HOUSE OF ASSEMBLY

Wednesday 12 April 1995

The SPEAKER (Hon. G.M. Gunn) took the Chair at 2 p.m. and read prayers.

INDUSTRIAL AND EMPLOYEE RELATIONS (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

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

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

Motion carried.

SCHOOL CLEANING

A petition signed by 19 residents of South Australia requesting that the House urge the Government to repeal the new cleaning specifications for schools in South Australia was presented by the Hon. Frank Blevins.

Petition received.

RAILWAY STATIONS

A petition signed by 76 residents of South Australia requesting that the House urge the Government to oppose the closure of railway stations along the Belair Line was presented by Mr Brindal.

Petition received.

SCHOOL STAFFING

A petition signed by 617 residents of South Australia requesting that the House urge the Government to review the staffing formula for schools, reaffirm the commitment to the curriculum guarantee for secondary students and review the timing and application of the staffing formula so as not to disturb the new school year was presented by Mr Brokenshire.

Petition received.

POLICE COMPLAINTS AUTHORITY

The SPEAKER laid on the table the seventh, eighth and ninth annual reports of the Police Complaints Authority for the years ending 1991-92, 1992-93 and 1993-94.

PAPER TABLED

The following paper was laid on the table:

By the Minister for Infrastructure (Hon. J.W. Olsen)—

Statutory Authorities Review Committee—Response to Review of Electricity Trust of South Australia.

ECONOMIC AND FINANCE COMMITTEE

Mr BECKER (Peake): I bring up the fourteenth report of the committee on compulsory third party property motor vehicle insurance and move:

That the report be received.

Motion carried.

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

That the report be printed.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE

Mr CUMMINS (Norwood): I bring up the twenty-fourth report of the committee and move:

That the report be received.

Motion carried.

QUESTION TIME

MINISTERS' SHAREHOLDINGS

The Hon. M.D. RANN (Leader of the Opposition): I direct my question to the Deputy Premier, representing the Premier. Will the Deputy Premier assure the House that all Ministers have now followed the Premier's example and divested themselves completely of all shares in publicly listed companies? In March 1994, 13 months ago, the Premier told the House:

> You will find that most of the Ministers, and I am one of those, have now completely divested themselves of all shares in publicly listed companies. I did so as Leader of the Opposition and I believe that you cannot be Premier and hold shares in publicly listed companies without a potential conflict of interest, simply because you do not know when someone may come through the door from one of those publicly listed companies and put a request to Government.

The Hon. S.J. BAKER: I think that the Leader of the Opposition knew the answer to that question before he asked it. It is quite clear that the Premier made a commitment, and I should like to explain that, because it is important. The answer to the question is 'No'. A number of Cabinet Ministers have not divested themselves of those interests, and nor should they. It is part of their lifetime of investment, and to suggest that they should quit—

Members interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: —that to become a Cabinet Minister is not appropriate. The Premier made a commitment on his own behalf simply because as Premier of this State he deals with every portfolio. Therefore, he is at risk in the circumstance that could visit him in relation to any dealing in Government.

Mr Clarke: What about you as Treasurer?

The Hon. S.J. BAKER: I do not have any shareholdings. I sold mine off earlier when I was married. I divested myself of shares because of the economic circumstances that presented themselves at the time. In answer to the question, let me say that the Premier felt that he had to remove himself from all possible influence. The same situation does not prevail for Cabinet Ministers. I do not think that it was required by the previous Government, and it certainly has not been required by the Premier and by Cabinet. The Cabinet handbook is being complied with completely under the circumstances and I suggest that, if this is the new code, perhaps the Leader of the Opposition can check with all Parliaments around Australia. He might find that not only the Premier—

The Hon. M.D. Rann: The Premier said it in March last year.

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

The Hon. S.J. BAKER: The Premier said that there would be a strict code of conduct, unlike the behaviour of the previous Government, and that is the sort of rubbish we had when it was losing $3.15 billion from the bank. We have a

strict code of conduct, it is being adhered to and I suggest that most members in this House would appreciate that there should be no restriction on certain Cabinet Ministers having shares.

COMPETITION POLICY

Mr BUCKBY (Light): Will the Deputy Premier inform the House of the benefits to South Australia from the historic agreement on competition policy signed by the Premier in Canberra yesterday?

The Hon. S.J. BAKER: As the member for Light said, it was an historic agreement. It is historic from the point of view that it is probably the first occasion in a long time that the States and the Commonwealth have agreed on any one principle. So, from that point of view, it is a breakthrough in Commonwealth/State relations. It is also important to understand from the point of view of the House and members opposite that the competition policy was signed by all States, Labor and Liberal, and that means that the policies that we are pursuing in South Australia, which are being retarded and actively canvassed against by members opposite, have been endorsed by all State Premiers.

I ask members opposite to read some of the competition policy rules and judge the merits of our legislation on that basis, not on the basis of an ideology that is stuck in the 1960s and 1970s. In terms of the changes that we are bringing about, whether it be water, electricity, gas, transport or computing, we are in front of the Commonwealth in those areas and we are consistent with the arrangements that were signed off in Canberra yesterday. We are leading the nation in many areas, and we will continue to do so.

First, it is consistent with what was signed off yesterday and, secondly, whilst the States have signed up, the Commonwealth has not committed itself to the same principles. We still do not have agreement from the Commonwealth that it will look at itself. If we look at the railways, telecommunications, the airports and the ports and the policies being pursued in those areas by the Commonwealth, we see that they are inconsistent with the competition policy. It is more of a 'Do as I say not as I do' policy. The Federal Government also failed to sign off the anti-competitive nature of the trade union movement.

The Federal Government has a lot of repair work to do in its own backyard. My preference would have been to get some dollars up front because, as the former Treasurer has pointed out to the House on a number of occasions, whenever something is signed off with the Commonwealth it manages to claw it back in other ways, and we learn from bitter experience. On the basis of the agreement reached, at least we are seeing some very promising signs. I would make the point that, first, as a result of this agreement, there will be a continuation of the real *per capita* guarantees to the pool for all of the States and, secondly, there will be additional general purpose payments in the form of competition payments.

The payments will be indexed in real terms based on 1994-95 prices. The figure for 1997-98 will be $200 million, which amounts to $16 million for South Australia; from 1999-2000, $400 million; and from 2001-2002 to the end of that decade, $600 million. The payments will be distributed between the States and Territories on a *per capita* basis. Our best estimate of South Australia's benefit from that deal is some $384 million over a 10 year period. There are some promising signs, but I always view the Commonwealth with some degree of suspicion.

MINISTERS' DIRECTORSHIPS

The Hon. M.D. RANN (Leader of the Opposition): Given the Deputy Premier's reply to the House about ministerial shareholdings, can the Deputy Premier advise the House whether any Minister of the Crown in this Government is still actively involved as a director in a company where the Minister continues to regularly attend and make decisions at board meetings, director meetings, or partnership meetings?

The Hon. S.J. BAKER: I would ask the Leader of the Opposition to put that question on notice.

EWS OUTSOURCING

Mr ROSSI (Lee): Will the Minister for Industry, Manufacturing, Small Business and Regional Development reassure the House that EWS outsourcing will lead to substantial local industry involvement and, in particular, will the Minister report to the House on four recent EWS tenders which have been won by local South Australian companies?

The Hon. J.W. OLSEN: Outsourcing is to be implemented as part of the Hilmer reform agenda set by the Federal Government. South Australia, in its current procedures with the Engineering and Water Supply Department, has set the agenda; it is ahead of the Federal Government's agenda, which means that South Australia will position itself better than any other State in Australia to get the right outcome for South Australia. I can assure the House that the outsourcing that has been put in place will lead to substantial local industry involvement. I have said on a number of occasions that, if it is not there at the end of the day, we simply will not be doing it.

The four tenderers to which the member for Lee refers will take over some of the operations and assets of the former EWS depot and workshops at Ottoway. We called for an official registration of interest, and 24 companies were invited to tender for the work worth some $4.8 million over the next 12 months. Incidentally, the projected saving in the life of the contracts amounts to some $1.5 million to taxpayers in South Australia. Those four successful tenderers are the Beverley Foundry, for the provision of foundry products; Autotherm Pty Ltd, for machine-shop brass products; Promet Valve, for the provision of valve products; and Ottoway Fabrication Services, for steel fabrication.

That is testament to the fact that, in the outsourcing procedures we are undertaking, the four successful tenderers in this instance were local South Australian-based companies, expanding the industry base in South Australia and, as a result of that, creating greater job opportunities in South Australia. Outsourcing delivers opportunities for local companies. This is clear testament to that fact. It opens up the water industry, as the Prime Minister is requiring us to do. It brings economic development and, at the end of the day, that means more jobs for South Australians.

HEALTH BUDGET

Ms STEVENS (Elizabeth): Will the Minister for Health confirm that the Government will cut a further $12.5 million from the State's health system in addition to the $65 million cut announced in the last budget? The Opposition is aware that senior health officials have been informed that the Government plans further cuts to the health system, which would bring the total cuts to $77.5 million by 1997. Meanwhile, the Commonwealth's contribution to the funding of

South Australia's health system has been increasing in real terms since the late 1980s.

The Hon. M.H. ARMITAGE: In relation to the Commonwealth and its fantastic contribution to our health services, I would first remind the member for Elizabeth that she ought to address matters which the Premier has publicised in relation to yesterday's meeting. Secondly, I believe she ought to review a number of statements that I have made which, on the advice of State and Commonwealth officials, seize up to $27 million, paid for by the taxpayers of South Australia; and paid for by her constituency and the constituency of every member in the House solely because we are being forced to pay for the 7 500 people who are now utilising the public sector, having dropped out of private health insurance within the past 12 months.

That is the Commonwealth's contribution to the health care of South Australia and, quite frankly, it is a dud. I wish the Commonwealth would address the matter of encouraging people to look after their own and their family's health care, because that would be an immediate injection into the State's health system. I am in very good company in asking such things. I recall, either in the early hours of this morning or late yesterday evening, that the member for Playford gave a very large cheerio to his Commonwealth colleagues when he indicated that one of the major dilemmas in the provision of health care services today is that the Commonwealth has failed to come to grips with the matter of private health insurance.

The member for Playford said that there ought to be an incentive for families to be privately insured. This is yet another occasion where I agree with the member for Playford. Clearly that would be in the interests of every South Australian because it would give us $27 million extra to spend on health care in South Australia. As to the matter of the budgetary figure this year, clearly we are in the middle of discussions about the final figures, and that will all become clear when the budget is released.

ROYAL VISIT

Mr SCALZI (Hartley): What can the Deputy Premier tell the House of the arrival of Her Royal Highness, the Duchess of Kent, in Adelaide today?

The Hon. S.J. BAKER: I almost went straight from Parliament to meet Her Royal Highness, who arrived in Adelaide today at 5.10 a.m. As members would recognise, the Duchess is a particularly fine person. I believe South Australia is in for a real treat, and I trust that some of the friendship that is imparted in the process will feed back to other similar visits, perhaps from different jurisdictions. When she arrived, the Duchess was very warmly welcomed by Her Excellency the Governor, by me and by a small crowd of people.

Mr Clarke: They were there to see you.

The Hon. S.J. BAKER: I don't think they were there to see me. It is useful to remind members that this would be the longest royal tour as such that South Australia has seen; it is of eight days and it encompasses probably the broadest range of contacts of any previous royal visit. The Duchess was last in South Australia in 1969. She was farewelled from London by our Agent-General, Mr Geoff Walls, and she not only expressed her great anticipation of the trip to Mr Walls but also reiterated her great delight at being in South Australia. As I said, she will be here for eight days and will be meeting the widest cross-section of the community that probably any former royal visit has encompassed. She is looking forward to visiting Kangaroo Island as she has not been there before, as we would all appreciate, and I am sure that all South Australians will welcome this very gracious lady.

WATER AND POWER CHARGES

Mr CLARKE (Deputy Leader of the Opposition): My question is directed to the Treasurer. When will South Australians actually see cuts to their water and power bills arising from yesterday's COAG agreement? This morning's *Advertiser* carries the heading 'New Era to Cut Water, Power Costs' and quotes the Premier as stating that there will be significant benefits from the reform.

The Hon. S.J. BAKER: I thank the Deputy Leader for his question, because the cuts may well depend on Paul or his successors. Whilst reforms are taking place in South Australia, with the key initiative of reducing the costs of the delivery of those services to South Australians, it is worth remembering what has been stated already by the Commonwealth. About two months ago—

Members interjecting:

The Hon. S.J. BAKER: I know the Deputy Leader has had a late night, but everyone else has had a late night and they are behaving far better—

The SPEAKER: If he does not stop interjecting, he will have an early night.

The Hon. S.J. BAKER: I think the warning bells have already been sounding, because about two months ago the idea was floated for carbon and coal taxes. So my view is that, while the States are making this enormous effort to deliver benefits to the consumers, to industry, to our competitiveness and to our exporters, while we are committed to that process, we have already seen from the Commonwealth that it might be extracting a dividend in the form of particular taxes to take away that benefit. I suggest that the honourable member ask his friends in Canberra a few serious questions, because we are committed to greater efficiencies. However, I suspect—and I am normally right with my suspicions—that the Commonwealth has other ideas.

POLICE USER-PAYS SYSTEM

Mr BASS (Florey): Will the Minister for Emergency Services advise the House of his intentions regarding a user-pays system for the South Australian Police Department? The weekend's *Sunday Mail* carried an article concerning a user-pays system for the South Australian Police Department. The article mentioned the possibility of a user-pays system for South Australia along the same lines as that implemented in New South Wales and Victoria.

The Hon. W.A. MATTHEW: I thank the honourable member for his question and his ongoing genuine interest in policing matters. For some time, the Police Commissioner and I have been considering the introduction of a user-pays system for certain aspects of policing in South Australia, possibly by the end of this year, as reported by the *Sunday Mail*. As a reminder to members, I point out that the Audit Commission report tabled by this Government recommended:

> The Government should give consideration to the introduction of user charges for police services at sporting, entertainment and other special events.

It was noted also by the Commission of Audit that proposals to introduce user-pays charges for police services had been under consideration for many years by the previous Govern-

ment. From the research undertaken with the Police Commissioner, I am aware that since 1986 the Commissioner has been eager to see user charge policing for certain events introduced in South Australia but since that time the previous Government had left the decision making on that aspect in the too-hard basket.

The fact is that each year tens of thousands of police hours are devoted to policing sporting and entertainment events, which make a profit for their promoters. That profit is thereby assisted through a police presence. When police are diverted to such events, there is an impact on the police availability within the Adelaide metropolitan area and obviously an impact on cost to the taxpayer. Under the options currently being considered by the Commissioner and by me, there would be a charge for police attendance at an event only where a profit was expected to be derived. Therefore, quite clearly, community events such as the John Martin-BankSA Christmas Pageant, SAFM Sky Show and the Hindley Street Street Festival would be excluded from a user charge.

Police user charge systems have been in operation for some time in the Eastern States and, as an example, this means that any Australian Football League game that is played in Victoria attracts a charge for police presence, but the same teams playing in Adelaide would attract no charge for police presence. Interestingly, national uniform gate prices have been set by the football league which would doubtless take into account police presence and the need to pay. Therefore, it can be assumed that it is highly likely the money saved through not having to pay in South Australia is going back to that organisation.

In New South Wales police charge an hourly rate of $27 per officer for a minimum four hour attendance charge, and a fee of $12 per hour is also charged for police vehicles that attend any event. As a further example, 75 police officers were needed to police the Rolling Stones concert at Football Park on 5 April. These officers were drawn from patrols, STAR division, CIB, traffic and the mounted cadre. The police operation cost taxpayers on that night a minimum of $14 000. However, in the Eastern States the Rolling Stones promoters were required to pay for police presence. Again, there were national uniform prices set for attendance at that concert.

Members need to be aware that policing has obviously changed considerably over the past two decades and the methods of providing police presence and their required attendance hours have also changed dramatically. Therefore, this Government has to ask itself the question: should South Australian taxpayers foot the Bill for police attendance at events that regularly reap sizeable profits for the event organisers and promoters, while at the same time incurring a cost to the taxpayer? Ultimately, this Government needs to ensure that police officers are deployed to their maximum potential and in a way that the taxpayer would expect them to be deployed. If that, at the end of the day, means that a charge needs to be applied for policing events where profits are made, that is something this Government will consider.

ABDO KHALIL NASSAR

Mr ATKINSON (Spence): My question is directed to the Deputy Premier, representing the Premier. What representations did the Deputy Premier make to have Abdo Khalil Nassar appointed a member of the South Australian Multicultural and Ethnic Affairs Commission? Before his appointment, were any checks made to establish his *bona fides* and suitability for such a senior Government appointment? The *Government Gazette* of 22 December 1994 reveals that, along with several eminent persons, an Abdo Nassar was appointed as a member of the Multicultural and Ethnic Affairs Commission. In the March bulletin of the South Australian Multicultural and Ethnic Affairs Commission, Abdo Nassar's appointment does not appear with the other new members of the commission.

The Opposition has been informed by Liberal Party members that Mr Nassar resigned from the commission after one meeting. Abdo Nassar is a senior office holder in the Deputy Premier's branch of the Liberal Party, and he made donations to the Party totalling over $6 000 immediately after the 1993 State election.

The Hon. S.J. BAKER: I thank the honourable member for his question. In fact, I went down the list of all the donations and noted the ones that had not been asked about. I thought, 'There is one from Mr Nassar and there are a couple on the list that the Opposition has not canvassed in this Parliament.' I made the assumption that we would eventually get through the list of those who put their hand up and said, 'I donated money to the Liberal Party.' So, the question about Mr Nassar does not come as a surprise: I expected it earlier with the other questions. In terms of the commission itself, I understand that Mr Nassar was appointed and he resigned.

Members interjecting:

The Hon. S.J. BAKER: You can ask Mr Nassar why he resigned.

Members interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: I understand that Mr Nassar tendered his resignation and is no longer on the commission.

Members interjecting:

The SPEAKER: Order!

The Hon. Frank Blevins: Did you give him his money back?

The SPEAKER: Order! I do not know whether the member for Giles is intending to go to Whyalla early this evening but, if he keeps up his interjections, he will.

TRADE AND EXPORTS

Mr BROKENSHIRE (Mawson): Will the Minister for Industry, Manufacturing, Small Business and Regional Development tell the House what opportunities he believes exist for South Australia from Federal Government plans outlined in Canberra yesterday by the Federal Minister for Trade, Senator Bob McMullan, to expand trade and exports from Australia?

The Hon. J.W. OLSEN: The ministerial meeting in Canberra yesterday was one of the best I have been to over the past 12 or 15 months in terms of productive outcomes. Team Australia is designed as a cooperative between the Commonwealth and the States to develop export markets for Australia; to remove duplication and confusion in our effort overseas; to present Australia as a determined force in reducing trade barriers in the Asian region; and to present Australia's capability and market our capacity as a regional headquarters.

I would have to say that South Australia in presenting State reports has been successful in that over the last year we have seen the UK Government commit to opening a trade office in Adelaide; the Hong Kong and Shanghai Bank has committed to open an office in South Australia; and we have

successfully attracted the APEC small and medium business Ministers to Adelaide against competition from the Eastern States. That is in addition to decisions that the House and South Australia are fully aware of in relation to EDS, Motorola, Australis, Mitsubishi, Southcorp, Tomlyn Company, AWA Defence Industries and British Aerospace. On top of those were successful trade missions targeted last year to Singapore, Hong Kong and Jakarta.

Clearly, South Australia with its water industry proposals is ahead of the agenda in other States. The Ministers agreed about the need for continuing dialogue in relation to APEC tariff reductions; there will be a greater escalation in tariff reductions in Australia, as a developed country, than applies in developing countries in the Asian region. That will need continued monitoring, particularly as it might affect our automotive component suppliers in South Australia.

In addition, discussions were held in relation to the US Farm Bill in an endeavour to ensure that Australia's interests were protected and also to ensure a consultative process with other States on progress and measures that impact on States, for example, the South Australian automotive industry. In addition, it was agreed that we would be assessing why Australia's exports to the United States and Europe—excluding the UK—have reduced in recent years. South Australia will be assessing its participation with the Commonwealth and other States in trade missions to Shanghai in September this year and India in the last quarter of 1996 and whether we should be marketing South Australia at the National Trade Investment Outlook Conference in Melbourne later this year, hopefully being able to establish missions to South Australia after the conference.

Of course, this is in addition to those carefully targeted trade missions on which we are working for a number of countries to coincide with this year's Grand Prix following last year's very successful promotion of the Grand Prix overseas and the trade and investment opportunities in South Australia. One of the key areas that both Senator McMullan and Senator Cook will be taking up is the need to establish an export culture among small and medium enterprises in Australia and how we can encourage them to focus on export markets to establish economies of scale. That is a very significant challenge for the Commonwealth and all States, a challenge that South Australia will be responding to.

RACE FIXING ALLEGATIONS

Mr FOLEY (Hart): My question is directed to the Minister for Emergency Services. Have South Australian police established an inquiry to investigate allegations of large scale race rigging with connections in South Australia and, if not, why not? Last Friday the Minister for Recreation, Sport and Racing promised an urgent investigation into allegations that a person facing charges relating to the importation of cannabis had bribed jockeys. It was reported that the South Australian police had met with Jockey Club officials to discuss these allegations and that the New South Wales Police Minister had convened a special hearing of the New South Wales Crime Commission with the New South Wales Police Commissioner to discuss the allegations and the five month old police investigation. Yesterday, two of Australia's leading jockeys were suspended for long periods following a stewards' inquiry into these allegations.

The Hon. W.A. MATTHEW: I thank the honourable member for his question. Obviously, from time to time a number of police operations are deployed by the Police Commissioner and his officers to ensure that matters brought to police attention are appropriately investigated. There has been a recent investigation into aspects of the racing industry. Obviously, it is not appropriate that I reveal those details in full to this Parliament because, to do so, could jeopardise the investigation.

HEALTH BUDGET

Mr BECKER (Peake): Will the Minister for Health inform the House whether the report of 18 per cent cuts in the State's funding for health is accurate?

The Hon. M.H. ARMITAGE: I am pleased to disabuse the public of some of this information. In the Senate recently, Senator Crowley, a South Australian Labor Senator, attacked the South Australian Government on health funding in answer to a question. She made three key points and I would like to address each of them. According to Senator Crowley, the State funding for health over a three year period has decreased and she quoted the financial years 1991-92, $423 million; 1992-93, $404 million; and 1993-94, $334 million. Senator Crowley went on to assert that State Government health funding has 'fallen by a massive 18 per cent plus drop in the last year'. This was said recently and clearly the Minister was implying that this was in the last year. Senator Crowley went on to say:

> That is what the Liberal Government in South Australia has done in health expenditure to the State. It makes very important reading.

Clearly, this is a Labor untruth. It is slick Willy glibly trying to get over the facts incorrectly because, of course, she was citing a series of cuts focused on the years 1991-92, 1992-93 and 1993-94. She focused her comments on the 1993-94 financial year. Either Senator Crowley is misinforming the public of Australia or she simply does not realise that this State Government was not elected until December 1993. The budget cuts to which Senator Crowley was referring, and concerning which she is playing so loosely with the truth, were in fact caused by a Labor Government.

It is quite frankly an attempt to mislead the Australian public. In any event, she is playing the old statistics game. Her attack is about hospital funding and an increase in hospital waiting lists, but the figures she uses relate to much broader services than just inpatient services. If you focus on the funding to recognise hospitals, State funding actually increased by $14 million. I do not walk away from the fact that this Government has decreased health funding by $35 million this financial year, but I ask the House to note that, after 11 years of Labor mismanagement of the health portfolio, we have been able to cut $35 million and still achieve a 4 per cent increase in the level of inpatient services provided—a very significant increase.

One of the hospitals that has been in the gun of the Labor Party accusations recently is the Queen Elizabeth Hospital. Allow me to quote from the Director of Finance and Information Services in a board meeting at the Queen Elizabeth Hospital: that person advised that the hospital's activity to 31 May 1994 was up 6 per cent on the preceding year. Furthermore, available beds had decreased 5.4 per cent from the previous year, and the length of stay had also reduced. The Director of Finance and Information Services said:

> This reflects an increase in efficiency of approximately 16 per cent on the previous year.

Those are figures about which this Government can be very proud. It is just a pity that Senator Crowley did not know the figures.

The Hon. S.J. Baker interjecting:

The Hon. M.H. ARMITAGE: As the Treasurer points out, she clearly did know the figures, but she was just playing a little too loosely with the truth. Secondly, she refers to the review of the Commonwealth/State arrangements and the fact that the Commonwealth is very concerned about cost shifting—another Labor shibboleth, that the States are cost shifting to the Feds. The fact is that a review undertaken by Commonwealth and State officers finds no consistent evidence to support the Commonwealth view of cost shifting. The assertion that cost shifting must have been reduced is clearly preposterous when it is documented that, in fact, the most dramatic cost shifting was when the Commonwealth Government's mismanagement of health insurance led to cost shifting to the States—of up to $27 million a year in the case of South Australia. Unfortunately, Senator Crowley got it wrong; it is as simple as that.

The SPEAKER: Order! The member for Spence will resume his seat. Does the member for Spence have a point of order?

Mr ATKINSON: No, Sir; I have a question.

The SPEAKER: The member for Spence is well aware that it is at the discretion of the Chair as to who is called, and therefore I call the member for Playford.

Mr Atkinson: You'll get it, anyway.

Members interjecting:

The SPEAKER: Order! The honourable member will resume his seat. I understand that the member for Spence made a remark to the Chair.

Mr ATKINSON: Yes, Sir; I said that the question would be asked, anyway.

The SPEAKER: I warn the member for Spence.

Mr Atkinson: Thank you, Sir.

The SPEAKER: I name the member for Spence for defying the rulings of the Chair.

Mr ATKINSON: In what way, Sir?

The SPEAKER: Order! The Leader of the Opposition will resume his seat. Does the member for Spence wish to explain, apologise or make a retraction regarding his conduct? Before doing so, I point out to the member for Spence that the Chair has been most tolerant with members and has taken the view that the conduct of certain members needs to improve; therefore, the member for Spence was named for continuing to defy the Chair. The member for Spence.

Mr ATKINSON: Yes, Sir. I was hoping to ask a question about Abdo Khalil Nassar and was on our Whip's list to ask the question when for the second time you chose another member. It was my intention to ask the question and I interjected, perhaps impolitely, that the question would be asked in any event.

Mr Cummins: That 'You'll get it, anyway.'

Mr ATKINSON: No: that the question would be asked, anyway.

The SPEAKER: Order!

The Hon. M.D. RANN: I rise on a point of order, Sir: the member for Norwood seems to be giving the Speaker a great deal of advice. Perhaps there should be a ruling on his conduct.

The SPEAKER: Order! The member for Norwood is out of order in interjecting, as is any other honourable member. I would suggest to members that they pay attention to the proceedings of the House. The honourable member for Spence.

Mr ATKINSON: Your having admonished me for interjecting—because interjecting is always out of order even if we are in our own place—I then thanked you for the ruling, and it was at that point that you named me, Sir, apparently for my thanking you for the ruling. No offence was intended, Sir.

Members interjecting:

The SPEAKER: Order! The Chair is in a particularly tolerant mood today and, given that it is the last day of the sitting for some time, the Chair will accept the apology. However, I point out to the member for Spence and other members that this is the last occasion on which I intend to accept an apology from any member. Members have been in this House long enough to know the conduct required. The honourable member for Playford.

POLICE INVESTIGATION

An honourable member: Ask the member for Spence's question.

Mr QUIRKE (Playford): I can't read it, anyway. What action did the Minister for Emergency Services take in a recent Police Complaints Authority investigation into a senior commissioned police officer, and why? Did the Minister seek to influence the conduct of that inquiry? Does the Minister uphold the principle of non-interference in the deployment of police personnel and investigations conducted under the auspices of the Commissioner? Two commissioned officers recently visited the Minister to express their concern at his involvement in an inquiry they were conducting on behalf of the Police Complaints Authority into allegations against another commissioned police officer. This incident allegedly followed a meeting between the Minister and the Police Commissioner at which the Minister raised questions about the two officers conducting the investigation and suggested they were unsuitable because he had heard rumours that they were friends of the officer being invested.

The Hon. W.A. MATTHEW: It is often said, 'Third time lucky', but unfortunately the hapless member for Playford does not make that ring true. Last time I rose to my feet to answer a question from the honourable member it was in response to wrong information given to him about the Police Department; the first time was in response to wrong information given to him by the Ambulance Employees Association; now it is in response to wrong information given to him about an investigation. I am happy to share the story with the member for Playford, in so far as I am able at this time. As Minister responsible for police, I received information that was passed to me via a police officer who was concerned about aspects of an investigation.

Mr Quirke interjecting:

The Hon. W.A. MATTHEW: If the honourable member sits back and listens he will get the answer. That officer was concerned about aspects of an investigation into a police officer following a complaint to the Police Complaints Authority. As is appropriate, I immediately contacted the Police Commissioner and advised him of those concerns. As is appropriate, the Police Commissioner immediately responded by sending two police officers from the Internal Investigations Branch to interview me and to receive information. As is appropriate, the Internal Investigations Branch subsequently referred that matter to the Police Complaints Authority. Further, as is appropriate, the Police Complaints Authority, through the now former incumbent,

Mr Peter Boyce, met with me to discuss the matter and, as is appropriate, the information I have passed to the Commissioner has been given to the Police Complaints Authority for investigation.

TECHNOLOGY EXHIBITION

Mr EVANS (Davenport): My question is directed to the Minister for Industry, Manufacturing, Small Business and Regional Development. Will the Minister report on any successes from those companies that attended the world's largest technology fair nearly a month ago in Hanover, Germany?

The Hon. J.W. OLSEN: Yes, the CeBIT fair in Hanover was productive for Australia. Australia was the partner nation with Germany in what is the world's largest IT exhibition and fair. South Australia was represented in that, and I previously informed the House of the companies from South Australia that participated. They were among 6 500 exhibitors from 59 countries, with over 750 000 visitors during the period of CeBIT. One company (CSP) writes:

> . . . CeBIT was a very successful event. We were pleased to be able to conclude a significant distributor deal with Rodan Systems from Poland. In addition, we made excellent contacts from software houses throughout Europe and indeed Asia. We are confident that a number of these will result in new distributor deals but several months of work will be needed to bring these to fruition.

The Polish deal is worth $2 million over the next few years, and other potential markets are Germany, Hungary, France, Italy, the UK and Scandinavia. Integrated Silicon Design signed a letter of intent with the delegation of the Chinese Province of Guangdong for the provision of radio identification equipment, and that deal could be worth in excess of $10 million. Other companies, such as Austrics, Laserex, Qikdraw, Intellecta Technologies and Aspect Computing, appointed distributors world wide, not just in Europe but also in America, the Middle East and Asia.

It underscores the importance of South Australia's participating in these international fairs. During the 80s, South Australia was not represented significantly or well enough in the international marketplace. We have not positioned ourselves with respect to the attributes and capacities of industry out of South Australia. This Government is intent on opening up export market opportunities for South Australian small and medium businesses by giving them assistance, taking on the daunting task of opening up export market opportunities. In that way, we create economies of scale for small and medium enterprises in South Australia and out of that come job opportunities.

We have a lot to do over the course of the next five to 10 years to market South Australia and its capabilities and capacities. The results of CeBIT clearly support the Government's strategy of targeting specific trade exhibitions to achieve export development. It also reinforces the Government's call for a more proactive marketing of South Australia's advantage, for a steady approach establishing long-term relationships with overseas customers based on quality, reliability of service and reliability of supply.

ABDO KHALIL NASSAR

Mr ATKINSON (Spence): I ask the Deputy Premier: did the Government seek or receive the advice of the South Australian Police about the appointment of Mr Abdo Khalil Nassar, either before or after his appointment to the Multicultural and Ethnic Affairs Commission, and is the Deputy Premier satisfied that Mr Nassar's donation to the Liberal Party did not come from an overseas political organisation?

The SPEAKER: I would suggest to the Deputy Premier that he answer the first part of the question. He is not responsible for the second part of the question.

The Hon. S.J. BAKER: I do appreciate the fact that the same waters keep getting trawled. I looked down the declaration and saw one or two that had not been visited, and I suggested that they will be visited. I can understand the Labor Party's feeling there is some political advantage to that. I am not aware of investigations being ordered. If the honourable member has some knowledge that a person has been convicted of an offence that he would like to impart to the House or outside the House, I am sure that we would all be impressed by his knowledge. Could I suggest that, except for appointments involving specialised areas such as the Casino, those required by law should go through the normal procedure of a due diligence check. I do not believe that it has been normal practice for every person who is ever canvassed for boards or committees to go through that same process. If the honourable member has some knowledge that nobody else in this House has, I am sure he will impart it.

NATIONAL PARKS

Ms GREIG (Reynell): My question is directed to the Minister for Environment and Natural Resources. What measures are in place to protect vulnerable areas of our national parks system from human impact during the major holiday period? The Easter break is almost upon us and, as most are aware, our national parks are one of the most popular tourist attractions visited throughout any holiday period. However, particular park areas are acknowledged as breeding areas, areas of revegetation and areas of sensitive or fragile natural formations.

The Hon. D.C. WOTTON: I hope that members on both sides of the House will find some time over Easter to visit one of our national parks. I thank the member for Reynell for her question because it gives me the opportunity to inform the House of the code of conduct developed by the Department of Environment and Natural Resources which until now has had very little exposure. I urge those camping in or travelling to our parks this Easter to familiarise themselves with the wilderness protection areas and zone codes of management because they are important.

This code provides guidelines which will encourage the public to use and enjoy parks, but at the same time it will tell them how to protect the quality of our wilderness and their own safety. It is important that people realise that their own safety needs to be taken into account as well. These guidelines cover access to wilderness areas, such as keeping to prescribed routes, keeping to walking tracks, camping only in designated areas, obeying fire controls and restrictions, ensuring that they do not litter, and that park visitors respond to any directions given by park rangers. Further, it reinforces that visitors do not take, disturb or damage native flora or fauna.

