

HOUSE OF ASSEMBLY

Tuesday 25 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 following recommendations of the conference were reported to the House:

As to amendment No. 1:

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

Clause 4, page 2, lines 3 to 24—Leave out proposed new section 75 and insert new section as follows:

Who may make enterprise agreement

75. (1) An enterprise agreement may be made between—

- (a) an employer (or two or more employers who together carry on a single business); and
- (b) a group of employees.

(2) An association may enter into an enterprise agreement on behalf of a group of employees if the association is authorised, after notice has been given as required by regulation, by a majority of the employees constituting the group to negotiate the enterprise agreement on behalf of the group.

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

(4) An authorisation given to an association by an employee who is not a member of the association—

- (a) cannot be given generally but must be specifically related to a particular proposal for an enterprise agreement; and
- (b) remains in force (subject to revocation by written notice given to the association) until the relevant enterprise agreement is rescinded or superseded.

(5) If—

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

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

the employer may enter, on a provisional basis, into an enterprise agreement binding on the employees who become members of the group (a 'provisional enterprise agreement') with the Employee Ombudsman or a registered association of employees (or both).

(6) If the Employee Ombudsman intends to enter into negotiations for a provisional enterprise agreement and no registered association of employees is to be a party to the agreement, the Employee Ombudsman must give the United Trades and Labor Council at least 14 days written notice of the intention to enter into those negotiations.

(7) A notice under subsection (6) must include details of the group of employees to which the agreement is to apply.

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

(9) A person who becomes, or ceases to be, a member of a group of employees defined in an enterprise agreement as the group bound by the agreement, becomes or ceases to be bound by the enterprise agreement (without further formality).

And that the House of Assembly agrees thereto.

That the Legislative Council makes the following consequential amendment to the Bill:

Clause 6, page 3, after line 25—Insert new subsection as follows:

(7A) If—

(a) the Employee Ombudsman enters into a provisional enterprise agreement; and

(b) no registered association is a party to the agreement, the United Trades and Labor Council may (despite any other provision of this Act) intervene in proceedings before the Commission relating to the approval of the agreement if the Commission is satisfied that the United Trades and Labor Council has a proper interest in the matter.

And that the House of Assembly agrees thereto.

As to amendment No. 4:

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

Clause 6, page 3, lines 26 to 30—Leave out subsection (8) and insert the following subsection:

(8) If the Commission is of the opinion that grounds may exist for withholding approval of an enterprise agreement but—

- (a) an undertaking is given to the Commission by one or more of the persons who are to be bound by the agreement (or by a duly authorised representative on their behalf) about how the agreement is to be interpreted or applied; and
- (b) the Commission is satisfied that the undertaking adequately deals with the aspects of the agreement that might otherwise lead the Commission to withhold its approval,

the Commission may incorporate the undertaking as part of the agreement, or amend the agreement to conform with the undertaking, and approve the agreement in its modified form.

New clause, page 3, after line 34—Insert new clause as follows: Amendment of s. 84—Power of Commission to vary or rescind an enterprise agreement

6A. Section 84 of the principal Act is amended by inserting after subsection (4) the following subsection:

(5) If the Commission is satisfied, after giving persons bound by an enterprise agreement an opportunity to be heard, that there has been a breach of an undertaking on the basis of which the agreement was approved, the Commission may—

- (a) vary the agreement so that it conforms with the undertaking; or
- (b) rescind the agreement.

And that the House of Assembly agrees thereto.

As to amendment No. 6:

That the Legislative Council amends its amendment by striking out from proposed new subsection (4) 'contract or undertaking' and substituting 'provision of a contract, or an undertaking'.

And that the House of Assembly agrees thereto.

As to amendment No. 10:

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

Clause 12, page 5, after line 18—Insert subsection as follows:

(2) However, this section does not apply to references to an industrial agreement in the Long Service Leave Act 1987 or a statutory instrument under that Act.

And that the House of Assembly agrees thereto.

EUTHANASIA

A petition signed by 40 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 was presented by the Hon. D.S. Baker.

Petition received.

A petition signed by nine residents of South Australia requesting that the House oppose any measure to legislate for voluntary euthanasia was presented by the Hon. M.D. Rann.

Petition received.

LONSDALE ROAD TRAFFIC LIGHTS

A petition signed by 2 069 residents of South Australia requesting that the House urge the Government to install

traffic lights at the intersection of Lonsdale Road and Ramrod Avenue, Hallett Cove was presented by the Hon. W.A. Matthew.

Petition received.

PROSTITUTION

Petitions signed by 83 residents of South Australia requesting that the House uphold and strengthen existing laws relating to prostitution were presented by Messrs Bass and Blevins and Mrs Penfold.

Petitions received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 233, 241, 242, 246 and 247; and I direct that the following answer to a question without notice be distributed and printed in *Hansard*.

ENVIRONMENTAL IMPACT STATEMENTS

In reply to Ms HURLEY (Napier) 6 July.

The Hon. J.K.G. OSWALD: Three environmental impact statements have been required by me as Minister for Housing, Urban Development and Local Government Relations under section 46 of the Development Act 1993.

The three proposals are:

Mallala Solid Waste Landfill

Restoration of the Highbury Sandpit by Landfill of Solid General Waste

Adelaide Airport Runway Extension

The first two proposals are currently going through the EIS process and are running reasonably consistently with the time lines agreed with the proponents at the commencement of the process. The Runway Extension EIS is only at its preliminary stage.

PAPERS TABLED

The following papers were laid on the table:

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

Industrial and Employee Relations Act—Rules—Industrial Proceedings.

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

Commissioners of Charitable Funds—Report and Statement of Accounts, 1993-94.

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

Development Act—Regulations—Various.

LOCAL GOVERNMENT REFORM

The Hon. J.K.G. OSWALD (Minister for Housing, Urban Development and Local Government Relations): I wish to make a ministerial statement. I table the report of the ministerial advisory group on local government reform. In doing so, I wish to advise the House of the Government's initial response to the report and how the Government proposes to deal with its recommendations. The Government recognises that the advisory group has made a persuasive case for its recommendations. We say that from the perspective of all South Australians who depend on the services of local government. The report points the way to improved services at reduced cost: savings of up to \$150 million or more, which can be equated to \$100 a year for every South Australian

household. This is consistent with the approach the Government is taking to the delivery of its own services. Accordingly, the Government believes that the report poses a challenge to local government and the community at large to say why its recommendations should not be implemented in full.

The key consideration is the future structure of local government. The report urges the Government to demonstrate strong leadership in facilitating major reform. The group has recommended the establishment of a local government board and structural reform committees. The board will be independent with the responsibility for recommending the final definition of appropriate boundaries. The ministerial advisory group has recommended that the finalisation of new council boundaries should take into account community response to the group's recommendations. To facilitate a response to this report, the Government has agreed to consult with the Local Government Association on the group's recommendations and has established a joint officers group to assist in this process. At the same time, the Government will undertake its own research into the wider community response to this report. Subject to the Government's response to the report, the terms of reference and other powers for the local government board will be established by legislation to be introduced later this year. This will enable the local government board to be appointed by the beginning of 1996. Further consultation on the detail of any boundary changes will be carried out by the board when it is established and prior to implementing these changes.

The Government accepts the advice of the ministerial advisory group that, if change is to take place, the work of the board should be arranged to enable elections for new councils to be held in May 1997. The Government accepts the importance of the role of local government and the need for councils to have the capacity to be effective partners in our three-tier system of government in Australia. MAG has reported a unanimous view that reform is vital and urgent. This is not to say that local government has stood in isolation from the reform processes initiated by the other tiers of government in recent years. The group has recognised that 'there has been steady progress in local government reform in all areas except structure.' That is, while there has been management and functional reform, many council boundaries in South Australia are still the same as they were at the beginning of the century despite massive advances in communications, major population shifts and broadening communities of interest. While management reform will continue to deliver the most significant cost savings, the ministerial advisory group has reported that further major reform of council management and functions will not be possible without structural change, that 'these three areas of reform are interdependent and must all happen together to maximise the benefits.'

In considering the current structure of local government in South Australia, MAG has advised that this State has the smallest local government areas in Australia. As a result, we have the highest ratio of elected members to population—over double that of some States. The reality facing local government in South Australia also must be accepted—the reality of reducing Federal Government grants to local government; a declining revenue base for many councils relative to community demands for services; the need for councils to cope with an increasing competitive environment for all tiers of Government, with the implementation of the Hilmer competition reforms; and the substantial structural reform undertaken by local government in other States.

The challenge MAG throws to local government in South Australia is to be imaginative in its response to these pressures to develop a revitalised role for itself. The alternative facing local government, with a narrow-minded response to the challenge of reform, will be 'irrelevance', according to MAG. This would not be acceptable to the State Government. Nor, in our view, should it be acceptable to the South Australian community.

'Community' is a vital consideration in the context of local government reform. The enduring tradition of councils is service at the most local of levels—of responsiveness to local community views and neighbourhood needs. MAG has given very careful consideration to notions of 'community'. The Government recognises that people are demanding more and more accountability and a more adequate response to their views and needs from their elected representatives, whether they be members of this Parliament, the Federal Parliament or local councils. However, MAG has advised that larger council areas would not be inconsistent with meeting these demands in more effective ways. It has concluded that 'larger council size is not a barrier to the operation of effective communities.'

In summary, MAG has reported that 'there is little evidence of a relationship between council size and elected representative arguments.' In considering this issue, it will also be important for the community to understand that local government boundary changes will not result in changes to suburban names—or in changes to the names of sporting and community clubs. In considering the benefits of reform, MAG points to savings, in the short-term, of up to \$150 million a year. This is based on reducing the current 118 councils to 34. I point out that this does not go as far as Victoria. If South Australia were to reduce the number of councils to the same average population size as that of Victoria, it would have only 26 councils. The Government recognises that to reduce the current number to 34 is a radical step which will be met with outright opposition by some and at least apprehension by many. As I said at the outset, the Government's view is that MAG has made a persuasive case for its recommendations.

The group has presented a challenge to all South Australians to consider the structure of local government necessary to maintain the relevance of local government into the next century, and to maintain its capacity to serve communities in the ways they deserve and desire. In broader terms, in considering a response to this report, the Government must also assess how local government can contribute to the process of rebuilding our State and ensuring we are efficient and competitive in an international sense. The processes I have announced this afternoon will enable the Government to report to the Parliament during the next session on how it intends to lead the reform of local government in South Australia.

The SPEAKER: Order! Before calling on questions, I point out to members Standing Order 97, which provides:

In putting any such question, a member may not offer argument or opinion, nor may a member offer any facts except by leave of the House and only so far as is necessary to explain the question.

The Chair has been particularly concerned that, when members ask questions, they go on to ask a number of supplementary questions.

ECONOMIC AND FINANCE COMMITTEE

Mr BECKER (Peake): I bring up the sixteenth report of the committee, being the annual report for the year ending 30 June 1995, and move:

That the report be received.

Motion carried.

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

That the report be printed.

Motion carried.

QUESTION TIME

STATE SLOGAN

The Hon. M.D. RANN (Leader of the Opposition): Following his decision not to proceed with the slogan 'Going all the way' on the State's motor vehicle numberplates, can the Premier advise whether Cabinet has decided to retain the words 'Festival State' on numberplates or choose another slogan, such as 'State of the Art' or one of the hundreds that the Premier has on the list in front of him, or perhaps involve the public through a competition to choose the very best slogan for our State?

Members interjecting:

The SPEAKER: Order! The Chair points out to the Leader of the Opposition that he either unwittingly or deliberately commented when asking his question.

The Hon. DEAN BROWN: First, I will outline to the House what the whole marketing campaign is about: it is about putting a positive edge on South Australia after the crash of the State Bank and the very negative perception that the State Bank left not just on the people of South Australia but, very importantly, on people interstate as well. This campaign is about highlighting what South Australia has achieved in recent years and what it can achieve. South Australia is meeting world class standards in a range of areas, including information technology, the wine industry, food processing, mineral development and manufacturing just to name a few. From next year South Australia will be manufacturing vehicles for the Mitsubishi motor vehicle company and exporting them to the entire world (with the exception of Japan) as the sole source of manufacturing.

This campaign is about highlighting our successes, showing that there is a spirit of determination in South Australia and that there is a commitment to make things happen in this State. It is all about persevering even when the journey is long; it is about achieving and showing the rest of the world that we can match world standards; and it is about having pride and confidence in our State. When the people see the launch of the campaign tonight on their television sets, they will come to appreciate that it is an excellent campaign in creating that positive direction forward for South Australia and achieving that commitment. I invite the Leader of the Opposition to look at the campaign launch. I was somewhat disappointed to hear that, although he was invited to attend the launch this evening, the Leader of the Opposition has decided not to attend.

The various components of the strategy are, first, a massive electronic campaign with Channel 7 tomorrow showing 'Portrait of South Australia', which is a 2½ hour documentary covering the whole of South Australia and which highlights what has been achieved in recent times in this State. It highlights our wine, food, aquaculture and

manufacturing industries as well as our education system and other matters of interest within the State. I urge all members to watch the 2½ hour documentary which will be shown on Channel 7 tomorrow night. That documentary will be cut down to a 1 hour version and shown across the whole of Australia. In fact, that 1 hour version will now be shown on STAR TV, which broadcasts to 27 countries in Asia. There will be a series of—

An honourable member: What time slot?

The Hon. DEAN BROWN: Tomorrow night. There will be a series of other television and radio commercials which picks up exactly the same theme as the television documentary. There will also be a series of newspaper features, both in South Australia and interstate. Once a month, the *Advertiser* will run a feature about what has been achieved in this State, and the first article will appear on Thursday and will talk about South Australia's being the information technology State. There also will be a monthly or bi-monthly special within the *Sunday Mail*, highlighting the social development that is occurring within South Australia, such as the improvements to our education system, our environment, our health care and so on.

