

HOUSE OF ASSEMBLY

Tuesday 18 July 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 with the Legislative Council on the Bill.

Motion carried.

RAILWAY STATIONS

A petition signed by 30 residents of South Australia requesting that the House urge the Government to reopen the railway stations at Millswood, Hawthorn and Clapham was presented by the Hon. S.J. Baker.

Petition received.

VEGETATION PROTECTION

A petition signed by 1 225 residents of South Australia urging the House to ensure that effective legislation is enacted to protect urban trees and/or bushland from destruction was presented by the Hon. G.A. Ingerson.

Petition received.

EUTHANASIA

Petitions signed by 267 residents of South Australia requesting that the House oppose any measure to legislate for voluntary euthanasia were presented by the Hons D.S. Baker, and R.B. Such, Mrs Kotz and Ms Stevens.

Petitions received.

PATAWALONGA

A petition signed by 168 residents of South Australia requesting that the House oppose the dredging of toxic sludge from the Patawalonga until an independent analysis of the sludge has been carried out and the State Government provides a guarantee that the sludge will not pose a health hazard to residents and visitors of the Glenelg/West Beach region was presented by the Hon. M.D. Rann.

Petition received.

CYPRUS

A petition signed by 415 residents of South Australia requesting that the House call on the Federal Minister for Foreign Affairs to insist on implementation of United Nations resolutions for the best interest of Cyprus was presented by Mr Becker.

Petition received.

ROLLERBLADING

A petition signed by 649 residents of South Australia requesting that the House urge the Government to legislate

against rollerblading on footpaths or roads was presented by Mr Brokenshire.

Petition received.

EUTHANASIA

Petitions signed by 922 residents of South Australia requesting that the House maintain the present homicide law, which excludes euthanasia while maintaining the common law right of patients to refuse medical treatment, were presented by Mrs Kotz and Ms Stevens.

Petitions received.

QUESTION

The **SPEAKER**: I direct that the written answer to question No. 224 on the Notice Paper be distributed and printed in *Hansard*.

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. D.C. Brown)—

Public Sector Management Act—Regulations—Principal.

By the Deputy Premier (Hon. S.J. Baker)—

Classification of Publications Board—Report, 1993-94.

Rules of Court—Supreme Court—Supreme Court Act—Notification of Sale of Property.

By the Minister for Industrial Affairs (Hon. G.A. Ingerson)—

Industrial and Employee Relations Act—Regulations—Employers of Public Employees.

By the Minister for Industry, Manufacturing, Small Business and Regional Development (Hon. J.W. Olsen)—

Regulations under the following Acts—

Harbors and Navigation—Birkenhead Bridge.

Public Corporations—State Opera Ring Corporation.

By the Minister for Health (Hon. M.H. Armitage)—

Psychological Practices Act—Regulations—Fees.

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

Interim Operation of the City of Enfield District Commercial (Pooraka) Zone Plan Amendment—Report.

Corporation of Campbelltown—By-Law—No. 14—Parks and Reserves.

By the Minister for the Environment and Natural Resources (Hon. D.C. Wotton)—

Outback Areas Community Development Trust—Report, 1993-94.

By the Minister for Employment, Training and Further Education (Hon. R.B. Such)—

Industrial and Commercial Training Act—Regulations—Plant Operators—Earthmoving.

POLICE, ENTERPRISE BARGAINING

The **Hon. G.A. INGERSON (Minister for Industrial Affairs)**: I wish to make a ministerial statement. I would like to make a formal announcement in relation to the police wage claim. The Government has made a formal offer this afternoon to all South Australian Police Department employees through the Police Association on behalf of the Police Department's single bargaining centre. The Government offer is a \$38 a week increase, inclusive of safety net adjustments, to all ranks, payable immediately in full. This offer will take

constables and sergeants, who comprise the majority of the members of our Police Force, to about the mid range in minimum salaries compared with the other States. For example, a \$38 increase will give a constable a minimum annual salary of \$26 992 in South Australia, above the equivalent salary in New South Wales, Victoria, Tasmania and the Northern Territory. For a sergeant, the minimum annual salary in South Australia will become \$37 393 above that in Victoria, Tasmania and the Northern Territory. The Government's offer compares with a current claim by the Police Association of 15 per cent across the board increase over the next 12 months. This claim would result in increases of between \$72 a week for a constable and up to \$178 a week for a superintendent.

As members would appreciate, the Government, in considering its offer, has had regard to the budgetary position it inherited as well as the need to ensure that South Australia retains a professional and fairly paid Police Force. In making this offer to Police Department employees, the Government has advised that it is willing, as part of the enterprise agreement, to further review salaries in 12 months and to then extend the agreement for a further two years, based on productivity improvements, and including a consideration of salary movements in other Australian police forces and any other relevant factors. The Government's decision is consistent with the policy it has taken on remuneration across the public sector, which requires enterprise agreements to be based on productivity improvement and restructuring to secure efficiency gains.

The Police Association has been advised that the Government wishes to work with the association and the department to achieve a significant restructuring of the department so that it continues to provide the standards of management and administration necessary to support what is, and what the Government wishes to remain, the most professional Police Force in Australia. The Government makes it clear that this aim is shared by the Premier, the Minister for Emergency Services and the Police Commissioner. To facilitate the restructuring, the Minister for Emergency Services and the Commissioner have drafted parameters for an immediate review of the departmental structure. This will involve a comprehensive study by external expert consultants of the current organisational structure of the department with a view to devolving accountability and decision making consistently with effective policing, whilst realising the significant savings necessary to fund productivity-based wage increases.

The review will address issues relating to supervision and management to seek appropriate ways of ensuring effective operational capacity whilst streamlining management and supervisory levels and improving the career structure. The review will report to the Commissioner of Police. It is intended to complete the review by the end of October. The form of this review, incorporating external consultants, recognises the fact that over the past five years the department has been reviewed extensively in a process which was essentially internally controlled and managed. The Government appreciates that our Police Force is faced with challenges of operating in an environment of budgetary restraint and meeting public concerns about prevention of crime and community safety. The Government wishes to work with the Commissioner, his department and the Police Department employees to meet these challenges in ways which will maintain the high regard South Australians have always had for our Police Force.

PRISONS, COSTS

The Hon. W.A. MATTHEW (Minister for Correctional Services): I wish to make a ministerial statement. I am pleased to be able to advise the House that the Department for Correctional Services has achieved the reduction in imprisonment costs targeted at the commencement of the 1993-94 financial year. At the time the Government came to office, the cost per prisoner was the highest in the country at \$52 000 per prisoner per year compared to an average of \$39 000 in other Australian States. As at 30 June 1995, that cost in South Australia has been reduced to \$38 000 per prisoner. That is a reduction of \$14 000 per prisoner or 27 per cent in real terms. These cost reductions have enabled the department to achieve \$6.3 million in savings over the past two budget years, with \$3.9 million in savings to come from the operating budget in 1995-96.

The savings have been achieved through a combination of extensive restructuring of the department and work practice improvements, including practices in the area of occupational health and safety. This restructuring has been achieved after repeated failure by successive governments to instigate any substantial change in the Department for Correctional Services. It has been made possible by the existence of competition from the private sector. Departmental employees were mindful that if they wished to continue to hold their jobs with the Government, as Government employees, they needed to substantially change the work practices of the department.

The most significant contributing factors to the savings have been achieved through the offering of 193 targeted separation packages to employees between 1 January 1994 and 28 June 1995. A further minimum staffing reduction of 50 staff will occur during this current financial year. The reductions have principally occurred in the areas of what was a formerly bloated head office and in correctional institutions which had staffing levels far in excess of the average of other States to operate prisons of similar security levels. Reductions have also been achieved in respect of employees who had been on long-term WorkCover benefits.

The department has made considerable savings through a dramatic drop in workers' compensation claims in the period 1 July 1994 to 30 June 1995 with 272 WorkCover claims compared to an average of 393 claims in the previous four years. While the reductions in cost achieved to date bring imprisonment costs in South Australia to the level of the average in other States, the fact remains that the imprisonment costs in South Australia are still too high as other States are continuing to drive down those costs. South Australia must also drive down its costs.

The contract signed for the private management of the new Mount Gambier Prison will save Government more than 25 per cent on the imprisonment costs achieved by the rest of the prison system. I have set the Department for Correctional Services a target of a further 6 per cent in the reduction of Labor's imprisonment costs this current financial year, to a new level of \$35 000 per prisoner. Should the department achieve that milestone, imprisonment costs will have been reduced by \$17 000 per prisoner during the term of this Government.

All this has occurred at a time when the department has increased the number of prisoners in custody. This has followed the passage of truth in sentencing legislation through the Parliament to ensure that imprisonment terms in South Australia are consistent with those in other States. It

also follows the restriction of Labor's home detention program only to offenders sentenced for non-violent crimes. As a consequence, there are now (as at today) 1 354 prisoners in correctional institutions compared to 1 200 at the time this Government came to office. While all this change has been in progress, the Government has also expanded programs available for alternatives to imprisonment, particularly in the area of community service work, and it has expanded the number of staff involved in counselling offenders.

I take this opportunity formally to place on the record my tribute to the staff of the department for the work they have undertaken to date. However, while progress has been encouraging and is a tribute to the dedicated efforts of most staff, regrettably there are still those who seek to block change. While six prisons achieved their budgetary targets in the past financial year, the fact remains that two did not. The Adelaide Remand Centre and the Yatala Labor Prison, between them, exceeded their budgets by approximately \$1 million. The savings made possible in the prison system were largely through the combined efforts of other institutions, some of which bettered their budget targets.

Those institutions not meeting their targets have been advised by my departmental management of the need to conform to the changes made by the rest of the prison system. While change is difficult for some of these employees, they have been given every encouragement by my management to help facilitate the process. The department's management team is approximately 30 per cent smaller than when we came into office. In addition, of the eight prison managers, seven have now been appointed during the term of this Government. The Correctional Services Department has shown, with new management and Government direction, what can be achieved.

QUESTION TIME

FRENCH NUCLEAR TESTS

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier. Will the South Australian Government take the same stand as the Kennett Government in Victoria by declaring that new investment from France and new State Government contracts with French companies will not be welcomed while French nuclear testing continues in the Pacific? This morning the Victorian Premier, Jeff Kennett, told the French Ambassador, Dominique Girard, that further French investment in Victoria would not be welcome while nuclear testing continues in the Pacific. Mr Kennett says that his Government would not be keen to accept new tenders from French interests for its ongoing privatisation program, although he gave himself the out that existing French tenders for a Victorian power company would not be dishonoured. Is the Premier still happy for French interests to be involved in managing our water supply?

The Hon. DEAN BROWN: The Leader of the Opposition has just contradicted himself: he asked whether I support the stance taken by the Premier of Victoria, and the answer is 'Yes'. Earlier today the Premier of Victoria told the French Ambassador that the Victorian Government will not terminate discussions with French companies which already are negotiating with the State Government and which are putting a formal proposal forward for taking over State Government services, and the South Australian Government has taken exactly the same position. As Mr Kennett has said, he would

be liable for considerable legal compensation payments if in fact that did take place. Our advice is exactly the same: if we terminated discussions with the companies currently negotiating with the State Government for the taking over of the management and services of the EWS, we would face legal compensation payments to the companies involved.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: Therefore, what Mr Kennett has said this morning mirrors exactly what this Government has said. In relation to new contracts, I can assure the Leader of the Opposition that this Government takes into account significant relevant policies of the countries and the companies involved in tendering for any new work of Government, and certainly we would take that into account in relation to any French company putting forward a bid for any new work.

WEST TERRACE CEMETERY

Mr CUMMINS (Norwood): My question is addressed to the Premier. What action has the Government taken to express its condemnation of the desecration of graves at the West Terrace Cemetery?

The Hon. DEAN BROWN: I join with all South Australians in condemning the damage and the desecration that took place in the Jewish section of the West Terrace Cemetery. On Sunday I had a chance to inspect that damage. There is no doubt that the people who did it did so with racial overtones in mind. They set out deliberately to try to inflame racial hatred within our community.

As this occurred when I was overseas, the Deputy Premier immediately visited the West Terrace Cemetery with the Jewish community. I attended the service on Sunday. Approximately 1 000 people from South Australia were there. The outstanding feature of that service was that it was not just the Jewish community who mourned the damage: about 250 to 300 people from other South Australian communities and South Australian leaders were present. They joined in condemning the action and indicated their support to stamp out racial and religious hatred within our community. There is an enormous obligation on all of us to be very diligent in making sure that our community does not carry any discrimination or any hatred of anyone on the grounds of either race or religion.

I also indicated to the Jewish community on Sunday that the South Australian Government has committed \$15 000 towards the restoration work. I am also delighted to say that the Federal Government is putting in \$15 000. In fact, the State Government will go further than that: if there is any shortfall after all the donations have been received, including \$15 000 from both the State and Federal Governments and a contribution from the City Council of Adelaide, we will make up the balance. In addition to that, the Minister has indicated to me that we will be overseeing and managing the restoration work on behalf of the people of this State. Some significant heritage in the cemetery was desecrated. It is the State's oldest cemetery. It contains some very important headstones representing the history of South Australia and it is unfortunate that the incident occurred, particularly as it was directed in such a racial and religious manner.

LOCAL GOVERNMENT REFORM

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier. Given that State Cabinet has now received a major report on local government reform, which recommends massive changes to local government boundaries, the abolition of many smaller councils, the abolition of district councils in centres such as Mount Gambier and Naracoorte, the creation of super councils in the Adelaide metropolitan area—

Members interjecting:

The SPEAKER: Order! I suggest that the front bench comply with Standing Orders.

The Hon. S.J. Baker interjecting:

The SPEAKER: Order! The Deputy Premier is completely out of order.

The Hon. M.D. RANN:—will the Premier assure the House that the present Minister for Local Government Relations has his total confidence to oversee the full implementation of the difficult reform process or will someone else be given the job?

The SPEAKER: Order! The Leader of the Opposition was clearly commenting in the last part of his question.

The Hon. DEAN BROWN: The Leader of the Opposition is again wrong.

Members interjecting:

The SPEAKER: Order! There are too many interjections. I suggest that members listen to the answer.

The Hon. DEAN BROWN: The MAG report has not come to Cabinet. It appears that the Leader of the Opposition knows what is in it.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: In fact, it appears that the Leader of the Opposition claims to know what is in it before Ministers have received their copy.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I suggest that the Leader of the Opposition should clearly understand Standing Order 137.

The Hon. DEAN BROWN: Whilst I know that a copy has gone to the Minister for Local Government Relations—and he has sent a copy to me—other Ministers have not yet received a copy and it has not yet gone to Cabinet. So, the Leader of the Opposition is clearly wrong. To pick up his final point, the Leader of the Opposition is the one who has been running around the State trying to create some speculation in terms of getting position changes within the ministry—and after the Queensland election I can understand why. He has probably put his application in the mail to me to be included in a Liberal Government ministry. He knows he has no chance of getting to the ministry from the Labor side, so he is probably one of those who has asked to be considered in terms of any change in the ministry. I assure the Leader of the Opposition that my ministry has my total support.

Members interjecting:

The SPEAKER: Order! The member for Spence has been given more latitude than he is entitled to. The member for Lee.

STATE TAXATION OFFICE

Mr ROSSI (Lee): Will the Treasurer provide details of what additional resources are being provided to the State Taxation Office to extend and improve compliance programs?

The Hon. S.J. BAKER: One of the issues that I have taken up vigorously since coming into government is the payment of taxation. As does every member, I receive notification of people who are beating the system, and I assure the House that we are making every effort to ensure that nobody beats the system and that everybody pays their just dues. A number of programs have been put in place as a result of a look at the Taxation Office and its methods of operation, and bringing together a wide range of industry groups, because they are also of the opinion that the law should be applied without fear or favour.

A number of initiatives are being undertaken. The first is voluntary compliance, and that is improvement through education. Some people do not comply because they do not understand the law. The second initiative is monitoring compliance levels and enforcing the payment of correct amounts of tax where breaches of the law are detected. The third area is the identification of loopholes, ambiguity and uncertainty in legislation and policies, and members will see some legislative changes in that area. The next initiative is the uncovering of avoidance and evasion methods and targeting investigations. That is the range of issues that we are tackling.

Importantly, this is one department that is receiving more staff, because the Government believes that there is a significant pay off. There are 23 additional field staff who will be employed. We believe that, after all the moneys associated with their employment have been paid out, there will be a net benefit to the State of \$3.6 million. That is a very conservative estimate because I am assured that, even in one area, we will pick up that amount. Several additional payroll tax programs will be conducted using Australian Tax Office data. Further financial institutions duties audits will be carried out in targeted areas by these 23 extra staff. In conjunction with the industry association, namely, the Motor Trade Association, the level of compliance in the motor vehicle stamp duty area will be examined.

The transfer of licensed premises will also be closely scrutinised to see whether the correct amount of stamp duty has been paid. In the past, there has been the issue of non-payment of licence fees, and we will also pursue that. Where taxes have been underpaid, significant penalties, which in some cases can be put up to 200 per cent of the original tax, will be imposed, together with the tax underpaid. The level of penalties will vary according to whether the underpayment or non-payment was deliberate or unintentional. We are going to make it easy for the level of penalty to be reduced if people make voluntary disclosure. An exceptional effort is being made this year, and will be made in future years, to ensure that the full taxation, as required under the various pieces of State legislation, is collected by the State Taxation Office.

TOTALISATOR AGENCY BOARD

Mr FOLEY (Hart): My question is directed to the Minister for Recreation, Sport and Racing. What consultation occurred with the board of the TAB before the Minister announced on 19 April that \$2.6 million would be transferred from the TAB capital fund to increase prize money and did the TAB board agree with that decision? Documents sent to Liberal members of Parliament last week show that, on 29 May, the Chairman of the TAB wrote to the Minister seeking advice on this decision. On 5 June, the Chairman again wrote to the Minister advising that the impact of this proposal on the TAB needed to be considered.

The Hon. J.K.G. OSWALD: I can inform the shadow Minister that, once again, he is totally ill informed as to what is happening in the TAB. It is no different from every other piece of information that we have had from the honourable member over the past three weeks. It is nothing but a constant stream of misinformation that is being put out by him. I inform the House that the board has agreed in writing to the legislation that is before the House this afternoon. Let me say that again: the board has agreed to the legislation that is before the House this afternoon.

I do not know whether I can make it much clearer to the honourable member than that. The legislation will be introduced; the board has accepted it; and it is needed in the racing industry. Other than the Labor Opposition, which wants to knock and criticise, there is not one section of the racing industry in any of the three codes that is not waiting for that legislation to be introduced and implemented. I would like to see the honourable member out there telling anyone in the three codes of the racing industry that he is opposed to the introduction of this legislation. It has been supported by the industry and the board, and it will be supported by this Parliament.

ELIZABETH SHOPPING CENTRE

Mr BUCKBY (Light): Will the Minister for Housing, Urban Development and Local Government Relations inform the House whether there has been any progress in the sale of the Elizabeth Shopping Centre?

The Hon. J.K.G. OSWALD: I am pleased to announce the successful tenderer for the purchase of the Elizabeth Shopping Centre: Elizabeth City Centre Pty Ltd, a joint venture partnership between Coles Myer and the Advance Property Fund, has signed an agreement with the Housing Trust to purchase the centre for \$28 million. The settlement of the contract is expected to be finalised by early August. The sale of the centre is part of a Government strategy to refocus the Housing Trust on core business such as the provision of housing services. Proceeds from the sale will be used towards reducing the high interest component of the Housing Trust's \$1.2 billion debt. The sale has attracted very strong interest, and we are very happy with the price agreed, which is at the high end of the scale.

The asset represents the Housing Trust's lease and land holdings in and around the centre. The successful tenderer, ECC Pty Ltd, is made up of two significant institutions with a large portfolio of properties. The partnership has a proven track record of completed developments and an ongoing program of major developments throughout Australia. This will provide much needed impetus to the growth of the northern region. Elizabeth Centre was identified in the Adelaide Planning Strategy and the Metropolitan Development Program as a major regional centre for the area. Elizabeth City Centre Pty Ltd as lessee and occupier of the existing centre was in the best position to carry out major redevelopments of the centre which will be in line with State Government and local community objectives. The economic benefit from a redeveloped centre will benefit the Government, the local community and the local council. I commend the deal to the House, and I congratulate the negotiating team which worked for many months on this project: it is a very successful conclusion.

TOTALISATOR AGENCY BOARD

Mr FOLEY (Hart): My question is directed to the Minister for Recreation, Sport and Racing. Did the TAB board assess the impact of transferring \$2.6 million out of the TAB capital account before the Minister announced his decision to legislate the change to the board's funding? On 5 June the Chairman of the TAB wrote to the Minister as follows:

The board has determined that it must undertake a study as to the impact of this proposal on the operations of the TAB. . . if, in practice, amounts are not surplus to the genuine needs of the TAB, the consequences on the TAB may be such that in addressing a short term problem of the industry, major intermediate and longer term problems might be created, and the TAB must act responsibly to determine that effect [before any decision is taken].

The Hon. J.K.G. OSWALD: I act on the advice of the board, and I remind members that this decision was made by the five current members of the board in the absence of Mr Cousins, who is overseas. It was not made by a minority or just by a majority vote: every member present unanimously endorsed the recommendation that we proceed. Let it be known—

Members interjecting:

The SPEAKER: Order! The Minister has the call.

The Hon. H. Allison interjecting:

The SPEAKER: The member for Gordon is out of order, too.

The Hon. J.K.G. OSWALD: The whole question of the capital account is one that has been discussed now for some time. The decision to reduce it from 1 per cent to .5 per cent will be subject to debate in this House, but let it be put on the public record that the board has agreed: if it has to it will readjust, but it has agreed, and it was the board's decision to make a recommendation.

TORRENS ISLAND POWER STATION

Mr WADE (Elder): Can the Minister for Infrastructure advise the House of recent arrangements relating to the Torrens Island power station and say what benefits have flowed to the new Electricity Corporation as a result? The new Electricity Corporation has been charged with the responsibility of seeking greater efficiencies and striving to achieve world's best practice in power generation. Will these new arrangements enhance the achievement of these objectives?

The Hon. J.W. OLSEN: Torrens Island is an important asset—and a key industrial infrastructure component—of South Australia's electricity supply. When South Australia joins the national electricity market in 1996 or 1997 Torrens Island will be competing in an open market against competitor power stations interstate. Natural gas as a fuel for Torrens Island has considerable environmental advantages—lower emission levels of greenhouse gasses—but it is an expensive fuel source compared to interstate coal, especially in La Trobe Valley in Victoria (gas being three to four times more expensive than La Trobe Valley brown coal). In these circumstances, Torrens Island business generation must be extremely competitive in all areas of performance, particularly safety, operating costs and asset management.

Both management and work force teams have been working together effectively to achieve world's best practice at Torrens Island. Data and material are gained from visits overseas in work practice designs and strategies to assist them to equal or better standards, that is, to achieve world class

performance in all key areas. Incidentally, Torrens Island did not suffer a single lost time accident during 1994-95 and currently has over 440 days accident free. By 1998, the direct operational costs of Torrens Island will be about one-half to one-third of the original costs of operation before the commencement of the reforming of the business unit (over five years, from 1993 through to 1998).

During the total reform at Torrens Island, the plant availability and condition is being maintained at a high standard of asset management so as to be able to perform reliably in the marketplace. In December 1996, the former Government leased two of the generators at Torrens Island to Austrian interests on a lease-back deal, involving a transaction of some \$120 million with a net benefit to ETSA in 1986-87 of \$937 000. I am pleased to advise the House that, in conjunction with bringing all assets into line with meeting the national competitive market and exercising our right under the lease arrangements signed with the Austrian company in December 1986, the assets at Torrens Island will revert to full ownership by ETSA Corporation.

In relation to the lease arrangements in place in the past, the total infrastructure will be under the control-ownership of ETSA Corporation. Several weeks ago, on formation of ETSA Corporation, I announced that \$41.6 million will be expended to upgrade the infrastructure at Torrens Island to ensure that we maintain generating capacity in South Australia so as to meet the very significant competition that will arise as a result of Hilmer and the Federal Government's push, and so that we can meet the competition coming from interstate and maintain generating capacity in South Australia to serve the State's regional economy.

TOTALISATOR AGENCY BOARD

Mr FOLEY (Hart): My question is again directed to the Minister for Recreation, Sport and Racing. Why did the Minister fail to consult with the TAB board before a direction was given to include the TAB computer operations in the proposed deal with EDS? Documents circulated to all Liberal members of Parliament last week include a letter written by the Chairman of the TAB on 5 June to the Minister as follows:

Whether this proposal impacts seriously on the operations of the TAB cannot at this stage be argued with certainty. However, to take a decision as significant as this without any consultation and without the opportunity to conduct an impact study is ludicrous.

An honourable member interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: It is not a matter of bailing anyone out. I happen to chair the Cabinet subcommittee on information technology. It was a Cabinet decision that the TAB should be included along with every other single Government agency in the outsourcing contract. As Chairman of the TAB board, Mr Cousins wrote to me with certain concerns. It somewhat surprised me that he raised those matters in a letter, because it showed a high degree of ignorance of what was going on. In addition, part of the fundamental negotiations between the Government and EDS was to make sure of the very points that Mr Cousins raised—and, of course, they were to be the matters for negotiation. The honourable member knows full well that he raised this matter during Estimates Committees—indeed, we had quite a lengthy discussion on it—so for him now to raise it in such a repetitive manner when he knows—

Mr Foley interjecting:

The Hon. DEAN BROWN: Well, it was a Cabinet decision that every Government agency as well as the TAB was to be included. No secret has been made of that whatsoever. I find it amusing that the TAB board Chairman seems to have been the most critical of what the Government was trying to achieve, that is, to save money for the taxpayers of South Australia and to make sure that in doing so we established a significant information technology industry in this State. I pointed out to the Chair of the TAB board that he should take up those matters with Mr Ray Dundon, who was negotiating this matter on behalf of the Office of Information Technology.

Mr Foley interjecting:

The SPEAKER: Order! The member for Hart will not be saved by anyone if he continues to interject.

Mr BASS (Florey): In the light of the selective information campaign mounted by the member for Hart regarding the TAB, will the Minister for Recreation, Sport and Racing now provide confirmation of the circumstances surrounding the special unscheduled meeting of the TAB board at which the decision was taken to publish the TAB's own form guide *TABForm*?

The Hon. J.K.G. OSWALD: I think that members of this House and the racing community of this State are tired of the misinformation that has been poured out over the past three weeks both here and through the media. Last week, I wrote to the TAB Acting Chairman, Mr Fricker (Mr Cousins is overseas at the moment), with the following request:

I would be grateful. . . for the sake of the public record if you would confirm, or otherwise, whether I received any notice or advice by the TAB that the board was to meet on 17 June, whether I received an agenda and whether I was sent a copy of the 17 June board information paper which explained the 'action plan', financial briefing notes and costings, on or before 17 June.

Mr Fricker's response was approved by the five members of the board, including those members appointed by the former Government. It states:

No papers relating to the 17 June 1995 meeting nor agenda for same were provided to you prior to that board meeting.

It also notes:

The minutes of the board meeting of 30 May 1995 anticipated that the next board meeting would [not be held until] 27 June 1995.

In other words, when Mr Cousins visited my office on 7 June, the next board meeting was scheduled for 27 June. The letter states further:

It had been the practice for the Chairman and General Manager of the TAB to call by appointment on you following board meetings to provide you with details of the decisions taken at board meetings.

The letter acknowledges that this did not happen after the 17 June meeting. In fact, the letter confirms—

Members interjecting:

The SPEAKER: Order!

The Hon. J.K.G. OSWALD: —that the first contact made with me following that meeting was on 21 June when the General Manager rang me. He agreed to get back to the *Advertiser* and to keep me informed. He did not come back to me. The contract was signed the next day, and I was not shown a copy of it or informed that this was going to occur.

