into a trust fund or the funds of a foundation—

(A) the names and addresses of the trustees of the fund or of the foundation;

and

(B) the title or other description of the trust fund, or the name of the foundation, as the case requires;

and

(v) in any other case—the name and address of the person or organisation and, in the case of a body corporate, the name and address of each of the body's directors and substantial shareholders.

For the purposes of the clause, an amount that was received from a person or organisation in the course of a fund-raising event need not be counted unless the total amount received from the person or organisation was not less than $100.

Similarly, in calculating the sum of the amounts paid by or on behalf of the party to the same person or organisation—

(a) an amount of less than $100;

or

(b) an amount paid under a contract of employment or an award specifying terms and conditions of employment,

need not be counted.

For the purposes of the clause, a reference to an amount includes a reference to the value of a gift or bequest.

Returns under the clause are not to include lists of party membership.

Regulations may be made for the purposes of the clause defining fund-raising events and requiring greater detail to be provided in returns.

PART 6

MISCELLANEOUS

This Part corresponds to Division 6 of Part XX of the *Commonwealth Electoral Act*.

Clause 20: Public inspection of returns

The Electoral Commissioner is required by this clause to keep each return at his or her principal office and to make it available for public inspection, without charge, during ordinary business hours.

A person will not be entitled, on payment of a fee determined by the Electoral Commissioner to be the cost of copying, to obtain a copy of a return.

A person will be entitled to inspect or obtain a copy of a return until the end of eight weeks after the day before which the return was required to be furnished to the Electoral Commissioner.

Clause 21: Records to be kept

Under this clause, a person must keep for 3 years any document or other thing that is or includes a record relating to a matter

particulars of which are or could be required to be set out in a return. This requirement will not apply to any record that would, in the normal course of business or administration, be transferred to some other person.

Clause 22: Investigation, etc.

Under this clause, the Electoral Commissioner may, by instrument in writing signed by the Electoral Commissioner, authorise a person or a person included in a class of persons to exercise investigative powers under the clause.

The investigative powers conferred include power to require the production of documents, power to require the answering of questions (on oath or affirmation) and powers of entry, search and seizure pursuant to a magistrate's warrant.

Clause 23: Inability to complete returns

This clause sanctions the furnishing of an incomplete return provided that the person explains by writing the nature of any material omitted and the reasons why the return is incomplete.

The person must, in addition, if he or she believes on reasonable grounds that another person whose name and address he or she knows can supply the material, state that belief and the reasons for it and the name and address of that other person.

Where the Electoral Commissioner has been so informed that a person can supply particulars that have not been included in a return, the Electoral Commissioner may, by notice in writing served on that person, require the person to furnish those particulars.

Similarly, that person may satisfy the Commissioner's requisition to the extent possible and, where appropriate, identify a further person having any information not known to the person. That further person may then, in turn, be required by the Commissioner to provide the missing information.

Clause 24: Amendment of returns

Under this clause, the Electoral Commissioner may amend a return to the extent necessary to correct formal errors or defects.

A person who has furnished a return may request the permission of the Electoral Commissioner to make a specified amendment of the return for the purpose of correcting an error or omission, and any refusal of such a request is to be reviewable under Division I of Part XII of the *Electoral Act 1985*.

Clause 25: Offences

This clause makes it an offence if a person fails to furnish a return that the person is required to furnish within the time required. The clause fixes as the maximum penalty for such an offence—

(a) in the case of a return required to be furnished by the agent of a political party—a Division 5 fine ($8 000);

or

(b) in any other case—a Division 7 fine ($2 000).

A person who furnishes a return or other information containing a statement that is, to the knowledge of the person, false or misleading in a material respect, is to be guilty of an offence punishable by a maximum penalty of a Division 7 fine or division 7 imprisonment (2 years), or both.

A person who furnishes to another person who is required to furnish a return under this Act information—

(a) that the person knows is required for the purposes of that return;

and

(b) that is, to that person's knowledge, false or misleading in a material respect,

is to be guilty of an offence punishable by a maximum penalty of a Division 7 fine or division 7 imprisonment, or both.

A person who, otherwise than as referred to in this section, contravenes, or fails to comply with, a provision of the measure is to be guilty of an offence punishable by a maximum penalty of a Division 7 fine.

The clause provides for a further penalty for a continuing offence of an amount equal to one-fifth of the maximum penalty prescribed for the offence for each day for which offence continues.

Under the clause, a prosecution in respect of an offence may be commenced at any time within three years after the offence was committed.

Clause 26: Non-compliance with Act does not affect election

This clause makes it clear that a failure of a person to comply with a provision of the measure in relation to an election will not invalidate that election.

Clause 27: Service by post

This clause allows any notice or other document that is required to be served or given by the Electoral Commissioner to be served by post.

Clause 28: Regulations

This is the usual regulation-making provision.

SCHEDULE

Transitional Provisions

The schedule makes it clear that no return required to be furnished under Part 3 or 4 need contain any details relating to—

(a) gifts made or received;

(b) expenditure incurred;

or

(c) electoral advertisements broadcast or published,

before the commencement of the measure.

Similarly, no statement required to be attached to the annual report of an administrative unit of the Public Service under Part 4 need contain particulars of payments made before the commencement of the measure and no return is required to be furnished under Part 5 in respect of a financial year other than a financial year commencing on or after the commencement of the measure.

Mr BASS secured the adjournment of the debate.

PROSTITUTION

Mr LEWIS (Ridley): I move:

That this House refers the following additional terms of reference to the Social Development Committee in its consideration of matters related to prostitution—

(i) the extent of the effect of the occupation and lifestyle of prostitutes (whether male or female) on their families, with particular reference to—
  (a) children (their birth status) and their social development and relationships with both birth parents and any other familial parent/adult with a view to discovering how the occupation of their prostitute parent affected their life chances compared with the norms of the age group cohort they belong to;
  (b) the effect on the other birth parent of any children arising from sexual liaisons with the prostitute, whether that birth parent was married to or a *de facto* or a casual acquaintance of the prostitute with particular emphasis on that partner's subjective assessment on the effect of the prostitute's occupation on the partner's health (including STD's), life stress, career path and personal prosperity;
  (c) the brothers and sisters and the subjective effect the prostitute has had on their life(s);
  (d) the birth parents, in circumstances where the prostitute is/was a minor; and
  (e) the number of marriages and/or other live-in relationships which prostitutes have;

(ii) the cost of caring for and rehabilitating any or all of the people in any of the foregoing categories where they have suffered any adverse consequences to their lives whether subjectively or objectively assessed;

(iii) inclusion in its consideration of the factors influencing men and women to become prostitutes those reasons influencing the decision where they appear or are admitted to have been taken as the means of financing use of illicit drugs or gambling; and quantify those stated reasons and any other relevant reason discovered by the Committee, by category;

(iv) inclusion in its examination of the existing law about which it is contemplating making recommendations for change to consider those recommendations in five categories, viz; male to male prostitution, male to female prostitution, female to male prostitution, female to female prostitution and orgies (i.e. any or all of the foregoing in group sex activities which involve prostitution).

The motion refers to the current investigation of prostitution in South Australia being undertaken by the Social Development Committee. The committee's terms of reference are as follows:

. . . that the Social Development Committee:

1. Investigate the nature and extent of prostitution in South Australia with particular reference to:

i. the organisation of prostitution

ii. the number and location of brothels and related businesses
iii. the number of men and women working as prostitutes
iv. factors influencing men and women to become prostitutes and, having done so, remain in the industry
v. the extent to which children and young people are presently involved in prostitution.

2. a. Examine and make recommendations as to whether the existing law relating to prostitution in South Australia should be changed.
b. In doing so, the advantages and disadvantages of the courses of action available to the South Australian Government should be examined, namely:
i. maintaining the *status quo*
ii. strengthening the present laws
iii. legalisation and regulation
iv. decriminalisation with appropriate safeguards.

3. Examine the legislation relating to prostitution in other jurisdictions in Australia.

4. Investigate the relationship between prostitution and the spread of sexually transmitted diseases, especially the human immunodeficiency virus (HIV).

I believe that the committee's present terms of reference fail to look at easily the most important implications of this question of prostitution. When the matter is raised in debate and discussion throughout the wider community, most people think in terms of men paying women to have sex when in fact that is not the be all and end all of it: it is men paying men, men paying women, women paying men and women paying women. Then, as I point out in the last part of the terms of reference, there are orgies where one or more people of either sex become involved in sexual activities. This does not involve just one of the fundamental orifices in the nether region that are closed by sphincters but any or all of those orifices and the way in which they may be used by people who wish to indulge their lust and who believe that it is legitimate to do so if they pay. The disease implications of that kind of conduct are great.

The concept that it is legitimate for someone to expect that because they pay money to someone else they can do what they like with that other person's body to my mind is repulsive to start with. However, when it comes to having the kinds of things that can now be bought in this State, illegally—and I refer to group sex involving mouths, anuses, vaginas and anywhere else that the imagination might take you to get your kicks—it has got to the stage where we need to say 'No.' Sufficient is more than enough in this instance. My terms of reference refer to that.

In addition, there are these other problems that are not even alluded to in the terms of reference that the committee has before it at present. Those problems are very serious: they are the problems that the children of prostitutes may have, whether they are the children of a male prostitute or a female prostitute, regardless of whether the prostitute was married at the time she conceived or he conceived with the person who became the other parent. Those children suffer. No attempt is made ever to discover the extent of their suffering and the consequences of it, whether that is personal, in the subjective context, or the consequences for the State and the public interest—the taxpayer—in trying to deal with the horrendous problems those children suffer as children or in later life. I believe that should be investigated.

Further, I believe that the life of the other partner—that is, whether married or in a *de facto* relationship with the prostitute—is disturbed by the act of prostitution, whether it was in the past, before the relationship began, or occurred some time during the relationship in which that person is living. What kind of devastating consequences does that have for that partner, both in emotional and psychological terms as well as material and property terms? No-one has ever bothered to look at that, yet that is a very serious area of concern to me because of the people to whom I have spoken who have suffered from that—when someone wilfully chooses to use their body to raise money to pay for things without discussing their decision to do so with their life partner. Whether they are married to that person or living in a *de facto* relationship is immaterial; they do not bother to discuss it before they go out and do it. We need to understand the implications and effects on the health of the partner—the life stress that that partner suffers. What happens to their career when it becomes known that their partner is a prostitute? What happens to their personal prospects and prosperity levels?

We also need to look at the brothers and sisters of young people who become prostitutes, whether they be adolescent boys or adolescent girls, in this context, who are either younger or older.

Mr Brindal: What about the implications for politicians?

Mr LEWIS: Yes, indeed. That probably deserves some investigation, because it is a serious matter, but it is not related to the substance of my motion.

The SPEAKER: Order! I suggest to the member for Ridley that he ensure that his remarks are not in conflict with the Bill before the House.

Mr LEWIS: No, they are not, Mr Speaker. This is a motion before the House. My remarks very definitely relate to the specific clauses of the motion. It is not related to any Bill. Paragraph (i)(c) of my referral refers to examination of the effects and consideration of those matters related to prostitution, the extent of the effect on the occupation and lifestyle of the families where that involves the brothers and sisters and the subjective effect that the prostitute's occupation has had on their lives. Subparagraph (d) deals with the birth parents. How would you feel, Mr Speaker, if your son or daughter at about the age of 16 went out onto the street or anywhere else and chose to prostitute themselves for any reason whatsoever, in any of the forms that I have referred to, whether male on male, male on female, female on male, female on female, or in the orgy context? How would you feel about that, Mr Speaker? Every member of this place needs to consider that and ask those people who have been so affected by the decision made by that person who goes and prostitutes themselves about the effect that has on the parents of that prostitute.

Then, there is the number of marriages and/or live in relationships which prostitutes have. What effect does their occupation of prostitution have on their ability to sustain meaningful, enduring relationships with other human beings? How do they feel about that? We have never bothered to investigate that, and the current committee's terms of reference do not provide it with the means to investigate it. That is why I am saying they need to be widened.

We also need to look at the cost of caring for and rehabilitating any or all of the people in any of the foregoing categories, people whose lives have been adversely affected in some way or other and who end up becoming patients of psychiatrists or psychologists. They may be victims of the same sort of things themselves—people who choose, on discovering that the occupation of a life partner or mother or father or brother or sister has been that of a prostitute, attempt to take their own lives in suicide. We have never looked at that. The current terms of reference do not allow us to do so, and that is why I have included this term of reference. Then

I have asked the committee to take on an additional term of reference in its consideration of these matters and to look at the factors which influence men and women to become prostitutes. No-one has looked at that. Why do they do that? In the process of looking at the reasons why they choose to become prostitutes, the committee should attempt to understand the factors or reasons that influence them in taking that decision and whether or not they include, to a significant degree, use of illicit drugs and perhaps addiction to them or the addiction to gambling when they lose a lot of money and want to recover their position quickly and they go out and offer themselves in prostitution in the hope that that will make quick, easy money.

These terms of reference would require the committee to quantify the stated reasons and discover any other relevant reasons that may come to its attention during the course of its inquires, to document them and to attempt to place them all in the context with the other reasons which I have suggested. In my experience they have been the reasons why folk have taken up prostitution. Paragraph (iv) of the additional terms of reference which the Social Development Committee should consider in addition to those which it already has on its plate is to examine the existing law which it is considering and to which it is contemplating change—to consider recommendations in those five categories. I referred to them in the course of my earlier remarks, namely, the male pays male, male pays female, female pays male, female pays female, and the orgy category—all together.

Mr Brindal: How can you do that without cutting across sexual discrimination Acts?

Mr LEWIS: I do not care whether it cuts across sexual discrimination Acts or not. In response to the member for Unley, this House has the independent authority of its own motion to decide what it will or will not investigate. It has nothing to do with equal opportunities and sexual discrimination. Hell, if we cannot conduct an investigation into the state of our present laws—whether they are adequate or not—by the nature of the inquiries we make through our own endeavours and through the organs of our standing committees and any other select committees that we might appoint from time to time, then who can and who will?

There is no-one else but this Parliament in this constitutional jurisdiction of the State of South Australia that has a responsibility to do that. It is quite within our power, I say to the member for Unley and to all other members, to do exactly that: to look at all these matters that are referred to in the terms of reference that the Social Development Committee has taken of its own motion, as well as adding to them all those things to which I have referred in the course of my remarks in explaining why I have sought to extend those terms of reference. If we do not do this, I do not know who will, and quite clearly the things to which I have referred are very significant in their cost implications, if nothing else, for taxpayers.

I believe they are even more significant and deserve discovery for the effects that they imply on the lives of those who are affected. I commend the motion to the House and trust that it will have swift passage.

Motion carried.

VOLUNTARY EUTHANASIA BILL

Adjourned debate on second reading.

(Continued from 16 March. Page 1992.)

Mr SCALZI (Hartley): Thank you, Mr Speaker.

Mr De LAINE: Mr Speaker—

The SPEAKER: Order! The honourable member for Price.

Mr De LAINE: I apologise to the member for Hartley. I move:

That Orders of the Day:Private Members' Bills/Committees/ Regulations No. 4 be taken into consideration before Orders of the Day Nos 1, 2, 3 and 5.

The SPEAKER: Order! The Chair has some difficulty. The honourable member for Hartley has commenced his remarks. The Chair is inclined to allow the member for Hartley to complete his remarks.The honourable member can then move the appropriate motion with respect to the other debates, unless the member for Hartley wishes to give way.

Mr SCALZI: I need to finish my remarks from last week, Sir.

Members interjecting:

The SPEAKER: Order! The Chair wishes that the people responsible for organising the business would ensure the smooth running of the House. The Chair is of the view that the member for Hartley can complete his remarks. The honourable member for Hartley.

Mr SCALZI: Thank you, Mr Speaker, I would like to complete my contribution which I commenced last week. I finished on the point that 6 per cent of cancer patients consistently asked for voluntary euthanasia, and asked if this figure was correct. In his contribution, the member for Florey stated:

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.

I believe that those sorts of statistics are a lot more valid than the opinion polls which are taken and which really consist of off-the-cuff remarks by people who have not been affected by this problem. People make remarks about something that may happen in the future when they may or may not know how it will affect them. Figures taken from those polls can be very misleading, and I believe that to quote eminent South Australians, such as Sir Mark Oliphant, who is in favour of voluntary euthanasia, is also misleading. I have great respect for Sir Mark Oliphant and the contribution that he has made to this State and to this nation, but that does not necessarily make him an expert on this matter.

Aristotle, the famous Greek philosopher, once said, 'I feel a murderer but I choose to be a philosopher.' Let us not be tempted to end life by opinion polls or by a few persuasive arguments which are based on exceptions in the hope of alleviating suffering. Rather, let us support and value life, no matter how fragile, by opposing this unnecessary Bill before us; let us put an end to the unnecessary suffering and fear that could be generated in the community by the passing of this Bill; and let us provide and promote the climate for research into ageing, disease, pain, loneliness and suffering.

Man is not a measure of all things, even in 1995. We are not a closed circuit: we are part of a multidimensional power board. Let us not be colour blind to this fact and fail to understand the complexities of life. We cannot expect to feel life's inner glow at every point in time. Good palliative care is the answer. We have an obligation to provide it and to support life; we do not have a right to end it. Voluntary euthanasia is not the answer, and I urge members to oppose the Bill.

The Hon. FRANK BLEVINS (Giles): I support the Bill, and I want to congratulate the member for Playford for introducing it. My interest in this area goes back quite a long way, but my parliamentary interest, of course, came about at the introduction of the Natural Death Act in the late 1970s. Whilst it was not euthanasia legislation, it was certainly related to the arguments that were used. When I was going through the parliamentary process, including the select committee on that particular Act, I discovered fairly quickly that the problem was certainly not of the size that I had first imagined. In a general sense, the problem was relatively small because the medical profession and relatives of patients were on a daily basis committing acts which brought about death. So, I thought that, statistically, the fears held by the average person would not be realised. The fears were real, but they would not be realised. However, society is made up of individuals, and for the individual concerned the problem can be not just imagined but very real indeed.

It has been argued that the legal problem for doctors under the present system is real, but I would argue that that is only an imagined problem, too, as I have never heard of any case of a doctor being prosecuted in Australia—and certainly not in South Australia—for the acts which are committed every day in our hospitals and which bring about an early death.

As an individual, what still riles me is that the decision on the quality of my remaining life would be made by doctors, other medical professionals and my relatives, friends, and so on, and it is that to which I object. I would have thought that there was no-one better than I to make the decision and to evaluate the quality of my remaining life—no-one. It is my life: it ought to be up to me, not up to anybody else.

The arguments have been made against killing, but there is absolute value in human life which we ought to all respect. I would argue that probably everybody in this Parliament supports the killing of other human beings in one way or another, for example, self-defence. I assume everybody would agree that we would be justified in killing in self-defence or killing to defend our relatives or friends as the case may be. I suppose most members in here, if not all, would agree that it is justified to kill in cases of wars, if they believe in those particular wars. I know a number of people who oppose this measure would support capital punishment. So, again, they would agree with killing.

Mrs Kotz interjecting:

The Hon. FRANK BLEVINS: Well, that's right. So, the absolutist position of being against killing I have not heard. That settles the morality of the issue as far as I am concerned. We all support killing: what we are talking about is where we draw the line, and that is a matter of opinion. Your opinion, Sir, is as good as mine. Society, through Parliament, sorts out whose opinion carries the day and that is as it should be. I would not want anybody to lecture me on the basis of the absolute sanctity of human life while they are quite prepared to condone killing when it suits them.

I was not surprised at all, but disappointed, at the stance of the AMA. I know when the Natural Death Act was before the Parliament the AMA thought that it was the most dreadful thing that had ever been brought before any Parliament and, of course, it was nothing of the sort. The AMA—not all members of the AMA—does not like any interference whatsoever in its right to play God. For the AMA to say, 'Leave it up to us when we will commit an act that will kill you before nature does. We will make that decision: it ought to be our right,' is absolutely offensive to me and patronising to patients. The AMA's view on this matter is not unexpected and it is one that I dismiss.

Whilst congratulating the member for Playford for introducing this measure, I do think that it is deficient in at least one respect, and that is in the area of an advanced direction. The matter that bothers me more than anything else is not that I may have cancer and not receive enough drugs—I will get enough drugs to keep me out of pain. That is not the problem, although the quantity of those drugs and when they eventually kill me—if they do—again is the doctor's decision, not mine and, I repeat, I object to that. The pain of cancer is not what scares me and is not to do with why I think this Bill is deficient. What I am concerned about is that when I get the disease that will eventually kill me it may be many years before it kills me and during those years I may have completely lost my mind, have no capacity to think, have no capacity whatsoever to take care of myself and I will lie in a bed or sit in a chair for very many years. It is that that I wish to prevent. I do not want any of my relatives to martyr themselves looking after me because they feel that that is necessary. The illnesses I am thinking about are terminal illnesses and such an illness will eventually kill me. I would like to be able to make a statement and have my wishes carried out when that condition arises.

I would then require someone to administer the drugs that would kill me, because my present judgment, while I am of sound mind, is that my quality of life then would not be sufficient for me to want to carry on. However, I understand the question of taking what you can on the day. This is the Bill that is before Parliament and, as I say, in my view it does not go far enough but, if this Bill can become an Act, it will be a significant advance for those individuals who would wish to take advantage of it. I hope I would never be in that position, and it is highly unlikely I would ever be in that position. It is highly unlikely that anyone would be in that position, but those few to whom it is important, and I am one of them, would welcome the opportunity to use this particular measure.

Mr LEGGETT (Hanson): I rise to speak against the Voluntary Euthanasia Bill. There is a saying, 'He who will not learn from history is doomed to repeat it.' I am sure the member for Playford would have heard that saying because he was, before he came into Parliament, a respected teacher of history. I urge him, as the major sponsor of the Voluntary Euthanasia Bill, and the member for Florey who supports it, to learn the lessons of history. My good friend, the member for Florey, told us last week that we should not raise the spectre of Nazi Germany in this debate. Indeed, the Nazi concept of creating a perfect society by euthanising those members deemed to be unsuitable is repugnant to us all, but that is precisely why we should discuss it in this House today.

The full story of how Germany came to adopt this idea is not widely known. It did not in fact begin with Hitler's rise to power: it began much earlier this century when German doctors began advocating euthanasia as a humane solution to the problems of painful terminal illness, such as cancer, and chronic mental illness, such as dementia. In Michael Burleigh's book *Death and Deliverance; Euthanasia in Germany, 1900-1945* published by the Cambridge University Press, it records that over 140 000 long-term patients in German psychiatric wards died of malnourishment during the First World War as a result of these ideas.

The Weimar Republic continued this policy of effective euthanasia, justifying it on economic grounds because of the

very high rate of inflation that, of course, occurred in the 1920s—Hitler came to power in the 1930s. He built on the support for euthanasia, which had already been established in German culture, and he took it to its logical and, of course, horrifying conclusion. Dr Karl Brandt was the Nazi doctor in charge of the German euthanasia program during the Second World War. At his crime trial at Nuremburg after the war, he gave evidence that he became an advocate for euthanasia after reading a book called *The Release of the Destruction of Life Devoid of Value* written by German doctors Karl Binding and Alfred Hoche.

Here was a doctor who, as a young man, actually wanted to join the great missionary doctor, Albert Schweitzer, in Africa. I have seen an English translation of this book by Dr Robert Sassone. It is quite frightening to read in the context of this debate because some of the arguments sound very reasonable. Indeed, they include some of the very arguments put forward in support of this Bill by the members for Playford and Florey. We should remember, however, that the first people to be euthanised in Germany were not Jews but Christians who were the terminally ill and the chronically mentally ill.

They were the kinds of people who might, if this Voluntary Euthanasia Bill were passed, decide on their own or be persuaded by others that a dose of poison or an injection from a doctor would solve their problems. When the Second World War ended and the horror of the Nazi death camps was revealed, there was worldwide revulsion against euthanasia of any kind, but 50 years have now passed, and people very quickly forget. The member for Florey would like us to continue to forget. Once you establish official approval for the principle of euthanasia embodied in the Voluntary Euthanasia Bill, history has shown that you start down a very slippery, rocky path.

There are many ambiguities and loopholes in the wording of the Bill before the House. For example, what is a terminal illness? The Bill does not actually say. Some would say that life is a terminal illness because we all die eventually. Diabetes is terminal if treatment is refused, but a patient can live a long productive life with regular insulin. There are other similar examples. Who decides what is a terminal illness under this proposed law, and who, in fact, diagnoses it? Who defines life expectancy, something that is notoriously hard to determine with any accuracy? The person who makes the decision is the doctor who administers the euthanasia and one other colleague—judge, jury and executioner!