Equally, Messenger Press will pick up a social, community oriented feature on a regular basis and that will run in all the regional newspapers. This campaign is about giving a national profile to South Australia. I am delighted to say that the *Australian* will run a special feature in its *Weekend Magazine* covering South Australia (about a 12 page supplement) highlighting what South Australia is achieving at present. That will also be circulated through the *Advertiser* to every household in receipt of the newspaper in the State. In addition to that, a series of other national magazines such as the *Bulletin* will run a couple of features on South Australia.

I highlight a number of matters. First, this is a campaign that is being very strongly driven by the private sector. It is donating something like \$4.5 million—a free promotion for South Australia. It is a great achievement for this State to have a coordinated campaign. The State Government is contributing \$187 000 in terms of the preparation of the material, and then up to another \$600 000 on top of that, taking the total to about \$800 000. We are taking space for advertising in national magazines and in magazines that will promote this State internationally.

An honourable member interjecting:

The Hon. DEAN BROWN: I will come to the numberplates.

Members interjecting:

The SPEAKER: Order! I suggest that the member for Giles refrain.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: The Government has decided not to proceed with the numberplates. I highlight to the House that the design that appeared in the *Advertiser* is not the right design. There is as an underlying theme in all this campaign—an excellent logo of SA, in red and blue, which members will come to appreciate is a superb promotion of South Australia as a State and which we will see more and more of in terms of promotional marketing material. As far as the Government is concerned, the existing numberplates will continue to be used. Over the next few months we will look at the possibility of changing what would be the slogan, if you like, on the bottom of the numberplates. The present

slogan is the 'Festival State', but we will consider what we do with that. No decision has been made on that whatsoever.

The main thrust of this campaign is to ensure that this State moves past the negative feeling that the State Bank disaster created. This State went through the worst situation of any State in Australia—and we know who created that. It is time we overcame the negative feeling that has existed in South Australia and interstate, because this State is achieving: it is creating world-class industry. We can match the best that can be found anywhere else. I want everyone in this State to make a total commitment to South Australia to ensure that we are a world-class State.

STATE PRINT

Mr CONDOUS (Colton): Will the Treasurer inform the House of the progress being made by the Asset Management Task Force in rationalising the operations of State Print, given an earlier announcement that the large format offset printing work was to cease; and will he also inform the House what other savings the Government is making in the area of printing?

The Hon. S.J. BAKER: In terms of State Print, we believe that we are making great progress. As members would recognise, on our coming to government State Print had made losses over a period of time. In the first half of 1994-95 a loss of \$1 million was sustained and over the past four years a \$4.5 million loss has been sustained. We announced last year that the offset printing processes of State Print would be sold. We have sold the printing presses, the sum derived being \$1.65 million.

The very effective areas of State Print have been retained, but we have taken out from it that area which was not performing efficiently and which was competing unevenly with private sector enterprises. Many printing presses around Adelaide are capable of giving good product to the Government. We have retained those areas in which State Print has shown leadership, and we will enhance them to make sure that we get the best results possible. They include the printing and distribution of parliamentary products, the *Government Gazette*, the budget papers and other documents. State Print will continue to provide laser printing, photocopying and electronic publishing services for public sector agencies.

It is important to note some of the changes that have taken place and the impact they have had. By the Government's fine-tuning State Print and taking out that area of operation that is unprofitable, we have achieved significant advances. We have reduced photocopying and laser printing prices by over 5 per cent. We have produced printing savings of over 20 per cent for the Adelaide Institute of TAFE through a fixed-term, defined service agreement. We have taken over in-house printeries of the Department of Transport and the Department of Building Management, and we have commenced discussions with several other agencies to take over their printeries and pass on document production savings.

We have introduced changes to the production of bound session proceedings of Parliament to reduce the charge per session by over \$100 000. We have introduced new technology and processes to produce budget papers with significant cost savings and improved response times. Of credit to a number of members of this Parliament is the in-house printing of *Hansard*, which is one of the best services operating in Australia. The Government is changing, we are getting out of areas in which we do not perform well and we are making sure that those items that are essential to govern-

ment are being carried out as efficiently and effectively as is humanly possible. It is a good outcome for the Government.

STATE SLOGAN

The Hon. M.D. RANN (Leader of the Opposition): Will the Premier assure South Australians that they will be involved in choosing the replacement for the 'Festival State' slogan in a few months, perhaps through a public competition, how many numberplates were prepared with the 'Going all the way' slogan before the Premier's decision not to use the phrase on the State's licence plates, and does the Government intend to proceed with a recall of ministerial cars to give high level impetus to the Premier's campaign? The Opposition is aware that all ministerial cars were scheduled to be fitted tomorrow with new numberplates bearing the slogan, in much the same way as David Tonkin did in 1980 with special ministerial numbers and a flag for the Premier's car.

The Hon. DEAN BROWN: First, I will pick up the point about the slogan that goes on the bottom of numberplates. I should be delighted if people in the State sent to me their contributions and thoughts. A large number have done so already. Some months ago we met with a group of the most innovative, forward thinking marketing people in this State, people from various creative agencies who sat down with a list of about 196 different titles that might go onto numberplates. They worked through that list and came up with a range of different possibilities. I should be only too pleased to receive suggestions that people have about what might go onto the numberplates. In terms of—

The Hon. M.D. Rann: What about ministerial cars?

The SPEAKER: Order! The Leader of the Opposition knows the Standing Orders and he has asked his question.

The Hon. DEAN BROWN: I have already indicated to the House that 'South Australia—The Festival State' will continue on numberplates, and that will apply to ministerial cars, as well. The total cost in terms of the number of licence plates which have been produced so far, and which will not be produced any further, is about \$10 000. As I understand it, about 1 000 plates have been produced and delivered, and the total cost to the State Government so far is about \$10 000.

Mr Clarke: They will be collectors' items. You will be able to make a profit on them.

The Hon. DEAN BROWN: I will not comment on that.

STATE MARKETING CAMPAIGN

Mrs ROSENBERG (Kaurua): Can the Premier inform this House of some of the companies and key people who have contributed to the new State marketing campaign as an indication of their faith in the direction of this Government?

The Hon. DEAN BROWN: One of the important things about this campaign is that it is being backed by a wide group of community organisations, companies, individuals, and so on. A complete list of the companies making a contribution will be published tomorrow.

Mr CLARKE: I rise on a point of order, Mr Speaker. The Premier is making a display and I thought that displays were contrary to Standing Orders.

Members interjecting:

The SPEAKER: Order! I warn the Leader of the Opposition: obviously he has no regard for Standing Orders. It is the Chair's understanding that the Premier was referring to a document and the Chair is not aware of the contents of that document. I point out to the Premier and other members

that it is contrary to Standing Orders to display material in this House.

The Hon. DEAN BROWN: I was going to refer to a list, because I wanted to highlight to the House a number of the companies and organisations which have been involved in this campaign. All these companies and organisations have given to the campaign. Let me touch on some of them. There is a major contribution—

Mr Atkinson interjecting:

The Hon. DEAN BROWN: I suggest that the honourable member wait and listen. A major contributor is the media of South Australia, including 5AD, Channel 10 and the *Advertiser*, as well as Austereo Ltd, British Aerospace, Charterhouse Advertising, Christopher Rann and Associates, Coopers Brewery, Fauldings, General Motors-Holden's, Hills Industries—

Mr Atkinson interjecting:

The Hon. DEAN BROWN: No, I cannot see Gerard Industries on the list. The list continues with Myer, Motorola Australia, Orlando Wyndham Group and Pembroke School Incorporated. In fact, this evening the Pembroke School Choir will be singing a three minute version of the jingle (I guess you would call it) which has been prepared. I think it is an outstanding jingle and I invite all members to listen to it. Here is a mixed school coming in and backing the campaign, and it highlights the sort of support being received. Other companies involved include Penrice Soda Products, R.M. Williams, Channel 7, Channel 8, Channel 9, Southcorp Holdings, Tandem Computers, and so on. It is a very comprehensive list of companies, and—

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN:—they are determined to be out there promoting South Australia in a positive light after the negative feeling created by the collapse of the State Bank. That is what this program is about.

An honourable member interjecting:

The Hon. DEAN BROWN: As I said earlier, we know who is responsible for the crash of the State Bank. It is little wonder the Leader of the Opposition is not willing to come along and show his face at a function organised in an attempt to overcome that negative feeling caused by the collapse of the State Bank. I still invite him to come, if he would like to. I think it is a real disappointment that he is not prepared to come along and be one of those people willing to back South Australia and make sure that the State secures a maximum commitment from everyone involved.

LOCAL GOVERNMENT REFORM

Ms HURLEY (Napier): Will the Minister for Housing, Urban Development and Local Government Relations give a categorical guarantee that the Government will not use legislation to force councils to amalgamate against the wishes of ratepayers and residents? Will the Government provide financial incentives to—

Members interjecting:

The SPEAKER: Order! The member for Wright.

Ms HURLEY:—councils interested in amalgamation?

Members interjecting:

The SPEAKER: The House will come to order, and that includes the Deputy Premier.

The Hon. J.K.G. OSWALD: Clearly, members have only just received the report today and will require some time to digest its contents and make decisions. One of the recommen-

dations in the report implies some form of compulsion, but as far as the Government is concerned that matter will be addressed over the next couple of weeks. The terms of reference to the Local Government Board is a matter yet for decision, and that decision has not yet been taken.

As regards assistance to local government, again over the next two or three weeks the Government will make its decision based on its reading of this report, and we will then bring the matter back into the public arena and set down what we see as the direction it should take. It is early days as yet. It is an excellent report, and I compliment Graham Anderson and his committee on what I thought was a courageous report.

This Government has at least tackled the whole question of reform of the third tier of government in this State, whereas the former Government was frightened to take it on. We have done that and I congratulate the authors of the report on at least tackling an issue which had to be tackled out in the local government arena. Over the next few days I expect that there will be a considerable amount of public debate. The Government will certainly be examining the report in great detail and making its decision shortly.

WATER TREATMENT

Mr ROSSI (Lee): Will the Minister for Infrastructure report to the House on how the State Government environment levy has been used by SA Water to help end the pumping of sludge from Port Adelaide into Gulf St Vincent, leading to the growth of seagrass along the coast? Will he also explain how the success of this project will be monitored?

The Hon. J.W. OLSEN: I thank the honourable member for his question and acknowledge his interest in relation to seagrass and the environmental impact upon the foreshore in the Port Adelaide region. Pumping of sludge from Glenelg and Port Adelaide waste water treatment plants ceased in the early part of 1994. Sludge is now pumped to Bolivar where it is air dried and used to produce a range of products including fertiliser, compost mixture and bricks. The construction of the Glenelg and Port Adelaide sludge main to Bolivar for \$9.1 million has been the most significant project undertaken so far of the \$38 million collected by the environment levy.

The commissioning of that pipeline has resulted in a significant improvement in water quality in Gulf St Vincent and has substantially reduced the risk of ongoing seagrass loss. SA Water is contributing to a study with the Environment Protection Authority to monitor the changes in seagrass, that is, the meadows along the coast. A new technique of digitally scanning aerial photographs will be used to examine photographs from the 1940s through to today from Sellicks Beach to Outer Harbor to measure growth and decline in seagrass. Having dived in the gulf on a number of occasions in 1989, I hope that action previously taken brought about a change by the former Government in regard to doing something about this matter, because it was very evident that seagrass in Gulf St Vincent had died back because of the discharge. That trend has now ceased and we will be monitoring the regrowth of seagrass through that region.

The environment levy will only partly fund the proposal to upgrade the four metropolitan sewage treatment plants in Bolivar, Port Adelaide, Glenelg and Christies Beach. That will cost more than \$100 million. It will improve the performance of the treatment plants and reduce risk of ongoing loss of seagrasses previously associated with plant

discharges into Gulf St Vincent. Of the \$38 million environment levy program, \$19 million has been committed to projects in the Adelaide metropolitan area. In addition, some \$11 million has been spent on reducing water pollution in the Adelaide Hills and the Murray River from which Adelaide benefits directly through improved drinking water.

The new SA Water Corporation is endeavouring to supply high quality water services to all South Australians. The activities at Port Adelaide and at other treatment plants show how South Australia can lead the way in managing difficult water with environmental benefit. This is just one program working in South Australia on our skills base and experience which are highly valued in an export market context. Carefully managed and marketed this knowledge base can earn export dollars and create opportunities for South Australia and create jobs for South Australians.

LOCAL GOVERNMENT REFORM

Ms HURLEY (Napier): I direct my question to the Treasurer. In light of the ministerial advisory group's recommendation for council amalgamation, will he stand by the right of Mitcham ratepayers to decide whether their council should be maintained in its present form or amalgamate with other local government bodies? In the House on 28 April 1992 the then Deputy Opposition Leader stated:

Mitcham was to be consumed by the Minister through the recommendations of the advisory committee. We fought and fought and at the end of the day we won because we believed in the right of the—

Members interjecting:

The SPEAKER: Order! The honourable member is now commenting and I suggest that she ask her question in accordance with Standing Orders.

The Hon. DEAN BROWN: Having listened to the question asked, I believe that a member cannot ask a Minister a question about a matter for which that Minister has no responsibility as far as his portfolio is concerned.

The SPEAKER: It would appear to the Chair that the question would be better directed to the Minister for Housing, Urban Development and Local Government Relations. However, any Minister can take a question, and it is entirely up to the Minister to determine who answers which question. It would be my intention at this stage to direct the question to the Minister for Local Government Relations.

The Hon. M.D. RANN: On a point of order, Sir, in your previous ruling you mentioned that the member for Napier was commenting when, in fact, she was quoting from a statement made by the Deputy Premier when Deputy Leader of the Opposition.