This letter from the board also confirms that the board had a special meeting called for 17 June solely for the purpose of making a decision on the form guide, but the Chairman did not see fit to inform me, nor did he meet with me afterwards as was his custom after each board meeting. The meeting was held on 17 June. The Chairman had every opportunity, as he

does after every other board meeting, to come to me and inform me that the board meeting had taken place and of the content of the discussions and the decisions that were made.

The importance of the 17 June meeting in the decision-making process cannot be overstated as it was at that meeting that the action plan was first presented along with other details of costings and recommendations that were never made available at previous briefings. The member for Hart deliberately ignores the significance of the 17 June meeting. In particular, when he peddled the chronology of events around the press gallery he conveniently ignored any reference to the special board meeting of 17 June. It is totally unacceptable that such important decisions with huge financial implications on the TAB should be made without my knowledge.

Members interjecting:

The SPEAKER: Order!

The Hon. J.K.G. OSWALD: The member for Hart has it very wrong. Obviously, he has been conned by his Labor mates in the TAB who have fed him this misinformation which he has been peddling. This continual hysterical personal abuse against me certainly does his and his Party's stocks in the racing industry no good whatsoever. I repeat: the letter from the board was signed off by all members of the board, including those members appointed by Minister Cramer. All members signed it, and it establishes conclusively what the circumstances were. The honourable member should apologise.

Mr FOLEY (Hart): After that savaging—

The SPEAKER: Order! If the honourable member wants to ask his question he should do so. If he continues to comment, I will withdraw leave.

Mr FOLEY: Thank you for your direction, Sir.

Members interjecting:

The SPEAKER: Order! The member for Peake.

Mr FOLEY: My question is directed to the Minister for Recreation, Sport and Racing. Given that the Minister knew that the arrangements with the *Advertiser* expired on 30 June, did he intend to take a submission to Cabinet for discussion?

The SPEAKER: I point out to the member for Hart that his question is getting very close to being hypothetical.

The Hon. J.K.G. OSWALD: There is no question that it is hypothetical. However, it is on the public record that, because I had no knowledge of what was discussed at the board meeting of 17 June, and knowing that the *Advertiser* contract had been rolled over in the past—one had just been rolled over with another agency, and that is not unusual—and that the business plan referred to 1996 and because no information was coming back (I had no knowledge of what was going on, and the Chairman chose not to pass on information) it was not possible for me to be involved in the decision-making process.

EAR, NOSE AND THROAT SURGERY

Mr CAUDELL (Mitchell): My question is directed to the Minister for Health. What action is the Government taking to address the waiting lists for ear, nose and throat surgery?

The Hon. M.H. ARMITAGE: There are a number of matters regarding the provision of ear, nose and throat surgery including the high demand for procedures not only in the electorate of Mitchell, which is serviced well by, in the main, the Flinders Medical Centre, but especially in the northern suburbs. In 1992, the rate of tonsillectomy in South

Australia was more than 60 per cent above the national average, and a disproportionate number of procedures was planned and undertaken in the northern suburbs. Indeed, even if you look at an age and sex standardised rate for metropolitan Adelaide, you will see that the rate in the northern suburbs was about 80 per cent greater than that of other areas.

As the member for Mitchell and the House would know, ear, nose and throat surgery has figured prominently on waiting lists for a long time. Unlike the previous Government, we were not willing just to throw up our hands, put it into the too hard basket and not make an attempt to solve the problem; we have taken some action. We have undertaken consultations with public hospitals and with ear, nose and throat surgeons in an attempt to overcome this problem, and the result of those consultations was that there was quite clearly a need for leadership in teaching, training and clinical practice and research in the ear, nose and throat area.

Members interjecting:

The SPEAKER: Order!

The Hon. M.H. ARMITAGE: I am particularly pleased, given the long history of trouble and long waiting lists in the ear, nose and throat area, to announce that, in order to provide that clinical leadership and to undertake extra teaching, training and research and define further clinical protocols in this area, the Government is to establish a professorial Chair in oto-rhino laryngology (or ear, nose and throat surgery), which will be based at the Lyell McEwin Hospital campus. The appointment will be the first professorial appointment at the Lyell McEwin Hospital, when it is elevated to the status of being a major teaching hospital, which it will be as part of the amalgamation with the Queen Elizabeth Hospital. The establishment of this Chair will cost the Government about \$300 000, and resources complementary to our funds are being provided by the universities. The Chair is being put in place with the full cooperation of Flinders University, Adelaide University and the Ear, Nose and Throat Society.

It is the Government's policy to increase health services to the people where there has been a long history of under resourcing of health services, and certainly that is the case in ear, nose and throat surgery around South Australia, and in the northern area in particular. The northern area is a growing region. There is a younger than normal age distribution, and hence the increased need in the northern suburbs for this appointment. It is a perfect example of lateral thinking enabling increases in service provisions in areas which quite frankly were totally ignored by the previous Administration.

POLICE, ENTERPRISE BARGAINING

Mr QUIRKE (Playford): Will the Premier tell the House who informed him about the number of staff in the pay section of the Police Department, and will he now withdraw his claim that there is 'a fundamental problem in the pay section'? The Premier told Parliament on 5 July that 30 people were employed in that section of the Police Department. This morning the Police Commissioner is reported as saying that he believed the Premier had been 'misled over the numbers of people working in various areas of the department' and that the pay section had only 10 staff.

The Hon. DEAN BROWN: First, let us get the record straight. Over 30 people are employed in what is called the Pay, Records and Human Resources Section of the Police Department. I understand that figure is closer to 40 than 30. In terms of those who hand out the pay, apparently it involves about 10 employees, and the Police Commissioner has

correctly informed me of that. The important point is that, as part of the negotiations for the enterprise agreement, it has been identified that there is scope to make considerable savings in a number of areas in terms of police administration and that the whole style of management right across all organisations, whether they are private or Government, has changed very dramatically in the past 10 years.

The Police Commissioner has indicated to me that he believes there is scope for savings, and he is working within the department to achieve those savings. I applaud the effort of the Police Commissioner in making those savings. It has been the subject of quite considerable discussion by the Minister for Industrial Affairs over the past three or four weeks. I know that the Minister for Emergency Services has also been involved with those talks, together with the Police Department. As a result of those discussions, they are now working to bring about those considerable savings and rationalisation in the administration area of the Police Department.

ABORIGINAL COMMUNITIES

Mrs HALL (Coles): Can the Minister for Mines and Energy explain what arrangements have been made in the Department of Mines and Energy to ensure that, when officers are working with Aboriginal communities, they are aware of their special and cultural concerns?

The Hon. D.S. BAKER: I thank the honourable member for her question and continued interest in this matter.

An honourable member interjecting:

The Hon. D.S. BAKER: In answer to that interjection from the Opposition I will go on and say what the Minister and the shadow Minister are doing about this matter. Every four months the shadow Minister and I visit the Pitjantjatjara lands. We sit down with the community there so that we can understand their cultural needs and concerns because, as members would understand, there is considerable interest within the Mines and Energy Department about the exploration which can go on in those areas. That is what happens at ministerial level. I am happy to invite the Deputy Leader and the Leader (if he were ever here, but he is never in the House) to look at the matter. However, not only that—

Members interjecting:

The SPEAKER: Order! I do not think that the Minister needs all the assistance he is getting.

The Hon. D.S. BAKER: I am just wondering whether there is an Opposition Leader or whether he has gone for good. It might be that, any minute now, Ralph will have to move up one.

The SPEAKER: Order! I suggest to the Minister that he answer the question directed to him, or the Chair will have to withdraw leave.

The Hon. D.S. BAKER: The important point is that it is imperative that MESA staff who deal constantly with the Aboriginal community—and I have discussed the matter with the Minister for Aboriginal Affairs—understand the cultural heritage and significance of Aboriginal culture. Those people who are out in the field dealing with Aborigines daily, especially those involved in exploration leases and Mines and Energy staff, attend courses. Thirty-eight people have gone through these courses to make sure that they understand the cultural significance of the people with whom they are dealing, so that exploration can occur and there is no misunderstanding between the Mines and Energy Department, the people who are out looking for exploration leases

and the Aboriginal communities. This step in the right direction is applauded by everyone.

POLICE, ENTERPRISE BARGAINING

Mr QUIRKE (Playford): Does the Premier accept the claim of the Police Commissioner that there is a relatively small number of commissioned officers in the South Australian Police Force and, if so, will he give an assurance that his Government will not cut the number of commissioned officers? The Police Commissioner has provided details, published this morning, which show that the ratio of commissioned officers to non-commissioned officers in South Australia is the lowest of any State in Australia.

The Hon. DEAN BROWN: I saw the statement by the Police Commissioner this morning. I have not made statements on that aspect previously. I have not seen the detailed figures, so I cannot comment beyond what the Commissioner said this morning. However, I can indicate that the Police Commissioner is working with the negotiating team to streamline the administration of the Police Force. The Police Commissioner himself is preparing a detailed assessment of where those savings can be made, and I will need to wait until I obtain that report before I give any assurances as to where any reduction in police numbers should occur.

FAMILY AND COMMUNITY SERVICES FUNDING

Ms GREIG (Reynell): Will the Minister for Family and Community Services provide details of new funding initiatives under the Family and Community Services portfolio? I have heard the Minister refer to reallocations within the budget to better direct funding to areas of need and I seek an explanation of those reallocations.

The Hon. D.C. WOTTON: I thank the member for Reynell for her interest in this matter and for her support for community services in her area. I am happy to say that tenders are in the process of being called for \$353 000 worth of new services throughout the State service including services which meet specific needs, such as mobile creche services, family support, child sexual abuse support, community development counselling and parent education.

These new services will be strategically placed as a result of local needs based planning. Not only will they boost assistance in regions such as Modbury, Enfield, Marion, Woodville, Noarlunga, Elizabeth and Salisbury but they will also ensure much needed services to country regions including the Riverland, the Murraylands, Spencer Gulf and the West Coast.

Funding has also been provided to the Victims of Crime service, for services to the non-offending carers of child sexual abuse victims and there is also now a greater commitment to broader ethnic communities through the provision of funding for the establishment of a multicultural service for members of recently arrived communities. I am sure that all members would recognise the need that has existed for a long time in this State for that service to be provided.

I believe that these new services, brought about by a review of funding procedures, will provide a greater number of services to a wider geographic mix to meet specifically identified needs. May I once again say that this Government is about providing more services to more people and that includes particularly people in country regions which the Opposition neglected for so long in this State.

ROLLERBLADING AND SKATEBOARDING

Mr ATKINSON (Spence): My question is directed to the Premier. Will the Government persist with its proposal to allow rollerblading and skateboarding on most local roads and footpaths? If so, will the Government require rollerbladers and skateboarders to be insured for damage to themselves and to others?

The Hon. DEAN BROWN: This matter is before the Upper House and it is a matter for legislation.

An honourable member: And you are tabling amendments to the Bill along those lines. That is a joke.

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The member for Wright.

The Hon. DEAN BROWN: It would appear that the member for Spence is not familiar with what his Party is moving in terms of amendments in another Chamber. I suggest that he take a short walk of about 75 metres in an easterly direction.

Mr Atkinson: Answer the question.

Members interjecting:

The SPEAKER: Order! There are too many interjections from my right. The Minister for Mines and Energy has already been spoken to today.

The Hon. DEAN BROWN: It would appear that the member for Spence is trying to pre-empt a debate in another House. I suggest that he sit down and wait because the matter will come to this House and he will then have a chance to have his say.

CRIME TRENDS

Mr LEGGETT (Hanson): Will the Minister for Emergency Services provide details of the latest crime trends following the release of the 1994 crime figures by the Australian Bureau of Statistics?

The Hon. W.A. MATTHEW: I thank the member for Hanson for his question and for his interest in the crime trends in South Australia. The national collection of statistics, comprising 11 selected offence categories reported to police, were released by the Australian Bureau of Statistics last week. It does not matter what Labor members of Parliament try to do, how they try to manipulate the statistics or whether the member for Hart sits in his office with his calculator and tries to twist and turn those statistics, it does not matter what games they play with them, crime in South Australia, as demonstrated by the Australian statistics, is on the decline.

I am happy to advise the public that, across the 11 categories, the results are as follows: the incidence of murder fell by almost 19 per cent in 1994; the number of attempted murders fell by almost 31 per cent. Manslaughter dropped—

Members interjecting:

The SPEAKER: Order!

The Hon. W.A. MATTHEW: Mr Speaker, you would think that members of the Labor Party would be applauding the fact that crime is declining. I know that the Opposition Leader has been busy putting misinformation out into the electorate, claiming that South Australia is the crime capital and sending his rubbish out to the letterboxes. We are now putting on the record the truth and what is really happening as shown in the figures released by the Commonwealth Government.

Manslaughter dropped from five offences in 1993 to none last year. Sexual assaults fell by 5.8 per cent. Armed robbery

dropped by 4.7 per cent and unarmed robbery by almost 14 per cent. Kidnapping and abduction was down by 8 per cent. Offences of driving causing death were down by almost 12 per cent. Blackmail and extortion dropped by almost 41 per cent. Unlawful entry with intent fell by almost 14 per cent and motor vehicle theft was down by 9 per cent. Those figures cannot be argued against or disputed. They are further evidence—

Members interjecting:

The SPEAKER: Order! For some reason, certain members in the House today have taken it upon themselves to continue to interject and the House does not appear to want to continue with Question Time. I suggest to all members that they take particular note of direction given by the Chair or Standing Order 137 will be applied.

The Hon. W.A. MATTHEW: The figures are further evidence that crime in South Australia is starting to decline and that the new crime prevention initiatives are showing signs of being successful. However, make no mistake: we know that there is a long way to go and some worrying parallels remain when we compare those statistics with those in other States.

It remains a matter of concern for the Government and the Police Department that, in the areas of homicide, sexual assault and armed robbery, while those crimes have shown a marked decrease in South Australia, we still remain, in those areas, above the average in other States. Since the Government came to office in 1993, a number of crime prevention initiatives and crime fighting programs have been introduced through the Police Department including the introduction of transit police from 1 January 1994; the introduction of Task Force Pendulum for three months from August 1994 to November 1994 to target housebreaking and robberies and to increase the recovery rate of stolen property; the command response divisions in the north and south of our city to combat a wide variety of criminal offences; Operation Titan which commenced in October 1994 to target criminal activity involving outlaw motorcycle gangs; and the systematic and dedicated work undertaken right across the broad spectrum of policing work in South Australia. We recognise that there is still a long way to go, but despite the Opposition's dismay, we have some encouraging downward trends in crime in South Australia.

BARTON ROAD

Mr ATKINSON (Spence): Does the Minister for Emergency Services stand by his answer to a question in the House on 6 July that the bus operator who complained to police on or before 10 April 1995 about vehicles using Barton Road, North Adelaide was a private bus operator and, to quote the Minister, 'All buses are exempt from the closure of Barton Road'? The entry in the *Government Gazette* of the vehicle restrictions at Barton Road reads:

Pursuant to section 359 of the Local Government Act the following classes of vehicles, namely all privately owned buses, are excluded from that street, road or public place.

The Hon. W.A. MATTHEW: The member for Spence has been pretty active in respect of the Barton Road update. In fact, I have a document headed, 'Mick Atkinson, State member for Spence, Barton Road Update' dated 9 July 1995. In that update, which the honourable member sent to his electorate, he sets out questions which he has asked of various members of Parliament and he sets out information and his own personal comments and views about aspects of

the questioning and about his personal Barton Road fixation. I would have thought that, if the honourable member had a concern about any aspect—

Mr Atkinson: Answer the question.

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

The Hon. W.A. MATTHEW: I would have thought that the honourable member for Spence would pick up a telephone and ask me to check on a detail about which he was concerned. The information that I have placed on notice was provided to me by the Police Commissioner. I take the honourable member's question on notice and I will determine whether there is any validity to his claims and, after that, perhaps he can put out another Barton Road update for his constituency.

CORELLAS

Mrs ROSENBERG (Kaurna): My question is directed to the Minister for the Environment and Natural Resources. Is it possible to exploit the plague proportions of native corellas by trapping them and selling them overseas? Last week, there was considerable debate over the shooting of corellas at Willunga which have been destroying the local golf course. A number of the locals have suggested that we should consider harvesting the birds and selling them overseas because they can fetch up to \$1 000.

The Hon. D.C. WOTTON: I appreciate the question asked by the member for Kaurna—

An honourable member interjecting:

The Hon. D.C. WOTTON: So do we all. This matter has caused considerable concern not just in recent times but also in the past. I can recall very clearly similar problems arising many years ago in regard to this bird. My office certainly has received many calls asking whether alternative courses of action are available to the shooting which took place last week to scare off the birds from the Willunga region. My officers currently are revisiting the whole issue of how best to manage unnaturally large and destructive flocks of corellas. As I have said, this issue is not a new one; over the years there has been a trail of black-outs where birds have chewed through power lines; we have seen many trees ringbarked; crops have been stripped; and football ovals have been destroyed by large numbers of these birds.

We all realise that there are some unnaturally large populations because of the increased food and water supplies that are available in some areas, and that is exactly why this species is not protected. While selling these birds overseas sounds like the ideal solution, it is not possible at this stage. These birds are wild and not bred for the captive markets. Issues such as quarantine, disease and legislative restrictions both in Australia and overseas must be taken into account, and also there is the risk that these birds could become pests by adapting to suitable areas overseas. In any case, the \$1 000 price tag would not be achieved. I am not suggesting that this area should not be considered further. A number of people and organisations have expressed an interest in this matter.

Ultimately the community has to make the decision whether to live with populations that are out of biological balance or whether we should investigate more sustainable management. In the meantime, my department is liaising with the agencies from Victoria, where the problems are even more acute, in an effort to devise effective long-term and humane solutions to this problem.

HOUSING TRUST EVICTIONS

Ms HURLEY (Napier): Will the Minister for Housing, Urban Development and Local Government Relations advise the House of the level of evictions from South Australian Housing Trust accommodation in the financial year 1994-95, including notices of intent to evict, and whether this figure represents an increase over the figure for the previous year? Reports to me from a number of community groups indicate a growing increase in the number of evictions, including those involving families with three to four children, and this has been an increasing source of concern in many communities.

The Hon. J.K.G. OSWALD: The Housing Trust does not take evictions lightly, and it takes a considerable amount of decision making before it even gets to that stage. The Government is not about evicting anyone from public housing unless the Housing Trust Board can show good cause. I have seen up-to-date tables in my office, and I will endeavour to get a copy of those tables for the honourable member as soon as possible and provide that information to her.

FOOD EXPORTS

Mr ASHENDEN (Wright): Will the Minister for Industry, Manufacturing, Small Business and Regional Development report to the House on South Australia's growing food exports and, in particular, can he tell the House about the launch of a South Australian food promotion in Melbourne this week?

The Hon. J.W. OLSEN: I had the privilege this morning of opening an exhibition and promotion by some 24 South Australian fine food and wine producers in the Myer Melbourne food and beverage hall. It was a great promotion for South Australia, and any South Australian going through the Myer food hall in Melbourne would be proud of the products from this State being displayed by a range of South Australian companies. The 24 companies involved are part of a network that has been coordinated through the South Australian Centre for Manufacturing. Coincidentally, in looking at networking throughout Australia the Bureau of Industry Economics has commended the South Australian Centre for Manufacturing and its networking program as an example for the rest of Australia.

I pay credit to Liz Blieschke, who was the network manager at the Centre for Manufacturing, which put in place the networking programs that are now being used beneficially. A total of 43 000 people a day pass the exhibit in the Myer Melbourne store. Tourism SA is participating also in that its television, radio and, as I understand it, print media publications 'Come to your Senses', promoting South Australia, are being aired in Victoria at this time. The exhibition also will feature cooking demonstrations: Andrew Fielke will cook Australian native products or Australian cuisine, demonstrating his unique style of food. In addition, Maggie Beer will be undertaking an exhibition and, of course, she was Restaurateur of the Year when at her Pheasant Farm and is famous for her pheasant pate.

A variety of companies are participating, including Prices Bakery, Verdale Olives, Newman's Horseradish, the Pheasant Farm, the Red Ochre, Riddoch, St Halletts, Aldinga Turkeys, Springs Smoked Salmon, Linfield Farms, Mia Jane, Riverland Dried Fruits, Fleurieu Fine Foods, Angas Park, Currency Creek, D'Arenberg, Stanley Brothers, Willow Creek, Joe's Poultry, Two Dogs and Woodstock, and so the list goes on.

They make up a snapshot of the very good things that are produced out of the State of South Australia.

Following the successful promotion at the Grand Prix and Hofex in Singapore and Hong Kong, many of the exhibitors thought they ought to launch out nationally promoting South Australian fine foods and wines. This is the first step towards that and it will be a good promotion, it will position South Australia and it will recognise that South Australia produces some of the best food and wine in the country.

HILLS TRANSIT AGREEMENT

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): I table a ministerial statement made by the Minister for Transport in another place about the Hills transit agreement.

TOTALISATOR AGENCY BOARD

The Hon. J.K.G. OSWALD (Minister for Recreation, Sport and Racing): I seek leave to make a personal explanation.

Leave granted.

The Hon. J.K.G. OSWALD: In reply to a question during Question Time, I referred to the motion of support for the reduction of the capital account amongst TAB board members from 1 per cent down to .5 per cent. Whilst the motion was passed in the affirmative, on checking the minutes I note that Ms Costello is recorded as having abstained.

GRIEVANCE DEBATE

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

Mr QUIRKE (Playford): I have not used this mechanism very much in the past few months to refer to matters that come through constituency offices, but one issue was raised with me a week or so ago which I thought would be appropriate to put on the public record in this Chamber. The grievance debate quite often highlights issues that one would hope the Government takes notice of through the various departments reading *Hansard*. I hope that is the case in this instance.

The daughter of a person who came to see me had been driving her vehicle which was pulled over by a police officer because the vehicle had only one P plate. I do not know whether it was the front or rear one that was missing but one of them was not there and the other one was. One would have thought that the police officer would have the common-sense—and I make this statement as a criticism—to tell the person concerned, ‘You are technically breaching the law and what you ought to do is immediately go and get another P plate.’ If commonsense had prevailed, that would have ended the matter, but it did not. The driver was booked and given a \$45 on-the-spot fine for having only one P plate on the vehicle instead of two. That is the first problem I draw to members’ attention this afternoon.

The young woman immediately went to the nearest petrol station, bought a set of P plates and put them on the vehicle. However, being unemployed, she did not have the \$45 and let the matter lapse beyond the time of expiation. So, enter the

second problem. That \$45 expiation notice has now become a matter for the courts, and it cost that person \$147. I do not support the fact that people who do not pay expiation notices ought to be given undue leeway, but it seems to me that something which started out as a very minor problem became a major one. The fine was duly paid: I understand the parents paid it and thought that would be the end of the matter. No, not at all. Seven months after the offence the Motor Registration Division wrote a letter to the young woman informing her that she had lost her licence because she had committed an offence whilst driving on P plates.

At that point she had just commenced a job and needed the car for work, and there enters the next issue. She had to go to the local court and apply to get her licence back at a cost of \$45, and I understand that that hearing is to take place this week. She then had to ask her employer for the day off, because courts work on the basis not of appointments but of first in best dressed, who is on the list, or whatever. I am not sure how that case will go. I hope that the court will have some commonsense and determine that the very minor offence of driving with only one P plate is not worthy of putting a young person off the road.

I think it is about time that the Police Department, the Motor Registration Division and all the other agencies that deal with these matters got their act together. I do not think a young person ought to be treated like this and, quite frankly, if the police in this State do not have anything better to do than prosecute people for driving with only one P plate, they can come out to my office and I will give them plenty of instances that they ought to go and sort out.

Mr LEGGETT (Hanson): The word ‘reform’ is much talked about in our society. According to the *Oxford Dictionary*, it means to make better by removing or become better by abandoning imperfections. We have seen reform in South Australia during the past 25 years—some reforms being significant, but unfortunately not always in the best interests of the citizens of this State. We now have a chance to implement reform in education in South Australia which I believe will ultimately benefit all South Australians, especially our students. I refer to the compulsory primary school basic skills testing for all year 3 and 5 students commencing on Wednesday 16 August. It astounds me that something so crucial and fundamental to education should be so controversial among the teaching fraternity. I refer to an article in the *Advertiser* on 8 July headed ‘Teachers to boycott skills tests’. What a lot of nonsense. To say that students will be psychologically damaged or subjected to too much pressure is absolute rubbish, and I believe it displays gross ignorance.

We are talking here about basic questioning designed to gauge the literacy and numeracy skills of young people—general questioning, where students will be given a three hour skills test (admittedly that is a reasonable length of time), one in year 3 and one when they reach year 5. It means a combined total of six hours of testing in their entire primary school education of seven or perhaps eight years. Yet we see a strong voice of protest, disapproval and strong opposition—obviously Labor, left wing inspired—to the scheme introduced by this Government. I believe such opposition to this testing is totally unfair. There are cries of intimidation from the teaching fraternity, and as a result the fear automatically filters through to the parents. Having been a teacher for 25 years, I have seen dramatic changes to our education system during that time. I have not agreed with some of those changes—they have been made by Labor Governments—but

once decisions are made we have no choice but to put our teaching skills to the test and make things work.

I understand the plight of the teacher. I have endured tough times in the period between 1971 and 1993, even showing displeasure to the parliamentarians of the day, of whom are now my colleagues, I might add. When we were told that classroom sizes had increased for whatever reason, or other changes had to be made to curriculum or management, we simply adjusted. We got back to the job; back to basics—to the chalk, the blackboard and dust and the roneoed, ink smudged sheets, which was all equipment 20-odd years ago. Society today is sick and tired of change for change's sake. During the 1970s, under Labor, I believe the standard of education did slip, especially in regard to discipline. In particular, we saw the abolition of public examinations with the exception of year 12, and I believe this has been detrimental over the past few years.

We need to reflect and understand just where our education is heading and where it was heading under Labor. From personal experience, I can assure members that at the end of their secondary education many year 11 and 12 students have very poor literary skills—some of them quite appalling—and all the Government is trying to do is rectify the problem, to acknowledge the basic flaws in our system and endeavour to correct them. I would recommend that all parents of years 3 and 5 students ignore the whingeing from the militant left-wing of SAIT and the Labor Party and encourage their children to undertake the test, rather than find when those children undertake their secondary education that they do not have the basic skills to continue. However, that is what will happen if we do not have these tests. Let us get back to basics now, become progressive, get behind our kids and give them the chance they deserve.

Ms WHITE (Taylor): I refer this afternoon to the need for an independent health complaints unit. This is an issue for which the Opposition has been pressing and which, under the Commonwealth-State Medicare Agreement, the Government is under an obligation to provide. As I was campaigning in the electorate of Wright in the lead-up to the last State election, this was an issue on which I surveyed constituents. The results were stunning in the strength of support for an independent medical complaints unit. At that time I led several delegations to the then Minister for Health, Martyn Evans, and I would have thought that, 18 months into the new parliamentary term, this would not be something I would have to stand up and talk about. The feeling of those constituents was that they had no recourse, they had nowhere to go. There was no independent person who could hear their complaint. It was a case of the medical profession investigating itself.

This afternoon I should like to relate an instance that came to my knowledge recently. It concerns Mrs Edna Jones, who in February 1990 went into Calvary Hospital for a relatively minor medical procedure, the removal of a breast lump, which usually takes four days. Mrs Jones spent one month in hospital. Four months after that, she was still having daily treatment for the gangrene which had developed while she was in hospital. She also had a secondary condition called pseudomonas. The family lodged a complaint to the South Australian Health Commission, through its advice and complaints office. A letter written to the family on 14 May 1990 makes the following statement:

The case notes for Mrs Jones were made available and all nursing care plans, medical records, pathology reports, temperature charts and nursing staff rosters were audited.

This is as one would expect. However, I remind members that patients do not have an automatic right to see their own medical records, and it took an order by a judge for the family to obtain that information. The response from the Health Commission's complaints office goes on to say, 'The pathology reports were sighted and no mention of gangrene or any growth was made.' I assure the House that I have sighted copies of the surgeon's case notes, which clearly state that, in a triangular area of skin, necrosis was caused by infected gangrene. That is in the documentation. There were other complaints. The Health Commission's letter states also that the staff were not advised on admission that Mrs Jones had a gluten-free diet. I have in front of me the records which state clearly that Mrs Jones must have a gluten-free diet and, further, that she has coeliac disease, which also means that she needs a gluten-free diet.