The public should utilise rangers as a resource. The information that rangers can provide will assist in their having an enjoyable holiday and will further their knowledge of our environment. Most State parks have strategies in place to deal with the influx of visitors during peak holiday periods such as Easter. I urge people to ensure that they have the right equipment when travelling to parks and wilderness areas. The department's desert parks pass handbook gives helpful advice

on outback trip information and travel if people are going to the outback areas of South Australia. It is the responsibility of all of us to ensure that we maintain these areas in top order for visitors and future generations, and I am sure that the majority of people will act responsibly in regard to this matter.

SPEED CAMERAS

The Hon. FRANK BLEVINS (Giles): My question is directed to the Minister for Infrastructure, representing the Minister for Transport. How many drivers, and from which country areas, have contacted the Minister for Transport complaining that they are being discriminated against because speed camera operation is restricted mainly to the metropolitan area? In an article in the *Sunday Mail* of 9—

Members interjecting:

The SPEAKER: Order! The member for Mitchell is out of order. The Chair is particularly interested in the question.

Mr Condous interjecting:

The SPEAKER: I call the member for Colton to order. The Chair is particularly interested in the question.

The Hon. FRANK BLEVINS: An article written by a prominent journalist, Mr Mike Duffy—

Members interjecting:

The Hon. FRANK BLEVINS: —in that reputable newspaper, the *Sunday Mail*, last Sunday, under the headline 'Speedsters to face ban in get-tough plan', among other things, quotes the Minister for Transport as follows:

> Drivers in country areas have put forward a forceful argument that they are discriminated against because speed camera operation is restricted mainly to the metropolitan area with police patrols monitoring speeding in country areas.

The Minister is also reported as saying:

> The law should be an equal deterrent to rich and poor people alike and to metropolitan and country drivers.

Hence my question: who has contacted the Minister?

The Hon. J.W. OLSEN: I take it that the member for Giles is not acting out of self interest in terms of his need to drive to and from the city of Whyalla and wanting to locate these speed cameras. I will arrange for the Minister for Transport to consider the member's question and detailed explanation, and in the fullness of time I will bring back a report to the House.

EASTER BILBY

Mr WADE (Elder): Will the Minister for the Environment and Natural Resources explain to the House the anticipated leap in community awareness through the vigorous promotion of *macrotis lagotis*, which, as all members will be aware, is one of the *perameliday* family, also known to some as the common rabbit bandicoot, but usually referred to at this time of the year under its alias of the Easter bilby?

The Hon. D.C. WOTTON: By gosh, Mr Speaker, I must congratulate the member on his—

Members interjecting:

The Hon. D.C. WOTTON: We all know about the rabbits on the other side of the House and the damage that rabbits are causing to South Australia, so they are proud of it.

Members interjecting:

The Hon. D.C. WOTTON: I thank the member for his very important question, particularly at this time of the year. Laugh as members may, it pleases me to see the prominence that our native wildlife has been given through the drive to buy the chocolate Easter bilby. I am also delighted to see so many around. It does a lot to remind us of the importance of our native animals. It is not that I am proposing war against the Easter bunny, because, let's face it, we are only talking chocolate, not the real significance of the Easter occasion. Any effort to promote our native species should and will be commended. Also to be commended are the South Australian enterprises which are currently manufacturing the chocolate bilby, which has now become a major promotional effort in the conservation movement. I would urge all South Australians to make themselves aware of the importance of the bilby and our native species, particularly at this time.

STURT CREEK

Mrs GERAGHTY (Torrens): Will the Minister for the Environment and Natural Resources guarantee that there will be no adverse effect on the marine environment by discharging Sturt Creek stormwater directly into Gulf St Vincent at West Beach?

Members interjecting:

Mrs GERAGHTY: Well, we can talk about that later. The Minister for Housing, Urban Development and Local Government Relations has announced that he favours a plan to dig a channel to divert stormwater from the Patawalonga to West Beach. This plan has met strong opposition on environmental grounds by environmental groups, the Henley and Grange council, the Henley and Grange Residents' Association, the West Beach Trust and the member for Colton.

Mr Brokenshire interjecting:

The Hon. D.C. WOTTON: The member for Mawson raises a very good point: when it was in Government, what did the Opposition do to improve the quality of our waterways? I remind the member for Torrens that a number of watercourses find their way into the Patawalonga. I also remind her of the important legislation which has just passed through this House and which will provide the opportunity for local people, through a levy, to contribute and play a part in cleaning up South Australia's waterways. I know what the member for Torrens is on about. I remind the member that the Government has made no decisions about the options which are being considered in regard to the cleaning up of the Patawalonga Basin. I know of the concern that has been expressed by members in this House, and the Government will take the matter seriously. In the fullness of time a decision will be made by Cabinet. In the meantime, the member for Torrens will have to be patient.

GRIEVANCE DEBATE

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

Mr ASHENDEN (Wright): The issue that I wish to address this afternoon affects the residents of the Golden Grove development. The Golden Grove development has led the way in urban development in South Australia, but, unfortunately, no matter how good any development is,

occasionally mistakes can be made. In some of the earlier sections of the Golden Grove development where kerbing has been laid, that kerbing has been of the rolled type. It is ideal aesthetically and it makes it easy for the installation of driveways, and so on. Unfortunately, when the kerbing was laid in some of the earlier sections of the Golden Grove development no breaks were put in where roads formed junctions or intersections. That has created a problem for the disabled and young mothers or fathers pushing prams or pushers in these areas.

While I was still a councillor for the City of Tea Tree Gully, I was advised by a ratepayer that her husband, who is totally disabled and confined to a wheelchair, was not able to move freely throughout the area. Not only could he not move freely throughout the area but he had great difficulty in virtually leaving his home because, as soon as he came to the first road junction, he was unable to get his wheelchair over the kerbing in order to cross any roads. Of course, that meant that he was virtually confined to the area around his home.

I raised this matter with the relevant officers of the Tea Tree Gully council and was very pleased with the speed with which the problem was recognised. I was assured by the Chief Executive of the council, Mr Brian Carr, that he would ensure that employees of the council took immediate steps to have breaks put in the kerbing at junctions of roadways to ensure that those who were using anything with wheels would have easy access. He also assured me that he would contact Delfin to make sure that in future when kerbing was laid these platforms or breaks would be installed wherever there was a junction with a roadway to ensure that the problem was rectified.

I am bitterly disappointed because this occurred in late 1993, and to this date the corrective steps which I was assured would be taken immediately have not been taken. The constituent on whose behalf I made the original representations has kept me informed. I have made many contacts with the council by telephone and in writing requesting that this matter be treated with the urgency that I was originally promised. When I got no results from phone calls, I wrote letters to the council again outlining the serious problem that my constituent was experiencing.

This contact has been going since late 1993, and here it is now getting close to the middle of 1995. That is plenty of time for any organisation to take corrective action, if it is serious. I have made representations behind the scenes, including telephone calls and letters, but everything I have tried to do to help my constituent has so far been ignored. I have raised the matter in the House in the hope that public pressure on the council will get it to recognise that disabled people live in that city, and that young parents who want to push strollers and prams around their homes are being seriously disadvantaged. I urge council immediately to undertake the action that it promised almost two years ago to ensure that the disabled people and young parents of the community are no longer disadvantaged.

Mr ATKINSON (Spence): We know that Abdo Khalil Nassar donated $6 000 to the South Australian branch of the Liberal Party after the State election, which is quite an interesting time to donate money. We also know that he is a senior office holder in the Deputy Premier's local Liberal Party branch. We also know that he has been active on behalf of an overseas political organisation in South Australia. It seems to me that he was appointed to the South Australian Multicultural and Ethnic Affairs Commission as a reward, and these things happen. There are certain answers that the Liberal Party ought to give now that Abdo Khalil Nassar has resigned abruptly after only one meeting of that commission.

The Deputy Premier has an obligation to tell the House why the Government appointed Mr Nassar to the Multicultural and Ethnic Affairs Commission, and he has an obligation to share with the public the reasons for Mr Nassar's abrupt resignation from that commission. Most people who are appointed in those circumstances do not leave so quickly and without explanation. If he has not checked the reasons for Mr Nassar's resignation, then he should have. Is the Deputy Premier telling the House that he did not know why an office holder in his own Liberal Party branch and a man who gave his Party $6 000 after the election resigned his State Government appointment after such a short time?

I turn from that matter to Barton Road. I have described acting Assistant Commissioner Bevan's ambush of western suburbs motorists at Barton Road, North Adelaide between 8 a.m. and 8.30 a.m. on Monday. I also described how that officer diverted many other police officers from their normal duty to the enforcement of road signs of conjectural legal status on a minor local government owned road. There has been no enforcement at this site for more than three years, and the road is used each day by 2 000 motorists and cyclists.

The SPEAKER: Order! Yesterday the honourable member gave notice of a motion on the subject to which he is now referring in his grievance debate, and that is out of order.

Mr ATKINSON: As you will recall, Sir, I gave notice before I grieved yesterday, and I am now turning to Mr Henry Ninio's role in the matter, which is a different topic altogether and which I am sure members opposite would love to hear about.

The SPEAKER: The Chair is not concerned with who would like to hear what. The honourable member must comply with Standing Orders. Therefore, the honourable member must not canvass any matter that is in his proposed motion.

Mr ATKINSON: Thank you for that ruling, Sir. When he is in the company of Labor MPs and sub-branch members, Mr Ninio has long boasted his financial membership of the ALP. It is true that he pays $21.50 each year to maintain that status.

Mr Brindal: Is that all you charge?

Mr ATKINSON: That is all we charge. However, on Friday 7 April Mr Ninio attended a fundraising dinner at the Renaissance Tower restaurant, which was organised by the ethnic committee of the Liberal Party. At that dinner Mr Ninio donated $800 to the Liberal Party, which is perhaps an example of user-pays policing. I am sure that the State Branch of the ALP would rather that Henry Ninio donate the money to the Labor Party and pay his subs to the Liberal Party.

This is the Mr Ninio who telephoned my office in 1992 to pledge his support for the reopening of Barton Road, which was closed, Mr Ninio said, for no good traffic management reason and owing to the snobbery of a few North Adelaide residents. He wanted to be my man on council on this issue. That was very kind of him but he always voted differently because of a small minority of people in North Adelaide who make and break Lord Mayors. I am not advocating a vote for Jane Rann on Saturday 6 May. We all know that she is a Liberal Party activist. She is an Adelaide establishment figure. But, if you vote for Jane Rann on Saturday 6 May, what you see is what you get.

Mr ANDREW (Chaffey): I rise to note that the Deputy Leader of the Opposition, the member for Ross Smith, visited my electorate on Monday evening, and I am sure that he, like countless Government Ministers who come to my electorate, would have found that we have a particularly healthy and vibrant community in the Riverland, a district that enjoys good economic growth, thanks to the fine regional development policies of the current Government. What is of note is the Opposition's hypocrisy in the way that it says one thing but means another. That is consistent with its current approach.

The Leader on the other side of the Chamber has been promoting and espousing the 'Labor listens' campaign, but let me quote from an advertisement for the Labor meeting in my electorate on Monday night. The *Murray Pioneer* and the *Riverland News* carried the advertisement, which stated, 'anyone interested in an ALP perspective or considering joining the Riverland ALP sub-branch' should come to the meeting. What about its open arms policy of listening to all the public? What about equal opportunity? Only people with a decreed interest in the Party were welcome. What hypocrisy! It illustrates the lack of credibility in the Opposition.

More importantly today, I rise to recognise and acknowledge the importance of the Sikh community in Australia and South Australia, in particular. I draw to the attention of members the display in Speaker's Corner in Old Parliament House. I thank the Sikh community for its invitation to attend the formal opening of that presentation about a month ago. There are approximately 30 000 Sikhs in Australia, with about 2 000 in South Australia. There is a very significant and fine Sikh community in the Riverland, and they contribute strongly with their culture and character to the Riverland community. There is no doubt that the Riverland is richer and much better for their contribution, cooperation and participation.

Mr Atkinson: Tell us what they believe.

Mr ANDREW: I will come to that if I have time, certainly. I acknowledge and understand that Australian Sikhs are concerned at the use of systematic violence against their people throughout history. It is a long history and includes the Moghoc plunders, the Afghan invasion and, recently, their persecution by the Hindus. They have suffered three holocausts: 1746, 1762 and most recently in 1984, when there was a violent confrontation with the Hindus and the Sikh citadel at Amritsar was invaded by the Indian army. The situation worsened when the then Indian Prime Minister, Mrs Gandhi, was assassinated by a Sikh. As a result of that incident, 20 000 Sikhs were killed, and subsequent to that any bearded or turbaned Sikh in New Delhi and nearby was killed by Hindus.

Over and above that, I note the importance of the Sikh religion and its culture. The Sikhs believe in one God. It is a religion which has a tolerance and respect of all other religions. They do not believe in the caste system. Their place of worship is a Gurudawa, and I am conscious that they have two such places in Adelaide and one in the Riverland. Sikhs worship once a week and, in terms of hospitality, open their temple, which includes a kitchen, to those who need care. The Sikh homeland is in the Punjab where, of a population of 17 million, 9 million are Sikhs, and there is a world population of about 13 million. The Sikh Punjab homeland is the food bowl of India; comprising less than 1.5 per cent of the inland area, it produces about 35 per cent of the food for India. I commend, recognise and acknowledge the importance of the Sikh community in South Australia.

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

Mr CUMMINS (Norwood): In this country, at this time, we are witnessing the destruction of the States and the destruction of Federation as we know it. This has emanated from two aspects: first, we gave the taxation power to the Federal Government (the money aspect, and now the Hilmer report); and, secondly, there was a radical interpretation of the Federal Constitution by members appointed to the High Court by a Labor Government, which insisted on centralising power in Canberra. I will detail what I am talking about. We are now in a position, with the interpretation of the external affairs power, where the Commonwealth Government, through legislation, can control every domestic law in Australia.

All it has to do is to hunt around for an international convention, adopt it as a matter of Federal law and, under the inconsistency provisions of the Constitution (section 109), it overrides State law. In addition, the recent case of Teoh forces the Commonwealth to consider treaties that have been ratified but not necessarily adopted in law. We have a position where, in fact, the law of the international community can apply to Australia although it is not Commonwealth law. That is a radical interpretation that the High Court has placed on the external affairs power.

We have also seen recently the Commonwealth taking control over industrial relations in relation to public sector employees. It is not simply public servants: this interpretation of the industrial power of the Commonwealth Government extends also to State agencies. In fact, all employees of State agencies can now apply to come under a Federal award. That is a massive centralisation and will affect the viability of the States economically: how can the Treasurer plan for the future when his employees can be under a Federal award, particularly as the people on the Federal Industrial Commission, who were appointed by the Labor Government, have certain agendas driven by that Government.

In addition, as I have said, the Hilmer report has centralised and will centralise economic power in the Eastern States by the competition council. It will also centralise political and legislative power in the Commonwealth Government. That is, once again, an incredible centralisation of power. As pointed out by the Treasurer today, the problem is that the Commonwealth is imposing competition on the States by holding out a carrot and threatening to introduce Federal legislation, but it will not impose the same competition policy on the trade union movement, which is patently anti-competitive. It will also not impose the same competition policy on Federal Government instrumentalities. It is hypocrisy as it grazes, I would suggest.

The worrying aspect, as I said, of the recent case in relation to the conciliation and arbitration provision and Constitution, Section 51(35), is that it appears to me now that the High Court has gone past all the old cases of *Queensland Electric Commission v The Commonwealth* and *Melbourne Corporation v The Commonwealth* and clearly said that it can affect the relationship between the State and its employees. Historically under Chief Justice Gibbs and Justice Dixon, the relationship between the Crown and employees was such that, if a log of claims was lodged nationally, one could not create an interstate dispute. That has always been the law, and this radical High Court, appointed by the Labor Government, has now taken that away.

As I said when I began, we are witnessing—and there is absolutely no doubt at all—the destruction of Federation, and I would venture to say that, within 10 to 20 years, the States as we know them will no longer exist; political and legislative power will be centralised in the Commonwealth; and economic power will be centralised in the Eastern States where the mates of the Keating Labor Government reside. Fundamentally, the Keating Government is ensuring that all power is centralised in Canberra and that all economic power lies with its mates in the Eastern States.

Mrs GERAGHTY (Torrens): Yesterday, I raised the issue of radioactive waste being stored at Woomera. I informed the House that my office had been told it was highly irrelevant for a member's office to contact a Government department seeking information. I wonder: was this a mirrored nervousness reflected by the Premier over my questioning about this matter? I wonder what the response would be from the Department of the Premier and Cabinet to similar inquiries. I would also be interested to know what the response to the same sort of question would be if put to the Department of Industry, Science and Technology, the Australian Radiation Laboratory or the Australian Defence industries.

The Premier should have taken up this issue as a matter of extreme public importance when it was first raised and not jumped on the band wagon when the matter erupted—or, should I say, tried to jump off the band wagon. It is the Premier's job to safeguard the well-being of the public of this State. In this matter there is an utter wrong being committed. I stressed in October 1994 that, if we accept Woomera as being South Australia's low level radio active dump, what will be stored there next? Well, now we know—plutonium. I wonder whether the member for Unley is still of the opinion that this waste that we now know contains plutonium will have no effect on the north of this State, since he cannot understand that it is an environmentally sensitive area.

I am fearful that the outback of South Australia is rapidly becoming the dumping ground for this nation's toxic garbage. I have been informed that Coober Pedy is being considered by some as a site for a high temperature incinerator, even though the national high temperature incinerator is supposed to be off the agenda. There are still those pursuing this unacceptable solution to toxic waste disposal. If members want more information on this matter, I suggest they speak with the Mayor of Coober Pedy and ask him his views on a high temperature incinerator or perhaps ask the council's views: members might find that they are a bit different.

The member for Heysen might also like to note that it is the Government that is responsible for pursuing this matter and it is something that the Brown Government has not done. Following are some relevant points that the Brown Government should address. Now that we know that spills have occurred and are likely to occur in the future, who is responsible for the clean up? Who is responsible for the training of staff to carry out this role, and what will be the cost? In the event of an accident, who will be legally liable, what compensation will be available, and who will pay? But by far the biggest issue is, when will this Government finally come clean and inform the public of all the deals done and all those that are to be done.

Mrs Rosenberg: Yours or ours?

Mrs GERAGHTY: The honourable member's Government, because we have seen the deals. For those members opposite who do not know, they will be held accountable for the mess that someone else will have to live with and clean up. There is a very real need for full public consultation and communication, and complete disclosure. Many issues need to be addressed, and this Government must do it now, not when it is too late.

Members interjecting:

Mrs GERAGHTY: Your Government owes that to the people of this State. Your Government is responsible. Quite frankly, the Government owes the truth to the people of this State, because it is the people who will be affected by this.

Mr ROSSI (Lee): I have been in this House for only a short time but I have observed the member for Torrens asking questions and the way she debates in this House. To some extent, I feel that she does not deserve to be in this Chamber. She has just talked about the responsibility to clean up radioactive material that may or may not be spilt on State property. If she had any knowledge of legalities, she would know that the courier of this waste is an agent to the employer, which happens to be the Australian Labor Government. The answer to her recent question is that Mr Keating and his men will be responsible for cleaning up any radioactive spillage on State property. I think that the only reason she won the seat of Torrens was that she employed the leather-jacketed bikie gangs to terrorise the area just before the election was held.

Mrs GERAGHTY: I rise on a point of order, Mr Speaker. I ask the honourable member to withdraw that statement or to go outside and say it.

The SPEAKER: Order! I suggest to the member for Lee that his comments were inappropriate and that he rephrase them.

Mr ROSSI: I cannot understand why they are inappropriate, because it was televised on the news of the National Action group—

The SPEAKER: Order! The Chair has told the member for Lee that his comments are inappropriate, and I suggest that he carry out the request of the Chair and rephrase them.

Mrs GERAGHTY: I rise on a point of order.

The SPEAKER: Order! The Chair is dealing with one matter at a time.

Mr ROSSI: I will divert away from that totally and—

The SPEAKER: Order! I suggest to the member for Lee that his comments were unparliamentary and that he withdraw them.

Mr ROSSI: I do not feel that they were unparliamentary: I was reiterating only what was current news at the time of the election.

The SPEAKER: Order! The difficulty that the Chair faces with the member for Lee is that the Chair is of the view that he could be imputing improper motives towards the member for Torrens, which is contrary to Standing Orders.

Mr ROSSI: With respect, I will withdraw the comments because I have more important issues to debate. One of my electors approached me in relation to the fact that, in December 1994, he wanted to sell ice cream from a cart along the Torrens River, Rundle Mall, the Tennyson foreshore and also near the brewery. He approached the Henley and Grange, Adelaide and Port Adelaide councils, none of which gave him permission to sell ice cream from a cart in their respective areas. I find that incredible. On questioning the councils, I have been told that the local traders and shopkeepers objected to competition and they did not want this person, who was trying to get off the unemployment list, taking business from them. I stress that the ice creams that would have been sold

from an ice cream cart would not have been sold from shops anyway.

In January 1995 I went to Brisbane and noted that, on the location of the expo site, someone with an ice cream cart was selling ice creams and making a very good profit. The cart was colourfully designed and made up, and I believe this is a very common practice in Europe. Having ice cream carts would be an excellent method by which Adelaide could attract tourism, get people off unemployment wherever possible, and encourage people to engage in private enterprise.

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

MINING (SPECIAL ENTERPRISES) AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendment:

Page 5 (clause 5)—After line 7 insert new subsection as follows:
(2) If—
(a) an existing lease or licence is to be subsumed into a new mining tenement under this Pare; and
(b) the existing lease or licence is subject to a term or condition that has been included to protect—
(i) the natural beauty of a locality or place; or
(ii) flora or fauna; or
(iii) buildings of architectural or historical interest, or objects or features of scientific or historical interest; or
(iv) Aboriginal sites or objects within the meaning of the *Aboriginal Heritage Act 1988*,
then the Minister must ensure that a comparable term or condition is included in the new tenement.'

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

That the Legislative Council's amendment be agreed to.

Motion carried.

MINING (NATIVE TITLE) AMENDMENT BILL

Consideration in Committee of the recommendations of the conference:

As to Amendments Nos 1 and 2:
That the Legislative Council do not further insist on its amendments but makes the following amendments in lieu thereof:
Clause 3, page 2, after line 18—Insert:
(ca) by inserting after the definition of 'exempt land' in subsection (1) the following definition:
'exploration authority' means—
(a) a miner's right;
(b) a precious stones prospecting permit;
(c) a mineral claim;
(d) an exploration licence;
(e) a retention lease (but only if the mining operations to which the lease relates are limited to exploratory operations);;
Clause 3, page 3, lines 1 to 3—Leave out paragraph *(f)* and insert:
(f) by inserting after the definition of 'precious stones field' in subsection (1) the following definitions:
'prescribed notice of entry'—*see section 58A(1)*;
'production tenement' means—
(a) a precious stones claim;
(b) a mining lease;
(c) a retention lease (if the mining operations to which the lease relates are not limited to exploratory operations);;
and that the House of Assembly agrees thereto.
As to Amendments Nos 3 and 4:
That the House of Assembly do not further insist on its disagreement thereto.
As to Amendment No. 5:
That the Legislative Council do not further insist on its amendment but makes the following amendment in lieu thereof:
Clause 10, page 4, after line 33—Insert new subsection as follows:
(3a) An application for renewal of an exploration licence must be made to the Minister in the prescribed form at least 1 month before the date of expiry of the licence.
and that the House of Assembly agrees thereto.
As to Amendments Nos 6 to 8:
That the House of Assembly do not further insist on its disagreement thereto.
As to Amendments Nos 9 and 10:
That the Legislative Council do not further insist on its amendments.
As to Amendments Nos 11 and 12:
That the Legislative Council do not further insist on its amendments but makes the following amendments in lieu thereof:
Clause 25, page 9, lines 11 to 20—Leave out proposed new section 58 and insert:
How entry on land may be authorised
58. A Mining operator may enter land to carry out mining operations on the land—
(a) if the mining operator has an agreement[1] with the owner of the land authorising the mining operator to enter the land to carry out mining operations on the land; or
(b) if the mining operator is authorised by a native title mining determination to enter the land to carry out mining operations on the land; or
(c) if—
(i) the mining operator has given the prescribed notice of entry; and
(ii) the mining operations will not affect native title in the land; and
(iii) the mining operator complies with any determination made on objection to entry on the land, or the use or unconditional use of the land, or portion of the land, for mining operations;[2] or
(d) if the land to be entered is in a precious stones field and the mining operations will not affect native title in the land; or
(e) if the mining operator enters the land to continue mining operations that had been lawfully commenced on the land before the commencement of this section.
Explanatory note—
A mining operator's right to enter land to carry out mining operations on the land is contingent on the operator holding the relevant mining tenement.
1. If the land is native title land, the agreement is to be negotiated under Part 9B.
2. See section 58A(5).
Clause 25, page 9, lines 22 to 26 (new section 58A)—Leave out proposed subsection (1) and insert:
(1) A Mining operator must, at least 21 days before first entering land to carry out mining operations, serve on the owner of the land notice of intention to enter the land (the 'prescribed notice of entry') describing the nature of the operations to be carried out on the land.
Clause 25, page 9, line 31 (new section 58A)—Leave out 'tenure' and insert 'title (other than a pastoral lease)'.
Clause 25, page 10, lines 19 to 23 (new section 58A)—Leave out proposed subsection (7) and insert:
(7) The prescribed notice of entry is not required if—
(a) the land to be entered is in a precious stones field; or
(b) the mining operator is authorised to enter the land by agreement with the owner of the land; or
(c) the mining operator is authorised to enter the land under a native title mining determination; or

(d) the mining operator enters the land to continue mining operations that had been lawfully commenced on the land before the commencement of this section.

and that the House of Assembly agrees thereto.

As to Amendments Nos 13 and 14:

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

As to Amendments Nos 15 to 19:

That the Legislative Council do not further insist on its amendments but makes the following amendments in lieu thereof:

Clause 29, page 11, lines 20 to 34 and page 12, lines 1 to 20 (new sections 63F and 63G)—Leave out all words on these lines and insert:

DIVISION 1—EXPLORATION

Qualification of rights conferred by exploration authority

63F. (1) An exploration authority confers no right to carry out mining operations on native title land unless—

(a) the mining operations do not affect native title (*ie* they are not wholly or partly inconsistent with the continued existence, enjoyment or exercise of rights deriving from native title[1]); or

(b) a declaration is made under the law of the State or the Commonwealth to the effect that the land is not subject to native title.[2]

(2) However, a person who holds an exploration authority that would, if land were not native title land, authorise mining operations on the land may acquire the right to carry out mining operations on the land (that affect native title) from an agreement or determination authorising the operations under this Part.

(3) An agreement or determination under this Part need not be related to a particular exploration authority.

(4) However, a mining operator's right to carry on mining operations that affect native title is contingent on the existence of an exploration authority that would, if the land were not native title land, authorise the mining operator to carry out the mining operations on the land.

[1.] Cf. *Native Title Act 1993* (Cwth), s. 227.

[2.] A declaration to this effect may be made under Part 4 of the *Native Title (South Australia) Act 1994* or under the *Native Title Act 1993* (Cwth). The effect of such a declaration is that the land ceases to be native title land.

Exploration rights to be held in escrow in certain circumstances

63G(1) If an exploration authority is granted in respect of native title land, and the holder of the authority has no right or no substantial right to explore for minerals on the land because of the absence of an agreement or determination authorising mining operations on the land, the exploration authority does nevertheless, while it remains in force, prevent the grant or registration of another exploration authority for exploring for minerals of the same class within the area to which the authority relates.

(2) The Minister may revoke an exploration authority that is granted entirely or substantially in respect of native title land if it appears to the Minister that the holder of the authority is not proceeding with reasonable diligence to obtain the agreement or determination necessary to authorise the effective conduct of mining operations on the land to which the authority relates.

DIVISION 1A—PRODUCTION

Limits on grant of production tenement

63GA. A production tenement may not be granted or registered over native title land unless—

(a) the mining operations to be carried out under the tenement are authorised by a pre-existing agreement or determination registered under this Part; or

(b) a declaration is made under the law of the State or the Commonwealth to the effect that the land is not subject to native title.[1]

[1.]A declaration to this effect may be made under Part 4 of the *Native Title (South Australia) Act 1994* or the *Native Title Act 1993* (Cwth). The effect of the declaration is that the land ceases to be native title land.

Applications for production tenements

63GB.(1) The Minister may agree with an applicant for a production tenement over native title land that the tenement will be granted or registered contingent on the registration of an agreement or determination under this Part.

(2) The Minister may refuse an application for a production tenement over native title land if it appears to the Minister that the applicant is not proceeding with reasonable diligence to obtain the agreement or determination necessary to the grant or registration of the tenement to which the application relates (and if the application is refused, the applicant's claim lapses).

Clause 29, page 12, lines 27 to 39, page 13, lines 1 to 24—Leave out proposed sections 63I, 63J, and 63K and insert:

Types of agreement authorising mining operations on native title land

63I.(1) An agreement authorising mining operations on native title land (a 'native title mining agreement') may—

(a) authorise mining operations by a particular mining operator; or

(b) authorise mining operations of a specified class within a defined area by mining operators of a specified class who comply with the terms of the agreement.

Explanatory note—

If the authorisation relates to a particular mining operator it is referred to as an individual authorisation. Such an authorisation is not necessarily limited to mining operations under a particular exploration authority or production tenement but may extend also to future exploration authorities or production tenements. If the authorisation does extend to future exploration authorities or production tenements it is referred to as a conjunctive authorisation. An authorisation that extends to a specified class of mining operators is referred to as an umbrella authorisation.

(2) If a native title mining agreement is negotiated between a mining operator who does not hold a production tenement for the relevant land, and native title parties who are claimants to (rather than registered holders of) native title land, the agreement cannot extend to mining operations conducted on the land under a future production tenement.

(3) An umbrella authorisation can only relate to prospecting or mining for precious stones over an area of 200 square kilometres or less.

(4) If the native title parties with whom a native title mining agreement conferring an umbrella authorisation is negotiated are claimants to (rather than registered holders of) native title land, the term of the agreement cannot exceed 10 years.

(5) The existence of an umbrella authorisation does not preclude a native title mining agreement between a mining operator and the relevant native title parties relating to the same land, and if an individual agreement is negotiated, the agreement regulates mining operations by a mining operator who is bound by the agreement to the exclusion of the umbrella authorisation.

Negotiation of agreements

63IA.(1) A person (the 'proponent') who seeks a native title mining agreement may negotiate the agreement with the native title parties.

Explanatory note—

The native title parties are the persons who are, at the end of the period of two months from when notice is given under section 63J, registered under the law of the State or the Commonwealth as holders of, or claimants to, native title in the land. A person who negotiates with the registered representative of those persons will be taken to have negotiated with the native title parties. Negotiations with other persons are not precluded but any agreement reached must be signed by the registered representative on behalf of the native title parties.

(2) The proponent must be—

(a) if an agreement conferring an individual authorisation[1] is sought—the mining operator who seeks the authorisation;

(b) if an agreement conferring an umbrella authorisation[1] is sought—the Minister or an association representing the interests of mining operators approved by regulation for the purposes of this section.

[1.] See the explanatory note to section 63I(1).

Notification of parties affected

63J.(1) The proponent initiates negotiations by giving notice under this section.

(2) The notice must—

(a) identify the land on which the proposed mining operations are to be carried out; and

(b) describe the general nature of the proposed mining operations that are to be carried out on the land.

(3) The notice must be given to—

(a) the relevant native title parties; and

(b) the ERD Court; and

(c) the Minister.

(4) Notice is given to the relevant native title parties as follows:

(a) if a native title declaration establishes who are the holders of native title in the land—the notice must be given to the registered representative of the native title holders and the relevant representative Aboriginal body for the land;

(b) if there is no native title declaration establishing who are the holders of native title in the land—the notice must be given to all who hold or may hold native title in the land in accordance with the method prescribed by Part 5 of the *Native Title (South Australia) Act 1994*.

What happens when there are no registered native title parties with whom to negotiate

63K.(1) If, two months after the notice is given to all who hold or may hold native title in the land, there are no native title parties in relation to the land to which the notice relates, the proponent may apply *ex parte* to the ERD Court for a summary determination.

(2) On an application under subsection (1), the ERD Court must make a determination authorising entry to the land for the purpose of carrying out mining operations on the land, and the conduct of mining operations on the land.

(3) The determination may be made on conditions the Court considers appropriate and specifies in the determination.

(4) The determination cannot confer a conjunctive or umbrella authorisation.[1]

[1.] See the explanatory note to section 63I(1).

Clause 29, page 14, lines 1 to 13 (new section 63L)—Leave out proposed subsections (2) and (3) and insert:

(2) If the proponent states in the notice given under this Division that the mining operations to which the notice relates are operations to which this section applies and that the proponent proposes to rely on this section, the proponent may apply *ex parte* to the ERD Court for a summary determination authorising mining operations in accordance with the proposals made in the notice.

(3) On an application under subsection (2), the ERD Court may make a summary determination authorising mining operations in accordance with the proposals contained in the notice.

(4) However, if within two months after notice is given, a written objection to the proponent's reliance on this section is given by the Minister, or a person who holds, or claims to hold, native title in the land, the Court must not make a summary determination under this section unless the Court is satisfied after giving the objectors an opportunity to be heard that the operations are in fact operations to which this section applies.

And that the House of Assembly agrees thereto.

As to Amendments Nos 20 and 21:

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

As to Amendment No. 22:

That the Legislative Council do not further insist on its amendment but makes the following amendment in lieu thereof:

Clause 29, page 14, lines 28 and 29 (new section 63N(2))—Leave out proposed subsection (2) and insert:

(2) An agreement must deal with—

(a) notices to be given or other conditions to be met before the land is entered for the purposes of carrying out mining operations; and

(b) principles governing the rehabilitation of the land on completion of the mining operations.

And that the House of Assembly agrees thereto.

As to Amendment No. 23:

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

As to Amendments Nos 24 and 25:

That the Legislative Council do not further insist on its amendments but makes the following amendments in lieu thereof:

Clause 29, page 15, lines 2 to 4 (new section 63N)—Leave out proposed paragraph *(b)* and insert:

(b) if the Court considers it appropriate, make a determination authorising entry on the land to carry out mining operations, and the conduct of mining operations on the land, on conditions determined by the Court.