The SPEAKER: Therefore, the Chair is of the view that the honourable member's question was going far beyond what is necessary in asking a question. The member for Napier.

Ms HURLEY: My comments were being made merely to finish the quotation.

The SPEAKER: I suggest to the honourable member that, if she wishes to complete the question, she does so as quickly as possible and not try to flout the rulings of the Chair.

Ms HURLEY: The then Deputy Leader continued:

At the end of the day we won because we believed in the right of the people to choose their representation.

He also stated:

Local government should not be a matter of Party politics at all.

The SPEAKER: It is the view of the Chair that the matter refers to local government, and I call the Minister for Housing, Urban Development and Local Government Relations. If he wishes to defer to the Deputy Premier, he may do so.

The Hon. S.J. BAKER: I noted the last part of the statement about Party politics. We have a report that the Opposition has not even read, and members opposite are on the record as saying that they want to reduce the number of councils dramatically in South Australia. We have had voluntary effort which has failed dramatically over the past—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: Hindmarsh and Woodville—what a starring example. We still have 118 councils here in South Australia. Party politics is important to this whole issue, because from the point of view of the Government—and, I presume, the previous Government—there was a commitment to reduce the number of councils in order to increase their size and their efficiency and bring about dramatic savings of \$100 per household or \$150 million a year. As Treasurer, I believe that the MAG committee has provided a service to the community of South Australia, because it will be allowed to debate the issues that are contained in that report. It is about time that we did so, and it is about time that we got some support from the Opposition.

HIGHBURY DUMP

Mrs KOTZ (Newland): Will the Minister for Housing, Urban Development and Local Government Relations advise the House of the relativity of the recently released EIS to the Highbury land fill? A recent *Advertiser* article advised the public of South Australia that the EIS recommended a new land fill at Highbury.

The Hon. J.K.G. OSWALD: I would like to congratulate the honourable member for her activity in her district in support of local residents regarding this issue. Yesterday, I released the EIS for the Highbury dump. That EIS is part of a series of events that will take place leading up to a final decision. I assure members that no decision has yet been taken. The situation at the moment—

Mr Atkinson interjecting:

The Hon. J.K.G. OSWALD: Why don't you just keep quiet: you might learn something; I am about to explain to you what an EIS is all about.

Members interjecting:

The SPEAKER: Order! There are too many interjections. This is the last week of sitting. Obviously, all members want to remain here for the next four or five days. I suggest that, if members are looking for an early minute, one or two of them are getting very close.

The Hon. J.K.G. OSWALD: Thank you for your protection, Sir. The release yesterday of the EIS has triggered the next step, which is to invite all interested members of the public to come forward with their concerns and to comment on, and criticise if they wish, the EIS report. They have until the beginning of September to get those comments in. I assure members that every area of concern raised by the public as a result of that EIS will be assessed. Indeed, not only will they be assessed by the assessment branch of my agency but the developer must also respond to those areas of concern. So, it will be seen that many steps must be taken.

The whole purpose of calling for the EIS was to allow members of the public to go through this process and put on

the public record their concerns with the assurance that those concerns would be addressed. After those concerns are addressed, that is, after the applications close in September, we will go through the assessment process and a supplement to the EIS will then be produced. Again, that supplement will be reassessed, and then and only then will we get into the final decision-making process. So, it will be seen that we have to go through many steps. No decision has been taken yet about the future of the Highbury dump. The Government is acutely aware of the environmental—

Mr Atkinson interjecting:

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

The Hon. J.K.G. OSWALD:—social and economic significance of the site, and it will work through very carefully the recommendations that come out of the EIS process before it makes a decision. The honourable member can assure her constituents that no decision has yet been taken, and that, in fact, we are going through the EIS process so that the public can have their say and know that their say will be listened to and scientifically assessed.

TOTALISATOR AGENCY BOARD

Mr FOLEY (Hart): Has the Minister for Recreation, Sport and Racing been monitoring the turnover of the TAB since the introduction of the new form guide on 7 July? On 6 July, the Minister told the House that he no longer had confidence in the Chairman of the TAB and that he had assumed responsibility for many matters relating to the operation of the TAB.

The Hon. J.K.G. OSWALD: We are monitoring the turnover of the TAB and we are looking for a clear week or 10 days to be able to examine it properly. Last weekend provided the first opportunity, because on the previous weekend we had a phantom meeting at Victoria Park: the race meeting did not take place. For those members who wonder what a phantom meeting is, when the track is totally washed out—

Members interjecting:

The Hon. J.K.G. OSWALD: It might be like a Caucus meeting. When the track is washed out, no racing takes place, but betting on interstate meetings is still allowed. It is difficult to use a phantom meeting to gauge the turnover because obviously people do not come on course unless they want to bet interstate. Now that we have had a meeting last weekend we are moving into a cycle where we can assess the position, and we are keen to do that, but because of the phantom meeting at Victoria Park we could not use the previous weekend for that purpose. The figures are now coming in, they are available to us, and we are doing an assessment at the moment.

AQUACULTURE

Mrs PENFOLD (Flinders): Will the Minister for Primary Industries explain how the Government is assisting aquaculture industries of this State to reach their full potential?

The Hon. D.S. BAKER: The Premier made some commitments to South Australians about the potential of aquaculture before the last election, and they included a memorandum of understanding with the tuna industry in respect of tuna farming at Port Lincoln. Since we have come to Government, that industry is now returning to this State approximately \$60 million. Also, on coming to Government

it became obvious that there had been a severe slowdown in the process of assessing oyster leases. In fact, some people have been waiting five years to get permission to farm oysters, in spite of the fact that the oyster industry has great potential to become an export industry for South Australia.

The South Australian Development Council formed an aquaculture committee comprising: Bob Thomas, Chairman; Michael Angelakis, a leading seafood company director in South Australia; the Hon. Ted Chapman, a former Minister for Primary Industries who has a lifetime experience in fishing; Daryl Evans, an abalone farmer; Rob Lewis, the Chief Research Scientist at SARDI; Vic Neverauskas of the aquaculture industry; Joe Puglisi, a fish exporter; and Jim Raptis, one of the largest seafood processors in the State. Most of the results of the work of that committee have been released in a report which shows that South Australia has the potential to triple its aquacultural production by the year 2000 (increasing from an estimated \$100 million this year to \$300 million). Most of that increase is in tuna, barramundi and oysters. The oyster clean water program will focus that industry into export, which is of course what we are on about.

The whole idea is to have a one-stop shop for industry in South Australia. An aquaculture unit will be established within and run by the Department of Primary Industries. That unit will confer with other ministries, such as environment, housing and urban development, to make sure that those people who want to go into aquaculture have the whole process streamlined. As the honourable member implied in her question, this is a very important part of the direction in which South Australia is heading. All aquacultural management plans are to be completed by June 1996—most have already been completed—and that will allow aquaculture to flourish in this State and to start yet again another export industry of which South Australia can be proud.

TOTALISATOR AGENCY BOARD

Mr FOLEY (Hart): Will the Minister for Recreation, Sport and Racing confirm that TAB turnover has increased since the new form guide was first published on 7 July and that he has received such advice from the TAB? The Opposition understands that the Acting Chairman of the TAB has advised the Minister that TAB turnover has increased by \$330 000 since the form guide was introduced on 7 July.

The Hon. J.K.G. OSWALD: The figures that are coming through to us on a regular basis give no indication one way or the other at this time. Certainly, there is nothing to report to this House one way or the other. As I said in my previous reply, we will have to wait until we can get a snapshot of a clear period of days and weekends on which to make an assessment. When I get that clear snapshot and we know where the turnover is going, we will make a public statement. However, we cannot have an assessment with one weekend taken out because the track was washed out and no racing took place. It is as simple as that.

FAMILY IMPACT STATEMENTS

Mr CUMMINS (Norwood): Will the Minister for Family and Community Services provide details on how family policy in South Australia is impacting on policy decisions overseas? I understand that initiatives within South Australia have been used to provide models, promoting improved family policy internationally.

The Hon. D.C. WOTTON: It is rather interesting to note a growing trend towards this back-to-basics approach to strengthening the family unit. Last week, I was pleased to receive correspondence from a prominent organisation in the United Kingdom seeking information on the family impact statements that this Government has reintroduced in South Australia. On a number of occasions, I have brought to the attention of the House the success of this program and the interest that has been shown by other States in Australia regarding the program. So it was with considerable pleasure that I received the request for further information from the United Kingdom.

Dr Martin Clark, from the United Kingdom Relationships Foundation, has said that the area of family impact assessment has been identified by researchers in the United Kingdom as a potential means of improving family policy and helping develop a family-friendly Government. Dr Clark is hopeful that the South Australian experience can be repeated in the United Kingdom and has sought information on that program. I remind the House that family impact statements were first introduced by the previous Liberal Government, under Premier Tonkin, when John Burdett was the Minister. They were scrapped by the previous Labor Government—

An honourable member interjecting:

The Hon. D.C. WOTTON: Well, it could be said that the previous Government was anti-family. They have been reintroduced by this Government. I am pleased about and proud of the success of the program in this State. Recognising the importance of families and the need for information about the impact of Government proposals on families, we intend to help Cabinet reach important decisions. This Government has made an ongoing commitment to the process of family impact statements. I am delighted to see initiatives of this Government impacting on the broader agenda of international family policy, and I will be pleased to provide that information to Dr Clark in the United Kingdom and to learn of the progress regarding the program that might be introduced in England. I hope that the program can be as successful in the United Kingdom as it is in this State.

AUSTRALIAN BUREAU OF STATISTICS

Mr QUIRKE (Playford): Does the Premier stand by his claim that an ABS representative telephoned his office the day before the release of the ABS State accounts data to advise that the bureau did not believe its own figures? Will the Premier tell us the identity of the ABS representatives to whom she or he spoke? The latest ABS data shows that, in the year to March 1995, South Australia had the worst economic performance of any State or territory in Australia. During the Estimates Committee hearing of 20 June, the Premier claimed:

The ABS was so concerned about the figures that it rang us the previous day and said that something appeared to be wrong with its figures. It rang before they released them. That is the first time I have known the ABS to contact someone to say that something appears wrong.

The Hon. DEAN BROWN: I happened to know about the figures before they were even released. I will check in terms of to whom the ABS spoke, but it spoke to someone in Government who then reported it to me. If I can, I will find out who made the contact. The ABS rang through and said, 'We are releasing some figures tomorrow, and they just don't seem to add up.' In light of the employment figures, which

have gone up, it appears to be very hard to explain. It acknowledges that employment has gone up. From our own indications, we know that retail sales have gone up substantially—more than those of any other State of Australia. We know in respect of WorkCover (and I cannot think of a better survey of total income—

An honourable member interjecting:

The Hon. DEAN BROWN: No, it's not poker machines—of waged employees across the entire State than the WorkCover premiums) that everyone in this State has to pay a WorkCover premium or have a premium paid on their behalf, and it rose by 7.6 per cent. So WorkCover is claiming, from a sample of the entire State, that its contributions rose by 7.6 per cent, without a change in the rate. Therefore, one could quite rightly assume that the total salaries across the State had risen by 7.6 per cent. We know employment rose by more than 12 000, but the ABS, from its own small sample (and it is a small sample, to which it applies a correction factor), suggested that there had been a decline in incomes across the State.

Everyone acknowledged that the clear facts showed that there was some sort of fundamental problem with the ABS figures. This person rang the State Government and said, 'We've got these figures; there seems to be an anomaly. We have a question mark about them, and we want to try to discuss with you why they should be coming through in this form.' We assured them that our figures were showing just the opposite, and therefore we had a serious doubt about the accuracy of the figures. Everyone who has now had a chance to see the figures since would agree that the far more comprehensive figures on the economy, collected by the State Government through bodies such as WorkCover, suggest that there has been considerable growth in this State.

PORT AUGUSTA PRISON

Mr LEGGETT (Hanson): Will the Minister for Correctional Services advise the House as to whether there is any validity in statements reported in the *Advertiser* yesterday that a recent escape from Port Augusta prison was part of a conspired, intended mass break-out by prisoners at that institution? Yesterday, the *Advertiser* published an article entitled 'Prison break-out conspiracy' in which it stated:

A prison break-out at the Port Augusta Gaol could have turned into one of the largest of its type in South Australia.

The SPEAKER: The Chair is particularly interested in this answer.

The Hon. W.A. MATTHEW: I thank the member for Hanson for his question and for his ongoing interest in prison matters. Of course, Mr Speaker, I am aware of your interest in this matter, because Port Augusta is in your electorate. There is no foundation and no validity to the statement made in yesterday's *Advertiser*. It is a good example of a media beat-up, a story written without any foundation but plenty of speculation. The facts are these. In the early hours of the morning of 3 July 1995, two medium security prisoners at Port Augusta prison were involved in an escape bid, when they managed to scale a perimeter fence at that prison complex. While one of the prisoners became entangled in the razor wire on top of the perimeter fence of the prison, his accomplice managed to get over the fence and run into scrub land, as prison officers, reacting to the alarm, arrived at the location. It was not the lucky day of the prisoner who managed to get over the fence, for he was spotted by two off-duty Correctional Services officers, just 1.5 kilometres from

the prison. Those off-duty officers raised the alarm with police and observed the prisoner until police arrived on the scene to arrest that prisoner.

Following this incident, it has been necessary to implement new control procedures at the prison as the incident was, in part, due to human error at that institution. However, it also has been necessary to change security measures at that institution, and some of those new measures are already in place. Some may well ask why it would be necessary to change the security on a prison which had \$33 million spent on it just before the last State election by the outgoing Labor Government. It is quite obvious that, despite that \$33 million expenditure, the outgoing Labor Government did not target too much money at security.