Depression, too, could be considered a terminal illness, as could some cases of schizophrenia. If left untreated, severely depressed people are quite likely to commit suicide. A doctor could argue in good faith that such a condition is likely to lead to death within 12 months—and there is nothing in this Bill to say otherwise. Everything is left up to two doctors who could, for example, work in a practice that specialises in euthanasia, just as, these days, specialist clinics do assembly-line abortions in South Australia. The Bill provides for a euthanasia report to be made to the Coroner, but who makes the report—the doctor who does the killing and who also may be the witness of the alleged verbal request for euthanasia. Where is the independent evidence? There is, of course, none.

Under the terms of this Bill, a doctor could administer euthanasia to a depressed patient. A precedent has already been set in Holland, whose euthanasia practice has been commended to us by the member for Florey. In a landmark court ruling handed down on 21 April 1993, a Dutch judge found that Dr Boudewijn Chabot was medically justified in helping his physically healthy but depressed patient to commit suicide following the death of her two children and the breakdown of her marriage. I ask the House: what kind of message would this Bill send to the young people of South Australia who are already committing suicide in alarming numbers?

The member for Florey told us that opinion polls consistently show that more than 70 per cent of the Australian population favour voluntary euthanasia. A typical question in such a poll is the one used by Morgan Gallup polls, which asks:

> If a hopelessly ill patient in great pain with absolutely no chance of recovering asks for a lethal dose so as not to wake again, should a doctor be allowed to give a lethal dose or not?

What a loaded question. Of course, the majority will say, 'Yes'. However, a MacGregor Marketing poll conducted in 1991 on behalf of the Anglican Diocese of Adelaide asked a different question. It asked people whether they believed doctors could control severe pain in patients dying of cancer. The poll found that between 40 per cent and 70 per cent of South Australians think that such pain control is not generally possible. They do not know that in 1995 doctors are able to control all pain in virtually every patient who is dying of cancer. Many people who favour euthanasia are simply not aware of all the facts.

The Australian Medical Association states that quality palliative care is available in this State now and that further continuing medical education will both enhance and reinforce this appropriate form of medical care. Last week, on 15 March, I attended a Vigil for Life where more than 1 000 people stood for over two hours on the steps and footpath outside the front of this Parliament House. We heard a doctor and a hospice worker give details of how pain and distress of various kinds can now be controlled for those who are dying. We heard a lawyer explain that this euthanasia Bill now before Parliament would require a doctor to lie about the cause of death on the death certificate, to say that the cause of death was natural, from an illness, when the primary cause was, in fact, poison. Moreover, the Bill would require a doctor who refused to perform euthanasia on the grounds of conscience to go against his conscience. In effect, the Bill would require him to refer the patient to other doctors for euthanasia, making the first doctor an accessory to the killing.

Not one of these facts was reported by the media. The *Advertiser* dismissed the vigil with a few lines towards the back of the newspaper in contrast with its massive front page spread in favour of the Bill two weeks earlier. In whatever guise it appears, the practice of euthanasia, which is the intentional killing of one person by another, strikes at the very value of human life and destroys the fabric of trust and solidarity essential for life in our society. Let us not repeat the tragedies of history; let us look at history. I urge members to look at the full facts and vote against this horrendous Bill.

Mr De LAINE secured the adjournment of the debate.

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

In Committee.
(Continued from 9 March. Page 1876.)

Clause 2—'Two up on Anzac Day.'
Mr SCALZI: I move:

Page 1, line 20—After 'no' insert 'such'.

Amendment carried.

Mr SCALZI: I move:

Page 1, line 23—After 'Anzac Day' insert 'in such a place'.

Amendment carried; clause as amended passed.

Title passed.

Mr ATKINSON (Spence): I move:

That this Bill be read a third time.

Although the Bill emerges from Committee in a state which, in my view, is not ideal, I am happy to acquiesce in the amendments of the members for Hartley and Ridley. Instead of two-up being able to be played on Anzac Day anywhere the diggers choose to play it, it will now be confined to RSL clubs and defence force premises. I emphasise to members who have not been following the debate that under my proposal no admission will be charged, there will be no banker and no deduction from the pool, so there will be true odds for two-up on Anzac Day. I commend the Bill to the House and hope that it will be law in time for Anzac Day this year.

The House divided on the third reading:

AYES (26)

Armitage, M. H.	Ashenden, E. S.
Atkinson, M. J. (teller)	Baker, S. J.
Blevins, F. T.	Brindal, M. K.
Brokenshire, R. L.	Caudell, C. J.
Clarke, R. D.	De Laine, M. R.
Foley, K. O.	Geraghty, R. K.
Hall, J. L.	Hurley, A. K.
Ingerson, G. A.	Kerin, R. G.
Lewis, I. P.	Olsen, J. W.
Oswald, J. K. G.	Penfold, E. M.
Quirke, J. A.	Rann, M. D.
Scalzi, G.	Stevens, L.
Such, R. B.	Wade, D. E.

NOES (12)

Allison, H.	Bass, R.P.
Becker, H.	Buckby, M.R.
Evans, I.F.	Kotz, D.C.
Leggett, S.R.	Matthew, W.A.
Meier, E.J. (teller)	Rosenberg, L.F.
Rossi, J.P.	Wotton, D.C.

Majority of 14 for the Ayes.

Third reading thus carried.

SITTINGS AND BUSINESS

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

That Standing Orders be so far suspended as to allow the recision of the decision made on Notices of Motion: Private Members' Bills/Committees/Regulations No. 3.

The House divided on the motion:

AYES (24)

Allison, H.	Armitage, M. H.
Ashenden, E. S.	Baker, S. J. (teller)
Bass, R. P.	Becker, H.
Brokenshire, R. L.	Buckby, M. R.
Caudell, C. J.	Evans, I. F.
Hall, J. L.	Ingerson, G. A.
Kerin, R. G.	Kotz, D. C.
Leggett, S. R.	Matthew, W. A.
Meier, E. J.	Olsen, J. W.
Oswald, J. K. G.	Penfold, E. M.

AYES (cont.)

Rosenberg, L. F.	Such, R. B.
Wade, D. E.	Wotton, D. C.

NOES (14)

Atkinson, M. J.	Blevins, F. T.
Brindal, M. K.	Clarke, R. D.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hurley, A. K.
Lewis, I. P. (teller)	Quirke, J. A.
Rann, M. D.	Rossi, J. P.
Scalzi, G.	Stevens, L.

Majority of 10 for the Ayes.

Motion thus carried.

Mr LEWIS: I rise on a point of order, Mr Speaker. Notwithstanding the fact that the House has suspended any and all Standing Orders by that motion, there is no Standing Order relevant to resolutions. Therefore, it cannot apply to the resolution or any resolution which has passed this House this day or any other day. The nearest one gets to that as far as I can find in Standing Orders is the recommittal of a Bill under Standing Order 164. Resolutions are not mentioned in any Standing Order.

The SPEAKER: Order! I draw the honourable member's attention to Standing Order 160 which provides:

A resolution or other vote of the House may be read and rescinded.

Mr LEWIS: In those circumstances, Sir, no notice has been given.

The SPEAKER: Order! I point out to the member for Ridley that that requirement was not necessary because the House agreed to the suspension of Standing Orders.

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

That the vote on Notices of Motion: Private Members' Bills/Committees/Regulations No. 3 be rescinded to allow the normal debate to occur as agreed.

Mr LEWIS (Ridley): Mr Speaker, this is incredible. This is a matter of conscience, and nobody in this place told me that they wished to either adjourn or oppose the proposition. It was read after I had concluded my remarks. It was seconded and, with hesitancy, it was put by the Presiding Officer at that time, whereupon no member rose in his or her place. On this conscience issue in private members' time I find it incredible that the Deputy Premier would use his position—his rank—to control the business of the House during private members' time on such an issue in a way which would then suggest that any issue that did not suit the Deputy Premier could be recommitted and he could force Government members to comply with his wish.

To recommit this now means that by precedent any member at any time could seek to do the same thing. All members know what is on the Notice Paper, and all members have the opportunity to stand in this place and adjourn a matter or to oppose it on the voices and call for a division; but neither course of action was taken in spite of the hesitancy of the Presiding Officer at that time to declare the issue. It has been declared and yet within an hour of so doing the Deputy Premier now seeks to recommit it. I am astonished that he should seek to interfere in this way.

Mr ATKINSON (Spence): I am a member of the Social Development Committee and naturally I have an opinion about the member for Ridley's motion. As it happens, if it is

recommitted I shall be speaking against it, although not with great enthusiasm.

Mr Brindal interjecting:

The SPEAKER: The member for Unley is out of order.

Mr ATKINSON: It seems to me most undesirable that this Government, with a record and unprecedented majority this century in South Australia, has used its numbers by Party-room discipline to come in here and reverse a decision of the House that has been made in the past hour without dissent.

Members interjecting:

Mr ATKINSON: There are Ministers interjecting on me saying that it is not a Party-room decision. But I saw Ministers in the House telling Liberal Party backbenchers who were on this side of the House to uphold the dignity of Parliament and to get back on the Government side, or else. So, the Government's Party-room discipline has been—

Members interjecting:

Mr ATKINSON: It is not nonsense at all and I will name the Ministers who used the authority of the Liberal Party to get Liberal Party backbenchers to vote against their conscience for parliamentary bad manners.

Mr SCALZI: I rise on a point of order, Mr Speaker. I find the member for Spence's remarks about people being gagged and being told not to go to the other side offensive. No-one told me how to vote; it was a conscience vote and I did as I wanted. I want the insinuation withdrawn.

The SPEAKER: The member for Hartley, as one of those who voted against the suspension of Standing Orders, finds the remarks of the member for Spence offensive. I ask the member for Spence whether he is prepared to withdraw them?

Mr ATKINSON: Certainly not.

Mr BRINDAL: I rise on a point of order, Mr Speaker. The member for Spence accused Ministers of the Crown of intimidating members of this House in exercising a vote. He said on the record that he would name those members. I would contend that that is an intimidation of members of this Parliament and that it should be ruled accordingly.

The SPEAKER: The Chair cannot uphold the point of order.

Mr ATKINSON: Here we have a Government with a record majority seeking to impose a Party-line vote on its members about a matter of conscience. The Liberal Party has always told the public of South Australia that the question of prostitution is a conscience matter.

Members interjecting:

Mr ATKINSON: The member for Wright and the Minister for the Environment and Natural Resources keep interjecting that this was a procedural vote—a vote about Standing Orders. But it is substantively a vote about a reference about prostitution to the Social Development Committee.

What the Government hopes to achieve by a Party-line vote on this matter is to prevent amended terms of reference going to the Social Development Committee on the matter of prostitution; that is, the Government is voting to exclude a term of reference to the Social Development Committee on prostitution. This is substantively a vote about the prostitution law in South Australia and the Liberal Government in this State is using its unprecedented majority to stop that reference going to the Social Development Committee. If the Government achieves that by using a Party-line vote, when the motion is recommitted, I will speak against it; I will be on the same side as the Deputy Premier. However, it is a violation of the traditions of Parliament: it is extreme parliamentary bad manners to revoke a vote of the Parliament that passed without dissent less than an hour ago.

Mr QUIRKE (Playford): I do not know what is going on here: the Government, which has 36 members in this place, by just the thinnest of margins gets up a motion to stifle one of its own members. Twenty-four votes are required in this House, an absolute majority of the whole. These people have 36 and they turned up with 24. Had they lost one of those, the whole issue would have been resolved somewhat differently. Why did they get themselves into this situation? I am puzzled about this because, when I heard about the motion yesterday, I thought, 'That is just another one of those things that we will park in the Social Development Committee.' I myself sat on it for eight or nine months. I can tell the Deputy Premier that far worse and far better resolutions are still parked there.

The Social Development Committee is a good committee and has a lot of good members on it, but they take a while and a lot of them are quite happy about the fact that it will probably take the next millennium to deal with what they already have before them on prostitution. I cannot see what this is all about but, if this Government cannot control this House a bit better than that, if at least one of those 24 absolutely loyal stalwarts (now we know that its base vote is 24 on these issues) will not stand up and say, 'Mr Speaker, I move that the debate be adjourned' (that is all: it is six or eight words), the Government does not deserve to win the motion.

Fancy coming in here and treading on the poor old member for Ridley, who has obviously put a lot of time into this motion. I do not necessarily support it either, and my colleague the member for Spence will probably make out a case as to why we do not want this matter referred to the Social Development Committee. I am happy for anything to go to the Social Development Committee. I am a democrat on these issues; as long as it is doing that, it is not annoying me in other respects.

We are seeing here this morning something that members ought to fear because, irrespective of who the member is and their standing in this place, what we are seeing here this morning is the big stick—the big bully. What we are seeing here is that, when you do not get your own way, you walk in here at some stage in the future and use some of the curious mechanisms of this House to squash somebody's motion, which has already been agreed to in this House under the Standing Orders. The only good thing about this is that, despite the fact that there are 36 Liberal members in this place, only 24 of them stand up for that sort of behaviour.

Mr CLARKE (Deputy Leader of the Opposition): I will not take much of the time of the House. As the member for Spence points out, that this time is being used up in private members' time is a direct result of the Deputy Premier's actions. The members for Playford and Spence have already stated the principles, so I will not go over them again, but what this situation shows—and this is a warning to all members of the House—is that, over the past 15 or 16 months that the Government has been in office with its record majority, it and the Deputy Premier have become extremely arrogant. If the Deputy Premier wants to behave like Boris Yeltsin sending the tanks into Grozny and finds himself getting caught—

Mr Quirke interjecting:

Mr CLARKE: He should have sent in more tanks, as the member for Playford points out, because he had only 24 tanks, just enough to take the presidential palace, but not without inflicting a great deal of damage on the institution of Parliament and the rights of private members. I will leave my comments at that, but I point out as a warning to all members of the House that a Government with such a record majority is acting in a far too high-handed manner. If the Deputy Premier had had the courtesy to explain to the House the reasons why he was moving the suspension of Standing Orders and to explain to the Opposition what he was about, we would probably have voted with him, but we will not have the rights of ordinary private members of the House trampled over simply to suit the convenience of the Deputy Premier.

The Hon. S.J. BAKER (Deputy Premier): I have heard an amazing debate in this House. We need to consider two facts. The first is that, in the orderly conduct of private members' business, an arrangement is made between the two Whips as to what business shall be brought onto the floor of the House.

Mr Lewis interjecting:

The Hon. S.J. BAKER: I am sorry, but there is an orderly arrangement so that everyone gets a fair turn, as the member for Ridley, who has been the beneficiary of that process, would well understand. We have brought forward motions to facilitate debate on a number of occasions because we believe that this process should work effectively, and there is no interference. My understanding of the facts was that there was an understanding that a member from the other side would move the adjournment of the debate. In fact, that would allow the full debate on the motion, as should be the case.

An honourable member: Check with your Whip.

The Hon. S.J. BAKER: Unless otherwise stated, all those motions are normally subject to an adjournment. If somebody says, 'I do not want to follow that procedure,' if that has been the traditional—

An honourable member: Check with your own Whip.

The Hon. S.J. BAKER: Can I just have a second?

The SPEAKER: Order! The Deputy Premier has the floor.

The Hon. S.J. BAKER: We are talking about the smooth working of the Parliament. I am neutral as to whether or not the motion should pass. It is up to every member to exercise their conscience on the motion of the member for Ridley. It does not mean that I do not have a position on the honourable member's motion. I am simply saying that, if I want to put a personal point of view, I will come into the Parliament and do so. If we are to operate this Parliament effectively and we have an agreed procedure in place, I expect it to be followed. It was broken in these circumstances. What we are doing is saying that this motion is worthy of debate, and it should be debated.

Mr Atkinson: It was debated.

The Hon. S.J. BAKER: Well, Sir, I have a particular responsibility to ensure that we do work effectively together. This is one occasion where I believe that it broke down. I ask for the restoration to the Notice Paper of that motion in its current form to allow the normal courtesies and agreements in the Parliament to prevail.

The House divided on the motion:

AYES (24)

Allison, H.	Armitage, M. H.
Ashenden, E. S.	Baker, S. J. (teller)
Bass, R. P.	Brokenshire, R. L.

AYES (cont.)

Buckby, M. R.	Caudell, C. J.
Condous, S. G.	Evans, I. F.
Hall, J. L.	Ingerson, G. A.
Kerin, R. G.	Kotz, D. C.
Leggett, S. R.	Matthew, W. A.
Meier, E. J.	Olsen, J. W.
Oswald, J. K. G.	Penfold, E. M.
Rosenberg, L. F.	Such, R. B.
Wade, D. E.	Wotton, D. C.

NOES (15)

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

Majority of 9 for the Ayes.

Motion thus carried.

The SPEAKER: Order! As it is now past 12 noon, the motion stands adjourned until the next Thursday when private members' business is considered.

Mr LEWIS (Ridley): I move:

That so much of Standing Orders be suspended forthwith as would preclude the possibility of further consideration of Notices of Motion: Private Members' Bills/Committees/Regulations No. 3.

The House divided on the motion:

AYES (15)

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

NOES (26)

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

Majority of 11 for the Noes.

Motion thus negatived.

RED CROSS BLOOD TRANSFUSION SERVICE

Mr MEIER (Goyder): I move:

That this House congratulates the Red Cross Blood Transfusion Service on its excellent work in providing stocks of blood for day-to-day and emergency use and urges more South Australians to take up the challenge to give blood on a regular basis, thereby helping to promote better health.

In moving this motion I ask all members to listen to what I say, and I would hope that South Australians generally take

on board my comments. I have been a blood donor for many years, commencing in the early or mid-1970s. At the time I was first asked to give blood I was living at Yorketown and I well remember my reaction. I said, 'Thanks very much for asking me to give blood but, no thanks, I will leave that to other people.' However, I was persuaded to give blood and I am very pleased I had that opportunity. At that time I donated blood through the mobile service, and I have since endeavoured to give blood as often as possible. I should have donated more regularly but being busy is sometimes a good excuse.

I did not realise the crisis we are currently facing until I read a recent article in the January edition of the *Readers Digest*, and I quote:

> Late in 1993, doctors at Sydney's Royal Prince Alfred Hospital scheduled a liver transplant when a donor organ suddenly became available. One of five patients on their waiting list would get the chance for a longer, healthier life. The hospital asked the New South Wales blood bank for 40 units each of red blood cells, platelets of plasma. But the blood products were simply not there. The transplant had to be cancelled and the donor organ sent interstate.

One can imagine how the people involved in that situation must have felt. They must have experienced months, perhaps years of waiting and then, because insufficient blood was available, the whole operation had to be cancelled. Case after case of that type in New South Wales is repeated in this article. We could also look at the situation in Victoria, Western Australia and, of course, South Australia. What is the situation in South Australia? Currently, 26 000 people give blood at the Pirie Street blood bank. Donors who give blood through the mobile unit in the metropolitan area number 13 500; donors using the country mobile unit number 9 500; and donors at regional centres, including Whyalla, Mount Gambier, Port Lincoln and Berri number 7 500, making a total of 56 500 blood donors.

Members might say, 'What are you complaining about—56 000 is a lot of blood donors?' I would like to point out that, Australia wide, only 6 per cent of the population donates blood. I would be interested to take a poll of members of Parliament to see how many are blood donors. I hope we would have well over that 6 per cent. It would also be of interest to take a poll of various departments to see how many give blood. It is a fact that 6 per cent is a very small proportion of the population; so there is no doubt at all that we need many more people to donate blood. It is a constant battle to meet the demand. During summer and the school holiday period many donors go on vacation and therefore do not give blood during that period of time. Likewise, in winter, colds and flu regularly preclude people from donating. At these times, if there are unexpected operations or trauma cases, blood stocks can drop to below one day's supply.

It is interesting to look at the statistics. Every month, blood banks throughout Australia need between 80 000 and 90 000 donations. In 1993-94, they received, on average, 76 900 donations a month. One does not have to be terribly clever to realise that we are not meeting the demand Australia wide and that, therefore, unless Australians roll up their sleeves and give more blood it is inevitable that we will face another serious shortage very soon. People ask many questions about giving blood: whether it hurts or whether they will be susceptible to getting a disease as a result. Members can be assured that very strict safety procedures operate these days. Donating blood not only helps others but, in fact, it helps the donor, because a blood test is taken on each occasion, and often abnormalities in the blood indicate a problem that that person may be encountering. In other words, there is a free medical check-up in one small area whenever a person donates blood.

Many years ago, blood banks screened only for syphilis, but today every unit of blood is given six screening tests, including those for hepatitis B and C and HIV. As a result, our blood supply is safer than it has ever been. People say, 'Why would you want my blood, I am just in the common group?' The common group is the O group, and it should be pointed out that, while all blood types are important, as group O is the most common it is also needed the most. Additionally, group O is particularly valuable, because in certain instances it can be used when other blood groups are not available. However, all blood groups are required, and the rarest type is the one that is not available when the need exists.

It is of interest to be made aware of these blood groups. I do not intend to go into excessive detail, but basically there are eight main blood groups ranging from O positive (which is the most common) to A positive, O negative, B positive, A negative, B negative, AB positive and AB negative. My blood group is B positive. Before I did a little research on this topic I did not know whether my blood was in the common group or reasonably rare. Statistics indicate that my blood is in the minority group—and I will deal with those statistics a little later.

Other reasons include the statement, 'I'm too old.' Looking around the House, I can see that every member is eligible, because anyone between 18 and 60 years can enrol if they are in good health and they can continue donating until they are 70 years of age. Another common reason given is, 'I'm anaemic.' People may be anaemic at some time, but donors are tested before each donation to determine their haemoglobin level. If the level is low, the donation is deferred. Another reason is, 'I'm scared.' Everyone is scared or has reservations the first time, but in reality blood donation is very simple. In fact, some people have made more than 150 donations. It needs to be pointed out that Australian Red Cross in South Australia has changed its policy slightly and no longer gives a local anaesthetic prior to a needle being put into the arm. However, as I donated blood earlier this week I found that it made virtually no difference. In fact, I do not like getting needles at all and the anaesthetic needle usually involves just as sharp a stab as the needle to take the blood. I can assure all donors that it is still a pain free experience.

As was pointed out to me by one of the medical staff, if someone does experience pain, because some people have smaller veins which creates a problem, Red Cross is only too happy to give a local anaesthetic if donors specifically request it. I was concerned to hear that a small percentage of donors have decided not to give blood because of the change to no longer automatically give a local anaesthetic. I would say to all of those people that, if that is the only reason for not wanting to give blood, please make it known that you wish a local anaesthetic and it will be provided for.

Another reason given is, 'You wouldn't want my blood because I have had hepatitis.' I am not speaking for myself here, but the response to that statement is that every donation is tested for hepatitis and, unless a person has been shown to be a carrier of serum hepatitis (hepatitis B), people can donate. Another reason is, 'I haven't enough blood to spare.' The average adult has about five litres of blood and a healthy person can spare 430 millilitres, which is quickly replaced by the body. As it is, the body discards and replenishes blood all the time.

Another reason given is, 'I've never been asked.' That is part of my reason for bringing this motion to the attention of the House. I hope that members will not only take up the invitation themselves but, more importantly, will encourage their constituents to give blood. As I said earlier, only 6 per cent of the population give blood. That percentage is far too low, because Australia-wide we need more and more blood. Another reason given is, 'I'm too busy.' All people have an hour to spare some time, and that is all it takes, four times a year.

As to other examples that highlight the critical nature of blood donation, on Melbourne Cup Day 1993 a bus crashed near Wangaratta which heavily strained the resources of the Victorian blood banks. Police had to make a high speed delivery of 25 units of blood for the 36 injured passengers. Casualties requiring specialised treatment were air lifted to Melbourne and the helicopter was back loaded to Wangaratta with more blood and blood products. In this instance blood arrived in sufficient quantities, but Dr Kath McGrath, Director, Diagnostic Haematology, Royal Melbourne Hospital, warned that regularly they have to go ahead with an operation with less than the optimal reserve available and pray that nothing goes wrong. That is a great worry.

We never know when a serious accident will occur. We often know when an operation is to occur with a transplant, as I highlighted at the beginning of my speech, yet in both cases there have been instances when not enough blood has been available. Giving blood is something each of us can do. It costs nothing but provides a real service to the community. I compliment the Red Cross Blood Transfusion Service in Adelaide on its excellent work. It needs all the support it can get and I hope that not only will South Australia see increased numbers of recipients but that it may be reflected in other Australian States so that we can keep up the excellent voluntary contributions that we have now had for so many years. I urge members to support the motion.

Mr BASS secured the adjournment of the debate.

TRANSPORTABLE HOUSES

Adjourned debate on motion of Mr Evans:

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.