Mrs Jones's family claims that there has been a cover-up of this matter. In written correspondence to the Jones's family dated 8 November last year, Minister Armitage said that he was 'concerned that a number of points conflict between the advice that I have received from the Health Commission and the facts presented by you'. Whether or not Mr and Mrs Jones do find the answers or the acknowledgments, the final resolution of their complaint is beyond the immediate influence of this place, but what is certain is the need for an independent unit.

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

Ms GREIG (Reynell): I intend to speak only briefly to highlight an announcement that was made on 10 July 1995 when the Minister for Aboriginal Affairs (Hon. Michael Armitage) revealed that the State Government, the Ngarrindjeri community and the developer of Granite Island (the Greater Granite Island Development Company Pty Ltd) had entered into an agreement for the protection and preservation of the Aboriginal heritage of Granite Island. As an interested member of this Government, I was particularly pleased to be present at the signing of the agreement, which is the first Aboriginal heritage agreement to be entered into under the Aboriginal Heritage Act of 1988. This agreement demonstrates clearly the commitment of this Government to work cooperatively with the Aboriginal community and that the Aboriginal community is in agreement with sensitive development.

Both the Ngarrindjeri Lands and Progress Association, led by Mr George Trevorrow and Mr Robert Day, and the Ngarrindjeri Heritage Committee, led by Mr Peter Rigney, have worked closely with the Government and the developers to bring this historic development to fruition and to ensure the protection, preservation and promotion of Aboriginal heritage on Granite Island. Granite Island is registered as an Aboriginal site under the Aboriginal Heritage Act 1988. As well, there are a number of specific registered Aboriginal sites on the island. Within the recent agreement, provision has been included for a management plan to protect and preserve these sites. Together with the developer, this Government has made clear its intention to involve the Aboriginal community in the development of the island.

Granite Island is an important tourism destination, and its upgrading and development are long overdue. Included in the development plans is an Aboriginal interpretive centre, and

\$100 000 has been committed by the Government to manage the areas beyond the leased area. Visitors to the island will not only be able to enjoy its rugged beauty and the native flora and fauna but will also leave with a deeper appreciation and knowledge of the island's Aboriginal heritage. The Aboriginal Heritage Agreement is historic. It is a model of development that is sensitive in its protection of Aboriginal heritage and is to be commended.

The Hon. M.D. RANN (Leader of the Opposition): I believe that the State Government should immediately freeze negotiations with the French companies tendering for State Government contracts. There should be a freeze on any new Government contract with French firms until the Chirac Government announces a permanent end to French nuclear testing in the Pacific. The Brown Government is currently negotiating with French interests tendering for the biggest State Government contract ever, the \$1.5 billion water deal, and those negotiations should be suspended while France tests nuclear weapons in our region. I find it extraordinary that the Premier today gave an exemption to the French companies wanting to run our water supply, the biggest State Government contract ever. Ironically, the tenders for the water contract close during the time that France will be testing at Mururoa Atoll. The Premier has not even bothered to ascertain the position of the company's headquarters in France concerning their Government's resumption of nuclear testing. That should be a priority. South Australians have a right to know where these companies stand on the nuclear testing issue.

Another issue that I want to address is the current speculation concerning a reshuffle. I know that a considerable amount of lobbying is going on, and I know that a number of backbenchers are hopeful that there will be more than one vacancy on the front bench. It seems likely that the pressure is on for the Premier to reshuffle his Cabinet when the current session of Parliament finishes later this month. However, it will be a real test as to whether the Premier has the guts to call for a reshuffle, because we know that he is a bit of a nervous nelly who does not want to upset anyone. I understand that the Olsen forces within the Liberal Party room are pressing to increase their representation in the Brown Government.

The Hon. D.S. BAKER: I take a point of order. It is usual for a member to be addressed by his correct title, not as, in this case, 'Olsen'.

The ACTING SPEAKER: Yes, I agree.

The Hon. M.D. RANN: I understand that forces—

The ACTING SPEAKER: Order!

The Hon. M.D. RANN: Yes, Sir, I have accepted that. I understand that forces supporting the Minister for Infrastructure are pressing to increase their representation in the Cabinet and that they are keen to flex their muscles. It is quite clear that a number of Ministers are simply not performing. The Minister for Housing, Urban Development and Local Government Relations has lost the plot. Today he had to do an about-turn at the end of Question Time because, once again, he got his replies to questions wrong. He was rewarded with a Cabinet post because of long service, not because of ability. He should quit while he is behind.

The Hon. D.S. BAKER: On a point of order, I understand that members cannot be referred to as 'he', that we must be referred to as 'the honourable member' or 'the Minister'. The honourable Leader has continually used 'he'.

The ACTING SPEAKER: 'He' is all right, but the Leader of the Opposition should refer to the Minister as 'the Minister'.

The Hon. M.D. RANN: The TAB row and the Minister's admission that he did not read key documents have damaged the Minister's reputation. Now that the Minister has received the recommendation of the committee looking at local government reform there are clear fears within his Party that he is not up to the task. The serious breakdown in the relationship between the Minister for Emergency Services and both his Police Commissioner and the Police Force mean that a lot of people in Caucus believe he should be shifted sideways.

We then get to the Minister for Employment, Training and Further Education who is depending on his old friendship with the Premier in order to sustain his position in Cabinet, even though it is well known amongst those in his portfolio and his department that he has little clout in Cabinet and has made little impression in this important portfolio. The Minister for Health is likely to remain as Minister for Health, but he will not hang on to the Aboriginal Affairs portfolio following his—

Mr BRINDAL: I rise on a point of order, Mr Acting Speaker. I believe it is improper in this place to read speeches. I ask you, Sir, to ascertain whether the Leader of the Opposition is reading his speech or simply referring to copious notes.

The ACTING SPEAKER: On several occasions the Leader of the Opposition has spoken without looking down.

The Hon. M.D. RANN: The member for Unley—

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

Mr BECKER: I rise on a point of order, Mr Acting Speaker. Will you rule the last few comments of the Leader of the Opposition out of order and that they not be recorded in *Hansard*? I am tired of people blatantly—

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

Mr MEIER (Goyder): What an incredible contribution we just had from the Leader of the Opposition! We have two weeks of parliamentary sitting left in this session, and the Leader of the Opposition comes in here and makes fabrications about fantasy things. The Leader of the Opposition obviously does not have any major issue he can bring up in this Parliament in this very important grievance time. What has the Leader of the Opposition done after making his contribution? He has walked out of the House. How many Opposition members has the Leader of the Opposition left behind? Not one. There is not one member of the Opposition in this House. To say that that is a reflection on the Opposition is a total understatement.

I understand why the Leader of the Opposition made his contribution. A headline on 10 July in the *Advertiser* stated: 'Local support for ALP hits new poll low'. The article stated that some 11 per cent of people now think that the Leader of the Opposition, Mr Rann, is doing a good job: 11 per cent are basically in favour of the Opposition. Members of the Opposition must be worried stiff. The Leader of the Opposition is obviously worried because his position and whether he continues would be very untenable. I guess no-one else is prepared to take that position because they realise that things are going backwards. In fact, not only did the *Advertiser* poll show a record low for the Labor Party but a Newspoll showed that Labor's popularity had again dropped. The approval

rating in that poll for Mr Rann was a little better at 18 per cent—phenomenal!

It is good to see the Deputy Leader of the Opposition come into the House, because obviously he is waiting in the wings; he is just biding his time. After hearing the contribution of the Leader of the Opposition today there will be talk within the Caucus room along the lines of, 'Come on, for the last two weeks we have to lift our game. Mike, you are not allowed to make those sorts of contributions where you simply fantasise about certain things, because the public will not wear it any more.' One can understand the Labor Party's concern, because we found over the weekend that a State which Labor thought was its safe territory, a State where Mr Goss had apparently not put his foot wrong too often, where Labor thought it had it (whilst it kept the Prime Minister out) and where it was very confident of at least maintaining a significant majority, had a massive 6.4 per cent swing against it. It looks like it might lose Government. I hope it does lose Government.

Whether it loses Government or not, the key thing is that Labor is on the nose across this country. It is reflected right here in South Australia when opinion polls for the Labor Party in this State go down, down, down. The Labor Party has every reason to be worried. Why is it happening? It is happening because it cannot get onto any significant issue. All it can do is knock. We heard it over the past few weeks. When the storms came we had the incredible situation of the member for Hart attacking this Government for not having spent enough money on the jetties over the years. The member for Hart was the adviser to the Premier for year after year when the jetties were being battered.

How much money did the previous Government spend on the jetties? Virtually nothing. All the honourable member can do now, a year and a bit out from that time, is say, 'We should have had the jetties in a state of repair'. We will be spending some millions of dollars on the jetties, which is vastly different to what the previous Labor Government did when it was in power. The irony, by the way, is that the Leader of the Opposition is way below the former Leader of the Opposition, Mr Arnold. Mr Arnold at least hit a high of 28 per cent in the popularity polls.

I refer briefly to the Leader of the Opposition's spreading his tales through the rural media. I heard the tail end of his talk with Zoe Wilson yesterday. I had a good laugh out of it because I thought, 'Right, he is literally on death's door; he has to try to salvage something. He cannot win by taking ordinary political issues—by taking the gutsy stuff, the things that are happening from day-to-day—because this Government is making advances left, right and centre.' So, again, he peddles the idea of a Cabinet reshuffle: a total joke as everyone knows because this Cabinet has taken decisions that previous Cabinets never had the guts to take. We have really made strides in every portfolio, and I want to compliment every single Minister on this side.

When Zoe Wilson started the interview she said, 'Mr Rann, why are you so sure that there will be a Cabinet reshuffle?' The Leader of the Opposition said, 'Well, there have been a few stories in the *Australian* and in the interstate press, particularly about an August reshuffle.' This is what the Leader of the Opposition based his whole theory on: some speculative stories interstate—not even in South Australia.

HISTORY TRUST OF SOUTH AUSTRALIA (LEASING OF PROPERTY) AMENDMENT BILL

Received from the Legislative Council and read a first time.

RACING (TAB BOARD) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 July. Page 2772.)

Mr CLARKE (Deputy Leader of the Opposition): At the outset I indicate that I am not the lead speaker for the Opposition. The member for Hart will deal with the Bill in far more detail and in a thoroughly more forensic manner than me.

Mr Kerin interjecting:

Mr CLARKE: I am not one to hide my light under a bushel, as the member for Frome would be only too well aware. This is an extraordinary piece of legislation. It seems to be a benign piece of legislation to remove the board members of a statutory authority in line with other statutory bodies. Outside the atmosphere and circumstances that led up to the introduction of this Bill, one could have some measure of support for what the Minister seeks with respect to this Bill. However, that is not the case in respect of what we have before us today. It is purely and simply a special piece of legislation which, if it were honestly titled, would be known as the 'Get Bill Cousins Bill'. I have a fair amount of regard for the Minister. I know I have probably damned him with faint praise, but as a human being I have some regard for the Minister—I think he tries his best. However, on this subject he is damned by his own actions—and I regret that for a number of reasons, not the least being for his own self.

Very simply, all this arose because the Minister took his eye off the ball with respect to the TAB proposal. This idea has been kicked around for some time. A large number of members of the union of which I was secretary are employed by the TAB board. It was always regarded as a bit of an anachronism and somewhat unusual that we in South Australia, alone amongst the States, paid the *Advertiser* to produce the form guide. Given that the form guide helped that newspaper's circulation on a Saturday, it was always seen as a bit strange that the TAB not only advertised in the *Advertiser* but also paid the *Advertiser* to print the form guide, which accounts for 20 per cent of its circulation on a Saturday. That is in stark contrast to the other States where that does not occur. There may be paid advertising in the local daily press by the various State TABs, but the form guides are printed and paid for by the newspapers.

The end result of this ministerial inspired shemozzle is that the punters of South Australia are better served. The TAB now has its own form guide—thereby saving the TAB some millions of dollars that it now no longer has to pay the *Advertiser*—and the *Advertiser* is producing a form guide apparently so that it can satisfy its readership each Saturday. So, the punters in this State have the advantage of two form guides—one produced by the *Advertiser* and the other by the TAB. For some years, and particularly over the past 12 months or so, there has been a move afoot by the TAB in this direction. It is under ministerial direction to screw down costs, increase efficiencies and lift its game—as every Government body is being exhorted to do by this Government. The TAB proposed a plan to produce its own form guide and briefed the Minister on this some time ago. I am

sure that the member for Hart will go through this in spectacular detail.

The fact is that the Minister was aware of it. He may not have been aware of the absolute, precise details of the contract—every full stop, cross or comma—but there was enough information available to the Minister, if he had been on top of his portfolio, to sound a few alarm bells. He should have known that the *Advertiser* would be concerned and would want to renegotiate with the TAB board—the very question that the Minister raised during the Estimates Committee when this issue was first triggered. I was a member of the Estimates Committee when the member for Hart asked a question about the *TABForm* guide. In his response the Minister laid out his concerns about the TAB board's embarking on this course of action—and he is entitled to have those concerns and to try to have them satisfied.

What clearly came out was that he was sufficiently aware of what the TAB board was doing for him to have said to the TAB board, 'Proceed no further. I do not want you to do anything else until I have answers to all these questions.' The fact of the matter is that paperwork did cross his desk and the desk of his staffers. I do not want to be unkind, but the Minister has admitted already that he does not read every bit of mail that comes through his office or every piece of paper that crosses his desk. The fact is that he lost sight of the ball, and it was not until it was past the eleventh hour that the alarm bells finally began to ring in his head. This Bill—the get Bill Cousins legislation—is nothing less than an act of vindictiveness by the Government and the Minister to pass on to the Chairman, Mr Bill Cousins, the responsibility and blame for something the Minister had been sufficiently briefed about for him to have called a halt to it if he had wanted to.

I do not know whether this type of legislation has been used before in this Parliament, whether special legislation has been introduced in this Parliament to sack an office holder. The existing legislation provides that board members can be removed if, in the performance of their duties, they are found to be negligent or acting in a dishonourable manner (and I do not have the other provisions in front of me). It would seem to me that those provisions are broad enough to allow the Minister to sack Mr Cousins if he had done everything claimed by the Minister in terms of not informing either the Minister or the Government about the board's intentions with respect to the *TABForm* guide.

The Premier and the Minister have expressly stated in the House that the Chairman of the board was incompetent and deceptive, that he lied to both the Premier and the Minister and did not keep the Minister and his office fully informed of developments with respect to the *TABForm* guide. If the Minister and the Premier believed what they said about Mr Cousins, it would seem to me that the existing legislation dealing with the removal of office holders would apply in this case and that they could seek to remove Mr Cousins on the grounds laid down in that legislation. However, they are not prepared to do that because it seems that Mr Cousins—from what I have seen publicly on the television and in news reports—is not prepared to have his name slurred and slagged but will stand up and fight for what he believes is right.

It seems to me that the Government is frightened to go to the Supreme Court to test its powers to sack him under the existing legislation. If Mr Cousins has not been negligent or dishonourable under the existing legislation, upon what grounds can the Government legitimately say, 'We want to

bring in this special piece of legislation which provides that a board member can be removed by the exercise of the Governor's pleasure, with no reasons being required'? Under normal circumstances it may be a perfectly legitimate position for a Government if it introduced this legislation when the Minister first came into office and it was not specifically designed to try to get rid of board members simply because they were appointed by a previous Government.

This type of legislation, I understand from some of my lawyer friends, is known more as a Bill of attainder under which an Act of Parliament is drawn up specifically to get at one citizen. That is a very dangerous precedent. Because Mr Cousins has had the temerity to stand up to his Minister and say, 'I think you're wrong; in fact, I think you have misled the Parliament and your colleagues rather than my having misled you', the Premier has jumped to the Minister's defence before lowering the boom on him when Parliament goes into recess—

The Hon. J.K.G. Oswald interjecting:

Mr CLARKE: Maybe you will be allowed to hang around to hash up local government, and then you will go. This Bill is designed to do no less than to pillory one citizen who serves on a statutory authority board and who has been muzzled by the Minister and not allowed to defend in public his own reputation, which has been trampled, traduced and dragged through the mud by the Premier. We well remember seeing the Premier on television after obviously being told by his minders, 'You have to get tough, Mr Premier. Toughen up your image, slam the book of statutes on the bar of the House, slam your fist into it as you condemn Mr Cousins and, at the same time as you condemn Mr Cousins, issue an edict that he cannot defend himself in public any longer and that no member of the TAB staff or board can make any statement in their defence or in the defence of Mr Cousins.'

What is also curious about this is that the Minister and the Premier have made no pretence about wanting to get only Mr Cousins. All members of the TAB board, including those members of the board whom the Minister appointed since coming to office, I understand from the lips of the Minister himself, signed off on this deal. Is there any suggestion that any of those TAB board members are to pay the same price as Mr Cousins? No, it is simply Mr Cousins. Mr Cousins has become the ogre as far as this Minister and this Government are concerned, because of his temerity in standing up and being counted and refusing to be intimidated by this Minister, who is trying to cover up his own negligent actions.

There were plenty of opportunities in the past for the Minister to say something. On 5 or 7 June the Minister was briefed on the *TABForm* contract, which was signed on 22 June. The Minister was told by Mr Edgar on 21 June. (I am speaking from memory of the Minister's own statements.) The Minister told Mr Edgar to go back to the *Advertiser* to see whether he could renegotiate another price or some other deal or arrangement. Had the Minister been on top of things, had he thought then that this issue was as serious as he believes it is today, he could have said, 'This issue is of such importance that, before you go back to the *Advertiser*, I want the whole Cabinet to decide the matter; in particular, I want each and every question that I have thought about for the last fortnight since I had my last briefing from you regarding the viability of using *TABForm* as against the *Advertiser* answered in sufficient depth before I will allow you to go ahead and ditch the *Advertiser*.' As the Minister said in

Question Time today, 'Don't worry about 30 June: let it roll over.'

The fact is that the Minister did nothing of the sort. The only time that the Minister actually got on to the telephone to say to the TAB management or the Chairman, 'Don't do it,' was after the Premier telephoned him. I can only paraphrase what was said.

The Hon. J.K.G. Oswald interjecting:

Mr CLARKE: You telephoned the Premier?

The Hon. J.K.G. Oswald: No.

Mr CLARKE: I thought that the Minister said on another occasion that the Premier telephoned him on 22 June.

The Hon. J.K.G. Oswald: I telephoned Mr Cousins.

Mr CLARKE: I am not denying that; I am saying that the Premier telephoned the Minister to say, according to my interpretation, 'What have you bloody well done to me now on this issue? You'd better put a hold on it. Stop it. Cancel it.' Suddenly, it dawned on the Minister that he had really stepped in it this time. He hurried around and telephoned Mr Cousins and Mr Edgar and said, 'Please don't sign the contract', but it was too late. At the end of the day, that was not Mr Cousins' fault. He cannot be held to be negligent because it took until the Minister got a telephone call from the Premier for him to ask, 'What the hell is going on between the TAB and the *Advertiser*'?

The Hon. J.K.G. Oswald interjecting:

Mr CLARKE: That is what the Minister said earlier. He said that he received a telephone call from the Premier, I think on 22 June, to stop the contract from going through, and the Minister issued a direction. So, far from Mr Cousins being negligent on this issue, the Minister had been informed sufficiently to know what the TAB's thoughts were in this area and the direction in which it was heading. If the Minister heard warning bells or had concerns, as he said during Estimates Committees when he so easily rolled off a list of 25 or so concerns, he would have had those same 25 concerns shortly after the meeting early in June when he says that he was first briefed about the TAB's concept of going over to *TABForm*.

The facts of the matter are that, rather than Mr Cousins being negligent or dishonourable in his conduct towards this ministry, it is clearly shown that this Minister has been dishonourable: he has misled the House with respect to this matter, and he has acted in a most dishonourable fashion towards Mr Cousins, a private citizen who is not free to answer for himself.

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

Mr FOLEY (Hart): I thank my colleague for his contribution. There are very few worse instances of ministerial incompetence than this one by the Minister today. What disappoints me greatly as shadow Minister for Racing is not so much the issue but the way in which it has been handled by the Minister. I am prepared to put on the public record that, having watched the Minister for Racing in the past 12 months in my capacity as shadow Minister, I felt that he was earnest and doing his best in a difficult portfolio. He was certainly a Minister for whom I had some respect, but that respect went out the window—

The Hon. J.K.G. Oswald: I am the best racing Minister that this State has had in 20 years.

Mr FOLEY: You're the best racing Minister that this State has had in 20 years? You'd be about the shortest serving; I don't know about the best. My respect for this

Minister went out the window when I watched the way in which he handled this issue. I will speak in great detail about the substance of the decision later in my speech, but what really concerns me is the way the Minister has been prepared to single out an individual to bear the brunt of the Government's wrath when it is clear to everyone and to many members opposite that he is trying to find a scapegoat to protect himself because he has angered his Premier. He is trying to find a way to explain the situation.

There is no greater proof of charge, no greater sign of weakness in a Minister, no greater demonstration of a Minister's inability to be an effective Minister than for the Minister to ditch an issue of which he was a supporter and a promoter simply because at the last moment, at the eleventh hour, the Premier—I believe quite rightly—had serious concerns about what had occurred. Instead of this Minister's backing his earlier judgment, which was clearly to support this proposal, he ditched it as quickly as he possibly could and attempted to blame the Chairman, Bill Cousins. In any objective assessment of this issue, as I will detail significantly through the course of this speech, this Minister was not just a supporter of the *TABForm* proposal but a promoter of it and a part of that earlier decision making process that they should head down this path.

Whether he was right or wrong in that, he should have at least had the decency to stick by his convictions. He should have at least had the decency to stand by his board and to resign over the issue if the Premier insisted on getting his way. At no point did this Minister ever express one concern or ask questions about this TAB proposal. This Minister has not shown this Parliament one piece of paper, one document, one minute, one letter back to the Chairman that was critical of or asked questions about this proposal. You have to ask yourself why. Why did he not do that? Why did his departmental officers not do that? Why did his most senior advisers not do that?

Only one answer can be arrived at: the Minister, his departmental officers and his own personal advisers knew of this proposal, supported it and knew exactly what was going on. I charge all those people with the same charge that I level at the Minister: there were many within Government who knew of this, many supporters within Government but, because they did not have the commonsense to keep their Premier and Cabinet colleagues informed, one man has been singled out to take the wrath of that ineptitude. One man has been singled out to save this Minister's political skin. People have seen through that; commentators have seen through it.

Every Tuesday morning I watch every member of this Parliament on both sides dive into the Chamber to get their copy of the *Adelaide Messenger*. What did Alex Kennedy say? Let us not say that is just Alex Kennedy, because every member reads it. At least everyone bar one reads it; my colleague the member for Davenport does not—

An honourable member interjecting:

Mr FOLEY: He can't read? Don't be unfair to the member for Davenport. He can read. He is a very fine member. He will be here for a lot longer than you'll be here, I can tell you. As Alex Kennedy so succinctly put it:

The attack on the TAB chief Bill Cousins is disgraceful, silly and vicious.

There has been not a better summation of this whole incident. As I said—and I will repeat it throughout this contribution—whether it was a good idea or a bad idea, I have not seen the numbers; I have not been privy to the finer workings. The

Minister was privy, as were his officers, his departmental officers and his staff, and at no time did anyone choose to question any of those issues.

Let us look at the chronology of events. Let us have a trek through history to see exactly how we arrived at where we are today. Upon becoming the Minister for Racing, the Minister immediately moved to dismiss Bill Cousins and the Labor appointed members of the TAB board. Bill Cousins was not known to me, and I know very little about the man. All I know is that he is a former State Manager of Mutual Community and a former Chair of Calvary Hospital—hardly a person who would be in the back pocket of a Labor politician. I am probably pretty close to the mark if I suggest that Bill Cousins has probably never voted Labor in his life.

Members interjecting:

Mr FOLEY: No, he wouldn't be that. Of course, the Minister was not successful. He blundered into the ministry, this Parliament, his whole way through it—

Members interjecting:

The ACTING SPEAKER: Order! The honourable member will address his remarks through the Chair.

Mr FOLEY: I was distracted by comments to my left. The Minister blundered into ministerial office trying to remove the boards. The animosity between the Minister and the Chairman was obvious at the beginning. The Minister made many comments around the industry, in this Parliament and in the media that he was concerned about the level of profitability in the racing industry and within the TAB, with just concern and just reason. The Minister decided that he wanted to identify ways in which he could make the TAB more profitable. One of the early things that the Minister did was to travel to Perth with the Chairman of the SAJC, Mr Rob Hodge, a TAB board member, and with a senior member of the Department of Sport and Recreation, Racing Division; and from memory, he also went with the then Secretary of the SAJC, Mr Jim Murphy, to have a look at how it was that the TAB could be up to 15 per cent more profitable on similar turnover as against our TAB.

Those gentlemen returned from Perth and identified three key areas, in two of which they knew they could make some immediate effect, the third being more difficult in that it involved perhaps a quirk of the betting styles in Western Australia, where people have different betting habits which allow the TAB in Perth to gain increased revenue and profitability as against the betting habits of South Australians. The other two areas that they identified were, first, the cost to the TAB of the operation of radio station 5AA and, secondly, the cost of producing a form guide. They returned to Adelaide, identified those three issues and set the TAB with the task of preparing a business plan and a corporate plan. In those plans they talked about the costs of 5AA and about the need to reduce the cost of producing a form guide, if they were to achieve the same degree of profitability as is achieved in Western Australia.

That corporate plan was produced at the instigation, promotion and went of the Minister. That business plan highlights that the cost of the form guide needed to be reduced by at least 35 per cent, whether by negotiating a better deal with the *Advertiser*, by having the *Advertiser* produce less product than it had produced previously, by sharing costs with the Western Australian TAB in its own publication, by looking at maybe the *Melbourne Age* doing an edition for Adelaide or by producing their own form guide. The business plan stated that these arrangements should be in place from 1 July 1995. The corporate plan stated that,

given that these are major changes, it is not unreasonable to say that the implementation of the new arrangements may not take until, say, the six month mark of the new financial year. It was not, as the Minister portrayed it, something which was a year away. The business plan stated that the objective was to have new arrangements in place from 1 July 1995 but, given the logistics of that exercise, there might be slippage of up to six months. There was no contrived plan to leave the matter until the end of 1995. It was an option should there be a delay.

Following that business plan, of which the Minister received a copy and of which his departmental officers and personal staff were aware, they knew that that was an objective and a goal of the management and board of the TAB with full ministerial concurrence, support and desire for that to occur. As the Minister has frequently said, many people in the racing industry, particularly the SAJC, the Greyhound Board and the Harness Board, have for many years been critical of the fact that they do not believe that they can deliver form guides as cheaply as they would like. The Minister has made that point himself. It was clear that that was always going to be an objective of the SAJC. As I have already shown so early in my contribution, the pattern is emerging of a Minister who has been very much at the centre of this whole proposal.

At the beginning of 1995, the TAB management began exploring in detail the alternative options to providing form guides to customers. The Minister must have been aware of that because the senior management of the TAB talks to senior officers in the Department for Recreation, Sport and Racing. Those discussions do not happen exclusively in relation to Government. The Minister and his officers are aware of that.

Those discussions are occurring and then, all of a sudden, the Minister decides that he will tell the world about his emerging plans for the racing industry which are very much based on his foray to Western Australia with senior racing industry people. The Minister gave an exclusive interview to a very fine journalist with the *Advertiser*, Mr Dennis Markham. He is a well respected and noted racing writer of long standing for the *Advertiser*. Let us consider what Dennis Markham wrote following his interview with the Minister about the Minister's plans for the racing industry. In that article, the Minister talked in detail about the need to provide increased revenue for racing. A lot of that had to come about from improved profitability from the TAB. The Minister acknowledged that he went to Western Australia and he told Dennis Markham:

We saw what the TAB did in Western Australia, based on their similar turnover and increased profitability, and I've asked the SA TAB to do the same.