I was absolutely staggered to find that the windows of the cells, which were upgraded by the Labor Government, were only bolted into place. Over time, those bolts could be juggled free, and that is how the two prisoners—not a whole lot of prisoners—managed to get out of their cells. They worked free the bolts of the windows in the Labor Party showpiece—its \$33 million prison upgrade. I now am pleased to advise the House that the windows of those cells have been welded shut. However, the problem does not end there. On checking at Mobilong Prison, on which the Labor Government also did some work, we found that the cells had the same faulty windows. So the windows at Mobilong also have been welded shut.

One may well ask why it was that the Labor Party did not pay too much attention to security at Port Augusta. The fact is that it was too busy spending money on things such as cottage accommodation to allow conjugal visits for wives and girlfriends of prisoners at the institution as well as the \$1.4 million it spent on a colour top tennis court, a swimming pool and a timber feature wall panel gymnasium. That is where the Labor Party put taxpayers' money: it did not put money into the areas in which we would expect it to be directed in a prison, that is, security. So, we continue to clean up Labor's mess.

AUSTRALIAN BUREAU OF STATISTICS

Mr QUIRKE (Playford): Is the Premier aware of correspondence from the Australian Bureau of Statistics of 21 July affirming its confidence in its estimates of South Australia's recent economic performance against the Premier's claims that the ABS figures were wrong and that the ABS itself had disowned them? Will the Premier table this correspondence in the House?

The Hon. S.J. BAKER: We have been having ongoing discussions with the ABS about its gross State product series, and there will be a meeting in Canberra shortly on that issue. There is a recognition that, because of the sample used, there is room for error. That clearly is admitted by the Australian Bureau of Statistics and it is contained in its bulletin. So we are not telling any secrets. The issue for the ABS is whether the series should be retained in its current form or whether it should be modified. Obviously, the ABS would like its series to stand up to scrutiny. However, there is a particular problem with South Australia. It acknowledges that elements of deficiency can occur as a result of its small sample size and also that the income series is showing a result that is different from the gross State product series, and that is to be a matter of further discussion.

Whether the series continues as it is with appropriate footnotes or whether there are modifications to the series,

greater acknowledgment or some substitution measures is a matter that is still being discussed. Quite clearly, the issue is not whether the ABS has integrity, because the ABS has a number of caveats on that series, and it would say, 'What is all the fuss about? We have all these issues clearly shown but, because of the sample size, the rounding and issues such as discount factors, the results may not be as accurate.'

Some 18 months or two years after that result, as the ABS has much more comprehensive data, it revises the series. We do not want two years to pass whilst the series is being sorted out. It is a matter of discussion. We are not accusing ABS of anything: we are saying simply that, if the series appears in its current form, we will see a negative factor going through the system, and that may well be more a product of sampling error than anything else. The ABS says the series has some deficiencies but it would like to see all the States agree on some common format.

UNIVERSITY OF SOUTH AUSTRALIA

Mr SCALZI (Hartley): Will the Minister for Employment, Training and Further Education tell the House what the University of South Australia is doing to promote stronger working links with industry?

The Hon. R.B. SUCH: I thank the member for Hartley; he is living proof that good things come in small packages. The University of South Australia is to be commended for its Working Links program, which I launched in May. The purpose of that program is to ensure that the university is very much in touch with the community, particularly business groups but also schools. Many members would have seen evidence of that program in terms of advertisements and so on in the media. Fourteen of our major industries, including Faulding, the DSTO, EDS, Digital and others, are involved in supporting that along with 60 medium to smaller sized companies. The university is ensuring that the graduates have significantly increased employment opportunities and it is working to promote the State in terms of economic development. I congratulate the Vice Chancellor, Professor Robinson, and the Chancellor, Dr Hetzel, and their staff on the effort they have put into this program.

It is important that universities are part of the community, that they relate very closely to the community, that they meet the needs of the community and the State in terms of economic development and that they meet the training needs of individuals. The University of South Australia, with over 23 000 students, is setting a good example in terms of its relationship to the wider community. I am aware also of positive things that are being done by the University of Adelaide and Flinders University and I intend, over time, to relay them to members so that they can be better informed in terms of the excellent work being done by our three outstanding universities. In conclusion, I compliment them on the Working Links program and I look forward to that program going from strength to strength and ensuring that the university remains in close touch with the community which it serves.

MARINE PARK

Mrs GERAGHTY (Torrens): My question is directed to the Minister for Primary Industries. Has the Government commissioned a review of the draft management plan for the

Great Australian Bight Marine Park and, if so, why, and who will undertake the work? The Government has refused to release the draft management report for the Great Australian Bight Marine Park prepared by the South Australian Research and Development Institute which recommends the establishment of the marine park to protect the endangered southern right whale.

The Hon. D.S. BAKER: I thank the honourable member for her question. I know that this issue is very dear to the Speaker's heart as well. As everyone in this House knows, the Government has protected the whales in the Great Australian Bight Marine Park: it is the first time ever that those marvellous animals have been protected.

Members interjecting:

The Hon. D.S. BAKER: That's right; what did Labor do? It did nothing except bankrupt the State. I was a member of this Parliament in 1988 when John Bannon promised he would do something in relation to that area, but what happened? There was another broken promise and nothing was done. However, this Government has not only acted in relation to this park but it has obtained a report, which has been taken to Cabinet, and we are now working very closely with the Federal Government.

In tandem with the Federal Government, we are looking at whether that should be expanded and what should happen. All that work could be dashed now, because I noted this morning that there is a Mabo claim over the whole area. I hope that does not affect the Great Australian Bight Marine Park because this Government has put in a lot of work to protect those whales. I hope that they will remain safe for many years to come. However, there is some query from the honourable member about releasing the report. The report was prepared for the Cabinet; it was part of the attachment for the Cabinet document and as such it will not be released. However, this Government has said that over the next 12 months an independent body will look at what should happen—

The Hon. M.H. Armitage interjecting:

The Hon. D.S. BAKER: I got carried away on that and I forgot my orders. However, that report will not be released because it is part of a Cabinet document. In the next 12 months the Government will ensure that those whales are protected for the benefit of future South Australians.

Mrs GERAGHTY (Torrens): Why has the Minister for Primary Industries refused to release the draft management plan for the Great Australian Bight Marine Park to the public and interested parties who were consulted on this matter? The Wilderness Society sought a copy of the draft management plan under freedom of information legislation but this has been refused by the Minister. While the Minister claims this document is for Cabinet use, it was prepared by SARDI using \$150 000 of Commonwealth funding, and parties who were consulted and had input to the plan are seeking access.

The Hon. D.S. BAKER: I thank the honourable member again for her question. As I explained before—and I thought I did it in one syllable words—the report was prepared for Cabinet and the Government of South Australia. It is an attachment to a Cabinet document and therefore will not be released.

GRIEVANCE DEBATE

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

Mr CUMMINS (Norwood): In the past week the Leader of the Opposition has been attacking the State and the people who live in it by attacking the slogan and the campaign to get South Australia going again in business, industry, wine and information technology. It may not be surprising to members, because we all know his history. We also know that Commissioner Jacobs when looking at the bank said of the Leader of the Opposition's support and praise for Marcus Clark, the great destroyer of this State, that it was so effuse in this House that the State Bank building blushed with a brighter shade of pink. One would have thought though, given what happened to the State Bank, that he would have learnt his lesson and would want to support this State and not destroy it, but he has not. Perhaps he is a bit slow—some might say thick. Perhaps he is bitter that we are getting this State moving again and that we believe in it.

Apparently, according to his question to the Premier today, he will not even bother to watch the program that we have designed to help get this State going again because of the havoc created by the previous Government. Why do I say he has not learnt his lesson? For the past week he has been attacking the campaign designed to help galvanise and revitalise this State: South Australia going all the way in all things good for this State—industry, business and so on. Obviously, he is not prepared to go all the way to help this State, as is the Government. I thought the Leader of the Opposition was a journalist and therefore one assumes he knows what happens when you take a phrase out of context. In my profession if a lawyer is dishonest, sly or devious he will, in addressing a judge, take a phrase out of context and try to make a point, but the judge inevitably will read the entire document and catch him out. The people of South Australia will judge the behaviour of the Leader of the Opposition on the whole of the campaign. Members might not think there is much difference between a sly and devious lawyer and the same brand of politician.

This campaign will be a successful one, despite the Leader of the Opposition's simpering and harping about it. All the written and TV media have supported the campaign to the extent of \$4.5 million, as has been said by the Premier today. Members may think that the Leader of the Opposition is always out of step in matters such as this. It is amazing that a man who has such a negative outlook and has had a negative impact on this State should still be in this place attacking its future. It appears he is a slow learner and will remain that way.

Mr QUIRKE (Playford): I am very pleased that the Government used the member for Norwood to put up the case for going all the way. I find that rather interesting. The honourable member read from a prepared speech attacking the Leader. We understand the embarrassment of some members opposite and the embarrassment in Cabinet. We acknowledge that the member for Norwood has excellent credentials for going all the way: he hawked himself around every political Party until he got a seat in Parliament. Like many members in this House I watch the program *Yes Minister*. I used to enjoy that program 15 or 20 years ago: it was very funny. Unfortunately, since that time, I have had

occasion to see many episodes that show some truth.

For example, some of last week's episodes showed Sir Humphrey and the good old spirit of the British Civil Service. On one episode Sir Humphrey was congratulated for providing advice to his Minister in the best traditions of the British Civil Service. On that day I went to the Registrar of Births, Deaths and Marriages and paid the \$26—which I thought was a bit heavy—for a birth certificate for the latest addition to my family. The staff were very pleasant and courteous: they took my money, issued me with a receipt and told me to come back in seven working days. In fact, it was actually eight working days but they said seven. If you counted the day you were there, it was seven, but they do not do that as that would involve a little too much effort. However, I did not need the document for seven or eight days, so it did not matter.

There was a note which said that if I wanted to I could pay extra money—and probably after this speech today I will have to pay a lot of extra money if I want this—and they could process it within two to three working days. I must be on the wrong planet because it occurred to me that, in terms of anyone who has access to computers and to these lists and indeed has to look after only 1.45 million people in South Australia, it would not be too much effort on their part to provide the certificate the next day. In fact, even two days would seem reasonable. The amount of \$26 seems fair enough to look up a list. In fact, you could probably punch it out of a computer. I went back after the eight days and received the certificate. It has a mark right down the edge of it. It was a document that no-one would feel all that proud of and it cost me \$26.

I thought I would ring the land of Sir Humphrey. I rang my cousin in Liverpool, England, on Sunday and said, 'First thing tomorrow morning could you contact the local births, deaths and marriages organisation in Liverpool and find out how quickly you could get a birth certificate for me?' As I was born before computers arrived, it was all handwritten. This was a branch office, the head office being somewhere in the middle of Wales: as Sir Humphrey said in the program, they had upset someone so that is where that organisation was put. Anyone who annoys them goes out there. I asked my cousin, 'How much; and when can I have it?' The answer was '£5.50 (\$12 by today's currency) and you can have it in five minutes.'

I have to tell the House that the Sir Humphreys have to look after 56 million people over there. Here it costs \$26, it is marked and it takes more than a week to get one document. No wonder this civil service is a joke, and I hope that the Government does something about this sort of thing. When I go to the local fish and chip shop to buy \$2 worth of chips, I do not want to go back eight days later to get them, yet I think there is more in cooking \$2 worth of chips than there is in getting a birth certificate.

Ms GREIG (Reynell): In December 1993, I became acquainted with Mr Peter Young, of Pryme Wastewater Treatment. Peter lived in my electorate until recently and, whilst he was here, he introduced me to solar aquatic water technology, which is used extensively in the United States and which he was trying to introduce in South Australia. Since our introduction, I have followed with interest Mr Young's endeavours to trial this technology in South Australia. The solar aquatic system uses solar energy, plants and animals in a system designed to create natural responses

which biologically change or remove contaminants from sewage. These natural responses include the appetites of bacterium for human waste, the tendency of algae to thrive in sunlit water and feed on matter broken down by bacterium, and the ability of selected plants to take up heavy metals and metabolise them.

This system of waste water treatment has been designed to complement the existing network of major treatment systems and is envisaged as an alternative to septic tanks, sewage treatment systems, effluent drainage systems and similar wastewater processes. This water treatment system has not been used in Australia to date and it is unfortunate that only limited information has been made available on the operational performance of treatment plants using this technology in the United States.

The Engineering and Water Supply Department is responsible for assessing new treatment systems, and I understand that Mr Young approached the department with a proposal to trial an alternative sewage disposal system at Old Noarlunga. Frequent and lengthy discussions with officers from the department concluded that, although from both technical and financial aspects the Old Noarlunga situation was not suitable for Mr Young's proposal, the system may possibly be suited to small, isolated developments. This would be subject to supporting information from the American users.

In December last year, Mr Young's solar aquatic system was displayed at the Ecotech Trade Fair. Interest was shown by the ACT Government, which is now implementing the system on its showgrounds. On 9 June, I had the opportunity to view the progress of Canberra's first aquatic system and, although in a very early stage, the project looks promising. It is disappointing to note that Mr Young has relocated his business and family to the ACT. However, I will continue to monitor his progress and I remain hopeful that a similar project can be established in South Australia. I wish Mr Young every success with his current and future projects and I hope to see his projects at work in South Australia.

Mr MEIER (Goyder): On 11 April this year, a very important event occurred just south of Port Wakefield—the opening of the dual highway. I am sure that you, Mr Speaker, and many other rural members would appreciate the great assistance that the opening of that road has been to those of us who have to travel on it on a regular basis. It is a pleasure to be able to drive into my electorate now not having to take anywhere near the number of risks that I had to take before 11 April.