(Continued from 16 March. Page 1995.)

Mr MEIER (Goyder): I heartily endorse the comments made by the member for Davenport last week. He expressed his views very clearly, and I hope that the House will support this motion.

Mr LEWIS (Ridley): I want to add my support to this proposition. It is quite clear that what the Federal Government is doing or contemplating doing is introducing an evil range of taxes called sales taxes in the belief that it needs the extra revenue that would otherwise, it considers, have been generated from a GST if it had not won the last Federal election. The Federal Government differs from those of us on my side of politics in that it is quite happy to force small business to pay that extra tax in the form of sales tax on a whole range of goods that are manufactured in this way—anything at all it can lay its hands on—and leave the cost sitting in the inventories of the balance sheet. The profit and loss statement of the company is thereby adversely affected, unlike the GST.

The tragedy is that it increases the negative multiplier that taxation has on economic expansion by incorporating that tax wherever it can at every stage in the manufacturing process. The consequence of that is to reduce the capacity of those industries which construct mobile homes in Australia to compete with other countries, because their costs of construction here in Australia will be higher. They have to carry this extra tax burden of wholesale sales tax on all the goods they use to manufacture to sell here, which increases the interest cost burden on their overdraft accommodation, reduces the number of units they can produce for every $1 million of capital invested in any given year and further reduces their cost competitiveness on the export market, in much the same way as the member for Davenport has described.

The other equally bad, if not worse, implication of the tax is that it falls on those people who can least afford to pay it and who would otherwise have been able to go into a dwelling they own themselves. There is that quaint oxymoron, if I am not mistaken: the statement that people own their own home. Well, you cannot own what you own if you own it. The expression really means that people will choose to live in their own dwelling, rather than rental accommodation, and thereby relieve the demand on rental accommodation if they can afford that dwelling.

The sales tax that the Federal Government—our ALP nitty friends in Canberra—proposes to impose will reduce the ability of people who could afford to buy a transportable home, because the price will go up by that percentage. The consequence, as we all understand, is that a greater number of people will be pushed into the welfare housing sector, and the cost to the Federal Government and the State Government agencies which look after them will be greater than if the Federal Government had not collected that revenue as sales tax in the first place. That is why this tax is very regressive. Not only does it have a negative effect on the multiplier by reducing the rate at which these companies can compete, but (in my judgment, worse), it also increases the cost to the taxpayer to a greater extent than the revenue it raises instance by instance. By this means the Federal Government will contribute to straight out inflation. It will lift the cost of housing in the housing market, whether privately owned or for rental, and that is inflationary. That will put pressure on wages. Because people will want more to try to make ends meet, they will require the boss to pay more. That is why it has a regressive effect on the industry. The people who seek the higher pay will be no better off if they get it, because they will have to meet higher costs, which are a direct consequence of the Federal Government's policy in this regard.

It is for these reasons that I support the motion moved by the member for Davenport. I endorse everything he said about reducing the numbers of jobs that would otherwise have been created and would remain in that industry. It would reduce the contribution that that industry can make to improving our adverse balance of payments position and making it less adverse or one day, I hope, positive. Further, it decreases the number of people who are involved in getting useful skills which are applicable in other areas of the economy.

Mrs ROSENBERG (Kaurna): Sitting in my room listening to the member for Ridley I decided to come and support the motion moved by the member for Davenport, perhaps for another reason. I have lived in the Sellicks Beach area for over 20 years. Sellicks Beach has developed from

being an old traditional holiday area to attracting a large number of permanent people. Although it has no services—a problem that we are trying to redress—it has attracted people because the land is cheap. The large numbers of people who have come to live in the area have been attracted there because the land is cheap and it is more affordable to put up a transportable home than a brick structure.

My understanding of Labor Party philosophy is that we should have a good mix of housing developments throughout all areas and not discriminate against those who, for one reason or another, cannot afford a traditional brick home. My experience in the Sellicks Beach area is that those who have transportable homes there have cared for them and in most cases they look as attractive as solid brick homes.

So, when we consider this motion, which is about the possibility of sales tax being added to transportable homes, I fear for the number of people, especially young couples moving into outlying areas, who will simply not be able to afford to do so. Having heard the member for Ridley's comment about forcing these people onto welfare housing or into the rental market, which they possibly prefer not to be in, I decided to support the motion. In my own electorate it would strongly impact on the number of people who can afford to live in places such as Sellicks Beach, which is a beautiful area. I would not like to think that those people, because they are a low income or single income family, would simply miss out on an opportunity to live in a home that they are able to purchase. For that reason and that reason alone, I support the motion.

Motion carried.

SOUTH AUSTRALIAN PORTS CORPORATION

Adjourned debate on motion of Mr Brokenshire:

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.

(Continued from 16 March. Page 1995.)

Mr De LAINE (Price): I move:

Leave out 'the Government and South Australian Ports Corporation' and insert 'the previous Labor Government, the then Department of Marine and Harbors and the maritime unions'.

The member for Mawson has led with his chin in this motion about the performance of the South Australian Ports Corporation, and I am only to happy to hit it. The honourable member gets to his feet in this place from time to time and speaks on a variety of subjects. When he talks about primary industry and associated topics, he is quite credible and obviously knows his subject, but more often than not he talks about the general state of our economy, how the previous Labor Government did nothing right and, in this case, the State's shipping performance. All he achieves in these latter areas is to publicly show his inexperience and almost complete lack of understanding of these subjects.

However, I will give him credit on this occasion for being quite correct in his assertions about the recent performance of the South Australian Ports Corporation and his backing them up with accurate figures. However, that is as far as his accuracy goes. This excellent and welcome positive growth and the significant increase in trade volumes has absolutely nothing to do with the Brown Liberal Government—absolutely nothing. It has everything to do with the previous Labor Government, the former Department of Marine and Harbors and its senior staff and the magnificent work and cooperation of the maritime unions.

If the honourable member thinks that a new Government can come in and miraculously change a neglected and hopeless industry into an effective and record breaking industry in just over 12 months, he obviously still believes in Father Christmas. If he knew anything at all about the shipping industry, he would know that these outstanding performances of which he speaks could be achieved or made possible only by years of planning, negotiating, marketing, research and the provision of the necessary infrastructure to allow these results to be achieved.

In the late 1980s the previous Labor Government, in cooperation with the Federal Government, maritime unions and the then Department of Marine and Harbors, set about completely revitalising the shipping industry in Port Adelaide. Major surveys of practices and costs were carried out. Significant restructuring of the work force took place, extensive infrastructure capital works were undertaken and a thorough and aggressive research and marketing program was carried out by the State Minister and senior Department of Marine and Harbors staff.

No. 6 berth at Outer Harbor and the container terminal were upgraded. A second container crane was commissioned, and the berth was extended by some 150 metres. These extensive works resulted in greatly improved and predictable turn around times for container vessels, thus increasing the volume of cargo that could be handled at Port Adelaide. These tangible improvements convinced the Europeans and, in particular, the hard-nosed Japanese cartels, to dramatically increase their shipping calls to the port of Adelaide *in lieu* of Melbourne. The big bonus in this move was that importers in South Australia could collect their goods the day after the cargo landed instead of having to wait for between 11 to 40 days to receive it from Melbourne. That delay was due to inefficiencies in Melbourne and the continuing threat of industrial action at that port. Further good work has been done by the South Australian Ports Corporation in recent times, and this is applauded.

Government members will recall that in May last year the Opposition supported fully the South Australian Ports Corporation Bill, which established the South Australian Ports Corporation to operate South Australia's public commercial ports as a business enterprise. The corporation is going very well. This move was in accord with the recommendations of the May 1993 Industry Commission Report on Port Authority Services and is consistent with the direction in which the previous Labor Government was moving at the time of the last election. It builds upon extensive reforms commenced by the previous Government in 1990 which in turn sought to take advantage of the waterfront reforms initiated nationally by the Federal Government by boosting trade through South Australian ports, restructuring the Department of Marine and Harbors as a commercial entity and introducing more efficient work practices and competitive pricing policies.

The previous Government also won a significant allocation in the Federal Government's February 1992 One Nation statement for the development of rail based container transfer facilities at Outer Harbor and for the purchase of new straddle carriers which came into operation last year but were certainly ordered and commissioned by the previous Government. An agreement was reached with an international intermodal operator, Sealand Containerised Freight Services,

to operate the Outer Harbor container terminal from January 1993, and in late 1993 a 10 year operational agreement was negotiated with Sealand. This move, which had the overwhelming support of the industry and only grudging acceptance by the then shadow Minister for Transport, has been very successful.

In July 1992 a memorandum of understanding was signed between the port of Singapore and the port of Adelaide for the promotion of the port of Singapore as an international transport hub and the port of Adelaide as a regional transport hub in Australia for containerised sea cargo. Direct shipping services were established between the port of Adelaide and New Zealand to serve importers and exporters in South Australia and Western Australia. In addition, improved shipping services between Adelaide and South-East Asia, Japan, Korea and Europe were secured. For the year ending June 1993 the number of ships calling at the Adelaide container terminal increased from 90 to 141, which represents a 36 per cent increase in vessels and a 26 per cent increase in cargo volume. In addition, the Outer Harbor No. 3 and No. 4 berth areas were developed into international terminals for motor vehicle imports to take motor vehicles from the bulk carriers that bring them in. This was done to accommodate Mitsubishi Motors' export program.

The development of a new pricing policy and associated charge structure resulted in price reductions of up to 48 per cent in container wharfage rates as at 1 July 1992. Further reductions took place in September 1992, others during 1993 and in January 1994 as a result of decisions announced by the previous Government in November prior to the election in 1993. These initiatives and others taken by the previous Labor Government led to record breaking shipping performances in South Australia. I agree with the member for Mawson that the results of the port's cargo services are impressive, but not for the reasons given by the member. I ask all members to support the amendment.

Mrs PENFOLD secured the adjournment of the debate.

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

ASSENT TO BILLS

Her Excellency the Governor, by message, intimated her assent to the following Bills:

Consumer Credit (Credit Providers) Amendment,

Second-hand Vehicle Dealers.

POLICE POWERS

A petition signed by 617 residents of South Australia requesting that the House urge the Government to amend section 75a of the Summary Offences Act to allow police to obtain and verify a person's *bona fides* without having to suspect an offence has, is, or is about to be committed, was presented by Mr Caudell.

Petition received.

EUTHANASIA

A petition signed by 1 056 residents of South Australia requesting that the House urge the Government to oppose any measure to legislate for euthanasia was presented by Mr Kerin.

Petition received.

Petitions signed by 48 residents of South Australia requesting that the House urge the Government to maintain the present homicide law, which excludes euthanasia, while maintaining the common law right of patients to refuse treatment, were presented by Mr Leggett and Mrs Rosenberg.

Petitions received.

STATE PRINT

The Hon. S.J. BAKER (Deputy Premier): I wish to make a ministerial statement to the House about public sector printing. Public sector agencies generate printing work worth tens of millions of dollars annually. Usually, that printing is contracted to private sector printers or to State Print, a business unit within the Department for State Services. In some cases printing is carried out within the agencies themselves. The Government accepts the need for some facility within the public sector to provide essential services to the Parliament and to print sensitive documents such as budget papers and the like. However, the Government also expects that these services will be provided efficiently and effectively by printing industry standards.

In his 1992 and 1993 reports to the Parliament, the Auditor-General devoted a great deal of attention to the financial position of State Print. On becoming Treasurer, which includes responsibility for the State Services portfolio, I reviewed the position of State Print. It was immediately clear that parts of the organisation were performing satisfactorily, particularly those sections which provide fast turnaround laser printing and photocopying services. However, the financial performance of the large format offset printing plant at Netley was poor. I decided at that time to review the plant's performance a year later, that is, early this year, to allow attempts to be made to improve performance and meet loss reduction targets. That review has now taken place, along with an examination of a public sector printing policy as a whole.

As a result, the Government has decided to rationalise State Print's operations. The large format offset printing plant at Netley will close and a target date of 30 June this year has been set to complete the process. Up to 60 positions at State Print at Netley will be abolished as a result of this decision. The Government wishes to ensure that the interests of State Print employees who are in these positions are fully taken into account in the closure process and I will refer to details of this later in the statement. It is clear that there are many good aspects of State Print's performance, including the fast-turnaround laser printing and photocopying operations which, in many ways, are industry leaders in the use of digital technology, and I stress that these operations will not be affected by the Netley closure.

There are also many good points about the performance of the Netley plant, with many improvements made in recent times, including output per employee, workplace safety and print standards. These changes have been considerable for an organisation attempting to convert from an inefficient monopoly to a competitive business in an aggressive market place, and it reflects credit on the managers and employees of State Print who have worked hard to implement them. However, they have not been enough to allow State Print's Netley plant to offer competitive prices and make a profit. State Print is still making significant losses. Over the past four financial years, from 1990-1991 to 1993-94 inclusive, State Print's operating losses have amounted to $4.5 million.

If abnormal sums are taken into account, the total loss over these four years has been over $7.3 million.

For the first half of the current financial year State Print has recorded an additional operating loss of over $1 million, resulting in an accumulated deficit of $9.4 million as at 31 December 1994, and a net deficiency in assets of $4.4 million as at 30 June 1994. There are several reasons for these losses but virtually all relate to the operations of the Netley main plant and decisions taken previously. The reasons include:

- strong price competition in the printing industry, which reduces profit margins on jobs.
- State Print's customers, like many in the private sector, now generally demand shorter print runs and less costly printing (less full colour work, for example).
- Rapidly changing technology is making offset printing methods less competitive in the production of short-run printing jobs. As most public sector work falls in the 'short run' category, the effective life of the Netley plant is limited, unless there is a comprehensive and costly modernisation program.
- There is also increasing demand, especially in the public sector, for information to be provided in electronic non-paper format, such as CD-ROM, computer disk, on-line access and the like.
- State Print's inability to match private sector printers' prices in many cases has produced insufficient work at the Netley plant, resulting in low machinery utilisation.

It would take some years and very large capital investment to implement all the changes necessary to make the Netley plant competitive and efficient by industry standards. Given the limitation on the customers which the plant may service and the type of work for which the plant is suited, it is unlikely to ever make a profit.

The sale of equipment in the large format plant will be managed by the Asset Management Task Force under an open public process. Advertisements are expected to appear nationally and locally within a month from now. In seeking bids for the equipment, the Government will be giving preference to bidders who also offer to employ State Print operators willing to transfer to that bidder's firm. This process will ensure the ongoing employment of these skilled tradespeople in as many cases as possible and will be conducted in accordance with the Outsourcing—Human Resource Management Principles issued by the Department for Industrial Affairs. The Office of the Commissioner for Public Employment will be involved in the process.

For those State Print employees whose positions are abolished but who do not obtain positions in firms acquiring the equipment, the Government's targeted separation package process will be applied. However, to maximise the opportunities for these employees, TSPs will not be offered until the issue of transfers to private sector firms is settled. Persons who do not accept a TSP or a position with another firm will be redeployed in the public sector. In keeping with the Government's policy, there will be no retrenchments. However, as I have said, the Government's main aim is to ensure that as many affected employees as possible gain employment in private sector printing firms.

State Print will continue to offer electronic publishing, laser printing, photocopying and a limited range of small format, offset printing services to public sector agencies, and will continue to sell parliamentary products to the public. In all these operations, State Print will be expected to maintain competitive prices, best practice standards and an acceptable rate of return to the Government by way of a contribution to the State Services Department's dividend.

Nor will the decision affect State Print's provision of services to the Parliament, for example, the printing and distribution of Acts, *Hansard* reports, and parliamentary papers. For some time already, these products have been printed by electronic printing methods outside the Netley plant. Other essential products such as the *Government Gazette* and budget papers will also continue to be produced by State Print using this technology.

Sufficient printing industry expertise will remain within State Print to advise those agencies on the appropriate course to adopt for their printing needs, without the need for the agencies to divert other resources to the task.

If agencies wish, State Print will be able to procure that printing from private sector printers on agencies' behalf. State Print already has an established print procurement function, placing printing worth over $1 million annually with the private sector.

The Government is confident that there is sufficient capacity within the South Australian private sector printing industry to absorb the work now done by State Print's offset printing plant, without adversely affecting price, service or quality. The decision will provide a much-needed stimulus for this important sector of the State's economy.

WORKCOVER

The Hon. G.A. INGERSON (Minister for Industrial Affairs): I wish to make a ministerial statement on WorkCover. The State Government has consulted widely with the community and with key interest groups in relation to WorkCover reform since outlining its proposed policy initiatives last December. This consultation has been a planned program during which the Government has raised critical policy issues essential to the survival and reform of WorkCover and argued the case for fundamental structural changes to WorkCover. Over this period the Government has received submissions and views from workers, employers, unions, industry bodies, the legal profession, the medical profession, rehabilitation providers and other participants in the current scheme.

Since outlining Government policy proposals last December, the Government's commitment to reform has been reinforced by the fact that even during this 3½ month period the unfunded liability of WorkCover has increased by $76 million to $187 million, and by the fact that the WorkCover Board has announced that levy rates to South Australian industry will have to be increased by a further $40 million from July this year to levels 80 per cent above national competitors.

The Government's reform proposals have been grossly misrepresented by some vested interests in the community and, in particular, by the political opportunists in the Labor Party who have demonstrated massive irresponsibility by playing on the fears—

Mr Clarke interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: —of injured workers and by choosing to ignore this legacy of debt caused by Labor's own inept management. During the past three months the Government has ignored this politically motivated fear campaign. The Government has, however, listened to genuine views of employers, workers and the private views of some of the union officials, as well as others in the community who

have drawn attention to some of the more contentious aspects of the Government's policy proposals but otherwise endorsed their objectives. As a consequence of this process of consultation, and as foreshadowed last December, the Government will modify some of its policy proposals for WorkCover reform.

This is intended to address the more contentious aspects of the Government's proposal and will thus introduce a range of additional policy issues justifying change and will clarify areas of the Government's original policy intention. In adopting this approach the Government has retained the central objective of structural reform to the key areas, namely, reduction in benefit levels, second year reviews, lump sum payments, the review process, claims administration outsourcing, and workplace safety and prevention.

Additional policy issues which the Government intends to specifically address include rehabilitation and return to work plans, medical costs, medical protocols, legal costs and employer fraud and levy underpayment. Importantly, the Government's objective is to ensure that the WorkCover scheme will achieve a cost saving of approximately $85 million and alleviate its financial haemorrhaging and avoid the need for further levy rate increases. The statement by the Government is a further important step in bringing about a balanced, fair and affordable WorkCover system for South Australia.

It is the responsibility of the community to recognise the serious context in which these policy reform initiatives are being pursued and to ensure that the reform outcome for which this Government has a mandate is implemented. I wish to formally thank all interest groups, particularly industry bodies, some members of the trade union movement, and some legal practitioners for their input and assistance during this period of consultation and review of the Government's WorkCover reform agenda.

GOVERNMENT GRANTS

The Hon. D.C. WOTTON (Minister for Family and Community Services): I wish to make a ministerial statement and place on public record the issue of Government funding and allocation of grants to community groups through the Department for Family and Community Services. I also wish to explain how this funding should be seen to fit into the total context of Government policy and my core responsibilities as Minister. The stark reality is that there are financial constraints on all of us, and we are all having to tighten our belts as we work towards overcoming a massive $3.5 billion debt left by the last Government.

The community has clear expectations for accountability for public money and, in that context, organisations utilising Government funds must be called to account. The Industry Commission's recent draft report on charitable organisations summed it up well when it said:

> The increasing reliance of Governments on social welfare organisations testifies to the confidence which Governments have in the effectiveness of much of the sector. However, Governments need the assurance that they are getting value for money as well as the assurance of standards of quality in the delivery of services.

That report also made it extremely clear that Governments must focus clearly on what services they are prepared to fund and purchase on behalf of the community. In this context, there are some other stark realities which I as Minister have a responsibility to address. My core business focus must be at the crisis and statutory end of the social welfare spectrum and on the responsibilities for care protection of children from which the Government cannot resile. We are talking about abused children, broken families and families in crisis, women fleeing from domestic violence, the destitute and the homeless. The evidence is that the workload is continuing to increase. Last year there was a 12 per cent increase in child abuse investigations and this year so far a further 10.7 per cent increase.

The Government and I believe that the community sector is an integral part of responding to social welfare agenda and that grants should be the outcome of fair, informed and transparent process. I believe that we have demonstrated our good faith and I am alarmed at any suggestions to the contrary. It should be a matter of public record that this Government has committed itself to the ongoing reform agenda in community grants.

The Neighbourhood Development program was the subject of an extensive review and consultation process including dialogue with local government. The Family Support Program has been the subject of a major policy review with negotiations aimed at a local area planning approach to service delivery. The Services to Youth Program review has resulted in new arrangements and new agreements which will deliver better services with the full involvement of the youth sector. The anti-poverty program and the peak bodies review will overhaul policy in these areas and inform decisions about individual grants. In terms of awards, the Government has made clear policy statements with respect to its support and the funding available to the sector. Senior management in the non-government sector need to respond realistically and strategically.

In times of financial constraint I can appreciate that individual organisations are concerned for their own position. But this should not hijack the debate away from the key issues which are: ensuring that the Government's crucial obligations to children and families in crisis are met and that the community gets value for money through efficient, effective and responsive service delivery.

QUESTION TIME

TAFE BUDGET

Mr CLARKE (Deputy Leader of the Opposition): Is the Minister for Employment, Training and Further Education's department working on plans to meet a Cabinet direction to prepare a budget based on a cut to State funding for TAFE of between $14 million and $21 million? The Opposition has a copy of the minutes of a joint executive Central Office Management Committee meeting held on 6 March to prepare a plan for presentation to the Cabinet Budget Committee. Today's edition of *Campus Review* has revealed that cuts being planned by TAFE could be in excess of $13 million, and the Opposition has been informed that the best case is a cut of $13 million and the worst case a cut of $21 million. The *Campus Review* says a cut of $14 million would be the equivalent of closing the Croydon Institute.

Members interjecting:

The SPEAKER: Order! The Minister for Employment, Training and Further Education.

The Hon. R.B. SUCH: The Deputy Leader of the Opposition has come into possession of documents which have obviously been leaked out of the department.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

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

The Hon. R.B. SUCH: I am aware that some documents have been removed from the department illegally. My point—

Members interjecting:

The SPEAKER: Order! The Deputy Leader of the Opposition is warned under Standing Order 137.

The Hon. R.B. SUCH: As I pointed out earlier this week, budget deliberations are not finalised. Whether or not the Deputy Leader has documents is irrelevant because the final decisions will be made by Cabinet and various scenarios are always canvassed in the leadup to the final budget being delivered. I suggest that the Deputy Leader just sit back and enjoy—

Mr Clarke: You're not relaxed.

The Hon. R.B. SUCH: Yes, I am fully relaxed.

Members interjecting:

The SPEAKER: Order! I suggest that if the Deputy Leader wants to complete Question Time he ought to comply with Standing Orders.

The Hon. R.B. SUCH: The Deputy Leader should sit back and relax in the lead up to the budget and hear all the good news when the budget is delivered.

EDS

Mr ASHENDEN (Wright): Will the Premier indicate the progress that has been made in finalising negotiations with EDS for the contracting out of Government data processing and the major industrial development to be undertaken by EDS in South Australia?

The Hon. DEAN BROWN: I am delighted to report to the House that the negotiations with EDS are progressing well. It has been an enormous task to do a due diligence of about 150 Government agencies. We were hoping that would be finished by the end of March, and it looks as if it will be, approximately. I had indicated that I would like to see the contract signed in early April. I think it might be a little later in April, but we are still on target to have it completed some time in April.

I want members to understand the very significant impact that this contract will have on the establishment of an information technology industry in South Australia. It is certainly attracting more and more international attention all the time. I had yet another Vice President of a large international or multinational IT company come and see me in the past week. Again, I think it highlights that no single contract has attracted greater international attention to South Australia than the development of that contract with EDS. At the same time, I want to assure all members that, because of the importance of that contract, we must ensure that we get it right and protect the long-term interests of South Australia. Therefore, we are going through the contract very carefully.

Again, we have brought in lawyers from Washington DC—Shaw Pitman—because they are the best in the world. I hope that we can sign that contract some time in April. Once that is done, it will be the start of a whole new era for South Australia. It will set an example to the rest of the world. The world is sitting back and looking at how it is done—the first approach ever where the whole of Government is contracted out in one contract for information technology.