Therefore, on 19 April, the Minister admitted publicly that, following his trip to Perth, he told the TAB in South Australia to consider doing the same thing. As I explained earlier, the two major differences are the cost of running Radio Station 5AA and the cost of producing a form guide. The Minister instructed the TAB to investigate the matter.

In that article, the Minister went on to say:

It is a given fact what our gross tote turnover is. We have to make the most profit out of that and they [the TAB] are addressing that at the moment. South Australia is up with the WA Government in what we do for racing from a taxation viewpoint. The percentages vary, but the formula is different.

I am not quite sure what that means. However, the Minister went on to say that the TAB in Western Australia has become

'far more active in marketing available betting options and the SA TAB needs to look at that aspect too'. On 19 April, the Minister gave an exclusive. I have no problem with that: it is an appropriate way for the Minister to talk about his vision.

The Hon. J.K.G. Oswald: The honourable gent is learning something about racing.

Mr FOLEY: The Minister says that I am learning about racing. What I am learning a lot about is ministerial incompetence. I look forward to the Minister's interjections, as I am having no problem in putting the true facts on the public record. The Minister has set the TAB management on a course of action which is clear and plain for all to see. On the Minister's instructions, the TAB board and management began to prepare options. The Minister has admitted that he received a number of briefings on issues relating to the racing industry at his regular monthly board meetings. We have been fortunate enough to see only board minutes, agendas and documents which were tabled to Liberal politicians about the 7 June meeting with the Minister. However, it would be impossible and it would defy logic for the Minister to suggest that at meetings prior to the 7 June meeting with Mr Bill Cousins they did not, at one stage or another, talk about the progression of the management's work.

In relation to the documentation provided to the Minister before his regular meeting with the TAB Manager and the Chairman of the board, I have a copy of a letter of 5 June informing the Minister of the intended points for discussion with him. The letter reads:

Dear Minister, Our next monthly meeting is scheduled for Wednesday 7 June at 10.30 a.m. Set out hereunder are points for discussion:

1. Turnover and profit.
2. Expense variations.
3. Interactive television with Foxtel.
4. Racing information cost rationalisation.

With regard to each of those topics, there is a paragraph of description. The paragraph reads:

This question is an extremely complex one to address. Attached for your information is a paper presented to the board outlining the options and the impact. The paper is extremely confidential as any leak of information could jeopardise our negotiating position with the *Advertiser*. I know you will appreciate the sensitivity of this paper and keep it confidential to yourself. The risk factors in alternate strategies to those currently employed need to be carefully considered before adopting another direction.

That document was provided to the Minister some days before his meeting. I know what happens in a Minister's office, having worked in one for seven years. The document would have gone from the Minister to the head of the racing division for comment so that the racing division could provide the Minister with briefing notes and papers and the views of the Department for Recreation, Sport and Racing before the meeting. That is the way it is done and that is the way it has to be done.

At his meeting with Bill Cousins, the Minister would have had the agenda. He must have had (and I challenge him to table it) the briefing documents that he would have received under the signature of the head of the racing division or the CEO of the Department for Recreation, Sport and Racing. That is the way Ministers operate with regard to such meetings. The Minister would have had the briefing papers which would have been formulated by senior officers. They would have been the result of two-way discussions between the Department for Recreation, Sport and Racing and the TAB. The Minister would have had before him even further

comment than that and further information than the business plan and the options paper to which I will refer shortly.

The Minister has a meeting with Bill Cousins and he has his briefing notes from his department. Clearly, had the department been concerned or if the Minister had expressed concerns internally, the alarm bells would have been ringing. The Minister would have sat down with Bill Cousins and Edgar and his officers and he would have said, 'I'm very worried about this. I'm extremely concerned. You haven't justified your case to me. I want further work done.' He would have sent a covering minute back to the Chairman confirming that. Did that happen? No, it did not. What is even more damning is that the Minister was offered a chance to look at a mock-up. He was asked whether he would like to see a mock-up. He said, 'No, she'll be right; I don't need to see the mock-up.'

With what more information should he have been provided? The agenda contained the information; there were briefing notes from his department which would have detailed the proposal; there was a detailed submission from the department to which I will refer shortly; and he was even given the opportunity to look at a mock-up. The Minister knew the contract expired on 30 June; he was offered the chance to look at a mock-up of a form guide; he was given a document that clearly indicated that they were looking at this option with great interest and with great expectation; he had his own departmental officers keeping him abreast of what was happening, and then he has the gall to be deceitful and to try to tell us—the public, this Parliament and his Leader—that he knew nothing, that Bill Cousins was trying to snow him and deliberately trying to keep him ill informed. How can he live with himself? How can he sleep at night when he has given that excuse, after hearing the information that I have detailed so early in this presentation?

If that were not enough, he also was given a detailed board minute. I will not read it all, but I will refer to parts so that members can get the gist of it. We would be here all night if I had to read it all into *Hansard* because it is so detailed. It starts off with racing information and talks about the fact that, with the demise of the *News*, the TAB found itself in the position where it had to pay for form guides to be printed in the *Advertiser*. It goes on to talk about the corporate plan, the business plan and the three options that were available to it, namely, offering the contract to another newspaper, sharing some of the costs of printing a form guide newspaper with the Western Australian TAB or developing its own form guide. It then explores those options: it states that the option of another newspaper was not really feasible; it talks about sharing the cost with the Western Australian TAB; then it goes on to talk about its own form guide, and gives some analysis and some detail about what it was intending to do.

It talks about the collection and distribution of the form guides and the pros and the cons in relation to that. It states that it contracted a market research company to do preliminary market research to assess the impact. It goes on to talk about the delivery of the form guides, and then talks about a proposal to the Advertiser News Limited (ANL). That is a very interesting proposal and one on which the board was keen. If it was costing the *Advertiser* so much to produce the form guide, the management of the TAB obviously thought that a win-win situation for the *Advertiser* and the TAB was the option for the TAB to produce its own paper, share the production costs with the *Advertiser* and have it distributed as a supplement of the *Advertiser*. The *Advertiser* rejected that as it had every right to do; it has to make its own

commercial decisions as to whether or not that is a viable option. However, that became the preferred option and I can understand why.

The board minute then talked about distribution through staffed agencies and so on, and then included a summary. It made it very clear in the summary that investigations were well in hand, that it was well advised in the work that it was doing and that the point of making that crucial decision was very close. The Minister also was told at that meeting that the contract with the *Advertiser* expired on 30 June, as clearly he had been told time and time again and as would have been contained in his briefing notes from his department. This meeting was at the beginning of June; he was offered the chance to see a mock-up; he was offered the document to which I have referred; and it was clear to anyone that, for logistical reasons, a decision would have to be taken in the next week or two so that it would be up and running by 1 July.

This Minister then had that meeting with Bill Cousins, Mr Edgar—his own officer—and his staff and he raised no objection. Why did the Minister not at that point—and we will explore this in Committee—say that he was concerned about the matter, that he thought the implications of what the board was doing needed more work and needed to be tested, and that he was worried about the turnover effect that it may have? If the Minister had those concerns he would have raised them at that meeting; he would have instructed officers of his department to have further discussions; he would have told the Chairman of the board, ‘Go no further until you have a more detailed analysis, if that’s what you want.’ He could have then said, ‘Make arrangements with the *Advertiser* to carry over the contract for one or two months if that is what time is needed.’

Any Ministers who were worth their salt and doing their job competently would have done that. I would have done that and I would have wanted more information, but I can tell members this: there was enough information there to have set my alarm bells ringing and I would have said, ‘No further action. Tomorrow morning I meet with the board and the management and we start putting a process in place that might involve the State Treasury, the Cabinet office and outside consultants, because I want more work done.’ But the Minister did not do that. Why did he not do it? He did not do it because he liked what he heard and that was what he wanted because that is what the industry had told him it wanted, and he was going to deliver what the industry wanted. The TAB board had that meeting and the Minister offered no objection and no criticism. The Minister has yet to produce any documentation from that meeting which indicates that he said, ‘We’d better stop; I have major doubts about that contract.’

So, off goes the board and it has this so-called ‘secret’ meeting on the seventeenth. The Minister knows full well why the TAB board meets on a Saturday: it is because certain members of the board have to come down from the country, and it is easier for them to do it on a Saturday when they come down for race day. The Minister knows that. Boards do not inform their Ministers every time they are going to have a meeting on an issue. The Minister attended the meeting with the board on the seventh, he was given the information and he raised no objections. What else was the TAB board to deduce from that other than that the Minister was comfortable with what it was doing? What other conclusion could Bill Cousins and the board have adopted following that meeting,

because the Minister raised no concern or complaint? He did not do so because he supported it.

So members of the board then hold a meeting on 17 June where they refine the proposal, have further discussions and commit themselves to a course of action. Clearly, they think that the Minister is supportive because he has not raised any objections and he knew that the contract was about to be signed. The Minister then gets a telephone call. Bill Cousins clearly decides that he wants to ensure the Minister is fully informed and has every opportunity, so he instructs the General Manager to telephone the Minister the night before the contract is signed to say that a contract signing is imminent. What does the Minister do then? If you were to believe the arguments of the Minister, you would have expected him to say to Mr Edgar that night, ‘I’ve considered the matter further; I didn’t really raise it at the board meeting but my departmental officers have pored over these documents; they have prepared a paper that states that this has hairs on it, that there is a real impact problem with turnover and that this is a radical decision. So, I don’t want you to go ahead; I want you to stop.’ But he did not say any of that. He simply said, ‘I want you to go back to the *Advertiser* and give it one last chance.’ That is not an unreasonable request because, at the end of the day, if it could have negotiated the deal with the *Advertiser* that suited it, it clearly would have achieved the best option. The Minister said that that was all he wanted the board to do. To me—and I think to the vast majority of people who objectively assess this—that is the most damning moment of all.

Clearly, the Minister’s only concern was that he could not be accused of not giving the *Advertiser* every opportunity to requote. That is what he saw as the political dimension to what he was doing. He felt satisfied that he had covered all of that. He did not instruct Mr Edgar not to sign the contract until he had shown it to the Minister and the Minister had allowed Treasury to have a look at it and do other analysis. He did not do any of that. The contract was signed the next day. The Premier received a letter and, quite rightly, the Premier said, ‘What have you done? You have made a major decision without telling me about it.’ What did the Minister tell the Premier about it? He told the Premier nothing. He did not even have the commonsense, the ability or the nous to take it to Cabinet, to share it with his Cabinet colleagues and with the Treasurer of this State. He decided that he did not want to inform his Cabinet colleagues of a decision involving millions of dollars of Government expenditure that has the ability to put a trading enterprise at financial risk.

Anybody who has been in Government or who knows anything about Government would understand that you do not make decisions like that without going through the proper process. The proper process is to receive Cabinet endorsement by taking a submission to Cabinet, having Cabinet debate the issue, and then having Treasury and Cabinet do an analysis. Quite rightly, the Premier was angered when he realised that his Minister had the potential to commit the TAB and the Government to a course of action that may cost the TAB financially. The Minister did not take it to Cabinet, he did not brief the Premier and he did not brief the Treasurer. A Minister can commit no greater crime than to go off and willy-nilly allow decisions to be taken and not inform his or her Cabinet—and for that the Minister is guilty.

The only conclusion one can draw from that is that the Minister was compliant. He was happy. The advice he was receiving from the TAB, his officers and his staff was, ‘This is the way to go.’ He has shown us not one skerrick of

information, not one skerrick of a document, not one skerrick of a meeting or a discussion where at any of these critical points he said he was not comfortable with what was happening. One can only draw the very important conclusion that he was compliant.

Let us look at his compliant stance and why the Minister was supportive of it. It is very clear that the Harness Racing Board wanted it because it felt it was a better deal for it; the Greyhound Racing Board wanted it because it felt it was a better deal for it; and, most importantly, the SAJC wanted it. The board members representing the three racing codes voted for it. It was a unanimous decision of the board. The Chairs of the racing codes told the Minister from their own self-interest point of view that they wanted it. As the Chairs of the racing codes they have the right to have that opinion. The Minister had everyone telling him that they wanted it.

The board unanimously wanted it, the heads of the racing codes in their capacity as chairpersons wanted it, the management wanted it, and one can only assume that Government advice was that they wanted it. So, off the Minister went on his merry way, in blissful harmony, convinced that this was the right thing to do. But, of course, he chose not to discuss it with his Cabinet colleagues or the Premier, and that is a crime for which I am sure he will pay a penalty when the Premier reallocates and reappoints his ministry. At no point along the road did the Minister raise any concerns, and he stands damned for that fact alone.

The reality is that this Minister—and I give him credit for it—is very close to the racing industry. He makes great comment that I am not as close to the racing industry as he is. He does that in such a fashion that I should feel as though I am in his shadow. I may not be as close to the racing industry as the Minister, but I have something that he does not, and that is a bit of decency. When you commit yourself to a course of action you have to have the decency to live with it. If the Minister was wrong, if he should have informed the Premier and Cabinet and did not, he should admit it. The Minister should either stand up to the Premier or admit he was wrong and resign. He should not single out a man who cannot defend himself and hang him out to dry on the flimsy excuse that he did not keep him informed. I do not know how much more information could have been put to the Minister before the old alarm bells started ringing. There were meetings, briefing notes and comments from his own officers. There was discussion on the track about it. It seems to me that on the Saturday before the decision everyone at the track was talking about it.

Is the Minister, who keeps his ear to the ground and who has a very close relationship with key people in the racing industry and the SAJC, telling me that this issue was never discussed with him privately by any member of the racing industry? I would find that hard to believe. My attack on this issue has not been about the merits or otherwise of the proposal. I have not seen the analysis—I have not been privy to that—so I do not know. I do not know whether *TABForm* is a good thing or a bad thing. All I know is that the Minister allowed decisions to be taken without having either sufficient information or making sufficient attempt to properly supervise this process. The TAB board was well within its rights to attempt to negotiate a better deal with the *Advertiser*, and the *Advertiser* was equally within its rights to stand its ground on what it considered to be its best commercial interest. How can a Minister claim that he was kept in the dark when the overwhelming weight of evidence was provided to every single member of the Liberal Party; not the Labor Party—I

had to get mine from one of the Minister's colleagues? I did not have to go looking for it; it came very quickly to me—

Mr Clarke: One of the hopefuls.

Mr FOLEY: I do not know whether it was one of the hopefuls, but it was obviously pretty—

Mr Clarke interjecting:

Mr FOLEY: I must admit that I received quite a few. The overwhelming weight of evidence was that the Minister was kept well informed. I understand why some members of the Liberal Party have felt a bit uncomfortable. The closing paragraph of the letter provided to Liberal MPs from Bill Cousins says it all, as follows:

I trust this letter helps you to understand the position more fully, and hopefully ensure that the parliamentary Liberal Party acts honourably in this matter.

As I said, a few of the Minister's colleagues did act honourably: they gave me that stuff within 10 minutes, not to mention the phone calls. The whole basis of the Minister's argument has been that he was not kept informed. How many times does the Minister need to be told before he becomes concerned? Given the size of the Minister's portfolio, it is very dangerous if, with all this evidence, the old ticker does not go, 'I want things stopped, I want more advice, and I want more analysis.' This State is at real risk of major financial embarrassment if this Minister is allowed to continue for much longer in such a large spending portfolio.

I turn now to the Bill itself. What the Minister decided after he got the telephone call from the Premier and he realised that he had made the *faux pas* of all *faux pas*, the mistake to beat all mistakes, was that he had better attack Bill Cousins, that he had better give Bill a belt because Bill Cousins cannot talk under privilege. So off the Minister went and belted Bill Cousins and blamed it all on him. With the weakness that this Minister continually demonstrates, he would not make any further comment until he was inside cowards' castle. Once the Minister was within the walls of this hallowed Chamber he berated Bill Cousins for his lack of information. He set himself up with no other course of action than wanting to sack Bill Cousins.

The Minister looked at the Racing Act and found that he had the power to sack Bill Cousins. If Bill Cousins were guilty of that with which he is charged—namely, that he did not keep his Minister informed about what the board was about to do—he could be dismissed for neglect of duty. The Act provides that the Minister may remove a member of the board if that person is guilty of neglect of duty. But, you did not do that. You got Crown Law advice, did you not, Minister? I challenge you to table the Crown Law advice. Will you do that? Will you table the Crown Law advice? We know what the Crown Law advice said.

The DEPUTY SPEAKER: Order! The member for Hart is drifting in and out of debating style. I have no objection to his addressing the Minister through the Chair, but then he reverts to direct conversation with the Minister. I simply ask the honourable member to follow the usual parliamentary debating procedure. I do not mind rhetorical questions as long as they, too, are addressed through the Chair.

Mr FOLEY: Thank you, Mr Deputy Speaker. I apologise. I acknowledge that error in debate and I will desist. The point that I am making is that the Minister has received Crown Law advice. It said that Mr Cousins cannot be dismissed for neglect of duty or, rather, that the Government could try but that Mr Cousins would take the Government to court and would win an application for unfair dismissal because Mr

Cousins cannot be sacked for neglect of duty. That is what the Crown Law advice says, and the Minister knows that.

What did the Government do? It was really in a bind. The Minister set Bill up for the fall. He blamed Bill, so he had to follow through with it. The Government introduced a Bill to sack a member of the board. It is retrospective legislation. The Liberal Party of South Australia is fundamentally opposed to retrospective legislation but, as I am finding out in many areas, things are not always as they seem. As a very new, green member of Parliament, still learning about parliamentary life, one thing I have learned very quickly is that things are not always as they seem. The Liberal Party's opposition to retrospectivity was convenient in years gone by, but it is now very useful for the Government as it tries to get itself out of this political muddle.

Legislation of this nature has not been used in this State. This is among the most powerful, draconian and dramatic legislation to be introduced. It has been introduced to save a poor, hapless racing Minister and to execute a person who has done nothing wrong other than be unfortunate enough to be appointed by the former Labor Government. In effect, this legislation says, 'Mr Cousins, I charge you with poor conduct; I try you; you are guilty; you are dismissed.' Suddenly, the Parliament has become every element of the judicial process. We charge the person, we try the person, we find the person guilty and we administer the penalty. The board member cannot say a thing because he has been gagged. If the board member makes one public utterance, he can be charged under the Racing Act and will be subject to all the penalties that go with it. We are saying that this person has no basic civil rights under law, no common law rights, to defend himself. What is more damning is that the Minister has Crown Law advice that tells him that. If he did not, he could sack the board member for neglect of duty under the Act.

The Minister has embarked upon such a course of action, but there is another little sleeper in the Bill, a provision to expand the board from six members to eight members. The Government claims that it wants to get a bit more financial expertise on the board. I did not come down in the last shower. That provision is all about putting two more of the Minister's own appointments on the board. So, if the Minister cannot get the provision to sack Mr Cousins through Parliament, he might just get through that clause that allows the Minister to expand the board. The first thing the new board will do is to move a vote of no confidence in the Chairman. Given that the board already has three Government appointments, two more such appointments will give the Government five out of the eight members. Boom, boom! We have a no confidence motion in the Chairman. I can see that happening.

Fair dinkum, the Minister must think that he is so clever. I could see that coming the minute the legislation was introduced. The Opposition will not have a bar of it. I will debate the expansion of the TAB at any point beyond where we are today. We will talk about that when the term of this Chairman expires and when we can discuss it in a cool, calm, rational, non-political environment as to the needs, merits and desires of having an eight-member board. I will not support that when it is clearly nothing more than a second option to put further pressure on Mr Cousins to resign from the TAB board.

Let us look at the TAB board. We have known all along that the decision of the board was unanimous. The Minister has been trying to portray the TAB board as a hostile board,

a board full of Labor apparatchiki, union officials or Labor Party appointments who have been put there to cause this Minister great grief. My understanding is that Bill Cousins is a former State Manager of Mutual Community, a former Chair of Calvary Hospital and is very heavily involved in the community. I suspect that he has probably never voted Labor in his life. Kate Costello is a solicitor who now runs her own private consultancy. She took on the job because she wanted to contribute to the running of a Government board, not because of any links with the Labor Party. I have never known Kate Costello.

Mr Rob Hodge, who is Chairman of the SAJC, was appointed to the TAB board because of his chairmanship of the SAJC, such a position having that right. Mr Hodge is a member of the Liberal Party and of the State Executive of the Liberal Party. Another member is Mr Mark Kelly, who is a well-known lawyer in town and, from what I am told, a very competent solicitor. He was appointed to chair the Greyhound Racing Board. His was a ministerial appointment and he is one of the Minister's own people. Then there is Mark Pickhaver, Chairman of the Harness Racing Board. He was an appointment of the former Government and I understand that he has a very good working relationship with this Minister. The Deputy Chair of the TAB board and current Acting Chair is Mr Malcolm Fricker, a former Chairman of the SAJC, who was involved with three day eventing many years ago, I believe. He, too, is an appointment of the Minister.

The TAB board comprises Kate Costello and Mark Pickhaver (two people appointed by the former Labor Government), Mr Rob Hodge (a member of the State Executive of the Liberal Party), Mr Mark Kelly (appointed by this Minister to the Greyhound Board) and Mr Malcolm Fricker (appointed by this Minister). Three of the six are of the Minister's own choosing. That is hardly a hostile board and is hardly a left wing socialist conspiracy running around town undermining this Minister: that could not be further from the truth. On that board the Minister had people who were very close to him. I have no problem with that: that can be a very constructive relationship between a Minister and an industry. But please do not insult the intelligence of members of Parliament and the wider community by suggesting that the TAB board is a hostile board intent on bringing the Minister's political career to a close. That is clearly not the desire or practice of that board.

The Opposition made clear today that this Minister has been very much at the centre of this entire process. Today, the Minister came up with a contrived letter. The Minister waited until Bill Cousins was out of the State before he put these questions to the board—questions that the board answered today which clearly indicate that the Minister was not aware of the 17 June meeting. One out of four is not bad but there were three other meetings that the Minister was aware of. There were other meetings that the Minister was told about, other meetings he had—offers were made to show the Minister a mock-up. The Minister waited until Bill Cousins was out of the State before he did that. It shows how weak the Minister is. The Minister waited until the man was out of the State before trying to rewrite events and history, trying to paint a picture to suit the Minister's own political ends. No other conclusion can be drawn.

What I want and what the Opposition will be moving for in the Upper House is a select committee, because I want this entire Bill put to a parliamentary select committee so that we can find out who is telling the truth. I have been the only one

who has been consistent on this issue. I want the facts. I do not know whether the TAB form guide is the right way or the wrong way. I do not know whether staying with the *Advertiser* was the right way or the wrong way. I do know that the board made its decision with the Minister's support. For the Minister to say otherwise is disgraceful in the extreme. I want a select committee of the Upper House, and we will move for that. That select committee will have very tight terms of reference. I do not want the whole issue revisited. It will not be for the select committee to decide whether the TAB form guide was a good idea or bad idea. It will not be for the select committee to decide and do any analysis about the pros and cons of going down that path, because they are commercial decisions for a board to make, for a Government to make and for a Government to be aware of, not for this Parliament.

If I have the concurrence of Mr Elliott in other place, this select committee will specifically look at the communication between the Minister and the TAB Chairman, the Minister and the TAB board, the Minister and the TAB management. It will look at the communication between the Minister and senior officers of the Department of Racing and the communication between senior officers of the Department of Racing and TAB board management. They will be the terms of reference. The committee need not meet for very long at all but it will be a committee which can subpoena and call before it those Government officers and TAB managers who have been involved in this issue, the Minister, the Chairman, board members of the TAB and which can subpoena all documentation accordingly so that we can see the picture and the series of events—the communication flow—so that the Minister can have his day in the sun, his opportunity to demonstrate to that committee that he was kept in the dark.

We will give the Minister the chance to convince a committee of this Parliament that he did not know, but we will also see whether he did know. We will ask Bill Cousins, Malcolm Fricker, Kate Costello, Mark Pickhaver, Rod Hodge and Mark Kelly what the Minister knew. We will ask officers of the Department of Racing to come in and tell us what communication transpired between them and the Minister. We will ask Government officers whether they were at the meetings, as this Parliament has every right to do. We will ask TAB management whether it had meetings with senior officers of the Department of Racing and whether they kept the Department of Racing informed. These are the things we need to know. We do not need to know the facts of the arguments for or against *TABForm*: that is not for this Parliament or the select committee.

I want those terms of reference to be very tight and specific. They will be about communication flow between the Minister and those various people who have been part of the process. I am not interested in the arguments for or against or the analysis: I want to know that the Minister was told as Minister that this decision was imminent. I do not believe that the Minister's argument would stand up in a select committee. The need for a select committee could not be more urgent, because this Minister wants to charge, try, find guilty and execute a penalty without the person having his common law right of giving evidence or appeal. We cannot allow legislation of this magnitude, nature and gravity to be passed in this House without being very sure about what we are doing and without justifying the need for the legislation. We will take the Bill from the Upper House, put it to a select committee and allow the select committee to give the Parliament its advice as to whether or not Bill Cousins is

guilty as charged. If Bill Cousins is guilty as charged, the Minister can dismiss him through the existing provisions.

If a select committee can prove that I have been wrong, that I have made this a political issue for nothing more than political gain and that all the evidence supports the Minister's argument, I will have to apologise; I will have to put my hand up and support the legislation. I am brave enough to make that statement, go to a select committee and chance my arm. The Minister is not prepared to chance his arm because he knows that he would stand condemned before any such select committee. That select committee need not meet for an inordinate amount of time. It would simply need to establish quickly whether or not the Minister was ill informed, poorly informed or, as he would have us believe, not informed at all. That could happen very quickly. If the Minister is strong and believes what he is saying, he need not fear that. I challenge the Minister to support my call for a select committee and to have the decency to give Mr Bill Cousins the legal privilege of this parliamentary select committee to state his case. If the Minister does not have that decency, why does the Minister not dismiss him under existing provisions and give him his common law rights to appeal before the courts?

That is not a big ask. I think it is weak and dangerous in the extreme that this Minister is so terrified of losing his ministerial portfolio and job that he wants to publicly crucify an individual and, when he cannot win, to try to crucify the individual in the halls of cowards' castle. You will live with this action, Minister, for the rest of your political career. I would like the Minister to think long and hard about the effect and impact on the Chairman of the TAB board, his family and his friends. He has been vilified; as Alex Kennedy put it, he has been treated disgracefully and viciously by this Government. I do not think that any individual deserves that. The Minister's preparedness to do that at the drop of a hat is what really irks me—that he did not have the decency to realise that he had made a mistake and accept responsibility for it. Nor did he have the decency, if he felt he was right, to challenge his Premier about his ministerial authority to do what he was doing.

As I have said, I think that the Premier acted correctly. If I had have been advising a Premier (as I have done on previous occasions) the advice I would have given him was that Ministers should not make decisions without consulting the Premier nor should they allow decisions to be taken without consulting Cabinet. Every member on the front bench of this Government has a right to be annoyed, disappointed and downright angry that this Minister allowed this decision to be made without taking it to Cabinet. The Premier had every right to ring the Minister and ask, 'What are you doing?'. I have no argument with that. But I do have a complaint about the Premier's vicious attack on Mr Cousins: I think that it was a most unwarranted and deplorable act by the Premier. I do not have any criticism whatsoever of the Premier's receiving a letter, picking up the phone and ripping into his Minister, because Dean Brown was 100 per cent correct to do that.

At that crucial point the Minister should have said one of two things: 'I am the Minister. I am backing the TAB because I believe it is right for the TAB, and I am forging ahead. If you do not like it, Premier, you can deal with me as you so wish.' That is what a Minister would have said if he had had the backbone to stand by what he believed to be right, because clearly he did. The other course of action was: 'I have made a serious mistake. I have not informed my Premier or my Cabinet colleagues. I have no other choice but to resign

as Minister.' They were the two choices a decent Minister faced.

But this Minister found a third option—to accuse Bill Cousins of the crimes that he himself had committed. What the Minister did not bargain on was that Bill Cousins would defend himself. The Minister did not expect that. What you have in a shadow Minister is somebody who will not let you get off lightly. What your counterpart on this side is doing is what all of us on this side of the Chamber will do to Ministers when they make mistakes of this magnitude: we will not let the issue rest.