The next move is for the route of the highway to be determined in a northerly direction either through Port Wakefield or very close to it. According to reports in the press, it would appear that further construction of the road north may occur as early as 1997. It is very important for the planning of the route north from where the dual highway now ends that local residents be given every opportunity to express their views because, for their livelihood, the people of Port Wakefield rely almost entirely on the highway going through their town. We must take into consideration in the next few months their views on any design proposals that may be forthcoming.

The consultancy firm of Rust PPK has been involved in considering various options, which were highlighted in the *Advertiser* of 12 July, and they have also been highlighted in the local press. It is clear that the people of Port Wakefield are concerned at some of the options being put forward. For

example, one option is for an outer bypass, where the highway would run about 1.5 kilometres east of the town. A second option provides for an inner bypass, where the highway would be much closer to and in sight of the town. Neither of those options would assist the people of Port Wakefield. The option they favour, without any question, is to upgrade the existing road through Port Wakefield to national highway standard.

The Hon. Frank Blevins: Hear, hear!

Mr MEIER: There is no question that that needs to be considered in detail because, as members would appreciate, Port Wakefield has become an essential stop, not only north but also south. It is an essential stop to Yorke Peninsula—my electorate. I lived at Yorketown for many years and it was almost essential that we stopped at Port Wakefield if we did not want to doze off either coming from or going to Adelaide.

The Hon. Frank Blevins interjecting:

Mr MEIER: It is an important stop for the constituents of the member for Giles, when they are travelling to Port Augusta and Whyalla, and he has acknowledged that through his interjections 'Hear, hear!' in this House. It is an important stop for those travelling on the roads north generally. The safety factor for motorists must be taken into consideration. It is silly to have a bypass when, as a result of people deciding not to stop for refreshment, drivers doze off and have a serious accident. Those who have to travel a long distance regularly know how easy it is to nod off or to get very tired when travelling, so a stop is essential, and I still stop at Port Wakefield regularly.

I urge all residents of Port Wakefield, Yorke Peninsula and beyond to take advantage of the further consultation that will occur in the next few weeks. It is essential that people's views are known. I recognise that it is a federally funded road and that it will eventually be a Federal decision, but if we at the State and, more particularly, the local level do not make our views known we will have only ourselves to blame if the Federal authorities do not agree to the road's going through Port Wakefield.

Ms STEVENS (Elizabeth): During Question Time I was interested to hear the Minister for Family and Community Services speak about family impact statements and explain that he intended to give the good news to England about how we are doing with them. I wonder whether he will tell the people in England the full story on family impact statements, so it is timely to reflect on the other side of these statements. During the recent Estimates Committee, the Opposition questioned the Minister in detail about family impact statements, and we got some very interesting responses. I shall quote a couple of them. In relation to family impact statements, the Minister stated:

It is not something that I demand and it is not something that has to be provided in line with what I request. It is up to individual members to provide this information on the impact on families for consideration by the whole of Cabinet.

It is not a requirement: it is up to individual Ministers. The Opposition asked the Minister whether he had done a family impact statement on the cuts that his department had inflicted on a range of social welfare organisations dealing directly with families. His answer was:

No. I said that family impact was taken into account when decisions were made in respect of this budget. Family impact statements are prepared when a matter is taken to Cabinet but they are not related to specific budgetary concerns.

Later, because I was very surprised to get this answer in relation to budget decisions, I asked again:

When you all sit around the table, does each one of you have a family impact statement attached to your budget?

The answer from the Minister was:

No, we do not.

I think the Minister needs to be honest about what he means in relation to family impact statements. Essentially it is a piece of paper, a bureaucratic pro-forma, which everybody fills out and which is virtually meaningless. If we prepare these statements and do not relate them to budget decisions, which are the fundamental decisions that affect how much money and resources go to programs, they are absolutely meaningless. That is the case here.

I challenge the Minister to reveal to this House the actual instances where a family impact statement has brought about a positive change in relation to family programs. I challenge the Minister to answer how the cuts that he has inflicted through Family and Community Services and the cuts reflected in the education, transport and health budgets relate to family impact statements. When we go to England and other countries, let us be honest with people about what we are really doing here. We are not really interested in family impact: we are interested in having a bureaucratic form which we fill out, and we give each other a tick and a pat on the back and think that that is all we need to do in relation to families. It is nothing like that, so let us just be honest.

Mr LEWIS (Ridley): Today a few things cause me to claim the attention of the House. The first matter I draw attention to is the *Advertiser* copies which are placed around this building for the benefit of members in their research reading of what journalists have reported concerning the news of the day. Increasingly journalists see themselves as making the news rather than reporting it—and that is a comment to one side except that it has significance in the remarks I intend to make.

However, someone, some tea leaf, has been nicking those *Advertiser* copies from the second floor. We hardly get to see them there at all now. I do not know from where that person comes, but I have checked the offices of all the Liberal members on the second floor and the missing *Advertiser* does not appear in any of their offices. So I have satisfied myself on the balance of probability that those members have not taken the missing copy into their room.

Today is no exception in that respect. I am disappointed that there is somebody in this building who really cannot be trusted or who is determined to make life less convenient for those of us who have to operate in this building on the Liberal side on the second floor, for I would like to have read what had happened yesterday and I also would like to have read journalists' opinions of why such events had occurred.

The matters concerning which I was particularly interested and curious, apart from things going on around the world, are those matters related to the Hindmarsh Island bridge—or the lack of one. I have found it strange that many journalists, people in churches and others, including the Deputy Leader of the Opposition, have chosen to misrepresent the facts in that matter more often than not and base an argument on those misrepresented facts. We need to remember that predating European settlement there were no barrages between the estuarine islands of sediments that are now called Hindmarsh Island and Mundoo. The barrages, the last of which was erected a little more than 50 years ago, have made

a permanent lake there and a permanent feature of the islands as they appear on maps; and they have permanently caused the channel of the Murray to be located where it is against the Goolwa shoreline.

The channel of the Murray through the river mouth has been in different locations at different times, as has been the Murray mouth, and that has occurred in recent history. Topographically that can be demonstrated to be the case by looking at the evidence existing in Youngusband's Peninsula. In our lifetime, the Deputy Leader of the Opposition and all other members of this place will recognise that the Murray mouth has closed more than once; in dry years that always happened, and salt water fish such as dolphins, shark, gar and mullet have often been found as far up the river as Mannum. I have seen photographs of such fish taken from the river at Tailem Bend—this century what's more.

These were the ephemeral lakes of the people who lived there, the Ngarrindjeri tribe. They came and went according to the effect of seasons on the river flow from the Murray-Darling Basin. None of those people, not having free passage up the river or the skills of cartographers, would have known how to draw a map of that river system. The consequence of that is that to refer to such maps and features these days in support of an argument is specious and ridiculous. Accordingly, I find it quaint that journalists, members of the church and particular Ngarrindjeri people refer to those things as though they had been there since time immemorial.

About the women's business secrets I know nothing, but the substance of what they cover is about the medical conditions which afflict women and the way in which they can be treated according to the Ngarrindjeri people's beliefs. I do not challenge that whatsoever. What I do challenge, though, is the way in which it has been interpreted in recent times according to those geographical features we find there. I think that Cheryl Saunders and the Aboriginal Legal Rights Movement and many journalists such as those on the *7.30 Report*, along with the Deputy Leader, have a few things to answer for, as does Doreen Kartinyeri, who otherwise has done a great job in the genealogy of the Ngarrindjeri people and other families.

SOUTH AUSTRALIAN HEALTH SERVICES BILL

Returned from the Legislative Council with amendments.

MISREPRESENTATION (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

The Misrepresentation Act, enacted in 1972, was designed to provide criminal sanctions against representations in certain commercial transactions and to expand the remedies available at common law and in equity for misrepresentation. The Act has not been the subject of any major amendment since its proclamation. The Act's penalties were adequate in their day, but after twenty-three years they are in need of an overhaul.

The purpose of this Bill is to bring the penalties in this Act into line with those imposed for misrepresentations under the Fair Trading Act 1987, and to make a number of minor housekeeping amendments.

It is proposed in the Bill that defendants found guilty of an offence will be liable to a maximum penalty of \$20 000 in the case of individuals and \$100 000 in the case of a body corporate. These penalties are the same as those provided under the *Fair Trading Act 1987*, and are far more appropriate than the \$500 penalty which currently exists in the Act.

One of the minor housekeeping amendments proposed in the Bill is the striking out of the references in section 6 of the Act to the repealed legislation referred to therein and the substitution of the names of four Acts passed in 1994, namely the *Land Agents Act 1994*, the *Conveyancers Act 1994*, the *Land Valuers Act 1994* and the *Land and Business (Sale and Conveyancing) Act 1994*.

The Bill also takes the opportunity to update the language and drafting style of the Act, by the inclusion of a Statute Law Revision Schedule. The amendments proposed in this schedule will eliminate gender specific and other outdated statutory expressions. It will also make the Act more consistent with modern drafting standards.

I commend this Bill to the House and submit that the proposed amendments will benefit consumers by ensuring uniformity in the penalties for misrepresentation and by providing a significant deterrent for "would-be" offenders against the Act.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement on a day to be fixed by proclamation.

Clause 3: Amendment of s. 4—Misrepresentation made in the course of a trade or business

This clause amends section 4 of the principal Act to increase the penalty for the offence of misrepresentation in the course of a trade or business from a maximum fine of \$500 to a maximum fine of \$100 000 in the case of a body corporate or \$20 000 in any other case. It also increases the penalty imposed on any member of the governing body of a corporation who knowingly authorised or permitted the commission of the offence from a maximum fine of \$500 to a maximum fine of \$20 000.

Clause 4: Amendment of s. 6—Removal of certain bars to rescission

This clause amends section 6 of the principal Act to remove a reference to a number of Acts that are no longer in force. It substitutes a reference to the relevant replacement Acts.

Clause 5 and Schedule: Statute Law Revision Amendments

Clause 5 and the schedule of the Bill make various amendments to the principal Act that are non-substantive and relate to such matters as gender-neutral and modern drafting language.

Mr CLARKE secured the adjournment of the debate.

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

A quorum having been formed:

RETAIL SHOP TENANCIES

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

That this House concur with the resolution of the Legislative Council contained in message No. 154 for the appointment of a joint committee on retail shop tenancies; that the House of Assembly be represented on the committee by three members of whom two shall form the quorum necessary to be present at all sittings of the committee; and that the members of the joint committee to represent the House of Assembly be Messrs Atkinson and Brokenshire and Ms Greig.

Motion carried.

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

That Standing Order 339 be so far suspended as to enable the joint committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence and documents being reported to the Parliament.

Motion carried.

MEAT HYGIENE (DEFINITION OF MEAT AND WHOLESOME) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 July. Page 2885.)

Mr CLARKE (Deputy Leader of the Opposition): The Opposition is prepared to support the legislation introduced by the Minister for Primary Industries. As the Minister stated in his second reading explanation, it was evident that a small number of companies made only cooked products, and under the current wording of the Act these manufacturers are exempt from the requirements of the Meat Hygiene Act. The South Australian Meat Hygiene Advisory Council has expressed concern that the matter be addressed as soon as possible. The council was of the view that the existing surveillance procedures were inadequate and that there were significant risks to human safety associated with smallgoods processing, whether or not the final product is cooked.

It is the intention of the legislation that those loopholes be closed and, therefore, the Opposition is supportive of expediting this legislation through the Parliament. However, I will raise some questions with the Minister, and he may like to address them in his reply. The legislation does not include makers of pastry products containing cooked meat, such as pies. Speaking on behalf of the pie eaters of South Australia—

Mr Lewis: I am the President.

Mr CLARKE: The member for Ridley says that he is the President of the Pie Eaters Association; that is one association of which I am definitely not a member, but I do enjoy a meat pie. I understand the theory is that, because the meat pies are cooked to a certain temperature—I think in excess of 200° Celsius—if there are any germs or if a batch of crook meat comes in to make the meat pies, the heat of baking them will eradicate that problem. The trouble I have with that is that, as a meat pie eater, I do not fancy the germ carcasses being left in my meat pie, even though they may be dead. I would far prefer to see meat pies come under the control of this Act, simply because I want to ensure that, with any of the ingredients that go into meat pies, I do not have to depend upon the heating process getting rid of the germs in the meat. In other words, none of the bacteria about which we have talked should go into the product in the first place. I would like to prevent that before it gets to the consumer instead of relying on the hot baking conditions to kill off any of the germs in a meat pie.

That is my main point of concern in respect of the legislation. I have no doubt that the shadow Minister, the Hon. Ron Roberts in another place, will expand further on this matter because if there is such a thing as a Pie Eaters Association he would be at least the First Vice President if the member for Ridley is the President of the association. I know that he has some interest in this matter. He does appreciate the briefing given to him by departmental officers associated with the drawing up of this legislation and has recommended to our Caucus, as I have conveyed today, that in light of that consultation we support the legislation. However, we do have that area of concern, and we look for some assurance from the Minister with respect to that matter.

Mr LEWIS (Ridley): My purpose in speaking to the measure on this occasion is to commend the Government for the way in which it is moving to protect the public interest by changing the legislation in this fashion, specifically—no question about that—and also to give further encouragement

to the expedition with which it treats applications for modification of the equipment used for the slaughter of meat that comes from native species. We have made it lawful to farm emus in this State and we need to ensure that the slaughtering of those birds, along with other native animals which, I am sure honourable members will agree, it is high time and desirable for us also to include as permissible for farming purposes, can be carried out in a way that secures for us minimum cost in the process and maximum benefit to the farmers, with the public interest protected—both the public in South Australia and in the rest of Australia—as they consume the meat products so obtained, as may other human beings overseas to whom the product can be exported. It is not just about emus—it is about a wider range of native animals and the necessity for us to use some flexible thinking in the forms of equipment that can be used in the process.