Clause 29, page 15, lines 5 to 10 (new section 63N)—Leave out proposed subsection (6).

Clause 29, page 15, after line 10—Insert new section as follows:

Effect of registered agreement

63NA.(1) A registered agreement negotiated under this Division is (subject to its terms) binding on, and enforceable by or against the original parties to the agreement and—

(a) the holders from time to time of native title in the land to which the agreement relates; and

(b) the holders from time to time of any exploration authority or production tenement under which mining operations to which the agreement relates are carried out.

(2) If a native title declaration establishes that the native title parties with whom an agreement was negotiated are not the holders of native title in the land or are not the only holders of native title in the land, the agreement continues in operation (subject to its terms) until a fresh agreement is negotiated under this Part with the holders of native title in the land, or for 2 years after the date of the declaration (whichever is the lesser).

(3) Either the holders of native title in the land or the mining operator may initiate negotiations for a fresh agreement by giving notice to the other.

(4) A registered agreement that authorises mining operations to be conducted under a future mining tenement is contingent on the tenement being granted or registered.

And that the House of Assembly agrees thereto.

As to Amendment No. 26:

That the Legislative Council do not further insist on its amendment.

As to Amendments Nos 27 and 28:

That the Legislative Council do not further insist on its amendments but makes the following amendments in lieu thereof:

Clause 29, page 16, after line 1 (new section 63O)—Insert new subsection as follows:

(5) The representative Aboriginal body for the area in which the land is situated is entitled to be heard in proceedings under this section.

Clause 29, page 16, after line 31—Insert:

Limitation on powers of Court

63PA.(1) The ERD Court cannot make a determination conferring a conjunctive or umbrella authorisation[1] unless the native title parties[2] are represented in the proceedings and agree to the authorisation.

(2) A conjunctive authorisation[1] conferred by determination cannot authorise mining operations under both an exploration authority and a production tenement unless the native title parties[1] are the registered holders of (rather than claimants to) native title land.[3]

(3) An umbrella authorisation[1] conferred by determination—

(a) can only relate to prospecting or mining for precious stones over an area of 200 square kilometres or less; and

(b) cannot authorise mining operations for a period exceeding 10 years unless the native title parties[2] are registered holders of (rather than claimants to) native title land.[4]

[1.] See explanatory note to section 63I(1).

[2.] See explanatory note to section 63IA(1).

[3.] Section 63I(2) is of similar effect in relation to native title mining agreements.

[4.] Section 63I(3) and (4) are of similar effect in relation to native title mining agreements.

And that the House of Assembly agrees thereto.

As to Amendment No. 29:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 30:

That the Legislative Council do not further insist on its amendment but makes the following amendment in lieu thereof:

Clause 29, page 17, lines 19 and 20 (new section 63R)—Leave out proposed subsection (2) and insert:

(2) However—

(a) the Minister cannot overrule a determination—

(i) if more than two months have elapsed since the date of the determination; or

(ii) if the Minister was the proponent of the negotiations leading to the determination; and

(b) the substituted determination cannot create a conjunctive or umbrella authorisation[1] if there was no such authorisation in the original determination nor can the substituted determination extend the scope of a conjunctive or umbrella authorisation.

Explanatory note—

The scope of an authorisation is extended if the period of its operation is lengthened, the area to which it applies is increased, or the class of mining operations to which it applies is expanded in any way.

[1.] See the explanatory note to section 63I(1).

And that the House of Assembly agrees thereto.

As to Amendment No. 31:

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

As to Amendment No. 32:

That the Legislative Council do not further insist on its amendment but makes the following amendment in lieu thereof:

Clause 29, page 18, after line 28—Insert:

Review of compensation

63VA.(1) If—

(a) mining operations are authorised by determination under this Part on conditions requiring the payment of compensation; and

(b) a native title declaration is later made establishing who are the holders of native title in the land,

the ERD Court may, on application by the registered representative of the holders of native title in the land, or on the application of a person who is liable to pay compensation under the determination, review the provisions of the determination providing for the payment of compensation.

(2) The application must be made within three months after the date of the native title declaration.

(3) The Court may, on an application under this section—

(a) increase or reduce the amount of the compensation payable under the determination (as from the date of application or a later date fixed by the Court); and

(b) change the provisions of the determination for payment of compensation in some other way.

(4) In deciding whether to vary a determination and, if so, how, the Court must have regard to—

(a) the assumptions about the existence or nature of native title on which the determination was made and the extent to which the native title declaration has confirmed or invalidated those assumptions; and

(b) the need to ensure that the determination provides just compensation for, and only for, persons whose native title in land is affected by the mining operations;

(c) the interests of mining operators and investors who have relied in good faith on the assumptions on which the determination was made.

And that the House of Assembly agrees thereto.

As to Amendment No. 33:

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

As to Amendment No. 34:

That the Legislative Council do not further insist on its amendment.

And that the Legislative Council makes the following consequential amendments and the House of Assembly agree thereto:

1. *Clause 3, page 2, after line 24*—Insert definition as follows:

'native title mining determination' means a determination authorising a mining operator to enter land and carry out mining operations on the land under Part 9B;

2. *New clause, after clause 11, page 5, line 8*—Insert new clause as follows:

Amendment of s. 34—Grant of mining lease

11A. Section 34 of the principal Act is amended by striking out from subsection (1) 'The Minister' and inserting 'Subject to Part 9B, the Minister'.

3. *New clause, after clause 15, page 6, line 21*—Insert new clause as follows:

Amendment of s. 41A—Grant of retention lease

15A. Section 41A of the principal Act is amended by inserting in subsection (1) 'and Part 9B' after 'subject to this section'.

4. *Clause 19, page 7, after line 31*—Insert new paragraph as follows:

(aa) by striking out from subsection (3) 'subject to this Act' and substituting 'subject to Part 9B and the other provisions of this Act';

5. *Clause 29, page 17, line 7 (new section 63Q)*—Insert '(subject to its terms)' after 'is'.

6. *Clause 29, page 17, line 11 (new section 63Q)*—Leave out 'mining tenement' and insert 'exploration authority or production tenement'.

7. *Clause 29, page 17, after line 12 (new section 63Q)*—Insert the following proposed subsections:

(4) If a native title declaration establishes that the native title parties to whom the determination relates are not the holders of native title in the land or are not the only holders of native title in the land, the determination continues in operation (subject to its terms) until a fresh determination is made, or for 2 years after the date of the declaration (whichever is the lesser).

(5) A determination under this Part that authorises mining operations to be conducted under a future mining tenement is contingent on the tenement being granted or registered.

8. *New clause, page 19, after line 32*—Insert:

Insertion of s. 84A

35A. The following section is inserted after section 84 of the principal Act:

Safety net

84A. (1) The Minister may enter into an agreement with the holder of a mining tenement—

(a) that, if the tenement should at some future time be found to be wholly or partially invalid due to circumstances beyond the control of the holder of the tenement, the holder of the tenement will have a preferential right to the grant of a new tenement; and

(b) dealing with the terms and conditions on which the new tenement will be provided.

(2) The Minister must consider any proposal by the holder of a mining tenement for an agreement under this section.

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

That the recommendations of the conference be agreed to.

The conference spent a considerable amount of time in order to resolve some difficulties between the Government, the Opposition and the Australian Democrats. The matter began on Thursday of last week and was resolved yesterday. Our meetings took place over the weekend, and I think that that demonstrates the level of commitment by this Parliament to resolving the vexed question of how native title rights can be preserved, at the same time as not impeding the ability of mining companies to progress exploration in this State. From a personal viewpoint, I pay great homage to the resilience of the Attorney-General. There were moments when the conference could have broken up without resolution, but that did not occur and at all times the Attorney-General maintained a sense of purpose. He was intent that we should get a result for this Bill for the mining companies in this State and for the State as a whole.

The issues were quite complex and I do not intend to canvass all the issues involved, but most of the disagreement revolved around whether mining companies should resolve all native title issues before any exploration can occur. We believed that the Opposition's amendments were inappropriate. We could have a situation where a mining company sought a right to explore a particular area and, if there was a prospective mining opportunity in that area, that mining

opportunity could be 17 or 20 years down the track, simply because of the complexities of dealing with native title over the whole area of exploration rather than a particular area which might be of interest to the mining company.

Everyone would recognise that mining companies do not attempt to pinpoint the exact area before they ask for a right: they presume a level of mineralisation, gas, oil or some element of demand in the wider market place, and they pursue that belief in terms of their evidence that there may be mineralisation suitable for exploitation. It is rare for a company to be able to identify areas by aerial survey and other means to a level of exactness allowing a claim to be pegged out sight unseen. Our great concern was to be able to get mining companies to continue their exploration effort and at the same time recognise the rights imparted under the Federal native title legislation which flowed through in the three Bills dealt with previously.

I must admit to some level of disappointment that the outcome is not as good as I would have wished. There are enormous checks and balances in place in the Bill to ensure that those rights are preserved. If members read the Bill before it went into the conference and as it was when introduced in Parliament, they can reflect on the effort made by the Government to ensure that in the early stages of exploration people with an interest in native title are consulted prior to any mining effort taking place, with agreements having to be reached on that mining effort.

The Government believed and still believes it is difficult for a mining company to spend millions of dollars on exploration effort without some guarantee that, all things being equal and with proper consultation, it will have a right to mine an area. That issue occupied a considerable time. We believed there was a way to protect the rights of all people concerned under the original legislation. It did imply that the original mining right could lead to a mining tenement, an actual mining operation, provided a number of steps were followed in the process. If a mining company did not follow those steps and did not adhere to the legislation, it was clear from the Government's point of view that the miner would no longer be able to continue in those operations.

We believed firmly that there were checks and balances and that we were sending the right signals, encouraging people to risk their dollars in order to look at the mineral possibilities of the State. Let us be clear: the economic disadvantage of South Australia in particular areas has been apparent for many years, and economic activity is important to this State. For example, we know from feedback from Aboriginal communities that, provided there are appropriate undertakings in terms of the miner's capacity not only to follow through but to consult in good faith, there is a widespread belief among Aboriginal communities that activity would be of benefit to them if it is their land that is involved.

It is apparent from Aboriginal communities that they are eager to see mining opportunities exploited across the length and breadth of South Australia, and I do not think anyone will dispute that. They also look at mining opportunities in terms of skill upgrading and the capacity to provide employment for Aborigines who have a high unemployment level and who encounter many other problems, including health and disease of various types. The clear feedback we have received from Aboriginal communities over a period is that, if the miner is an appropriate operator following the established procedure, does not interfere with historic sites and consults the appropriate communities right through the process, they are eager for projects to proceed.

If we had agreed to the original Opposition amendments, the way the Bill would have been constructed would have meant that mining exploration would not take place in areas subject to native title. That would have been sad for South Australia and it would have been sad for the Aboriginal communities which I know want to see changes take place to their benefit.

I believe the Opposition was subject to strong representations from the Aboriginal Legal Rights Movement. I have said in this place that any organisation that has the best interests of a group at heart has a right of representation and that those representations should be pursued vigorously. I believe that members opposite were beholden to the Aboriginal Legal Rights Movement, which is one reason why we finished up with amendments which in the original case would have been of great detriment to this State and the communities that the ALRM seeks to represent.

It is a hard ask to say that any miner would wish to cover all the native title issues over all the land that they wish to survey and prospect prior to that activity taking place. Even a mine such as Roxby Downs occupies an infinitesimal area compared to the area about which we are talking. So, it appeared from the ALRM's point of view that it wanted to stop mining at all costs. The alternative was that miners had to spend a huge amount and undertake enormous research to determine whether there is any native title and, before proceeding, reach levels of agreement that would be appropriate only at the mining stage.

Some sanity has prevailed in the process. We have not given miners as much comfort as they would wish, but at the same time the conference was compelled by the need to give miners a chance. It is true that the issue of whether a person spends an enormous amount of money before entering the land is somewhat different from a person or mining company spending large sums once they have isolated mineralisation of a type and nature suitable for exploitation.

Whilst we have not been able to give the mining companies a degree of comfort, with all the checks and balances, that we as a Government would desire, the Commonwealth legislation is completely unworkable as it stands. South Australia has led the way in attempting to unravel this complex question. We have been fully mindful of the rights of Aborigines throughout the process, as every member in this place would concede. Also, during the process of consultation we ensured that the Commonwealth Government was kept informed of changes we intended to put in place so that it was satisfied that those changes were totally consistent with the High Court's native title decisions and the Federal native title legislation, even though it is in a totally unsatisfactory form and will have to be subject to amendment further down the track.

This is somewhat an article of faith. It could work quite well if everybody were to act in good faith in the process and we did not have extensive competing interests coming to the attention of the ERD court when a piece of land was isolated as warranting further mining effort. The great risk is that under the proposal we could see a situation where a miner's right existed, the lines were put out and the land and potential mining site were identified. Then, we could see enormous numbers of competing claims because tribes had changed their tribal areas over time; this could clog up the courts and what could have been a perfectly reasonable and appropriate mine might be stopped before it ever commenced.

I know that the mining companies themselves are anxious to progress their exploration effort. They would appreciate that the Parliament has allowed them to take this one step further. They probably recognise some of the difficulties that could arise under the circumstances, but I understand that a number will now be willing to take that step. Let us be quite frank; it will be easier in areas which are not contested in terms of traditional rights and relationships involving areas where tribes have lived and not been replaced over the past few centuries. However, that is not the clear situation in many cases. With the situation involving the Arabanna and the Njarindjerri in the north, the last thing we want as a Parliament is to create conflict that is totally unnecessary.

Not only is it risky to explore but it is also risky to take those further steps to the point where some ore is coming out of the ground and being processed for domestic or export use. So, there is risk right through the process. We would hate to think that the identification of a particularly good prospect would lead to such a level of dispute among various tribes that it stopped the process before it started.

As the Opposition would clearly recognise, personally I would have preferred a different outcome which would still ensure all the checks and balances that most people would require, which would still require the consultations before any exploration commences and which would still also require a person who knows the land well to assist the mining company in ensuring that no historic sites were affected by the exploration effort. All those requirements would have to be a precursor to the exploration effort and, at the time that a particular area is identified, the process of agreement would be pursued.

So, whilst the Government had a different outcome in mind, we accept as a form of compromise that the Bill will now proceed, and this will allow companies to explore the State. That would not have been possible had we accepted the original amendments. We will have to ensure—and it may mean considerable consultation with various communities and the mining companies themselves—that the process we have set up does not negate mining effort simply because of its complexities or differences of opinion or disputes among various communities.

We hope we have come up with a very productive outcome, but it is an article of faith in many ways, and it requires getting various Aboriginal groups together to assist in the process rather than being separate from it and becoming involved only when there is a dispute. I commend the recommendations to the House with some reservation, but everybody would recognise that this Parliament has a right to change the legislation should it be deemed unworkable.

Rather than use the ALRM as the gospel according to the Aboriginal communities, it may well be appropriate to hear directly from those communities themselves, because it is my clear understanding that they are anxious to see this effort being made to their benefit as well as to that of the State. They would perceive that, if that did not occur for whatever reason, the State would lose, as would the Aboriginal communities.

Mr CLARKE: I support the Deputy Premier's motion that the House accept the resolutions of the conference of both Houses with respect to this legislation, although the reasons for my supporting the Deputy Premier's motion are somewhat at variance with the reasons he has advanced—not in every respect, but in a number of respects. It is a tribute to commonsense here in South Australia that we have been able to deal with this whole native title issue in a very mature, responsible fashion from the time we passed the three initial Bills dealing with native title prior to Christmas last year and then this one, which was always to be the most contentious of the four Bills that the Government originally introduced.

As the Deputy Premier has indicated, the Opposition and Government approached this legislation from different ends. One could have thought that such diametrically opposed views on certain fundamental principles would have resulted in a stalemate, and the fact that a workable piece of legislation has come out of the process is a tribute to all concerned.

Before I deal with some of the details and the Opposition's perspective on the amendments that have been made, I place on the record my appreciation of the efforts of a number of people. I join the Deputy Premier in recognising the work of the Attorney-General in this area because, whilst the Attorney-General and I as the Opposition shadow spokesperson for Aboriginal Affairs may have had different approaches with respect to this legislation, nonetheless during the course of very tough and complicated negotiations in this area he showed a great deal of tact, tolerance and forbearance with everyone—as I also did, with respect to members of the Government side. I think the Deputy Premier could have at least given the Labor Party representatives, particularly the Hon. Carolyn Pickles and me, some credit as well for showing a great deal of tact and forbearance. Nonetheless, the Attorney-General did show those qualities and is to be commended for it. The Deputy Premier assisted greatly in the resolution of these matters: the longer he was absent from the meetings, the quicker the resolutions over the sticking points were made. So, I thank the Deputy Premier for his strategic absences from tight negotiating corners when that made all the difference to coming to an acceptable compromise situation. I am sure he will appreciate those comments.

The other people I would also like to thank on record include Jenny Hart, an officer with, I think, the Crown Solicitor's Office. Ms Hart played a particularly valuable role in advising, first, the Attorney-General and, secondly, the Opposition at conferences and negotiations where she represented the Attorney-General and briefed the Opposition on various amendments that the Government was putting forward. Her arguments were always very lucid, concise and informative. Likewise, Kris Hanna, who is with the office of the Leader of the Opposition in the Legislative Council (Hon. Carolyn Pickles), also showed a great deal of competence in grappling with these enormously complex legal arguments in this area, and he is to be commended for that, as is the advice the Opposition received from the Aboriginal Legal Rights Movement. I know that the Deputy Premier had some comments to make with respect to the ALRM, and I would like to place on record my appreciation of their work and in particular the work of Mr Richard Bradshaw and Mr Tim Wooley, who provided a great deal of advice to the Opposition on this matter. I am aware that the member for Eyre shares a common view with me as to their attributes in all these matters.

Dealing with the legislation that we now have before us, the Deputy Premier said he was disappointed in some respects with the final outcome. I point out that the Opposition is not totally happy with the final package either. Given that both sides are not totally happy with the end result, I suppose that means that we probably have the best result available and, therefore, the public good has probably been well served. At least during the term of office of this Government it shows the value of a Legislative Council to act as a brake on a Government that has become heady with

excitement over being in government with such a record majority.

The legislation does protect the rights of Aborigines in that, prior to a mining tenement being granted, there must be negotiations with the native titleholders. However, miners will be able to go about their business of exploration prior to their having to enter into those negotiations as a form of speeding up the exercise of trying to discover what, if any, minerals are available in a particular area. Then, if they wish to pursue mining operations, before they can be granted the tenement, they must enter into negotiations with any native titleholders and reach a resolution either by agreement or through arbitration in the ERD Court.

That was the most fundamental difference between ourselves and the Government on this issue. As we saw in the Government's original legislation, it would have preferred that mining tenements be granted first and then, before a mining company could commence operations, it had to negotiate with any native titleholders. That was a particularly important fundamental point for us because, under the Government's proposal, a mining operator could lose its right to a tenement if it did not carry out negotiations with native titleholders.

Whilst we and many in the Aboriginal community had no fears that major mining companies such as Western Mining Corporation and the like would nonetheless go about their business in a lawful manner (because they are in the mining industry for the long haul, so to speak, and would not wish to jeopardise their rights because of any illegalities), we were concerned about small or medium size mining operators who would take the risk of breaking the law and who do not have the resources in the first instance to negotiate with Aboriginal communities prior to commencing their mining operations. In other words, they could chance their arm by undertaking a mining operation for as long as possible prior to being apprehended and, in effect, then slip away into the night without ever having to negotiate with the native titleholders.

So, the Opposition and the Government approached the task before them from completely different ends. We have come to an acceptable resolution. As the Deputy Premier says, neither side is necessarily 100 per cent happy with the end result, but I believe that the legislation now is immeasurably better and adds to a far greater degree of certainty for mining, mining operators and the Aboriginal community than would otherwise have existed, in particular with the Commonwealth legislation and the right to negotiate procedures under the Federal legislation. In our view, the Federal legislation would have prevailed over any State legislation that may have been enacted in the form the Government originally intended and, therefore, it would have potentially rendered null and void any tenements granted to mining operators under State legislation where it did not conform, in our view, with the scheme of arrangements as envisaged under the Commonwealth native title legislation. The final point I will make, and I may make it the second or third final point for the interest of the member for Unley—

Mr Brindal interjecting:

Mr CLARKE: If the member for Unley continues to show his absolute ignorance on this subject, and wishes to express it, I will belabour him even longer on this point. I recognise that we have had a very tiring time over the past two weeks with respect to our legislation, and I will come to my conclusion fairly quickly. I think it is a tribute, nonetheless, to the Aboriginal community in this State and to the major political Parties in this State that, notwithstanding some strongly held views, we have been able to produce a sensible arrangement with respect to legislation on a very sensitive issue, not only to Aboriginal people but to non-Aboriginal people in South Australia and the various commercial interests that are involved.

The fact that we were able to do it without raising passions or frightening everyone through scuttlebutt, lies, distortions and generally playing to the gallery in trying to evoke emotions that are sometimes latent within people over race issues—the favouritism of one race over another—is a credit to this Parliament and to all political Parties. Indeed, as I have said on a number of other occasions, we have been fortunate in this State—unlike other States of the Commonwealth—where the major political Parties for the past 20 years or more have had effectively a bipartisan approach with respect to Aboriginal affairs.

That is to this State's credit, and it is in stark contrast with other States, particularly the Western Australian Liberal Government which enacted legislation and which was warned at the time by not just the ALP and the Commonwealth Government of the day but by a number of organisations that its legislation would fail before the High Court. Unfortunately, in that State, the Liberal Party tried to play the race card for all it was worth to try to frighten non-Aboriginal people into believing that they were being done in the eye over this issue. The fact that that did not occur in this State is a cause of some pride in so far as this State is concerned, in the way the major political Parties play these sorts of issues. I believe it will bring great credit to this State as a whole.

It is most appropriate, in this International Year of Tolerance, that we were able to secure the passage of this final contentious piece of legislation dealing with native title without acrimony but certainly with some impassioned pleas from some of us in the Committee stage and various other things to try to get the other side to agree to our point of view. However, at the end of the day agreement was reached without rancour. For that I think that our community as a whole is far better served, and it is to the credit of all in this Parliament, which I trust will be recognised by the community generally. With those closing remarks—

Mr Brindal interjecting:

Mr CLARKE: They can be spoilt only by the member for Unley interjecting out of his seat. I would like to encompass all members when I say that Parliament has acted in a reasonable and tolerant manner in respect of this matter, so I will excuse the member for Unley on this occasion and include him in the tent, because I am an inclusive person. In this International Year of Tolerance, I will even extend my tolerance to the member for Unley, no matter how hard he stretches the bonds of 'friendship'. With those closing remarks, and before the member for Unley provokes me into launching a scathing all-out assault on his pig ignorance, for which he is well known, I urge the Committee to support unanimously the motion moved by the Deputy Premier.

Motion carried.

HOUSING AND URBAN DEVELOPMENT (ADMINISTRATIVE ARRANGEMENTS) BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1, lines 8 and 9 (Long title)—Leave out the South Australian Housing Trust Act 1936 and'.

No. 2. Page 2, lines 3 and 4 (clause 3)—Leave out continued in existence under Division 1 of Part 3.

No. 3. Page 4, lines 4 and 5 (clause 5)—Leave out, in accordance with the policies and determinations of the Government.

No. 4. Page 4, line 16 (clause 5)—After 'urban development' insert ', to consult with community groups on issues associated with housing and urban development,'.

No. 5. Page 4, line 29 (clause 6)—After 'functions' insert 'conferred on or vested in the Minister under this Act'.

No. 6. Page 5, lines 2 to 7 (clause 7)—Leave out the clause and insert new clause as follows:

Advisory committees, etc.

7.(1) The Minister must establish—

(a) a housing and urban development industry advisory committee; and

(b) a residents and consumers advisory committee,

to provide advice on matters relevant to this Act, the Minister, the Department, a statutory corporation or SAHT.

(2) The Minister may establish other committees and subcommittees.

(3) The procedures to be observed in relation to the conduct of the business of a committee will be—

(a) as determined by the Minister;

(b) insofar as the procedure is not determined under paragraph *(a)*—as determined by the relevant committee.

No. 7. Page 6, lines 3 to 8 (clause 8)—Leave out the clause.

No. 8. Page 6, line 11 (clause 9)—Leave out 'The Minister may, by notice in the *Gazette*' and insert 'The Governor may, by regulation'.

No. 9. Page 6, line 15 (clause 9)—Leave out 'A notice under subsection (1)' and insert 'Regulations establishing a statutory corporation'.

No. 10. Page 6, line 24 (clause 9)—Leave out 'Minister' and insert 'Governor'.

No. 11. Page 6, line 30 (clause 9)—Leave out 'The Minister may, by notice in the *Gazette*' and insert 'The Governor may, by regulation'.

No. 12. Page 7, line 3 (clause 9)—Leave out 'Minister' and insert 'Governor'.

No. 13. Page 7, line 5 (clause 9)—Leave out 'The Minister may, by notice in the *Gazette*' and insert 'The Governor may, by regulation'.

No. 14. Page 7, line 8 (clause 9)—Leave out 'determined by the Minister' and insert 'specified by regulation'.

No. 15. Page 7 (clause 9)—After line 10 insert new subparagraph as follows:

'(iia) to SAHT; or'.

No. 16. Page 7, line 11 (clause 9)—Leave out 'with the concurrence of the Treasurer—'.

No. 17. Page 7, line 11 (clause 9)—Leave out 'an' and insert 'another'.

No. 18. Page 7, line 13 (clause 9)—Leave out 'in prescribed circumstances, subject to prescribed conditions (if any), and'.

No. 19. Page 7, line 16 (clause 9)—Leave out 'Minister' and insert 'Governor'.

No. 20. Page 7, lines 18 and 19 (clause 9)—Leave out subclause (6) and insert new subclauses as follow:

(6) However, if a regulation is in force under paragraph *(e)* of subsection (2) in respect of the statutory corporation, a statutory corporation must not be dissolved unless the Governor is satisfied that any relevant procedure prescribed under that paragraph has been followed.

(7) If a regulation establishing a statutory corporation under this section is disallowed by either House of Parliament, the assets, rights and liabilities of the statutory corporation become assets, rights and liabilities of the Minister.

No. 21. Page 7, line 25 (clause 11)—Leave out 'Minister' and insert 'Governor'.

No. 22. Page 7, line 26 (clause 11)—Leave out 'Minister' twice occurring and insert, in each case, 'Governor'.

No. 23. Page 7, line 28 (clause 11)—Leave out 'Minister' and insert 'Governor'.

No. 24. Page 7, line 29 (clause 11)—Leave out 'Minister' and insert 'Governor'.

No. 25. Page 8, line 1 (clause 11)—Leave out 'Minister' and insert 'Governor'.

No. 26. Page 8, line 9 (clause 11)—Leave out 'Minister' and insert 'Governor'.

No. 27. Page 8, line 16 (clause 11)—Leave out 'Minister' and insert 'Governor'.

No. 28. Page 8, line 20 (clause 12)—Leave out 'Minister' and insert 'Governor'.

No. 29. Page 11, line 29 (clause 18)—Leave out 'a notice under Division 2' and insert 'regulation'.

No. 30. Page 12, lines 31 and 32 (clause 22)—Leave out 'a notice under Division 2' and insert 'regulation'.

No. 31. Page 12, line 34 (clause 22)—Leave out 'a notice under Division 2' and insert 'regulation'.

No. 32. Page 13, line 3 (clause 22)—Leave out 'a notice under Division 2' and insert 'regulation'.

No. 33. Page 13, line 12 (clause 22)—Leave out 'a notice under Division 2' and insert 'regulation'.

No. 34. Page 13, line 20 (clause 24)—After 'statutory corporation' insert 'or to SAHT'.

No. 35. Page 13 (clause 24)—After line 23 insert new subparagraph as follows:

'(iia) to SAHT; or'.

No. 36. Page 13, line 24 (clause 24)—Leave out 'an' and insert 'another'.

No. 37. Page 17, line 30 (clause 36)—After 'by' insert 'regulation,'.

No. 38. Page 17, line 33 (clause 36)—After 'a body by' insert 'regulation,'.

No. 39. Page 17, line 37 (clause 36)—After 'by' insert 'regulation,'.

No. 40. Page 19, lines 4 to 6, clause 1 (Schedule 1)—Leave out clause 1 and insert new clause as follows:

1. The *Urban Land Trust Act 1981* is repealed.

No. 41. Page 20, lines 6 and 7, clause 1 (Schedule 2)—Leave out the definition of 'Housing Trust'.

No. 42. Page 20, lines 13 and 14, clause 3 (Schedule 2)—Leave out the clause.

No. 43. Page 20, line 19, clause 5 (Schedule 2)—Leave out 'the Housing Trust,'.

No. 44. Page 20, lines 27 and 28, clause 6 (Schedule 2)—Leave out 'the Housing Trust,'.

No. 45. Page 21, lines 1 and 2, clause 6 (Schedule 2)—Leave out paragraph *(b)*.

No. 46. Page 21, lines 13 to 16, clause 7 (Schedule 2)—Leave out the clause and insert new clause as follows:

'Statutory fund

7. The South Australian Urban Land Trust Fund vests in the Minister.'

No. 47. Page 21, line 19, clause 8 (Schedule 2)—Leave out 'the Housing Trust,'.

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

That the Legislative Council's amendments be agreed to.

Many of the amendments are tidying up provisions which reflect a commitment by the House to better legislation. There are certain responsibilities which were previously imparted to the Minister but which are now imparted to the Governor. That means that we have a responsibility to have some of those issues satisfied by Executive Council rather than ministerial fiat. That is the area of major change that is encompassed in the recommendations. There are 47 amendments in all. Some are of a tidying up nature; others provide for greater scrutiny because some of these issues have to be canvassed before Cabinet in Executive Council rather than the Minister making a decision. Generally, the Government is happy with the amendments proposed by another place.

Ms HURLEY: I agree that the amendments improve the original Bill. There have been significant concessions to ensure accountability to the Parliament and to protect Housing Trust tenants in particular. The Bill also preserves the South Australian Housing Trust Act. We hope that in future that Act will be amended to enshrine the obligations to the community which in the past have been taken for granted. They are not enshrined in the Act and are not yet enshrined in this Bill. We are seeking to ensure that the work

of the Housing Trust and of the Urban Land Trust is continued, as they have played such a vital role over the past 60 years in ensuring fair and equitable housing for South Australians at a reasonable price. They have done much to ensure that Adelaide is a pleasant place in which to live and where people can obtain reasonable housing near their workplace at reasonable prices. I commend the amendments to the Committee.

Motion carried.

CONSUMER CREDIT (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.

(Continued from 16 March. Page 2016.)

Mrs GERAGHTY: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Mr ATKINSON (Spence): This Bill gives effect to the uniform national consumer credit code. The code is a Bill of the Queensland Parliament—one of my favourite Parliaments, because it is unicameral. The code is one of those new schemes which this State Parliament cannot amend clause by clause. It either accepts the code in totality or it removes itself from the uniform national scheme. Members should know that we are giving away some of our sovereignty by voting for this Bill, because we cannot undo anything in the code to which the Bill gives effect. We can either be part of the scheme of regulation, which the Opposition supports, or not be part of that scheme. If the Queensland Parliament changes clauses in the code to which this Bill gives effect, I understand that those changes automatically become part of South Australian law without reference to the South Australian Parliament. This Bill is the kind of Bill with which the Mother of Parliaments at Westminster has been grappling in connection with the European Community.

Mr Evans interjecting:

Mr ATKINSON: The member for Davenport interjects out of his seat that it is the Father of Parliaments. I assure the honourable member that we all refer to the Houses of Parliament at Westminster as the Mother of Parliaments. The member for Davenport should not accept interjection suggestions from the member for Unley, because they tend to be the member for Unley's poorer interjections, which he passes onto members sitting next to him.

The Bill before us is very different from the ordinary manner of Bills that come before this Parliament. It represents adherence to a uniform national code. Once we are in it, we are in it for every clause. The law on consumer credit is now in the hands of the Queensland Parliament, on the advice, of course, of the relevant ministerial council.

Turning now to the merits of the code, I point out that it inaugurates standard credit procedures across the whole nation, which the Opposition believes is a good thing. The jurisdiction or court in which litigation under this code would take place is left to the discretion of the State Parliaments and, therefore, it has been for the State Government to propose the jurisdiction for credit litigation in South Australia. The Opposition has no quarrel with the choice that the Government has made. The code will lead to transparency in credit contracts. It gives power to a Government agency to reopen unjust contracts or credit contracts with unconscionable rates of interest. Accordingly, the Opposition supports the Bill to give effect to the code.

The Hon. S.J. BAKER (Deputy Premier): I thank the member for Spence for his support of the Bill. He has accurately represented its provisions. As the member for Spence pointed out, it has a number of features that are designed to get a consistent set of rules across Australia so that, in whichever jurisdiction one is, it will be clear that the same rules apply. In terms of sovereignty, the member for Spence should be aware that the changes can be made only by the Ministerial Council on Consumer Affairs, not by Queensland alone. Queensland is where the template legislation is, but it could equally have been South Australia, Victoria or New South Wales.

Mr Atkinson: What if Queensland goes alone on some issues?

The Hon. S.J. BAKER: I understand that Queensland cannot initiate legislation that is then regarded as uniform legislation without the approval of the ministerial council. On occasions they get funny ideas up in Queensland, but they cannot share them or expect them to be accepted by other jurisdictions. By way of explanation, and also to assist the member for Spence, I point out that the chairman of the drafting committee came from New South Wales, so this legislation has developed in interesting ways, and it involved the Commonwealth and the States, and long consultation by the various Attorneys-General. We finished up with this legislation. Some have suggested that it is enormously prescriptive. Others have suggested that it has some constraints which, on reflection, might need altering further down the track, but it has to be ordained by the ministerial council. Changes cannot be made independently or in a bipartisan or partisan fashion by the Queensland Parliament.