TAFE BUDGET

The Hon. M.D. RANN (Leader of the Opposition): Has the Minister for Employment, Training and Further Education been advised that proposed cuts to the TAFE budget would mean delays in commissioning new facilities at the Noarlunga and Adelaide institutes of TAFE? The Opposition has been given a copy of notes of a meeting held by TAFE executives to prepare a forward budget plan for Cabinet's budget committee. These notes warn of the dire consequences of the proposed cuts and argue that the budget reductions put at risk TAFE's ability to commission new facilities at centres such as Adelaide and Noarlunga. The notes reveal:

> The centrepiece of the Noarlunga redevelopment is a hospitality and tourism suite focusing on the Fleurieu Peninsula.

The document goes on:

> This will have an impact on the seats of Reynell, Mawson and Kaurna and the needs of MBf resorts.

The Hon. R.B. SUCH: The Opposition has some illegal documents which do not have any status. What counts in terms—

Members interjecting:

The SPEAKER: Order! I suggest to members that they have interjected sufficiently.

The Hon. R.B. SUCH: —of the budget is the decision made by Cabinet. The Leader probably does not realise that. From his past track record it is understandable that he would not understand that Cabinet, with a capital 'C', is involved. Various scenarios will be canvassed within the department. That is what always happens in the lead up to a budget. I have said that before. The point is that a whole range of possibilities is canvassed from the worst to the best—

Members interjecting:

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

The Hon. R.B. SUCH: In every Government in the world every department goes through this in the lead up to a budget deliberation—there is nothing unusual about it—and they include worst and best scenarios. The Opposition should just relax and wait for the real thing—the budget—when it is delivered.

STATE PRINT

Mr LEGGETT (Hanson): My question is directed to the Treasurer. Further to the Minister's statement on the rationalisation of State Print's operations, will he inform the House what action the Government will be taking to ensure that agencies get the best value for money in terms of their printing work?

The Hon. S.J. BAKER: It is important to look at the initiatives taken by the Government in a whole of Government sense. Information has been given to Parliament on a number of fronts where we are saying that the whole of Government's enormous buying power should be used to its advantage. In my ministerial statement I referred to changes that will principally affect the Netley plant. All printing services of the Parliament will be maintained. We will have one of the most effective and efficient services in Australia. The member for Ridley, who was a major instigator, and the former Minister for Health, Martyn Evans, said that we have great capacity to generate the information that needs to go out in a cost-effective and timely fashion. We have a quality product which costs about a third of the price it did previous-

ly. We have some great standards under the umbrella of State Print. We can thank two members—the member for Ridley and the former Minister for Health—that that has occurred, and I understand that other Parliaments are looking at exactly the same initiative.

In relation to the printing that is done outside of that area and which affects the whole of Government, capacity will remain within State Print to provide advice if we need to bulk up contracts to ensure we get the best price possible. As has occurred previously, Government departments are supposed to have contacted State Print, received an approximate price for the type of printing they wish and then some of them have sought other quotes. Quite often, those quotes have meant that the printing work has gone elsewhere.

The Government believes there is tremendous capacity to get some formality into that process and to ensure that we get the best price possible all the time rather than only some of the time. Initiatives will be put in place to capitalise on the buying strength of Government by using central intelligence. We will have highly skilled practitioners in place who know the industry well to advise departments and bulk up contracts. Even in this area we believe there will be significant savings. One can be assured that once the change has been made we will not sacrifice price, quality or service.

MBf

Mr FOLEY (Hart): Why did the Premier advise the House on 10 August 1994 that he had given no commitment to Mr Tan Sri Loy of MBf on the development of a casino as part of the Wirrina Cove complex? A leaked document supplied to the Opposition contains a file note from MBf Sydney consultants quoting a Ms Ann Thompson, another adviser to MBf and Tan Sri Loy. The note states:

> Although Tan Sri has promised publicly to pour some $200 million into developing the resort [at Wirrina] he will not proceed unless the State Government can make good on a promise that he claimed was made to him—that the South Australian Government would extend the existing South Australian casino licence to Wirrina Cove.

The note continues:

> Tan Sri was privately adamant that no money would be spent unless the Government came good.

Mr Atkinson interjecting:

The SPEAKER: Order! If the member for Spence interjects again I will deal with him.

Members interjecting:

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

The Hon. DEAN BROWN: Quite clearly, the minute that has been written is incorrect—it is quite clearly wrong. I take up the last point that no money will be spent until the Government has committed money. Money has already been spent down there—$30 million is under way, and the Government has not put in any money at all at this stage. What the Government has done—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Leader of the Opposition has had more than a fair go.

The Hon. DEAN BROWN: —is quite clear. The Government has said that as further development occurs we will help with the infrastructure down at Wirrina. There is nothing unusual about that.

Mr Foley interjecting:

The Hon. DEAN BROWN: I will come to that matter in a moment. I take up the last point because it is alleged in the minute that no money would be spent at Wirrina until the Government had come up with both the commitment on a casino and money. What I am saying is that $30 million has been committed at Wirrina. The Government has not done anything as far as a casino is concerned and has put no money whatsoever into Wirrina at this stage. We are talking with the MBf people here in Adelaide about the long-term infrastructure that would need to be provided by Government. There is no secret about that; it has already gone to a parliamentary committee.

Now I come to the casino issue, and I make quite clear to the House, as I did last year, that any commitment on a casino cannot be made by the Government of the day, because it has to get through both Houses of the Parliament. Anyone would understand that a casino is a very contentious issue. I sat in this House through the 1970s and the 1980s and I saw various moves for a casino defeated effectively by the numbers in the House, because any vote on a casino is a conscience vote. As I made quite clear to MBf and to this Parliament last year, I cannot give a commitment, because it is a conscience vote of the Parliament: only the Parliament can give approval for any additional casino licence here in South Australia. That clearly stands. I point out to the honourable member who is waving a document around—

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat. The member for Hart knows full well that he should not wave pieces of paper; it is out of order. I would have thought that, having had the opportunity to look at other Parliaments, he would come back and conduct himself in a more appropriate manner. The Premier.

The Hon. DEAN BROWN: As I understand it, the document which the honourable member is waving around—and he cannot understand that he ought not to wave it around—has not come from MBf at all: it has come from someone who was a consultant to MBf and who is no longer a consultant to MBf. It is not an MBf document.

INVESTMENT STRATEGY

Mrs HALL (Coles): Will the Premier explain to the House the Adelaide investment strategy he has jointly announced today with the Prime Minister?

The Hon. DEAN BROWN: I was delighted to welcome the Prime Minister to Adelaide; it is not often that we see him here. I was pleased to greet him and to put to him a whole series of infrastructure projects that I think should be adopted here in South Australia. It was very appropriate that this morning's seminar should be held because, only last Monday, Cabinet spent two hours looking at the broad economic development strategy for South Australia.

The strategy was put forward by Mr Ian Webber on behalf of the South Australian Development Corporation. It basically had two key components: if South Australia is to succeed in terms of economic development, we have to concentrate on exports; and, if as a State we are to concentrate on exports, the best way of doing that is to make sure that we build up a very competitive infrastructure. Some recent survey work amongst companies, particularly in the manufacturing and mining sectors, has quite clearly shown that the single most important factor in terms of being competitive on world markets is the infrastructure that is provided. I am delighted that the member for Coles has raised

this issue, because the South Australian Government has a very clear strategy about where it is heading.

The Hon. Frank Blevins: How much are you going to pay Michael Lennon?

The Hon. DEAN BROWN: It is interesting that the former Treasurer should ask how much we will pay Michael Lennon. I do not want to embarrass the honourable member, but I will have to tell him the truth. I point out that he is not being engaged by the South Australian Government at all: he is being engaged by the Federal Government, so the honourable member will have to talk to the Prime Minister about how much is being paid to Michael Lennon.

Members interjecting:

The Hon. DEAN BROWN: It was a co-announcement, whereby the Federal Government is paying for the feasibility study and we are supplying—

Members interjecting:

The Hon. DEAN BROWN: Ask Keating. I am not paying Mr Lennon: Mr Keating is paying him. One of Mr Keating's colleagues is in the gallery; you might like to ask him the question in Parliament next week.

Mr ATKINSON: I rise on a point of order, Mr Speaker. I understand it is out of order for someone speaking in this Chamber to draw attention to events in the gallery.

The SPEAKER: Order! The honourable member is correct.

The Hon. DEAN BROWN: I put to the House some of the key infrastructure projects which I put forward this morning at the establishment and initial meeting of this infrastructure group. I was able to present these facts to the Prime Minister. The first is that we would like to see an upgrade of the Adelaide Airport as quickly as possible. I have heard from the Leader of the Opposition that apparently there is $40 million somewhere. We are still looking for the $40 million that he promised last year at the ALP conference. The Federal Government does not seem to know about the $40 million. We asked at the time where it was, and we are still looking for it.

Another important part of the infrastructure—and I want to stress this point—is that this whole initiative is about making sure that we improve access for South Australia into the rest of the world, in other words, to help us develop our export industry. That is why I embraced the proposal put forward by the Federal Government: I believe it will help to make South Australia more internationally competitive.

This morning I proposed that the Alice Springs to Darwin rail link be built as quickly as possible under this proposal. If that rail link is built, it will reduce the time to get freight from Adelaide to Singapore to about five days; that is about one-third of the traditional time. It will make goods out of Adelaide very internationally competitive and particularly allow us to expand the food industry. I proposed that there should be improved sea transport out of Adelaide in particular. I put a request to the Prime Minister that the National Rail Corporation should allow Sea-Land to operate its own trains on National Rail Corporation tracks, which so far the National Rail Corporation has not approved. I stress that, if we are to have competition policy—and it is Mr Keating who talks about competition policy—let us make sure it applies to the railways as well.

I also highlighted to Mr Keating that this Government this week is committed to the Southern Expressway, the biggest single infrastructure project that South Australia has seen for the past 15 years, since we were last in government—a very important initiative not just in terms of improving the lifestyle for people living in the suburbs but very importantly opening up new areas for tourism and the export of freight out of Adelaide. Then I highlighted—

An honourable member: Frank's going.

The Hon. DEAN BROWN: I would have thought the people of Whyalla could wait just a few more hours.

The Hon. H. Allison: Before you go, we didn't pay Michael as much as you paid Marcus Clark.

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

The Hon. DEAN BROWN: How much did they pay Marcus Clark—$4 billion? Another key initiative that I highlighted to the Prime Minister was what was occurring with information technology, and in particular I put to him that Adelaide should be the centre for multi-media facilities that are established and also that we should have established here in Adelaide a national software engineering institute. I think that is a most important initiative following on from the EDS and Motorola initiatives and several others. I believe that, within a couple of years, Adelaide will be the centre of the software industry certainly in Australia and one of the key centres for software development for the whole of the Asian area. So, it is an important initiative: the Federal Government and the State Government stand side by side, and the important thing is that we need to make sure that there is a very big bucket of money from the Federal Government to back up today's commitment by the end of this year.

MBf

Mr FOLEY (Hart): Will the Premier assure the House that MBf is still fully committed to all stages of the $200 million development of Wirrina Cove as he has previously announced, including an international class motel, a 350 berth marina and a residential development?

The Hon. DEAN BROWN: Certainly, I can assure the House, from all the discussions I have had with MBf, particularly at the opening that took place down at Wirrina. I was somewhat interested that no members of the Opposition turned up even though they were invited. I understand that the Leader of the Opposition was invited. It is the biggest single tourism project in South Australia ever; the Leader of the Opposition is invited to the opening and he does not roll up. What does he do after he has not rolled up? He then stands up publicly and says that I will not acknowledge him at these functions, even though he is not present. I will give a commitment: I will acknowledge him every time he is not present.

We know the extent to which the Leader of the Opposition and members opposite want to knock every major project we get going in South Australia, as they have done with Wirrina. Coming back to the question, I can assure the honourable member that at the opening MBf and Mr Tan Sri Loy, himself, talked about the fact that this was a 10 year project, that he intended to spend $10 million—

The Hon. M.D. Rann: Without the casino?

The Hon. DEAN BROWN: Without the casino. In fact, apart from the original request that was put to the State Government about the casino, where I gave the reply that that was a matter for the Parliament and not for the Government of the day to deal with, there has been no discussion whatsoever on the casino, and it is about 10 or 11 months ago that that occurred. So, I think the honourable member needs to forget his excitement on this issue, come back to the reality, come to the openings and hear the facts himself.

Mr Foley: I did not get an invitation.

The SPEAKER: Order!

Members interjecting:

The SPEAKER: When the House decides to conduct—

Members interjecting:

The SPEAKER: Order! When the Chair is addressing the House, I would suggest to the member for Hart that he cease interjecting.

Mr Foley: The Premier was doing the same.

The SPEAKER: Order! I warn the honourable member for the second time in accordance with Standing Order 137. One further transgression and the honourable member will be named.

Mr FOLEY: I rise on a point of order, Mr Speaker. When was the first warning?

The SPEAKER: If the honourable member wishes to refer to *Hansard*, he will see that the Chair has had to speak to the member for Hart on a number of occasions, and I would suggest that he not take further frivolous points of order. The member for Frome.

Members interjecting:

The SPEAKER: Order! I understand that the member for Spence made an interjection that the Chair was a joke.

Mr FOLEY: I rise on a point of order; I was talking to my colleague, Mr Speaker.

The SPEAKER: Order! I point out to members opposite that, if they want to test the patience of the Chair and if they wish to take on the Chair, the Chair is very happy to accommodate them.

SOUTH AUSTRALIAN CENTRE FOR MANUFACTURING

Mr KERIN (Frome): Will the Minister for Industry, Manufacturing, Small Business and Regional Development inform the House about the benefits that businesses will gain from the advanced manufacturing facility at the South Australian Centre for Manufacturing, which the Minister officially commissioned this morning?

The Hon. J.W. OLSEN: Through the Centre for Manufacturing, we are positioning the manufacturing industry in Australia to have the most advanced technology available to it, so that it can put in place best international practice manufacturing operations in South Australia. To do so ensures that we secure job opportunities in South Australia for South Australians. About $1 million has been invested in the new plant and equipment. It assists enterprises to gain a competitive edge through improved product development. The rapid prototyping technology at the Centre for Manufacturing is not available anywhere else in Australia—it is an Australian first. It will be achieving and maintaining world competitive performance.

Not so many years ago, when the Australian Submarine Corporation deal was put in place, there was only one company up to international standard (ISO) in South Australia. The Centre for Manufacturing addressed that position and as a result helped to upgrade others, and that in turn opened up for them international contacts for which previously they had not had the capacity or ability to tender. At present, 41 per cent of our manufacturing companies are exporting, and that is a higher percentage than in any other State in Australia. We need to do that because between 1981 and 1991, in manufacturing alone, some 10 000 jobs were lost in South Australia.

This new technology helps manufacturers analyse a competitor's product and improve it before a competitor gets the jump on the market. So, if a new product comes on the market, a company can take it to the Centre for Manufacturing, it can be analysed and the company then can look at how it can adjust its own product to meet that competition. So, a competitor—particularly an international competitor—does not get a march on them in the market place. It is a state-of-the-art laminated object manufacturing system. It produces large and complex models using adhesive backed paper.

I would encourage members to have a look at the facility and also to bring the availability of this—the first in Australia—to the manufacturing industry in South Australia because, in summary, the advanced manufacturing facility gives South Australian manufacturers access to the most advanced rapid prototyping technologies in the world, and the results from that have to be improved product development, lower development cost, improved product quality and better positioning for South Australian manufacturers, not only in Australia but also in the international market place.

ISLAND SEAWAY

Mr QUIRKE (Playford): Will the Premier advise the House whether the profitability of the MBf operation Kangaroo Island Sealink was discussed when the Government made its decision to cease the *Island Seaway* service and pay a subsidy to freight operators to use the MBf's *Sealink*? The leaked file notes supplied to the Opposition state:

> The ferry link operation is owned by MBf Sealink Pty Ltd, a wholly owned subsidiary of MBf Australia, and is run independently. It is not even clear whether this operation makes money.

On 14 March this year, the Minister for Transport said:

> We will be saving $3.2 million a year [with the scrapping of the *Island Seaway*]. . . That amount will be used towards a freight subsidy scheme for operators who use the *Sealink*.

The Hon. DEAN BROWN: It is not a leaked file note: I think that the honourable member has got hold of a public statement by the Minister. I have seen two or three similar statements made publicly by the Minister for Transport where she has clearly indicated that, out of the savings by stopping the *Seaway*, there will be the opportunity for a freight subsidy starting at $600 000 a year and reducing by 10 per cent a year whilst there is only one freight service to the Island. Once there is a second freight service, there is again competition and the freight subsidy cuts out.

I also indicate to the House that the Minister has publicly talked about the fact that other savings from ceasing the operation of the *Seaway* will be used, first, to help improve the roads on Kangaroo Island—and they urgently need to be improved as they were neglected for 11 years—and, secondly, to do some upgrading of the road from Adelaide to Cape Jervis. Therefore, it is quite clear—and the people of the Island understand this—that they get the benefit of the savings made by ceasing the operation of the *Seaway*.

I will reveal a small secret to the House: I became a member of this Parliament again in about May 1992, and Kangaroo Island at that stage was part of my electorate. I stress that I was an Opposition member at that stage, and there were considerable discussions by the Labor Government of the day about how it could achieve cost savings for the *Seaway*. It gave them two years to achieve very considerable savings and, if they failed to achieve those savings, the

Labor Government said that it would cease the *Seaway* operation with no promise of freight subsidy whatsoever.

The fact is that, as the member representing Kingscote and Kangaroo Island, I had a number of discussions with parties on Kangaroo Island about the proposals put forward by the Labor Government, and, in particular, the fact that the Labor Government had set down this criterion of two years in which to achieve huge savings with the *Seaway*, or else. In fact, no savings whatsoever were achieved with the *Seaway* on the basis laid down by the former Labor Government: it wanted to reduce the subsidy very substantially, from memory, by about $2 million a year, possibly more. Not surprisingly, the Labor Government did not achieve that—it did not achieve much at all in its 11 years in Government. But, having failed to achieve that, the criterion laid down by the Labor Party, which was to cease operation of the *Seaway*, was, quite naturally, put into effect. I point out to the House that the Government is currently subsiding the *Seaway* operation to the extent of about $6 million a year. We believe that that money could be far more effectively used by other means, including the improvement of roads and, if need be, a subsidy on the freight—

The Hon. M.D. Rann interjecting:

The Hon. DEAN BROWN: On the *Sealink*, which was a $600 000 subsidy reducing by 10 per cent a year, so that it would be entirely eliminated—

An honourable member: That was a maximum?

The Hon. DEAN BROWN: That was the maximum. Some help was also given to transport operators on the island to modify their semitrailers to make them more suitable for transportation on the roads rather than just on the *Seaway*. I refer to two other matters in relation to this. Let us be assured, there is no leaked file note, as the honourable member quoted in his question: it is a public statement.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: I also point out to the House, in relation to the MBf operations in South Australia and the attraction of new investment to this State that, recently, two full page advertisements appeared in the Malaysian newspaper inviting people in Malaysia to invest in condominiums at Wirrina.

An honourable member interjecting:

The Hon. DEAN BROWN: Singapore; well, I understand the advertisements also appeared in the Malaysian newspaper but apparently they appeared in the Singapore newspaper as well. We have a Malaysian company promoting South Australia as a tourism destination, and here we have an Opposition that, day after day, wants to knock that. Yesterday, we saw another investor from Malaysia committing an investment of $11 million to upgrade Granite Island, and we have MBf committing $200 million to upgrade and develop Wirrina. Tourism—one of the key industries to which this State Government has made a commitment—is starting to bring significant dollars into South Australia and producing the employment opportunities we should be about, and we have an Opposition that cannot see past the end of its nose, having failed for 11 years to bring one major tourist development to South Australia.

The Hon. M.D. Rann: The Casino you opposed; the Casino you voted against.

The SPEAKER: Order!

The Hon. M.D. Rann interjecting:

The SPEAKER: The Leader of the Opposition will come to order.

HOUSING TRUST PROJECTS

Mr ROSSI (Lee): My question is directed to the Minister for Housing, Urban Development and Local Government Relations. Is the Housing Trust considering contracting out more of its new building projects?

The Hon. J.K.G. OSWALD: Members of the House will be interested to learn that a current shift is occurring within the Housing Trust in the area of the New Build Housing Program away from the internally developed trust designs across more into the build and construct. The percentages are quite impressive: since 1992-93, when there was only 15 per cent of build and construct within the Housing Trust, we have now lifted that figure to 65 per cent. I anticipate achieving that target in the 1995-96 year. It naturally follows from these changes that various components of design, documentation and contract administration are now also being carried out by professionals in the private sector. Close liaison now also exists between the Housing Trust, the MBA and the HIA with respect to the standards employed in public housing, and there is now a far wider opportunity for builders to participate in the trust building program.

The move towards externally designed trust housing not only creates for us a greater flexibility in housing design but, through the design and construct program, enables us to have greater access to a wider range of suburbs and building opportunities throughout the wider metropolitan area. These two factors work towards achieving the Government's objectives of providing public housing, which is indistinguishable now from the private sector and which is a particularly advantageous move. People now taking up public housing can do so without anyone knowing that it is public housing, and it certainly helps the socioeconomic mix of suburbs. We can now spread public housing throughout the private housing sector and that is a benefit to both sectors.

KANGAROO ISLAND FARMERS

Mr QUIRKE (Playford): Is the Minister for Primary Industries aware that Kangaroo Island farmers face a shortage of superphosphate as a result of the Government's decision to scrap the *Island Seaway* service in favour of the MBf owned *Sealink* service? The Opposition has received a copy of a letter from Coopers Transport to the member for Flinders, seeking an extension of the *Island Seaway* service for a period of only eight weeks. The letter states that, of the total anticipated tonnage of 15 000, only 3 500 tonnes have been carted so far, and that existing trailers are designed for the *Seaway* operation and the new *El Baraq*. The letter states:

> In eight weeks when the *El Baraq* service begins this season will be too far advanced to spread superphosphate. The *Sealink* trip involves road travel and these trailers will be extremely dangerous and unsuited to this route.

The Hon. D.S. BAKER: I will obtain a full report on the matter for the honourable member, but I can assure him that eight weeks will not be the extent of the time that farmers can apply superphosphate on Kangaroo Island, and I know that from a lot of experience in primary industry.

HOME AND COMMUNITY CARE

Mr WADE (Elder): Will the Minister for Family and Community Services give details on the latest round of home and community care funding? Last night, a television news report claimed hundreds of aged and disabled South

Australians had been told that their home help was being cut in half and that the Government was asking charities to fork out more cash to fund the program.

Mr Atkinson interjecting:

The SPEAKER: Order! I point out to the member for Spence that he has had sufficient warning.

The Hon. D.C. WOTTON: I was very concerned to see that television report last night and, as Minister for the Ageing and Minister for Family and Community Services, I consider that report to be scaremongering of the worst kind. I was particularly disappointed because, although I was asked to comment on allegations, the reporter herself was unavailable for any response to be given. The Home and Community Care (HACC) program is a cost-shared program between the State and Commonwealth governments. The aim of the program is to assist frail and older people and people with disabilities to live independently in their own homes and to participate in their communities. Services in the program include respite care, personal care, day care and home help.

Last financial year funding for HACC programs in South Australia amounted to $53 million, the majority currently receiving funding on a 40/60 basis (that is, 40 per cent from the State, 60 per cent from the Commonwealth). This financial year the Commonwealth has agreed with this State to an increase of 8.1 per cent, bringing the program to more than $57 million. It is vital for this Government to make sure that this offer of growth funding, and thus more services, is taken up. The Commonwealth agrees with this Government that some services need special attention, including those which traditionally have not been funded by other means.

In particular, I mention this Government's commitments to carers, Aboriginal communities and those living in rural and remote areas. With this in mind the Government is exercising its ability under the Home and Community Care Act to seek funds from other sources to match the Commonwealth offer. Organisations such as those in the disability arena have been given the opportunity to initiate new programs, or expand existing services, with the Commonwealth meeting 50 per cent of the costs involved.

An advertisement was placed in the press about three weeks ago calling for expressions of interest for 1995-96 funding from organisations interested in developing services to priority areas. I understand that many organisations have responded favourably to the scheme and more are willing to contribute their funds to it. This Government is committed to ensuring provision of services through a range of Government and non-government programs for aged, frail and disabled people. There are no cuts to existing services.

Any efforts to increase uncertainty in the community or to undermine the commitment of either the Government or the non-government sector is disgusting. This is particularly so as it affects the emotional well being of vulnerable people and their carers. Services are being maintained in this time of harsh economic reality. It is a challenge for all of us to make the dollar go further as we repair much of the damage and problems caused by the last Labor Government. It seems that people in this House have short memories.