We have grown up with the belief that the only way in which it is possible for us to ensure that things are hygienic is to have a fixed place, something called an abattoir, which we then build according to structural standards and of such materials that will preclude the possibility of bacteria being able to reproduce in those facilities, and thus the risk of contamination, and which can be cleaned on a regular basis to ensure that any bacteria that are established are quickly swept away by the cleaning process with such chemicals and water as are necessary. It is not beyond our wit or our science to make it possible for those facilities to be transportable. In no way would that compromise the standards of hygiene which we all expect from people who slaughter animals or birds (which we will later eat) to produce meat from a living organism.

I will now address the matters raised by the Deputy Leader. Unlike him, I understand that there are several ways in which it is possible to destroy bacterial populations and exclude the risk of recontamination once that has occurred, not just by using, say, sugar or salt as a pickling agent or by freezing the meat and holding it at a temperature at which the bacteria which can cause illness to humans cannot live but also by cooking. Once the meat is cooked, the bacteria are destroyed. That is the very reason why our forebears—I nearly said 'forefathers', but that is sexist language and politically incorrect—learnt a long time ago that one of the ways to make safe old raw meat which had been killed for a few hours or a day or so and carried on the back of a member of the family (usually a woman) to whom the task was assigned was to cook it.

Neither of the parents or other adults in the group or their children suffered, at least, any intestinal discomfort or, at worst, such discomfort as might cause bleeding and ultimate death or other contamination escaping from the alimentary tract into their bloodstream causing blood poisoning and death. They survived, and their genes have produced the subsequent generations from which we come. Those people who were stupid enough not to understand and who ate the contaminated meat raw died, so we did not descend from them. It is as simple as that. It is not necessary to take the same measure of stringency related to meat that is to be cooked as it is for meat that is to be consumed, albeit in a fermented state, pickled and raw.

It is of course defined elsewhere in law as to how contamination shall be avoided in the preparation of meat for use in meat pies, and the Deputy Leader need have no fear about that. The purpose of the legislation before us is to ensure that those things which we call smallgoods, which are made from meats and which are consumed in an uncooked

state by humans after fermentation has removed the risk of contamination, are safe for human consumption for reasons well known to every member of this place. That is why we have this Bill before us today. I commend the Minister for his part and the people who have advised him in bringing this legislation through the Chamber at this time.

As a final remark, I say that it does not follow that meat for human consumption can be safely killed only in an abattoir in which a unionised labour force works. The connection between good hygiene and meat free from contamination with the people doing the work belonging to a union or an association (where they own the premises) is pretty slim and quite unnecessary. It does not follow that the only people who are capable of killing meat which is fit and safe for human consumption are those people who either own premises and belong to an association or who work there and belong to a union as a result of their decision freely to choose to do so. The Minister well understands what I am talking about in that respect, and so do the wider public. With those few remarks about the Meat Hygiene Act and these amendments to it, I commend the measure to the House and wish it safe passage through the Parliament.

Mr BECKER (Peake): I have several smallgoods manufacturers cum butchers in my area, some of whom have a very high reputation and standard. As someone who was born in the Barossa Valley, I have come to appreciate the types of smallgoods that have been manufactured and introduced into South Australia by my forebears. Those of European extraction know very well the value of various types of smallgoods and the flavours and quality of those products. Over the past 12 months we have also become aware of the problems that can be associated with what may be considered to be the unhygienic processing of meats in abattoirs, the transportation of those meats, and of course the combination of placing various types of meats into other products.

This industry has suffered tremendously this year as a result of problems experienced earlier in the year, so much so that many small companies are hanging in there by a thread. Fortunately, because they are gourmet butcher type smallgoods manufacturers they are able to survive on their own good name and reputation. There has been a clear warning to everyone that if you go into a supermarket and buy a product, whether it be mettwurst or other types of continental meats, and you pay less than \$10 per kilogram you must be very wary of the quality of the meat. This legislation does not tidy all that up but it goes part way, and there will be a new approach and a new attitude towards the manufacture of smallgoods in South Australia.

At the same time, we must be careful that we do not over-regulate or destroy a valuable small industry in this State. I have been advised that approximately 500 tonnes of smallgoods are now imported into South Australia. The importation of these smallgoods by major supermarket and butcher chains is having a huge impact on our smallgoods manufacturers. We must be careful that we do not go overboard and destroy a valuable industry, one which has great traditions. Some have developed recipes that originated in Europe and were brought out here by early migrants. We can go right back to the early settlement of the State when the first Germans came here with their skills in smallgoods manufacturing. The hygienic conditions—

The Hon. D.S. Baker interjecting:

Mr BECKER: Well, I have been assured that they don't have and have not had problems because they use better quality meats. As the Minister knows, the point is that, if we use good quality meat and maintain high standards using good recipes, we will have few problems. There has been a tremendous shake-up in the industry: workshops and licensing criteria, and so on, have all had to be improved, and there has been the discovery of just how many of those manufacturers are in South Australia. Whatever has happened, this legislation will benefit the consumers in South Australia. We will have to pay a price for it, and that price will be requiring improved standards. I cannot see anything wrong with that, although it will be a pity if we lose the good, old-fashioned, traditional-style, South Australian smallgoods manufacturer. That is my only appeal to the Minister.

At the same time, because I have had many representations from different people, I want to place on record my thanks to the Minister and his staff for their assistance, particularly Mr Robin Vandegraaff, who spent considerable time with me explaining the situation and pointing out what the department was endeavouring to do and its obligation under Federal legislation, as well. I thank everybody for that and for their cooperation in assisting me to explain to my constituents what we are on about in this legislation and, at the same time, opening the door for two-way communication between constituent manufacturers and the Department of Agriculture.

The Hon. D.S. BAKER (Minister for Primary Industries): I thank Opposition members for their support on this matter and for their comments: they were constructive, as usual, and were well briefed, also. A question was asked about pies by the Deputy Leader. They are covered under the Food Act individually, but that is getting away from what this Bill and the Act are about. After the disastrous Garibaldi affair, we were in the last few weeks of debating and carrying out changes to legislation under the Meat Hygiene Act. That was in about March last year. All that has promulgated quality assurance programs. In the old days we had inspectors but, quite frankly, having an inspector looking at a product at the end of its processing does not ensure that the preceding processes are either hygienic or done in the correct way. As was the case at the time, the problems with smallgoods that flared during the Garibaldi affair would not have been found by a meat inspector. It is the processes on the way through production where the danger arises.

The whole thrust of the new Meat Hygiene Act is to make sure that we get in place quality assurance programs in slaughterhouses and abattoirs in South Australia. Like those in many other States now, instead of having an inspector at the end saying, 'Yes, that carcass is good' or 'This one is bad', with employee training people are now ensuring that quality assurance programs are in place at every step—from the entrance of the livestock into the slaughterhouse or abattoirs, right through the processes, to the finished product. The changes to the Meat Hygiene Act are bringing South Australia into line with the whole of Australia.

In consultation with the Opposition, we have rushed in the changes, because we are at the end of a session. In the next couple of weeks, I will go to ARMCANZ and it will come up. Most other States will have passed legislation to make sure that they come into line with the national Act, with which we are all trying to align. I thank Opposition and Government members who have been involved in this matter.

We all agree that it is in the best interests of the processes in South Australia. I commend the Bill to the House.

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

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

Adjourned debated on second reading.

(Continued from 20 July. Page 2844.)

The Hon. M.D. RANN (Leader of the Opposition): As shadow Minister for the Arts, I certainly want to contribute to this debate, because the Opposition strongly opposes this move, and obviously we will want to ask a series of questions of the acting Minister for the Arts, who is sitting opposite. The Arts Minister, Diana Laidlaw, has committed a gross act of cultural vandalism in closing down the Old Parliament House Museum to save little more than the salaries of five museum guides. The Labor Party and I have strongly condemned the move, taken without consultation and a true understanding of the cultural significance of the building.

Closure of the Old Parliament House Museum will do no more than save \$215 000 in salaries—although I understand the Minister hopes to save more via a sinister back-door manoeuvre to get rid of 10 highly skilled curators, whom she intends to move to the armoury building to do no more than put out a newsletter. Of course, Old Parliament House is a building of incredible historical significance that has no place as an ordinary office block. It demeans the building, the heritage of this State and the history of this Parliament. When Don Dunstan conceived the Constitutional Museum, renaming Old Parliament House at a later stage, it received national and international attention. It was opened at the time of the Tonkin Government, who were quick to march there and claim it as their own. Indeed, it produced a special film, a video presentation, which had Don Dunstan's role in history diminished and which had pictures of the new Government, and it was claimed as their own. It was insulting, and we all know that the Tonkin Government's contribution to the history of this State is minuscule compared with that of Don Dunstan.

Old Parliament House has been used as an important educational facility for school and visitor groups to learn about the constitutional and parliamentary history of our State, and now that will be lost. That is a great shame, because we all know that there needs to be much more done across this nation to promote civics education. It appalled me that groups of children came into this Parliament some years ago and asked where Bob Hawke sat. I was appalled to be asked by school children, at different stages of schooling, including those in high school, questions about Federal politics and about Canberra in relation to this Parliament. We must get behind a renewed and reinvigorated campaign of civics education, but that can no longer happen through Old Parliament House. The museum has been built up over a number of years and has maintained visitor numbers of more than 30 000 a year. It is fallacious for the Minister to claim that visitor numbers have been in decline since 1991-92. The facts are that, in 1981, when the museum opened, with the full backing of Liberal and Labor MPs, visitor numbers were high because it was a new museum.

Since then, visitor numbers have remained the same; it still is as popular as it ever was. There are ways of making savings, but closing museums should not be one of them. The

continuation of museum closures will leave us culturally bankrupt. We will be going all the way all right—all the way back to the times before South Australia had pre-eminent status among Australian States in terms of the arts. We will become a cultural desert. Even the media has got stuck into this decision. Certainly my friends at the *Advertiser* have described the decision as sad, stupid and short-sighted and 'as extraordinary as it is bad', describing the Minister as the museum crusher.

This obviously is a decision made in haste without thought for the full consequences or the logistics involved. The whole process of shoehorning the parliamentary committees into Old Parliament House has not been thought through. In fact, at the time of the decision, the Minister appeared unaware that what she was proposing was illegal and still is illegal in terms of the current legislation, and that is why we have this Bill before us. The Government has gone to extreme lengths to garner support for this Bill.

The Australian Democrats have denied that they were blackmailed into supporting the Bill in return for receiving accommodation in the updated Parliament House. However, the Democrats' support for the Bill in the Upper House was about as wishy-washy as it could be. They said that if it were up to them they would not have closed the museum and that they were saddened that the capacity of the History Trust to mount exhibitions has been curtailed. However, now that the decision has been made they said that we might as well make good use of the building. So much for the Democrats—these people of principle. I can only assume that the Democrats concluded that ensuring that their own accommodation needs were met was paramount, especially given that even then they described their support for the Bill as marginal. However, support the Bill they did.

Let us recall the bizarre performance of the Minister for the Arts during the recent Estimates Committee hearing. She sat in the Committee sneering at the Opposition questions, sneering at community radio and sneering about the closure. Sitting next to her, we saw the hapless Winnie Pelz nodding in agreement, laughing at all the Minister's jokes and shaking her head at our questions. If ever there was a reaffirmation that she was not a dinky-di permanent head but in fact was an appointment made by a close friend, that was it. I have not seen such an appalling performance by a permanent head in the Estimates Committees during the time I have been around this building since 1977. If Winnie Pelz wants to turn her position into being a political head of department, I promise you that this shadow Minister for the Arts will make that political persona very apparent throughout the arts community.

Mr Becker: Are you going to sack her?

The Hon. M.D. RANN: Apparently she was a great favourite of Mike Schilling so perhaps she will get a performance bonus and then be put out the door. She acted improperly and without propriety during those Estimates Committees hearings. I also am concerned that the History Trust will receive the \$150 000 rental for the building for only the first year with, in future, the rental being paid to the Department for the Arts and Cultural Development. This would have the effect of a further cut of \$150 000 to the History Trust's budget. The Minister in another place apparently denied that this was the case, but I would appreciate it if the Minister who has carriage of this Bill today and whose own interest in the arts is profound can assure the House that the History Trust will continue to receive the rental into the future and that there will be no sleight of hand accounting by reducing

the History Trust's budget by an equivalent amount. I hope that he will address that issue in his third reading speech.

As I have reminded the House previously, we heard from the Industrial Affairs Minister in this place that it would cost \$600 000 to refit this historic building once it has been gutted of its magnificent exhibition to accommodate our parliamentary committees, and that does not include the cost of building a bridge between this building and Old Parliament House. What a disgraceful waste of money! The committees are currently located in the modern Riverside building, and the Government has already spent many tens of thousands of dollars on refitting to accommodate the committees, their staff and their office equipment. These people will have to be moved once again into a nineteenth century building where there are no fittings for phones, faxes or computers in the type of accommodation meant for a busy, modern office.

It appears that the Minister made the decision for the closure of the Old Parliament House museum in a vacuum. Whom did she consult other than Winnie Pelz, who I understand is a very strong supporter of the closure of Old Parliament House? She certainly did not consult with the Chairs of any of the parliamentary committees, the Museum board, its curators or other staff, or the lessee of the Old Parliament House restaurant. It seems that no-one was consulted. I started by talking about cultural vandalism and I can only end in the same way, because we are witnessing today another short-sighted, narrow-minded decision for marginal, at best short-term, financial gain at the long-term expense of losing a significant cultural venue, a major tourism attraction and a major benefit to the education of the children of our State about their heritage and South Australia's political and constitutional history. It disappoints me that the Democrats have sold out on this issue; it disappoints me that the Democrats do not have the intestinal fortitude to make a decision that might in fact—

An honourable member interjecting:

The Hon. M.D. RANN: We know what they were worried about: they were worried about getting some flash accommodation down the road. It seems that the hapless Minister and the permanent head of her department have persuaded the Democrats to sit on their hands and allow this legislation to pass. That should be a condemnation of the Democrats and a condemnation of this Minister and her permanent head.