The Government has a number of amendments on file, but I assure the member for Spence that those amendments are to tidy up a small number of drafting errors which escaped attention when the Bill was put together. The second set of amendments contains recommendations from the New South Wales drafting officer, and that will result in coincidence and uniformity in the expressions and references used within the legislation. So, the amendments on file are for tidying up purposes rather than for altering the substance or the materiality of the provisions, which the member for Spence has obviously looked through very diligently, as always.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Definitions.'

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

Page 1, lines 25 to 27 and page 2, line 1—Leave out all words in these lines.

This is one of the issues concerning uniformity and results from a recommendation from the New South Wales drafting agency. It has been decided to remove these lines by all jurisdictions simply to use the expression 'code' rather than 'scheme legislation'.

Amendment carried; clause as amended passed.

Clause 4 passed.

Clause 5—'Application in South Australia of the Consumer Credit Code.'

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

Page 3, line 5—Leave out 'section 17 of' and substitute 'the appendix to'.

This is a matter of tidying up the legislation.

Mr ATKINSON: Just out of curiosity, what would be the consequence if we did not pass these amendments?

The Hon. S.J. BAKER: As the honourable member well knows, for on occasions he has displayed knowledge of the law, we would have to amend the law at a later stage. The Bill is enhanced by the amendments, and they do not change the intent of the Bill. The amendments simply put the Bill in a more workable form. I cannot envisage how it would be interpreted by someone who wanted to challenge the provisions in the Bill if they were not exactly as suggested. I cannot envisage what the outcome would be under those circumstances. We are making the Bill a cleaner, more exact, more uniform Bill. However, I will seek advice as to what would happen if we did not go ahead with the amendments recommended by the New South Wales drafting agency.

I am advised that we would be in big strife if this amendment did not go through, because there is a misreference as to what is in the code and what is in the appendix. We are referring to the code when we should in fact be referring to the appendix. There was some misunderstanding about whether the code referred to the whole document or whether the code is the code and then we have the appendix to the code.

Mr ATKINSON: The question is perhaps not as pedantic as the member for Unley makes it out. I understand that this is template legislation, so the code is a law of the Queensland Parliament and it will apply in South Australia provided it has the assent of the ministerial council. If we were to defeat one or more of these amendments in such a way that the Bill that passed here was not in conformity with the template, would the law fail altogether as an effective law? After all, this is not really a law of the South Australian Parliament: it is a law of the Queensland Parliament which the South Australian Parliament is adopting and which, as I understand it, the South Australian Parliament is allowing another Parliament to amend. The reason I raise this point is that this is possibly the first, or among the first, of a type of legislation that will become more common in the Australian States. I want to be clear on the sovereignty aspects of this Bill.

The Hon. S.J. BAKER: The code has been adopted as standard, and therefore the references actually bring the code into the State. If we do not get that right, it is like carriages without the engine: they do not go anywhere.

Amendment carried; clause as amended passed.

Clause 6—'Application of regulations.'

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

Page 3, lines 15 to 34—Leave out all words in these lines and substitute the following:

(2) Schedule 2 to the Consumer Credit (South Australia) Code applies in relation to any such regulation.

(3) To the extent to which a provision of any such regulation of a savings or transitional nature takes effect from a day earlier than the day of the regulation's notification in the Government Gazette or Queensland, the provision does not operate in this State to the disadvantage of a person (other than the State or a State authority) by—

(a) decreasing the person's rights; or

(b) imposing liabilities on the person.

This is a more superior wording, as I understand it, than the provisions we provided.

Amendment carried; clause as amended passed.

Clause 7—'Interpretation of some expressions in the code and regulations.'

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

Page 4, lines 4 to 8—Leave out all words in these lines and substitute the following:

'Legislature of this jurisdiction' means the Legislature of South Australia;

'the code' or 'this code' means the Consumer Credit (South Australia) Code;

'the jurisdiction' or 'this jurisdiction' means South Australia.

The simple explanation is that the word 'jurisdiction' will replace the word 'State' in recognition of the fact that the two Territories will also be part of the uniform consumer credit scheme. In other words, the uniform credit scheme applies across Australia and by using the word 'State' we would automatically exclude the Territories. This amendment also removes reference to magistrates as the District Court will now be the forum. Queensland laws, in particular the Queensland Acts Interpretation Act, will not apply to the code.

Amendment carried.

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

Page 4 lines 9 to 10—Leave out all words in these lines and substitute the following:

(2) The Acts Interpretation Act 1954, and other Acts, of Queensland do not apply to—

(a) the Consumer Credit Code set out in the Appendix to the Consumer Credit Act in its application as a law of South Australia; or

(b) the regulations in force for the time being under Part 4 of the Consumer Credit Act in their application as regulations in force for the purposes of the Consumer Credit (South Australia) Code.

My previous remarks take into account the changes we envisage here.

Amendment carried; clause as amended passed.

Clause 8—'Conferral of judicial functions on District Court.'

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

Page 5, line 4—Leave out all words in this line and substitute 'The jurisdiction that is expressed to be exercisable by "the Court" under the Consumer Credit (South Australia) Code and the Consumer Credit (South Australia) Regulations is'.

The original drafting did not refer to the regulations and this amendment corrects that error.

Amendment carried; clause as amended passed.

Clause 9—'Conferral of administrative functions.'

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

Page 5, line 11—Leave out 'State' and substitute 'Government'.

This amendment is consistent with my previous explanation in relation to States and Territories.

Amendment carried; clause as amended passed.

New clause 9A—'Special savings and transitional regulations for South Australia.'

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

Page 6, after line 2—Insert the following new clause:

9A. (1) The Governor may make regulations of a savings or transitional nature consequent on the enactment of this Act or of an Act of Queensland amending the Consumer Credit Code set out in the Appendix to the Consumer Credit Act.

(2) If such a regulation so provides, it has effect despite any provision of this Act, including the Consumer Credit (South Australia) Code.

(3) A provision of a regulation made under this section may, if the regulation so provides, take effect from the day of assent to the Act concerned or from a later day.

(4) To the extent to which a provision takes effect from a day earlier than the day of the regulation's publication in the Gazette, the provision does not operate to the disadvantage of a person (other than the State or a State authority) by—

(a) decreasing the person's rights; or

(b) imposing liabilities on the person.

This new clause is drawn from the New South Wales model and explains how the regulations will be made and ensures that no person's right will be compromised by the fact that there may be delays in publishing the changes in the *Govern-*

ment Gazette. In some ways, it is almost an explanatory and transitional clause.

New clause inserted.

Clause 10—'Crown is bound.'

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

Page 6, line 4—Leave out 'The scheme legislation of South Australia' and substitute 'This Act'.

This amendment is consequential.

Amendment carried; clause as amended passed.

Clause 11—'Amendment of certain provisions.'

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

Page 6, lines 6 to 18—Leave out this clause.

I oppose this clause. The determination by the ministerial council is that, whilst it will have control of the legislation, it believes it inappropriate that this control should be represented in the legislation. I am not aware of the full circumstances and I can only presume that the ministerial council has changed its face and form and that the draftsman has seen fit to exclude this clause.

Clause negatived.

Clause 12—'Special provision concerning offences.'

The Hon. S.J. BAKER: We are opposing this clause simply because it repeats another section which indicates how matters will be dealt with.

Clause negatived.

Clause 13 passed.

Schedule.

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

Page 7, lines 9 to 12—Leave out all words in these lines.

I understand that because of other changes that have taken place these provisions are superfluous.

Amendment carried; schedule as amended passed.

Title passed.

Bill read a third time and passed.

CREDIT ADMINISTRATION BILL

Adjourned debate on second reading.

(Continued from 16 March. Page 2017.)

Mr ATKINSON (Spence): The Opposition supports this Bill, which is the companion Bill of the previous Bill. We support, with reservations, the scheme of negative licensing proposed by the Government and we are willing to try it. This Bill contains the disciplinary provisions and provides for penalties for breach of an assurance given by a credit provider to the Commissioner for Consumer Affairs.

The Hon. S.J. BAKER (Deputy Premier): That is a very accurate representation of the Bill, and I am pleased to have the support of the Opposition.

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

COOPERATIVES (ABOLITION OF COOPERATIVES ADVISORY COUNCIL) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 March. Page 2018.)

Mr ATKINSON (Spence): I understand that a private organisation known as the Cooperatives Federation will take the place of an organisation established under statute, namely, the Cooperatives Advisory Council. This Bill is to repeal the law setting up the Co-operatives Advisory Council. The only query the Opposition had was whether the federation was truly representative of cooperatives, and the Government has satisfied us on that point. We understand that the federation has 21 members from active cooperatives, seven of whom are from large commercially oriented cooperatives. The cooperative movement has been in decline because so many cooperatives have now become companies.

As I said, the Opposition is satisfied that the federation is reasonably representative and can cover the field without the need for the Cooperatives Advisory Council. Should individual cooperatives, whether or not they be members of the federation, want to make representations to the Government on the law of cooperatives, I understand the Attorney-General is more than happy to entertain their representations. So, the Opposition supports the Bill.

The Hon. S.J. BAKER (Deputy Premier): I again thank the honourable member for the accuracy of his response.

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

PLUMBERS, GAS FITTERS AND ELECTRICIANS BILL

Adjourned debate on second reading.

(Continued from 11 April. Page 2264)

Mrs GERAGHTY (Torrens): I would like to draw to the Minister's attention the fact that this Bill contains some major flaws. For example, there are no technical standards in the Bill and it deals basically with administration. The licence is the industry competency standard, and that is exactly the same as a driver's licence. For example, if we learn the road rules and then pass a test, we take driving lessons; then, if we pass the driving test, we are deemed to be competent to drive a motor vehicle. That is not the case in the EWS area of this Bill. We believe that that particular industry is exempt from competency assessment in relation to the industry standards, and we have been told that the competency assessment will be included in the regulations.

At this stage no-one has seen the regulations and, if it is not included in the regulations, employers can and probably will engage non-qualified people to do the work. There are many reasons for their doing that, but quite obviously one of the reasons will be that it will be much cheaper to employ a non-qualified person than to employ a qualified tradesperson. It appears that under this Bill employers will be able to do that quite legally. This is of great concern to us because it is in this area that we will find unsafe work practices taking place. It has occurred in the past with non-qualified people doing electrical and plumbing work. People working in the EWS without proper qualifications may install an electric hot water service if their skills and knowledge allow them to safely install such an item but they simply will not have those skills.

So, the concern is how many people will be injured or possibly even fatally injured. Our concern is that there are no checks and balances in this Bill. I wish to reiterate this point: the licence is the competency standard. It provides for good and safe work practices and ensures that citizens, including workers, are protected from unsafe installations. A worker may have a TAFE certificate, but we would ask what good is that if they have never done the work.

How many people do we know who are great at theory and simply hopeless on the practical side? The Bill should set the safety standards but has not done so and it is essential that the regulations do. The industry itself does not understand why this provision has been left out of the Bill and why there is this reliance on the regulations. It appears to be an industry where there is no enforcement of standards, and no stability is provided in the Bill.

When the industry, unions and employers put a preferred position to the Government, why did the Government not listen? It is not often, as I am sure all members know, that all sectors of an industry agree unanimously on a point, yet why the Government has ignored the unified position is mystifying. We have a Bill with no mechanism in place to enforce the industry standard, and the relevant provisions will not be there until the regulatory authority Bill is introduced. That measure should have been introduced at the same time as this Bill.

ETSA and EWS in the past have ensured that there have been proper work practices, but they have now been demoralised. The Government is offering packages to inspectors, reducing the number of inspectors so there will be no enforcement on a real scale—it will be only minimal enforcement. Therefore, it is on the Government's head if someone is killed or injured, if their house burns down or if there are problems with the public health system, say, due to poor sanitary drain work. We do not now have instances of typhoid and the like in Australia, because we have proper standards, yet we believe that those standards have been reduced. The Government will be directly responsible when there are accidents and, until such time as the regulatory provisions are established and working, the Government will be responsible and will have to take the blame for accidents.

Some time ago a child was killed when drinking at a school fountain which was electrified when someone incompetently wired up the building and a current ran through the water. We believe that this is not community safety legislation but consumer legislation. Some regulation is better than no regulation, and we hope that the regulatory authority will be quickly formed and safety standards put back in place.

The Hon. S.J. BAKER (Deputy Premier): I thank the member for Torrens for her response to the Bill, although I was somewhat disheartened by her remarks, because she has not understood what the Bill attempts to achieve. As the honourable member points out, there is some reliance on regulations as there is with other Bills. However, there are some matters that the member needs to understand: we are not attempting to lower standards but to increase them, and greater responsibility is imparted in areas different from those that currently exist. As to the suggestion that there are no technical standards in the Bill, the honourable member made the point that the EWS is exempt, but that is not correct. That was pointed out in another place when this matter was referred to in debate. Some amendments have been achieved and certainly the EWS is not exempt.

That all competency requirements are in regulations may appear to the honourable member to be negating some of the control mechanisms that she believes should be in the Bill, but there are important considerations in that regard. First, it is not normal to have such standards included in a Bill relating to competency. What has been a tradition is a highly regulated process which does not guarantee outcomes. We have a licensing system that is different from a registration system. We are changing the situation and saying that first a person must have basic qualifications; and, secondly, that person must pass competency standards, which are meant to be comparable across Australia.

The honourable member will also recognise that as a result of competition policy it has been decided that there should be no bars to people in industries simply because of State boundaries. That is an important change with which we have had to grapple, and we are now talking about standards that must be put in regulations. Those standards will change over time, reflecting changes in technology and industry commitment to best practice. It is important that this be clearly understood. It should also be clearly understood that the same rules will apply to all people performing the work, so that we do not have different rules for different people.

Registration relates to competency and not to the licence. To achieve registration one has to achieve competency. The Bill is all about competency and the proper assessment of it. It is not sufficient that a person has a piece of paper from a TAFE college saying that that person studied an appropriate course in plumbing, electrical work, fitting or maintenance. Many of the old trades are changing and we are seeing a merging of trades. We are getting multi-skilling through our institutions and, as the honourable member would recognise, anyone undertaking plumbing work has to know about electrical work at the same time.

Mrs Geraghty interjecting:

The Hon. S.J. BAKER: That is correct.

Mrs Geraghty interjecting:

The SPEAKER: Is the honourable member making another second reading speech?

The Hon. S.J. BAKER: The honourable member is correct. My father had a plumbers licence at least 50 years ago and he did not renew that licence because he no longer needed it. He was a registered plumber going back 55 or 60 years. Obviously, he would not have been able to cope with the competency standards that are in place today, because he would not have been installing the hot water services that the honourable member used as an example. When you are dealing with competency standards it is important to understand that they are not static; they are ever-changing, and the people who are equipped to put down a piece of copper piping may not be the same people who would provide guttering or hot water services, for example, because they have not had the updates. We are saying it is not good enough to achieve a piece of paper and to have worked in the industry at some stage; on registration you must be competent, and that means that the standards have to be up to date and not lost in history because that person obtained a licence and had automatic registration 20, 30 or 40 years ago.

I believe those few points answer the honourable member's questions. I find a little gratuitous the honourable member's suggestion that if you make mistakes it is on your head if people die. I can only assume that she has been talking to her husband, who has an interest in trade union matters. How can the honourable member contest that we want and insist on a system that provides that you must be competent, while the current system does not require it? There is a difference, which the honourable member has not clearly understood. Importantly, we are not leaving it up to ministerial discretion. If the honourable member reads the second explanation clearly and looks through the Bill she will see that rather than five advisory panels there will be two, so there will be oversight, which will make sure that not only the registration continues to require competency but also the rules

move with the technological changes that are taking place quite dramatically in all these areas.

The old system is bound up in regulation. We believe that not only should you be qualified but also you should be a competent practitioner. The current system does not require that. We believe we are taking a step forward without removing the checks and balances. There are different checks and balances in the existing legislation from those proposed, and we are heading in a direction that is supported by the Federal Government and consistent with its approach.

I can understand that the honourable member might misconceive that we are getting a different product, but I cannot understand why she would believe that we are getting a product that is not superior to the one that we have today. I recognise that the standards in plumbing, electrical work and gas fitting have been of long standing, and South Australia's institutions can take a great deal of pride in the fact that they have taught the best practitioners in Australia. I do not have any problems with that, and I think that is probably what may have motivated some of the honourable member's comments. We have had the pride of Australia; in fact, in one or two of these areas in the Skill Olympics, several gold and silver medals have been won in competition against the rest of the world in these categories.

We recognise that our training has been of a very high quality. We would wish that to continue and would insist that our TAFE colleges ensure that it continue. The first thing is to ensure that the grounding is right; that is the responsibility of the institutions. The second thing is providing that, if a person is out there as a practitioner, that person's skills—not just their basic learning—are appropriate for the job they are undertaking. This is not a giant leap forward but a step in the right direction, and one which has been taken across Australia. We believe that the Bill moves us forward rather than correcting some of the deficiencies; if we did not take this step, that would leave us with a system that would still need further refinement and improvement.

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

TRUSTEE (INVESTMENT POWERS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 11 April. Page 2260.)

Mr ATKINSON (Spence): This Bill has been a matter of considerable debate in the parliamentary Labor Party, and I hope the debate will not be as lengthy this evening. Owing to the anxiety of the parliamentary Labor Party about any repeat of the State Bank, our initial reaction was to be suspicious of the Bill. The Bill does away with the legal list of trustee investments, that is, the list of authorised investments in which a trustee may invest. Trustees have been guided by the legal list for a very long time now—I am not sure how long—but it has been the duty of the Government to look at various investments with a view to some being included on the legal list on account of their comparative safety as investments.

I suppose one of the reasons why the legal list was inaugurated was that Parliament was worried that trustees, many of whom have no particular financial expertise, would make poor investments and therefore they needed to be directed by Act of Parliament to investments that were particularly safe. Mind you, Mr Deputy Speaker, the legal list has not proved infallible. The Liberal Government argues that it takes a number of bureaucrats to investigate prospective investments for the legal list and that it would prefer not to have the irritation and expense of this duty, so the Government would like to do away with the legal list.

There are other investment bodies which would like to be on the legal list but which are not and which feel unjustly denied access to the flow of deposits from trustees. The credit unions are one example of an investment body which would like to be included on the legal list. The credit unions believe that they are sufficiently safe to be included on the legal list but, as a result of the definition of the legal list, they do not qualify. So, the parliamentary Labor Party has been lobbied by the credit unions to abolish the legal list so that trustees may invest in credit unions.

The Bill before us replaces the legal list with a duty of prudence. That duty is all very well but it is very much an *ex post facto* duty. It is a case of shutting the stable door after the horse has bolted, or that was the initial reaction of the parliamentary Labor Party to the Bill. Having presided over the debacle of the State Bank, the debacle of SGIC, the debacle of the timber corporation and others, which I am sure the Deputy Premier could supply were I to allow him to intervene at this point, the parliamentary Labor Party is somewhat traumatised by investment and finance, so our initial reaction to this Bill was that it would perhaps open up trustees, most of whom are, after all, amateurs, to the wiles of a Tim Marcus Clark or worse.

Mr Ashenden: Can you get worse?

Mr ATKINSON: I believe there have been greater financial scandals. In fact, I was once given for my birthday a book of the greatest commercial disasters of the century. In answer to the member for Wright, I believe there are greater commercial disasters.

Mr Quirke: They just do not immediately spring to mind.

Mr ATKINSON: That is right. At this point in the debate in the parliamentary Labor Party, the Hon. Terry Cameron, a man of great economic and financial wisdom, intervened and took over the carriage of the Bill for us in another place. He took advice from his very wide range of financial contacts. I should mention at this juncture that it is Terry Cameron's wise investment of the South Australian branch of the Australian Labor Party's remaining assets which allowed us to contest the last State election.

Mr Ashenden interjecting:

Mr ATKINSON: Perhaps we could send the Hon. Terry Cameron to Sydney to help out there, although I believe they have it well in hand. Had it not been for the Hon. Terry Cameron, I am afraid that the South Australian Labor Party might not have had a zack with which to contest the last election because, as the Deputy Premier well knows, we got almost no donations at all in anticipation of our inevitable defeat, and that is why we have been able to be whiter than white during the campaign donations debate. I am sorry that I have digressed from the Bill before us, Mr Deputy Speaker. The Hon. Terry Cameron did a magnificent job in this, his first Bill. He took advice from a wide range of financial contacts. He drove a hard bargain with the Attorney-General, and that now explains the compromise Bill now before us which I should say the parliamentary Labor Party is now happy to support.

The Hon. S.J. BAKER (Deputy Premier): I thank the member for Spence for his contribution, because I had the same reservations when I first looked at the proposal. So, we

did share a common belief that, rather than take off controls in this area, perhaps we should look at the controls and modify them to the extent necessary to prevent the scandals which visited this State during the 1980s, and which affected not only Government but many businesses. I can inform the honourable member that I personally had reservations, and they were born of the same understandings as the honourable member.

Trustees are not necessarily selected on the basis of competence. In many cases, it is quite the opposite. So, that was one issue for me: what were the levels of competence of the organisations to undertake investment on behalf of those whom they represented, and how could we ensure that their clients were paramount in the investment decision? The first issue for me is: what are our trustees like? We would not be filled with a great deal of confidence in some cases.

The issue then was, if we have a list, does it in fact stop bad investments? We could also draw the conclusion that it might focus people's attention to involve themselves in less dangerous or less speculative areas, but it still does not prevent mistakes being made. So, we have departed from the traditional model and said that trustees have a role and responsibility to be prudent. I do commend the Hon. Terry Cameron for what is a significant improvement in the Bill, and I refer to the addition of paragraph (aa) to clause 4 which provides:

> . . . a duty to invest trust funds in investments that are not speculative or hazardous;.

That is mentioned elsewhere in the Bill, and it has been picked up by the provisions we now see in the Bill, so that issue has been reinforced by the changes that have been made. A further amendment which I also felt was quite worthy was subclause 4(2) as follows:

> A trustee may—
> (a) obtain and consider independent and impartial advice reasonably required for the investment of trust funds or the management of the investment from a person whom the trustee reasonably believes to be competent to give the advice;. . .

That may in fact open up some other issues that bear reflection, because I know there have been some suggestions that the investment advising industry is not necessarily as strong and as competent as we would wish. Whilst there are performers in the industry who are respected and whose advice is followed quite religiously, there are others who are in the industry for only a short time, and we have all heard examples where people are recommended investments that turn out to be inappropriate.

I come back to that very important amendment which provides that investments not be speculative or hazardous. We believe that the system we are applying here is workable. It improves the capacity of a trustee to invest in wider but at least safe areas than is contemplated under the existing legislation. I thank the honourable member for his contribution. We recognise that there have been some appropriate changes to the Bill, and we are more than happy with its amended form.

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

LIQUOR LICENSING (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 April. Page 2280.)

Mr QUIRKE (Playford): I support the legislation. The Bill has two principal components. The first relates to the barring of persons from certain hotels and for a period considerably longer than the current 24 hours. This has been the subject of considerable discussion in the hotel industry now for some time. Local hoteliers in the north of the metropolitan area raised this issue with me at their branch meeting some two years ago. The licensee of the Somerset Hotel, Mr Brian White, has had a number of problems in his front bar and he has spoken to me about this measure. I think we started those discussions about a year ago. Mr Lloyd Harvey of Waterloo Corner has had extensive discussions with me and with the former and present members for Taylor about unsatisfactory arrangements in his bar where he believed he needed more than the current sanctions. He argued quite forcibly that the law in this respect needed to be changed. Mr Greg Fahey, from numerous hotels in the north-eastern suburbs, also made that point clear to me in discussions. Other hoteliers have also raised that point.

The member for Taylor and I have had a number of discussions about this matter. In fact, I had other discussions with the Hon. Trevor Crothers who, I understand, dealt with this legislation in the other place. They all came down with a very strong recommendation that the Opposition should support this part of the legislation in particular, as well as the rest of it. I guess that much of this has seen an urgency because of events at the Flinders Park Hotel in 1994. What happened there was an absolute tragedy. Whatever regime we have for barring people from the front bar will make very little or no difference in instances where major crimes are committed. A number of hoteliers say that if they can have this measure then at least they can bring the front bar of their establishments under control. In consequence, the member for Taylor is a strong supporter of this legislation. The Hon. Trevor Crothers was absolutely spot on in his remarks in the other place in respect of this legislation, and we support it.

The other side to this legislation is the sale of alcoholic beverages to persons who are intoxicated. I do not wish to take too long on that issue and keep the House from other debates. It seems to me that the formulation which has come through is eminently sensible. The Hon. Trevor Crothers and the Attorney-General are to be commended for the sensible amendments that were made in the other place to tidy up arrangements in respect of bar staff who cannot always be in control of the sale of these items to persons who are intoxicated. We believe that the legislation as it now stands is a fair compromise. Indeed, it solves most of the problems. Therefore, we support it. I indicate, Mr Deputy Speaker, that we have no amendments to the Bill.

The Hon. S.J. BAKER (Deputy Premier): I thank the member for Playford for his contribution. The Bill sets standards with respect to the barring of particular persons, the right to refuse liquor and the standards that licensees must observe. The member for Playford has more than adequately outlined the principal amendments in the Bill. In taking this step, which I fully support, I wonder whether a person who leaves a hotel with an alcohol level greater than .05 and who has an accident can contest the barman's serving of his or her last drink. I do not know the answer to that. It is a matter on which I reflected when reading the original proposition. I hope that is not the case. I hope that the law will not allow the legal profession to seize another opportunity to represent people who should know better, should look after themselves and who, when they do not, want to blame—

Mr Quirke: They would argue about the number of nails in the crucifixion.

The Hon. S.J. BAKER: They would indeed, as the member for Playford so rightly points out. They would probably sue you for the privilege if you got it wrong. I just sound that warning. I hope that we are doing what appears to be the right thing and not leaving open another door for legal argument and pursuit when people who know they are doing the wrong thing want to blame somebody else for their circumstances. I appreciate the remarks made by the member for Playford, which are particularly appropriate given the nature of the Bill. I commend the Bill to the House.

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

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Adjourned debate on second reading.

(Continued from 11 April. Page 2283.)

Mr QUIRKE: Mr Deputy Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Mr ATKINSON (Spence): This is another omnibus Bill under which changes are made regarding the bail law, the criminal law, the Legal Services Commission, the Chief Magistrate, Parliamentary Committees, summary offences and summary procedures. The Opposition has studied the Bill most carefully and sought comments from parties whom we think should be interested in its provisions.

Part 2 seeks to minimise the role of justices of the peace in the process of bail. Chief Magistrate Cramond asked the Legislative Review Committee to do this because, in his opinion, a justice sitting alone would not dare to take a different view from that of the police on a bail application. He argued that this resulted in a person charged with an offence being held in custody unnecessarily. He argued that justices not sit alone on bail applications and that appeals from a bench of justices always be available by telephone when a magistrate is not immediately available.

The Chief Magistrate's lobbying appears to belittle justices of the peace hearing bail applications. The Opposition sought the opinion of the Royal Association of Justices, but we have not heard back from the association on this occasion. The Chief Magistrate's remarks have the appearance of a professional turning up his nose at laymen. However, the Legislative Review Committee of Parliament accepted the Chief Magistrate's urgings. The Opposition is prepared to acquiesce in these changes notwithstanding their source.

The Bill also provides that, when a person charged with an offence is not able to avail himself of bail because he cannot fulfil a condition of bail, he should be brought back before the bail authority as soon as practicable should there be a possibility that he could fulfil the condition. Section 11 of the Bail Act provides that he should be brought back before the bail authority not more than five working days after the conditions are first imposed, but the purpose of this amendment is to ensure that he is brought back for review as soon as fulfilment is possible and that five days do not elapse unnecessarily. The Opposition supports the change.

The Opposition also supports the changes to section 17 of the Act, which will now specify that the maximum penalty for breaching a bail condition is two years imprisonment or a fine of $8 000. The existing section relates the penalty for breaching bail to the seriousness of the principal offence. The Opposition prefers the greater certainty. The Bill deletes subsection (3)(a) of section 17, which requires that a hearing of the offence of breaching bail conditions should not be heard until the principal offence has been determined by the court. The Attorney-General believes that such a hearing before the principal hearing would not prejudice the latter. He leaves it to the judges. The Opposition views this proposal with caution and hopes that the courts will use their discretion in this matter wisely.

Part 3 of the Bill makes it easier for the prosecution to haul a corporation before the courts using as its device a representative as defined. The Bill dispenses with ancient writs that were necessary should a corporation not appear. That familiar advocate of legal brothels, Mr Greg Kelton of the *Advertiser*, tells us that the Attorney-General is an arch conservative, yet this is the same Attorney—

Mr Ashenden: How can you say that?

Mr ATKINSON: Mr Kelton says it, not me.

Members interjecting:

Mr ATKINSON: Gregory Kelton, the same. Mr Greg Kelton refers to the Attorney-General as an arch conservative, yet this is the same Attorney who proposes in clause 12 to abolish the venerable writs of *venire facias* and *distress ad infinitum*. Next, Mr Kelton will be telling us that Laszlo Toth was an arch conservative. I think there is a case for the National Trust to intervene to preserve these writs. Under section 21 of the Evidence Act, a close relative of the accused, such as a spouse, parent or child, may apply for exemption from having to give evidence. Such a prospective witness must have the grounds for exemption explained to him or her. If the prospective witness is a child or is mentally impaired, this explanation is considered to be of little or no value yet, under section 21, it must still be given. On the advice of the Supreme Court judges, the Attorney proposes by this Bill to dispense with the requirement to give the explanation when, by reason of age or mental impairment, it would be valueless. The Opposition agrees.

Clause 14 of the Bill gives members of the Legal Services Commission immunity from civil liability for an honest act or omission in the discharge of their duties. This is a standard immunity for members of statutory authorities. Given that so many clients and applicants to the commission are vexatious, immunity is overdue. Clause 15 of the Bill allows the Chief Magistrate to delegate responsibility for administering the magistracy to any magistrate, not just to his deputy or a supervising magistrate.

Clause 16 brings us closer to home, providing new quorum requirements for parliamentary standing committees. Before the general election, these committees had either six or seven members. After the Liberal Party obtained its record majority in the December 1993 election, the Premier set about ensuring that every last backbencher would get at least $6 000 in extra pay by being able to serve on a paid committee. The Premier resurrected the Public Works Committee, provoking guffaws all around when he claimed that it had done good work when he was last in Parliament between 1973 and 1985.

The Statutory Authorities Review Committee, which keeps the Hon. Legh Davis from both penury and subversion, was invented by the Premier for that purpose and others. Both committees have only five members because that was the number required to ensure that every Liberal backbencher got an over-award payment. If these committees had had six or

seven members like the other committees, someone would have got two over award payments, and we could not have that, could we? The Presiding Members of these two new committees think the present requirement of a quorum of four difficult to obtain. They want it reduced to three. The Government asks the House to grant this earnest wish. The Opposition would like a guarantee that the Public Works Standing Committee, which has only one Opposition member, would not take evidence and deliberate in her absence as it might with a quorum of three. Owing to the goodwill of the Government, the Public Works Standing Committee will now be expanded to embrace that committee-less member, the member for Taylor, and to solve the quorum difficulty and the Opposition's difficulty on that committee.

The Hon. S.J. Baker interjecting:

Mr ATKINSON: The Deputy Premier blasphemes in Holy Week. What is eating the Deputy Premier? The Deputy Premier is overcome. Moving to the back of the omnibus, clause 17 prohibits the manufacturing, selling, distributing, suppling, dealing with or possessing body armour without the approval of the Commissioner of Police. The Government tells us that this clause will be proclaimed when all other States have a similar provision. It is designed to stop violent criminals from acquiring body armour and the sense of invincibility that might go with it.

The next clause gives police power independently of the Metropolitan Fire Service, on which they previously relied, to search land and seize objects when investigating a fire or explosion. Our vigilant Attorney-General has noticed that section 112 of the Summary Procedure Act allows a person to be remanded in custody and that a person under that Act could include a corporation. To avoid BHP's being thrown in the slammer or released on bail, the Attorney proposes to rewrite section 112 so it is confined to natural persons. What a relief!

The Hon. S.J. BAKER (Deputy Premier): I thank the member for Spence for his considered opinion on the Bill, except for his gratuitous comments about committees. I suggest that he do his mathematics: he will see that, in relative terms, the ALP is the major beneficiary, not the Liberal Government. Those gratuitous remarks are unworthy of the honourable member. Notwithstanding that observation, I find that the honourable member has canvassed the various amendments in the Bill. This measure has been used rather than introducing a number of Bills that have to be treated individually, wasting a lot of time, paper and resources. The group of amendments in this Bill have very little relevance to each other, but this mechanism enables us to make changes to the law, to make it more contemporary in its application and to do it collectively rather than singly. That represents considerable savings. I do not need to reiterate all the points made by the member for Spence: it was a comprehensive listing of the various amendments contained in this Bill, and I was pleased to have his support for those changes.

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

SOUTH AUSTRALIAN HEALTH SERVICES BILL

In Committee.

(Continued from 11 April. Page 2278.)

Clause 22—'Board of directors.'

Ms STEVENS: The first amendment I have on file to this clause is consequential to the amendment which I moved and lost in relation to clause 14. I now move the second amendment on file, as follows:

> Page 10, after line 16—Insert new subclause as follows:
> (1a) The membership of a board of directors must include—
> (a) persons who are involved in delivering the services provided by the incorporated service unit; and
> (b) persons representative of the community served by the incorporated service unit; and
> (c) persons who have expertise in financial management or management generally.

This clause relates to the functions of boards of directors of incorporated service units. Essentially our amendment makes very specific who will be members of such boards. It is quite clear that the board comprises people involved in delivering services, people representing the community and people who have expertise in financial management or management generally, and we add those to the other characteristics already mentioned.

The Hon. M.H. ARMITAGE: The Government opposes this amendment for a variety of reasons. We do not believe it is appropriate that the law should determine board membership. It is indeed appropriate that the constitution of the incorporated service unit should spell out the membership and, accordingly, we do not believe that that would be an appropriate amendment. Equally, paragraph (a)—'persons who are involved in delivering the services provided by the incorporated service unit'—is simply too vague. Does that mean that there is a representative of the doctors, nurses, cleaners, porters and caterers? It is too vague.