Members interjecting:

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

RADIOACTIVE WASTE

Mrs GERAGHTY (Torrens): Has the Premier written to the Prime Minister requesting use of Woomera as a dumping ground for this State's uranium waste and, if so, will the Premier supply the details to the Parliament? On radio 5DN today the Prime Minister stated that he had received such correspondence. The Premier's private views on the storage of waste at Woomera differ greatly from his publicly stated position.

The SPEAKER: The honourable member is obviously commenting. The honourable Premier.

The Hon. DEAN BROWN: I am delighted to reveal to the House exactly what I put to the Prime Minister. Yes, I have written to the Prime Minister and, in that letter to him, in which I talked about waste coming from St Marys, I highlighted that, if they are going to use Woomera rangehead as the dumping ground for radioactive material for the rest of Australia, the very least they can do is accept the radioactive material stored here in Adelaide. I would have thought that that was a pretty reasonable sort of proposal. I am not at all embarrassed by it. In fact, it is to the strength of this State Government that we put the interests of South Australia first.

Are the honourable member opposite and the Australian Labor Party supporting the Federal Labor Government using South Australia as a dumping ground for radioactive waste for the whole of Australia? That is the inference taken from the question asked by the honourable member this afternoon. In fact, in supporting the Federal Labor Government using South Australia and Woomera as the dumping ground for radioactive material, apparently they are not even willing to have radioactive waste from Adelaide stored at Woomera. It is unbelievable.

It is unbelievable that the Labor Party in this State should take such a stand: that it is good enough for radioactive waste from Sydney to be stored at Woomera but apparently not good enough for radioactive waste from South Australia to be stored at Woomera in the interests of the people of Adelaide. Sometimes I really despair about the stance taken by the Labor Party here in South Australia in its efforts to score a political point.

MBf

Mr MEIER (Goyder): Is the Premier aware of the background to the questions being asked this afternoon by the Opposition about the Wirrina development?

The Hon. DEAN BROWN: In asking his question the member for Hart said that he was quoting a document. Where is the member for Hart and where is the Leader of the Opposition?

Members interjecting:

The SPEAKER: Order! The member for Mawson will cease interjecting.

The Hon. DEAN BROWN: Where is the Leader and where is the member for Hart?

Members interjecting:

The SPEAKER: Order! The Minister is out of order.

The Hon. DEAN BROWN: I happen to have a copy of a document from which the member for Hart quoted this afternoon. However, he failed to quote what the document said a little further down. Members will recall that he said the document related to Ann Thompson, a consultant who worked for MBf for a while. He quoted the part:

> Ann mentioned that Tan Sri was privately adamant that no money would be spent unless the Government came good.

That is the exact quote of the document. We all know that they had gone ahead with a $30 million development, which

shows clearly that the document is wrong in that regard. Here he is—

Members interjecting:

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

The Hon. DEAN BROWN: The document goes on—and this is what the member for Hart deliberately left out:

> . . . on 3 August 1994, Ann phoned to advise that Randall Ashbourne from Channel 7, senior correspondent, had met with the Opposition—

that is, the Labor Party—

> and subsequently flown to Asia to interview Mr Wee. He also contacted Ann to arrange to talk to Mr Tan Sri, supposedly on tourism.

Subsequently, Channel 7 put some of this to air and a defamation action was then taken by MBf against Channel 7 for what it said on air and apparently all of this activity this afternoon is simply trying to get some information for Channel 7 to use in its defamation defence.

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat. I point out to members on both sides that some of the conduct this afternoon is far below what the public expects. Members should understand that they are elected representatives and this sort of bad behaviour will cease. That includes the Minister for Primary Industries. I will not have members misbehaving. I do not mind from which quarter of the House they come, but some members will go out.

The Hon. DEAN BROWN: We all know who is the news editor at Channel 7, Chris Willis, former press secretary to former Premier Bannon; we all know the very close link that still exists between Willis and the Labor Opposition here in South Australia, and I find it pretty shabby that this Parliament should be used in such a manner, simply trying to use questions in the House in order to take part in a court action to take place shortly concerning defamation. It highlights the extent—

Members interjecting:

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

The Hon. DEAN BROWN: It highlights the extent—going back to August last year—of how there has been close collusion between Channel 7 and the Labor Party in trying to knock MBf and Wirrina.

Members interjecting:

The SPEAKER: Order! I name the Deputy Leader of the Opposition for defying the warning of the Chair. Does the Deputy Leader wish to be heard with an apology or an explanation?

Mr CLARKE: If I gave any offence, I apologise. There was a heated exchange between the Premier and members on this side through quite provocative statements made by the Premier that were quite unsubstantiated.

Members interjecting:

The SPEAKER: Order! Because it is Thursday afternoon, the Chair is willing to accept the explanation. Let me give it as a clear warning to all members: no further explanations will be accepted when members are named.

ABORIGINES, DOCUMENTS

Mr CLARKE (Deputy Leader of the Opposition): Will the Minister for Aboriginal Affairs take action against those persons who have not heeded his call made in this House on 14 March for the return of copies of documents containing information about secret Aboriginal beliefs? The Opposition has been informed that copies of documents circulated by Mr Ian MacLachlan to lawyers acting for Tom and Wendy Chapman and to other persons have still not been returned to the Federal Minister for Aboriginal Affairs.

The Hon. M.H. ARMITAGE: First, I am very pleased that the documents have been returned by Mr McLachlan. I refer the member for Ross Smith, as shadow Minister for Aboriginal Affairs, to my answer on 14 March and to the Aboriginal Heritage Act. In the Act and in my answer he will see that I have no power to demand the return of those documents. However, I made the plea on 14 March—

The Hon. M.D. Rann interjecting:

The Hon. M.H. ARMITAGE: They have been returned, Mike. Keep up with the play. I made the plea then, which I repeat, that, if anyone has the sensitive documents, I believe they should be returned. However, I do not have the power to go and seize them.

TORRENS RIVER

Mr SCALZI (Hartley): Will the Minister for Emergency Services provide information to the House on the assistance that the Department for Correctional Services community service orders program is providing to clean up the Torrens River?

The Hon. W.A. MATTHEW: I thank the member for Hartley for his question. Of course, the Torrens River passes through his electorate and he has been conspicuous through his activities in ensuring that the clean-up programs for the Torrens River are advanced as quickly as possible. I am pleased to advise the House that the Department for Correctional Services has arranged for community service offenders to take part in the clean up of the Torrens River. On previous occasions in this Chamber my colleague, the Minister for the Environment and Natural Resources, has announced some of the good work being undertaken to clean up the Torrens River.

Under an agreement that the Department for Correctional Services has reached with the Enfield City Council, the department will provide labour and supervisors for the clean-up project while the council will provide physical resources, such as collection bags, gloves, rakes, and so on. The first stage of the project commenced on 11 March and runs on alternate Saturdays. Up to 20 community service offenders will clean up the northern side of the Torrens River from Fife Street, Klemzig, to Pittwater Drive, Windsor Gardens, a distance of six kilometres. The rubbish collected through the program is placed in council-provided bags which are later collected by the Enfield council. Community service staff from my department are presently negotiating with other councils to extend the clean-up area. In this area the member for Hartley has been of great assistance to me and to my department by advising which areas in his electorate along the Torrens River would benefit from this clean-up program.

Members will be aware that community service offenders are people who have been sentenced by the court for minor matters. The Liberal Party, in Opposition, consistently argued that it did not serve any useful purpose to imprison people in a fine default facility, nor did it serve the community to fine people who were unable to pay those fines. As a consequence, those offenders are now repaying their debt to society through programs such as these. I look forward to advising the House on future occasions of other programs that will be

put in place for community service offenders to work for the community.

RADIOACTIVE WASTE

Mrs GERAGHTY (Torrens): When did the Minister for Housing, Urban Development and Local Government Relations become aware of the presence of plutonium traces in the waste to be transported to Woomera? On 11 January the Commonwealth EPA sent correspondence to the Department of Housing and Urban Development advising of the presence of plutonium in the waste to be stored at Woomera, including a Department of Defence notice of intention to transport and store plutonium 239. On 20 February the Minister wrote to P. Davies of the Environmental Assessment Branch of the Commonwealth EPA advising that no environmental impact statement on the transportation of the waste would be necessary, subject to standard safeguards.

The Hon. J.K.G. OSWALD: Let us be quite clear about what officers in my department were asked for. They were asked whether an environmental impact statement would be required to transport the waste across South Australia. They were not asked to give permission for the waste to be transported or anything else; they were asked a technical question, which was whether an environmental impact statement was required to transport waste across South Australia. On that basis, they gave a technical reply, and in that technical reply they set down certain provisions.

I refer to the provisions that have been set down. They say that provided transport and storage is carried out in accordance with the code of practice for the safe transport of radioactive substances—first, that provision has to be fulfilled—provided also that all relevant Commonwealth-State requirements are met—that has to take place—then, and only then, on a technical basis an environmental impact statement is not required. This was purely technical advice from one agency to another on the requirements for an environmental impact statement—nothing more, nothing less. If the Opposition wants to try to make something out of it, that in any way my department was condoning or approving the transport of the substance across South Australia, it is drawing a very, very long bow.

So that everyone is clear, I will say it once more. It was a request for technical information as to whether an EIS was needed to transfer the substances across South Australia. The reply was that an EIS was not necessary, provided certain provisions were met, and that information was sent back to the Commonwealth. This document in no way says that we give approval for the transportation of the substances across South Australia, because many other factors come into play, including all the provisions which were set down in the letter which was sent to the Environmental Assessment Branch in Canberra.

AQUACULTURE

Mrs PENFOLD (Flinders): Will the Minister for Primary Industries give the House details of the forthcoming aquaculture industry visit to China and explain the benefits which are likely to flow from this visit?

The Hon. D.S. BAKER: I thank the member for her question and continued interest in one of South Australia's fastest growing industries. As members will know, Shandong Province in China and South Australia have had a friendly relations agreement for quite a few years. As has been reported in this Parliament before, the Premier led a Government delegation to China and Shandong in June 1994. On that visit aquaculture was discussed as three people on the delegation were interested in it. I visited Shandong in November 1994 and held discussions on a range of issues, we signed a range of joint ventures, and aquaculture was again discussed.

The aquaculture industry in South Australia in the past five years has come from virtually nothing to now being worth $80 million a year, and it is very fast growing. If we are to develop this industry, we must look at any export opportunities and joint ventures that may be available. A trade mission has been put together to visit China, and it will leave tomorrow. That mission includes representatives of abalone, oyster, barramundi and tuna farming as well as people interested in hatcheries. It will be led by the Chief Executive Officer of the Department of Primary Industries and will include a senior aquaculture researcher from SARDI and a fisheries marketing adviser. The idea is to make sure that we are abreast of the latest technologies in aquaculture and hatchery operations and to try to attract some joint venture operations to South Australia.

I am pleased to report that the Economic Development Authority is contributing towards the cost. It shows the commitment of this Government to make sure that aquaculture progresses very quickly as one of the greatest export earners for South Australia.

RADIOACTIVE WASTE

Mrs GERAGHTY (Torrens): Will the Premier advise the House who from the Premier's Department attended the meeting on 8 March with the Department of Industry, Science and Technology, and will the Premier table the documents from that meeting?

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: I am delighted that the honourable member has asked this question, because she alleged in Parliament yesterday that a meeting took place on 8 March. I have received a briefing note which indicates that the officer concerned is the officer responsible for State emergencies. He has been through all the documents given to him on 8 March, and nowhere in any of the documents is reference made to plutonium whatsoever. The allegations made in the House yesterday by the honourable member are clearly false, and the officer has now been able to substantiate that. It is quite clear that on this issue the Federal Government has been prepared to go out and make any possible allegation it can to save its neck.

Quite clearly, the only reference to plutonium was one page in a whole series of pages—several thick reports—sent to the Department of Housing and Urban Development. Again, the honourable member yesterday claimed it was sent to the Environmental Protection Authority under the Department of Environment and Natural Resources. Again, that is wrong. I suggest that the honourable member no longer rely on the false information that she has obviously been given, because she has embarrassed herself on the two key points she raised yesterday. If the honourable member goes back and reads what I said in my ministerial statement, she will realise that she has made a mistake. The honourable member should stand in this House and apologise for quite clearly giving wrong information.

YOUTHS, ESCAPE

The Hon. D.C. WOTTON (Minister for the Environment and Natural Resources): I wish to make a ministerial statement. During the early hours of this morning, two young offenders participating in a work program on Troubridge Island off Yorke Peninsula absconded to the mainland after they commandeered a dinghy belonging to the National Parks and Wildlife Service. The young offenders were working on what had been a very successful scheme to reinforce foundations around the historic lighthouse which is under threat of collapse because of severe sand movement. The young offenders were being supervised by staff from Family and Community Services and the Department of Environment and Natural Resources, with some involvement from people in the Edithburgh area.

It appears that the youths, who were two of nine young offenders on the island, commandeered a dinghy to get back to the mainland. The youths are aged 18 and 15. Both have a history of illegal use of motor vehicles but neither are considered dangerous. I must say that I share the feeling of betrayal that the other young seven offenders feel. Their trust, good work, and chance to participate in positive community work on a very worthwhile project has been undermined by the escape of these two. I have called for a full report and will update the House accordingly.

GRIEVANCE DEBATE

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

Mr WADE (Elder): I refer to ordinary Australians battling to make ends meet. I know they are looking forward to the day when they can show their contempt for Paul Keating and his so-called 'One Nation' package of lies and deceit. Ordinary Australians have effectively been cut off from sharing in the wealth of this nation. Behind the bluster and pompous buffoonery of our Federal Labor Government lies the stark truth of a conscious and deliberate program to impose poverty on millions of Australians to make them the unwilling recipients of Government hand-outs which, of course, has allowed Pinocchio Paul to proclaim his Government as the people's benefactor.

Many years ago I read a newspaper cartoon set in prehistoric times where a young boy crept up to a sleeping lion and jabbed a sharp stake into its paw. The lion awoke in great pain at which the boy, who had been hiding, rushed up and pulled the stake from the lion's paw. The lion, instead of attacking the boy, as lions tend to do, licked the boy's hand in gratitude. The boy's father, who had been watching the boy's action, said to him, 'Son, you have to go into politics.'

The boy's name could have been Paul, and I will inform the House why. Over two million Australians live below the poverty line. The Federal Government's policies have broken traditional family ties with over 10 000 young people now receiving the homeless allowance. Ten years ago only 940 young people were receiving this allowance. Over 48 000 couples were divorced in 1993 alone. The total estimated cost of family breakdowns per year in our nation is $3 billion—our State Bank debt each and every year. Keating's policies have broken up our families, and his policies pay them to stay apart. Our Opposition, such as it is, has long been fed the Party line that this nation's assets under Labor's leadership would be shared more equitably with the people; yet the value of this nation's assets held by the top 100 asset holders has actually increased since 1983. What an increase it was—from $3.47 billion in 1983 to over $21 billion in 1992: a six-fold increase for the top 100 asset holders.

Keating has not only thrust his stake into the heart of the Australian people but he has twisted it through his own Labor principles, and the stabbing and the jabbing goes on. I refer to figures from the Australian Taxation Office where a 1991 study showed that in 1982-83 the top 1 per cent of taxpayers received an income equal to the total earnings of the bottom 11 per cent. Yet, in 1989, as Australia was sliding deeper and deeper into the Keating recession—the one we had to have—the top 1 per cent of taxpayers received an income equal to the total earnings of the bottom 21 per cent. This inequality between top and bottom wage earners doubled in just six years—and this happened under Labor.

There is no doubt that Federal Labor has lost the plot. Its members are doped and chloroformed into a fearful acquiescence whilst its leader expends his energy on destroying the very fabric of Australian society. He has recessed us, depressed us and impoverished us, and he has shattered the very fabric of our family life. The rich are getting richer, the poor are getting poorer, and those in the middle are being pushed down. This is Labor's legacy to the Australian people. These are the consequences of Keating's plan to dominate the Australian people through the destruction of their spirit and their family homes.

Mr FOLEY (Hart): I refer to an issue that I raised in Question Time where the Opposition revealed a memo that made references to promises given to MBf by the Premier for a casino. Given that the Premier chose to quote selectively from this memo, I believe it is appropriate if I quickly read the memo into *Hansard*. This is a document that the Premier said had no credibility, and then 20 minutes later he came into this Chamber and quoted from it. Of course, he added his own flowery language and significant allegations. This is the same Premier who comes into this place and says, 'Step outside if you want to make such allegations.' Today, the Premier accused me of being part of a conspiracy, of perverting the course of justice and of involving myself and this Parliament in a court case; yet the Premier does not have the guts to walk outside this Chamber and say that. The Premier cannot have two bob each way.

It is cowards' behaviour. I refute any assertion from the Premier that I am involving this Chamber in any court case: that would be improper and is not what has occurred. I have simply read from a memo provided to the Opposition. The very essence of opposition is to use the information it is provided with at an appropriate time. Let us look at what this file note said. The file note was from a company called Gavin Anderson and Associates of Sydney. It states:

> Wirrina Cove and ferry link Kangaroo Island to Mainland South Australia.
>
> Wirrina Cove was purchased by MBf Resorts Pty Ltd, a subsidiary of MBf Holdings, not MBf Australia as announced in the latter's annual report. It was launched approximately two months ago. As stated in my memo of 30 June, although Tan Sri has promised publicly to pour some $200 million into developing the resort, he will not proceed unless the State Government can make good on a promise that he claims was made to him—that the SA

Government would extend the existing SA casino licence to Wirrina Cove.

With the checks and balances now in place in this country in relation to the granting of these licences and the ensuing legislative processes involved, it is doubtful that the State Government can make good on this 'promise'. An added complication would be the foreign status of the application. Ann mentioned that Tan Sri was privately adamant that no money would be spent unless the Government came good. It was the Chinese way. Apparently, he had quite grandiose plans for the resort.

The ferry link operation is owned by MBf Sealink Pty Ltd, a wholly owned subsidiary of MBf Australia, and is run independently. It is not even clear whether this operation makes money. Also, as mentioned in my memo of 30 June, the SA Government and Opposition holds a package of reportedly damaging information on Tan Sri, believed to have been sent with an anonymous note by activist and long-term arch rival, Mr Wee, who is still not in gaol. Ann said the package included Pan Electric stuff, etc.

Ann gave me a copy of the attached article from the SA Law Society Bulletin which shows just how incestuous the man and his operations are. At 2 p.m. on 30 August, Ann phoned to advise that Randall Ashbourne, Channel 7 senior correspondent, had met with the Opposition and subsequently flown to Asia to interview Mr Wee. He also contacted Ann to arrange to talk to Tan Sri, supposedly on tourism. When Ann asked how this meeting with Mr Wee went, he clammed up. The interview was to go to air next week. She knows it will be covered by correspondents from the other TV stations. She has briefed a legal firm to write a letter to Channel 7 advising them that Tan Sri cannot give them an interview because the matter is *sub judice*. . .

And that is all the information we are provided with. My role as shadow Minister for Tourism is to pursue this Government. When I am handed a leaked memo such as this, it is my role to bring it to the attention of the Parliament, because this memo makes reference to a promise about a second casino in this State. If that is not my job, what is? The Premier suggests that there is a conspiracy and that I am working with journalists and other media outlets. I challenge the Premier to walk outside—

Members interjecting:

The SPEAKER: Order!

Mr FOLEY: —and make the allegation outside, not make it in here under the protection this Parliament affords the Premier. I say to the Premier, if he believes I am involved in a conspiracy, 'Have the guts to go outside, not hide behind this Parliament and take all the other privileges of this Parliament.' I simply say, regardless of the continuing harassment from the other side, from which I am afforded no protection—

The SPEAKER: Order! The honourable member has reflected on the Chair. The Chair has afforded protection to all members. I suggest that all members calm down. It would appear to the Chair that something has stirred them up. I suggest they calm down and act like members of Parliament, not like people who are engaging in irresponsible behaviour. The member for Norwood.

Mr CUMMINS (Norwood): I have just heard the tirade from the member for Hart, who was going off his head. It must be patently obvious to anyone who has been in this House at Question Time that he is a clone of Channel 7. It is patently obvious from the questions that were asked that he is helping Channel 7 prepare its case in relation to the defamation action by Loy. You would not need the IQ of a peanut to work that out, although I must say the member for Hart might have some problems working it out himself. There was a female solicitor in the gallery—

The SPEAKER: Order! Both members will resume their seat.

Mr Condous interjecting:

The SPEAKER: Order! The member for Colton is out of order. I suggest to the member for Hart that he made a speech and he used strong terms, which is his right. The member for Norwood now has the call, and the Chair does not want to have to exercise its authority under Standing Orders. It is pretty obvious that members are behaving irresponsibly. The member for Norwood.

Mr CUMMINS: There was a female solicitor in this place who was taking notes of all the questions that were asked in relation to MBf. It is so obvious that members on the other side arranged for her presence in this House—

Members interjecting:

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

Members interjecting:

Mr ATKINSON: Is there a problem with me taking a point of order?

The SPEAKER: Order! There is no point of order. The honourable member will resume his seat.

Mr ATKINSON: I have a point of order, Sir.

The SPEAKER: Well, you had better get on with it.

Mr ATKINSON: I do not think Standing Orders provide for members to rise in their place and speak to the House about what is going on in the gallery, and that is what the member for Norwood was just doing.

The SPEAKER: Order! The honourable member has made a reference to the gallery. Obviously, he will not proceed down that line. The member for Norwood.

Mr CUMMINS: There was a solicitor in this place, and it is interesting that these points of order are taken, obviously to delay what I want to say. Notes were being taken in relation to each question about MBf. Someone has obviously instructed that solicitor to be here and take notes of the questions and answers. The only reason could be for the preparation of the case in relation to the defamation action between Loy and Channel 7. Four or five questions were asked in relation to Wirrina. It is patently obvious, equally, that some of those questions related to extracts from legal documents, which, it seems to me, must have been supplied to members of the Opposition by Channel 7's solicitors. It is so obvious that the Opposition is being used as a clone for Channel 7 to help it prepare its case. One can understand why, because members opposite are so desperate to score points in this place that they would do anything: they would even prostitute themselves to help someone in relation to a legal case.

Mr Foley: Say that outside.

Mr CUMMINS: Oh, you go outside. You're so excitable, you're unbelievable; you're out of control, and you always have been. It is so obvious that anyone in this House would know, and I am sure we will find that, after the media listen to this debate and the questions asked, tomorrow they will report what obviously happened in this case: all of us in this House can see what is going on and what the Opposition is all about. We know from the history of the people who work with Channel 7 and their relationship with members of the Opposition, and in particular, one might say, the relationship with the Leader of the Opposition, that they have a very close relationship and would want to help Channel 7. What do they say? A buck for a buck, a quid for a quid: you pay them, they pay you, and that is what is going on. That is the level of the people—

Members interjecting:

The SPEAKER: Order! The member for Spence.

Members interjecting:

The SPEAKER: Order! There is one point of order by the member for Spence.

Mr ATKINSON: The member for Norwood has accused unspecified members of the Opposition of taking money by way of bribery from a television station, and I ask him to withdraw.

The SPEAKER: Order! I suggest to the member for Norwood that he has moved into an area that is very close to if not actually being unparliamentary. I would suggest that he withdraw those comments.

Mr CUMMINS: With all due respect, I refuse to, because it was not used in that sense: it was used in the sense of an analogy. I was not suggesting—

Members interjecting:

Mr CUMMINS: I know that members on the other side are menial, but I would not suggest for a minute that they would accept a quid for something like this.

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

Mr CLARKE (Deputy Leader of the Opposition): I take issue with the comments made by the member for Ridley on 21 March 1995; he allegedly read from a letter signed by a lady by the name of Laura Kartinyeri with respect to the Hindmarsh Island situation. I have met with the Ngarrindjeri people and the women concerned, and I would like to read to the House the letters that I have received from them with respect to this matter and, in particular, in relation to the disgraceful outburst and allegations made by the member for Ridley. This letter, which is signed by Doreen Kartinyeri, dated 22 March and addressed to me states—

The SPEAKER: I point out to the member for Hart that he will not come to the Chair and make threatening comments. The Deputy Leader of the Opposition.