Mr BECKER (Peake): How much longer do we have to put up with the whining and bleating of the Leader of the Opposition on just about every initiative this Government puts forward? Members opposite knock every initiative taken by this Government to do something constructive for South Australia and every endeavour made by the Minister for the Arts to improve the financial lot under her portfolio within the financial constraints which have been forced upon her and the Government because of the inept handling of the State finances by the Labor Party in government. Every day we hear members opposite knocking our initiatives. Eventually the people will get sick and tired of it.

The sad thing is that the Leader of the Opposition has to keep going back to the Dunstan era—that wonderful period in the history of South Australia for which we are paying 20 years later. After coming out of the Playford era, Don Dunstan let the people have their say and let the people have a go, wanting to turn this place into a modern theme of 'anything goes'. It was all too much all too sudden and we

now are paying the price. The Labor Party just let it go as though money were growing on trees.

The Old Parliament House building is part of this whole precinct of Parliament. I do not deny that the Old Parliament House museum served its purpose very well; it was a wonderful display and it was probably about the fairest exhibition that I have seen—and that is a fair bit of credit from me. However, that exhibition does not necessarily have to be held in that building: it can be held in Edmund Wright House or anywhere else. It can be relocated as it is structured and set up with the petitions and decorations. So, there is no real loss, because the benefit of the Old Parliament House display was in the material, the display itself and the information that was given out to the visitors who sought it. Try as hard as they might in having the soapbox corner and other displays, generally many of these displays did not fit the pattern of the normal style and living of this city, the State and the people, so support fell away.

It was how the whole concept was promoted. Every time I am visited by a school party here at Parliament House, weather permitting, I take those visitors next door and show them the facade of Old Parliament House and say to them, 'If you haven't done so already, I recommend that you go through.' Unfortunately, there was a cost, and there are many families out there today to whom the extra couple of dollars means a lot of things; for example, giving up sport or something else. That cost was not brought in by this Government; it was brought in by the Labor Government. I did whatever I could to promote the building.

I do not know what the History Trust management did to promote its facilities to schools, and I have no idea what the Education Officer at Parliament House did when bookings were made through her office, but I do hope that everybody did their best to promote the building. If you want to operate, manage, promote or sell something, you have to get out there and work extremely hard. People have to work very hard to try to cover costs, let alone make a profit.

The parliamentary committees will be relocated in Old Parliament House. As the Chairman of a parliamentary committee—and members can read my committee's report that I tabled today—we are not very happy about it. All we have had in the past 18 months is continual renovations of the building at Riverside, which has caused much disruption to staff. However, if we can be given permanent and satisfactory accommodation, and particularly affordable accommodation, I will be satisfied. The housing of all the parliamentary committees is starting to become a very expensive exercise. Again, it is all very well for the Leader of the Opposition to attack the Democrats—the little mob that gets 4 per cent in my electorate and yet at whim dictates what the policies of the day in this State will be (and that really annoys me). I can understand how the Labor Party felt in the early 1970s when it had a vast majority and did not have control of the Legislative Council.

Mr Clarke interjecting:

Mr BECKER: You never concede when you are in front, but you can see the problem we have when we have a Party, which has 4 per cent of the vote in my electorate and generally about 8 per cent over the whole State, telling everybody how to run the State. The Democrats have allowed a plethora of parliamentary committees to develop; these committees then have to be accommodated, and that all adds to the administration of Parliament. The Democrats have used the committee system extremely well to improve their own knowledge and research, although I challenge the Democrats

in the way they have used the information from those committees on occasion.

I have looked at the plans, I have been over the building and I can see the potential for the six main parliamentary committees, but I am concerned. I am an old believer that each person should have their own room, a desk, at least several square metres of area around them and preferably a window—I could not work in a building that did not have a window and the opportunity for a bit of fresh air. There are meeting rooms in the building, and the old chambers can be used for public hearings. At the same time, we will still be able to use some of the meeting rooms in Parliament House for committee hearings. It came as a shock and a disappointment to us that this was to happen, because under the parliamentary committees legislation the Minister should have conferred with the parliamentary committee chairperson but did not. The Minister placed more emphasis on contacting the Democrats. The staff also knew before the committees knew, and it is very annoying to be placed in that position.

We need accommodation close to Parliament House because of the great demand placed on *Hansard*. I do not think anyone has ever considered the role of *Hansard*, and here I believe we are thoroughly spoilt. It is all right when Parliament is operating in this Chamber or the other Chamber. However, when I was first elected to the Public Accounts Committee in 1976 we met in IMFC House on the corner of Hindley and King William Streets, which is a fair step from Parliament House. When we had public hearings *Hansard* staff had to walk there briskly, take evidence, walk back and repeat that exercise several times during the morning.

The Economic and Finance Committee was established a couple of years ago, thanks to Martyn Evans the former member for Elizabeth, who I have no doubt put it over Bannon to split up the parliamentary committees thus creating all sorts of positions within the system so that he could receive a substantial pay increase as Chairman of Committees and then as a member of one of those committees. Martyn Evans wanted to be Chairman of all the parliamentary committees and Chairman of a committee as well. He ended up only as a member of that committee, thank goodness, but he was a big enough menace as it was. That is why it was done: for no other reason than greed and financial gain to one person within a Government that had only a one-seat majority. In modern Parliaments today a member can hold a Parliament to ransom.

Establishing the extra two committees created an accommodation problem that has cost this Parliament and this Government many hundreds of thousands of dollars trying to organise accommodation in the Riverside Building. When my committee, the Public Accounts Committee, first went there we had ample accommodation. We even had a parking space for the Chairman's car, but as we did not want it we gave it up. It was well organised and satisfactory, but it was Martyn Evans who created the problem which has led to this huge blow-out in cost. I do not think he ever bothered to realise—

Mr Clarke: It was your mob that added another two committees.

Mr BECKER: No, it was Martyn Evans.

Mr Clarke interjecting:

Mr BECKER: In Public Works, yes. There was a restructure of the committees under Evans, and then we added another two committees as well. Evans was the one who started the whole problem, and unfortunately it meant that one person was responsible for costing taxpayers in this State

hundreds of thousands of dollars in order to fulfil that person's own political whim and opportunities. The tragedy is the overall cost. Bringing back the committees closer to the Parliament House precinct and linking their accommodation with this building has merit and will provide benefits, although whether the refurbishment can be achieved with \$600 000 is anybody's guess. I believe it will be considerably more than that. There will be a benefit to *Hansard*. We will not have *Hansard* running backwards and forwards to the Riverside Building in all weather several times on Wednesday mornings.

As the new committee accommodation will be in a different building and on another level, it will still be an inconvenience for *Hansard* in assisting the committees, let alone trying to coordinate and organise the parliamentary staff who will serve those committees. There could be as many as 16 staff in that building, plus the offices of two Ministers: why they are there, I do not know and, quite frankly, they ought to be the last rating that goes in there. In my opinion, we should use this as an opportunity to ensure that every member of the staff has adequate facilities.

The management of this House must ensure that research staff be given a quiet area in which to work and concentrate. I do not go along with the concept that the two staff of each committee can share one small room: that is not on, and it is not acceptable under my standards of office accommodation.

The History Trust has lost a valuable site but, with its ability and innovative approach, it can still provide a parliamentary museum and information centre for the people. At the same time, Parliament will regain a very valuable asset for its committees. For that reason, I very reluctantly support the legislation, albeit with the belief that we were giving up our good accommodation at the Riverside Building for the Festival Trust Board. The Festival Theatre had terrible accommodation problems and needed better accommodation, but I do not see why we had to move out for the board, particularly as it is now going out to North Adelaide. I just wonder how some of these decisions are made.

I hope that, in the next six months, my committee will investigate office accommodation in South Australia—just how much we have, where it is, how much rent we pay and how much rent we pay on unoccupied buildings. It has been a project of mine for many years. At one stage the Government paid out something like \$4 million on office accommodation that it did not really need. This legislation has opened up a hornet's nest and has started a whole new inquiry as far as I am concerned. I want to know how much office accommodation the Government has, how much it owns, how much it leases and how much it is paying for it. I also want to know what office accommodation is not being used and when those contracts were signed. For that reason, I am grateful for this legislation because it will initiate an inquiry for us, and hopefully it will lead to much bigger savings than the Government anticipated.

Mr CLARKE (Deputy Leader of the Opposition): I will not speak long because I know that the Minister for Infrastructure is very keen on the arts and wants to hop into this debate. I am only sorry that the Minister for Primary Industries is not here so we could have had the benefit of his extensive knowledge of the arts world. I know of his deep and abiding interest in all things that require culture and good breeding.

I was not planning to speak on this matter, but there are two reasons for my doing so. The first deals with some of the

points raised by the member for Peake, particularly the aspersions he cast on the motives of the former member for Elizabeth (Martyn Evans). I will not go into all the details about it, but I would have thought that the member for Peake would remember the old story that people who live in glasshouses should not throw stones. With respect to the cost of the parliamentary standing committees, all members would recall that two additional committees were established under this Government, namely, the Public Works Committee and the Statutory Authorities Review Committee, for reasons given by the Premier at the time the legislation was introduced. Those committees had not been used by Parliament for a number of years. Nonetheless, the Government decided that it wanted to re-create them, but there is a cost attached to them, in terms of not just the allowances that are paid but also the administrative costs of supporting them.

The member for Peake would also remember that, when he was the member for Hanson in 1979, at the time of the election of the Tonkin Government, for the first time ever the Chairman of the Public Accounts Committee was granted the use of a Government motor vehicle. The honourable member, who was the inaugural Chairman of that committee, was the recipient of the benefits of a Government white car. A cynic might say that that was a pay-off because the honourable member was not made a Minister, although he had been a shadow Minister in the lead-up to the 1979 election. However, after the election, Premier Tonkin did not make him a Minister and, although I am not a cynic, a cynic might suggest that the provision of a Government car for the Chairman of the Public Accounts Committee was a form of redress to help salve a wounded conscience.

I strongly suggest that, before he starts picking on people such as the former member for Elizabeth, who did such an outstanding job for this State during his time as a member of this House, the member for Peake should give him due recognition and remember that there are skeletons in everyone's cupboard and that some of us have longer memories than others.

I should like to deal also with another issue raised by the member for Peake about the Minister's not consulting with the presiding members of the various parliamentary standing committees with respect to taking over Old Parliament House and the design around it. I agree totally with the member for Peake. I think that he has been somewhat restrained in his comments concerning the Minister's activities in that area, because the Minister for the Arts was blatantly rude and ignorant to those presiding members in not consulting them but, rather, in trying to work out a deal with the Democrats over their office accommodation.

The last point I want to make concerns the issue of Old Parliament House as a forum for teaching civics to the students of South Australia. In terms of cost, we must consider what price we put on heritage and, in particular, on trying to teach our citizenry about the benefits of democracy and about encouraging them to take an interest in the affairs of State and Federal Parliament and, perhaps more importantly, local government. Old Parliament House was a focal point for that function. As the Leader mentioned in his speech, one of the saddest things that I, as a member of Parliament, have noticed when I bring students from the upper primary and secondary school years through Parliament House and try to explain the workings of Parliament to them is the students' complete lack of knowledge, in many instances, of the three levels of government and their respective powers.

As the Leader pointed out, some students have asked where Bob Hawke sat in this Chamber when he was Prime Minister, and many cannot distinguish between State and Federal Parliament. Students and members of the adult population, as well, may not have seen the State Constitution or read or even heard of the Commonwealth Constitution, which has been around since Federation in 1901 and which was the subject of much debate in the lead-up to Federation. A report to Federal Parliament stated that there is an appalling lack of general knowledge and information in the general community that there is such a thing as the Commonwealth Constitution. A number of projects are in hand to try to encourage the teaching of civics in our schools and the wider community to develop greater awareness of the goings on in a democracy, particularly in each person's State and, of course, the nation.

Old Parliament House has been the focal point for teaching people the history of self Government and constitutional development in South Australia since its colonisation in 1836. There are many things of which we in South Australia can be proud in our parliamentary history. We celebrated the universal suffrage for men and women in 1894, and in particular the fact that women could stand for office as well as vote in an election—the first place in the world where women were given both those rights. The secret ballot is unique to Australia; and there is a whole range of things of which we can be proud in our constitutional development. Again, Old Parliament House acts as a focal point, our touchstone, for constitutional development in South Australia.

We should not look at Old Parliament House as an area where we stick a few parliamentary committees, where large sections of it will not be available for ready inspection by the general citizenry of this State, where speakers' corner will not be continued and where a number of other displays can be set up and established within the parliamentary precincts to further give that atmosphere and the necessary feeling towards the development of our Constitution. For all those reasons, I urge the Government to think again.

It has been a very bull-headed decision by this Minister: she tends to have a habit of doing these types of stupid things. Shortly we will be debating one of the most stupid pieces of legislation ever introduced by a Minister, namely, the roller-blading and skateboarding legislation. For all those reasons, I ask the House to not support the Bill.

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): I would like to make a few points in response to the Deputy Leader's contribution to this debate. First, he ought to acknowledge the simple fact that visitor numbers have decreased substantially since 1986 through to 1993-94, from 88 000 down to some 30 000. In addition, it ought to be put on the record that the History Trust will get rent in all subsequent years. The moves that the Minister has put in place on behalf of the Government are supported by the Parliament, the History Trust and the State Library. I think that that puts in some context the contribution made by the Deputy Leader.