As I say, it is inappropriate to be anywhere mentioned other than in the constitution and, in relation to paragraph (b), I again come back to the fact that the Opposition's amendments quite clearly indicate that they simply do not trust ordinary community representation to come through local board members or incorporated service unit board members. That is exactly what board members do: they represent their local community and, accordingly, I do not believe that paragraph (b) is appropriate either. More specifically, we oppose this amendment on the basis that the membership of a board of directors should be stipulated in an incorporated service unit's constitution.

Ms STEVENS: The matter of whether the Opposition trusts board members is quite irrelevant. The Minister is again bringing up a red herring, as he did last night when he raised the same theme. The issue for us in raising this issue was to ensure that boards were a comprehensive body covering the whole range of interests needed to manage incorporated service units. The Minister has raised concerns in the minds of people around the State. I will put some questions to him to get some clarification on those points, but I believe that if we do not win this amendment now we will probably pursue it at a later time.

The clause itself seems to imply some independence on the part of health units and communities to elect a board by some democratic process. However, the general belief is that the Minister will appoint or approve all positions on boards. My question is: how does the Minister propose to appoint or elect the boards? Will this differ from existing provisions, and what are the terms of appointment?

The Hon. M.H. ARMITAGE: In relation to the amendment moved about which I am being quizzed, I wish also to indicate that in relation to membership of boards of directors, the boards of directors are there to serve the interests of the

community, not the interests of the people delivering the services. They can obviously take input at every opportunity from people who provide the services, and it would be my expectation, as Minister for Health, that they would do that as a matter of course if it was a good board of directors. So, I think that is an important factor as well.

There are a number of ways by which members get onto hospital boards, and I have been involved in a number of those already. There are a variety of methods depending upon the constitution of the various hospitals, or incorporated service units, as they will be. In this instance, in the draft constitution, there is a recognition that three members will be appointed by the Minister, but the boards will be asked for advice in relation to that. A number of people will be coming onto the boards of the incorporated service units from the local boards themselves, and they will be appointed by the Minister on the recommendation of the local boards.

We actually talk about payments for board members later, and that is something which we are and have been addressing for some time. I am informed that for board members to be paid they have to be appointed by the Minister. We are actually looking at ways of having some discretion in the appointment for the ministerial appointees and no discretion for the members of the board who come in *ex officio* from other areas.

Ms STEVENS: Is the Minister saying that three members will be appointed by the Minister, and the others will be put forward by the board and be automatic appointments?

The Hon. M.H. ARMITAGE: That is correct; there is nothing new in that. There is nothing malevolent or malicious in that. That happens all the time. In relation to proclamations for board memberships, and so on, I indicated that it happens all the time. With a number of individual units around the system, there is a large number of people who for family or health reasons, for example, move off boards. I am regularly signing appointments to boards about which I have no discretion. For instance, some of the major hospitals have appointments from the university, from the Medical Staff Society, etc., and, although it is a formality, I actually appoint them.

Ms STEVENS: I certainly wanted clarification only because of information that we had received from people who thought it referred to all positions. The Minister made a point about subclause (1a) of the amendment. I was certainly not suggesting in that amendment that the people on the board involved in delivering services would be representing their own interests. That would be the role of a professional association and certainly not their role on the board, and we understand that quite clearly. Can the Minister confirm whether there will be provision for staff or union representatives on boards or provision for elected members on boards?

The Hon. M.H. ARMITAGE: Whilst people may well come from individual units within a region, it is the expectation that they are members of a more broadly based board. They are not on the board to be representatives of their local unit: they are there with a corporate responsibility. That is the expectation. Otherwise we will be in danger of falling back into the petty bickering which has coloured some of the administrative wrangles in the health area in the past. Given that we are expecting a corporate philosophy of this board and that no-one is on it representing either their hospital or a sectional interest, it would not be the plan to have a specific union representative or medical representative representing the doctors, the union, etc. However, I would stress that it is the view of the commission and the Government that any board doing its job would obviously consult often with those people about anything which affected that sectional interest group.

Ms STEVENS: I presume that ordinary incorporated services—not regional incorporated service units—would have the full range as they do now.

The Hon. M.H. ARMITAGE: Yes.

Amendment negatived; clause passed.

Clause 23—'Functions of the board of directors.'

Ms STEVENS: I move:

Page 10, after line 24—Insert new subclause as follows:
(1a) Particulars of any agreement of the kind referred to in subsection (1)(b) must be included in the incorporated service unit's annual report.

Again this relates simply to accountability and openness. Can the Minister say whether, in terms of the agreement, that is referring to service agreements. If it is, will it apply to all incorporated service units, including community health services and facilities such as the Mental Health Service, domiciliary care, the Royal District Nursing Society, and so on?

The Hon. M.H. ARMITAGE: Those service agreements are currently a feature of an agreement between the commission and those various bodies, and that would be expected to be continued. The Government is happy to support the amendment. We think it is appropriate for such an agreement to be mentioned in the incorporated service unit's annual report.

Amendment carried; clause as amended passed.

Clause 24—'General duties, etc., of directors and trustees.'

Ms STEVENS: I move:

Page 10, line 30—Leave out 'government' and substitute 'its'.

Incorporated service units often get funds from sources other than the Government, and that is why we want to leave out the word 'government' and put in the word 'its'.

The Hon. M.H. ARMITAGE: We understand exactly the point which the amendment attempts to make, and we understand that the Opposition is expecting that the funds will be used effectively, but there are different sources of funds. However, we intend to oppose the amendment. I am more than happy to look at an amendment between now and when we next consider the Bill.

[Sitting suspended from 6.1 to 7.30 p.m.]

The Hon. M.H. ARMITAGE: The Government believes it understands only too well the intention of the amendment, and we support that intention. One difficulty with the amendment is that it would make the situation even less clear than we believe it is at the moment. The member for Elizabeth identified that boards of directors of incorporated service units have different sources of funds. If we substitute 'its' funds, there is a belief that 'Government' funds would not necessarily be put to the most effective use. We oppose the amendment but, when the Bill is considered in the other place, I shall be happy to support an amendment that provides for 'all funds' being put to the most effective use.

Amendment negatived.

Ms STEVENS: I move:

Page 10, line 32—Leave out paragraph (a) and insert the following:
(a) the incorporated service unit provides high quality health care to members of the public; and

(ab) deficiencies in the provision of health care are reported to the chief executive; and
(ac) appropriate strategic and business plans and targets are adopted following consultation with the community; and

The amendment deals with the general duties, etc. of directors and trustees, and it is consistent with our view that the legislation as it stands does not talk about health particularly and we believe it should. The amendment will ensure that the role of the boards of incorporated service units is to provide high quality health care for members of the public, that they report deficiencies in gaps and services to the chief executive and that appropriate strategic and business plans and targets are adopted. Our theme is to incorporate consultation with the community.

The Hon. M.H. ARMITAGE: The Government opposes the amendment for a number of reasons. First, it is insulting to boards of directors to imply by the moving of the amendment that they are not interested in the provision of health care to members of their community. Obviously, that is why they are pleased to go on boards. It is also insulting to board members to insist on further consultation with the community about strategic and business plans and targets, given that they are specifically representatives of the community in which they live. They jealously guard that status.

Ms STEVENS: I do not accept what the Minister has just said about the amendment. I do not think anyone is insulted by clearly defining their role, which is precisely what the amendment does. It is a matter of being transparent and clear so that people know what to expect when going on boards. People are not insulted by having the role clarified. Obviously, the Minister has a different view of consultation than we do on this side of the Committee. It has nothing to do with insulting people by saying that we do not believe they are consulting. We say that, even though someone is on a board as a representative of a community, we believe strongly that that person needs to sound out and talk to other people in the community and seek their views. That is what we are talking about in terms of consultation.

As I have said, we believe that consultation is essential in relation to health care. Consultation means that community members use their networks in the community, talk to people and bring those views back to the board for discussion. That is our position and we will proceed with it. Even though we have not consulted widely across the State about our amendments because we have not had time, we believe we are on the right track in terms of where people are generally in the community in terms of consultation, but that will be raised later in another place.

I seek further clarification from the Minister about whether these duties apply to boards of trustees or simply boards of directors. If not, why does the clause title refer to 'directors and trustees'? Why does subclause (1) not refer to boards of trustees? Will the Minister clarify the position, because it is not clear?

The Hon. M.H. ARMITAGE: It applies, as the heading indicates, to boards of directors and not boards of trustees.

Ms STEVENS: The title 'General duties, etc. of directors and trustees' is confusing for people, and it is one of the things that they mention when they contact us and talk about the confusion in the Bill. It needs to be one thing or the other: it should say what the Minister intends it to say.

The Hon. M.H. ARMITAGE: Clause 24(1) refers to the board of directors. However, clause 24(2)(c) would provide an expectation that boards of trustees would operate according to high standards of corporate ethics, given that they are trustees of community assets, and that is why clause 24(2) does not provide 'boards of directors must ensure that'. There is a clear distinction in the subclause as it is used.

Ms STEVENS: There is further confusion—

Mr BASS: I rise on a point of order, Mr Chairman. I believe the member for Elizabeth has already spoken to the clause three times—

The CHAIRMAN: The member for Elizabeth has spoken more than three times on several clauses. The point is that the member for Elizabeth is moving an amendment and is therefore not simply speaking to the clause. There is a nice distinction between the point of order and the reality that the honourable member is moving her amendment, because at the same time she reserves the right to ask questions on the clause if the amendment is carried. She is in a different position from simply being a member of the Opposition questioning the Minister. She is leading the debate and putting amendments.

Mr BASS: My point of order is that the honourable member is moving an amendment and then questioning the Minister on that amendment.

The CHAIRMAN: The amendment has not yet been put. When it is disposed of we will have a limited debate.

Mr BASS: With all due respect, Sir, if she has not put an amendment, she has asked three questions and is about to ask a fourth.

The CHAIRMAN: No; the amendment has been put.

Mr BASS: She has moved an amendment and now she is questioning the Minister on her own amendment.

The CHAIRMAN: She is questioning the Minister on his reaction to the amendment and seeking further clarification as to the Minister's refusal to accept the amendment. The Minister has indicated a position and the honourable member is reserving the right to question why he is doing that.

Ms STEVENS: I think it is very important to get this clear. The Minister mentioned the board of trustees operating under subclause (c). In discussion paper 2, options 1 and 2 and the second reading explanation the Minister talks about the roles of boards of trustees. The roles of boards of trustees are much more extensive than just looking after property, which is provided by the wording 'according to high standards of corporate ethics'. In the second reading explanation and the options papers the Minister talks about the needs of the community and those wider roles. In their letters to me people are raising real concern about boards of trustees being reduced to just looking after the buildings as such—the facilities. There will be confusion in the community when they read the Minister's second reading explanation, the options 1 and 2 discussion papers and what the Minister has said about the roles of boards of trustees.

The Hon. M.H. ARMITAGE: With respect, there may be some confusion in the mind of the member for Elizabeth, but anyone reading clauses 17 and 18 of the Bill would not possibly misconceive what the boards of trustees are to do. We accept that there are now two titles for boards: boards of directors and boards of trustees. We accept that, whereas previously there have been only local boards or hospital boards, people are now required to read in appropriately whether we are talking about boards of trustees or boards of management. I do not believe that is too great an expectation, given that the functions are different.

Ms STEVENS: I will not press that any further; we disagree.

Amendment negatived; clause passed.

New clause 24A—'Training courses for directors.'

Ms STEVENS: I move:

Page 11, after line 4—Insert new clause as follows:
Training courses for directors
24A. The Minister must make appropriate training courses available to directors of incorporated service units.

The simple point is that the duties of directors are clearly defined, yet no reference is made to providing resources to ensure adequate support and training for boards of directors. This is essential, given that they will be penalised very severely in the event of misadventure and other occurrences.

The Hon. M.H. ARMITAGE: I wish to make a couple of points before indicating the Government's position on this amendment. First, it is an unfortunate furphy that directors are now faced with draconian penalties under this Bill. The simple fact, which perhaps the member and a large number of board members do not understand (and that is a concern, but it is factual), is that board members now face these penalties.

The CHAIRMAN: Under the public incorporations legislation.

The Hon. M.H. ARMITAGE: These penalties apply in the public incorporations legislation—as the Chairman suggests—the Associations Incorporation Act and so on. These provide quite specific penalties for boards of directors. I think that some of the heat in this argument in relation to the penalties for boards indicates that some board members did not understand that matter, and that is of real concern to me. Hence, the value of appropriate training courses. The Government well and truly recognised this matter before the amendment was moved and, indeed, the initial training weekend for boards of directors has already been scheduled for the weekend of 6 and 7 May. There is a program of updating in relation to the types of things which boards of directors or directors may need to know.

We are already funding such courses through the Hospitals and Health Services Association of South Australia to do just this. Because of the importance which this matter now takes, as it is a legislative requirement rather than something we were doing on a managerial level anyway and, given the importance it now has as a legislative requirement, I indicate to the member for Elizabeth that we will be exploring every avenue, be it the Elton Mayo School of Management or the Health Industry Development Council or whatever, to ensure that the best possible courses are available to directors. The Government supports the amendment.

New clause inserted.

Clause 25—'Directors' duties of honesty, care, etc.'

Ms STEVENS: I move:

Page 11, after line 19—Insert new subclauses as follows:

(5) It is a defence to a charge of an offence under this section to prove that the conduct alleged to constitute the offence resulted from a direction by the Chief Executive.

(6) If a defence is established under subsection (5) the Chief Executive is liable to be charged as an accessory even though the defence negatives the principal offence.

I take the Minister's point that penalties have applied under other legislation, but when they are explicitly expressed like this, it causes concern. As the chief executive of the department has such wide powers to actually direct a board of directors, people are saying that, if something happens as a result of a direction by the chief executive, it is only fair and just that there be a defence that the alleged conduct constituting the offence was a result of the direction by the chief executive.

If a defence is established under subclause (5), the chief executive is liable to be charged as an accessory, even though the defence negatives the principal offence. I agree with people who feel they need this protection. If boards of directors will be held liable—and this is explicitly stated in this Bill—there must also be this following provision if what has happened results from a specific direction of a CEO. I guess this is particularly pertinent to a number of boards, especially in relation to service agreements.

We know that, when service agreements arrived on the scene last year, considerable concern was expressed across the State in relation to unrealistic service agreement requirements. This is a very clear example of a board's being given a direction which is impossible to achieve in the circumstances in which a hospital or health unit finds itself. After all that, they find they are subjected to a fairly high penalty because they did not take reasonable care or whatever to follow the directions. We believe that this amendment is fair.

The Hon. M.H. ARMITAGE: The member for Elizabeth stated, 'If boards will be held to be liable, as they are, and it is so definitively stated in this Bill', or words to that effect. The simple fact—forget political considerations and forget sparring across the Chamber—is that boards are already liable. It is not a matter of 'if' boards will be held to be liable; they are liable already, and it concerned me that so many people were writing expressing concern about this, as if it were a new clause. That was of concern to me.

The argument in relation to service agreements with respect to this clause is, quite frankly, a furphy. This clause deals with honesty, care, due diligence, reasonable steps to obtain information and so on. It has absolutely nothing to do with service agreements. However, much more importantly, this type of amendment is not in the Public Corporations Act and, primarily, the reason the Government opposes this amendment is that the chief executive cannot give a direction to do anything illegal.

Ms STEVENS: The Minister pointed out that the penalties were always there and nothing had changed. I agree. That side of the equation has not changed, but the other side of the equation, the power of the chief executive, has changed greatly. That is one of the issues of the Bill. That is one of the things he has said he wanted to do, and he has done that in this Bill. He has given the chief executive—and he argues, and to a degree I agree with him—much more power. I agree that one side of the equation remains the same but the other side has altered. In fact, the chief executive officer can make a direction to a board. Clause 23, 'Functions of the board of directors', provides:

(1) The board of directors must administer the incorporated service unit in accordance with . . .

(b) if an agreement between the board and the chief executive is in force—the agreement.

It is fairly clear that that is saying they have to do that. I would say that comes under clause 25(2), as follows:

A director must exercise a reasonable degree of care and diligence in performing official functions.

It is quite clear that there could be a real problem; boards could very well be facing those sorts of penalties when they are subject to the direction of a chief executive which they are not able to carry out. I do not believe what the Minister has just said, in speaking against this amendment, is valid.

The Hon. M.H. ARMITAGE: The member for Elizabeth cannot have things both ways. In relation to the previous clause, we argued that the heading of clause 24, 'General duties, etc., of directors and trustees' was important because

the point of her amendment was that it meant that boards of trustees were covered by that whole clause. If that was her belief, I direct her to the same heading for clause 25, which is, 'Directors' duties of honesty, care, etc.' Anyway, the point I make, as I did before, is that these amendments are not in the Public Corporations Act, and the chief executive cannot direct a board to do something illegal. Therefore, we oppose the amendment.

Ms STEVENS: If a service agreement was drawn up between a health unit and the chief executive, and if some concern was expressed by the health unit about being able to meet that service agreement, what would happen? I recall the situation that occurred across the State last year in many health units. Regarding the situation where a direction was given by the chief executive to the board that the service agreement would be met, is the Minister saying that there would be no problem; the chief executive could not put that direction on the board?

The Hon. M.H. ARMITAGE: The chief executive's powers of direction are covered in clause 21 in relation to the functions of the unit. We are dealing with a completely different clause about directors' duties of honesty and care over which the chief executive can give no direction. There is nothing in clause 25 to indicate that the chief executive may give a direction in relation to that.

Ms STEVENS: I am not satisfied with that answer.

The Hon. M.H. Armitage: It is factual.

Ms STEVENS: You say it is factual, but I have concerns about that and we will think more about it. There are no appeal provisions in relation to a charge against a board or a director of a board. What do you say about that?

The CHAIRMAN: Is this relevant to the amendment?

Ms STEVENS: It relates to the amendment.

The Hon. M.H. ARMITAGE: I am intending to respond to that question.

The CHAIRMAN: I think that the member's question is directed away from the amendment to a different topic. My understanding is that we have now moved away from the amendment. Is the member still questioning and speaking to the amendment?

Ms STEVENS: Yes, because it is part of making the case in terms of having a balance.

The CHAIRMAN: The Chair has had some difficulty during the debate on clause 25 and the member's amendment for a couple of reasons. The duties of directors and boards are covered by State and agreed Federal legislation. Therefore, subordinate legislation introduced at State level could not override the need for due diligence to be exercised by a board irrespective of the directions of a director. I was wondering whether I should accept this as a proper amendment in the first place. It is not often that the Chair intervenes, but it is simply that I have been looking into these very things over the past few weeks with the Attorney-General regarding members of boards in my own electorate, and I am conscious of the overriding powers of the Federal legislation. I will not go any further than that, but the member and the Minister should consider whether this legislation would be overridden by the existing legislation which was proclaimed in mid-1983 and which came into effect only on 1 April. Those are the comments of the Chair for what they are worth.

The Hon. M.H. ARMITAGE: In relation to the appeals process, the whole question of penalties would be decided by a court process, be it the District or Supreme Court. These penalties are not imposed at the whim of the chief executive, the Minister or whomsoever one might wish to suggest. Accordingly, an appeals process is built into determining whether or not the director is guilty of those offences. That is what a court appearance is all about.

The Committee divided on the amendment:

AYES (6)

Blevins, F. T.	Clarke, R. D.
De Laine, M. R.	Foley, K. O.
Rann, M. D.	Stevens, L. (teller)

NOES (22)

Andrew, K. A.	Armitage, M. H. (teller)
Ashenden, E. S.	Baker, D. S.
Baker, S. J.	Bass, R. P.
Becker, H.	Brindal, M. K.
Buckby, M. R.	Caudell, C. J.
Condous, S. G.	Evans, I. F.
Greig, J. M.	Gunn, G. M.
Hall, J. L.	Kerin, R. G.
Meier, E. J.	Olsen, J. W.
Rossi, J. P.	Scalzi, G.
Venning, I. H.	Wade, D. E.

PAIRS

Atkinson, M. J.	Brown, D. C.
Geraghty, R. K.	Leggett, S. R.
Hurley, A. K.	Oswald, J. K. G.
Quirke, J. A.	Penfold, E. M.
White, P. L.	Such, R. B.

Majority of 16 for the Noes.

Amendment thus negatived; clause passed.

Clause 26—'Conflict of interest.'

Ms STEVENS: I move:

Page 11, line 31—After 'board' insert 'and in the incorporated service unit's annual report.'

This amendment is self-explanatory and, again, relates to accountability and openness. We say that a disclosure must be recorded in the board minutes and the incorporated service unit's annual report.

The Hon. M.H. ARMITAGE: The Government opposes this amendment for the sole reason that constitutionally board minutes are already in the public domain. If anyone so wishes, those board minutes are already available; therefore the clause is unnecessary to ensure openness and frankness, or whatever words were used by the member for Elizabeth.

Amendment negatived; clause passed.

Clauses 27 and 28 passed.

Clause 29—'Fees.'

Ms STEVENS: I move:

Page 12, line 12—Leave out all words in this line after 'The' and insert 'regulations may prescribe fees to be paid to directors of a specified class.'

We have some concerns with the clause as it stands:

The Minister may, in appropriate cases, approve the payment of fees to a director.

We believe the clause needs to be tightened up. At the moment the clause reads as though there could be inequities in the way fees are handed out to people. Our amendment, we believe, tightens that up and puts it in the regulations. We say that these fees ought to be for a director of a specified class, possibly in accordance with the role they perform, or for some other specific reason.

The Hon. M.H. ARMITAGE: The Government opposes the amendment for no reason other than the simple matter that no other fees paid come to Parliament in the fashion which would occur if this amendment were carried. The Minister has no real discretion in the payment of fees to a director or

a class of directors. What happens is that fees in this instance are determined by Cabinet on the recommendation of the Commissioner for Public Employment. So, there is absolutely no suggestion of any capricious procedure involving the payment of fees. The process by which fees are paid covers the objections or concerns as raised by the Opposition and, accordingly, we oppose this amendment.

Ms STEVENS: I heard what the Minister said, but the legislation does not read that way. Who does the Government propose will receive fees, and on what basis will they receive fees?

The Hon. M.H. ARMITAGE: That is a matter which we are addressing at the moment. The types of things which are coming into our ambit of thought about this matter include, in particular, rural areas, where a number of board members have vast distances to travel and they do not believe it is reasonable to do that continually on a voluntary basis, particularly where they are no longer serving, if you like, their local board but a regional board in which case the travel would be greater. A number of interim boards have indicated that they would perhaps set up a program of rotating meetings around the region whereby every once in a while the director would not be forced to travel because the meeting would be held in his or her home town, hospital or incorporated service unit.

But that does not address the matter that distances are still to be travelled. Accordingly, that is the sort of thing we are contemplating at the moment. We are also contemplating payment of fees to directors who perhaps have certain levels of responsibility in financial terms. The overall financial budget, be it $1 million or $10 million, will be determined by the Government, but also, very importantly, because this Bill sees the devolution of day-to-day responsibility for health care away from the centre to the regions. The directorships are very important positions and, accordingly, we would not wish any person who may be involved in a business sense to be precluded from contributing to the board because of expenses of 'keeping the shop open'. Those are the sorts of things coming into our thoughts about this matter, but firm decisions have not yet been made.

Amendment negatived; clause passed.

Clause 30—'Removal of director from office.'

Ms STEVENS: I move:

Page 12, after line 18—Insert new subclause as follows:

(2) The Governor cannot remove a director from office under subsection (1)(c) except on the request of a majority of all the directors.

We see the need for such a set of clauses to be in the legislation. However, we have a problem with paragraph (c) because we think it is difficult to determine. Paragraphs (a) and (b) are more straightforward than (c). What is an effective contribution? We believe our amendment in relation to paragraph (c) is fairer.

The Hon. M.H. ARMITAGE: The Government understands the intent of the amendment and would like, over the next few weeks, to explore the matter with the Opposition in an effort to improve the amendment. Accordingly, at the moment we intend to vote against it for that reason. As it stands at the moment, if a rogue group of directors decided to support another person they could stay away from meetings and hence prevent a vote from the majority of all directors. Therefore, the type of amendment that we would like to explore would be as follows:

The Government cannot remove a director from office under subsection 1(c) except on the request of a majority of directors at an appropriately constituted board meeting.

An appropriately constituted board meeting requires only a quorum; in other words, the majority of all the directors is not required. Although we acknowledge the Opposition's intent here, the amendment might even preclude that intent. Accordingly, we will vote against it at this stage but we are happy to explore it later.

Amendment negatived; clause passed.

Clause 31—'Chief executive officer.'

Ms STEVENS: I move:

Page 12, after line 21—Insert new subclause as follows:

(1a) The chief executive officer is responsible to the board for the effective management of the incorporated service unit.

We believe that this completes the clause.

The Hon. M.H. ARMITAGE: The Government intends to support this amendment but, in so doing, it emphasises that the board of directors is responsible for the effective management of the incorporated service unit. The chief executive officer is responsible to the board and the board is responsible for the effective management. However, we understand the intent of the amendment and we support it, with the understanding that the board always remains responsible for the overall management of the unit.

Amendment carried.

Ms STEVENS: I move:

Page 12, line 25—After 'time' insert '(which must be at least 60 days).'

This amendment specifies a time limit in which the board can make an appointment. We believe that it is reasonable to make that specification.

The Hon. M.H. ARMITAGE: The Government accepts the amendment, solely because that is what happens. The practicality is that, by the time one calls for applications, the applications are sifted through, the successful candidate is nominated, and they give two or three weeks notice to their present employer, and so on; it usually involves a couple of months anyway. However, in accepting the amendment, we will not allow any allegation that the non-inclusion of a time limit in that particular clause was done with any sinister motive.

Amendment carried.

Ms STEVENS: I move:

Page 12, after line 28—Insert new subclause as follows:

(4) The chief executive officer cannot be dismissed except with the approval of a majority of all the directors of the board.

We have moved this amendment because we can see from clause 31(2)(a) that the chief executive officer appointment requires the approval of the chief executive and from subclause (3) that it is on terms and conditions approved by the chief executive. Boards are also required to ensure that directions given by the chief executive are complied with and that the incorporated service units are administered in accordance with approved policies and agreements. Therefore, we believe that the chief executive should not have absolute power to dismiss the CEO of the incorporated service unit and that the power should remain with the board. We believe that, with all those other things in place, such as approvals and so on, our amendment should stand.

The Hon. M.H. ARMITAGE: The member for Elizabeth is mistaken in her assumption that the chief executive can dismiss a chief executive officer. That simply is not a possibility under the Bill. The chief executive officer is an

appointee of the board, not of the chief executive. So that is factually incorrect. However, because the CEO is an appointee of the board, we believe that it is appropriate that the board ought to have the power to dismiss the chief executive officer. This amendment has the same problem with it as the previous amendment moved to clause 30; in other words, the requirement for a majority of all the directors of the board may in fact stymie the dismissal of an inappropriate chief executive officer if he or she has garnered enough support within the board to prevent a majority of directors of the board voting that way.

Accordingly we will oppose the amendment tonight but we are more than pleased to look at an amendment between now and the next time the Bill is debated. That amendment would be along exactly the same lines as the previous amendment to clause 30, ending with the approval of a majority of the directors at an appropriately constituted board meeting which, as I said before, would constitute a quorum. So, we are speaking not against the intent of the amendment but against its actual wording.

Ms STEVENS: Will the chief executive appoint the CEO in a privately managed incorporated health unit, such as Modbury Hospital?

The Hon. M.H. ARMITAGE: No; if it is a privately managed company, the chief executive officer is appointed by the private company.

Amendment negatived; clause as amended passed.

Clauses 32 and 33 passed.

Clause 34—'By-laws.'

Ms STEVENS: I move:

Page 13, after line 28—Insert new subclause as follows:
(4) A by-law—
(a) must be published in the *Gazette*;

Our amendment is fairly straightforward. My understanding is that this is consistent with other by-laws.

Amendment carried.

Ms STEVENS: I move:

Page 13, after line 30—Insert new paragraphs as follows:
(b) must be laid before Parliament and is subject to disallowance in the same way as a regulation; and
(c) if the by-law is not revoked earlier and contains no provision for earlier expiry, expires on 1 September of the year following the year in which the tenth anniversary of the commencement of the by-law falls.

The amendment is self explanatory.

The Hon. M.H. ARMITAGE: I wish to speak against the amendment. My reason for disagreement relates to the member for Elizabeth's claim of consistency with other by-laws. I am advised that no other by-laws are laid before Parliament and, accordingly, in relation to the consistency argument, as no by-laws are brought before Parliament, we oppose the amendment. By-laws are not dreamed up by a Minister, the commission or the department. By-laws are put before the Minister by the hospital board, which gives them considerable thought and care. If we are giving them the responsibility for running these units, it is appropriate that they have the responsibility of forming their own by-laws without potential disallowance by Parliament. More importantly, from the point of view of administrative convenience, it is not relevant to have these matters laid before Parliament. In common with the member for Elizabeth and all members listening with bated breath to my contribution, I realise that the majority of by-laws relate to whether the yellow line for the non-smoking area should be 20 or 25 metres from the front door. The member for Elizabeth would support me in having it at least 25 metres or more from the door, and it is not appropriate for that to come before Parliament. For those reasons and primarily because by-laws are put up by hospital boards after due consideration, we do not support the amendment.

Amendment negatived; clause as amended passed.

Clause 35 passed.

Clause 36—'Immunity from liability.'

Ms STEVENS: I move:

Page 14, after line 10—Insert new subclause as follows:
(1a) If, while enforcing or purporting to enforce a by-law, an authorised person, or a person assisting an authorised person—
(a) uses offensive language; or
(b) without lawful authority—
(i) hinders or obstructs another; or
(ii) uses, or threatens to use, force against another,
the authorised person is guilty of an offence.
Maximum penalty: $4 000.

This is the Graham Gunn provision. The amendment, which relates to the conduct of authorised persons enforcing by-laws, is self explanatory.

The Hon. M.H. ARMITAGE: The Government opposes the amendment for a number of reasons. If we are dealing with an authorised officer or person who is following the by-law, they will always be acting with lawful authority, so the question in paragraph (b) of 'without lawful authority' will never arise. If they are acting without lawful authority, the matters in the amendment are covered under common law assault provisions. We oppose the amendment.

Ms STEVENS: I regret that the member for Eyre is not present because I was assured that this was his contribution in terms of by-law provisions, and I hoped he would be present to ensure that it is again preserved in legislation. The amendment is fair enough. I note what the Minister has said. We will support the amendment and, if it fails here, we will look to include it in the other place.

Amendment negatived; clause passed.

Clause 37—'Expiation of offences against by-laws.'

Ms STEVENS: I move:

Page 14, after line 18—After 'time' insert '(which must be at least 60 days)'.

The amendment specifies the time for the expiation of an offence.

The Hon. M.H. ARMITAGE: The Government supports the amendment.

Amendment carried; clause as amended passed.

Clause 38—'Power to fix fees.'

Ms STEVENS: I move:

Page 14, after line 26—Insert new subclause as follows:
(3) However, a public patient is not liable to fees.

We believe that this provision should be stated explicitly.

The Hon. M.H. ARMITAGE: Strangely, we believe that this provision ought not be explicitly stated. There are two situations where even the Commonwealth allows public patients to be charged fees. They relate to, first, an expectation of a patient contribution from nursing home type patients, which is 87.5 per cent of their pension. The second instance is outpatient pharmaceuticals for public outpatients. Given that those two situations already exist and given that that provides a modicum of assistance in helping to run this $1.5 billion enterprise, the Government strongly resists the amendment.

Amendment negatived; clause passed.

Clause 39—'Recovery of fees.'

Ms STEVENS: The Opposition opposes paragraph (b). We thought this paragraph had been dropped a long time ago. We thought this sort of thing had gone out a long time ago and that it was not appropriate for these times. We would like to hear the Minister's comment on it.

The Hon. M.H. ARMITAGE: I understand exactly the amazement of the member for Elizabeth in relation to this clause, but it does have a basis in reality. We carefully analysed the various amendments of the Opposition, but we are potentially looking at a situation whereby an income earning member of a family has a spouse who is a non-income earning person. The service could be provided to the non-income earning person and the income earning spouse may say, 'Well, that was a debt for my spouse and I will not pay it.' I know that is a rather circuitous argument but, if the member for Elizabeth thinks it through, she will see that it is logical. It allows us to charge the spouse for a service provided to a non-income earning person. It seems rather draconian. I think I understand what the member for Elizabeth was saying, but there is good reason for this provision.

Clause passed.

Clauses 40 to 42 passed.

Clause 43—'Annual report.'

Ms STEVENS: I move:

Page 15, lines 19 and 20—Leave out subclause (2) and substitute the following:

(2) The report must include—

(a) statistics of the use of the unit's services; and

(b) the audited statement of account of the service unit for the financial year to which the report relates; and

(c) other information required by this Act or the regulations.

This amendment simply extends the content of the annual report of an incorporated service unit by providing that it must include statistics of the unit's services, the audited statements of accounts (which was originally provided) and other information required by this legislation or the regulations.

The Hon. M.H. ARMITAGE: The Government has no difficulty whatsoever accepting the amendment because most of those matters are in the annual reports anyway. We do not believe there is any real addition or any information that would not be in there anyway, and accordingly we are happy for that to be included.

Amendment carried.

Ms STEVENS: I move:

Page 15, after lines 19 and 20—insert:

(3) The Minister must, as soon as practicable after receiving a report under this section, have copies of the report laid before both Houses of Parliament.

This is a very obvious way of putting the reports out in the open where they are exposed to the scrutiny of Parliament, and I am not sure that it is necessarily a burden. Many reports are tabled in Parliament each week. I guess most people in the House do not bother to look at them, but the important thing is that that option is available though the Houses of Parliament.

The Hon. M.H. ARMITAGE: The Government does not support the amendment, simply because annual reports are public documents and anyone who wants them can get them. We do not need to burden the Houses of Parliament by laying before them a document which is already public if people wish to get that information. We strongly resist this, because the opportunity to look at these documents is already provided. We speak against the amendment, not because it will keep anything private but because the opportunity to view these documents already exists, as they are public documents.

Amendment negatived; clause as amended passed.