Mr CLARKE: The letter states:

> I write to you out of, what I must say, is much distress and concern because in Parliament, once again, my credibility has been questioned. I would like you to read my letter to Parliament to put the record straight. Mr Lewis, the member for Ridley, in Question Time on 21 March 1995 stated I was someone who did not have direct matriarchal line in the Ngarrindjeri tribe and someone who did not spend much time in their childhood and who took the name Kartinyeri through marriage. I married a Wanganeen and I later went back to my maiden name of Kartinyeri. Just for the record, I would like people firstly to get their facts right if they are going to talk about me in Parliament.
>
> My name is Doreen Maude Kartinyeri, the daughter of Oswald Saunders Kartinyeri and Thelma Christabel (nee Rigney). I was born at Point Macleay on 3 February 1935. I was born a Kartinyeri and I was born a Ngarrindjeri. It is clear from reading Mr Lewis's comments that he knows nothing whatsoever of Aboriginal culture and how it operates and who is the holder of information and how that gets passed on. He also stated he was astonished to learn about the women's business matters because over the years he had been attending Point Macleay and various places, none of this had ever been put to him. Well I would just like to point out that of course they would not put it to him. Why would they? After all, he is a man. Mr Lewis discussing Aboriginal women's business as he did in the speech has totally offended me and Aboriginal women and Parliament should censure him and I ask that it be struck from the record of Parliament.
>
> I also do not have to justify my credibility as it stands alone. I am solid in my information, knowing who I am and where I come from. Also, the knowledge of my Aboriginal culture and the handing down of that to me from my elders. It is a sad situation and it stresses me greatly when I know that people are using my aunt, a dear old lady, to try and fuel the debate regarding the building of the bridge. I have a responsibility to my Aboriginal culture to protect the heritage of my people for future generations and I stand firm on what I know is right.

Also, I believe it is important that I read a further letter signed by Doreen Kartinyeri dated 23 March 1995, which states:

> Doreen Kartinyeri, Cliff Owen and Gwen Owen met with Nanna Laura Kartinyeri today at Murray Bridge 23.3.95 to discuss the letter that Nanna Laura signed. Nanna Laura told us her eyesight is poor these days, and she hasn't been able to read the newspaper for quite some time. Nanna said when Allan Campbell's brother took the letter to her, they did not let her know what the contents of the letter was. Nanna was told to sign the letter because it was to stop the Hindmarsh Island bridge being built. Nanna Laura said, when Doreen read the letter to her and asked her the question about the women's business Nanna said that she did not know anything and it was not our business to talk about these things to white people, and I don't want the bridge built. Nanna also said that talking about it was breaking our law.

In conclusion, I believed it was very important for Doreen Kartinyeri, the lady concerned, to have her side of the story put on the record despite the allegations made by the member for Ridley and, in particular, his taking advantage of a letter signed by an 89 year old woman with poor eyesight who was told one thing about what the letter said and another as to what the letter actually did state. The member for Ridley would do best to withdraw the allegations made about these people absolutely and without qualification.

Mrs ROSENBERG (Kaurna): At 2.30 this afternoon SAIT held a rally in front of my office at 99 Dyson Road, Christies Beach in the electorate of Kaurna, and I would like to put on record some comments in a paper to be distributed to those people. First, I am sorry that they unfortunately chose a day when members of the Parliament were obliged to be in Parliament and therefore unable to meet people. In fact, every other rally that has been held by SAIT outside members' offices has been held on a day when Parliament is sitting. I noted in the letter that was sent to all the parents from some of the schools participating that they wanted the rally to be held so that politicians would hear their complaints. I suggest that, if they wanted us to hear their complaints, they could have chosen a day when we were not obliged to be in Parliament and when we could have been in our electorate offices listening to them.

There has been a decline across the State of 4 000 enrolments compared with the estimation, and this decline has basically been due to improved job conditions and therefore fewer people requiring to be at school. School staffing—

Members interjecting:

Mrs ROSENBERG: Shut up! School staffing is calculated on predicted February enrolments and that is done in late October of the previous year. The policy has been followed exactly as it has been done by Labor in previous years and as has been agreed by SAIT. It supported the policy under Labor. It seems to me that the only reason SAIT does not support this policy currently is that it is under a Liberal Government. SAIT is arguing that the now 'excess to need' teachers should be retained to improve class sizes. We are already carrying surplus teachers in the system due to the sweetheart deals that were done by SAIT, teachers and the Labor Government in previous years.

To maintain excess teachers, cuts would have to be made elsewhere in education. SAIT seems to think that that is a fair idea. These teachers will be used to fill vacancies in schools that arise in terms two and three. In 1994, SAIT and the Education Department negotiated the appropriate procedures to be followed in 1995 for all schools should schools have overestimated enrolments. SAIT agreed to that policy. This Government was elected in mid-December 1993 and in late

January 1994, before our Government had made any changes or even reviewed the current situation, a similar displacement occurred in my son's school. I was contacted by a concerned parent. I made inquiries to the SAIT representatives and they had no problems; they said it was acceptable. Therefore, it was acceptable under Labor.

Nobody likes the disruption that is caused by classes being overestimated, and no-one likes the reorganisation that is required—not the teachers, the parents or the students. But I challenge parents, teachers and the SAIT hierarchy to prove that striking is the way to reach a better system: it is not and will never be the way to solve problems. I am happy to sit down with parents and teachers of any of my schools. Indeed, I have gone out of my way to attend school council meetings on a regular basis, but I stress that this has to be done with trust. The trust has to be there that, when an agreement is reached, as has been reached by this Government and SAIT, all parties will agree to honour that agreement. SAIT has argued that the TVSPs of excess teachers is a further cut to education. This is blatantly untrue, because the TVSPs are paid through Treasury and not through the DECS budget.

Let us look at the budget: school grants have increased by 2.5 per cent; $12.5 million has been allocated to address the backlog left by the previous Labor Government; and $110 000 of this has been allocated to Kaurna. There was a massive backlog of maintenance required in Kaurna, and where were the SAIT rallies then? I did not notice any SAIT rallies outside Don Hopgood's office while maintenance was being neglected. The three schools in Kaurna have received extra disadvantaged schools program funds and the budget has allocated $10 million to fund the Early Years of Education program, showing a commitment towards the early years as a key priority. The student/teacher ratio in this State is 10 per cent better than in non-government schools, and the parents in this State are flocking to non-government schools because of the better education system that they perceive they are getting.

All the contacts to my office warning me of today's strike action have said that it is all about increased class sizes and a fear that cuts will further greatly increase class sizes. I put on the record that, in June last year, before our budget had taken effect, and in March this year, after the budget, I contacted every school in my electorate to get the pre-budget and post-budget effects on class sizes. I would like to have that table of results inserted in *Hansard* without my reading it.

The DEPUTY SPEAKER: If I have the honourable member's assurance that the table is purely statistical, the table can be inserted in *Hansard*.

Mrs ROSENBERG: Yes; it is.

Leave granted.

Seaford Rise
R-2 pre budget 24.3, post 26.3, increase students/teachers 1.8.
3-7 pre budget 26.4, post 26.6, increase students/teachers 0.2.
Seaford Primary School
R-2 pre budget 21.3, post 21.0, decrease of 0.3.
3-7 pre budget 27.7, post 28.1, increase of 0.4.
Moana Primary School
R-2 pre budget 23.2, post 22.5, decrease of 0.7.
3-7 pre budget 26.8, post 28.6, increase of 1.8.
Noarlunga Primary
3-7 pre budget 27.7, post 29.5, increase of 1.8.
Aldinga
R-2 pre budget 23.1, post 24.3, increase of 1.2.
3-7 pre budget 28.3, post 29.2, increase of 0.9.

The DEPUTY SPEAKER: The honourable member's time has expired. I caution the member for Torrens about waving her finger around. It may be loaded and it may go off.

Mr BROKENSHIRE (Mawson): We have heard a lot within this House and in the electorates about the disappointment with the Leader of the Opposition continually trying to talk down all the good news and recovery happening within the State. It was interesting to read a letter to the editor in the *Advertiser* titled 'Deeply resented', which I now quote:

For the past few weeks, the State Opposition Leader, Mr Rann, has been attacking our chairman, Robert Gerard, from his privileged place in Parliament—so, of course, Robert has no way of replying. We deeply resent this. We know that this is just a political ploy and that the next week Mr Rann will be trying to undermine someone else. But he should understand that we live in the 'real' world. We may come from many different suburbs and country areas, and many of us were not born in Australia but we like working at Gerard Industries. We know that Robert is rich and votes Liberal. We are not rich and some of us don't vote Liberal, but don't be misled. We think that Robert is the best managing director in our town. We trust and believe in him and he has our full support. At Gerards, we have the best people who make the best products (Clipsal electrical accessories) and we also throw the best parties in town. Who else, but Robert, would hire the Wayville Showgrounds so that all his employees and their children could go on rides as many times as they wished because that is what he wanted to do when he was young? Find a real issue, Mr Rann. The people in the street are bored out of their brains listening to you waffle on about overseas donations to the Liberal Party. It will be business as usual at Gerards with all of us making products to sell in Australia and overseas—keeping thousands of Australians employed and helping Australia's balance of payments. What useful thing will you be doing?

I say 'Hear, hear!' If the Deputy Leader continues to go on like that it will be like a plague of measles throughout the community. Everyone would endorse those remarks because they are sick to death of the Leader of the Opposition continually pulling down this State instead of getting on with the job. Late last evening I was reading my mail and I received a letter from a gentleman, Mr Edward Field. He had an unfortunate accident some time ago that now prevents him from working. He goes into the community picking up rubbish, and he is a very concerned community person. He writes:

Dear Robert,
While watching the news programs this evening it was great to see Premier Brown announcing the new express highway—taking into consideration the period you have been in office and the other Party that took 10 years to announce it. Congratulations Premier Dean Brown and team, well done! Also hearing Treasurer Baker on the financial episode of the Casino and Southern Cross Homes, the mess we have had to fix up or correct. These days, while talking to locals if what we are discussing eventually leads to us discussing politics I have been finding it easy to get them to agree with me and they later prefer to vote, or like, Liberal.

I now always commence my sentences with 'Going on previous experience'. It is the Liberal Party which is interested in the southern area.' That was reinforced yesterday in the editorial opinion, which absolutely applauds the decision to build the Southern Expressway; it confirms that jobs will be created and it confirms that our Government is all about looking after the south and South Australia. It confirms that the Liberal Party puts its money where its mouth is and that it will continue to work hard for the southern area. We will see jobs in the future and we will continue to proceed down the track of economic recovery and development, working with the people for our important State, even if Mr Rann, the Leader of the Opposition, the negative Leader from the negative Party, continues to travel down the track. We continue to appeal to Mr Rann and the other members of the

negative Party to listen to the people of South Australia and get on with the job of helping us to correct their ineptitude.

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

Mr ATKINSON: I rise on a point of order, Sir. Earlier, when the member for Kaurna was speaking, you allowed her to insert a statistical table in *Hansard*. My point of order is two-fold: I understand that, under Standing Order 109, the member must seek the leave of the House to insert the statistical table and I observe that that leave was not sought. Secondly, the statistical table must be relevant to the question, in this case that the House note grievances, and I ask for your ruling on that second point.

The DEPUTY SPEAKER: The Chair rightly or wrongly assumed that the statistical table being presented by the member for Kaurna was relevant to the subject matter of her debate, as indeed every question put to the Speaker by any member seeking insertion of a statistical table must be assumed, otherwise the Speaker would have to ask to peruse and examine every table which, to the best of my knowledge over 20 years, has never been done. One generally takes the matter on trust. On the point whether leave was sought, the Chair was under the impression that the question was put, 'Is leave granted', and there was no dissenting voice. Without perusing *Hansard* I cannot say that that was done. The time had expired. I would have to consult *Hansard*. I thank the honourable member and take his point.

INDUSTRIAL AND EMPLOYEE RELATIONS (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

The Legislative Council intimated that it had disagreed to the House of Assembly's amendments Nos 1 and 6 and insisted on its amendments Nos 1, 4, 6 and 10.

PUBLIC SECTOR MANAGEMENT BILL

Returned from the Legislative Council with amendments.

SOUTH AUSTRALIAN HEALTH SERVICES BILL

The Hon. M.H. ARMITAGE (Minister for Health) obtained leave and introduced a Bill for an Act to provide for the administration of health services in the State; to repeal the South Australian Health Commission Act 1976; and for other purposes. Read a first time.

The Hon. M.H. ARMITAGE: I move:

That this Bill be now read a second time.

I ask that the second reading explanation be inserted in *Hansard* without my reading it.

'Over the next 20 years the only constant in a good health service will be constant change'. Those were the prophetic words of the late Sir Charles Bright in his Report of The Committee of Inquiry into Health Services in South Australia in 1973. It was his report which laid the foundations for the establishment of the South Australian Health Commission and the progressive inclusion under the umbrella of the South Australian Health Commission Act of publicly funded health services. The purpose of this Bill, approximately 20 years later, is to effect and reflect change.

Over the past 20 years there has been a significant improvement in the health status of South Australians and a steady increase in the level of health service provision. For example, over that period the death rate (age adjusted) has reduced by about 30 per cent, leading to progressive gains in life expectancy. Mortality reductions have occurred for many diseases—about a half for infant mortality; over a third for ischaemic heart disease; over a half for cerebrovascular disease; about a third for pneumonia and allied respiratory infections. In 1993, SA life expectancies at birth were 75 years for males and 81 years for females. These are very high by international standards for industrially developed countries and reflect the high living standards and advanced health services in this State. The Commonwealth Grants Commission has estimated that SA spends 6 per cent more than the national average on health services and this is primarily as a result of above average levels of service delivery. Hospital throughput levels have been increased; new non-hospital services have been introduced. The result is a health system which South Australians, by and large, feel has served them well.

Notwithstanding the quality of its health services, there are many challenges facing the South Australian health system, many of them common to other jurisdictions around the nation. Financial realities; keeping pace with the growing health needs of an ageing population; developing more effective coordinated care processes for the sufferers of long-term illness; equitable distribution of resources across the community; managing the cost implications of new health technologies; asset redevelopment and upgrading—each represents a significant challenge in its own right; none is exclusive of the other.

Planning and management systems play an important role in determining the effectiveness of the responses to such challenges. There is an acknowledged need to improve organisational and service linkages between health providers in the interests of continuity of care, best practice and administrative efficiencies. Organisational structures need to establish clear lines of accountability and link resource inputs to health outputs and outcomes.

But the means to that end must never become an end in itself—the overriding aim must be better health care for South Australians. That was the theme underpinning the organisational arrangements proposed by the Bright Report 20 years ago; that theme is also central to the organisational changes proposed in this Bill.

As honourable members may be aware, change has been on the agenda for some time. The previous Government launched two discussion papers proposing various forms of reorganisation. A Parliamentary Select Committee was subsequently established. While a number of submissions had been made, the deliberations of the committee had not been brought to a conclusion at the time of the 1993 State election.

The Government's Health Policy recognised the need for change and proposed that it should be achieved through a range of measures, both legislative and administrative. The abolition of the SA Health Commission; the introduction of regionalisation and integration of health services; devolution of decision-making into the areas where services are provided; the introduction of casemix funding and contestability—all of them are integral parts of the overall blueprint which would see South Australia's health services positioned to meet the requirements of the future.

On coming to office, the Government established the Commission of Audit to do a stocktake of the State's finances and to chart the way forward. The Commission of Audit also recognised the need for reform of the State's complex health system. It recommended that the Health Commission be replaced by a department and that the system become more integrated, unified and customer focused if better value for money and world's best practice were to be achieved.

The Government is well down the track with administrative reforms. Casemix funding has been implemented, providing a number of benefits—it provides funding which is directly proportional to the complexity of the hospital workload; it establishes an efficient price for all forms of hospital services; it eliminates the inequities associated with historical funding; it enables managers to compare accurately the value of hospital outputs against the financial and other resource inputs required to produce those services. A Contestability Policy has been introduced, calling for the establishment of performance benchmarks for internal activities of health units and for the testing of those activities against alternative providers. These initiatives are aimed at making the State health system more responsive, cost efficient and customer focused than previously. As was indicated at the time of their introduction, they are evolutionary and they will be fine-tuned in light of experience in practice and comments from the field to ensure they are honed to achieve the best result.

Closer involvement with the private sector has been embarked upon, drawing upon the sector's expertise and capacity, in order to pursue more innovative ways of providing better services to the public. Again, the 'bottom line' is quality, efficiency, effectiveness and value for money.

While these major initiatives will do much to enhance the efficiency and quality of health services, major structural reform is

required to streamline decision-making, reduce administrative costs, provide greater flexibility in responding to current and future needs and generally to ensure that resultant gains are not diluted through outdated structures and legislation.

To that end, a discussion paper was released in September 1994 outlining a proposed structure for the management of the State health system. Over 160 written submissions were received, indicating broad support for restructuring the system, moving from a commission to a department and introducing regionalisation in country areas. Further consultation was embarked upon to determine the most appropriate way of tailoring the structure to the needs of country regions.

The Bill before honourable members today seeks to establish the legislative framework within which the organisational restructuring will occur. At the outset, it seeks to abolish the South Australian Health Commission. The legislation which established the Health Commission almost 20 years ago was progressive for its time, and I pay tribute to the many people who have served as Members of the Health Commission over the years and helped to shape the State's health services.

In order to meet the requirements of the future, a different organisation with increased accountability to Government is required. The Bill therefore seeks to establish a Department of Health under the Government Management and Employment Act. The Chief Executive of the Department will be under the control and direction of the Minister and will have specific powers of direction to ensure that the service units comply with Government policy and operate in accordance with service agreements. This will ensure enhanced accountability for expenditure of funds allocated under the State Health Budget.

The department will work within a redefined set of objectives for the health system which will see a greater recognition of the rights and responsibilities of the people for whom the health services are provided; an emphasis on primary health care; higher standards of management and administration, and achievement of best practice; integration and coordination with the private sector where appropriate; commercial exploitation of public health expertise for the benefit of the people of South Australia; and innovation and flexibility in the way services are developed and delivered.

The new department will include the vitally important Public and Environmental Health Service and what is currently known as the Central Office of the Commission. Officers and employees of the department will be public servants under the Government Management and Employment Act, and the necessary transitional provisions are included.

The Central Office will be reorganised to implement the purchaser/provider model for each of two regions—the metropolitan area and rural and remote South Australia. It is no longer appropriate to view the role of the State health system as principally that of providing all health services required by the public. Rather, the State health system should concentrate on understanding the health service requirements of the community and then obtaining the necessary services from the most efficient and effective provider of high quality services whether they be private sector, non government or traditional public sector organisations.

The key objectives behind the introduction of the purchaser/provider arrangements are:

- to introduce competition into the provision of some public health services and thereby use competitive market forces to drive down the costs of these services while maintaining quality;
- to provide a focal point for consumers to access more directly decisions about service priorities;
- to facilitate a more rapid service response to new or changing health needs;
- to create real purchasing power for budget holders.

The reorganisation will thus see a purchasing function established in the department—a Metropolitan Health Purchasing Unit and a Country Health Purchasing Unit drawing on the current resources of the Metropolitan and Country Health Services Divisions. The funding and purchasing roles will be separated, with the current corporate divisions of the Health Commission assuming a funding role as it relates to general health services. A population based funding allocation model will be developed and implemented, taking into account demographic and other variables, to inform the allocation of resources between metropolitan and country regions.

The Metropolitan Health Purchasing Unit will purchase services from a range of public, private and non-Government health service delivery bodies, in line with health service agreements and contracts. In making an assessment of the health needs of the population for which it is purchasing services, the unit will be informed by various planning and advisory mechanisms incorporating community and consumer input and input from a range of specialist health councils.

The Country Health Purchasing Unit will purchase services from a range of Government and non-Government providers including Statewide, country and metropolitan health service units. A Country Health Advisory Body modelled on the current Rural Health Reference Group will be established to advise the Unit on policy and program issues.

Health service units, whether hospitals, community health services or other health service bodies, will take up the role of provider. Provision of services will be guided by the principles of customer focus; quality; efficiency and effectiveness; consistent management performance; and a focus on outputs and outcomes.

The current Act provides for hospital and health services to be incorporated under the Act as separate legal entities. This Bill provides for health services to continue to be incorporated and have Boards of Directors. Boards have made a contribution to the effective management of health units over the years and their continuation will bring an array of skills and expertise to assist with the management of health services.

However, the current fragmentation of the health system into approximately 200 health units works against the provision of integrated and coordinated services for consumers. Provisions are therefore included in the Bill to allow for amalgamation of some existing health units into a smaller number of larger provider bodies. The primary objective of such amalgamations will be to achieve efficiency in administration and improvements in service delivery which will lead to better health services for South Australians.

Within the metropolitan region, amalgamations will be fostered for hospital services, primarily to achieve efficiencies in administration and improve service co-ordination and integration. For the same reasons amalgamations will be pursued for community health services. Statewide services will continue to operate as at present.

Providers of health care in rural and remote South Australia will operate within a framework of seven regions. Within those regions, two options for the organisation of health services have been widely canvassed, with a view to achieving efficiencies in service administration and improving the co-ordination and integration of services. In many areas of the State, particularly those areas with widely dispersed populations, existing service units have realised that there are advantages, both clinical and financial, in combining or co-operating with other units. The Bill enables them to operate in that way, as clusters of community interest within regions. Indeed, 82 per cent of the 97 per cent of hospital boards who responded to the consultation process have indicated a preference for that method of operation.

In those cases, regional service units will be formed to receive funds from the Purchasing Unit in the Department for Health through a service agreement, and to distribute those funds to the various service units in the region according to priorities set by that region. Regional service units will consist of a regional board comprising members from each of the service units or clusters of service units along with community and aboriginal members. They will be serviced by a small staff who will be drawn from the service units in that region, in other words, there will be no extra layer of administration. By planning at regional level, health services should be more responsive to local needs.

Under this arrangement, service units will still be administered by their boards of directors, they will still be the employer of staff at their service unit, and they will still have the responsibility for the day to day management and maintenance of the service unit.

Two regions (Hills/Murray Mallee/Southern Fleurieu, and Eyre Peninsula) have already enthusiastically taken up the challenge and reached agreement on their board structures. Discussions are under way in other regions. In order to maximise the benefits of the reorganisation, it is proposed that interim regional boards be formed as soon as possible.

The Bill is also flexible enough to cater for the future situation in which service units may decide to hand over their day to day responsibilities to regional service units. The Bill allows regional boards to take on the provision of health services in conjunction with their planning, co-ordination and financial roles. In those cases, the property of service units would be held by a small board of trustees. The boards of trustees will also have a liaison role with their communities, monitor the quality of patient care and services provided in their hospital and will provide a member of the regional

board. This important role will ensure that local input is effective at the regional level.

The Bill continues a number of the provisions of the existing legislation. A power similar to the existing Section 58a is included, providing for compulsory administration of incorporated service units or boards of trustees in specific circumstances such as serious contravention of the Act or a constitution or serious financial mismanagement. This power has been used very sparingly in the past, and it is anticipated that will be the case in the future.

Licensing of private hospitals is continued and private day procedure clinics are also brought within the ambit of the provisions. This will ensure that appropriate standards are maintained in what is an emerging area of medicine made possible by technical advances.

South Australia is a signatory to the Medicare Agreement. The State's commitment under the Agreement to reflect the Medicare Principles in State legislation is met in this Bill.

The Government is committed to an efficient and accountable health system which will deliver 'value for money services', while ensuring that the overriding focus of any service must be its customers—the people of South Australia. The legislative reforms proposed by this Bill and the underpinning organisational and management structures reflect that commitment.

I commend the Bill to the House.

Explanation of clauses

PART 1

PRELIMINARY

Clause 1: Short title

This sets out the title of the proposed new Act.

Clause 2: Commencement

This clause provides for the new Act to come into operation on proclamation.

Clause 3: Objects

This clause sets out the objects of the new Act.

Clause 4: Medicare principles

This clause requires compliance with the Medicare principles.

Clause 5: Interpretation

This clause sets out the definitions that are required for the purposes of the new Act.

PART 2

ADMINISTRATION

DIVISION 1—THE CHIEF EXECUTIVE

Clause 6: Administrative responsibility

This clause provides that the Chief Executive is, subject to control and direction by the Minister, responsible for the administration of the new Act.

Clause 7: Functions of the Chief Executive

This clause sets out the functions of the Chief Executive.

Clause 8: General powers of the Chief Executive

This clause sets out the general powers of the Chief Executive.

Clause 9: Statement of policies and strategies

This clause requires the Chief Executive to prepare, for the Minister's approval, and keep under review a statement of policies, guidelines and strategies for implementing a system of health service delivery in accordance with the objects of the new Act.

Clause 10: Delegation

This clause empowers the Chief Executive to delegate statutory powers.

DIVISION 2—THE DEPARTMENT

Clause 11: The Department

This clause provides for the establishment of a Department to assist the Minister and the Chief Executive in the administration of the new Act under the *Government Management and Employment Act*.

DIVISION 3—ANNUAL REPORT

Clause 12: Annual report

This clause provides for the preparation and tabling of an annual report on the administration of health services in the State.