The Minister says that I have alienated the racing industry. I can tell the Minister that I have had plenty of phone calls from people within the racing industry and they have not been impressed by your performance. They did not ring me about the decision: they rang me and said, 'What a disgraceful thing the Minister has done. How can the Minister live with himself after having crucified an individual for his own incompetence.' Those are the calls I have had from the racing industry. At the end of the day I do not care what the racing industry thinks: what I care about is what is right. Those in the racing industry who share my concern also know that what I have been doing is right, that is, defending a person who is suffering vilification from this Minister and Government.

I understand that the Premier has received letters from the heads of the racing codes concerning their support for the Minister. The other day I had a phone conversation with the producer of the Keith Conlon show and made the point that I had spoken to the chairs of each of the racing codes to ascertain whether, in their capacity as chairpersons of the racing codes as distinct from their role as TAB board members, they were supportive of the decision to go with *TABForm*, and each of those persons—Mr Kelly, Mr Pickhaver and Mr Hodge—told me that they supported the decision of the TAB board. I did not for obvious reasons ask nor did they tell me whether they supported the Minister. I told the producer that they had given me that indication—that they were supportive of the *TABForm* proposal: I did not say that they had said to me that they supported Bill Cousins.

It was relayed on air that Mr Foley had said that the chairs of the racing codes fully supported Bill Cousins. In fairness to the chairs of the three racing codes, I want to clarify that I did not ask whether they supported their Minister nor did I ask whether they supported the Chairman. That was a misquote on the radio and those things happen in the heat of political debate. In fairness to those people, they were not asked to offer comment on the Minister's performance or on the performance of the Chair. I just wanted to know whether their racing codes supported that decision.

What we have put to the House today is a very clear, succinct and detailed assessment of exactly what happened. The Minister not only knew about but was keen on the idea and promoted it. He walked with the chairs of each code and the TAB board on every step of the path. He made one fatal error: he simply was not on top of his portfolio. Minister, you stand condemned in this Chamber; your role as Minister has been irreparably damaged. The career and the reputation of an individual has been scarred by your incompetence and the deceitful way you attempted to portray this issue. For that I am disappointed in the Minister. I did not think that the Minister was that sort of person. If the Minister had his time all over again, I think that he would have treated the issue in a different fashion. As we know in politics, you do not get a second crack at it; you have to live with decisions you have

taken. The Minister will have to live with his conduct for the rest of his political career.

Mr Clarke: Brief.

Mr FOLEY: Brief political career. It is a simple fact of life that this sort of action, behaviour and ministerial standard will catch up with you and you will be suitably dealt with at some appropriate time by your Premier. About that I have no doubt. We have seen an injustice.

Mr Becker interjecting:

Mr FOLEY: The member for Peake can shake his head as often as he likes. He can get up and give his 20 minutes of irrelevancy but I can tell him one thing: the Opposition is right on this issue. The political commentators out there know that we are right because they are saying that we are right. Your colleagues behind closed doors are telling me that I am right. The racing industry is telling me that I am right. For that I will continue to pursue you, Minister. Have the decency and the guts to support a select committee. Do not hide behind ministerial protection and the protection of this Chamber. Have the decency to appoint a select committee, and let us hear all the facts, because, Minister, you stand condemned today for one of the most disgraceful acts of this short Government: you have been prepared to vilify a person, scar their reputation—

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

Mr BECKER: Mr Deputy Speaker, I would like a ruling on repetition. For one hour and 10 minutes we have heard nothing but repetition. The honourable member is accusing and pointing his finger across the Chamber at the Minister saying, 'You'. More importantly, there has been a considerable amount of repetition, and we are getting tired of it.

The DEPUTY SPEAKER: The member for Peake has raised two points of order. One involves a point to which the Chair has repeatedly drawn the attention of the member for Hart, and that is his penchant for addressing the Minister directly rather than through the Chair. The second point of order raised by the honourable member involves repetition. While the honourable member is unquestionably correct—the debate has been extremely repetitious—the Standing Orders of the Parliament are not specific on that point, whereas the Standing Orders of Westminster and Erskine May are: they allude to the fact that repetitious argument can be drawn to the attention of the Speaker by the Chairman. I ask the honourable member to terminate his remarks at the earliest opportunity if he intends to continue to be repetitious, but I cannot insist upon it.

Mr FOLEY: Thank you, Mr Deputy Speaker. All your rulings are informative and wise, and I thank you for your good counsel.

Mr Atkinson: And better than certain others.

Mr FOLEY: That comment did not come from me, it came from the member for Spence. As a new member of Parliament, I am continually on a learning curve. I thank the member for Peake because he has given me some breathing space in which to find a few points that I had not made before. Having been given that breathing space, I will now continue.

The other furphy that the Premier quickly promoted in an attempt to deflect from the issue was my being informed about this decision prior to the Government and the Premier. As has been proven, that involved nothing more than a clerk at the TAB being asked to advise formally the Premier, the Minister, the Leader of the Opposition and the shadow Minister, which the TAB considered to be in line with the

appropriate protocol. I have not checked the facts, but I suspect that it would be found that that has been the practice for a large number of Government boards of both political persuasions. Inadvertently, the facts were sent to me. They arrived some 50 minutes prior—

Members interjecting:

Mr FOLEY: Let me finish.

Members interjecting:

Mr FOLEY: It was a clerk at the TAB. A clerk at the TAB made a mistake. I received that letter 50 minutes before the Premier. I did not read the correspondence until the next day because, from memory, I was in Parliament or somewhere. That is one of the great furbies of all time: the Chairman of the TAB board provided me with information before the Government received it. That is wrong. A poor clerk made an error and may well have lost their job, I do not know, but those things happen.

I just want to make the point that I had no information. As Bill Cousins said in his own correspondence, the TAB board members were the only people who would not leak information. I actually telephoned Bill Cousins on four—

Mr Clarke interjecting:

Mr FOLEY: Not all ministerial hopefuls. I telephoned the Chairman of the TAB on four occasions and asked him to clarify information and events for me. He would tell me nothing. In fact, in the end, he became quite agitated and annoyed with me and basically told me not to telephone him any more and harass him for information. For that man now to be vilified as being a conduit of all information to me is yet again another unfortunate reflection on him, because in the end he hung up the telephone and would not give me any information.

Mrs Kotz: He's a very intelligent person.

Mr FOLEY: Exactly. As the member for Newland says, he is a very intelligent person. I only hope that you keep him on the board when you take over the portfolio. I will conclude. This has not been a speech of repetition but of highlighting an inept Government and an inept Minister. With all the rhetoric which the Premier has talked about regarding accountability, I say to the Minister: be accountable for your bad decisions and resign. That is simply what I am asking.

I am hopeful that there will be a select committee and that we will find out who is telling the truth. At the end of the day, I want to see a strong racing industry, not one that is involved in political controversy. I want to see a racing industry that is conducted under fair leadership. I believe that the racing industry deserves better, the TAB deserves better, the *Advertiser* deserved better: all the players deserve to be treated better, to be confident that the Minister involved in these negotiations handled them properly. This Minister did not.

The Minister wanted *TABForm* from day one, and he still wants it; he still likes it. He knows that that is what he has always wanted. At no stage did the Minister ever attempt to stop it. Why? Because he wanted it; he thought it was right, and he is guilty of an act of cowardice by not being prepared to stand by his own convictions and by putting an innocent person into the dock to be found guilty. The Minister is a disgrace and he should resign or be sacked.

The DEPUTY SPEAKER: Before calling the member for Giles, I apologise to members for saying that the Chair had no authority to ask a person to cease speaking if the Chair adjudged a speech to be repetitious. There is, in fact, Standing Order No. 128. In the experience of the Chair, that Standing Order has not been used during the past 20 years of the

Chair's presence in the House. I simply point out that the Chair feels that had it been used it may have been construed as the Chair gagging the member. However, under Standing Orders the member for Peake had the right to ask whether the member for Foley should be further heard. The Chair chose not to use Standing Order No. 128. The Chair calls the member for Giles.

The Hon. FRANK BLEVINS (Giles): I want to make a couple of points on this Bill. First, I want to speak about the involvement of the private sector in the public sector, particularly the issue of bringing in private sector CEOs to run public sector institutions. I am becoming more and more convinced that, in general, this policy is a mistake. In fact, I do not think that you can point to any private sector person who has been imported into the public sector who has been a success: eventually, they all scurry back to the private sector. I think that is probably for the best, because there is absolutely a different ethos in the private sector regarding accountability.

I have not met a private sector individual coming into the public sector who understands that there is a higher level of accountability in the public sector than private sector individuals are used to. In the private sector there is no question time where the Minister—not the CEO—has to answer for that State enterprise or State Government department. I suppose there are question times at annual general meetings in the private sector, but they are usually something of a joke. If some private sector individual transgresses the standards that are accepted and demanded in the public sector—and properly so—then the old boys' network swings into operation, and the CEO in the private sector just quietly moves on to another operation, usually with a golden handshake, the figure of which people in the public sector can only dream about.

Without being specific about any individuals, I want to say that by and large it does not work. Here is another example where the private sector has moved in on this operation, and that is the fundamental problem with which the Minister has been dealing. I can think of at least a dozen public servants who could have run the TAB equally as well as anybody in the private sector, who would be aware of the level of accountability and of the difficulty that Ministers have in explaining matters to the Parliament and accepting responsibility through the Parliament for the actions of those bodies. Those dozen people in the public sector would probably do it at half the price.

Of course, the incompetence of the Minister is what is under question today, and that matter has been dealt with at great length by the member for Hart. It is inconceivable that for six months a Minister could have known about a proposal from the TAB board which would take \$2 million or so out of the *Advertiser* and not have heard the warning bells. It is absolutely inconceivable that any Minister would be so blind, so oblivious, to what was going on around him that the warning bells were not heard loud and clear and that the board Chairman was not told straight away, 'Well, you can forget that; you can drop that right away.' Certainly I have read enough material—and only in the press—to enable the Minister to justify that decision to the Parliament.

However, the Minister sat there for six months, knowing full well what was going on in the TAB board and that the *Advertiser* was about to be cut out of \$2 million worth of revenue, but did not think it was of sufficient importance to mention it to his Cabinet colleagues or the Premier, and the

result is what we have today. The most charitable thing one can say is that the Minister is hanging out to dry, and properly so. The most charitable thing one can say about a Minister not hearing those warning bells is that he must have been as thick as a brick.

I do not mind about increasing the numbers on the board: I do not think that matters two hoots. I am quite amenable to that measure going through if necessary. The part of the Bill that really concerns me is the way that the Minister is attempting to change the terms of somebody's employment retrospectively. If the Minister had sufficient grounds to sack the TAB board Chairman or any member of the TAB board, he is perfectly free to go right ahead. The person can take his chances in court. If he is aggrieved, he can take whatever legal avenues are available to him, and there are a number of them. That is the way it works. If, on the other hand, Crown Law was to advise the Minister—and this is clearly what has happened here—that there was not sufficient evidence of serious misconduct for him to get away with sacking this person without the matter finishing up in court or a tribunal somewhere, the likelihood is that the Minister will lose, because the evidence of the level of negligence just simply is not there. In that case, or cases like them, if Cabinet members feel that the person has to go because they have become a political liability or whatever, then a commercial decision has to be negotiated with the person. There is no other avenue if you want to get rid of that person. You have to go and talk to them and say, 'We'll buy out the rest of your contract,' etc. By and large, people come to commercial decisions if it is made worth their while. There is no other option if one does not have the ability or the right to sack that person. I suppose the third alternative is that you just wear it until the end of that person's contract, and at the end of the contract you do not renew it. I would argue that that is what ought to have happened in this case.

Of course, the reason why it did not happen is that the Minister had to try to find a scapegoat to cover up his own incompetence. So, the finger was pointed right at Bill Cousins. The Premier came in the Parliament and absolutely slandered Mr Cousins—somebody whom I have never met; I would not have a clue about him or his background—in a desperate attempt to divert from the Minister to the Chairman of the board the blame for this farce we are going through now. That is very wrong, and I certainly do not want to be a part of enabling the Minister to change the legislation to in effect retrospectively change the terms and conditions of the Chairman and other members of the board: that is grossly unfair.

The Minister has complained that he has not had the minutes from the board in a proper manner, etc. That reflects only on the competence of the Minister. With the Chairperson of that board, one establishes right from the start what material and briefings one wants, whether one wants the board agenda beforehand, and so on; that will turn up as regularly as clockwork, and you will be fully informed. To complain about not having minutes is a reflection on the Minister and the Minister's administrative ability, and clearly that is lacking in this case.

I would argue that the other alleged wrongdoings of Mr Cousins are pretty well in the same category. At worst, it can show some slack administration on the part of the Minister rather than any negligence whatsoever on the part of the board. Again, it all comes back to this: for the Minister to know six months in advance that the TAB board was even contemplating something that would deprive the *Advertiser*

of \$2 million in revenue, not to do anything about it and then to blame the board for not sending the minutes of the very last meeting it had on the issue shows that the Minister certainly has to have something wrong with him. That is why he will be removed from Cabinet, and rightly so.

The Minister has let down not just himself—he has certainly done that—but also the racing industry, all his Cabinet colleagues and the Premier. All these people have been let down by the Minister through his incompetence, through his failure to recognise the problem when he has had that problem in front of him for six months, and he should be dismissed for that reason alone.

The *Advertiser* has also been let down very badly. As we know, the *Advertiser* does not in any way support what the Labor Party does or says. I do not criticise the *Advertiser* for that. The *Advertiser* is unashamed about supporting this Government six days a week. Week after week, it supports the Government. It blows up and puts on the front page any press release which in any way suggests that the State is doing well when obviously that is simply not the case.

On the other hand, when there is some really bad news for the Government, it is usually buried somewhere on page 27 (if it is printed at all). The ultimate demonstration of the *Advertiser's* support for the Government occurs when, as there was last week, there is some atrocious news for the Government. Last week, that occurred on the employment front. This State moved ahead of Tasmania as the worst State for unemployment in the Commonwealth for the first time in living memory, if ever. The *Advertiser* put that news on the front page as a positive story for the Government. That was absolutely amazing. However, I do not criticise the *Advertiser* as it is quite entitled to come out six days a week as a Liberal Party news sheet if it so wishes. It is their newspaper, and they can do what they like.

However, having done that, the *Advertiser* is then entitled to some consideration from the Minister. The *Advertiser* should not have to call the Minister and say, 'Hang on, you are doing something here which will cost us a couple of million dollars. Are you aware of what you are doing?' After working hard for this Government six days a week, for as long as it has been in existence, the *Advertiser* should not have to ring the Premier and say, 'Have you any idea what your racing Minister is doing?' The *Advertiser* is entitled to expect the Minister at least to be aware of what the TAB is contemplating. Because of the support that it gives the Government, the *Advertiser* is entitled to expect that the Premier, the Minister and the Cabinet are aware that something may be happening which will adversely affect the *Advertiser*.

I do not believe for a minute that the *Advertiser* called the Premier or the Minister. It may well have done, but I do not believe that it did. Why should it? There is no reason why it should because it has the right to expect that Ministers are at least aware of what is happening in their department. The *Advertiser* probably knew that the Minister was aware of what was happening in the TAB board with regard to *TABForm*. The *Advertiser* assumed that the Premier would also be aware of that. That was a reasonable assumption. However, as it turned out, the *Advertiser* gave more credit to the Minister than he was entitled to.

Over the past six months, we have witnessed one of the most striking examples that I have ever seen of a bumbling incompetent Minister. For the Minister then to turn around and try to take it out on the Chairman of the TAB board to try to shift the blame from himself to the Chairman of the TAB

board is an absolutely disgraceful attitude. It may appear that I am attacking the Minister in a particularly strong way. I happen to believe that the Minister is quite a nice guy. In all the years I have seen him in Parliament, I thought that he was utterly harmless. He has never harmed anyone in Parliament. He certainly never did any harm to the previous Government as a shadow Minister. I have reasonably warm feelings towards the Minister as an individual. However, I do not think that I have ever seen such gross incompetence in a Minister, and I have seen quite a few Ministers in my time.

As I have stated, I do not support that part of the Bill which retrospectively changes the conditions on which an individual was hired. If an individual deserves to be sacked, I would support the Minister's right to sack him. If he does not deserve to be sacked, I would support a commercially negotiated settlement. Retrospective legislation of this nature is absolutely wrong, and I know that every member opposite, with the exception of the Minister, agrees with me.

Mr ATKINSON (Spence): This Bill is a bad law because it is designed to punish one man only and to punish him for something that he did which was not a breach of his duty at the time he did it. It is important that the House knows why the Labor Opposition will not vote for Bills that are aimed at a named individual and which are retrospective in their operation. The rule of law requires that we, as legislators, formulate the law of this State in such a way that South Australians can know what conduct is required of them and what conduct is forbidden them at the time they do it or are in a position to avoid it. The law should be certain in its terms and general in its application.

We believe that laws should be specific about what they prohibit, but they should not be written in such a way that they particularise the people to whom they apply. Equality before the law is a principle for which we should strive as legislators. If we are to pass laws that discriminate, we should do so by reference to values that have general or universal application. We should not vote for a Bill that is introduced by a Minister with these words:

Members are aware of issues that have arisen between the Chairman of the TAB and me.

The late Austrian-British economist Friedrich von Hayek, about whom I read an obituary to the House three years ago, used to argue that laws should be general, abstract, their incidence predictable and conflict with them avoidable. The proposed law before us fails on all four counts.

First, it is not general. In his second reading explanation, the Minister confesses that the legislation is aimed at Mr Bill Cousins, the Chairman of the TAB board. Secondly, it is not abstract. It is not prompted by ideas or principles. It is prompted by the desire to deprive Mr Cousins of his rights under his contract of employment with the TAB before his term expires in seven months. Thirdly, the proposed law's incidence is not predictable because it was not in force at the time that Mr Cousins did something or failed to do something, resulting in the Minister becoming annoyed at him. In its current form, the Racing Act specifies the grounds on which the Chairman of the TAB and, indeed, all members of the TAB board, might be dismissed by the Governor, as follows:

- (a) any breach of, or non-compliance with, the conditions of his appointment; or
- (b) mental or physical incapacity; or
- (c) neglect of duty; or
- (d) dishonourable conduct.

The incidence or application of this law is reasonably clear. Mr Cousins or any public official could be guided in his or her conduct by such a law, especially if the Minister had had the wit, after his first attempt to sack Mr Cousins 18 months ago, to specify the conditions of Mr Cousins' appointment or to write him a note specifying his duties as Chairman.

No such note was written until a fortnight ago. Indeed, the Government accepts that Mr Cousins complied with his duty. If Mr Cousins had not complied with the law as it is currently expressed, the Governor, on the advice of the Brown Liberal Government, could have sacked him under these provisions. The Government will not try to sack Mr Cousins according to law because the Government knows that, if the matter were adjudicated by the courts, Mr Cousins would be vindicated on both the evidence and the law. The Government is afraid of its dispute with Mr Cousins being adjudicated by an independent judiciary; hence, this attempt to make Parliament sit in judgment on Mr Cousins.

So now the Government comes to Parliament and uses its majority of 36 members to 11 in the House to abolish the law as it has stood throughout Mr Cousins' tenure of office and to substitute it with this so-called law:

(5) The Governor may remove a member from office on any ground that the Governor considers sufficient, whether the member was appointed before or after the commencement of [this enactment].

Mr Brindal: What's wrong with that?

Mr ATKINSON: I will tell the member for Unley what is wrong with it. What sort of a guide is this to public officials who want to know what Parliament expects of them in the course of their public duties?

Mr Brindal interjecting:

Mr ATKINSON: The member for Unley says that it is a good guide. In my view, the enactment is arbitrary. Its hidden text is—

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Unley and the Deputy Leader are out of order.

Mr ATKINSON:—stay sweet with the political Party that runs the State. That is what this law really says. So the rule of law becomes the rule of power. I for one will not vote for it. Fourthly, this proposed law fails the test of allowing the citizen to avoid conflict with its provisions. Mr Cousins is not a clairvoyant; he could not have known at the time he was dealing with the Minister in accordance with his public duty that the law was going to be changed retrospectively so that the Government could sack him for any reason in respect of conduct that occurred before the passage of this enactment.

The Bill is shameless about its retrospective application. It says that a member may be removed from office on any ground the Governor considers sufficient 'whether the member was appointed before or after the commencement of the Racing (TAB Board) Amendment Act 1995'. As soon as the Brown Liberal Government came to power it tried to sack Mr Bill Cousins; that is, it tried to sack him before he had done anything or failed to do anything as a servant of the new Government. The Government's lawyers then pointed out to the Minister for Recreation, Sport and Racing that he could not sack Mr Cousins because there was no evidence that he had breached section 45(5) of the Racing Act.

Mr BECKER: I rise on a point of order, Mr Deputy Speaker. I refer you again to Standing Order 128 relating to irrelevance and repetition. This debate is going around in circles. I ask for a ruling under Standing Order 128.

The DEPUTY SPEAKER: The honourable member is not repeating anything of substance that was said by the

member for Hart. The honourable member is referring directly to the Act and to its legal ramifications. I do not recall the member for Hart referring specifically to this line of argument. Although I agree that there is a degree of repetition in the debate, I find this line to be unique to the debate today, at least as long as I have been in the Chair.

Mr ATKINSON: My old law lecturer, Mr Geoffrey Walker, explained the vices of retrospective enactments this way:

When a statute is designed to act on past events, it is possible to have a reasonably clear idea of who will be affected by it. This gives it the character of particular legislation analogous to a Bill of Attainder.

Although Bills of Attainder were abolished in 1870 after a long period of disuse, they were in their day a way of formulating an accusation against a peer or high personage in a matter of public importance, declaring him to be attainted, and his property and sometimes his life forfeited. A Bill of Attainder was of course unnecessary if its subject had breached the law. The Tudors, the Stuarts and other royal houses of England knew whom they wanted to punish and were not going to be constrained by the law. The Bill of Attainder was their means to the end. Now we have another ruling house adopting the same course.

This Bill gives to Mr Cousins' conduct before its enactment a different legal effect from that which it would have had if the Bill were not enacted. I doubt that such a Bill can even be characterised as a law because it lacks the generality, prospectivity and certainty that are essential aspects of the rule of law. Should this Bill be proclaimed, I am sure the courts would interpret it in accordance with longstanding principles of statutory interpretation, such as the presumption against retrospectivity, for individual responsibility and for innocence. The more I think about this Bill, its genesis, the prospects of its passage through Parliament and its interpretation by the courts, the more I think that the Minister's political obituary might read, 'He is survived by 12 Cabinet colleagues and the Chairman of the TAB.'

Mr BECKER (Peake): In all the 25 years I have been a member of Parliament, I have not heard such nonsense. The Labor Party forgets that, when it first took office in the 1970s, it brought in streams of legislation and it placed public servants and statutory authorities under ministerial control. That happened time and again during the Dunstan era. We know how Corcoran and Wright ruled this State; we know how they operated; and we know the mess that they made of the financial affairs of this wonderful State. Now the Liberal Government has to try to clean up the mistakes made by the Labor Party. Just before the last State election the Labor Party cleverly put people into certain positions, knowing that they would be there to do anything they could to stop, to censure and to sabotage the work of any new incoming Government. That is exactly what is happening: the operations of the current Government are being sabotaged.

Mr Clarke: That's an absolute disgrace, saying Mr Cousins is one of those.

Mr BECKER: I am not saying that; I am saying that it was a tactic of the previous Labor Government to put people on boards so that, in the event it was defeated at the election, they would do whatever they could to stop the incoming Government. That is exactly what has happened since we came to Government. Every time we make a move to do something to benefit the people of South Australia, who is there trying to sabotage the operation? The Opposition. It is

using all its resources and all its union mates to do anything it can to bring down this Government, which is trying to do something to benefit the people of South Australia.

Members should look at what happened in 1982 when the Liberal Government lost power. One of the first things the Bannon Government did was to remove one of my constituents from the board of a statutory authority. When she turned up to a board meeting after the new ALP Government was elected, the secretary told her that he was terribly sorry and that he should have written to her telling her of her replacement. She said, 'But I am appointed to the board; I have another 12 months to go in my position on the board.' The secretary replied, 'Yes, but there has been a change of Government; you have been replaced.' No-one asked her whether she would step aside, resign or anything else: she was just told, 'You have been replaced.' That is what the Labor Party did; that is how it operates.

Members opposite stand up in this Chamber and tell us that they are against retrospective legislation and against all sorts of principles; and they have this highfalutin attitude that they are the greatest administrators this State has ever seen. However, the Labor Party brought this State to a disgraceful level, and it has made administration almost impossible. I have nothing but faith and confidence in the Minister, who is trying to rectify the situation. The Minister has given a lot and done a lot for the racing industry, and he deserves all the support we can give him today.

[Sitting suspended from 6 to 7.30 p.m.]

STATUTES AMENDMENT (PAEDOPHILES) BILL

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

RETAIL SHOP TENANCIES

The Legislative Council transmitted the following resolution in which it requested the concurrence of the House of Assembly:

1. That a joint committee be appointed to inquire into retail shop leasing issues relevant to retail shop tenancies, including the following matters:
 - (a) rights and obligations of parties at the end of lease;
 - (b) allegations of harsh and unreasonable rental terms;
 - (c) rights and obligations of parties on relocations and refits.
2. That in the event of a joint committee being appointed, the Legislative Council be represented thereon by three members, of whom two shall form a quorum of Council members necessary to be present at all sittings of the committee.
3. That this Council permits the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence or documents presented to the committee prior to such evidence being reported to the Council.

RACING (TAB BOARD) AMENDMENT BILL

Second reading debate resumed.

The Hon. S.J. BAKER (Deputy Premier): I would like to share with the House some of my observations in respect of the operation of the TAB and particularly the culpability of the Chairman in particular. One of the things that I really abhor is somebody lying to me: if somebody lies to me, I take great exception. On that fateful Thursday night when the member for Hart received his communication from Mr Cousins I, too, received a communication. I did not read

mine until 7 p.m. I did not have the advantage of a fax machine. It was put in an envelope and I received it when I returned to the office. I read that the TAB was going to save over \$1 million by printing its own newspaper, the *Advertiser* contract no longer being renewed. I knew that was an absolute lie, because I know that the industry cannot survive without a strong daily paper and everybody in this House should recognise that. Even the member for Hart would say there is no argument about that, yet I had this piece of literature penned from my penfriend, Mr Cousins, saying, 'We have made a decision and there will be a net benefit to the TAB and to the racing industry'. That was absolute rubbish. So what Mr Cousins did was to communicate a lie.

Mr Foley: He lied to you.

The Hon. S.J. BAKER: Mr Cousins lied to me—exactly right. His own paper showed quite clearly that that was not the best estimate of what the outcome was going to be.

Mr Foley interjecting:

The Hon. S.J. BAKER: As the member for Hart would recognise—and if he wants to ask questions during the Committee stage he can—what Mr Cousins did was to communicate. My understanding is he did not get that letter checked before he sent it out. He then went back to the board and said, 'Can you endorse this letter?' Where did that leave the board members? The board members had made a decision in the full knowledge that this was likely to lead to a loss. The board members agreed to the letter that Mr Cousins signed after the event, not before the event.

Mr Foley interjecting:

The Hon. S.J. BAKER: The member for Hart is continuing to interject. I will go through the problem with the TAB and how the ALP over the past 10 years has had enormous problems with the TAB board. They think it has nothing to do with Government and nothing to do with financing the racing industry, and some of the former Government's pets have been on the board.

Mr Foley interjecting:

The Hon. S.J. BAKER: No, just wait. Some of his old smelly mates are on the board.

Mr Foley: Yes, Oswald's smelly mates.

The Hon. S.J. BAKER: No, some of his smelly mates are on the board. I imagine that right now the racing industry, the dogs industry and the racing fraternity would be absolutely appalled by what is happening at the moment. I imagine that the turnover has been dramatically affected simply because at this clandestine meeting organised by a person who really is a dinosaur—

Mr Foley: Who?