New division 10A—'Accountability of private contractors.'

Ms STEVENS: I move:

Page 15, after line 20, insert new Division as follows:

DIVISION 10a ACCOUNTABILITY OF PRIVATE CONTRACTORS

Private contractors must furnish reports

43A.(1) If the board of an incorporated service unit has entered into an agreement with a person (a 'private contractor') under which the private contractor manages the whole or a part of the undertaking of the incorporated service unit or provides health services on behalf of the unit, the private contractor must report to the Minister on or before 31 August in each year on the contractor's operations under the agreement during the financial year ending on the preceding 30 June.
Maximum penalty: $10 000.

(2) The report must include—

(a) a statement of accounts audited by a registered company auditor showing the private contractor's income and expenditure in relation to those operations and the contractor's assets and liabilities as at the end of the financial year; and

(b) other information required by regulation.

(3) The Minister must, as soon as practicable after receiving a report under this section have copies of the report laid before both Houses of Parliament.

(4) A private contractor's operations under such an agreement are, by virtue of this subsection, referred to the Social Development Committee of the Parliament.

(5) The Social Development Committee must report to both Houses of Parliament not less frequently than once in every 12 months on the matter.

One of the major aspects of this legislation and what the Minister has spoken so vociferously about in relation to the legislation is that it makes the Government more accountable. As it has been expressed quite clearly in this legislation earlier on in relation to one of the roles of the chief executive in encouraging private participation in our health system, we also know by what the Minister has said quite clearly in his second reading explanation and certainly what he has proceeded to do in relation to our health system that he is moving towards a greater role for the private sector. There has to be accountability for that, and therefore we are moving to insert this proposed new division, because we believe that there must also be a balance on this. If the Minister is moving in this direction, accountability must also apply in these cases, just as it applies for the public sector: all the incorporated service units and regional service units across the health system. Accountability applies to the whole lot.

Proposed new subclause 43A(1) is about furnishing reports and subclause (2) simply provides what that report must include. We considered including a requirement that the statistics regarding the unit's services be included. Will a privately managed public service have to make available its statistics? We have left it out at this point. I will get some clarification and we may move a further amendment when the Bill is considered in another place. Subclause (3) provides for scrutiny by both Houses of Parliament. Subclauses (4) and (5) are modelled on the requirement that the MFP report to a parliamentary standing committee on a regular basis.

The Hon. M.H. ARMITAGE: First, the Government believes that accountability is important. In an instance such a this, obviously what is most important to the people of South Australia is the accountability of the Minister for Health. As I have said on many occasions, I am accountable every single day, and I am usually called specifically to

account on four or five occasions every single day via Question Time for the way the health system is administered. That is the prime accountability in the health sector. That is the way ministerial accountability runs.

Secondly, if we look at the Modbury Hospital exercise, which clearly this is modelled upon, we see that there is public accountability between the board and the Minister. The board, however, has a contract with the private contractor, and that is subject to commercial confidentiality. The reason why that is subject to commercial confidentiality—and it is very important that we discuss the matter of commercial confidentiality—is not that the Government wishes to keep things quiet but that the private contractors wish to keep things quiet in any situation like this.

No private contractor wishes to bring into the public domain, for its competitors, information as to how cheaply or how expensively it might run a particular service or how well or how badly it might manage another part of that service. That is what the whole essence of commercial confidentiality is about. Clearly, if those factors were known more publicly, people would not want to contract. As I said before, if we are able to provide world class services more cost effectively through the private sector, whilst still having the Minister accountable, we shall do that.

Further, the Government and the commission, soon to be the department we hope, are interested in gaining outcomes by contracting out that will be beneficial to the community in terms of quality, appropriateness and cost. These amendments in relation to division 10A focus on the process and not the outcomes. It is important that we always keep in mind the outcomes of what we are intending to do. More importantly—and I say to providers in the private sector anywhere in South Australia—the proposals quite frankly would jeopardise private sector involvement in the provision of health care in South Australia. Perhaps that is what the Opposition wants.

When the now member for Giles was the Deputy Premier and Treasurer, he made some scathing comments about business in South Australia. I think they were comments like, 'Most business people in South Australia could not walk across the road to save themselves', or words to that effect. He was absolutely scathing. The concentration of ideology on the Opposition's benches is quite clearly geared, according to the questions which have been asked, towards excluding the private sector. They are quite clearly ideologically driven. But why would these amendments jeopardise private sector involvement in South Australian health care, and why would they put at risk the provision of world class services as cost effectively as possible?

First, under proposed new clause 43A(2)(a), private organisations would be forced to reveal commercially damaging information, and that is not something which the Government would contemplate. Equally, in disclosing this commercially sensitive information, under these amendments the Opposition would see us disclosing information which no other jurisdiction, including the Commonwealth, expects. No other jurisdiction would include this type of clause. As such, we would see South Australia become less competitive in the provision of health care, because private sector people will not be involved in the provision of health care if these amendments are passed. As it is the only place where these amendments would be operative, they would not allow the benefits of private sector involvement to flow to South Australia.

The Opposition clearly does not understand business, because this sort of amendment could well place the private provider company in breach of Australian Stock Exchange regulations, which require profit and loss information in advance of any other announcements. So, this is a recipe for discouraging the private sector; it is a recipe for increasing costs of public health service provision in South Australia; and it is a recipe for the taxpayers of South Australia being expected to fork out unnecessarily. For all those reasons, these amendments are strongly rejected by the Government.

Ms STEVENS: I was interested in what the Minister said when talking about the private sector and being accountable. What I am saying is that it is all right for him to put in all the checks and balances in terms of the public sector, but as soon as we look at the private sector he has a hands off approach. That is not good enough. We are looking at the management of public services within hospitals, other community health service units or whatever and we are seeing the advent of a whole new set of health delivery options by the private sector working with the public sector. We say that accountability must be built in. It is not that we do not understand how much is disclosed in terms of companies' profits and so on. We are saying that it is not all right, as the Minister says, to take a completely hands off approach either. Somewhere there has to be a balance.

I am throwing down a challenge to the Minister. We will be strenuously pursuing if not this clause something that provides accountability for private sector involvement in our system. We will be pursuing this, because it is important. Therefore, if the Minister also feels strongly, I suggest that we need to find a solution with which we can all agree in relation to this Bill. If there is to be accountability, it should run all ways. We acknowledge that this Government and other Governments are virtually breaking new ground with the involvement of the private sector in the public and private non-profit sector in the delivery of services. However, that does not negate the need for accountability in relation to public facilities. What we have before us is Modbury Hospital, but we are certain there will be others, and there must be accountability for the outcomes of those services.

The Minister said that our amendments referred to the process. I pointed out that we wanted accountability in terms of the outcomes regarding patient care. It may be that we will need to work on this further when the Bill goes to the other place. It is not good enough for the Minister to say that we do not understand business. I think we have to work through this so that accountability can be built into these situations. That is only fair in relation to what we are doing across the sector for the other side of the coin.

I have a number of questions to ask the Minister in relation to this amendment, and I should like some information that we can consider during the break before the Bill goes to the other place. I will use Modbury Hospital as an example, because it is up and running now. Will Modbury Hospital continue to be an incorporated service unit under the Act? My next question has been partially answered, but I will put it in its entirety as it has other points as well. If so, will the chief executive have powers to veto the appointment of a CEO chosen by Healthscope? Will there be powers to direct an incorporated service unit on matters such as conditions of employment of the incorporated service unit's staff? Do these powers override any contractual obligations with Healthscope? What reporting provisions are required of Healthscope under its contract with the Modbury Hospital Board and the Health Commission? Are there any secrecy clauses in relation to the disclosure of information concerning Modbury Hospital? What detailed financial information

concerning the operation of Modbury Hospital will be made available in the annual report, and will this information be as comprehensive as that provided by other public hospitals?

The Hon. M.H. ARMITAGE: Members opposite just hate the people of South Australia getting a good deal. Primarily they hate it because they have for years been spouting an ideological discord with the private sector. When the private sector is doing things well and providing a good deal to the public, like people who have been denied they have to lash out. I intend to address a couple of matters and then get to the questions.

First, the contract has open book accounting in it. The findings from that open book accounting are not made public because of commercial sensitivity. However, it is open book accounting to the Modbury board. The Modbury board members can satisfy themselves at will about the accounting and the accountability of the contract. Clearly, the Opposition is saying that it does not trust the Modbury board. It has been saying willy-nilly throughout this exercise that it does not trust board members in regions to be community representatives. Now it is saying that it does not trust the Modbury board to do a good enough job. I assure the House and the people of South Australia that the Modbury board can satisfy itself at will through the open book accounting, which is specified as part of the contract.

In reply to the question whether the Modbury Hospital will become an incorporated service unit, the answer is 'Yes.' Secondly, does the chief executive have power over the appointment of the chief executive officer? The answer is 'No.' We have dealt with that before. Can the chief executive have power in relation to employment conditions? The answer is, 'No,' because the contract is between the Modbury board and Healthscope, and the chief executive is not a participant.

For the reasons that I have already mentioned—primarily that the passage of these amendments would put South Australia into a non-competitive position compared with other jurisdictions in Australia, that the private sector would be discouraged, which would mean increased costs, and that the taxpayer would pay more—we reject the amendments. The member for Elizabeth then asked a series of questions which have absolutely nothing to do with the Bill. They are questions which, if answers are sought, the other Chamber has a Committee which would be appropriately asked to answer, but they have absolutely nothing to do with this Bill.

Ms STEVENS: We always know when the Minister is in trouble in relation to any argument: he gets ideological. He finds it difficult to keep on the topic and goes off into his own ideological rave.

The Hon. M.H. Armitage interjecting:

Ms STEVENS: That is interesting; the Minister interjects that he has no ideology. The Minister has said on a number of occasions that we do not trust board members and now, it seems, we do not trust the Modbury board members either. Trust has nothing to do with it. If the Minister knew anything about running a business, not to mention a department, he should at least know that one cannot run it on trust: one must have some clearly recognised and understood expectations and agreements. I do not wish to give the Minister a lecture, as he is often prone to give me; however, that is an absolute furphy.

We need to get something in this legislation that addresses the matter of accountability of the private sector in its involvement in the provision of our health services. The Opposition is very determined to do that. We are very happy to talk and work with the Minister in trying to come up with something. I take on board some of the issues he has raised but I also put up the issues we have raised, and invite the Minister to work with us because, as I say, we are very determined to have something in this legislation that addresses this issue.

The Committee divided on the new division:

AYES (6)

Blevins, F. T.	Clarke, R. D.
De Laine, M. R.	Foley, K. O.
Rann, M. D.	Stevens, L. (teller)

NOES (26)

Andrew, K. A.	Armitage, M. H. (teller)
Ashenden, E. S.	Baker, D. S.
Baker, S. J.	Bass, R. P.
Becker, H.	Brindal, M. K.
Buckby, M. R.	Caudell, C. J.
Condous, S. G.	Cummins, J. G.
Evans, I. F.	Greig, J. M.
Gunn, G. M.	Hall, J. L.
Ingerson, G. A.	Kerin, R. G.
Matthew, W. A.	Meier, E. J.
Olsen, J. W.	Rossi, J. P.
Scalzi, G.	Venning, I. H.
Wade, D. E.	Wotton, D. C.

PAIRS

Atkinson, M. J.	Oswald, J. K. G.
Geraghty, R. K.	Leggett, S. R.
Hurley, A. K.	Penfold, E. M.
Quirke, J. A.	Brown, D. C.
White, P. L.	Such, R. B.

Majority of 20 for the Noes.

New division thus negatived.

Clause 44—'Appointment of administrator.'

Ms STEVENS: I move:

Page 15, line 28—After 'Executive' insert '(which must, however, have been published in the *Gazette* at least 7 days before the members of the board are removed)'.

This amendment provides that, if a board is removed by the Governor for persistently failing to comply with the direction of the chief executive, the direction must be published in the *Gazette* at least seven days prior to its removal. Something very serious must happen for this to occur, so we believe that our amendment is fair, but obviously we must ensure that there is no hint of any capricious action.

The Hon. M.H. ARMITAGE: We oppose this amendment. We do not believe that it is appropriate to give seven days notice, because there may be circumstances where the immediate removal of a board of directors may be the most appropriate stratagem to adopt, and an example of that is the dismissal of a board of directors for gross dereliction of duty, particularly in relation to financial mismanagement. The last thing that one would want to do is signal to a board that was perhaps even maliciously financially incompetent that it would be sacked in seven days time. That gives that board an enormous opportunity to be even more profligate with the treasury, and it is something we would not accept.

Amendment negatived.

Ms STEVENS: I move:

Page 16, after line 5—Insert new subclause as follows:

(4) As soon as practicable after the members of a board are removed under this section, the Minister must lay a statement of the reasons for the removal before both Houses of Parliament.

Again, something very serious would have to happen for this to occur, and therefore we believe that the Minister should explain this clause further.

The Hon. M.H. ARMITAGE: The Government opposes this amendment for a variety of particularly cogent reasons: first, it does not occur now; secondly, a ministerial statement is often given in relation to these matters; thirdly, it in fact produces the possibility of double jeopardy for the board members. By that we mean that it is often quite a major event which generates a lot of publicity and people perhaps are scarred for long periods by the very fact that they have been removed from the board, and accordingly we believe that to make that doubly public by putting the reasons for that removal before the Houses of Parliament creates a situation of double jeopardy of which we would not be in favour.

Fourthly, we believe that to lay a statement of the reasons for the removal before both Houses of Parliament may well prejudice further action, and let us not walk away from the fact that some of the actions of boards which might precipitate their being removed may well lead to other action later—and I am sure no-one in South Australia would wish to prejudice that further action. Lastly, and perhaps most importantly, under clause 44 the removal of the board of directors is not an action of the Minister: it is an action of the Governor. Accordingly, because it is an action of the Governor, the Government does not believe it is appropriate for the Minister to lay a statement before the Parliament.

Ms STEVENS: We have put forward this amendment because of the concerns that people have raised in relation to the increased powers of the chief executive and the Minister provided by the Act, and therefore the need to have some checks and balances. It was put to us by a number of people that, in particular, clause 44(b)—about which people are the most sensitive—could be seen as a fabricated reason for the dismissal of the board. It may be quite possible that a board in conflict with the chief executive is in fact justified in the best interests of its community. So, there is that concern, and our amendment tries to balance that in some way and to restore some sort of equilibrium to the situation.

When something like this happens it generates publicity anyway. I am not sure that the fact the Minister makes a statement will generate publicity; I think the publicity will be there anyway. We know what happens in these sorts of situation. For this to happen something has gone badly wrong; there is often publicity and a lot of innuendo anyway. Most often Ministers do have to make statements to the House to clarify the situation, so I would have hoped that the Minister would see the reason behind that and the need to actually have some sort of balancing provision.

The Hon. M.H. ARMITAGE: I simply cannot let a totally fallacious impression remain in the mind of the members of Parliament and indeed in the mind of the member for Elizabeth. In fact, she does not have that view. The member for Elizabeth said that concerns have been raised about this particular section of the Bill because of the increased powers which this Bill gives the Minister and the chief executive. I am delighted to see the member for Giles enter the Chamber, because I intend to read part of the contribution made by him in the second reading debate last night. The fact that this Bill creates increased powers for the Minister and the chief executive is a shibboleth: it is simply not true. Indeed, the member for Giles—and I know he is listening—said in relation to the Bill:

> At the end of the day what power does the Minister not have to operate the health system?

He was referring to the present Act under which the health system has been administered for 20 years. During my summing up of the second reading debate the member for Elizabeth interjected, 'The Minister already has ultimate power under the present Act.' It is simply not consistent, at best, to now claim that there are concerns about the Bill.

Ms Stevens: There are.

The Hon. M.H. ARMITAGE: But it is inconsistent to claim that because last night the member for Elizabeth said that, as Minister, I already have ultimate power. In addressing the matter of ultimate or increased power, the member for Elizabeth claims the Bill gives the Minister increased power, but she interjected that I should have that ultimate power. She believed it was appropriate that, under the present Act, the Minister for Health has the ultimate power. Therefore, at best it is not consistent to now claim that the legislation gives the Minister and the chief executive new powers, because it simply does not.

As to the question of removing boards of directors, how can the member for Elizabeth look at herself in the mirror and say that we are being given increased powers under the Bill when she knows only too well that under the present Act her immediate predecessor, the former member for Elizabeth, sacked the board of SAMHS? How can she claim logically that we are getting increased power to sack boards under the Bill? It is simply not true. How can she claim that when members of her Party in Government sacked the board of the Angaston Hospital? It is simply not true to claim that we are getting increased powers in that area. For all of the reasons I have mentioned, as well as pointing out that it is fallacious to say that we are getting increased powers, we oppose the amendment.

Ms STEVENS: I understand that clause 44(1)(b) was not a provision under the South Australian Health Commission Act. We are simply saying that, when this happens, a statement of the reasons should be laid before the Houses of Parliament. The Minister said this was done anyway through a ministerial statement. We are simply putting into legislation what occurs in practice.

Amendment negatived; clause passed.

Clause 45—'Dissolution.'

Ms STEVENS: I move:

> Page 16, after line 10—Insert new subclauses as follows:
>
> (1a) Before the Governor dissolves an incorporated service unit the chief executive must—
>
> (i) invite representations on the proposal from interested members of the public by notice published in a newspaper circulating in the area in which the incorporated service unit was established; and
>
> (ii) consider representations from members of the community made in response to the invitation within a reasonable time (which must be at least 60 days) specified in the notice; and
>
> (iii) report to the Minister on the representations made by members of the community.
>
> (1b) A proclamation under this section is a statutory instrument that must be laid before Parliament and is subject to disallowance in the same way as a regulation.

This clause deals with the dissolution of incorporated service units and boards of trustees. This is our community consultation amendment, which we have moved previously and, as I have said, we believe that, when large changes are to be made—such as dissolution, amalgamation and establishment of incorporated or regional service units—community consultation is essential. As to subclause (1b), if the process is followed correctly and the reasons are good and justifiable,

there is nothing to fear from laying this information before Parliament.

The Hon. M.H. ARMITAGE: The Government opposes the amendment. I signal that this is a machinery clause to allow the formal dissolution of an incorporated service unit or board of trustees after it has been wound up. It is not done with malice, and it is not done to stop a board or anything of the like. It is a legal machinery procedure and, having seen the tenor of the amendment, we understand that the clause may be misread. In opposing the amendment, we are more than happy to work between now and when the Bill is debated in another place to provide a clause saying, 'This is what happens when the final dissolution of all those things happens legalistically.'

Ms STEVENS: I am pleased to hear that. I wish to record the concerns made known to us from around the State. The clause goes much further than the corresponding section in the South Australian Health Commission Act, where it was intended to handle health units incorporating under the Act for the first time. In the Bill clause 45 provides the Government with the opportunity to dissolve units with no justification and vest the property in one of a range of possible recipients. In its present form it will allow for the closing of health services and the stripping of community assets. In its present form the clause is unacceptable. That is the feed-back we have received, and the Minister acknowledges that there are issues there. I hope we will get a provision that is acceptable all round.

Amendment negatived; clause passed.

New heading—'Licensing of private hospitals.'

Ms STEVENS: I move:

Page 17, after line 2—insert new heading as follows:
DIVISION 1—LICENSING OF PRIVATE HOSPITALS

We propose this new section because of our determination that the legislation provide for accountability of the private sector in relation to the use of public funds to deliver public health services or, in terms of the previous clause, when the private sector manages a public health service. This clause covers the situation we envisage when the Government funds public services from a private hospital. This is the flip side of the previous amendment and, again, for all the reasons that I outlined previously, we believe that there needs to be accountability. We understand the issue of balance, but we want accountability in relation to this matter, as it will increasingly become a feature of our system.

The Hon. M.H. ARMITAGE: The Government opposes this amendment, but not for the reasons that we oppose any of the provisions between lines 2 and 22, because we do not, and neither does the Opposition, because it has moved no amendments to those provisions. However, we to intend to oppose the insertion of proposed new division 2 after line 23 in the next foreshadowed amendment, and accordingly, if we are successful (and most people who have followed the debating issues in this Committee would agree that we will be successful), we do not need division 1. For that reason we oppose this amendment.

Mr CUMMINS: One would have thought that clause 53 was sufficient to cover the concerns of the honourable member. That clause provides the power for an authorised person to examine documents or records and take extracts or copies of them. We are really talking about a private business, and the honourable member is asking that the accounts, etc. of that private organisation should be laid before this House. I would have thought that that was quite fatuous. There is sufficient force in clause 53 to cover the concerns of the honourable member, and I would have thought that division 2, which she purports to support, would be acceptable.

New heading negatived.

Clauses 46 to 54 passed.

New clause 54B—'Limitation on invasion of privacy.'

Ms STEVENS: I move:

Page 20, after line 3—Insert new clause as follows:
54B. A person engaged in duties related to the administration of this Act or the provision of health services must not require the disclosure of personal information about a patient unless there are reasonable grounds for requiring disclosure of the information.
Maximum penalty: $8 000.

This proposed new clause is very similar to my next amendment to clause 55. It differs in that clause 55 is an after-the-event clause. It covers the situation where a person who is working in a hospital goes home and is not able to divulge personal information relating to a patient. This provision covers what happens before that; it precedes the situation dealt with under clause 55 in ensuring that there is limitation on the invasion of privacy.

The Hon. M.H. ARMITAGE: With your indulgence, Sir, before addressing clause 54B, I will digress briefly to proposed new clause 54A (which the honourable member did not move) and indicate, so that it is on the public record for members in another place, that we would have opposed that proposed new clause for the simple reason that the documents to which that clause refers are already public documents. We accept and understand the desire of the Opposition to have accountability in all those matters but, because of various corporate laws and so on, they are already public documents. So, we would have opposed it to that end.

In relation to new clause 54B, when a patient enters a health service, there is a common law contract between the patient and the health unit, even if the patient pays no fee. Part of that common law contract is that the unit must operate in the patient's best interests.

Mr Cummins: The implied term.

The Hon. M.H. ARMITAGE: Exactly. Therefore, if we look at this amendment, we see that to have the potential disclosure or to be talking about not requiring disclosure of the personal information about a patient unless there are reasonable grounds for requiring disclosure of the information is a watering down of that common law right to privacy, because there already exists in common law the expectation that the unit will operate in the patient's best interests. So, passage of this amendment would see that watered down. The criterion that would be used is not the patient's best interests but reasonable grounds for requiring disclosure of the information. It waters down that common law right to privacy. Not only does it do that but it also brings in the subjectivity of the person making the judgment as to what are reasonable grounds. So, we oppose the amendment and, in so opposing it, we believe that we are giving a greater right of privacy than provided by this amendment.

Mr CUMMINS: Can I add to what the Minister has said. He is right. I can explain it with a simple example. If we are talking about powers of arrest, an officer has reasonable cause to arrest. You may assume from that that, as a matter of law, the officer must have objective grounds to arrest, but that is not the case. All he has to have is a subjective basis to arrest which may not be supported objectively. As the Minister correctly pointed out, the problem with this proposed new clause 54B is that a person engaged in the duties may have reasonable grounds, but they may be subjective grounds

which are not correct, but he still has the right therefore to disclose information and in law he could not be attacked. The Minister has said that at common law there are implied terms of confidentiality, and it seems to me that one would be far better protected at common law than by inserting this amendment. I support what the Minister has said.

New clause negatived.

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

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

Clauses 55 and 56 passed.

New Division 1A—'Complaints.'

Ms STEVENS: I move:

Page 21, after line 6—Insert new division as follows:

DIVISION 1A—COMPLAINTS

Complaints

56A. The Minister must provide, or cooperate in the provision of, a system for dealing with complaints in accordance with the Public Patients' Hospital Charter'.

'The Public Patients' Hospital Charter is the Charter jointly developed by the Commonwealth and the States under the *Medicare Principles.*

This is very clear. We believe that any legislation should have a division headed 'Complaints'. We think it is an essential part. There are always plenty of complaints about a health system, no matter who is in charge. It is absolutely imperative. The amendment speaks for itself.

The Hon. M.H. ARMITAGE: The Government opposes this amendment, not because it does not wish to see a system dealing with complaints. The amendment is superfluous, as we are signatories to the Medicare agreement and that is part of the Medicare agreement. As I indicated last night, it has been part of the policy document which this Government, then in Opposition, made public prior to the last election, that we would resource the Ombudsman's office to deal with complaints. As I further indicated last night, those discussions are well in train. It is my view that those discussions will come to a denouement within the next couple of weeks. Accordingly, we will have our independent complaints mechanism, as is required under the Medicare agreement. As I indicated further last night in relation to the Medicare agreement, if we do not sign, we do not get the money. It is a very big imperative to be part of the agreement.

Ms STEVENS: Regarding the access equity provisions of the Medicare agreement being explicit on their own in the Bill, we do not think that getting the money is the only reason why it is included in the Bill.

The Hon. M.H. Armitage: It is a good incentive, though.

Ms STEVENS: Certainly, but it is not necessarily the only reason. Regardless of the signed Medicare agreement with the Commonwealth, the State itself should declare that it considers the existence of a complaints mechanism an essential part of the Bill.

New division negatived.

Clause 57 passed.

Clause 58—'Reports of accidents.'

Ms STEVENS: I draw the attention of the Minister to the typographical error on line 27. The word 'our' should read 'out'.

The Hon. M.H. ARMITAGE: The Government notes that and, with some regret, points out that even spell checks do not check everything. That would obviously pass the spell check but not the sense check.

The CHAIRMAN: There are several typographical errors throughout the Bill which have been corrected.

Clause passed.

Clause 59 passed.

Clause 60—'Industrial representation.'

Ms STEVENS: Again, I want to put on the record that we have not yet had an opportunity to speak in detail with the unions involved and to work through this clause. We certainly will and we shall come back to this clause in the other place.

Clause passed.

Clause 61—'Register of approved constitutions.'

Ms STEVENS: I move:

Page 22, after line 33—Insert new subclause as follows:

(2) If a regional service unit has been established for a particular region, a register of the approved constitutions of incorporated service units providing health services in the relevant region must be kept available for public inspection in the regional service unit's public office.

The essence of this amendment is that, if we are to keep a register of approved constitutions, we believe it should be accessible to people where they live. We are saying that it should not necessarily be kept only in the department's central office in Adelaide: it must be kept available for public inspection in the regional service unit's public office.

The Hon. M.H. ARMITAGE: I am informed that there is no great demand for this service. There have been four applications in the past four or five years. However—

Ms Stevens interjecting:

The Hon. M.H. ARMITAGE: We understand the principle. I merely point out that they are not big sellers or big doers. The Government accepts the amendment.

Amendment carried; clause as amended passed.

Remaining clauses (62 and 63) passed.

Schedule 1—'Repeal and transitional provisions.'

Ms STEVENS: I move:

Page 24, after line 7—Insert new subclause as follows:

(2) Any enterprise agreement, industrial agreement or award affecting employees of an incorporated hospital or health centre under the former Act continues in force and is binding on the chief executive.

This amendment is self-explanatory.

The Hon. M.H. ARMITAGE: I do not believe it is self-explanatory. I believe that the intent is self-explanatory but not the amendment. I should like to explain why it is not self-explanatory and why the Government will oppose it. The Government, in a number of changes of management within the health sector and other areas, has proven by its actions that any enterprise agreement or award affecting employees in circumstances such as these would be unaffected. That is our track record. However, I believe that it would be a mistake to make those enterprise agreements, industrial agreements or awards binding on the chief executive. The reason is that it gives the system—let us forget the chief executive—absolutely no flexibility whatsoever. There are a number of industrial agreements in the system at the moment on minimal staffing in certain areas of service provision.

If at some later stage it was patently obvious to everybody that that service ought to alter, the employment, because it is binding, as in the industrial agreement, would not allow flexibility for change. Therefore, it is not a sensible amend-

ment. It is sensible to say that enterprise agreements, awards and so on would be unaffected for the actual employee, and we agree with that. That is what we have done in all our actions. However, to make an industrial agreement or an enterprise agreement binding on the chief executive is to put the system into a straitjacket. Further, it tends to raise a spectre where it does not need to be raised.

Given that the amendment refers only to incorporated hospitals and health centres, the staff, under the Bill, do not change their employer: their employer remains the same. If their employer remains the same, they do not need any further protection, because their employment conditions remain the same as well.

I think the intent is to allow the agreements and awards under which employees are operating to continue. That will occur, and we support that. However, it is not a good idea to put the system into a straitjacket which would allow no flexibility, even if every player in the system believed that it was appropriate to change the way things should be provided. Accordingly, the Government will oppose the amendment. Last evening, when we were discussing this matter, the member for Ross Smith indicated that further amendments to industrial legislation may be moved in relation to this matter. We would be interested to look at those amendments in another place.

Mr MEIER: I refer to a letter from the Chairman of the board of directors of the Southern Yorke Peninsula Health Service. The fourth point of concern relates to the implications of changes to the employment conditions of staff on the health system and the need for them to be carefully examined. The letter states, 'It appears that staff may be seriously disadvantaged under this legislation.' In light of the Minister's comments on the proposed amendment, I wonder whether he would care to comment further and assure health services in my area, particularly the Southern Yorke Peninsula Health Service, that staff will not be seriously disadvantaged under this legislation.

The Hon. M.H. ARMITAGE: As I indicated previously, under this Bill the staff of the Southern Yorke Peninsula Health Service will not change their employer. Their employer will remain the same and, accordingly, they need no further protection because, for them, nothing will change.

Ms STEVENS: I also have had a copy of that letter to which the member for Goyder referred, and the sentiments expressed in it were expressed in letters from a range of health units across the State. Again, it is a pity that the Bill came forward so quickly without people having those issues resolved. We will certainly be undertaking consultation with people in relation to these industrial matters to ensure that people feel confident that what the Minister has just said will indeed be the case.

The Hon. M.H. ARMITAGE: I could take umbrage at the fact that the member for Elizabeth is quite clearly indicating that I would be attempting to mislead the Committee. The information I have provided is factual; it is as simple as that. I reiterate that staff of hospitals will not change their employer and, accordingly, they need no further protection, because nothing will change. As to an apparent haste or rushing of this Bill through this Chamber, I reiterate for the benefit of people who may read *Hansard* that there are parliamentary traditions. Indeed, the Standing Orders of this Chamber provide for a Bill to be introduced and at least one week of down time in the Parliament when that Bill is not debated, after which, according to the Standing Orders, the Bill can be debated at any time. If the Opposition believes that that is inappropriate, let it change the Standing Orders.

Amendment negatived.

Ms STEVENS: I want to be clear about the transitional provisions relating to incorporated hospitals and health centres. I would like the Minister to explain clause 2 of schedule 1.

The Hon. M.H. ARMITAGE: I am not sure exactly what the member for Elizabeth cannot understand so, accordingly, I will go through it. The Bill we are debating includes, among its purposes, the repeal of the South Australian Health Commission Act 1976, under which a number of hospitals and health centres are incorporated. At midnight on the day when the South Australian Health Commission Act 1976 is repealed and the South Australian Health Services Act 1995 comes into place, the hospitals and health centres incorporated under the Health Commission Act will continue to exist, and all of their constitutions will be recognised, as will all of the contracts of employment, and so on, under the new Act as an incorporated service unit. Really, it is a transitional provision to ensure the *status quo*.

Ms STEVENS: That was my understanding, but I wanted to be clear because I remember, when we were considering clause 12 in relation to the establishment of incorporated service units, that we had some amendments involving consultation and other things which the Minister rejected. I had the feeling the Minister was suggesting at that time that I was under the impression that the present incorporated units will have to go through an establishment process. I wanted to be very clear about that, because I believed they would go straight across.

The Hon. M.H. ARMITAGE: That is right.

Schedule passed.

Schedule 2 and title passed.

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

That this Bill be now read a third time.

I thank members for their contributions to what will hopefully very soon be an Act which will see major change in the administration of health services in this State. All speeches, almost bar none, indicated that there was a need for change, and a number of members from the Opposition agreed that further 'power' needed to be brought to the Minister. I have made a number of statements in relation to the fact that this Bill does not really do that, in that many of the concerns being expressed were about matters which were under the power of the Minister, given the South Australian Health Commission Act 1976.

Nevertheless, it is my view that in a particularly large expenditure area for the taxpayers it is vitally important that all the administrative efficiencies which can be gleaned are so gleaned, and I am confident that when this Bill is proclaimed as an Act the taxpayers of South Australia and, importantly, the people receiving health services will be better able to receive world quality services as cost effectively as possible.

Ms STEVENS (Elizabeth): The Opposition will not be supporting the third reading of this Bill, and I would like to outline briefly the reasons for that. We acknowledge the need for change, as the Minister has stated, and we acknowledge the need for some further powers to be conferred upon the Minister. However, as I said in the second reading debate, we believe that this Bill has gone too far and that it needs

significant amendment to establish checks and balances and other provisions that we believe are missing, such as adequate community consultation, which is essential to an effective health system. The community of South Australia wants those checks and balances and, indeed, that wish has been passed onto us in many items of correspondence.

While I admit that the Minister has agreed to look further at the matter of dissolution, we believe that the amendments we have raised in terms of establishment of incorporated service units, regional service units and amalgamation are a better way to go and that this Bill needs to be modified. In terms of private sector management and private sector involvement in our system, again we see this as a major direction.

The Hon. M.H. Armitage: An anathema.

Ms STEVENS: No; again, obviously the Minister has not been listening. We do not see the involvement of the private sector as an anathema: we see that the private sector, the public sector and the non-profit private sector need to work together and, in fact, they are co-existing in our health system. However, in the first instance, we believe that it is not the Minister's role to be encouraging this, and in that regard he does not need to have those specific provisions in this Bill. Private sector involvement has occurred previously without the particular emphasis that he has now given it. Also, we believe very strongly that accountability needs to be built into our system to account for the increased involvement of the private sector, the mixing up of those roles and the need for us to be quite clear about what is happening, first, to public funds and, secondly, to public services. So, we will be pursuing those issues very vigorously when the Bill is next debated.