PART 3

INCORPORATED SERVICE UNITS

DIVISION 1—ESTABLISHMENT OF INCORPORATED SERVICE UNITS

Clause 13: Incorporation of service units

This clause provides for the establishment of incorporated service units.

Clause 14: Corporate status and legal capacity of incorporated service unit

This clause deals with the corporate status and general powers of incorporated service units.

DIVISION 2—REGIONAL SERVICE UNITS

Clause 15: Designation of incorporated service unit as regional service unit

This clause provides for the designation of an incorporated service unit as a regional service unit and the definition of the region for which the regional service unit is to be responsible.

Clause 16: Functions of a regional service unit

This clause sets out the functions of a regional service unit.

Clause 17: Assignment of functions to regional service units

This clause provides for the transfer of functions from an incorporated service unit to a regional service unit by agreement between the relevant service units. Under this clause the Governor may establish a board of trustees to administer the property of a service unit that transfers its health service delivery functions to a regional service unit.

Clause 18: Board of trustees

This clause deals with the corporate status and general powers of a board of trustees.

Clause 19: Functions of board of trustees

This clause provides that a board of trustees must administer property held for the purpose of health service delivery as directed by the regional service unit.

DIVISION 3—AMALGAMATION OF INCORPORATED SERVICE UNITS

Clause 20: Amalgamation of incorporated service units

This clause provides for the amalgamation of incorporated service units.

Clause 21: Rights and liabilities of amalgamated service units

This clause deals with what happens to the property of incorporated service units on amalgamation.

DIVISION 4—CHIEF EXECUTIVE'S POWER OF DIRECTION

Clause 22: Incorporated service units to be subject to direction

This clause sets out the Chief Executive powers of direction.

DIVISION 5—DIRECTORS OF INCORPORATED SERVICE UNITS

Clause 23: Board of directors

This provides for the administration of an incorporated service unit by a board of directors.

Clause 24: Functions of the board of directors

This deals with the responsibilities and functions of the board.

Clause 25: General duties, etc., of directors and trustees

This deals with the duties of directors.

Clause 26: Directors' duties of honesty, care, etc.

This clause requires honesty and a reasonable degree of diligence in the performance of a director's functions.

Clause 27: Conflict of interest

This clause requires disclosure of conflicts of interest.

Clause 28: Extent of liability of directors

This clause makes a director liable to account for profits made through a breach of an obligation as director of the service unit.

Clause 29: Delegation

This clause provides for delegation of power by the board of directors.

Clause 30: Fees

The Minister may, in appropriate cases, approve payment of directors' fees.

Clause 31: Removal of director from office

This clause deals with the Governor's powers to remove a director from office.

DIVISION 6—STAFF OF INCORPORATED SERVICE UNITS

Clause 32: Chief executive officer

This clause provides for the appointment of a chief executive officer of an incorporated service unit on terms and conditions approved by the Chief Executive.

Clause 33: Other staff of incorporated service units

This clause deals with the appointment of other staff by an incorporated service unit.

Clause 34: Staff not to be Public Service employees

This clause provides that the staff of an incorporated service unit are not public service employees.

DIVISION 7—BY-LAWS

Clause 35: By-laws

This clause empowers an incorporated service unit to make by-laws.

Clause 36: Evidentiary provision

This is an evidentiary provision for by-laws dealing with parking offences.

Clause 37: Expiation of offences against by-laws

This clause provides for expiation of offences against by-laws.

DIVISION 8—FEES

Clause 38: Power to fix fees

This clause empowers the Governor to fix fees to be charged by incorporated service units. The regulations may provide for gratuitous services in appropriate cases.

Clause 39: Recovery of fees

This clause provides for recovery of fees from the patient and, in appropriate cases, from the patient's relatives.

Clause 40: Remission of fee

This clause provides for remission of fees.

DIVISION 9—ACCOUNTS AND AUDIT

Clause 41: Accounts

This clause requires and incorporated service unit to keep proper accounts.

Clause 42: Audit

This clause provides for audit of the accounts by an auditor approved by the Auditor-General.

DIVISION 10—ANNUAL REPORT

Clause 43: Annual report

This clause requires the board of an incorporated service unit to report annually to the Minister on the administration of the service unit. The report must include the audited statement of accounts.

DIVISION 11—COMPULSORY ADMINISTRATION OF INCORPORATED SERVICE UNIT OR BOARD OF TRUSTEES

Clause 44: Appointment of administrator

This clause provides for the removal of a board of directors and the appointment of an administrator in appropriate circumstances.

DIVISION 12—DISSOLUTION OF INCORPORATED SERVICE UNITS AND BOARDS OF TRUSTEES

Clause 45: Dissolution

This clause provides for dissolution of an incorporated service unit.

PART 4

PRIVATE HOSPITALS

Clause 46: Obligation to hold licence

This clause requires the operator of a private hospital to hold an licence.

Clause 47: Application for licence

This clause deals with how the application is to be made and the information to be given in the application.

Clause 48: Grant of licence to operate private hospital

This clause provides for the grant of the licence.

Clause 49: Conditions of licence

This clause deals with the conditions on which a licence may be granted.

Clause 50: Annual fee

This clause provides for the payment of an annual fee by the holder of a licence.

Clause 51: Transfer of licences

This clause provides for the transfer of a licence with the Chief Executive's approval.

Clause 52: Suspension or cancellation of licence

This clause provides for the suspension or cancellation of a licence.

Clause 53: Inspection of private hospitals

This clause sets out the powers of inspection of an authorised person.

Clause 54: Appeal to administrative appeals court

This clause provides for an appeal to the Administrative Appeals Court against a decision of the Chief Executive under the provisions of the new Act dealing with the licensing of private hospitals.

PART 5

MISCELLANEOUS

DIVISION 1—CONFIDENTIALITY

Clause 55: Duty to maintain confidentiality

This clause imposes duties of patient confidentiality.

Clause 56: Disclosure of confidential information for certain purposes

This clause provides for limited disclosure of confidential information for the purposes of epidemiological research and other similar purposes.

DIVISION 2—RIGHTS OF HOSPITALS AGAINST INSURERS, etc.

Clause 57: Definitions

This clause contains definitions required for the purposes of Division 2.

Clause 58: Reports of accidents

This clause provides for reports of accidents resulting in personal injury by the Commissioner of Police and third-party insurers.

Clause 59: Notice to insurer

This clause enables a service unit to give notice of a claim to an insurer or other compensating authority. Service of the notice gives the service unit a preferential claim on insurance payouts and other compensation.

DIVISION 3—INDUSTRIAL REPRESENTATION

Clause 60: Industrial representation

This clause makes the Chief Executive the notional employer of all staff of incorporated service units for the purposes of the *Industrial Relations and Employment Act 1994*.

DIVISION 4—REGISTER OF APPROVED CONSTITUTIONS

Clause 61: Register of approved constitutions

This clause provides for a register of approved constitutions of incorporated service units.

Clause 62: Inspection etc. of approved constitutions

This clause gives rights of public access to the approved constitutions.

DIVISION 5—REGULATIONS

Clause 63: Regulations

This is a regulation making power.

SCHEDULE 1

Repeal and transitional provisions

Clause 1: Repeal

This clause provides for the repeal of the *South Australian Health Commission Act 1976*.

Clause 2: Incorporated hospitals and health centres

This is a transitional provision for the continuance of existing incorporated hospitals and health centres.

Clause 3: Staff of the Commission

This clause deals with the staff of the former Commission.

SCHEDULE 2

Medicare Principles

This Schedule sets out the Medicare Principles.

Ms STEVENS secured the adjournment of the debate.

DEVELOPMENT (REVIEW) AMENDMENT BILL

The Hon. J.K.G. OSWALD (Minister for Housing, Urban Development and Local Government Relations) obtained leave and introduced a Bill for an Act to amend the Development Act 1993 and to make a related amendment to the Local Government Act 1934. Read a first time.

The Hon. J.K.G. OSWALD: I move:

That this Bill be now read a second time.

I request that the second reading explanation be inserted in *Hansard* without my reading it.

Two years ago the Parliament debated a Development Bill introduced by the previous Government. That Bill represented the culmination of a process of study, review and consultation over a period of almost three years. It was a product of the Planning Review, established by the previous Government to provide advice on improvements to the State planning system.

The Development Act 1993, together with the associated Statutes Repeal and Amendment (Development) Act 1993, the Environment, Resources and Development Act 1993 and related regulations came into operation on 15 January 1994 setting in place the new integrated development assessment system.

In April 1994 the Government announced a wide ranging Review of this system. The goal of the Review has been to ensure the system facilitated the policies of the Government and, in particular, that the development assessment system in South Australia is clear and efficient.

To provide advise on this Review, a Development Act Monitoring Group was formed consisting of 15 persons with experience and knowledge of the development industry, local government and the development assessment process. The role of the Monitoring Group has been to act as a generator of ideas for improvements to the system and as a sounding board for suggestions for change made by others. However, I wish to make it clear that the Bill now before the House is the Government's Bill and not the work of the Monitoring Group, some of whose suggestions have not been taken up by the Government for one reason or another. While other changes are included which did not arise from the Group's deliberations.

During 1994 public comments were sought on both the Development Act and Development Regulations. Some 32 submissions were

received on the Act and a further 65 submissions were received on the regulations. Submissions were made by key industry organisations, professional bodies, councils, the Local Government Association, environmental groups, government agencies and concerned individuals. I have been impressed by the high standard of these submissions.

With the assistance of the public submissions a number of key areas of possible reform were identified for consideration firstly by the Monitoring Group and then by the Government itself. This process culminated in the release of a Development Act Revision discussion paper on 7 December 1994 for a two and a half month period of public comment. The discussion paper set out seven specific proposals to amend the Development Act. It also highlighted several areas of the Act where considerable debate had occurred but no change was ultimately proposed. Furthermore, the paper set out a proposed program for reform of the regulations, some additional Act matters and the proposed integration of a series of development controls presently covered by other Acts within the ambit of the Development Act.

By the end of the period of public comment on 24 February, 52 submissions had been received on the discussion paper. A further 28 late submissions have been received. Once again, the submissions have been of a very high standard and we wish to thank those bodies and individuals who have taken the time to comment and make worthwhile suggestions for change.

This Bill does not alter the basic tenets of the Development Act. Rather it seeks to enhance these reforms by building upon the broad foundations already laid.

In particular, the Government is committed to the concept of a central Planning Strategy to guide the future development of the State. Last year the Premier published the Planning Strategy and work is well under way on refining that strategy insofar as it relates to metropolitan Adelaide and country regions.

Major provisions of the Bill to which I draw the attention of the House include:

The Minister will be able to amend any Development Plan in order to ensure consistency with the Planning Strategy through the preparation of a Ministerial Plan Amendment Report. This will enhance the role of the Planning Strategy.

With the exception of the objection of a land owner to the designation of a place as a place of local heritage, the referral of all council prepared Statements of Intent and Plan Amendment Reports after public consultation to the Development Policy Advisory Committee will be at the discretion of the Minister. However, the criteria for referral have been retained. This will ensure that delays in the processing of council amendments are further minimised.

Councils will now be required to undertake policy reviews to consider the appropriateness of their Development Plan and its consistency with the Planning Strategy on a three yearly instead of five yearly cycle unless the Minister allows an extension of time. At the conclusion of each review the council will be required to submit a report to the Minister and to make this report available for public inspection.

In circumstances where the Minister considers that the Government of the State has a substantial interest in whether a proposed development proceeds or not, the Minister will be able to declare that the Development Assessment Commission determine the application notwithstanding the fact that a council would otherwise have been the relevant authority for that application. However, the Minister will not have any other involvement in the determination of the application (unless concurrence is required) and all public notification and appeal rights will be retained.

The Governor can dispense with an environmental impact statement for a major development where the Governor is satisfied, after receiving a report submitted by the proponent, that the adverse social or environmental impacts of the development will not be significant if it proceeds. In such a case, the Minister will be required to prepare a report on the matter and have copies laid before both Houses of Parliament. This will allow major developments solely of major economic significance to be dealt with expeditiously.

Provision is included to clarify the status of the Government's infrastructure developments where arrangements are entered into with private companies to build/own/operate the projects. The Bill provides for such projects of a community nature to be classified as Crown Development by the regulations.

Councils and the Development Assessment Commission will be given the choice of whether to hear representors who have made a written submission on a development application that is not listed as either complying or non complying in a Development Plan. Mandatory hearings are retained for all applications for non complying kinds of development.

Land Management Agreements will be able to be used to indemnify the State Government, councils (in prescribed circumstances set out in the regulations) and statutory authorities.

Other amendments to Sections 33, 49, 69 and 109 have been made in order to better clarify the Act's intent. Furthermore, a technical amendment is made to Section 176 of the Local Government Act in response to a request from local government.

I referred earlier to the Development Act Monitoring Group which was established to assist with the Review of the Act and regulations. The Government would like to acknowledge the work done by this Group led by Chairperson Mr. Stuart Main. It is now our responsibility to give legislative form to the results of this comprehensive process of review.

Explanation of clauses

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: Amendment of s. 24—Council or Minister may amend a Development Plan

This clause provides for an amendment of section 24 of the Act. Section 24 includes the circumstances in which the Minister may prepare an amendment to the Development Plan. It is proposed to add a provision that will enable the Minister to amend a plan to ensure or achieve consistency with the Planning Strategy.

Clause 4: Amendment of s. 25—Amendments by a council

This clause amends section 25 of the Act to remove the mandatory referral of certain matters by the Minister to the Advisory Committee. The Minister will instead have a discretionary power to refer matters to the Advisory Committee. The amendment retains the requirement that an objection by a landowner to the designation of a place as a place of local heritage must be referred to the Advisory Committee for inquiry and report.

Clause 5: Amendment of s. 30—Review of plans by council

This clause addresses three issues relevant to the review of Development Plans by councils. Firstly, a council will now be required to prepare a report on the review in every case. (Presently a report does not need to be prepared if the council proceeds directly to the preparation of a Statement of Intent.) Secondly, a council will be required to make its report available for inspection at its principal office. Thirdly, the period for the preparation and completion of a report is to be altered from five years to three years, with the Minister being given a discretion to allow an extension of time.

Clause 6: Amendment of s. 33—Matters against which a development must be assessed

This amendment relates to the requirements of the Act for the assessment of an application for approval to divide land by strata title. Section 33(1)(d)(iv) currently requires that a relevant authority must be satisfied that the relevant building is, or will be, of a certain quality and condition. Concern has been raised in relation to the implementation of this provision in practice. It has been decided that the preferable criterion is whether a building (or item) intended to establish a boundary of a unit is appropriate for that purpose.

Clause 7: Amendment of s. 34—Determination of relevant authority

This amendment will allow the Development Assessment Commission to act as the relevant authority in cases where the Minister considers that the Government of the State has a substantial interest in a proposed development and in the circumstances desires the Commission to be the determining body.

Clause 8: Amendment of s. 38—Public notice and consultation

This amendment will alter the provision relating to the right to appeal personally (or by representative) before a relevant authority in relation to a Category 3 development under the "Third Party" provisions of the Act so that the provision will now only apply to such a development that is a non-complying development under the relevant Development Plan.

Clause 9: Amendment of s. 48—Governor to give decision on development

This amendment will have the effect of allowing the Governor to dispense with an environmental impact statement for a development assessed under this section where the Governor is satisfied that a development is of major economic importance and will not have an adverse social or environmental impact to a significant degree. In such a case, the Minister will be required to prepare a report on the matter and have copies laid before both Houses of Parliament.

Clause 10: Amendment of s. 49—Crown development
These amendments relate to Crown development. New subsection (2) will allow the regulations to specify circumstances where a partnership or joint venture between a State agency and a person or body that is not a State agency will be subject to assessment procedure prescribed by section 49 of the Act. New subsection (14A) will provide that persons who are engaged to carry out building work on behalf of the Crown are required to comply with the Building Rules, and other technical requirements.

Clause 11: Amendment of s. 57—Land management agreements
This amendment is intended to facilitate the practice whereby land management agreements may provide for various forms of indemnities, waivers and exclusions. The relevant provision will be able to be applied when the Minister is a party to the agreement, and in other prescribed cases. A provision may be expressed to extend to third parties.

Clause 12: Amendment of s. 69—Emergency orders
This amendment will allow any authorised officer to make an emergency order under section 69 of the Act if there is a threat to a State heritage place or local heritage place. (Presently, an authorised officer must hold prescribed qualifications in such a case.)

Clause 13: Amendment of s. 108—Regulations
This is a technical amendment to make it clear that the Minister may "delay" the operation of an alteration to a code, standard or other document adopted by the regulations until a day specified by the Minister. This will allow the Minister to give advance notice of the commencement of an alteration (and, if necessary, co-ordinate the operation with other measures (for example, similar alterations that are coming into operation in other States)).

Clause 14: Amendment of Local Government Act
This is a technical amendment to the Local Government Act. Section 176 of that Act refers to zones defined by regulations under the Development Act 1993. Zones are in fact defined by Development Plans. An amendment should therefore be made.

Ms HURLEY secured the adjournment of the debate.

CONSENT TO MEDICAL TREATMENT AND PALLIATIVE CARE BILL

Consideration in Committee of the Legislative Council's message—that it had agreed to the House of Assembly's amendments Nos 4, 7 and 8, and had disagreed to amendments Nos 1 to 3, 5, 6 and 9.

The Hon. M.H. ARMITAGE: I move:

That the House of Assembly's amendments be insisted on.

Mr ATKINSON: As I pointed out during the debate on the Bill earlier, it is to the Minister for Health and his insistence on these Assembly amendments that are holding up this important Bill. The Consent to Medical Treatment and Palliative Care Bill could have been law weeks ago if the Minister for Health had not been quibbling about the age at which a person could appoint a medical power of attorney.

The Minister for Health was not a member of the Select Committee on the Law and Practice Relating to Death and Dying. He is not sufficiently familiar with that report or the clauses of the Bill, yet he is now urging the Committee to hold up a very important Bill. It is important for those of us who wish to resist the Voluntary Euthanasia Bill that the Consent to Medical Treatment and Palliative Care Bill become law as soon as possible. I want to make it very clear to readers of *Hansard* and anyone else who is interested in this Bill, of which I have been a supporter, that it is the Minister for Health who is preventing this Bill becoming law. I urge that we do not insist on these trivial amendments.

The Hon. M.H. ARMITAGE: During the debate in this Chamber the member for Spence has made a number of extraordinary statements, particularly about parliamentary procedures. First, he indicated in the debate that a time honoured procedure of the House, that amendments had to be placed on file prior to the particular stage of the Bill, was in some way an attempt by me to subvert debate. That was clearly wrong and also clearly going against all the parliamentary procedures that have preceded even the member for Spence and his intricate and pedantic knowledge about these matters.

Now we have the extraordinary statement of a member of this Chamber claiming that I am holding up this Bill when what I am doing as Minister responsible for the carriage of this Bill is insisting on the amendments moved by members of this Committee, with an approximate majority of 25 to 16 or 17, and indeed the member for Spence in his third reading speech supported the Bill. Having done that and having seen the Bill which the member for Spence supported and which the vast majority of members in this Chamber supported, and having seen the amendments moved in another place, the member for Spence suggests that he wants to lie down and have his tummy tickled and that I do it as well. However, I am standing up for the other members of this Committee who debated the Bill and who, strange as it may seem, disagreed with the member for Spence. I say to all members who are in the majority: I am standing up for you and we are going to insist on our amendments.

Mr MEIER: I do not want to get involved in the extra debate going on, but I support the member for Spence because I want to see the age of 18 retained in the Bill rather than 16. I made my views clear when the Bill was debated and I have not changed my mind. I urge members to weigh up this matter carefully. The arguments were well put as to retaining the age of 18 and I agree with the amendments.

Motion carried.

RETAIL SHOP LEASES BILL

The following recommendations of the conference were reported to the House:

As to Amendment No. 1
That the House of Assembly do not further insist on its amendment.

As to Amendment No. 2
That the Legislative Council do not further insist on its disagreement thereto.

As to Amendments Nos 3 to 5
That the House of Assembly do not further insist on its amendments.

As to Amendment No. 6
That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 7
That the House of Assembly amend its amendments by striking out '$200 000' and substituting '$250 000', and that the Legislative Council agree thereto.

As to Amendments Nos 8 to 11
That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 12
That the House of Assembly do not further insist on its amendment but make the following amendment in lieu thereof:
Clause 13, page 6, line 27—Leave out 'Tribunal' and insert 'Magistrates Court' and that the Legislative Council agree thereto.

As to Amendment No. 13
That the House of Assembly do further insist on its amendment but make the following amendment in lieu thereof:
Clause 25, page 14, line 34—After 'rent' insert, 'a component of rent or outgoings', and that the Legislative Council agree thereto.

As to Amendments Nos 14 and 15
That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 16
That the Legislative Council do not further insist on its disagreement thereto and that the House of Assembly make the following consequential amendment:

New clause, page 35, after line 21—Insert new clause as follows:

Vexatious acts

79A. A party to a retail shop lease must not, in connection with the exercise of a right or power under this Act or the lease, engage in conduct that is, in all the circumstances, vexatious.

Maximum penalty: $5 000.

and that the Legislative Council agree thereto.

As to Amendments Nos 17 to 19

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendments Nos 20 to 33

That the House of Assembly do not further insist on its amendments.

As to Amendment No. 34

That the House of Assembly do not further insist on its amendment but make the following amendments in lieu thereof:

Clause 75, page 34, line 4—Leave out 'Industry' and insert 'Retail Shop Leases'.

Clause 75, page 34, lines 5 to 12—Leave out subclauses (2) and (3) and insert—

(2) The Committee will be constituted in the manner prescribed by the regulations.

(3) The regulations may also provide for—

(a) the procedures of the Committee; and

(b) other matters relevant to the functions or operation of the Committee.

and that the Legislative Council agree thereto.

As to Amendment No. 35

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 36

That the House of Assembly do not further insist on its amendment but make the following amendments in lieu thereof:

Clause 77, page 34, line 20—Leave out 'continuous'.

Clause 77, page 34, line 21—Leave out paragraph (b).

Clause 77, page 34, line 22—Leave out 'special'.

Clause 77, page 34, line 23—Leave out 'special' twice occurring.

Clause 77, page 34, lines 24 to 27—Leave out subclauses (2) and (3).

and that the Legislative Council agree thereto.

As to Amendments Nos 37 and 38

That the Legislative Council do not further insist on its disagreement thereto and that the House of Assembly make the following consequential amendment:

Clause 66, page 31, line 9—After 'mediation of' insert—

(a) [include remainder of line 9]; or

(b) a dispute related to any other matter relevant to the occupation of the premises or to a business conducted at the premises.

and that the Legislative Council agree thereto.

As to Amendments Nos 39 and 40

That the House of Assembly do not further insist on its amendments.

As to Amendments Nos 41 to 43

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 44

That the House of Assembly do not further insist on its amendment.

As to Amendment No. 45

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 46

That the House of Assembly do not further insist on its amendment.

Consideration in Committee of the recommendations of the conference:

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

That the recommendations of the conference be agreed to.

I commend the conference on this measure. It is important to point out how far the legislation would have changed if all these amendments are agreed to. Without referring too far back in history, I refer to the extent to which the Attorney has sought accommodation for all areas of the retail industry. The agreements that could be reached were reflected in the Bill. A number of other matters were raised as a result of the Bill's coming before another place and they had been a matter of contest, the circumstances of which we are all aware. I make the point clearly that the Attorney had advanced the rights of tenants considerably in the Bill presented before the House. In debate many amendments appeared which fell into a variety of categories. Whilst they had not been agreed to by the industry, and we have not been back to the industry to determine whether or not the industry is comfortable with them, it is the deliberations of the Parliament which ultimately prevail.

A number of issues will continue for those who are in leasing arrangements. However, I should like to talk through some of the areas where it was suggested that further change should take place. The first is retrospectivity. There was a suggestion that all the amendments to the Bill should apply to existing contracts. In the process, of course, that would void certain parts of those contracts. After considering the position of all the parties, the Attorney supported the approach of the tenants associations, not that of BOMA, namely, that the commercial arrangements contained in the contract should be excluded from retrospective application under the legislation. The Attorney has rejected the position taken by BOMA in relation to non-commercial aspects of the Bill, but that the right of contract should prevail in areas where monetary consideration was not felt to be appropriate.

In terms of coverage, which is the line that is drawn to exclude or include people under the auspices of the legislation, it was deemed that the $200 000, which was already in the legislation, was more than sufficient to cover tenants who do not have bargaining power with large conglomerates as landlords. The original position on that was to maintain the *status quo*, but that was another issue that went to the conference. The exclusion of public companies from coverage of the legislation was an area of disagreement. The Government decided to preserve the existing situation and exclude companies from the coverage of the legislation.