The Hon. S.J. BAKER: Mr Cousins. It was organised by Mr Cousins—

Mr Foley: A dinosaur?

The Hon. S.J. BAKER: A dinosaur; absolutely right, and you can quote me in the press.

Mr Foley interjecting:

The Hon. S.J. BAKER: That is right; you can show Mr Cousins my speech.

Mr Foley: What about the rest of the board?

The Hon. S.J. BAKER: I will get to the other members of the board. He has had his opportunity to speak. He continues to interject. He had an hour and a half on his feet and he repeated himself five times, if he repeated himself once. He bored the House to tears. He did not produce any new evidence and now he wants to interject during my contribution. It is about time the member for Hart stood up for the industry. It is about time the member for Hart stopped

playing bloody politics in an area where he knows that his own Government could not exercise control; he now wants to prevent any control being exercised by Government at the same time as all areas of the industry are bleeding.

That is the issue. He wants the industry to continue to bleed because of Mr Cousins. Let it be known out there. Let him go to the races and talk about the situation, or let him go to the dogs. They cannot even get a program into the paper. They have no way of ensuring that their turnover remains at a reasonable level. For example, talk about the trots. The honourable member should look at all the midweeks and what is in the *Advertiser* that is able to represent the industry. They must be bleeding very badly at the moment.

Mr Foley: They support *TABForm*.

The Hon. S.J. BAKER: The member for Hart is not right. They would support *TABForm* only as an adjunct to good publicity coming out of the major daily.

Mr Foley interjecting:

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

The Hon. S.J. BAKER: I am telling the member for Hart that, if he wants to start looking at how the industry has been affected, he should look at the results coming through the system. I do not have to be a Rhodes scholar—and I do not have any figures in front of me—to guarantee that turnover is down as a result of this change. I would say it is probably down even more than the board estimated in the first place. That would be a reasonable estimate and we will find out. The point is that under such conditions the previous Government had problems with the TAB thinking that it was apart from everyone, making decisions for itself only. That is because we have leftovers of appointments by the previous Labor Government—people who do not have any expertise in the racing industry. I am talking about Mark Pickhaver. I suggest that the trotting industry will throttle him before he is finished: they should have removed him. Kate Costello is another one of your friends, and of course there is Mr Cousins, one of your mates.

The Hon. D.C. Wotton: I didn't know he had any.

The Hon. S.J. BAKER: That is right. He probably had some vague relationship with them. They are obviously friends because the member is so vigorous in his support for them. The issue about the TAB is that we in South Australia have traditionally received the worse service from our TAB of any State in Australia. It is the worse performing TAB. If anybody looks at what is provided interstate, they will see that on the TAB boards form guides are provided as part of the TAB program. They have all the fields and a form guide. As well as that, they have strong daily support from the papers so that every race meeting is advertised in the paper. What do we have today? The TAB form guide is absolutely second rate, quite frankly. It is not even as good as the *Advertiser* used to produce. And the *Advertiser* advertises one meeting, if it is a South Australian meeting. All the interstate meetings, from which 30 or 40 per cent of the turnover comes, are not given any coverage in the paper.

Mr Foley interjecting:

The Hon. S.J. BAKER: The honourable member says that he is happy with that—he is happy with Mr Cousins. That is what he is saying.

Mr Foley: He could have stopped it all.

The Hon. S.J. BAKER: The honourable member refers to the point at which the Minister could have stopped it all. The Minister would obviously have asked the TAB board to consider all the possibilities. The board should have looked

at *TABForm*, and it should have looked at what is done interstate. When the racing industry is going backwards, the board should have explored every possibility. The point of departure was at this little meeting that they had when the decision was taken, and the Minister was not allowed to know of that meeting and the decision to be taken.

Mr Foley: What about the phone call?

The Hon. S.J. BAKER: The Minister did not get a phone call. That is an absolute untruth. The Minister knew on Wednesday—

Members interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER:—that the decision had been taken, that the *Advertiser* was out and there was no daily coverage. They have got—

Members interjecting:

The SPEAKER: Order! I suggest that the member for Hart has had a fair go and that he cease interjecting.

The Hon. S.J. BAKER: As I said, I want to be brief in my contribution. The Minister had the interests of the racing industry at heart when he encouraged the board to look at all these other opportunities, and the board should have looked at them, whether it produced its own *TABForm* or whether it put it up on the TAB boards in the TAB forums. The board should have been looking at those possibilities, but the point of departure came when the daily paper was cut off. If push had come to shove at that critical moment, when the *Advertiser* was aware that its revenue was down and it was also aware that there was another opportunity, I am sure with proper negotiation, if the Minister had known at the time, it could have been stopped. Rational people would have come to rational decisions. But not Mr Cousins, whose responsibility it is to report to the Minister. He said, 'No, I am going to leave this for a few days. I am going to get this dirty little contract stitched up. I know better than everybody else. I know better than the Minister.' What he did was exactly what should never have happened. Instead of using the analysis of the board as leverage for the *Advertiser*, he made the decision to cut out the *Advertiser* and to produce *TABForm*, which is second rate, and now we have a difficult situation on our hands.

The honourable member opposite wants to protect those people, particularly Mr Cousins, because he was the conduit. It was his responsibility to report to the Minister. He should have telephoned him on Saturday and said, 'Minister, we have just had a meeting.' Alternatively, before that, he should have said, 'Minister, we are about to make a decision.' That was his responsibility, not anybody else's. All the members on that board would have assumed that there was communication with the Minister as there had been previously. The Minister is blameless. He encouraged the TAB board to get off its backside and do something for the industry. Obviously he did that but, no, the member for Hart, after the damage has been done, wants to protect those people who are destroying our industry, and he wants to refuse the Minister the capacity to remove those people. I find that a disgrace.

Let us compare that with 1982 when there was a change of Government. Members of a number of boards, people of goodwill who had the best interests of the State at heart, were told that the door was shut, that they did not have a seat on the board and that the Government wanted to see their resignation. That was the difference. They used their clout, their big boots, to trample all over everyone. We have not done it that way. On occasions, I have had to wait out some people. However, if anyone who was appointed by the

previous Government has performed, that person has retained a position. Those people with whom I have had difficulty have been replaced, as the honourable member would recognise. I am interested only in talent and performance. I do not care whether a person has a Liberal tinge, a Labor tinge or a Democrat tinge. As long as that person can perform the function for which he or she has been appointed, I am happy. I will remove anyone in the fullness of time, because I cannot do anything under the legislation, either. I have had to wait out time for some of these board appointments.

What I am saying is that the member for Hart and the ALP have a responsibility. If the member for Hart wants to keep playing politics and keep chasing the Minister round and round the mulberry bush, so be it, but I can tell him that the industry will get pretty sick of not having a solution to a real problem.

Mr Foley: I can live with that.

The Hon. S.J. BAKER: The member for Hart says that he can live with it. I am sure—

Mr Foley: It is of your making.

The Hon. S.J. BAKER: It is not of the Minister's making; it is of Mr Cousins' making. He is a dinosaur and we know what happened to the dinosaurs. All of them are extinct, although one or two remain on this earth. All I am saying is that we have people on this board who are not of goodwill, who are friends of the ALP and who are out to make as much strife for the Government as possible, and I do not believe it is in the best interests of this Government or the people of South Australia to allow them to continue on the board. I am saying that some people on the board do not have the best interests of the industry at heart. It is a matter of politics now. The member for Hart wants to play politics, he is not interested in the future of the industry, so let him pay the bills.

The Hon. J.K.G. OSWALD (Minister for Recreation, Sport and Racing): This afternoon the House saw a hysterical performance from a politically ambitious young man. There is no question about it. He winks and acknowledges it. He has no regard for the racing industry, he has no regard for the truth, and he has no regard for the facts. He deliberately set out over the course of the afternoon and over the past three weeks to misrepresent the situation, to deliberately create a perception that is not fact. It was only this afternoon that I was able to put to the House the letter that I received from the TAB board that was signed by members of the board, by members of the board who were put there by the former Labor Government, and we started to get some accuracy into the debate.

Let us look at this afternoon's debate. The member for Giles made great play of the fact that, for some six months, I was alleged to have known what was happening. I presume that he was referring to the corporate plan. I should like to read a paragraph from the 1994-95 to 1998-99 business plan, as it relates to the newspaper, as follows:

Although the corporate plan anticipated 1995-96 as a start date, it is now thought either of the options would take until at least midway through 1995-96 to implement.

That means it would not be until onwards of January 1996 before the business plan anticipated a move to a newspaper. The only argument from the honourable member was that I had known of this for six months, yet the board's own business plan states quite clearly that it was not planning to do anything until at least January 1996.

The member for Hart has tried very hard over the past three weeks to hang his argument on the racing information, dated 30 May, that was provided to me on 7 June. That is a loose, inconclusive document, and I should like to refer to some of the assumptions in it. It states:

The strong support for the quality form guides printed in the *Advertiser* and home delivery suggests that our customers would not find the transition to having to collect a TAB newspaper form guide easy and would produce a negative impact on turnover. This would also probably require the SA TAB to open staffed agencies earlier at additional costs. . . The need to have to collect form guides from agencies would have a negative effect on telephone betting [and it suggests] a 2 per cent drop in turnover would wipe out projected savings.

Elsewhere in the document there is a caution about the newspaper in Western Australia. It states:

Research conducted in March and April this year tells us that our customers rely heavily on the *Advertiser* for racing information: 91 per cent nominated the *Advertiser* form guides as their dominate source of information. . . We conclude from information [from Western Australia] that there would be a large level of dissatisfaction from punters having to collect their form guides when such a large percentage rely on the *Advertiser* and a significant number of them have had their *Advertiser* delivered.

It is clear that at the board meeting of 30 May it was not an issue. Mr Cousins visits me after every board meeting; he visited me on 7 June. It is now on the public record that I had no contact from Mr Cousins or the General Manager from 7 to 21 June, but in the meantime they had a board meeting. After 7 June staff started putting up proposals, which the board members were asked to consider. The letter I read to the House this afternoon clearly establishes that I was not informed. I remind members that the letter was signed off by the five members of the board. It was agreed to by all five members of the board who met to discuss this. The letter stated:

It is agreed that the board at its meeting on 17 June resolved to print and distribute a special form guide newspaper subject to the resolution of two issues. . . No papers relating to 17 June nor agenda for the same were provided to you [me, as Minister] prior to that board meeting. Prior to 21 June no papers or details of any resolution taken at the meeting of 17 June have been provided to you.

It may not help the honourable member's political cause to hear this sort of thing but we have listened to him out in the public arena for three weeks now. He has put forward a total misrepresentation of the facts and has carefully kept away from this meeting of 17 June. He has—

Mr Atkinson interjecting:

The Hon. J.K.G. OSWALD: My word, they believe me. The media believe it now, because they have the truth.

Mr Foley: You didn't see the tellies tonight, John.

The Hon. J.K.G. OSWALD: I did indeed see the tellies tonight. The fact is that for the past three weeks the honourable member has deliberately kept away from mentioning 17 June as if it does not exist, when the material I have presented today from the board clearly demonstrates that the meeting made the decisions. On 21 June, which was the first contact we had from the General Manager, he informed me in a telephone communication that the TAB was close to finalising arrangements to print a form guide and that he would get back to the *Advertiser* one more time at my request.

That was my first opportunity since 7 June to intervene. They held a meeting on 17 June at the TAB that Saturday morning, and the first I heard of it was on 21 June. I asked them to get back to the *Advertiser* and renegotiate it. He said he would get back, and in correspondence I have previously

quoted to the House Mr Cousins also agreed that he would do so. I continue to quote as follows:

On the morning of 22 June the General Manager of the TAB contacted the General Manager of the *Advertiser*, Mr Sanders, by telephone but the *Advertiser* did not offer an improved quotation.

I have checked with the *Advertiser*, and members can telephone John Sanders as well; they will find that the General Manager of the TAB did not telephone the *Advertiser* on that morning and did not read that letter. The *Advertiser* was not—

Mr Foley interjecting:

The Hon. J.K.G. OSWALD: I am telling you what happened.

Mr Foley: What happened?

The SPEAKER: The member for Hart has been treated very well by the Chair, which does not want to disrupt the proceedings. I suggest the honourable member wait for his opportunity when the Bill proceeds to another stage.

The Hon. J.K.G. OSWALD: The General Manager telephoned the *Advertiser* at 3.30 p.m. and said that the deal would be concluded. The point which is clear and which has to be made is that my first contact from the TAB was on 21 June. The letter concludes:

. . . On the basis . . . I can confirm . . . that no notice was given to you or an agenda or board papers provided to you before the meeting of 17 June.

The honourable member can go on as long as he likes—he can keep this going on in the public arena for the next six months if he wishes.

Mr Atkinson: He won't need to.

The Hon. J.K.G. OSWALD: I have a lot of faith in the public. When the board members come out and say quite clearly that I had no knowledge of that board meeting at which the decisions were taken the public will cast its judgment as well. The Bill comes in two parts. The first part relates to the increase in membership of the board, which is designed specifically to allow us to put people on the board who have management and financial expertise and who have actual knowledge of the industry. The second part of the Bill does no more than what is already enshrined in three Acts of Parliament. First, section 6 of the Gaming Supervisory Authority Act 1995 provides:

(1) A member will be appointed for a term not exceeding three years specified in the instrument of appointment and is, at the expiration of the term of office, eligible for reappointment.

(2) The Governor may remove a member of the Authority from office on the ground of—

. . . (d) any other ground that the Executive Council considers sufficient.

Section 13 of the South Australian Water Corporation Act provides:

(2) The Governor may remove an appointed director from office on the recommendation of the Minister.

(3) The Minister may recommend the removal of a director on any ground that the Minister considers sufficient.

Section 15 of the Electricity Corporation Act provides:

(2) The Governor may remove an appointed director from office on the recommendation of the Minister.

(3) The Minister may recommend the removal of a director on any ground that the Minister considers sufficient.

The grounds for dismissal in the Racing Act are cumbersome, restrictive and do not contemplate such an action for want of confidence in the Chairman. The Bill does no more than bring the situation into line with that operating in private enterprise, and is based on the provisions in these other three Acts. If it were a private company running a business its directors

would be accountable to the shareholders and could be removed by the shareholders with or without cause. In other words, why should the directors of a business run by a statutory authority be any different from any other type of business?

This debate has been sidetracked by some very politically ambitious and politically motivated people. The fact is that the Government has to have a right to appoint boards and to be able to replace members on boards if it sees fit. The Opposition has endeavoured to paint a public perception that the Minister was in a position of intervention. The reality is that when the board moved to make its decisions the Minister was not informed, nor was the Minister contacted after the board meeting of 17 June, when every other time the board met the Chairman always made a point of coming to the Minister, involving him and telling him what had been discussed at meetings.

Despite the protestations of the member for Hart in this House or on the media, he cannot get away from the fact that the Chairman and the General Manager did not let me, the Minister, know that the meeting was on and did not send any agendas or papers. Indeed, I did not get the papers; I had to issue a directive to get the papers.

Mr Foley: Did any staffer know what was going on?

The Hon. J.K.G. OSWALD: My officers are not involved in this.

Mr Foley: Not at all?

The Hon. J.K.G. OSWALD: The fact is that the Chairman has a responsibility to ensure that, if a decision had been made and a sequence of events had evolved since he met with me on 7 June, I be informed. If members opposite or my colleagues were the Minister for Racing and events had started to move forward after a meeting held on the 7th which led to a special board meeting, and the Chairman who always met with me after a board meeting did not meet with me, they would be very angry: as indeed I am.

The first move to intervene was when the General Manager contacted me on the 21st, and it is well documented. He did not get back to me. The next contact was when Mr Cousins sent out his letter claiming the \$1 million saving. As soon as I received that letter we contacted Mr Cousins and told him to stop—another attempt to intervene—and his reply, which is on the public record, was ‘I’m sorry, the contract has been signed.’ You would think that it would have crossed their minds to give me a copy of the contract, but I did not get a copy of it.

Calling a special meeting of the board and not telling me about it, making decisions at that meeting based on such documents, writing to members in this Chamber and making claims based on the document in question, and telling me after the event is, I think, a total miscarriage of responsibility. The people concerned certainly did have a responsibility to ensure that I and, through me, the Government were aware of the track down which they were going.

I commend the Bill to the House. The public has an expectation that we were elected to govern and determine what will happen in South Australia. The mandate is there for us to make decisions, and we are prepared to make those decisions. I put it to the House that this Bill is worthy of members’ support and urge them to do so.

The House divided on the second reading:

AYES (28)

Allison, H.	Andrew, K. A.
Armitage, M. H.	Ashenden, E. S.
Baker, D. S.	Baker, S. J.

AYES (cont.)

Bass, R. P.	Becker, H.
Brindal, M. K.	Buckby, M. R.
Caudell, C. J.	Cummins, J. G.
Evans, I. F.	Hall, J. L.
Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Leggett, S. R.
Lewis, I. P.	Meier, E. J.
Olsen, J. W.	Oswald, J. K. G. (teller)
Penfold, E. M.	Rosenberg, L. F.
Rossi, J. P.	Venning, I. H.
Wade, D. E.	Wotton, D. C.

NOES (10)

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

PAIRS

Brokenshire, R. L.	Blevins, F. T.
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Majority of 18 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—‘Constitution of board.’

Mr QUIRKE: One of the most obvious questions to be asked when we look at this clause is why the Minister did not read his mail. I would like to know the Minister’s answer to that question, because what is quite clear in this whole exercise is that the department was bubbling along without taking any position about the merits or otherwise of *TABForm*. I have always been an absolute wowser when it comes to gambling and those sorts of things—I have never put any money on a horse that I can remember—unlike the member for Spence who is very good at picking form. I have been to the races with him on numerous occasions, and I think that the member for Spence, who is a truthful man, would tell the Committee that he has never seen me put money on a horse. Mind you, he did not have much of a chance because he was running from one bookie to the next. That simply puts forward his credentials in regard to this matter. The interesting thing in respect of this Bill is that it will have the effect of dismissing the—

The CHAIRMAN: The member for Playford may wish to digress and resume his second reading speech, but I point out that clause 3 simply increases the number of members of the board. The honourable member should speak directly to the clause. If he wishes to refer to the dismissal clause, that is a subsequent clause. We are speaking to clause 3, which amends the constitution of the membership of the board.

Mr QUIRKE: That is the clause I intend to address. It is one of the key clauses of the Bill. It will bring about a majority of board members for this Minister so that he can do what he wants. That is what this Bill is about. We need to ask ourselves why we are in this situation, why we are expanding the board, and why we are debating this matter today. We are doing this because the Minister did not read his mail. He did not pick up the quite numerous signals in this whole exercise. As a result of what has happened during the past few weeks we are seeing an attempt to try to bulldoze this Bill through, to expand the board, so that the Minister can get rid of the present Chairman of the TAB board. That will be the impact of this Bill if it goes through the Legislative Council. The Minister can then put in place as much damage control as he

likes through measures such as this, and the rest of the world theoretically will not realise the process that took place in this whole exercise.

The reality is that the Minister did not pick up any of the signals that this process was coming close to finality. I feel somewhat sorry for the Minister. I say that openly because he has been a good Minister for Housing. I have made it clear in this House that I think he has excelled himself in that portfolio, but unfortunately it is quite clear to me that he has allowed a situation to develop behind the scenes without taking the necessary intervention. Through this clause the Minister seeks to increase the number of board members from six to eight. Those members will be installed by the Minister, and then he will be confident that he has the numbers to sack and vilify the Chairman. I use the word 'vilification' because if members look at the second reading speeches—and I must say that I have never known another Minister let alone a Deputy Premier to wade in—

The Hon. Frank Blevins: It's unprecedented.

Mr QUIRKE: It is absolutely unprecedented. I have been here for six years, and I have not seen it before. The Deputy Premier came in here and tried not only to support his colleague and stiffen up the speech of some other members but he vilified the Chairman in language that I found to be absolutely extraordinary. That speech was vintage Deputy Premier—absolutely vintage. He used terms in his speech which I think quite clearly make it obvious to board members in other areas that if you fall foul of this Government, if a Minister is caught in all sorts of wriggles, you will get the blame for it.

That is the message we are receiving now. The way in which the current Chairman has been vilified in this whole process by the Premier, the Deputy Premier and others is, I believe, an absolute disgrace. The obvious question that comes to mind regarding this clause is: why do we have to have it? I will provide the real answer to that question straight away because I am sure we will not get it from the Minister. We have to have it because the Minister did not read his mail, he did not pick up on what was going on. This Bill is an attempt to cover the tracks in the best way the Government can.

The Hon. J.K.G. OSWALD: I am a little disappointed with the honourable member's presentation.

Mr Bass interjecting:

The Hon. J.K.G. OSWALD: He is heading for more than the Deputy Leader's position; he is about to step up into the top position as soon as he can get the numbers. The honourable member should realise that in this case he is attempting to protect the member for Hart whose argument has gone off the rails, because the public realise that the Minister (in this case, me) was not informed of that meeting of 17 June. The worst thing that could have happened as far as the member for Hart is concerned is that, in order to set the record straight, the five board members would come out and say to the public of South Australia that the Minister did not know and that the decisions were taken after the Chairman of the board visited me on 7 June. From then on the Minister was not kept informed. After the board meeting of Saturday 17 June the Chairman (as was his wont after previous board meetings) did not contact the Minister to brief him. Nothing happened from then on as regards communication between the board Chairman or the General Manager and the Minister.

The honourable member is avoiding me at the moment and carrying on a conversation to his left because he does not want to get involved. He has made a valiant attempt to protect

this politically ambitious young man who is the lead speaker in the debate, a young man who cannot contain himself at the moment because his political ambition is to move down to the front row and shift himself along to the position in which he would love to sit in years to come. He is a highly politically ambitious young man. The problem with his debate is that it has gone off the rails, and the honourable member has egg on his face today.

Mr Quirke interjecting:

The Hon. J.K.G. OSWALD: He may want to sit over here, too. He is a politically ambitious young man, and he thinks he has got onto something, but the reality is that the TAB board has cleared the air and made a statement. The honourable member is as wrong as the member for Hart. He realises that. He is definitely on damage control now. The only problem he has is with his own credibility. He has pushed this line that has been fed to him by his friends in the TAB.

Mr Quirke: What friends? Name them.

The Hon. J.K.G. OSWALD: He knows jolly well who I am talking about. The TAB fed information to him, but now he has been hung out to dry by the TAB because the information that he provided was not accurate. Now he has to go into damage control mode in the media and try to get back the debate.

An honourable member interjecting:

The Hon. J.K.G. OSWALD: We will see. I have great faith in the people of South Australia. I have great faith in the fact that when they are told what is going on—as they have been today—the mood of this debate will shift back to where it should be, that is, a realisation that the Minister was not kept informed. I am glad to see that the member for Giles has returned.

The Hon. Frank Blevins: I was here all the time.

The Hon. J.K.G. OSWALD: No, you weren't; I made a comment about you a while ago. The member for Giles made great play of the fact that I am alleged to have known about this for six months. The member for Giles has been misled by the member for Hart, who showed him the corporate plan but not the business plan which supersedes the corporate plan. The business plan states, quite clearly, that the options would be taken until midway through the 1995-96 financial year, which means into 1996.

Mr Foley: May take.

The Hon. J.K.G. OSWALD: Would take. I will be disappointed if the honourable member has already been given a copy of the business plan. He obviously has a copy of the business plan—

Members interjecting:

The Hon. J.K.G. OSWALD: If that has been leaked out of the TAB by the Chairman of the TAB I will be most concerned.

Members interjecting:

The CHAIRMAN: Order!

The Hon. J.K.G. OSWALD: I contacted the TAB and asked how it felt about the release of the business plan, because during the Estimates an Opposition member—I think it was the Deputy Leader; if it was not I apologise—asked me whether I would release the business plan. I said that I would take advice from the TAB, and the advice I received is that it would not like the business plan to be released. I intend to respect that advice. The plan is confidential. The latest business plan is dated 1994-95 to 1998-99. In it, it says quite clearly—

An honourable member interjecting:

The Hon. J.K.G. OSWALD: The honourable member should listen. He has been misled by the member for Hart.

An honourable member interjecting:

The Hon. J.K.G. OSWALD: I just read out the date.

Mr Clarke: No, the date it was written.

The Hon. J.K.G. OSWALD: January 1995.

An honourable member interjecting:

The Hon. J.K.G. OSWALD: It says 'six months'. It also states that it will not take until at least midway through 1995-96. January 1996; not 1995! The clause seeks to increase the membership from six members to eight. That will give us an opportunity to put onto the board people with financial and marketing skills, which will give us a far stronger board that can manage the TAB far more effectively than it is being managed at the moment. I would have thought that every member of this Chamber would agree that we need to inject more marketing and financial skills into the management of an industry which has turnover of \$500 million. This will give us the opportunity to do that. Only the racing industry can benefit, if we have the opportunity to expand the board and put people on it with financial and marketing expertise.

Mr FOLEY: As my colleague the member for Playford has pointed out—and I alluded to this in my second reading speech—clearly this is the No. 2 strategy in the Bill: if the Government is not able to dismiss Bill Cousins, it hopes to expand the board from six members to eight and appoint two more of its own members. That would then give the Government the numbers on the board to move a vote of no confidence in the Chairman. I can see it coming like a big truck. If you are trying to be clever, you have yet again made a bit of a fool of yourself.

The CHAIRMAN: Order! I ask that the member for Hart speak through the Chair.

Mr FOLEY: I want to put a direct question to the Minister, if I may.

An honourable member interjecting:

Mr FOLEY: At least I would have read my papers. At least my excuse would not be, 'Well, I don't read every document that comes over my desk.' At least I would not make that *faux pas*—that I do not read every bit of paper that comes across my desk.

An honourable member: You put yellow stickers on it.

Mr FOLEY: I would put yellow stickers on it—absolutely! That is one of the great *faux pas* of all time. Earlier, we heard an extraordinary attack by the Deputy Premier on a number of board members. Given that the Deputy Premier made a scathing attack on Mark Pickhaver, as Chairman of the Harness Control Board, and on Ms Kate Costello, a solicitor in Adelaide, will the Minister now rule out that, if the Bill is successful, Ms Costello and Mr Pickhaver will be removed from the TAB board under these powers?

The Hon. J.K.G. OSWALD: This clause contains nothing about whether I will remove individual board members. It is only about including two additional members to allow us to have additional expertise on the board.

The CHAIRMAN: Order! The honourable member is asking questions pertinent to clause 4 rather than clause 3. It is a hypothetical question, but it is relevant to clause 4.

Mr FOLEY: With regard to the decision to increase the board from six to eight members, what skills will the Minister be looking for, and what skills are currently lacking on the board? I take the Minister's reasons for expanding the board from six to eight members as a reflection on the quality of existing members. What new skills will the Minister bring to

the board, and which of the current members' skills are not suitable for the job?

The Hon. J.K.G. OSWALD: It will give me an opportunity to expand the board by putting on it people with financial and marketing skills. I do not think any board can be anything but improved if those two areas are increased.

Mr CLARKE: The Minister said that financial and marketing skills are necessary on the TAB board. By inference, I guess that the Minister is saying that the current board does not contain that range of skills, although on at least two occasions since he came to office the Minister has had the opportunity to appoint people of his own. In other words, the Minister has had the opportunity on at least two occasions to specifically designate people with those types of skills, if he believed that the board was lacking in those areas. However, apparently there is a deficiency and the Minister wants to address the problem by expanding the board membership by two. When interviewing any prospective candidates for a position on the TAB board, will the Minister direct them or in any way influence them in so far as suggesting overtly or covertly that it is a condition of their appointment—

Mr BRINDAL: I rise on a point of order, Mr Chairman. When asking questions in Committee, are members permitted to go this far when seeking an answer? The question has nothing to do with the clause; it relates to subsequent administrative actions of the Minister.

The CHAIRMAN: Order! As far as the Chair is concerned, the honourable member is developing his question relative to the number of people on the board and he has drawn the Committee's attention to the Minister's previous actions in relation to appointing members to the board. I am still waiting for the question to be developed.