I am pleased to acknowledge that the Minister has accepted a number of our amendments, as I believe they will improve the Bill as it stands. As I have stated before, we have not had the chance to consult widely in terms of our amendments. When the Bill was tabled in the House, our understanding was that there would be a longer time period before it would be dealt with, so all we had done up until last Tuesday was send the Bill out to many people, ask them to read it and indicate that we would be in touch with them to talk in detail about the issues and their concerns. We have received many letters from those people, but we have not been able to talk to them in detail about those concerns and, to a degree, we have had to 'wing it' in terms of the amendments that we actually put up.

We have been able to use some of the information that was given to us but it took all the time we had to come up with our amendments. So, now we will be consulting widely with people in the community in relation to our amendments, their reaction to those amendments and their reaction to the questions we asked and the answers that we got back from the Minister. We will be consulting with the Australian Democrats in relation to all those matters so that, when the Bill is before Parliament in June, we will have a great number of amendments in an attempt to get the best possible outcome for the health system in South Australia.

I would like to make one further comment in relation to the process the Minister has undertaken in relation to this legislation and, in particular I want take issue with the comment he has made on a number of occasions that if we did not like it we could change the Standing Orders.

Mr ASHENDEN: I rise on a point of order, Sir. Under the Standing Orders the honourable member can debate the Bill only in the form in which it has come out of Committee, and I believe that she is straying a long way from the Standing Orders.

The SPEAKER: The honourable member is correct that the third reading debate is a narrow debate, and the member for Elizabeth must confine her comments to the Bill as it has arrived at this stage.

Ms STEVENS: With respect, the Minister himself referred to this matter when he spoke on the third reading. That is why I am raising the matter also.

The SPEAKER: The member for Elizabeth can continue with her remarks as long as she confines them entirely to the ruling I have given.

Ms STEVENS: Consultation has been a major issue in relation to both the substance of this Bill and also the process that was used to introduce it. It was a major issue for many people around the State, and my concerns are that, although the Minister talks about the need to have community involvement and assures us that there will be community involvement and consultation when this legislation is implemented, he has not provided a good model in relation to this Bill which could assure us of this.

Mr ASHENDEN: I rise on a further point of order, Sir. The honourable member is again attacking the Minister and not debating the Bill as it has come out of Committee.

The SPEAKER: The honourable member is correct that the debate is narrow. However, the Minister introduced it in his speech.

Mr Ashenden interjecting:

The SPEAKER: Order! The honourable member will not question the ruling of the Chair. There are certain matters to which the honourable member is entitled to respond, as long as that response conforms with the Standing Orders in relation to a third reading debate.

Ms STEVENS: Finally, in his response to the third reading, the Minister explained the issue of the tabling of the Bill and the two weeks that were given for response to it, and he made the comment that if we did not like it we should change the Standing Orders. That is the technical interpretation, but the Minister should adopt the spirit of consultation and understand that the people of South Australia would be very interested in reading this Bill, in understanding it and in commenting on its implications.

In summary, the Opposition will be voting against the third reading. As I said in Committee, the Opposition is determined to have addressed in the final product the matters we have outlined. We inform the Minister that we are willing to work with him to try to achieve something on which we can all agree. We challenge him to take up the opportunity to try to work through the issue about private sector accountability.

Mr MEIER (Goyder): As the Bill comes out of Committee I thank the Minister sincerely for the answers that he gave to a wide range of questions. I feel relaxed about the Bill and believe that my constituents will feel confident about it, as a result of the Committee stage, because some of the questions and concerns raised with me and I know with the Minister have now been answered. I estimate that we have spent more than 14 hours over three days on the Bill, and in the many years I have been in this Parliament I do not recall many other Bills that have taken such time, certainly not over three days. I hope the Opposition spokesman will give an unequivocal apology to the people of South Australia for claiming that the Bill has been rushed through. That is the most outrageous

comment I have heard since the member for Elizabeth came into this House, and I believe that she has misled—

The SPEAKER: Order! The honourable member will address the Chair.

Mr MEIER: Thank you, Mr Speaker. She has misled the people of South Australia—

The Hon. FRANK BLEVINS: Mr Speaker, I rise on a point of order. The third reading debate is about the Bill as it comes out of Committee: it is not an opportunity to abuse members across the Chamber, particularly in loud tones.

The SPEAKER: Order! The Chair has already ruled that the third reading debate is narrow, and I ask the member for Goyder to confine his comments to the Bill as it arrives at this stage.

Mr MEIER: Thank you, Mr Speaker. I respect your ruling. I emphasise that the Bill has been before us for three days involving more than 14 hours. My point is made, and I hope the shadow Minister will apologise to the people of South Australia.

The House divided on the third reading:

AYES (26)

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

NOES (6)

Blevins, F. T.	Clarke, R. D.
De Laine, M. R.	Foley, K. O.
Rann, M. D.	Stevens, L. (teller)

PAIRS

Brown, D. C.	Atkinson, M. J.
Leggett, S. R.	Geraghty, R. K.
Oswald, J. K. G.	Hurley, A. K.
Penfold, E. M.	Quirke, J. A.
Such, R. B.	White, P. L.

Majority of 20 for the Ayes.

Third reading thus carried.

PARLIAMENTARY REMUNERATION (BASIC SALARY) AMENDMENT BILL

Returned from the Legislative Council without amendment.

WORKERS REHABILITATION AND COMPENSATION (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

Received from the Legislative Council with a message drawing the attention of the House of Assembly to clause 28, printed in erased type, which clause, being a money clause, cannot originate in the Legislative Council but which is deemed necessary to the Bill. Read a first time.

The Hon. G.A. INGERSON (Minister for Industrial Affairs): I move:

That Standing Orders be so far suspended as to enable the Bill to pass through its remaining stages without delay.

Motion carried.

The Hon. G.A. INGERSON (Minister for Industrial Affairs): I move:

That this Bill be now read a second time.

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

This Bill represents a further crucial stage in implementing the State Government's commitment to reform of the South Australian WorkCover system.

This Bill represents a consolidation of the Bill introduced by the State Government into this Parliament on 1 December 1994 (the *Workers Rehabilitation and Compensation (Benefits & Review) Amendment Bill 1994*), as the Government has proposed to amend that Bill by amendments placed on file in the Legislative Council on 23 March 1995 and outlined by the Minister for Industrial Affairs on that same date, and as amended by the Legislative Council during debate on this measure.

The Government's Bill of December 1994, as varied by its proposed amendments, was introduced in this consolidated fashion in an endeavour to assist the progress of Parliamentary debate on this important area of public policy.

As foreshadowed by the Government last December, the Government has consulted widely with the community and with key interest groups in relation to WorkCover reform and in particular its proposed policy initiatives contained in amending Bill of 1994. This consultation has been ongoing throughout the Parliamentary debate on this Bill.

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 the system.

Over this period the Government received submissions and views from workers, employers, union, industry bodies, the legal profession, the medical profession, rehabilitation providers and other participants in the current scheme.

Since the Bill of last December the Government's commitment to reform has been reinforced by the fact that even during this four month period the WorkCover Board has announced that its liability to 31 December 1994 had increased by $76 million to $187 million, and by the fact that the WorkCover Board has announced that levy rates imposed on South Australian industry will have to be increased by a further $40 million from July this year to levels 80 per cent above our national competitors unless significant structural reform is made by the Parliament.

The Government's reform proposals in the 1994 Bill have been grossly misrepresented by some vested interests in the community. The Labor Party in particular has demonstrated massive irresponsibility by playing on the fears 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 the genuine views of employers, workers and the private views of some 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. The Government is disappointed that despite the private views of some Trade Union officials, the peak Trade Union body in South Australia has not been prepared to submit constructive proposals for legislative reform during this consultation period. Indeed, it was not until 6 days ago that the Labor Party proposed any changes whatsoever to the WorkCover system which so clearly is in need of fundamental reform.

As a consequence of this process of consultation this Bill, and the amendments made by the Legislative Council, modify some of the Government's policy proposals for WorkCover reform.

These modifications address the more contentious aspects of the Government proposals, introduce a range of additional policy issues justifying amendment by this Parliament and clarify areas of the Government's original policy intention.

In making or accepting these modifications, the Government has retained the central objective of structural reform to the key areas of benefit and second year reviews, lump sum payments, the review process, claims administration and workplace safety and prevention.

It has been in the area of worker benefits that the Government proposals have been most contentiously debated within the community. Throughout this debate the Government has maintained the principle that the South Australian WorkCover scheme will only be nationally competitive if key elements of its legislative structure, such as benefits and the review of benefits, are consistent with the standards in other State and Federal jurisdictions. In order to address the more contentious aspects of the Government's proposed benefits structure but to maintain this objective this Bill makes a number of important modifications. This includes new proposals relating to second year reviews, discontinuance of weekly payments and lump sum redemptions.

This Bill provides an alternative package of benefit level changes which maintain the principle of increasing benefits for seriously disabled workers but reducing benefits for long term partially incapacitated workers to a standard which more closed reflects interstate and national practice. Specific transitional provisions in this Bill are designed to protect benefit levels of existing claimants on the scheme, but to allow existing workers with total incapacity to access the Government's proposed higher benefit level entitlements.

Additional policy issues which this Bill specifically addresses include rehabilitation and return to work plans, medical and para medical costs, medical protocols, legal costs and employer fraud and levy underpayment. These additional policy issues improve the balance of the overall package of reforms being proposed by the Government.

Importantly, the Government's objective is to ensure that the WorkCover scheme will still achieve targeted cost savings and alleviate its financial haemorrhaging and avoid the need for further levy rate increases.

The introduction of the Bill is a further important step in bringing about a balanced, fair and affordable WorkCover system for South Australia.

As outlined in the second reading speech to the 1994 Bill, 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.

The Government formally acknowledges the assistance of all interested 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 which has now given rise to the introduction of this Bill.

I commend the Bill to this Parliament and seek leave to have inserted in Hansard Parliamentary Counsel's detailed explanation of the clauses without my reading it.

Explanation of Clauses

Clause 1: Short title

Clause 1 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. 2—Objects of Act

It is necessary to amend section 2(2) of the Act to extend the operation of this section to persons exercising administrative powers, especially in view of proposed reforms relating to Review Officers.

Clause 4: Amendment of s. 3—Interpretation

This clause relates to new definitions required on account of this Bill.

Clause 5: Substitution of s. 6

This clause will revise the rules as to the territorial application of the Act. The key will be whether or not there is a nexus between the worker's employment and the State. There will be a nexus if *(a)* the worker is usually employed in this State and not in any other State; *(b)* the worker is usually employed in two or more States, but is based in this State; or *(c)* the worker is not usually employed in any State (as defined), but is employed (for some time) in this State or has a base in this State and is not covered by a corresponding law. A worker will be usually employed in a particular State if 10 per cent or more of his or her time in employment is (or is to be) spent working in the State.

Clause 6: Amendment of s. 28—Rehabilitation advisers

The amendment protects the confidentiality of statements made by or to a rehabilitation adviser about a worker.

Clause 7: Insertion of new s. 28A

These provisions give statutory recognition to rehabilitation and return to work plans. A plan must be prepared if the worker is (or is likely to be) incapacitated for work for more than three months. Consultation will occur with the worker and the relevant employer. A plan will be reviewable. Rehabilitation programs and plans will need to comply with prescribed standards.

Clause 8: Substitution of s. 30A

The relevant section of the Act will now relate to an illness or disorder of the mind, not simply one caused by stress.

Clause 9: Amendment of s. 32—Compensation for medical expenses

These amendments relate to compensation for medical costs under section 32 of the Act. New provisions provide for the prescription of scales of costs that will be binding on providers of medical services and for the prescription of treatment protocols for particular disabilities. Any prescribed scale of costs must be based on the average charge to private patients for the relevant service, not exceeding the amount recommended by the relevant professional association.

Clause 10: Amendment of s. 35—Weekly payments

These amendments relate to the factors to be taken into account in assessing the compensation payable to a partially incapacitated worker.

Clause 11: Amendment of s 36—Discontinuance of weekly payments

These amendments relate to the circumstances where payments may be discontinued. The provisions will now recognise an obligation of mutuality on the part of a worker (*ie* generally an obligation to comply with the Act and to maximise his or her opportunities for rehabilitation and return to work).

Clause 12: Repeal of s 37

Section 37 is repealed in consequence of the earlier amendments to section 36.

Clause 13: Amendment of s. 38—Review of weekly payments

The clause revises the circumstances where periodic reviews of weekly payments will occur. A review must occur in the second year of incapacity, and in each subsequent year.

Clause 14: Amendment of section 39—Economic adjustment of weekly payments

A notice under section 39 will need to be in a prescribed form.

Clause 15: Amendment of s 40—Weekly payments and leave entitlements

This amendment is intended to prevent double dipping. If a worker receives weekly payments for 52 weeks incapacity, the employer's annual leave obligations are taken to have been discharged.

Clause 16: Amendment of s. 41—Absence of worker from Australia

A notice under section 41 of the Act will need to be in a form prescribed by the regulations.

Clause 17: Substitution of section 42

The clause provides for the redemption of liabilities to make weekly payments or to reimburse medical expenses.

Clauses 18 and 19

These clauses make consequential amendments to the numbering of the principal Act.

Clause 20: Amendment of s. 46—Incidence of liability

An employer will now become liable for the first two weeks of payments of weekly compensation. This clause also repeals various provisions relating to payments of compensation by employers on behalf of the Corporation. These provisions have never been applied.

Clause 21: Amendment of s. 52—Claim for compensation

This amendment relates to the medical certificate that must accompany an application for compensation. The medical expert will now be required to declare whether he or she has personal knowledge of the workplace and whether the expert has discussed the worker's return to work with the employer.

Clause 22: Amendment of s. 53—Determination of claim

A new provision to be inserted in section 53 of the Act will require the Corporation to investigate a matter raised by an employer when a claim is lodged under the Act.

Clause 23: Amendment of s. 58B—Employer's duty to provide work

This provision requiring the employer to reemploy a disabled worker will not apply if the worker has left the employment or, if the employer employs less than 10 employees, where the worker has been away from work for more than 1 year.

Clause 24: Insertion of s. 58C

New section 58C will require an employer to give 28 days notice of a proposed termination of employment of a worker who has suffered a compensable disability. Certain exceptions will apply, including that the termination is on the ground of serious and wilful miscon-

duct, or that the worker's rights to compensation have been exhausted.

Clause 25: Insertion of section 62A
This section provides for an appeal to the Minister against a decision by the Corporation about whether an employer is entitled to exempt status under the Act.

Clause 26: Amendment of s 63—Delegation to exempt employer
This clause makes consequential amendments to the list of delegated powers and functions.

Clause 27: Amendment of s 64—The Compensation Fund
This clause provides for the review, conciliation and appellate system to be funded from the statutory Compensation Fund.

Clause 28: Amendment of s 67—Adjustment of levy in relation to individual employers
This suggested amendment provides for reduction of levy to employers who take part in rehabilitation and return to work programs by providing employment for disabled workers.

Clause 29: Insertion of s. 69A
This will allow the Corporation to defer the payment of a levy by an employer in certain cases.

Clause 30: Insertion of s. 107A
The Corporation will be required to provide an employer with reports on request. A request will need to be accompanied by the prescribed fee.

Clause 31: Amendment of s. 109—Worker to be supplied with copy of medical report
The Corporation or an employer must forward reports from a medical expert to the worker. It is intended to require that the report be so forwarded within seven days.

Clause 32: Amendment of s 120—Dishonesty
The provision for dishonest practices is to be revised and the penalty increased.

Clause 33: Amendment of Schedule 3
This removes the provision of the Schedule providing lump sum compensation for loss of sexual capacity.

Clause 34: Transitional provisions
This clause sets out the transitional provisions that are to apply on account of the enactment of this measure.

Clause 35: Insertion of schedules
Schedule 1 makes amendments to the *Parliamentary Committees Act 1991* to establish a new committee on occupational safety, rehabilitation and compensation.

Schedule 2 makes an amendment to the *WorkCover Corporation Act 1994* to limit the life of a regulation authorising a contract or arrangement under section 14(3) of the Act (for the contracting out of certain functions of the Corporation).

The Hon. D.S. Baker interjecting:

Mr CLARKE (Deputy Leader of the Opposition): Hark! I hear the member for MacKillop uttering a cry. Well, that is tough luck, because the Opposition will make a second reading speech with respect to this matter, and if it means you stay here a little longer—

Members interjecting:

The SPEAKER: Order!

Mr CLARKE: —you will do so. The more the member for Norwood interjects, the more I will take great delight—

Mr Buckby interjecting:

The SPEAKER: Order! The member for Light. The hour is getting late. I anticipate that members would not unduly want to keep the House sitting. I suggest that they pay attention and allow the Deputy Leader of the Opposition to make his remarks without further interruption.

Mr CLARKE: Thank you, Mr Speaker, and I would also remind the member for Norwood that I have unlimited time and I will be only too delighted to exercise my right.

Mr Cummins interjecting:

The SPEAKER: Order! I warn the member for Norwood; he will not continue to interject in complete defiance of a ruling of the Chair.

Mr Cummins interjecting:

The SPEAKER: Order! I warn the member for Norwood for the second time. The Chair is fair dinkum. I have already pointed out to members that, if the unruly behaviour continues, perhaps they would like to cool off for half an hour. I will adjourn the House until the ringing of the bells. The Chair will not have any more disruption or that course of action will be taken.

Mr CLARKE: Thank you, Mr Speaker. I can well understand the angst of the member for Norwood on this piece of legislation, because the Bill that is now before us has been subject to quite a bit of debate in the Legislative Council. I appreciate that members have been here a long time, and I will not unduly take up more of that time than is necessary; however, I want to point out a number of salient facts. First, this Government has suffered a substantial defeat with respect to its so-called WorkCover reforms, brought about overwhelmingly by its own tactics.

An honourable member interjecting:

Mr CLARKE: Yes; amendments have been made to the existing legislation, and I will deal with that and our disappointment with some of the amendments a little later. However, the Government cannot hide the fact that this is a substantial defeat for it. I would like to thank the Minister for Industrial Affairs.

Mr BRINDAL: Mr Speaker, I rise on a point of order, Sir. I seek a ruling on whether the Deputy Leader is allowed to refer to debate in another place in the context of this debate.

The SPEAKER: Order! In view of the fact that we are expediting this debate and we have suspended Standing Orders, the Chair will allow the Deputy Leader considerable latitude, as he is the lead speaker. The member for Unley is technically correct.

Mr CLARKE: As you pointed out, Sir, I seek some latitude because the Opposition has helped facilitate this debate to have the whole matter resolved by Easter, rather than having all the oncers opposite come along next week, after Easter, to resolve the WorkCover debate. If that is the gratitude the Government will extend (and I do not include the Minister in this instance but his backbenchers) then I as the Deputy Leader of the Opposition will reconsider those acts of grace and favour that we have afforded the Government on this occasion.

I pay tribute to the Minister for Industrial Affairs on this matter of workers compensation. I did not believe it possible that, in the short time the Minister has been in Government, and as a direct result of his intervention in industrial relations, we would witness a flight by some tens of thousands of workers from the State system to the Federal system, so that by the time the next election comes along he will be a Minister for Industrial Affairs in name only. He will have influence over four fifths of five eighths of very little of the work force in this state who will overwhelmingly be under the Federal award system.

With respect to the workers compensation matters, the Minister introduced a Bill prior to Christmas on the assumption that, if he rolled up with a big enough tank and enough brigades and battalions behind him, he could force and batter those amendments through the Parliament by sheer weight of numbers and bravado. The Minister overwhelmingly miscalculated, but I do not blame just the Minister, because he is part of Cabinet solidarity and likewise with respect to his minions on the back bench who obviously supported his processes and strategy, which was to roll up the big battalions and the tanks to try to force their way through.

I thank the Minister for that, because for the first time in very many years in this State it galvanised all the workers of the State into realising the dangers that the Government's

original Bill and the second Bill posed to the rights of the long-term injured worker. No matter how it was dressed up, it meant the gutting of the workers compensation system in South Australia as we know it. It would have meant the wholesale destruction of families in the sense that they would have lost their livelihoods and their homes because they would have been thrown onto the social security scrap heap after 12 months under the original Bill and after two years under the second Bill, which is currently before us. Very few Ministers of the Crown at either State or Federal level, by their single minded action and on a day when it is over 100° Fahrenheit, are able to get 15 000 workers on the steps of Parliament House protesting against the changes to workers compensation.

Members interjecting:

The SPEAKER: Order!

Mr CLARKE: One of the silliest remarks I have ever heard in this House was when, on the day that that protest rally took place, the Minister said that only 3 per cent or 5 per cent of the unionised work force turned up at the rally. His remarks did two things: first, they confirmed that, indeed, 15 000 workers were out the front of Parliament House; and, secondly, it sent a shiver up every boss's spine who had a unionised work force, because the Minister invited a wholesale stop work of all unionists to attend the rally with a loss of production and profitability at the employer's workplace.

So, if the Minister wants to make those sorts of utterances again, by all means let him do so. As the trade union movement demonstrated on 15 January this year, if it comes to rolling out the battalions and the numbers, the trade union movement and the workers can do it handsomely. If you want to invite 100 per cent participation by the unionised work force, by all means do so; we will have a good stoppage and you will know all about it when they are outside on the steps of Parliament House.

In addition to that, what the Government sought to do was to please those who put them in power—the bosses. They were put into power to please their masters, the employers of this State. The employers of this State are extremely disappointed in this Minister and in this Government because he failed on every one of their counts. They wanted from this Minister an industrial relations system which would gut the award safety net. Instead, they have a flight of people from the State system to the federal award system. They wanted a workers' compensation system at rock bottom prices, the cheapest of that in any State in Australia. Because of the ham-fisted bungling by this Minister, in terms of his tactics, what do the bosses get out of it? Very little indeed, thank God, Mr Speaker.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: I will deal with those amendments later. They wanted huge slashes in the level of benefits payable, just so they could get down to the slum levels of Victoria and New South Wales, but they have failed to achieve that. Since the Minister has invited by way of interjection some further comment, yes, there have been losses to the workers of this State as a result of this legislation. There is no question about it. I am extremely disappointed with the decisions made by the Hon. Mr Elliott in another place; he saw fit to make changes of some significance to clause 35 of the Act. I note from the nodding of the Minister that he agrees with me that there are some significant changes with respect to clause 35. However, with respect to those amendments, it is not necessarily as clear as the Minister would like as to how the courts will actually interpret those words.

What the Hon. Mr Elliott has done is what his predecessor the Hon. Mr Gilfillan did with respect to previous legislation affecting workers' compensation. The Minister knows only too well from comments made by judges in the Supreme Court they have had a gutful of late night, last minute amendments to workers' compensation laws which have produced a hotchpotch of legislation, requiring extensive and lengthy litigation before the Supreme Court before some understanding of what the law is with respect to workers' compensation. So, what the Minister has done, in concert with the Hon. Mr Elliott with respect to clause 35 in particular—

Mr Evans: And the Democrats.

Mr CLARKE: And the Democrats, as the member for Davenport points out. He has created a set of words and, quite frankly, no-one really knows what they mean. All we know is they have obviously altered the meaning of clause 35, and as to what they will ultimately mean we will know only when the matter is tested in the relevant tribunals, up to the Supreme Court. The only winners out of that exercise will be the lawyers in the system, and no doubt the member for Norwood will find that highly attractive and influence him not to recontest the seat of Norwood in three years because he will be able to earn more money at the bar than he can as a member of Parliament. They are the only achievements that this Government has made.

Yes, there is a barrier that was not there prior to this legislation. I think it will be extremely difficult for both employers and employees who now may have to wait up to two years to have the Elliott amendments—if I can use that description—arbitrated in the Supreme Court to determine what they actually mean. What the Democrat amendment does mean is that the bosses will be going through their computer lists, virtually from tomorrow, to find every worker who has been on WorkCover for two years and one minute past midnight, and they will be sending out notices to everyone of those poor sods who has been injured in the course of their employment, scaring the daylights out of those workers and their families.

They will now have to prove that they are entitled to remain on workers' compensation and they will inevitably end up having to go through the appeal processes to the Supreme Court. In the meantime, all it will mean to those workers and their families is a great deal of agony and worry as to whether they will be able to maintain the payments on their house and whether they will be able to maintain their kids at school or in an acceptable form of living. They will have to wait for the Supreme Court to determine what the Hon. Mr Elliott actually means.

Having listened to the debate in the Legislative Council, I was appalled in some instances as to the absolute ignorance on the part of some members of the Legislative Council, all of whom (I might add) happen to be members of the Liberal Party (but in some instances with respect to the Hon. Mr Elliott); I was appalled about their lack of understanding of some of the key points of the legislation which they have just enacted. What this Government has not taken into account is the impact of workers' compensation, the rights of workers and the impact on those injured workers and their families. When I think about some of the people who come through my door as constituents, I am outraged. I get hundreds of phone calls for my sins as the shadow spokesperson for industrial affairs; I tend to get every phone call imaginable, particularly from Labor voters in Liberal electorates who want to approach me on workers' compensation—

Mr Becker interjecting:

Mr CLARKE: And from a number of people who had voted Labor, I might add, as the member for Peake interjected, but who voted Liberal at the last election and certainly will not be doing so at the next election. They have learnt from bitter experience, particularly with this legislation, what a Liberal Government actually produces. Notwithstanding the Hon. Mr Elliott's amendments with respect to this matter, I repeat for the sake of brevity the failures of this Minister and his legislation: he failed to cut weekly income entitlements; he failed to place a lower cap on entitlements for injured workers; he failed to delete regular overtime and penalties from the calculation of entitlements; and he failed to cut lump sum payments for workers with permanent disabilities. More importantly, an independent review system still remains within the WorkCover system. That is an extremely important point. As we know—

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: The Minister interjects, 'Let's see in six weeks.' Yes, Minister, we will see in six weeks. I can tell you that in six weeks, if you want to put up the same sort of slipshod, rough, gutted legislation that you introduced with respect to the review system on your first and second attempts, you will meet the same sort of resistance from the Labor Party as you have experienced over the past six months. You may laugh, because you have 36 and we have 11 members, but the Liberal Party has never been able to assemble 15 000 workers outside the front steps of Parliament House in support of any of its legislation. They could not product 500 bosses on the steps of the—

Members interjecting:

Mr CLARKE: There is a point that—

Members interjecting:

The SPEAKER: Order!

Mr CLARKE: There is a point that all of you oncers in the Liberal Party have to understand.

Members interjecting:

The SPEAKER: Order!

Mr Condous interjecting:

The SPEAKER: Order! The member for Colton is out of order. The honourable Deputy Leader of the Opposition.

Members interjecting:

Mr CLARKE: No, I'm just getting worked up.

Mr Brindal: This is your first time here, too.

The SPEAKER: Order!

Mr CLARKE: I am being intimidated by the craven for Unley. What all the oncers in the Liberal Party fail to appreciate in their deliberations on this legislation and when they deal with real issues affecting people, whether it be health, education or workers' compensation, is that there are a hell of a lot more workers who vote at elections than there are bosses. There are a hell of a lot more workers than there are bosses.

The Hon. M.D. RANN: I rise on a point of order, Mr Speaker. In view of the persistent interjections from the rather tired and somewhat emotional member for Colton, I think that he should at least be told to relax—to take a Bex and have a lie down.

The SPEAKER: Order! The Chair has asked on two previous occasions for members to cease interjecting and not unduly delay the debate. I suggest that if this unruly behaviour continues, we will have a cooling off period while members reflect on their conduct. The Deputy Leader of the Opposition.

Mr CLARKE: Thank you for your protection, Sir. Getting back to this committee, and in particular the comments made by the Minister, as is or should be well known the Government did not persist with its legislation with respect to the review processes because an informal committee, not a committee of the Parliament, is to be established which will have representatives of the ALP, the Democrats, the Liberal Party, presumably the Minister, representatives of the employers chamber, who call the shots so far as this Government is concerned, and representatives of the United Trades and Labor Council of South Australia.

Mr Caudell interjecting:

Mr CLARKE: The member for Mitchell interjects that it calls the shots. That is far from accurate, because the Labor Party is part and parcel of the union movement. We have never been ashamed of that. It is a historical fact of which we are extremely proud. The object behind the proposed committee is that it will consider matters in a dispassionate manner. I am a dispassionate man when it comes to these issues, unlike the Minister. I hope that, over these several weeks when we will be discussing the review system, we will consider it objectively. We in the Labor Party are interested in ensuring that the review system is fair and readily accessible to employers and employees and that the rules of natural justice apply in all respects. I believe that it should be done as quickly and as cost efficiently as is practicable within those essential parameters. We on the Labor Party side pledge to work in that cooperative spirit. But if the Minister just thinks—

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: The Minister interjected that in six weeks the review system will be over. That is before we have had our first meeting and called our first witness. If this is the sort of kangaroo court type of approach that this Minister wants to adopt in our investigation of the review system, it is doomed to failure, and any of the so-called reforms on review that the Government wants to introduce will ultimately fail. I trust that it was in the normal banter and exchange across the Chamber that he made that comment, but I do take it seriously. When the agreement was entered into yesterday between all the parties, I accepted the Minister's word. I have been warned by members on my side that I should not take the word of the Minister for Industrial Affairs on these issues.

However, I have said to those doubting Thomases that I have dealt with the Minister for Industrial Affairs and that, whilst I have disagreed with him from time to time on various issues, if he gives me his word that we will look into this issue on the basis of trying to arrive at legislation on a consensus basis, I will accept it. The words put to him by the Hon. Mr Roberts at that meeting were that we would try to arrive at a consensus piece of legislation in this area. On the basis that the rights of workers with respect to review of matters in dispute will be no less than they already enjoy, although the procedures may be different, we said, 'Yes, we will make a genuine effort to try to achieve a system which works.'

Ultimately, it is not just in the Opposition's favour but it is in the whole community's favour to have a review system which is workable, cost efficient and, above all, fair and equitable to all the party principals who appear before it. That is the objective that we shall be seeking to achieve. I trust that the Minister will have a similar objective with respect to this matter and not just take it as an exercise of trying to save face because he knew that he would be rolled in another place on this issue and this is a breathing space of several weeks for

him to try to bring back legislation and convert the Hon. Mr Elliott to his point of view. If that is the Minister's objective, I doubt whether he will succeed, because I do not think that the Hon. Mr Elliott will fall for it.

Mr Venning interjecting:

Mr CLARKE: The member for Custance interjects about 62 per cent of the people. I know that in his electorate it is 62 per cent of the people and probably 99 per cent of the sheep who voted for him, and the only intelligent ones in his electorate would be the 1 per cent of sheep who did not vote for him. The Minister is giving me the winding-up sign. I said that I would try to contain my remarks, and I will close them in the next couple of minutes.

Mr Brokenshire interjecting:

Mr CLARKE: The member for Mawson says that it is a slur.

Mr Brokenshire interjecting:

Mr CLARKE: The member for Mawson interjects about the people who voted for me. The majority voted for me, so I am here and I shall be here for a long time, whereas a number of Liberal members will merely be photographs on the wall, including the member for Norwood. You have got your photograph on the wall, and that is about all you will get over the next couple of years.

We will oppose this legislation. In the interests of time, we will not call for a division on the second reading of the Bill. We will not call for divisions on the clauses in Committee, because clearly this matter has been tested in this House before and the numbers are against us. However, we will oppose the third reading of the legislation and will call for a division because, when we went before the workers of South Australia at the last election, which we lost, and since on the steps of Parliament House on 15 February, we said that we would vote against any reduction in the level of benefits to the workers of this State. We will honour our pledge. Unlike the Liberal Party, which went to the election in 1993 with a pledge not to reduce benefits for injured workers, we do not rat on our word to the workers of South Australia. We will oppose this legislation to the bitter end and any subsequent legislation of a similar ilk that the Government might bring in.

I think it was Churchill who, after the Battle of Britain, said, 'It is not the beginning of the end; it is the end of the beginning.' They are appropriate words for the Minister and his oncers to consider, because it is the end of the beginning of their term of office in this Parliament and it is the end of the beginning of the Brown Government, because they have mobilised people they never dreamt of. We will pursue you to the ends of the earth to defeat you at the next election and every subsequent election. I shall take great pleasure in campaigning in the marginal seats of all those members who vote for this lousy piece of legislation and support its principle, in particular, the member for Norwood, to see that they are drummed out of this House.

The Hon. G.A. INGERSON (Minister for Industrial Affairs): I assume that the insults and the threats are basically because of too much red wine.

Mr CLARKE: I ask the Minister to withdraw those comments. That is an imputation which has no foundation in fact at all and, quite frankly, is unbecoming of the Minister.

Mr Ashenden interjecting:

The SPEAKER: Order! The member for Wright will come to order.

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: I did say that I assumed that that was the case. If the Deputy Leader says that it was not due to red wine, I just have to assume—

Mr Cummins interjecting:

The Hon. G.A. INGERSON: Can you just let me finish?

The SPEAKER: Order!

The Hon. G.A. INGERSON: I assume his bad manners and ignorance are due to his union training. It could not possibly be due to anything else. Anyone who comes into this place and says, 'I'm going to stand over everyone and, if I don't stand over you, I'll whack you over the ear', should have been in the Legislative Council a few minutes ago to see how incompetent the Labor members were—so incompetent that they had to run to their union lackeys in the gallery to be told—

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: —what they had to say.

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: It was absolutely unbelievable.

The SPEAKER: Order! The sitting of the House will be suspended for 10 minutes.

[Sitting suspended from 11.11 to 11.21 p.m.]

The Hon. G.A. INGERSON: As I was saying, it is an insult to this Parliament that the Deputy Leader should get up here and talk about the role of the Liberal Party in the other place when, as I said, Labor members, on every second amendment—because they did not understand what their mates in the gallery had written for them—had to go and ask the union member, 'Can you tell me what this is all about?' And the union member would say, 'If you can't understand what it's all about just come up again and we'll tell you.' The Deputy Leader's insult about the Liberals made the Labor Party look like an absolute joke.

This substantial defeat that the Deputy Leader talked about is interesting. There is an estimated saving of somewhere between $40 million and $50 million. It is worth reading to the House what this substantial defeat is all about. This is what will be gained if this Bill passes:

> All WorkCover claims will be managed by private insurance companies and not by WorkCover. Benefits for long-term injured workers, especially those with low disability levels will be reviewed and reduced where those workers have a capacity for alternative work.