Turning to the restrictions on the adjustment of base rent, throughout the debate this clause has been identified as one of the major reforms in the Bill. Despite lobbying, the Government formed the view that ratchet clauses should be outlawed. The original position as set out in the Bill was to outlaw ratchet clauses. I am sure that the retailing tenant community will be delighted with this clause.

There was great conjecture about the definition of 'demolition'. The definition in the legislation is very wide. The contest was whether there should be a first right of relocation. Because of the difficulty as the Bill came before us, demolition was left as it was previously. There were considerable differences of opinion about lease renewal, as there were about relocation and the definition of 'retail shopping centre'. Those were some of the contentious issues that remained unresolved when the Bill came before the Parliament, some of which surfaced during debate.

There has been considerable lobbying. I will not reflect on the part played by one organisation which originally agreed to the proposition that the Bill should go forward in the form that had been fundamentally agreed. However, that is part of history. This is politics, and we can only reflect on agreements which have been reached and then broken. There was a conference on the issues that I have just mentioned, and one or two others.

In relation to the amendments on which there was disagreement between the two Houses, I should like to report

as follows. The conference agreed that the jurisdiction would be moved to the Magistrates Court (Consumer and Business Division). This is consistent with earlier decisions of the Parliament to refer disputes under other consumer legislation to that division. The Attorney desired to have the tribunal form itself under the auspices of the Magistrates Court, because there are still the residential tenancies to be considered. However, the wisdom of the conference prevailed and the Consumer and Business Division will be the authority with jurisdiction in this area.

Regarding coverage, there was long and hard debate whether the amount should be $200 000, $250 000 and/or 1 000 square metres as the basis upon which people were either included or excluded from the auspices of the legislation. It was a matter of considerable debate. The conference reached the general determination that $250 000 was more than enough monetary value to protect tenants who were in need of assistance in any negotiations with landlords. I believe that the conference felt comfortable that it had covered almost all tenants in the category of not being able to defend themselves or negotiate adequately against the power of some of the large conglomerates as landlords. The issue of the 1 000 square metres was thoroughly debated in the Parliament, and those points were made in the conference. There was a compromise on the $200 000. The conference believed that $250 000 was sufficient to provide proper protection for tenants.

The conference was of the view that as a general rule public companies were capable of defending themselves. Therefore, even though they might have leasing arrangements with a rent of less than $250 000 per annum, the conference felt that they were not in need of special protection, so they became exempted under this legislation just as they are under the existing Act.

The minimum five-year term was also looked at and the extent to which it imparted some point from which alternate leasing arrangements could branch but for which there was little protection. The issue was whether, if a person signed a lease for a lesser time by agreement with the landlord, there should be special protection to prevent undue pressure being placed on the tenant to accept the position. The conference agreed that, once the matter had been clearly explained in the presence of a lawyer, the issue was whether the agreement notarised by the lawyer should be presented to the court. The conference believed that there was no necessity to present the notarised agreement to the court. Information on turnover occupied the conference for a considerable time. Agreement was reached that turnover had been used by, I would say, a very small section of landlords as a means of jacking up the rent.

Mr Atkinson: A very small number.

The Hon. S.J. BAKER: If the member will contain himself, leaving aside the majors, who have turnover as part of their rental process, and looking at all the others who would not normally believe that they were required to provide turnover figures because they do not have rent based on turnover, we are talking about a small proportion of that group who would feel that they were under great stress if turnover figures had to be revealed to the landlords. After considerable discussion, the conference compromised on that issue: if turnover is not reflected in the rents or the outgoings associated with a centre, the landlord has no right to demand turnover figures.

The issue of harsh and unreasonable terms for rent was discussed at considerable length. I do not believe we could find a set of words or definitions that would give balance to the argument, although there are obviously some cases where people feel aggrieved. The issue concerned the extent to which existing rental arrangements were deemed to be harsh and unreasonable. I do not think that anyone at the conference believed that under the new provisions the clause should have application. The issue was whether there should be effective arbitration on the issue of harsh and unreasonable. As it was in its amended form it was capable of a number of different interpretations and could have led to considerable distress for one party or the other without any conceivably constructive outcome. That was where the conference left the issue of harsh and unreasonable as it relates to existing rental contract arrangements. We all quoted examples of where on one side the tenant would feel aggrieved and on the other side where the landlord would feel aggrieved.

The issue of what is a contract and the extent to which it would be broken by this clause was argued at great length. The issue of demolition and whether it is being used as an excuse to remove a tenant from a centre for reasons best known to the landlord was debated—and we have some modifying provisions. There was no agreement on the basis of the changes recommended by the Australian Democrats. This was the case that also prevailed in relation to relocation. The position at the end of the lease was a matter that occupied considerable time both during and outside the conference in determining whether there was some way of allowing or instigating fair and reasonable process when it came to renegotiating rents. The provision in the Bill was untenable: we had a perpetual lease situation.

All members of the conference understood that the amendment did exactly that and that it was inappropriate. However, the matter of what should take place at the end of the lease was not necessarily satisfied to the original point expressed by the Opposition in terms of the amendments. It could be said that there was some dissatisfaction with the outcome; however, it was a matter that was canvassed strongly, and in the time frame in which it operated the conference could not come up with anything that would protect the position of the tenant and at the same time protect the position of the landlord, because both have rights in this situation. There was general agreement that the perpetual lease provisions inserted by the Australian Democrats were untenable; however, a satisfactory alternative was not arrived at.

Subleasing and franchises were considered at considerable length. Subleases are treated in the Bill in the same fashion as leases, and there may well have been some misinterpretation of that. On the issue of franchises, there was considerable discussion about the rights of the franchisee if the franchisor should default where the franchisee has the contract with the shopping centre. The conference did not agree to the proposal of the Australian Democrats, but a mediation process was proposed and a new amendment was agreed which means that the franchisee, if he or she is defaulted upon due to circumstances beyond his or her control—namely, at the franchisor level—will have a mediation process put in place to ameliorate the effects of such default.

In terms of retrospectivity, the general agreement was that, other than the financial issues in terms of some of the requirements of the legislation, it was appropriate for them to come in immediately. In other areas where they effected a contractual right concerning the right of a person to give or receive money, the conference believed it was not appropriate to change the current law in that regard.

The other interdiction was presented and agreed about vexatious acts. A number of examples have been provided to Parliament where tenants believe that landlords have been vexatious. That can quite often occur near the end of a tenancy or when negotiations are taking place for a new tenancy. We all understand the process of contracting; we all understand that there can be big differences of opinion at that point. It should be understood clearly that, in the reaching of agreement, some of the bargaining positions can be totally inappropriate—particularly by landlords. A clause has been added to the Bill to outlaw vexatious conduct by either party. The Government takes the view that this will go a long way towards ensuring a balanced approach by landlords to tenants and *vice versa*. A general provision is being inserted into the Bill about vexatious actions—actions which can be used as pressure points in the system and which have no commercial or equity fairness associated with them. I hope that will assist the process.

The conference drew a number of conclusions, and I am pleased to say that agreement was reached on many of the issues. As I said previously, the option still exists for Parliament to set up a select committee to look at the future of shopping. If there are matters that remain unsatisfied and where people believe they have been inadequately addressed, the option still remains for a select committee where all parties—all the small shopkeepers—can provide information and recommendations. The system does not end here: this is simply a set of amendments to make the legislation more workable and to put a fairer balance into the relationship between landlords and tenants. We have come a number of steps along the way.

If a select committee is put in place and there are unconscionable actions taking place in the market, we would expect them to be clearly enunciated to such a select committee whereby any deliberations that resulted from that committee could then be translated into changes to our legal system. The changes have strengthened the position of tenants. They have not taken away the rights of landlords as was proposed by the Australian Democrats. There is more balance in the system, but I appreciate that legislation does not solve the problems when a landlord operates in a way that stretches the law or where a tenant fails to reach his or her commitments in a leasing arrangement. So, there are further protections, and a further balance is associated with the relationship between landlords and tenants. I commend the conference on its outcome.

Mr ATKINSON: The Opposition is disappointed by the outcome of the conference between the two Houses. The Australian Labor Party is disappointed by the final form of the Retail Shop Leases Bill, because the Bill promised so much but now will deliver little to retail tenants, and what little it delivers has been obtained by the Australian Labor Party. The main benefit of this change to the law is to stop ratchet clauses being inserted in retail tenancies. A ratchet clause is a clause which specifies that rent may be calculated by one of two alternative methods, usually a flat rental or a rental related to turnover, the higher of which will be deemed to be the rent. The Liberal Party and the Australian Labor Party have agreed that ratchet clauses are undesirable and the Bill outlaws them, but it does not do so from the date of proclamation.

The Labor Party and the Liberal Party disagree on how the outlawry of ratchet clauses ought to be implemented. The Liberal Party says that leases which have already been signed and which include ratchet clauses may continue to run their full term, which may be five or 10 years. So, the Liberal Party says that ratchet clauses are a bad thing in retail shop leases but that they should not be outlawed until five or 10 years hence. Ten years will see the Deputy Premier out. This Bill will provide for ratchet clauses for shop leases long after the Deputy Premier has left this House.

By contrast, the Labor Party said that ratchet clauses ought to be outlawed from the date of proclamation. The Liberal Party said that that is retrospectivity, but it is not really, because retrospectivity is changing rights and obligations from a time before the proclamation of the Act. Retrospectivity in an Act of Parliament is reaching back before the Act was proclaimed and changing the rights and obligations of the parties. The Labor Party proposal to have ratchet clauses outlawed from the date of proclamation of this Bill is not retrospectivity, strictly defined. What we are saying is that the outlawing of ratchet clauses should occur from the date of proclamation onwards, prospectively. If contracts happen to have been created before the date of proclamation, we say they will be changed from the date of proclamation so that ratchet clauses are struck out. It is a mild form of retroactivity, but it is not retrospectivity, and I do not think the Liberal Party understands that. So, because the Liberal Party insists on this, the main benefit of this Bill (which is to stop ratchet clauses) will not come in for five or 10 years, while existing shop leases run their course.

The Hon. S.J. Baker interjecting:

Mr ATKINSON: The Deputy Premier is right; they do turn over, but—

The Hon. S.J. Baker interjecting:

Mr ATKINSON: No, I am not saying that at all: what I am saying is that existing leases may have five or 10 years to run and, if they have a ratchet clause in them, the ratchet clause will stay in for that full term, even though the Bill outlawing ratchet clauses will be proclaimed soon. So, I do not accept the Deputy Premier's criticism of what I am saying. Yes; there is a turnover, and in many retail shop leases there will be no ratchet clauses, and there will be no ratchet clauses soon, but in many others they will continue for years to come. The Labor Party wanted ratchet clauses out, and out now, and the Liberal Party stopped that good proposal from becoming law for the benefit of small retailers.

The Hon. S.J. Baker interjecting:

Mr ATKINSON: No; we are going to void ratchet clauses—

The Hon. S.J. Baker: But you cannot void a commercial relationship that has been established.

Mr ATKINSON: This Parliament is master of its own destiny. If the Parliament says that from the date of proclamation ratchet clauses in retail shop leases are unlawful, they are unlawful. We have power to do it, and the Deputy Premier is being a bit precious in saying we cannot intervene in contractual relations. He does it all the time; in fact, he is compulsorily acquiring houses in Darlington now.

The fruit of the conference was new clause 79A, which the Australian Labor Party extracted from the Government. That new clause provides that a party to a retail shop lease must not, in connection with the exercise of a right or power under this Act or the lease, engage in conduct that is, in all the circumstances, vexatious. That is a very important concession which the Australian Labor Party wrung from the Government. What it may do is prevent landlords threatening not to renew a retail shop lease for reasons that would not otherwise be lawful. Many retail tenants live in fear of their landlord terminating or failing to renew their lease because the

landlord does not like them or wants to steal the business by giving the lease and therefore the business, in effect, to a new tenant.

The Liberal Party would not accept our proposal that there would be automatic renewal of shop leases unless the landlord could show a good reason why the shop lease should not be renewed. The Labor Party tried to list those reasons, and it ran to a fairly long list, covering every possibility, I would have thought, including misconduct by the tenant, the tenant's failure to abide by the terms of the lease, that the landlord had received a better offer from another prospective tenant for the lease or that the landlord wanted to change the nature of his shopping centre.

We appealed to the members of the Liberal Party and said, 'Can you think of any other reasons why a retail shop lease would not be renewed?' They said, 'No; we are not going to enter into that debate. We as the Liberal Party assert that property rights are absolute and that we cannot have a right of renewal subject to conditions. There can be no right of renewal.' So, in order to save the Bill, which we thought on the whole was a good Bill, the Labor Party collaborated with the Liberal Party to get the vexatious acts clause in the Bill, and that is the clause that saved the Bill. If the Labor Party had insisted on pursuing the rights of retailers in the way we were doing, we would have lost the Bill. We did not want to lose the Bill, because we thought it had a net benefit for retailers.

The vexatious acts clause involves not just a criminal or *quasi* criminal offence. Yes, there is a maximum penalty of $5 000; yes, the Commissioner for Consumer Affairs can initiate the prosecution of a landlord who acts vexatiously in defiance of this clause; but the benefit for small retailers is that, if, on the balance of probabilities, namely, the civil onus of proof, small retailers establish that a landlord has been acting vexatiously in breach of new clause 79A, they can sue for damages for breach of statutory duty.

According to the Attorney, new clause 79A casts a statutory duty on landlords—and tenants for that matter—not to behave vexatiously and, if that statutory duty is breached by a landlord behaving vexatiously in connection with a shop lease, a tenant can sue in the civil courts for damages for breach of that duty, and that tenant will recover damages for the breach. This breach might be a landlord refusing to renew a lease or terminating a lease for a reason that is not permitted under the Act where the real motivation of the landlord was vexatious or malicious. I think this is a good provision; it is a promising provision and I hope that it will work in the way the Australian Labor Party accepts. Again, I say that the Australian Labor Party would have liked more protection for retail tenants; we were unable to achieve that without losing the Bill; so we have compromised with the Government.

The Hon. S.J. BAKER: There are at least three issues to which I should respond. In relation to the issue of ratchet clauses, I believe the member for Spence somewhat misrepresents the situation, and the House should clearly understand what the effect of the Australian Democrat cum ALP amendment would have been. I relate particular experiences of which I am well aware, where, for example, new tenants have been given a low rent start to entice them to join the centre on the understanding that during the process of that lease there would be an escalation. We have done it with the Myer Centre, which was a very good case in point where originally tenants were enticed in with low rent starts.

There are many commercial premises today where tenants have been enticed to enter those establishments with a low rent start. The reason for that is quite simple: when a business is starting off, it invests an enormous amount of capital. The returns may flow in two, three or four months; they never come to fruition on day one. So, there are arrangements, particularly with people who do not have enormous capital backing, to allow them to have a low rent start—a bit like HomeStart—and then have an escalation clause, which brings them closer to market rent. I think all members would agree that there is nothing unusual about that. The provisions put in by the ALP and the Democrats would provide that automatically those particular clauses of a contract were void and that somehow a new contractual arrangement would have to be put in place.

As a Parliament, we would not wish to see tenants disadvantaged by that process. There have been ratchet clauses which people on review from outside would say have disadvantaged tenants, but there have been many examples where they have advantaged tenants, and I am aware of a number of them. I am aware of a number of occasions when shops on Unley and Goodwood Roads, for example, have put tenancy arrangements in place simply to get the shops filled, and landlords have said, 'When you are doing better, when you are generating revenue, we will talk about more market-oriented rents.' The ALP would suggest that this was harsh and unconscionable *per se* but we say that it was entered into in good faith at the time, which means that there was an acceptance or rejection; we cannot go over the motives or, even if there were some pressure applied, we cannot assume that that was the case.

The amendment would have meant that, if you had a ratchet clause in your contract, that right of commercial decision would have been taken away and it would have been deemed inappropriate in principle. That was the contractual arrangement that existed previously, and ratchet clauses, as the member for Spence has said, have been used by some landlords for all the wrong purposes. However, in many areas to which I can refer, they have been used for exactly the right purposes. We as a Parliament decided in our wisdom that ratchet clauses should be banned for all new contracts. That was the final determination, and I am sure that the majority of the community would agree that the Parliament should not do that.

I understand the difference, as the member for Spence keeps telling me, about retrospectivity and retroactivity. I think I have finally grasped his point about that issue. So, I believe that the conference made a particularly sound decision. In terms of the list of reasons for refusal of renewal, obviously when the Bill came before this Parliament four reasons were inserted in the Bill and the member for Spence challenged me at the time, saying, 'I dare you to tell me any other reasons', and I went through a few other reasons. So, I did actually prove him wrong and we decided that the list system, for a whole variety of reasons, might not have served a particularly useful purpose. More importantly, if you start to list things, either one side or the other side can use it to their own advantage, and the principle of fair play can get lost in the system.

If you could prove there was another person coming through the door, that was a reason for not renewing the lease but, as we are all aware, you can always have someone coming through the door. There will always be another tenant who is willing to pay more. It is a bit like when you have a price offer and you say, 'I have had a better offer than that; lift your price.' So, by its very nature, the amendment put forward by the ALP and the Democrats was totally flawed.

It could have caused just as many problems for tenants as it was attempting to solve. To his great credit, the Attorney-General put forward a change, and I believe that the South Australian community should have been delighted with it, whether it was motivated by compromise, a result of discussion or whatever. I believe that the Attorney-General does things because he believes that it is the right thing to do, and he put in the 'vexatious' clause, which provides that the landlord cannot act vexatiously. That means that some of the pressures that have been applied in the past, as everyone in this Parliament would recognise, cannot continue.

If a landlord is putting enormous pressure on tenants and not negotiating in a constructive way, that would be classed in the context of this legislation as being vexatious. So, I hope that the issues relating to renewals at the end of the lease and the way in which they are contracted will be much fairer, simply because of this provision. It says that you cannot use bully-boy tactics: you have to negotiate in good faith. I believe that that is an enormous step forward, as recognised by the member for Spence, and I believe that the Australian Democrats would say that they were very pleased with the outcome, even though they did not get 100 per cent of what they were looking for.

It means that people must deal with each other on a more equal footing. They cannot threaten the livelihoods of people simply because of their power and position. I commend the conference. The member for Spence may indeed have got carried away, if you like, with the position taken by the ALP and the Democrats at the time, but I believe he would recognise that far more balance and a certain amount of equity is being put in place, while at the same time a person's right to operate a property has not been seriously impeded. I commend all those who took part in that conference.

Motion carried.

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

That the sitting of the House be extended beyond 6 p.m.

Motion carried.

PETROLEUM PRODUCTS REGULATION BILL

Returned from the Legislative Council with amendments.

INDUSTRIAL AND EMPLOYEE RELATIONS (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

Consideration in Committee.

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

That the amendments to amendments Nos 1 and 6 and that the disagreement to amendments Nos 4 and 10 be insisted on.

Mr CLARKE: I formally record our opposition to this. Our view is that the Legislative Council's amendments should be agreed to, for reasons made obvious in past debates.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs Brokenshire, Clarke, Ingerson and Leggett, and Ms White.

PHYLLOXERA AND GRAPE INDUSTRY BILL

Returned from the Legislative Council with an amendment.

CONSENT TO MEDICAL TREATMENT AND PALLIATIVE CARE 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 Legislative Council conference room at 8.30 a.m. on Monday 27 March, at which it would be represented by Messrs Armitage, Atkinson, Becker and Cummins, and Mrs Stevens.

RETAIL SHOP LEASES BILL

The Legislative Council intimated that it had agreed to the recommendations of the conference.

INDUSTRIAL AND EMPLOYEE RELATIONS (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

A message was received from the Legislative Council agreeing to a conference to be held in the Legislative Council conference room at 3.30 p.m. on Monday 3 April.

CONSENT TO MEDICAL TREATMENT AND PALLIATIVE CARE BILL

A message was received from the Legislative Council agreeing to a conference.

ADJOURNMENT

At 6.10 p.m. the House adjourned until Wednesday 5 April at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 21 March 1995

QUESTIONS ON NOTICE

PUBLIC TRANSPORT, PRIVATISATION

119. **The Hon. M.D. RANN:** If the Government proceeds with the privatisation of certain public routes, will it make provision in the tendering process that the successful tenderers comply with Federal/State legislation thus making adequate provision for ease of access for disabled people and, if not, why not?

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

The Government has no policy for privatisation of public transport. Our policy is to offer parcels of services for competitive tendering with opportunities for both TransAdelaide and private bus operators to submit tenders. The first tenders for the outer south and the outer north were called on Saturday 4 March 1995. Successful tenderers will be required to comply with all the relevant provisions of State and Federal legislation.

ROAD TRAFFIC OFFENCES

155. **Mr ATKINSON:** In the light of the reply to Question No. 131, can the Minister say why offences under section 137 of the Road Traffic Act and regulation 7.20 were deleted from the schedule to the Summary Offences (Traffic Infringement Notices) Regulations?

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

Inquiries into this matter have not established any justification for the deletion of offences under section 137 of the Road Traffic Act and regulation 7.20 of the Road Traffic Regulations from the schedule to the Summary Offences (Traffic Infringement Notices) Regulations. These offences were included when the schedule was reprinted on 22 February 1990 but excluded from the reprint on 20 December 1990. It appears that the deletion was not intentional.

The Minister for Transport understands there is no impediment to the offences being restored to the schedule and the Minister has written to her colleague, the Attorney-General, requesting that this be done.

TORRENS VALLEY COACHES

175. **Mr ATKINSON:** Has the Department for Road Transport inspected the bus operated by Torrens Valley Coaches on the Adelaide to Cape Jervis run and, if so, what was the result of the inspection?

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

Torrens Valley Coachlines operates four buses which may be used on the Adelaide-Cape Jervis route and these have been inspected at annul intervals by the Department of Transport, as required by the Passenger Transport Act. Buses may also be inspected randomly or as a result of public complaint.

The inspection dates and results of recent inspections are as follows:

EAGL-01
29/7/93 Passed 4/8/94 Passed
EAGL-02
8/7/93 Passed 14/7/94 Failed 15/7/94 Passed
RVB-721
3/11/93 Passed 4/1/95 Passed
SAM-361
28/6/94 Failed 1/7/94 Passed 13/12/94 Failed
14/12/94 Failed 16/12/94 Passed 23/2/95 Failed

The inspection of 23 February 1995 at which SAM-361 failed to be passed was called for following a complaint by a member of the public. The Minister for Transport has been advised that the company has recently been sold.

GOVERNMENT VEHICLES

179. **Mrs ROSENBERG:**

1. What Government business has an EWS employee at Aldinga undertaken when travelling from Meadows to Aldinga on a daily basis for the past two years?

2. Is the motor vehicle in question used for other Government business during the hours of 7.30 a.m. to 4 p.m.?

The Hon. J.W. OLSEN:

1. The EWS employee in question is based at the Aldinga depot and lives at Meadows. He is on-call for after hours emergencies such as supply problems, repair of burst mains and the location of underground ETSA and Telecom cables and gas mains before excavating. As part of his normal duties, the employee also locates EWS underground facilities for other authorities, e.g., ETSA, Telecom, SAGASCO, DRT and councils before they excavate in or near roadways.

All of these duties have clear and significant occupational health, safety and welfare implications, as well as obvious asset protection/service maintenance aspects. These duties are often performed as 'first and last port of call' jobs, i.e., on the way to and from home. The advantages of these calls are the obvious customer service benefits and the subsequent savings in time and cost for the EWS. For these reasons, the employee has been given formal approval to take the vehicle home.

2. The vehicle is, indeed, used for other Government business between the hours of 7.30 a.m. to 4 p.m. as already explained.

PENSIONER CONCESSIONS

180. **Ms STEVENS:**

1. When were pensioner concessions for local government rates last increased?

2. Is the Minister aware that the cost of living has increased by 122 per cent since the last increase in the concession and, if so, does the Government plan to increase the concession and, if so, when and, if not, why not?

The Hon. D.C. WOTTON:

1. Pensioner concession for local government rates were last increased in 1978.

2. Given budget constraints, it is unlikely that there will be an increase in council rate concessions for pensioners in the foreseeable future.

AUSTUDY CONCESSIONS

186. **Mr ATKINSON:** Will concessions on buying documents from the Births, Deaths and Marriages Registry be extended to Austudy recipients and, if not, why not?

The Hon. S.J. BAKER: No. If an Austudy recipient cannot afford the usual fee for a birth certificate or other document from the Principal Registrar of Births, Deaths and Marriages, the Commonwealth Department of Employment, Education and Training has statutory authority to access the registers and verify details given in the application. The department is accustomed to exercising that authority whenever necessary.