Mr CLARKE: When interviewing prospective candidates, will the Minister make it a condition of their appointment that one of their first acts is to carry a vote of no confidence in the existing Chairman of the TAB board?

The CHAIRMAN: Order! I do not think that I can allow that question because it is attributing ulterior motives to a colleague. If the honourable member wishes to attribute motives of that description to any member of the House, it should be done by a substantive motion.

Mr ATKINSON: On a point of order, Mr Chairman.

The CHAIRMAN: Order! Does the member for Spence wish to dissent with the ruling from the Chair?

Mr ATKINSON: I may do, depending on your answer, Mr Chairman.

The CHAIRMAN: Order! The honourable gent can get out a piece of paper.

Mr ATKINSON: I may do, but may I first raise a point of order? The Minister in charge of the Bill has stated in the House, and publicly, that he requires the resignation of the Chairman of the TAB board. In the light of that public statement, how can it be imputing proper motives for the Deputy Leader to ask whether the Minister will require appointments to the TAB board to agree with him?

The CHAIRMAN: Order! I ask the member for Ross Smith to continue with his question and I thank the member for Spence. I take his point.

Mr CLARKE: My question was fairly self-explanatory, but I will repeat it. Will it be a requirement of the Minister when interviewing prospective appointments in relation to the two additional positions (should they be created) that it be a condition of their appointment that they carry a vote of no

confidence in the current Chairman of the TAB before he will appoint them to the TAB board?

The Hon. J.K.G. OSWALD: When I make appointments to any board, they are made on the understanding that those board members have expertise to contribute to the board. In this particular case, they would have financial and marketing skills and, I hope, a very intimate knowledge of the racing industry. The two appointments that I have put on so far were chosen because of their intimate knowledge of the racing industry. Unlike the former Government, which used to put on former Premiers and Labor politicians who had no knowledge of the industry, we have been very careful to appoint people to all my boards who have a knowledge of the industry. The new members of the board will be people who would make an assessment of the circumstances and would vote according to their own assessments at the time. That is the most appropriate way to deal with any situation—

Mr Clarke interjecting:

The Hon. J.K.G. OSWALD: The member for Ross Smith can sit down. I have not finished yet. He is dying to get up again. Members must realise that we appoint people to boards and, when those people are appointed, they have to assess various circumstances and make decisions themselves. We put people onto boards to take decisions based on what they think is the right and wrong thing to do.

Mr CLARKE: I thank the Minister for his answer. I believe the TAB board voted unanimously in support of the *TABForm* which the Minister is now seeking to countermand. I want to be quite clear about this—

Mr Brindal: You have never been clear about anything.

Mr CLARKE: We all know that you are trying to promote yourself up the greasy pole, but you will never make it. You backed the wrong horse last time. Let us be quite clear about this. I want this on the record, because the truth will come out over time before the next election and probably well after the Minister has ceased being the Minister. If the two extra positions are created, will the Minister discuss with those prospective candidates the role, conduct or whatever of the existing Chairman of the TAB? Will he make those appointments simply based on merits and the range of skills that he thinks a person needs to bring to the TAB board? With regard to the current Chairman, will he discuss with any prospective candidates for the board his views, and those of the Premier, with regard to the continuation in office of the existing Chairman? Will he give them advice or in any other way seek to influence the prospective candidates with regard to how they should vote on any matters involving confidence in the existing Chair of the TAB?

The Hon. J.K.G. OSWALD: I have never in the past sought to influence board members into making decisions.

Mr Clarke interjecting:

The CHAIRMAN: Order! I thank the member for Ross Smith.

Mr FOLEY: The *Hansard* record of the proceedings will make beautiful reading tomorrow morning.

Members interjecting:

Mr FOLEY: It is the answers that intrigue me. Given the Government's desire to increase the board from six to eight, it is obvious that the Minister is not satisfied with the quality of the decisions taken by the TAB board. Will the Minister clarify whether he supports the Greyhound Racing Board, the Harness Control Board and the SAJC's decision, through their members, to support *TABForm*? Does the Minister support those decisions?

Mr MEIER: On a point of order, Mr Chairman, that has no relevance to clause 3.

The CHAIRMAN: The member for Hart was making a comment, and clause 3 relates to the extension of the board's membership. Can the member for Hart link his question to the board membership?

Mr FOLEY: Yes, I can. The Minister wants to increase the size of the board and I am exploring the reasons why he wants to do that. With regard to the key decision to go with *TABForm*, there is a conflict of opinion, because the chairmen of the racing codes have told me that they want *TABForm*. They are voting members on the board, but the Minister is sending out confused signals. I am trying to explore the reasons behind the decision to increase the board.

The CHAIRMAN: Order! It is a fairly tenuous exploration.

Mr FOLEY: I cannot understand why the Minister wants to increase the size of the board.

The CHAIRMAN: Order! I am not sure whether the Minister will understand the question.

Mr QUIRKE: The size of the board is to increase from six to eight persons. Is it the Minister's intention that the new representatives should be from each gender? The Opposition was seriously thinking about moving an amendment, but we have an awful problem with this draconian legislation. Is it the Minister's intention to do the reasonable and honourable thing, as has been the case whenever other boards have been increased in size, and which has been agreed to on both sides either here or forcibly in another place, and ensure equal representation between the genders? The Minister has an opportunity here as he is to add two more people to the board. Does he intend to make the appointments from each gender?

The Hon. J.K.G. OSWALD: It is well known that this Government has a policy of introducing females to boards and having equal gender representation. It is our policy that, by the year 2000, we are aiming for 50:50 representation. In this particular case, all my appointments to boards—

Mr Clarke interjecting:

The Hon. J.K.G. OSWALD: Does the member for Ross Smith wish to hear my answer or should I sit down? The honourable member has obviously come into the Chamber to hear my answer. My answer is that I am an enthusiast to ensure that we have mixed representation on the boards. I will be looking around for females who will be considered seriously for either of those two positions, or both. I have an open mind and am an enthusiast in relation to appointing females to boards. If women candidates have the qualifications they will certainly be placed on the board, and I will endeavour to find females with the qualifications so that I can meet that policy objective.

Clause passed.

Clause 4—'Terms and conditions of office.'

Mr FOLEY: I want to explore the reason for this clause. Minister, if we look at the series of events we see that you had a meeting on 7 June with the Chairman of the TAB board and you were given a detailed board minute which made clear to everyone—it certainly would have made clear to me—what were the intentions of the board. You were also offered a chance to have a look at a mock-up. Given that you clearly discussed this issue with the Chairman and that you would have had your officers with you, did you or any of your officers question what the board was doing and, if so, what was the nature of that questioning and what documentary evidence can you produce to show that you and your officers—

Mr MEIER: I rise on a point of order, Mr Chairman.

Mr Foley: This is a stunt to protect the Minister.

Mr MEIER: No, I cannot see what asking the Minister whether he—

The CHAIRMAN: The honourable member's point of order takes precedence over any other matters. The member for Goyder.

Mr MEIER: I do not see what the questioning of the member for Hart has to do with this clause.

The CHAIRMAN: The member for Hart will return to his question, but the honourable member will question through the Chair rather than directly to the Minister. I thought that was actually the point of order that the member for Goyder was about to take. The Chair was about to make that point in any case.

Mr FOLEY: My apologies, Mr Chairman. Through you, Sir, to the Minister, this clause relates to the dismissal of the Chairperson of a board because that person failed to properly inform his Minister. I am trying to establish the grounds for that dismissal. There was a meeting of 7 June at which the Minister and, I understand, senior officers of his department attended and this topic was discussed. I would like to know from the Minister whether he questioned the Chairman of the TAB about the commercial viability of this proposal and whether he shared with the Chairman his concerns about this course of action? Further, did he put anything in writing to the Chairman or to the TAB expressing his concerns about this impending decision?

The Hon. J.K.G. OSWALD: The meeting that took place on 7 June has been discussed in Question Time on many occasions; it has been discussed in the media and in interviews, and I do not really think members want to go through it for the umpteenth time. Exactly what took place at that meeting, including the information that was provided, is on the public record. The analysis—

Mr Foley interjecting:

The Hon. J.K.G. OSWALD: Just be quiet, young fellow. It is on the public record and I am not going to spend the rest of the evening repeating what I have said in Question Time and what I have spent some considerable time explaining at length so that the member for Hart can sort out his political ambitions and move further along the front bench. It is purely political grandstanding. The rug has been pulled out from under the honourable member's feet this afternoon by the board's coming out and making a statement. That statement was made by members appointed by the former Government as well as others, and it was agreed by all those board members that the Acting Chairman should send the letter. It is indisputable; everything is on the public record, and there is no need for this continual grandstanding by the member for Hart in seeking further information which already is documented. I have no intention tonight of repeatedly answering the same question.

If I were guilty of not answering questions, the Opposition would have something to complain about, but I have answered these questions in detail over the past three weeks and it is all on the public record. The only thing that has gone wrong as far as the Opposition is concerned is that the board actually came out today and supported me. That is probably the worst result that could happen from the point of view of the Opposition. Members opposite are now on their back foot and, if bluster is all about being on damage control, we are getting some damage control tonight.

Those members who have been in Parliament for a while could see exactly what has been unfolding over the past three

weeks; they could see how the member for Hart, with the assistance of the TAB, has been trying to create a perception which is totally untrue. However, that has been destroyed by the fact that the board members themselves have made a statement in the interests of getting the public record straight and, as I have said, I have a lot of faith in the people in South Australia. The member for Hart has to hang onto this issue as he has a reputation to maintain amongst his own members. There may be something going on within the ranks of the ALP at the moment about promotions of various members, and we know members opposite are wanting to move along the front bench into leadership positions.

If this is all about the leadership aspirations of the member for Hart, it is becoming patently obvious that he does not want to let the facts get in front of a good story. If it is all about trying to assert his strength and authority within the ALP, all I can say is that he is starting to look very foolish in the public arena. I thought the easiest way for him would be to apologise for the past three weeks of absolute misrepresentation of fact and for him to crawl back to his seat and accept the fact that the board members have come out and said that I did not know. They have come out strongly and said that, and it is on the public record. The facts are there for everyone to read.

Mr FOLEY: The Minister keeps saying that the letter he received today absolves him, and he is holding it up as some document that has shot my argument down in flames. All that letter has done is confirm what the Minister himself already had put on the public record: a meeting occurred on 17 June that he did not know about. I have not quivered with that: he is right, he did not know about it. However, what he did know about and what this letter does not allow him to escape from is that he had a meeting on 7 June, where he was given a detailed board minute and was offered a mock-up of the TAB form guide. None of that has been disputed by the board of the TAB: it simply has answered a set of questions in a contrived letter that was no doubt the result of a letter that the Minister had sent to the TAB. It would have been cleverly contrived by officers of his department and members of his staff—

Mr MEIER: I rise on a point of order, Sir. I cannot see the relevance of this speech to clause 4.

The CHAIRMAN: I uphold the honourable member's point of order. The honourable member has not developed—

Mr Foley interjecting:

The CHAIRMAN: The honourable member says that he has not had a chance. It really has been a mulling over and a repetition of history, and the relevance to the removal of a member has not been developed. Does the member wish to link his remarks directly to that?

Mr FOLEY: These remarks will be linked and, with your indulgence, I will do that, Sir, if I am not interrupted by—

Members interjecting:

Mr FOLEY: Mr Mark Pickhaver, Chairman of the Harness Control Board, was savagely attacked in this Chamber this evening by the Deputy Premier of this State, as was a Ms Kate Costello. Will the Minister rule out tonight the application of this clause to members Costello and Pickhaver? Will he rule out the dismissal of Costello and Pickhaver through the use of this clause should it be successful?

Mr LEWIS: Quite simply, my interest is that, whereas what we thought in the past was a wide net as embraced by subsections 1 to 7 in section 45 of the principal Act, we now have within subclause 5 identified no particular cause such as is listed there under paragraphs (a) to (d) but instead said

that the Governor may remove a member from office on any ground that the Governor considers sufficient, whether the member was appointed before or after the commencement of the Racing (TAB Board) Amendment Act 1995. I think that is quite legitimate. I think it is not really, in the particular circumstances to which the venal geese opposite constantly refer in the course of this debate—

Mr ATKINSON: I rise on a point of order, Mr Chairman. Although I commend the member for Ridley on getting the plural 'geese' correct, unlike most members when they make that insult, I do take objection to being called a venal goose and I ask that the member withdraw.

The CHAIRMAN: The honourable member takes exception to being a venal—

Mr ATKINSON: Being referred to as a venal goose.

The CHAIRMAN: Venal simply means flesh. Goose is a thing of flesh, as opposed to being piscatorial. I am not sure which word the honourable member takes exception to, whether it is 'venal' or 'goose'. It is not really unparliamentary language.

Mr ATKINSON: Before I go through the list in Erskine May of unparliamentary terms and attempt to make my point by analogy, which would waste the time of the Committee, I am wondering whether you would require of the member for Ridley that he withdraw it.

The CHAIRMAN: I would not insist that the member for Ridley withdraw. The language hardly seems to be unparliamentary. If the member for Ridley wishes to withdraw to diffuse the situation, the Chair invites him to do so.

Mr LEWIS: Mr Chairman, perhaps the honourable member may choose to regard his colleagues as being like frogs in a pot on a stove: the noise increases as the temperature does. They are trying to instil some heat into this debate which really is not there, and that is my point. I chose the metaphor 'venal geese' for no other reason than that one honked and the rest all stood up and did the same, just as I have seen—I do not know whether you call them a flock or what you call them—geese wandering across a farmyard; one goes, 'Honk, honk' and the next thing they are all going 'Honk, honk, honk.' That is about what we have heard from them all night—nothing more and nothing less. They have contributed nothing to this debate. It is high time they did, as all useful geese do, and that is be downed.

The CHAIRMAN: The member for Ridley hardly seems to be relating any of his comments to the question, but more to the questioners. The member for Ridley has withdrawn his comment 'venal goose'. The member for Ross Smith.

Mr CLARKE: I rise on a point of order. Could the member for Ridley please spell, for the purposes of *Hansard*, the noises that he elucidated, belched, or whatever he did with them, a few minutes ago?

The CHAIRMAN: Out of respect for *Hansard*, the Chair will refrain from asking the member for Ridley to repeat his unusual sound, as I am sure *Hansard* will have a great deal of difficulty in duplicating it in their venerable pages.

Mr QUIRKE: I must say that this probably strikes at the very heart of the matter.

Mr Clarke interjecting:

Mr QUIRKE: The Deputy Leader is making pig noises which is disturbing my train of thought. Mr Chairman, is it possible to ask for your protection, please? I know he has been stimulated by the member for Ridley but Mr Chairman, if I could ask for your protection, please.

The CHAIRMAN: The Chair is defenceless. What was the question?

Mr QUIRKE: The member for Custance—Mr Chairman, I need protection here. I have pigs to the left of me and pigs to the right of me. This clause strikes at the very heart of the matter. It will give powers to any Minister where they have a situation such as that which has happened here. We have listened tonight to the Minister say that the member for Hart should apologise and go on bended knee slowly back to his chair. If members watch any TV programs, read the *Advertiser* or are involved in the world out there, they know who has made a venal goose of themselves—to quote one of the members earlier—in this whole exercise, and it is not the member for Hart. The Minister is not doing his own cause any good by suggesting that it is the member here who has been found out. Unfortunately for him, it is he that has been found out.

Under this clause the Minister is trying to ensure that, if anybody ever stands up to him again on any of those boards, he has the power to get rid of them. From now on you do not have to read your mail—you do not have to do any of that sort of thing—because you now have a clause where, if a person on the board does not do the right thing, all you have to do is get rid of them. You can do it retrospectively: it does not matter who appointed them there. That is a very serious worry. This clause is the unconscionable part of the Bill.

The Hon. J.K.G. OSWALD: It has to be understood that right across Government and also in the private sector the security of any members of a board would be linked to their performance. I do not think anyone can get away from that as a matter of principle: if you perform on a board, you are secure. Of course, each board is subject to either a shareholders' meeting or, as in this case, a Government. We have already agreed to three pieces of legislation: the Gaming Supervisory Authority, the South Australian Water Corporation and the Electricity Corporation Acts. In respect of those measures, we have agreed, in principle, that the security of board members is linked to performance. The performance is judged by the shareholder or shareholder representatives. If you go through life with that as the principal policy objective, you cannot go wrong, and right will always prevail. In this case, member's security on the board, as it is with any other Government or private sector board, is obviously linked to their individual and personal performances.

Ms HURLEY: I am a little confused about the Minister's attitude to boards and board members. He said at one stage today that he accepts advice from his board and also that he does not impose his views on the board, yet it seems to me that the whole impetus for this Bill and for draconian regulations putting constrictions on the current TAB board is that the Minister wants the board to do exactly as he wishes and, if it does not, he is prepared to sack the Chairman. This clause provides that the Governor may remove a member from office on any ground that the Governor considers sufficient. Is it sufficient grounds that members of the board disagree with the Minister's views?

The Hon. J.K.G. OSWALD: I refer the honourable member to the reply that I just gave to another honourable member that a member's security on a board, whether it be a Government board or a private board, is linked to the personal performance of that member of the board. In the private sector, as in the Government sector, shareholders have an opportunity to be involved in policy. It would be foolish for anyone to think that the Government of the day would not seek to have some influence on matters of policy, as do the shareholders of any other organisation. At the end of the day people are appointed to boards to make decisions and each

board member has to rise or fall on their assessment of the decision-making process. That is the perfectly normal way the world operates as far as the constitution of boards and the responsibility of boards back to their shareholders are concerned.

Ms WHITE: If Mr Bill Cousins were not the Chairman of the TAB board, would the Government be introducing this clause?

The Hon. J.K.G. OSWALD: The last two replies cover the answer very adequately. We are talking about a member's security on a board being linked to performance in the eyes of the shareholder, and in this case the shareholders eventually have to be in a position of having a say. This is a perfectly reasonable amendment and is no different from that to which Parliament has already agreed on three other occasions with respect to the constitution of our boards, giving shareholders an opportunity to judge the performance of people on those boards.

Ms WHITE: What advice did the Minister receive on whether he could sack Mr Cousins under section 45(5) of the Racing Act? When did he receive such advice?

The Hon. J.K.G. OSWALD: The grounds for dismissal are cumbersome and we have no intention of putting the taxpayers of this State through very expensive court proceedings. It could have cost taxpayers tens of thousands of dollars. On the strength of that, a decision was taken to introduce legislation in line with the other three Bills that have been before and agreed to by this Parliament.

Ms WHITE: Does this Bill give to Mr Cousins's conduct a different legal effect from that existing if the Bill were not enacted?

The Hon. J.K.G. OSWALD: The Bill is about performance, and I will repeat it again for the honourable member. Whatever connotations or new angles the Opposition comes at, this clause is simply about putting a clause in the legislation that allows the Government on behalf of the shareholders to say that a member's security on any Government board will be linked to performance, and the Government of the day has a right to assess performance and make a judgment on a board member's performance accordingly. I do not believe that anyone in this Chamber could ever argue against a principle that is based on performance.

Mr ATKINSON: The replies to that bracket of three questions from the member for Taylor were remarkable because they did not answer the questions at all. The first question from the member for Taylor asked what advice the Minister received about whether he could sack Mr Cousins under section 45(5) of the Racing Act. It is a matter of public knowledge, it is a matter of record, that the Minister admitted that he could not sack Mr Cousins under that subsection. The Minister came into the House about 18 months ago and admitted that he could not sack Mr Cousins the first time he wanted to sack him because the Act did not allow him to do so. It would have been simple for the Minister to say in reply to the question from the member for Taylor that he received Crown Law advice that he could not sack Mr Cousins. That is the simple answer. It is an answer that we have received from the Minister before, but he cannot recall it because he is so rattled during this Committee debate.

Section 45(5) provides that a board member can be dismissed by the Governor for:

- (a) any breach of, or non-compliance with, the conditions of his appointment; or
- (b) mental or physical incapacity; or
- (c) neglect of duty; or

(d) dishonourable conduct.

With the exception of paragraph (b), the Minister has accused Mr Cousins of the other three. I am sure the Minister could take the view that Mr Cousins's conduct is at least non-compliance with the conditions of his appointment—failing to keep the Minister informed, misleading the Minister and communicating with the Opposition when, in the view of the Minister and the Government, Mr Cousins should not have shared information with the Opposition.

I am sure that the Minister would claim that Mr Cousins has neglected his duty in respect of keeping the Minister informed after each board meeting and giving the Minister advance notice of the relevant papers that meetings of the TAB board were about to consider. I am sure the Minister would regard Mr Cousins as having engaged in dishonourable conduct. A section of the Racing Act already provides a measure under which the Minister can remove Mr Cousins. He has not even tried to use that section to remove him. It is remarkable that the Minister cannot give the Committee a straight answer to the question as to what advice he received on whether he could sack Mr Cousins under existing section 45(5) of the Racing Act. It would have saved this Parliament a lot of time if the Minister had sought to use the very broad authority under section 45 of the Act to dismiss Mr Cousins. What the Minister is really saying is that he does not want his dismissal of Mr Cousins to be subject to judicial review. That is what the Minister is frightened of.

The member for Taylor also asked the Minister whether the Bill gives to Mr Cousins's conduct before its enactment a different legal effect from that it would have had if the Bill were not enacted. The answer to that is that, of course, it does; otherwise we would not be here. Yet the Minister does not have the wit to get to his feet and give the obvious answer. It would have taken the Minister about five or 10 seconds after a bit of advice from the bureaucrat advising him to answer that question; alas, he did not have the adviser's services at that time, so he was unable to answer a very simple question that any Minister of the Crown should have been able to answer in the Committee stage of a Bill.

Another question which the Minister would not answer was that, if Mr Bill Cousins had not been Chairman of the TAB, would the Government have introduced this clause. Clearly it would not have introduced this clause, because there are other Acts of Parliament where provisions such as that in section 45(5) of the Racing Act are still the law.

During an earlier contribution the Minister made reference to water resources legislation and the ETSA legislation. I rushed for the Water Resources Act 1990 and found that under that Act the provisions for dismissal are much the same as section 45 of the Racing Act. Section 14 (2) provides:

14 (2) A member appointed by the Governor [to the Water Resources Council] may be removed. . .

- (a) for misconduct; or
- (b) for neglect of duty; or
- (c) for incompetence; or
- (d) for mental or physical incapacity to carry out the duties of office satisfactorily.

I do not notice the Government rushing to amend the Water Resources Act 1990. I then referred to section 10 of the Electricity Trust of South Australia Act 1946, which provides for the removal of members of the trust, as follows:

10 (1) The Governor may remove a member of the trust from office if an address praying for such removal is presented to the Governor by the House of Assembly and the Legislative Council.

(2) The Governor may suspend a member from office for incapacity, mismanagement, misbehaviour or neglect or failure to

carry out any duties as a member of the trust; and a full statement of the cause of such a suspension must be laid before each House of Parliament within the seven sitting days of the House next after the suspension.

They are the provisions that apply in those two Acts, and I do not notice the Government rushing to amend them. Indeed, the Government, if it wanted, could bring in a statute law revision Bill that changed the dismissal provisions in every Act in the South Australian corpus of statute law. It could do that if it thought the principle were important enough. It has not done that because this is a Bill of Attainder, and it is about getting Bill Cousins. Let me answer the question for the Minister: if it had not been for Bill Cousins, this Bill would not have been introduced. Will the Minister explain why the words 'whether the member was appointed before or after the commencement of this enactment' are necessary in subclause (5), because they sure as hell are not in the two Acts he cited?

The Hon. J.K.G. OSWALD: If we went through the courts, as the Premier pointed out the other day, it would be a jamboree for lawyers. We have agreed in this place on the principle that Ministers and the Government of the day should have the ability to assess the performance of boards and board members. It has been agreed as a matter of principle already that we should be able to do that through existing and new legislation. On that basis it is perfectly proper that, rather than going through a jamboree for lawyers and QCs in the courts, we introduce into the Racing Act a provision which has already been accepted three times now in this Parliament as a matter of principle.

Mr ATKINSON: Let us for argument's sake say that the Opposition agreed with the Government's view that it should have untrammelled power to remove from office for no reason the Chairman of the TAB or a member of the board of the TAB. Let us for argument's sake say that the Parliamentary Labor Party accepted the Government's position on this. As I understand it, that is what the Minister is saying: the Government ought to have untrammelled power to remove the Chairman of the TAB. We will assume that we agree with that. Why is it necessary to have such a broad power retrospectively? The Minister would not answer this question before. Why are the words 'whether the member was appointed before or after the commencement of this enactment' necessary in this subclause? It seems to me that, if the Bill went through without these words, from the day the Bill were proclaimed the Government would have the power to dismiss Mr Cousins for any reason or for no reason. Why is it necessary where there is such a broad grant of power to the Government to make it retrospective so that it applies to Mr Cousins' conduct before the enactment of this legislation? Why are those words necessary?

The Hon. J.K.G. OSWALD: In this case it does not apply only to Mr Cousins; it could apply right across the board. It is a principle which has been picked up in the three Acts I have mentioned. It enables the Government to deal with the current situation. It enables the Government to assess the performance of board members and, having made a decision on the performance of members, to link it to the security of board members in this case.

Mr ATKINSON: I draw the Minister's attention to the Electricity Corporations Act 1994 which, in section 15(2), provides:

(2) The Governor may remove an appointed director from office on the recommendation of the Minister.

It does not say that it can be done in respect of conduct before

the commencement of the Act. So, it applies prospectively. It is a very broad power. Under the Electricity Corporations Act 1994 as under the Racing Act, as the Minister proposes it to be, the Government has an unrestricted power to dismiss the Chairman of the TAB or other members of the board. It does not avail the Minister anything to get up and start talking about other members of the board, because the Opposition accepts that point. The point we are trying to make is that in no other Act in the corpus of South Australian statute law is there power to dismiss a public official for conduct which occurred before the commencement of the Act. It is an unprecedented retrospective enactment. Can the Minister explain why the words 'whether the member was appointed before or after the commencement of this enactment' are necessary?

If this Bill were proclaimed next week the Minister could sack Bill Cousins for no reason or for any reason. He could sack him because he just does not like the look of him. He could do it from the moment the Bill were proclaimed. Why is it necessary to pass an enactment which says in effect that in dismissing the Chairman of the TAB board or any member of the TAB board the Minister can have regard to conduct before the enactment was proclaimed? What relevance is it when the Minister already has an untrammelled power to dismiss the man after the proclamation of the legislation? Is not this an evil, undesirable enactment which is retrospective in the most profound sense of the word?

The Hon. J.K.G. OSWALD: The advice from Parliamentary Counsel is based on the term of office of particular members and where that term of office of particular members sits with the processing of the legislation. Parliamentary Counsel's advice is that this is the appropriate form for the words.

Mr CLARKE: Under existing legislation (which has already been referred to) the Governor may remove a member of the TAB board for a number of reasons such as neglect of duty or dishonourable conduct. The *Oxford Dictionary* defines 'neglect' as follows:

Disregard, not pay attention to, leave uncared-for, leave undone, be remiss about, omit to do or doing.

'Neglecting' or 'neglected' are defined as follows:

Disregard of, negligence.

Mr Foley: John Oswald!

Mr CLARKE: John Oswald, the Minister for Racing. Dishonourable conduct is another ground, and 'dishonourable' is defined as follows:

Causing disgrace, ignominious, unprincipled, base, against dictates of honour.

The Minister and the Premier have both used words to that effect to describe Mr Cousins over the past three weeks. We all remember the Premier picking up this Act, throwing it down and saying, 'You shall do what I tell you to do', with all the theatrics and flexing of muscles in front of the cameras because his minders have told him that the polls are saying that he is as weak as water.

Mr CAUDELL: I rise on a point of order, Mr Chairman. I fail to see the relevance of the stamping of the member for Ross Smith. How is the clause we are dealing in any way linked to the throwing of Acts around this place?

The CHAIRMAN: Under Standing Orders, the honourable member should refrain from demonstrating material to the Committee in any fashion. I ask the member to link his question to the clause.