That is called the second year review and, while we are on that matter, I think it is important to refer to the criticism of the Gilfillan Bill. Going through some records in my office the other day, I found that the person who wrote this particular amendment happened to be a gentleman by the name of Les Wright. It was not Mr Gilfillan; it was Les Wright. This amendment, which has been criticised by the Labor Party, was written by Les Wright. Do members opposite know what the memo said? It referred it to the previous Minister, Minister Gregory, recommending that it be implemented.

The very amendment that has been criticised by Labor was drawn up by Labor to be implemented by Labor, and do members know why they did not do it? They did not do it because their union mates vetoed it. Their union mates would not let them introduce it in Parliament.

Mr FOLEY: I rise on a point of order, Mr Speaker. I am sitting back trying to listen to this debate and I am having difficulty hearing the Minister. Could I listen in silence?

Members interjecting:

The SPEAKER: Order! I suggest to members that they listen to the Minister and not continue to unnecessarily interject, or the Chair will take other action. The House has already been suspended for 10 minutes. I anticipate that members would not like a half an hour break. The honourable member for Spence.

Mr ATKINSON: Sir, much as your decision to suspend the House seemed to be wise, I was wondering under which Standing Order it was taken.

The SPEAKER: Standing Order 140, on page 33 of the Standing Orders.

The Hon. G.A. INGERSON: I thought it was important to point out who wrote this mischievous amendment. It happened to be Les Wright, Chairman of WorkCover, assistant to the then Minister of Labour. He recommended it to the Labor Party but his mates would not let him put it in. He knew that that amendment had to go in. He knew that it was one of the most important changes that had to happen. I remember when I first came into this place early in 1986, when the original Bill was debated, and the member for Giles, who was then handling the Bill told this House, 'If there is ever an issue in relation to second year review I will bring an amendment into this House and fix it up because it is an absolutely critical part of the Bill.' Very interesting, isn't it!

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: It is very interesting, isn't it! There is all this criticism of a second year review, when the Labor Party knows that it is a most important amendment that has to go in. Fancy giving all the credit to Mr Gilfillan when it was the Labor Party that drew it up! The Deputy Leader proudly said that thousands of members were leaving the State industrial system. Perhaps the House would like to know that 4 000 have left the State system and 200 000 employees are covered by that system.

Mr Clarke interjecting:

The Hon. G.A. INGERSON: I repeat that 4 000 have actually left. Here he goes again: the retail industry has not even left now. It has a case before the industrial system now that still has not been resolved.

Mr Clarke interjecting:

The Hon. G.A. INGERSON: The orderlies have not gone yet either, and I am sure that a deal will be done in the next few days that will make even your red face look redder than it has ever been.

Members interjecting:

The SPEAKER: Order! The Deputy Leader of the Opposition has made a remark which is unparliamentary and unnecessary, and I ask him to withdraw it.

Mr CLARKE: In deference to the mongrel I will withdraw it.

The SPEAKER: Order! I name the Deputy Leader of the Opposition for defiance of the Chair.

Members interjecting:

The SPEAKER: Order! I have named the Deputy Leader of the Opposition.

Members interjecting:

The SPEAKER: The Leader of the Opposition is out of his place. Does the Deputy Leader of the Opposition wish to be heard on an explanation or apology?

Mr CLARKE: Yes, Sir. Notwithstanding the fact that only a few weeks ago the Premier's calling the Leader of the Opposition a squealing little rat was apparently a parliamentary term, Sir, in deference to your high office I will withdraw my statement that the Minister for Industrial Affairs is a mongrel.

Members interjecting:

The SPEAKER: The conduct of the Deputy Leader is completely unparliamentary and the Chair will not accept the explanation.

The Hon. M.D. RANN: I rise on a point of order. For clarification and for the peace of mind of all members of this House, can you please explain why there was no pulling up of the Premier when he called me a 'squealing little rat'? What is the difference?

The SPEAKER: Order! The Leader of the Opposition—

Members interjecting:

The SPEAKER: Order! The Leader of the Opposition is aware that, if any honourable member takes exception to a comment, that comment has to be dealt with forthwith.

Mr Clarke: He never complained.

The SPEAKER: Order! That particular comment has to be dealt with forthwith. I have named the Deputy Leader of the Opposition; he was given the opportunity to explain and apologise, but the Chair is not prepared to accept the apology. The honourable Premier.

The Hon. DEAN BROWN (Premier): I move:

That the Deputy Leader of the Opposition be suspended from the sittings of the House for one day in compliance with Standing Orders.

The SPEAKER: Order! The Standing Orders provide that the honourable member has to be suspended for more than one day because it is his second offence during this session.

The Hon. DEAN BROWN: In that case, I move:

That the Deputy Leader of the Opposition be suspended from the sittings of the House for three days in compliance with Standing Orders.

In moving this motion, I think it is most unfortunate that the honourable member, simply because he feels strongly about—

The SPEAKER: Order! There is to be no debate.

Question—'That the motion be agreed to'—declared carried.

Mr CLARKE: Divide!

While the division was being held:

The SPEAKER: There being only one honourable member on the side of the Noes, without completing the division, I declare that the motion is agreed to; the Deputy Leader is suspended for three days.

Motion carried.

Mr ATKINSON: I rise on a point of order. How will this suspension be applied? Will it apply when the House resumes in June and, if so, for which sitting days in June will it apply? How will it apply to the Deputy Leader's access to the Parliament?

Members interjecting:

The SPEAKER: Order! The suspension will apply to the remainder of today's sitting and the first two sitting days in May. The honourable member should look at the Standing Orders in relation to the other question he raised.

The Hon. DEAN BROWN (Premier): I move:

That Standing Orders be so far suspended as to enable the House to sit beyond midnight.

Motion carried.

The Hon. G.A. INGERSON: In summary, I would comment—

Members interjecting:

The SPEAKER: Order! There is too much conversation. I suggest that members take their places and allow the Minister to proceed.

The Hon. G.A. INGERSON: We have been able to negotiate significant changes to the reform process in this area because of the support we have had in the Legislative Council. It is important to record that about $40 million to $60 million of changes will take place as a result of the reform process.

Bill read a second time.

In Committee.

Clauses 1 to 27 passed.

Clause 28—'Adjustment of levy in relation to individual employers.'

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

To insert clause 28.

The Bill has come from the Legislative Council. This clause is in erased type and is not formally part of the Bill and I request that it be inserted.

Clause inserted.

Remaining clauses (29 to 34), schedules and title passed.

Bill read a third time and passed.

ROAD TRAFFIC (BLOOD TEST KIT) AMENDMENT BILL

Received from the Legislative Council and read a first time.

CONSTRUCTION INDUSTRY LONG SERVICE LEAVE (MISCELLANEOUS) AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 2, line 19 (clause 3)—After 'transmission' insert 'or distribution'.

No. 2. Page 14, line 29 (clause 22)—After 'that form of employment' insert 'with the same employer'.

Consideration in Committee.

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

That the Legislative Council's amendments be agreed to.

Motion carried.

PIPELINES AUTHORITY (SALE OF PIPELINES) AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1 (clause 5)—After line 25 insert new definition as follows:

'adjustment period' means a period commencing on the commencement of Part 4 and ending on a date fixed by proclamation;'.

No. 2. Page 2 (clause 5)—After line 17 insert new definition as follows:

'outlying land' in relation to a pipeline, means all land that is outside the boundaries of the servient land but within 5 kilometres of the centre line of the pipeline (measured in a horizontal plane to each side of the centre line at right angles to the centre line);'.

No. 3. Page 5, lines 2 to 5 (clause 10)—Leave out paragraph (a) and insert new paragraph as follows:

'(a) the Minister may, by instrument in writing signed before the end of the adjustment period, vary the boundaries of the statutory easement (with retrospective effect so that the statutory easement is, on its creation, subject to the variation) to avoid conflicts (or possible conflicts) between the rights conferred by the easement and other rights and interests; and'.

No. 4 Page 5, lines 18 and 19 (clause 10)—Leave out 'land outside the boundaries, but within five kilometres, of the servient land ('outlying land')' and insert 'outlying land'.

No. 5 Page 6, line 14 (clause 10)—After 'other land' insert 'on either side of the pipeline'.

No. 6. Page 6, lines 33 to 35 (clause 10)—Leave out paragraph (b) and insert new paragraph as follows:

'(b) rights related to the pipeline subject to Pipeline Licence No. 2 under the Petroleum Act 1940 are preserved but the preserved rights do not limit or fetter the following rights under the statutory easement—

(i) the right to maintain a designated pipeline (and associated equipment) in the position in which it was immediately before the commencement of this part; and

(ii) the right to operate the pipeline (and associated equipment); and

(iii) the right to repair the pipeline or associated equipment or replace it with a new pipeline or new associated equipment in the same position; and'.

No. 7. Page 8, line 4 (clause 10)—After 'land' insert 'or other property'.

No. 8. Page 8, lines 7 and 8 (clause 10)—Leave out paragraph (b) and insert new paragraph as follows:

'(b) to avoid unnecessary interference with land or other property, or the use or enjoyment of land or other property, from the exercise of rights under the statutory easement.'

No. 9. Page 10 (clause 10)—After line 11 insert new sections as follow:

Industries Development Committee to be informed of proposed sale contract

33A.(1) Before the Treasurer executes a sale contract, the Treasurer must brief the members of the Industries Development Committee (the 'Committee') on the terms and conditions of the proposed agreement and, if possible, must attend a meeting of the Committee (to be convened on not less than 48 hours notice) for the purpose of giving the briefing or answering questions on written briefing papers.

(2) Members of the public are not entitled to be present at a meeting of the Committee under this section.

(3) A person who gains access to confidential information as a direct or indirect result of the Treasurer's compliance with this section must not divulge the information without the Treasurer's approval.

Maximum penalty: Division 4 fine.

(4) Section 20[1] of the Industries Development Act 1941 does not apply to proceedings of the Committee under this section.

(5) Non-compliance with this section does not affect—

(a) the validity of anything done under this Act; or

(b) the validity or effect of sale agreement.

[1]Section 20 of the Industries Development Act 1941 confers on the Committee (subject to certain qualifications) the powers of a Royal Commission of Inquiry.

Auditor-General to be kept informed of negotiations for sale agreement

33B. The Treasurer must ensure that the Auditor-General is kept fully informed about the progress and outcome of negotiations for a sale agreement under this Act.

No. 10. Page 10, lines 34 and 35(clause 10)—Leave out subsection (1) and insert new subsection as follows:

(1) The Minister may grant the Authority a lease (a 'pipeline lease') of land of the Crown over which a leasehold interest had been created (in favour of the Authority or some other person) before 1 July 1993.

No. 11. Page 11 (clause 10)—After line 27 insert new subsection as follows:

(11) The rights conferred by a pipeline lease, or by this section, on the holder of a pipeline lease, are subordinate to rights relating to the pipeline subject to Pipeline Licence No. 2 under the Petroleum Act 1940.

No. 12. Page 12, lines 10 to 12 (clause 10)—Leave out subsection (2).

No. 13. Page 12 (clause 10)—After line 15 insert new section as follows:

Minister's power to qualify statutory rights

38A. The Minister may, by instrument in writing signed before the end of the adjustment period, limit rights, or impose conditions on the exercise of rights, over land outside the servient land arising under—

(a) a statutory easement; or
(b) a pipeline lease; or
(c) a provision of this Act.

No. 14. Page 12, line 26 (clause 10)—Leave out 'operate a pipeline' and insert 'operate a designated pipeline'.

No. 15. Page 12, lines 36 to 38 (clause 10)—Leave out section 41 and insert new section as follows:

Exclusion of liability

41. The creation of a statutory easement, or the grant of a pipeline lease, under this Act does not give rise to any rights to compensation beyond the rights for which specific provision is made in this Act.

No. 16. Page 15, line 2(clause 10)—After 'regulations' insert 'and proclamations'.

No. 17. Page 15 (clause 10)—After line 4 insert new subsection as follows:

(3) A proclamation cannot be amended or revoked by a later proclamation unless this Act specifically contemplates its amendment or revocation.

No. 18. Page 16 (clause 12)—After line 13 insert subsection as follows:

(6) This section is subject to any contrary provisions made by statute or included in a licence.

No. 19. Page 16, lines 28 to 32(clause 12)—Leave out new section 80qb and insert new section as follows—

Separate dealing with pipeline

80qb. Unless the Minister gives written consent, a pipeline cannot be transferred, mortgaged, or otherwise dealt with separately from the pipeline land related to the pipeline, nor can pipeline land be transferred, mortgaged or dealt with separately from the pipeline to which it relates.

No. 20. Page 17 (clause 12)—After line 14 insert new section as follows:

Non-application to certain pipelines

80qd. Sections 80qa, 80qb, and 80qc have no application to the pipelines subject to Pipeline Licences Nos 2 and 5, or the pipeline land relating to those pipelines.

No. 21. Page 18, lines 34 to 36 (clause 12)—Leave out paragraph (b) and insert new paragraph as follows:

(b) entitled to a benefit under section 34 or 27 (as may be appropriate) of the Superannuation Act 1988 (as modified under subsection (6)); and.

No. 22. Page 18, lines 39 to 43, page 19, lines 1 to 5 (clause 12)—Leave out subsections (3) and (4) and insert new subsections as follow:

(3) Where an old scheme contributor who is a transferring employee and who has reached the age of 55 years as at the transfer date dies after the transfer date, a benefit must be paid in accordance with section 38 of the Superannuation Act 1988 (as modified under subsection (6)).

(4) Where a new scheme contributor who is a transferring employee and who has reached the age of 55 years as at the transfer date dies after the transfer date, a benefit must be paid in accordance with section 32 of the Superannuation Act 1988 (as modified under subsection (6)).

No. 23. Page 19, lines 10 to 18 (clause 12)—Leave out subsection (6) and insert new subsection as follows—

(6) For the purposes of subclauses (2), (3) and (4)—

(a) the item 'FS' wherever appearing in section 32(3) and 34 of the Superannuation Act 1988 has the following meaning:

FS is the contributor's actual or attributed salary (expressed as an amount per fortnight) immediately before the transfer date adjusted to reflect changes in the Consumer Price Index from the transfer date to the date of termination of the contributor's employment with the purchaser of nominated employer; and

(b) the item 'FS' wherever appearing in sections 27, 32(2), 32(3a), 32(5) and 38 of the Superannuation Act 1988 has the following meaning—

FS is the contributor's actual or attributed salary (expressed as an annual amount) immediately before the transfer date adjusted to reflect changes in the Consumer Price Index from the transfer date to the date of termination of the contributor's employment with the purchaser or nominated employer; and

(c) section 32(3a)(a)(i)(B) of the Superannuation Act 1988 applies as if amended to read as follows:

(B) an amount equivalent to twice the amount of the contributor's actual or attributed salary (expressed as an annual amount) immediately before the transfer date adjusted to reflect changes in the Consumer Price Index from the transfer date to the date of termination of the contributor's employment with the purchaser or nominated employer; and

(d) section 34(5) of the Superannuation Act 1988 applies as if amended to read as follows:

(5) The amount of a retirement pension will be the amount calculated under this section of 75 per cent of the contributor's actual or attributed salary (expressed as an amount per fortnight) immediately before the transfer date adjusted to reflect changes in the Consumer Price Index from the transfer date to the date of termination of the contributor's employment with the purchaser of nominated employer (whichever is the lesser).; and

(e) the expressions 'transfer date', 'purchaser', 'nominated employer' in the above provisions have the same meanings as in this Schedule.

No. 24. Page 19, line 27 (clause 12)—Leave out 'section' and insert 'clause'.

No. 25. Page 20, line 10 (clause 12)—After 'to preserve accrued benefits' insert '(and the relevant section will apply subject to this Schedule).'

No. 26. Page 20 (clause 12)—After line 27 insert subclause as follows:

(10) For the purposes of this clause—

(a) the items 'AFS' and 'FS' wherever appearing in sections 28(4), 28(5) and 39(3) of the Superannuation Act 1988 mean the contributor's actual or attributed salary (expressed as an annual amount) immediately before the transfer date adjusted to reflect changes in the Consumer Price Index from the transfer date to the date of termination of the contributor's employment with the purchaser or the nominated employer; and

(b) section 39(6)(b) of the Superannuation Act 1988 applies as if amended to read as follows:

(b) the contributor's actual or attributed salary for the purposes of calculating the pension were that salary immediately before the transfer date adjusted to reflect changes in the Consumer Price Index between the transfer da te and the date on which the pension first became payable;;

(c) the expressions 'transfer date', 'purchaser', 'nominated employer' in the above provisions have the same meanings as in this Schedule.

No. 27. Pages 21 to 24 (Schedule 3)—Leave out the Schedule and insert new Schedule as follows:

Schedule 3
Description and Map of Statutory Easements

	Width (m)	Start Point	End Point
Mainline (1)	18 12↑6[1]	Middle of the insulating joint at the outlet of Moomba Meter Station, situate within section 717, Out of Hundreds (Strzelecki), (M1)	Survey marker above the pipeline situate on the north-western boundary of allotment 1 (DP 25326)[2], Hundred of Munno Para, being south of the Gawler River. (M2)

Schedule 3
Description and Map of Statutory Easements

Mainline (2)	15 10↑5	Survey marker above the pipeline situate on the north-western boundary of allotment 1 (DP 25326), Hundred of Munno Para, being south of the Gawler River. (M2)	Survey marker above the pipeline situate on the south-eastern boundary of Part Section 3069 and the north-western boundary of Whites Road, suburb of Bolivar, Hundred of Port Adelaide. (M3)
Mainline (3)	18 12↑6	Survey marker above the pipeline situate on the south-eastern boundary of Part Section 3069 and the north-western boundary of Whites Road, suburb of Bolivar, Hundred of Port Adelaide. (M3)	Centre line of Mainline Valve No. 30 at the inlet to Torrens Island Meter Station, situate within section 453, Hundred of Port Adelaide. (M4)
Taperoo Lateral	15 7.5↑7.5	Tee on Mainline where the lateral to Taperoo branches off, situate within section 453, Hundred of Port Adelaide. (T1)	Centre line of 80 NB blow-off valve at the inlet to Taperoo Meter Station, situate within allotment 101 (FP 32808)[3]·Hundred of Port Adelaide. (T2)
Wasleys Loop (1)	25 16↑9	Face of flange at the upstream end of the isolating valve to the scraper launcher at the outlet of Wasleys Pressure Reduction Station, situate within allotment 2, (DP 15928), Hundred of Grace. (L1)	Survey marker above the pipeline on the southern boundary of allotment 2 (DP 19550) and the northern boundary of Stanton Road, suburb of Virginia, Hundred of Munno Para, being south of the Gawler River. (L2)
Wasleys Loop (2)	15 10↑5	Survey marker above the pipeline on the southern boundary of allotment 2 (DP 19550) and the northern boundary of Stanton Road, suburb of Virginia, Hundred of Munno Para, being south of the Gawler River. (L2)	Survey marker above the pipeline, situate on the western boundary of allotment 4 (FP 40178), Hundred of Port Adelaide, being on the east side of Bolivar Channel near St Kilda. (L3)
Wasleys Loop (3)	25 16↑9	Survey marker above the pipeline, situate on the western boundary of allotment 4 (FP 40178), Hundred of Port Adelaide, being on the east side of Bolivar Channel near St Kilda. (L3)	Centre line of Mainline Valve No. 31L at the inlet to Torrens Island Meter Station situate within section 453, Hundred of Port Adelaide. (L4)
Port Pirie Lateral	15 |5↑10|	Tee on Mainline where the lateral to Pt Pirie branches off situate within section 278, Hundred of Whyte. (P1)	Face of 80 NB flange at the inlet to Pt Pirie Meter Station, situate within closed road A (RP 7019)[4]—CT 4089/955, Hundred of Pirie. (P2)
Whyalla Lateral	25 17↑8	Centre line of blow-off valve at the outlet of Bungama Pressure Reduction Station, situate within allotment 3 (DP 24997), Hundred of Pirie. (W1)	Face of flange at the downstream end of the scraper receiver isolating valve at the inlet to Whyalla Meter Station situate within allotment 6 (FP 15068), Hundreds of Cultana and Randell. (W2)
Port Bonython Lateral	25 8↑17	Tee on Whyalla Lateral where the lateral to Pt Bonython branches off, situate within section 253, Hundred of Cultana. (Y1)	Centre line of the isolating valve at the inlet to Pt Bonython Meter Station, situate within section 239, Hundred of Cultana. (Y2)
Burra Lateral	15 7.5↑7.5	Tee on Mainline where the lateral to Burra branches off, situate within the road west of section 588, Hundred of Hanson. (B1)	Face of 50 NB flange at the inlet to Burra Meter Station, situate within allotment 2 (FP 1258), Hundred of Kooringa. (B2)
Peterborough Lateral	3 1.5↑1.5	Face of 80 NB flange at the outlet of Peterborough Meter Station, situate within allotment 11 (FP 34199), Hundred of Yongala. (E1)	Centre line of the isolating valve at the inlet to the Peterborough Power Station, situate within Kitchener Street, Peterborough township, adjacent to allotment 88 (DP 1050) Hundred of Yongala. (E2)
Mintaro Lateral	20 5↑15	Tee on Mainline where the lateral to Mintaro branches off, within allotment 3 (DP 12055) Hundred of Stanley. (01)	Centre line of the isolating valve at the inlet to the Mintaro Meter Station, situate within allotment 3 (DP 12055), Hundred of Stanley. (02)
Angaston Lateral (1)	15 4.5↑10.5	Tee on Mainline where the lateral to Angaston branches off in Wasleys Pressure Reduction Station, situate within allotment 2 (DP 15928), Hundred of Grace. (A1)	Survey marker above the pipeline situate on the north-western boundary of allotment 3 (DP 26607) and the south-eastern boundary of Seppeltsfield Road, Hundred of Nuriootpa. (A2)
Angaston Lateral (2)	12 3↑9	Survey marker above the pipeline situate on the north-western boundary of allotment 3 (DP 26607) and the south-eastern boundary of Seppeltsfield Road, Hundred of Nuriootpa. (A2)	Centre line of mainline valve at the inlet to Angaston Meter Station, situate within part section 67 (CT 3740/14), Hundred of Moorooroo. (A3)
Nuriootpa Lateral	5 3.5↑1.5	Face of 80 NB insulating flange at the outlet of the Nuriootpa Meter Station, situate within section 71, Hundred of Moorooroo. (N1)	Upstream face of the insulating flange adjacent to Nuriootpa township isolating valve, situate within the road adjoining Section 136, Hundred of Moorooroo. (N2)
Tarac Lateral	3 1.5↑1.5	Tee on Nuriootpa Lateral where the lateral to Tarac branches off, situate within the road adjoining Section 136, Hundred of Moorooroo. (R1)	Face of insulating flange at the inlet to Tarac Meter Station, situate within section 136, Hundred of Moorooroo. (R2)
Dry Creek Lateral	3 0.9↑2.1	Centre line of 300 NB underground valve at the outlet of Dry Creek Meter Station, situate within section 482, Hundred of Port Adelaide. (C1)	Downstream end of underground isolating valve in Dry Creek Power Station, situated within allotment 16 (FP 9554), Hundred of Port Adelaide. (C2)

Schedule 3
Description and Map of Statutory Easements

Safries Lateral	20 10↑10	Tee on Snuggery Lateral where the lateral to Safries branches off, situate within section 163, Hundred of Monbulla. (F1)	Face of flange at the downstream end of the isolating valve at the inlet to Safries Meter Station, situate within sections 423, Hundred of Penola. (F2)
Snuggery Lateral	20 8↑12	Face of insulating flange at the outlet of Katnook processing plant, situate within section 336, Hundred of Monbulla. (S1)	Face of flange at the downstream end of isolating valve of scraper receiver at inlet to Kimberly Clark Australia Meter Station, situate within allotment 50, (DP 31712), Hundred of Hindmarsh. (S2)
Mt Gambier Lateral (1)	20 12↑8	Tee on Snuggery Lateral at Glencoe Junction where the lateral to Mt Gambier branches off situate within allotment 11 (DP 31711), Hundred of Young. (G1)	Face of flange at the downstream end of the isolating valve of the scraper receiver at the inlet to Mt Gambier Meter Station, situate within allotment 1 (DP 31778), Hundred of Blanche. (G2)
Mt Gambier Lateral (2)	20 12↑8	Downstream end of tee at the outlet of Mt Gambier Meter Station, situate within allotment 1 (DP 31778), Hundred of Blanche. (G3)	Centre of the insulating joint where the responsibility for the gas transfers to the Customer, situate within section 685, Hundred of Blanche and being north of Pinehall Avenue. (G4)

Notes: (1) The arrow represents the normal direction of flow of the gas as of the date of the legislation. The figures indicate the width of the Statutory Easement on each side of the centre line of the pipeline looking in the direction of the flow.
(2) DP denotes deposited plan in the Lands Titles Registration Office.
(3) FP denotes filed plan in the Lands Titles Registration Office.
(4) RP denotes road plan in the Lands Titles Registration Office.

Consideration in Committee.

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

That the Legislative Council's amendments be agreed to.

Most of these amendments are of Government origin. They relate to further discussions which took place with various interested parties between the time of the drafting of the Bill, its introduction in this place and the debate subsequently. The amendments indeed improve the Bill. We have also moved amendments to provide for greater responsibility being placed upon Government, and I make no apology for that. We have written in responsibility of the Auditor-General to oversee the sales process as well as a responsibility for the negotiations to be processed prior to final sign off through the IDC. So, I am more than happy with the compromise that we have reached to ensure that the public interest is satisfied from the viewpoint of not only the Government but also the wider community as represented by the Parliament.

Motion carried.

NATURAL GAS PIPELINES ACCESS BILL

Returned from the Legislative Council with the following amendment:

Page 13 (clause 23)—After line 10 insert new paragraph as follows:—

'(ab) any other person who has, in the Minister's opinion, a material interest in the outcome of the arbitration and is nominated by the Minister as a party to the arbitration; and'.

Consideration in Committee.

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

That the Legislative Council's amendment be agreed to.

This represents a tidying up of the Bill and we accept the amendment from another place.

Motion carried.

CONSUMER CREDIT (SOUTH AUSTRALIA) BILL

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

WORKERS REHABILITATION AND COMPENSATION (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

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

SITTINGS AND BUSINESS

The Hon. S.J. BAKER (Deputy Premier): We normally have a reciprocal arrangement in the House, but unfortunately we are missing a link in that chain at this stage, and I can say that it is quite pleasant. However, parliamentary democracy would not be served if that were a permanent feature of this Parliament, and I suppose we will get back to normality when the budget sitting commences at the end of May. I sincerely thank all the staff. I will not go through all the components of staff and all the wonderful service we get here. We keep making resolutions about how much better we are going to be in terms of the sittings of the House. We have had three late nights, but basically the session has worked particularly well.

The three late nights were due to strange behaviour in another place and Bills not being dealt with when they should have been and the business not being progressed as fast as we would have liked. To everyone concerned—from the bottom to the top of the building, and to everyone who assists us in the process, to the long-suffering staff who put up with some of our speeches that do not quite make sense but somehow make sense when they get on paper—I thank them for their forbearance and assistance and I wish all members of the House, including the absent members opposite, a profitable and I hope a reflective time for members opposite in terms of their behaviour in this House. I hope that we will resume the budget sitting in good humour and good heart ready for a very constructive operation of the Parliament. I wish everyone well for the forthcoming break.

ADJOURNMENT

At 1.28 a.m. the House adjourned until Tuesday 30 May at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 11 April 1995

QUESTIONS ON NOTICE

MEAT CONTAMINATION

174. **Ms STEVENS:**

1. On which dates during 1994 and 1995 was Garibaldi's factory inspected by South Australian Health Commission officials and in relation to each inspection—

(a) how long did it take;
(b) which officers undertook it;
(c) what was the purpose; and
(d) what was the outcome?

2. Following the identification of Garibaldi mettwurst as the source of the HUS epidemic on 23 January, what procedures were followed by officers from the Commission to assess the quality assurance and hygiene conditions at the factory?

3. When was the first detailed inspection of the factory carried out after the identification of it as the source of contamination and will the Minister table copies of the reports.

4. When did production of the batch of mettwurst initially the subject of Garibaldi's recall notice cease?

5. What stocks of mettwurst were in the factory on 23 January when all production of mettwurst ceased?

6. Did officers conduct an inspection of the Garibaldi factory to ensure that no contaminated mettwurst was present in the premises on 23 January?

7. Was any mettwurst delivered by Garibaldi to retailers or other food producers after 23 January and if so, what are the details?

8. What steps did the Minister take to ensure all contaminated meat returned to Garibaldi was secured or destroyed?

9. When did the Government first seek information from Garibaldi about the source of meat used in the contaminated mettwurst and when was a reply received?

10. What approaches, if any, has the Government made to the Victorian meat producers who allegedly supplied Garibaldi with contaminated meat?

11. What approaches has the Government made to Victorian health authorities concerning the meat supplied to Garibaldi and what action, if any, has the Government requested Victoria authorities to take in relation to this matter?

The Hon. M.H. ARMITAGE: The information required to answer the questions is currently the subject of a warrant issued by the Coroner for the production of all documents which pertain to the epidemic.

177. **Ms STEVENS:** On what dates did the child admitted to the Womens and Children's Hospital on 3 February suffering from HUS, consume contaminated mettwurst?

The Hon. M.H. ARMITAGE: The information required to answer the questions is currently the subject of a warrant issued by the Coroner for the production of all documents which pertain to the epidemic.

PRISON INDUSTRIES

187. **Mr ATKINSON:** Further to the answer to Question No. 170, why is the sale of goods direct to the public from prison industries becoming less common and what plans does the Minister have to increase the opportunities for work in prisons?

The Hon. W.A. MATTHEW: The sale of prison manufactured goods to the public will become less frequent because the prison industry will work in association with private sector companies in South Australia.

The productive resources of prison industries will be targeted at assisting private sector organisations to—

- compete with imported goods
- satisfy niche markets

By assisting local companies to compete with imports, prison industries can play a small but important part in the economic development of the State. Rather than compete for work, Prison Industries can help secure the employment of workers in this State both in targeted industry and indirectly through support, supply and transport providers.

Typically, private sector companies will provide product design specifications, research and development and marketing expertise while the Department for Correctional Services will supply labour, supervision and production facilities. Arrangements regarding the provision of capital will vary according to the ventures and financial arrangements will be commensurate with the risk involved.

The minimum financial criteria for private sector Prison Industries ventures to proceed is that all costs of production are recovered. Revenues received in excess of costs will be used to offset the cost of prisoner training and other programs.

It is through private sector associations with Prison Industries that prisoner work opportunities will be increased.

TRANSADELAIDE

193. **Mr ATKINSON:**

1. Why has TransAdelaide been unable to provide accurate time and wages records in the WorkCover Review Panel case of Michael Johnson (Determination No. 93-0390) and how did TransAdelaide calculate how much to pay him for lost wages for the period 17 July 1991 to 21 March 1992?

2. Why has TransAdelaide been unable to provide accurate time and wages records in the Workers Compensation Appeal Tribunal case of John Ettridge (Determination No. 124W of 1994)?

The Hon. J.W. OLSEN:

1. TransAdelaide was not required to provide time and wages records to any party during the Determination No. 93-0390.

TransAdelaide calculated how much to pay Mr Johnson for lost wages for the period set by determination 93-0390 which was 17 July 1991 to 29 March 1992 (both dates inclusive) as follows:

TransAdelaide set Mr Johnson's notional weekly earnings at the rate of $607.72 gross, less amounts recouped for annual leave, sick leave that he took during the period 17 July 1991 to 29 March 1992. From the moneys owing to Mr Johnson, TransAdelaide deducted the sum of $3 619.50 which had to be repaid to the Department of Social Security, pursuant to section 1174 of the Social Security Act, 1991.

TransAdelaide has forwarded a letter to Mr Johnson, at his last known address, requesting that he contact the payroll section concerning any queries he may have regarding his past entitlements.

2. In relation to the discovery of documentation including time and wages records, TransAdelaide has provided Mr Ettridge with accurate time and wage records in accordance with orders made by Her Honour Judge Parsons in relation to Workers Compensation Appeal Tribunal Case No. 124W of 1994. The compilation of these records into the form required by Mr Ettridge, has involved many hours work by TransAdelaide's personnel and the Crown Solicitor's office. These documents are correct and accurate in the view of the employer.

At no stage during any of the contested hearings between TransAdelaide and Mr Ettridge, has a judicial officer or a review officer found that TransAdelaide has provided inaccurate time or wage records to the worker.

HAIRDRESSERS

195. **Mr WADE:**

1. Which TAFE Colleges in the Adelaide metropolitan area conduct hairdressing training schools?

2. At the completion of enrolment procedures at the beginning of 1994, how many students were enrolled in the hairdressing training course at each of those Colleges?

3. On 1 October 1994, how many students were enrolled in the hairdressing training courses in each of those Colleges?

4. What was the total cost of operating each of the hairdressing training courses (including overheads for each College) in 1994?

The Hon. R.B. SUCH:

1. Hairdressing training is conducted at four Institutes in the metropolitan area:

- Adelaide Institute
- Onkaparinga Institute; Noarlunga campus
- Para Institute; Elizabeth campus
- Torrens Valley Institute; Tea Tree Gully campus

2. All information supplied refers to the Certificate in Hairdressing. From 1991 the Certificate in Hairdressing has been delivered as a competency based training program. This has enabled flexible entry to the course at all sites listed above. In practice, intake of students takes place throughout the year.

An estimate of student numbers at the end of March 1994 is as follows:

Adelaide	242 students
Onkaparinga	99 students
Para	77 students
Torrens Valley	56 students

The total number of students undertaking the Certificate in Hairdressing in DETAFE metropolitan Institutes at the end of March 1994 was 474.

3. Due to the flexible and continuous entry and exit of hairdressing students at each site, student numbers remain reasonably consistent throughout the year.
4. The estimated total cost per site of running the Certificate in Hairdressing including Institute overheads are:

Adelaide	$617 200
Onkaparinga	$337 500
Para	$171 200
Torrens Valley	$145 700
TOTAL	$1 271 600