Mr CLARKE: I wish that the Speaker had said the same

thing to the Premier when he threw the Act down, flexed his muscles and pretended to be Sylvester Stallone, with about all the grace that he has. With regard to the definitions of the words 'neglect' and 'dishonourable', the point I am trying to make to the Minister is that he and the Premier used those words to describe Mr Cousins for the past three weeks, and the Minister has been using them since he became Minister for Racing. So you have had ample opportunity, if you had had the guts to stand by—

The CHAIRMAN: Order! The member will address his remarks through the Chair.

Mr CLARKE: I apologise, Mr Chairman. If the Minister had the guts of his convictions with respect to his views on Mr Cousins, he would dismiss him under the grounds already provided under this Act. They are the words that the Minister used to describe Mr Cousins, to drag his character through the mud under parliamentary privilege whilst, at the same time, gagging him from publicly defending his reputation and honour. The Minister does not have the guts, the wit or the backbone to do that because then Mr Cousins would have the right to go to the Supreme Court to defend his honour, as every other citizen of this State has the right to do. So, you want to bring in legislation that has never been used in this State before to dismiss one citizen retrospectively. In that regard I reiterate the points that were made by the member for Spence with respect to this matter. Through you, Mr Chairman, you are an absolute disgrace. You are a weak-kneed Minister who should be sacked by his Premier. The only thing—

Mr CAUDELL: I rise on a point of order, Mr Chairman. First, the member for Ross Smith is using the word 'you' instead of referring to—

The CHAIRMAN: Yes, the Chair has drawn his attention to that matter.

Mr CAUDELL: Secondly, I refer to the relevance of the statements of the member for Ross Smith in relation to the clause. When will he ask his question?

The CHAIRMAN: This is the salient clause with respect to the dismissal of members of the board, and that is precisely the issue that the member is somewhat strenuously addressing.

Mr CLARKE: Very simply, the issue is this: this clause replaces the section of the Act which provides ample grounds to dismiss the Chairman if the Minister believes what he and the Premier have said for the past three weeks, and believes it passionately and believes the facts stack up; and it allows the Chairman to defend his reputation before the courts. This Government is quite happy to drag the religious beliefs of indigenous people before a royal commission, but it is somewhat squeamish at the prospect of facing the legal costs of the Chairman of the TAB if he were able to defend his reputation before the courts of South Australia to prove that he was not negligent or dishonourable.

The Minister knows that what we are saying is correct because otherwise he would not be engaging in this act of vandalism and attacking the rule of law and the democratic rights of a citizen. This provision has been designed to retrospectively punish an individual for simply standing up to the Minister and saying, 'I disagree with you. I believe I have told you. I believe I have kept the Government informed. If you believe I have been neglectful, if you believe I have been dishonourable, sack me under the existing Act and allow me my day in court free of being muzzled so that I can defend myself without retribution'. That is a Star Chamber exercise. You may get the Bill through this

Chamber—obviously you will; simply because of the numbers—but it will be a different proposition upstairs. The Minister is hanging on a piano wire. You are sprung out on a piano wire, and it does not matter what you say in this Chamber today, tomorrow or next week because in terms of your credibility as the Minister for Racing—

The CHAIRMAN: The honourable member is still in breach of Standing Orders. The member will speak through the Chair and not directly to the Minister.

Mr CLARKE: Through you, Mr Chairman—

The CHAIRMAN: No, the honourable member's use of the word 'you' in direct conversation to the Minister is quite out of order.

Mr CLARKE: I apologise, Mr Chairman. The Minister is hanging by a piano wire. We all know it. Every Question Time for the past three weeks there has not been a hearty 'Ho, Ho', or cheering from backbenchers saying, 'Good on you, John. You are doing well. You are kicking the daylight out of the Opposition on this matter.' No, they are looking around saying, 'I see a promotion in the air for one of us.' They know that the Minister is dead, but he is the only one in this place who has not woken up to it yet.

Mr FOLEY: The Minister has introduced a document today which he claims vindicates his position. It is a document that he says vindicates his stance and decision to introduce this Bill which, as my colleagues have so eloquently put, is one of the most regressive and dangerous pieces of legislation this Parliament has seen for some time. The Minister has used a letter, which he has paraded before the media, to try to give the impression that the TAB board today confirmed that he was misinformed. When one reads this letter, instead of selectively quoting from it as the Minister has chosen to do today, one gets a very different story. What this letter does is yet again highlight the sheer incompetence, mismanagement and total abrogation—

Mr MEIER: On a point of order, Mr Chairman, once again I fail to understand how the member for Hart's comments relate to clause 4.

The CHAIRMAN: At this stage, they are not linked to clause 4. I assume that the member for Hart will return to the subject matter of the clause.

Mr FOLEY: I will, Sir, if I can be given a chance to explain. The Minister's reasoning in relation to this clause is that he believes the board has kept him ill-informed. He has quoted from a document, which was released publicly today, that he claims vindicates his reasoning for introducing this Bill. In opposition to this Bill, I want to quote in context exactly what the letter states, because it does not vindicate the Minister: it highlights the Minister's incompetent handling of this issue and thus his decision to introduce this Bill. So whoever thought that this was a clever strategy has derailed the Minister's argument. If you listen to the Minister, you gain the impression that this letter states that he is vindicated. Well, it does not. I will read the first point. The letter is from the Acting Chairman of the TAB to the Minister. It states:

Dear Minister, I acknowledge receipt of your letter of 11 July 1995—

Mr MEIER: On a point of order, Mr Chairman, the member for Hart prefaced his remarks by saying that one could get the impression that this letter vindicates the Minister and that he intends to read it to show that it does not. That has nothing to do with clause 4, so I cannot see the relevance of his reading the letter.

The CHAIRMAN: The Chair can see the relevance,

because the letter was used as part of the rationale for the argument behind clause 4. I will listen carefully to the honourable member's expose.

Mr FOLEY: Thank you, Sir; I appreciate the direction in which you are taking this Committee.

The CHAIRMAN: I ask the honourable member to link his remarks to the clause.

Mr FOLEY: I am about to do so. The Minister said—
Mr Meier interjecting:

Mr FOLEY: Well, the question is coming. Try to answer this one yourself. The Minister said that he knew nothing about the meeting of 17 June. Therefore, because he knew nothing of that meeting, he must bring in a Bill to sack the board. The letter states:

Dear Minister, I acknowledge receipt of your letter of 11 July. Following your request, I have made inquiries and understand:

1. It has not been the practice of the board nor has there been any request for formal notice to be given to you of board meetings nor for the board to provide you with a copy of agenda or board papers prior to the holding of a meeting until your very recent direction in that regard.

Your whole argument today has damned you, Minister. What that reveals is that this Minister has never at any time asked for board minutes, he has never asked to be informed of board meetings, and he has never asked to be provided with the board's agenda. How can you have the audacity to come into this Chamber today and say that the Chairman of the board should be sacked because he did not tell you about a meeting? You have never requested advice when there has been a meeting. Through you, Mr Chairman, you have never made a ministerial direction that board minutes, notices of meetings and the agenda should be provided to you. You are damned by this document. The Minister stands condemned.

The Hon. J.K.G. Oswald interjecting:

Mr FOLEY: I will read paragraph 2. Paragraph 2 states:

It had been the practice for the Chairman. . . to call by appointment on you following board meetings to provide you with details of the decisions taken at board meetings.

That says 'the practice'. If the Minister were half a Minister with any real ability, he would not rely on practice: he would demand that the Chairman of the board provide him with the minutes and the agenda following every meeting. You have never made it a condition of the Chairman's position to provide you with that information. I hope that not one other Minister of this Government would be such a poor Minister as not to require a board to provide them with minutes. In your two years as Minister you have never required the board to provide you with board minutes—never, never, never!

Mr LEWIS: I rise on a point of order, Mr Chairman. I refer to Standing Order 123 which, for the benefit of members opposite, I quote, as follows:

Members refer to other members by the name of their electoral district or their parliamentary title, and not otherwise.

Therefore, as the conventions and practice in this House have it, members may not use the second person pronoun 'you' in their address; whenever they direct statements about the actions of another member, whether it be a Minister or anyone else, it must be through the Chair.

The CHAIRMAN: The honourable member has a point of order. The Chair has persistently drawn the attention of the member for Hart to that point during the course of the debate. The honourable member chooses to go through the Chair and address the Minister as 'you'. I ask the honourable member to refrain from doing so.

Mr FOLEY: When we look further into this document we

come to paragraph 3, which states:

Following the monthly meeting of the board held on 30 May 1995, the Chairman and General Manager called on you by appointment on 7 June 1995 for the purpose of providing papers and details of decisions reached. The minutes of the board meeting of 30 May 1995 anticipated that the next board meeting would be held on 27 June 1995. Obviously, there were monthly meetings. If the Minister was a bit anxious and knew that the *Advertiser* contract expired on 30 June—there are only three days between 27 and 30 June—how could he have made a decision and taken it to Cabinet? In his argument he is trying to give the impression that he thought the next meeting was on 27 June, that he need not worry about any other decision. That is what the Minister said today. The twenty-seventh was three days before the end of the contract with the *Advertiser*. There was no time to go to Cabinet or to put logistic arrangements in place. So, again, the Minister's argument is shot to pieces. This very same document that he has held up and paraded around as being his vindication goes on to confirm what we all knew.

Mr MEIER: This is my last point of order, Mr Chairman. It has been nearly five minutes since the honourable member said that he would link his remarks to clause 4. He still has not attempted to do so. I ask you to rule according to Standing Order 128 which states that the Chairman may require that the question be put and certainly that the honourable member cease speaking.

Mr Foley interjecting:

Mr Meier: I have given you another five minutes.

The CHAIRMAN: Order! The Chair is constantly exercising value judgments. I think that members of the Committee will realise that the member for Hart was challenged to read at least the second point. I ask the honourable member to terminate his question or at least to relate it directly to clause 4.

Mr FOLEY: I will now, Sir. I wish to be allowed to read one final part of this letter. It is the guts of the Minister's defence of his need for this legislation. Point 9 confirms what we all know. It states:

On 21 June 1995—

that is 24 hours before the contract was signed—

the General Manager informed you in a telephone communication that the TAB was close to finalising arrangements to print a form guide newspaper and that he would get back to the *Advertiser* one more time.

This letter does not vindicate the Minister. It condemns the Minister, because it makes clear to all members that the Minister had no proper control over his board. My question is: why has the Minister not made it a ministerial direction since day one of his becoming a Minister that all board minutes should be provided to him? Why has the Minister never directed the board to provide him with minutes?

Mr Meier interjecting:

The CHAIRMAN: Thank you, the member for Goyder. The Minister has the floor.

The Hon. J.K.G. OSWALD: Once again, we have this deliberate attempt to misrepresent the facts, to twist, duck and weave.

Mr Foley interjecting:

The CHAIRMAN: The member for Hart is out of order in displaying material.

The Hon. J.K.G. OSWALD: Paragraph 2 of the letter states:

It had been the practice for the Chairman and General Manager of the TAB to call by appointment on [me]. . . That is an arrangement that we had in place. I was provided with the material, and that is confirmed in paragraph 3, which gives a good example and demonstrates what the procedure is between me, the Chairman and the General Manager. They have a board meeting. They then come around armed with the material that was discussed at the board meeting and raise it with me.

Mr Foley: Why don't you ask for the board minutes?

The Hon. J.K.G. OSWALD: The Chairman comes around, and that has been the procedure. They bring around the minutes and the board papers, and we discuss them. It is a procedure that has worked well until they had the board meeting on 21 June. After 21 June, they did not carry out the normal procedure of coming around and informing me. I am sorry if the whole thrust of the honourable member's debate has been hijacked. The board has admitted that in the past the practice has been to have a board meeting, to come around and address me, and to fill me in on what happened at that board meeting. Then we would discuss the decisions that were taken at that board meeting. It has happened. The system has worked well, but it did not work well after 21 June, because they did not come near me after 21 June.

Not only did they not come near me after the 21 June board meeting but they did not even give me advance notice that they were about to take a decision with a special board meeting. All I knew was that there would be the next regular meeting on the twenty-seventh of the month. It is clearly on the public record, and all the member for Hart is doing is ducking, twisting and weaving to try to suit his case. They had a meeting, and I was not informed about it. They had the decisions. They had the opportunity, as they had always done, to come and let me know, by appointment, the decisions, and that is a regular arrangement. As everyone in this House knows—despite the fact that they keep asking the same question—the first I heard about it was when the General Manager telephoned me on the twenty-first. That was the first contact I had with them to let me know what they were about to do.

I intervened immediately when I got that information and asked the General Manager to get in touch with the *Advertiser*. I asked him to move on it. He said he would do so. He did not report back to me. The next contact we had was when the letter arrived, and what I did as soon as that letter arrived is on the public record. The honourable member can duck, twist and weave to pursue his own political ambition, but he cannot get away from the fact that the board had that meeting and did not inform me about it. There was an obligation, as in relation to every other meeting under our arrangement: as soon as a board meeting was held, they had a permanent appointment with me. That is a perfectly normal and acceptable way to operate, assuming that the Chairman and his chief executive, his General Manager, are prepared to do it every time.

Mr Foley: It is negligent.

The Hon. J.K.G. OSWALD: It is not negligent. As long as you have a procedure in place, it will then send them around. They come around and follow it up with a discussion. It has worked well in the past. The question has to be asked: why did the board have its board meeting on the seventeenth and not, as they had done every other time, come around and give me an oral briefing on what had just taken place? They failed to do so.

Clause passed.

Clause 5 and title passed.

The Hon. J.K.G. OSWALD (Minister for Recreation, Sport and Racing): I move:

That this Bill be now read a third time.

Mr FOLEY (Hart): We have had a comprehensive debate tonight, and I do not intend to make any detailed comments.

The DEPUTY SPEAKER: Order! The honourable member should speak to the Bill as it has emerged from the debate. Those are the constraints.

Mr FOLEY: The Opposition is disappointed that the Bill is in this form. We believe that it is a very dangerous and draconian Bill. In my third reading speech, I foreshadow that we will be moving for the establishment of a select committee of the Upper House. We will be requiring that this Bill be sent to a select committee—a select committee with very tight terms of reference. Those terms of reference will look not at the merits or otherwise of the issue of *TABForm* but at the communication between—

Mr LEWIS: I rise on a point of order, Mr Deputy Speaker. I do not see that the legislation as it comes out of Committee to the third reading stage has anything in it whatever about what may happen in another place. The two counts on which I rise on a point of order are, first, the relevance of the remarks to a third reading speech and, secondly, a reflection on what might or might not otherwise occur in the course of debate in the other place, both of which are disorderly.

The DEPUTY SPEAKER: Order! As the Chair advised the member for Hart, there are constraints for debate at the third reading stage, and the honourable member should be speaking specifically to the Bill as it emerged from Committee.

Mr FOLEY: I thank the member for Ridley; this is a learning curve. This is my first third reading speech. For all intents and purposes, this is a Bill of Attainder, not used since the nineteenth century in the United Kingdom when in those days the Parliament had reason to remove bishops and other people that it felt did not sit comfortably with the thinking of the Government of the day. To my knowledge, this sort of Bill has never been used in this Parliament.

The DEPUTY SPEAKER: I wish to point out that the Chair was not restricting the honourable member from his expressing pleasure or disappointment in the intent arising from the Bill. I did not stop the honourable member from following his line of debate.

Mr FOLEY: In its current form, the Bill is very draconian—a Bill that has not before been used in this Parliament. It is an extraordinary measure to get one person. As I said, this is a very dangerous Bill, and it sends a message to any public servant and any member of any board that this Government will go to an extraordinary length to remove from a board somebody who does not suit its purpose. It is a very dangerous Bill with a dangerous precedent. As I said, the select committee that will be proposed in the Upper House—and it may or may not be successful—will be all about getting to the bottom of what the Minister really did know. We will wait to see whether the Upper House of this Parliament will give us an opportunity to ask—

Mr Lewis: You can't reflect on the Upper House.

Mr FOLEY: I'm not reflecting on the Upper House. I am just hoping that we get a chance to find out from everybody

that we can call before that select committee exactly what was discussed.

The House divided on the third reading:

AYES (28)

Allison, H.	Armitage, M. H.
Ashenden, E. S.	Baker, D. S.
Baker, S. J.	Bass, R. P.
Becker, H.	Brindal, M. K.
Brown, D. C.	Buckby, M. R.
Caudell, C. J.	Cummins, J. G.
Evans, I. F.	Hall, J. L.
Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Leggett, S. R.
Lewis, I. P.	Meier, E. J.
Olsen, J. W.	Oswald, J. K. G. (teller)
Penfold, E. M.	Rosenberg, L. F.
Scalzi, G.	Venning, I. H.
Wade, D. E.	Wotton, D. C.

NOES (10)

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

PAIRS

Brokenshire, R. L.	Blevins, F. T.
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Majority of 18 for the Ayes.

Third reading thus carried.

ROAD TRAFFIC (SMALL-WHEELED VEHICLES) AMENDMENT BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT DEBATE

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

That the House do now adjourn.

Mr CLARKE (Ross Smith): I rise to speak about a couple of matters, one of which deals with an issue relating to my electorate. I raised this matter with the Minister for Industry earlier today and I am sure that he will follow up the points that I have made with him. This matter relates to a company called Trio Hinging, which has taken over a part of the old British Tube Mills complex on Churchill Road in Kilburn.

I wanted to refer to that company because it has recently undergone an expansion at its new premises on the former British Tube Mills site. I was at that site last Thursday with the Premier when the official opening took place. The company now employs 60 employees. In less than a decade, it has grown from a small company with six employees and a turnover of approximately \$300 000 to a company with a turnover of \$5 million employing 60 employees. It has several plans in place to increase its sales output five-fold by the year 2000.

The company is concerned about the necessity to find adequate room to expand its business operations. That brings me to a good point in relation to which the Government can assist that company in its export drives and employment creation. The Government can help if it can assist the company in its negotiations with Collex Waste Management,

which has purchased a waste disposal unit which is also on the old British Tube Mills site immediately adjacent to the site now occupied by Trio Hinging.

Collex sought to establish its plant on the site at the end of 1993. The saga has lasted through 1994 and into 1995. The Minister for Housing, Urban Development and Local Government Relations is well aware of the issue as is the Minister for Industry. That company has for some considerable time wanted to establish a waste treatment plant in competition with the other major cleaning contractor in South Australia, Cleanaway. It has met a great deal of opposition from local residents and from the Enfield council.

The Enfield council has strenuously opposed the development which would employ only six people. That is not a net gain of six employees: I believe that the net gain is two employees. However, the people in the area and in my electorate believe that the waste treatment plant will add to the foul odours and the like in that residential district which will further depress the living standards of people living in the area who already have to endure a number of bad odours, particularly when there is not much of a wind or if the wind is blowing in the wrong direction, from several other industries which adjoin Kilburn, principally Master Butchers Limited in Wingfield, Inghams chicken factory and Jeffreys Garden Centre.

That waste treatment plant is vigorously opposed by the local community, by myself as its representative and by the Enfield council. For reasons of its own, but mainly around the belief that it wants to be able to put out a shingle on South Australia's front door, as it were, to say that we are open for business, the State Government has been saying that it wants to support Collex in establishing the waste treatment plant in an area so close to residential homes to show to all and sundry that it is pro business and pro development in South Australia. However, the Government would not be quite as supportive of Collex if it were to stick a stinking waste treatment plant in the leafy suburb of Burnside, in one of its true blue electorates, or in Golden Grove or marginal electorates such as Wright; rather, it seems quite happy to try to shunt it on to a Labor-held electorate.

However, this is an opportunity for the Government because, if Trio Hinging is able to expand its operations—and there is every reason to believe that it will, given its past background—that company already has said that within 12 months or so it can double its work force to 120 and, indeed, its work force will approach 300 by the end of this decade on its planned projections. The only inhibition it faces currently is being able to expand its present base, and the perfect location for it to take over is the site at which Collex hopes to establish its permanent waste treatment plant adjacent to Trio Hinging.

I have sought an undertaking from the Minister for Industry, Manufacturing, Small Business and Regional Development that officers of his department will contact Trio Hinging, the Enfield council and Collex with a view to assisting Trio Hinging and the Collex Waste Treatment Plant successfully to conclude a negotiated settlement, whereby Trio Hinging can buy the land which currently is occupied by Collex and which it wants to develop. That will allow Trio Hinging to firmly establish itself in its present location.

I have had discussions with the Mayor of Enfield about this particular matter, and he was with me when the Premier spoke at the opening of the plant last week. I am assured that the Enfield council would facilitate any application by Trio Hinging to ensure that its work can progress. The residents

of the area would far prefer a major employer, such as Trio Hinging, to come into that area. There is a far better opportunity for the locals in my district to secure employment in a factory such as that where, at the end of the decade there could be close to 300 jobs, than there would be at a waste treatment plant, where there is a maximum of only six jobs. As members would be aware, unfortunately my area has a very high level of unemployment and, hence, Social Security recipients.

It would be a tremendous boost to the area, and I have no doubt that the Minister for Industry can see a number of advantages for all concerned were he able to act as an 'honest broker' between Trio Hinging and Collex. I appreciate that Collex may feel disappointed at not being able to establish its waste treatment plant at the location it desires, but Enfield council would assist it in finding an alternative site. However, at the end of the day, if Collex wants to insist on trying to build that waste treatment plant, it will meet continued opposition not only from the Council but also from the local residents. Notwithstanding any amendments to the Development Act or what other ruses this Government might try to get up to in order to assist Collex to progress, as it originally wanted to do, notwithstanding the opposition of the local community and the local council, there would be community pickets and a whole range of activities undertaken which would not do this State any good with respect to projecting an image of South Australia's being open for business.

Rather, we have this opportunity through Trio Hinging, which is looking greatly to expand its export business. It does a terrific job now as an import replacement, but this is actually going towards further enhancement of our export drive in South Australia. It is owned by a South Australian family of Greek origin who are tremendously proud South Australians, and it would do this community a world of good to have that type of industry facilitated by the State Government. The South Australian Centre for Manufacturing has been of great assistance to that company already in its current development. There is more work that can be done, and I sincerely urge that the Government look upon my entreaties to it on behalf of Trio Hinging with all the seriousness they deserve, because this company can bring a great deal of benefit to the entire State and, in particular, my district.

Mr ASHENDEN (Wright): I would like to address a matter tonight in relation to two constituents who have, to put it as kindly as I can, really suffered at the hands of bureaucracy. Before members opposite become too keen, I point out that the matter to which I am referring occurred back in 1990 when we had a Government of a totally different persuasion to that which we have today. The matter to which I refer relates to a woman who had an operation at a private hospital, which I will not name, early in February for the removal of a lump on her left breast. Following that operation gangrene set in, and that is where their problems started.

An expected short stay in hospital of four days extended to five weeks and, even when my constituent was released from hospital, she was still ill with pseudomonas which required a further six weeks of professional daily nursing care at home. As a result of the infection following the operation, this woman has a severely deformed left breast, is still suffering considerable pain and emotionally has been severely affected by what has occurred. My constituents are most concerned not only at what has occurred but also at the manner in which this woman has been treated subsequent to that occurrence.

They tried to get assistance from the Health Commission some years ago but they received absolutely no help whatsoever; rather, they ran into a brick wall, and, in the kindest terms, what can only be described as a cover-up. I think that the fact that neither the surgeon nor the hospital ever forwarded an account to my constituents is an acknowledgment that both the surgeon and the hospital admit that things were not as they should have been.

My constituents have copies of the surgeon's own records, which clearly state that this woman suffered gangrene. However, initially that was denied totally by the surgeon and by the hospital and, when my constituents asked the Health Commission to look into it, it was also denied by the Health Commission. It is only because of the action taken by my constituents that the truth is now starting to come out.

What is of concern to me also is that there was pathological proof of the infection that my constituent suffered, and that was destroyed by the hospital. I have been advised that two specialist surgeons have sighted photographs of the infection and have confirmed that it obviously was gangrene. However, as I have said, despite this the Health Commission report that was prepared after my constituents made a complaint indicates that no gangrene was present.

I am further advised that the surgeon who undertook the operation left for overseas the day after the gangrene was discovered and the treatment of my constituent was taken over by another doctor who then did acknowledge that gangrene had in fact set in.

My constituents have also raised this matter with the Medical Board, which provided absolutely no assistance. They tried to raise it through the Ombudsman, who could not help because the matter did not occur in a Government hospital but in a private hospital, and they turned to everyone they thought could possibly help them. As I said, the greatest disappointment is that the Health Commission itself continued to deny that there was any problem or any cover-up. I have been given further advice that also causes me considerable concern, namely, that nurses of the hospital were advised that under no circumstances were they to discuss the matter with my constituents.

Also, when my constituent entered hospital she advised the receptionist that she was allergic to penicillin and must be given a gluten free diet. She was treated with penicillin and her diet was ignored. When these matters were pointed out, the hospital falsely denied that my constituent had given this information and stated that it was therefore her fault that penicillin had been administered and that she had not been given a correct diet. However, I have sighted a copy of the admission form that was completed by my constituent when she entered hospital, and it clearly shows that the information regarding the allergy and diet needs was recorded.

I am sure members can understand my constituents' concern not only that the treatment received at the hospital was bad but also that a cover-up has occurred since then and misleading and incorrect statements have been made. Again, I cannot understand why the Health Commission right through has completely denied the points that have subsequently proven to be correct.

My constituents point out to me their frustration and the lack of assistance they have received from the medical board, which, they rightly pointed out to me, is very much Caesar judging Caesar, in that it is made up of a group of doctors judging another doctor. In my opinion, I am afraid that that board does not provide the protection that people should rightfully expect. Again I make the point that their biggest

disappointment was that the Health Commission provided no help and in fact played a major part in the smokescreen that was set up. Naturally, my constituents have not been at all happy with what has occurred, and under their own initiative they have now undertaken action to try to correct what has occurred. However, the difficulty is that, because of time, that has created problems in terms of any legal case and so they now have to turn to the Medical Review Board.

The difficulties that my constituents have raised with me and which I cannot answer are: why is it that the Health Commission, which has stated that it was provided with the patient's full medical record, nursing care plans, nursing rosters and so on, did not detect that my constituent had been given such appalling treatment in terms of incorrect medication, incorrect food and incorrect treatment for a very serious complication that resulted from the operation? Why did the Health Commission state at that time that there was no mention in the medical reports of gangrene when it is clearly stated in the surgeon's own hand on the medical records that there was? Why was the advice my constituent received in relation to being allergic to penicillin ignored, despite the admission sheets?

The woman's husband is beside himself because he has seen his wife's health and mental welfare deteriorate substantially. I have been around to their home. I have seen at first-hand the impact that this has had on my constituent. I share the frustration of my constituents. Wherever they have turned to try to get this matter rectified they have run into a blank wall. They are extremely frustrated, because there is so much evidence to support what they have been saying all along, that is, my constituent did contract gangrene. This was denied by the initial treating doctor, the hospital and the

Health Commission, and yet, because of the action that my constituent is now taking, the records that have been obtained clearly show that there was gangrene.

When my constituent first entered hospital, why did the hospital deny that the entry form did not indicate needs in relation to medication and food? Why did the Health Commission say that there was no evidence that the hospital had done the wrong thing when, quite clearly, the records that my constituent now has show that when my constituent entered hospital she did everything right? She did advise the hospital of her problems in relation to medication and of her food requirements, but they were not addressed. But, more importantly, why did the Health Commission say that there was no problem in this area?

There are so many areas where the Health Commission has not done its homework in terms of investigating this problem. When it was conducting its investigation, why did the Health Commission indicate that there was no problem? The records would have been, should have been, and I believe were available to the Health Commission, so why did it ignore them? Why did it advise my constituents that there was no gangrene and so on? These are the questions that my constituents are quite rightly asking: why and how on earth could this ever occur? Because it was a private hospital and the complications that that brings, they are asking why there is not adequate protection for people like themselves. They want the problems, which occurred through no fault of their own, rectified.

Motion carried.

At 10.15 p.m. the House adjourned until Wednesday 19 July at 2 p.m.