I stress that Old Parliament House will not be closed to the public: the public will continue to have access. The original House of Assembly Chamber will continue to be open to the public, and even when it is being used for committee meetings it is rare for such meetings to be closed to the general public. Also, the Parliamentary Library will become the base for the education services of both Old Parliament

House and new Parliament House, and as such it will provide a superior facility for all groups visiting both or either building. In the area now known as 'The Shop' there will be an exhibition interpreting the State's constitutional history and heritage significance. The Government commends the Bill to the House and seeks its speedy passage through the Parliament.

Bill read a second time.

The ACTING SPEAKER (Mr Venning): Is it the wish of the House to proceed to the third reading?

The Hon. J.W. OLSEN: Yes.

The Hon. G.M. Gunn: I want to speak in Committee.

Mr CLARKE: I rise on a point of order, Sir. I thought there was agreement to proceed to the third reading. If a member is too late getting to their feet, it is just tough luck.

The ACTING SPEAKER: I did ask the question and there was a dissenting voice when the member for Eyre intimated that he wanted to speak. So we are going into Committee.

In Committee.

Clause 1 passed.

Clause 2—'The constitutional museum and other historic premises.'

The Hon. G.M. GUNN: This gives me an opportunity to say a few words on this important subject.

Mr Clarke interjecting:

The ACTING CHAIRMAN (Mr Bass): Order! The Deputy Leader of the Opposition is out of order.

The Hon. G.M. GUNN: I told a public meeting last night that there is nothing I like better than to box on in public, that it is the best fun you can have. I have had considerable involvement in this decision which the Committee is now considering. I believe it is a very important decision for this Parliament, because its original accommodation is being returned to it. I have discussed this matter with the President and the Minister. The purpose to which this building will now be put will enhance the proceedings of the Parliament.

Mr ATKINSON: I rise on a point of order, Mr Acting Chairman. What clause of the Bill are these remarks relevant to?

The ACTING CHAIRMAN: I indicate to members that we are discussing clause 2, the amendment of section 15.

The Hon. G.M. GUNN: In view of the interesting comments of the member for Peake—

Members interjecting:

The CHAIRMAN: Order! The member for Eyre has the call.

The Hon. G.M. GUNN:—in relation to this Bill, I make the point that it has appeared to me for some time that certain people involved in the committees of this Parliament do not want to be brought under proper supervision. I believe that housing them closer to Parliament House will bring the operation of the committees and particularly those working with them under closer scrutiny. I think that that will be a very good thing for the Parliament because we will then be able to assure ourselves that the committees are being diligent and are carrying out the functions for which they were set up, and therefore that the taxpayers' dollar is being properly protected. Therefore, I look forward to seeing them move next door.

Secondly, in my judgment the accommodation will be very suitable for their purposes, and because of that there will be considerable savings to this Parliament and therefore to the taxpayer. Further, I understand that there has been some suggestion that Ministers should not be housed in Old

Parliament House. I think that anyone who has had anything to do with Ministers and the staff which have to support and assist them would know otherwise. In the past, when delegations have met with Ministers when Parliament has been in session, the whole structure has been a disgrace to this Parliament.

The other thing that must be considered is that many people have been working in this building in conditions which are not satisfactory. If a private employer forced staff to work in these conditions they would be up before the appropriate tribunal, and so they should be. Therefore, I am determined to ensure that the staff have better facilities. The members are being well looked after. Taking over that building hopefully will ensure that we have better facilities and that better arrangements can be made for the staff who work in this building. I suggest that members cast their mind back to that room in the basement where a considerable number of people were housed in a most unsatisfactory arrangement.

That is one of the reasons I am participating in this debate. I look forward to those committees coming under proper and effective scrutiny so that some people are not knocking off at 4 p.m. or earlier and so that this Parliament can ensure that, if one committee is not fully occupied, its staff can assist a committee that is. I know that I am probably not the flavour of the month with some of the people working with these committees, but I make no apology because I look forward to their being closer so that I can take a bit of a stroll across there and see what they are up to. Therefore, this facility coming back under the control of Parliament will make better arrangements for the education officer who will be located there, and school groups can come to Old Parliament House and have the full tour. There will be better facilities for them. They will not all be standing around in Centre Hall with school bags dropped everywhere and there will be a lot more room.

There will be a number of other benefits for the Parliament, and therefore the Minister should be congratulated on the courageous decision she took. I am most appreciative that early on in this process the Minister took me into her confidence in respect of this matter. From my discussions with people from the History Trust, which administers Old Parliament House, I know that they have been most understanding and cooperative and I wish them well in their new endeavours as they have an important role in maintaining the history of South Australia. I appreciate the opportunity of participating briefly in this debate.

Clause passed.

Title passed.

Bill read a third time and passed.

PETROLEUM (SAFETY NET) AMENDMENT BILL

Returned from the Legislative Council without amendment.

PARLIAMENTARY SUPERANNUATION (NEW SCHEME) AMENDMENT BILL

Returned from the Legislative Council without amendment.

COLLECTIONS FOR CHARITABLE PURPOSES (LICENSING AND MISCELLANEOUS) AMENDMENT BILL

Returned from the Legislative Council without amendment.

SOUTH AUSTRALIAN HEALTH SERVICES BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1, lines 18 to 22 (clause 3)—Leave out paragraphs (a) to (d) and insert new paragraphs as follows:

- (a) recognises that health is not merely the absence of disease but is a state of complete physical, mental and social wellbeing; and
- (b) establishes a proper basis for promotion of a healthy lifestyle and continuing improvement in the health of the people of the State; and
- (c) is directed at achieving the highest standard of care; and
- (d) delivers health services in accordance with principles of social justice and equity so that high quality services are accessible to all persons; and
- (e) is responsive to community needs by allowing for community participation in the planning and development of health services; and
- (f) develops policies and allocates resources on the basis of properly identified community needs; and
- (g) provides for the development of accountable and efficient management structures and integrated health services; and
- (h) allows for flexibility and innovation.

No. 2. Page 1, line 24 (clause 4)—Leave out 'to be observed by' and insert 'binding on'.

No. 3. Page 4—After line 2 insert new Division as follows:—
DIVISION 1—THE MINISTER

Functions of the Minister

5A. The Minister is responsible for—

- (a) planning the proper development, consistent with the objects of this Act, of the publicly funded health system; and
- (b) ensuring proper distribution and co-ordination of health services to achieve the best possible return from the resources available for health services; and
- (c) supervising the administration of this Act.

Delegation

5B. (1) The Minister may delegate powers or functions (other than the power under section 9 to approve a statement, or revised statement, of policies, strategies and guidelines) to the Chief Executive.

(2) A delegation—

- (a) is revocable at will; and
- (b) does not prevent the Minister from acting personally in a matter.

DIVISION 2—HEALTH ADVISORY PANELS

Panels

5C. (1) The Minister must establish health advisory panels to provide the Minister and the Chief Executive with community and health profession views on the allocation of resources for health services within the regions in respect of which the panels are established.

(2) A number of health advisory panels must be established for the metropolitan area of Adelaide and for the various rural areas of the State.

(3) The membership, terms and conditions of membership and procedures of a health advisory panel will be determined by the Minister.

(4) However, the membership of a health advisory panel must consist of—

- (a) a number of persons who are involved in the delivery of health services within the panel's region; and
- (b) a number (being not less than 50 percent of the total membership) of persons who reside within the panel's region and are not involved in the delivery of health services.

(5) A health advisory panel should be representative of the various health services within its region (for example, hospital services, community health services, women's health services and mental health services).

(6) In allocating resources for health services, the Minister and the Chief Executive must have regard to the views expressed by health advisory panels.'

No. 4. Page 4, lines 5 and 6 (clause 6)—Leave out 'responsible, subject to the control and direction by the Minister, for the administration of this Act' and insert 'subject to direction and control by the Minister in carrying out his or her functions under this Act.'

No. 5. Page 4, line 12 (clause 7)—Leave out 'establish' and insert 'prepare, for the Minister's approval.'

No. 6. Page 4, line 18 (clause 7)—Leave out 'medicine' and insert 'health strategies'.

No. 7. Page 4, line 27 (clause 7)—Leave out paragraph (i).

No. 8. Page 4 (clause 7)—After line 33 insert new paragraph as follows:

(1a) to provide the Minister, for dissemination to incorporated service units and other relevant bodies or persons, with monthly reports on the financial activity, service delivery, surgical waiting list movements and work force statistics during the month in respect of each incorporated service unit; and'

No. 9. Page 4 (clause 7)—After line 37 insert new subclause as follows:

(2) Particulars of the assignment of functions to the Chief Executive by the Minister must be included in the Department's annual report.¹

¹ See s.8 of the Government Management and Employment Act 1985.'

No. 10. Page 5 (clause 9)—After line 30 insert new subclauses as follow:

(5) The Minister must cause an approved (or revised) statement of policies, strategies and a list of the guidelines to be pushed in the Gazette and laid before both Houses of Parliament as soon as practicable after it is approved.

(6) The Department's annual report must include the approved statement of policies, strategies and a list of the guidelines as in force at the end of the financial year to which the annual report relates.'

No. 11. Page 5, line 32 (clause 10)—After 'may' insert ', with the approval of the Minister.'

No. 12. Page 7, lines 6 and 7 (clause 12)—Leave out subclause (2) and insert new subclause as follows:-

(2) Before the Governor establishes an incorporated service unit—

(a) the Chief Executive must—

(i) invite representations on the proposal from interested members of the public by notice published in a newspaper circulating in the area in which the incorporated service unit is to be established; and

(ii) consider representations from members of the community made in response to the invitation within a reasonable time (which must be at least 90 days) specified in the notice; and

(iii) report to the Minister on the representations made by members of the community; and

(b) the Minister must (having regard to the representations from members of the community and other relevant matters) approve a constitution for the incorporated service unit.'

No. 13. Page 7 (clause 14)—After line 26 insert new subclauses as follow:

(2) A proclamation designating an incorporated service unit as a regional service unit must provide for the composition of the unit's board of directors and for the appointment or election of persons to the board.

(3) Before a proclamation is made under this section, the Chief Executive must—

(a) invite representations on the proposal from incorporated service units in the proposed region by written notice given to each of those incorporated service units; and

(b) invite representations on the proposal from interested members of the public by public notice published in a newspaper circulating in the area in which the regional service unit is to be established; and

(c) consider representations made in response to the invitations within a reasonable time (which must be at least 90 days) allowed in the respective notices; and

(d) report to the Minister on the representations.

(4) A proclamation under this section—

(a) is a statutory instrument that must be laid before Parliament and is subject to disallowance in the same way as a regulation; and

(b) cannot come into operation until the period for disallowance has elapsed.'

No. 14. Page 8 (clause 16)—After line 12 insert new subclause as follows:

(1a) Before an incorporated service unit asks for transfer of its functions to a regional service unit, it must—

(a) invite representations on the proposal from interested members of the public by notice published in a newspaper circulating in the area in which the incorporated service unit was established; and

(b) consider representations from members of the community made in response to the invitation within a reasonable time (which must be at least 90 days) specified in the notice; and

(c) report to the Minister on the representations made by members of the community.'

No. 15. Page 8, lines 13 to 20 (clause 16)—Leave out subclause (2) and insert new subclauses as follow:

(2) If the Governor assigns the functions of an incorporated service unit to a regional service unit, the Governor must by the same or a later proclamation dissolve the incorporated service unit and vest its property in the regional service unit.

(2a) However, if any real property of the incorporated service unit is, in the Governor's opinion, subject to a charitable trust, the Governor must, by proclamation, establish a board of trustees (comprised of persons from the community served by the former incorporated service unit) and vest that real property in the board of trustees.

No. 16. Page 8, line 24 (clause 16)—Leave out 'If' and insert 'However, if'.

No. 17. Page 8, lines 25 and 26 (clause 16)—Leave out 'and all other rights and liabilities of the former incorporated service unit vest in the regional service unit'.

No. 18. Page 9 (clause 17)—After line 2 insert new subclause as follows:

(3a) Meetings of a board of trustees must be open to the public.

No. 19. Page 9 (clause 18)—After line 9 insert new subclause as follows:

(2) A board of trustees must not sell, transfer, lease or otherwise dispose of any real property that is used, or set apart for use, for the provision of health services except on a resolution of the board in which at least two-thirds of all the trustees concur.

No. 20. Page 9, lines 14 to 16 (clause 19)—Leave out subclause (2) and insert new subclause as follows:

(2) Before the Governor amalgamates two or more incorporated service units, the Minister must—

(a) ensure that each incorporated service unit affected by the amalgamation consents to the amalgamation; and

(b) approve a constitution under which the incorporated service unit formed by the amalgamation is to be administered.

No. 21. Page 9, line 27 (Heading)—Leave out 'CHIEF EXECUTIVE'S' and insert 'MINISTER'S'.

No. 22. Page 9, line 29 (clause 21)—Leave out 'Chief Executive' and insert 'Minister'.

No. 23. Page 9, lines 30 to 35 and page 10, lines 1 to 13 (clause 21)—Leave out subclause (2) and insert new subclauses as follow:

(2) A direction cannot be given—

(a) so as to affect clinical decisions relating to the treatment of any particular patient; or

(b) for the transfer of the chief executive officer of an incorporated service unit to another incorporated service unit.

(2a) A direction cannot be given so as to reduce an incorporated service unit's capacity to meet its health service delivery objectives under its constitution.'

No. 24. Page 10, line 14 (clause 21)—After 'writing' insert 'and must be published in the Gazette'.

No. 25. Page 10 (clause 21)—After line 14 insert new subclauses as follow:

(4) Particulars of directions given under this section to an incorporated service unit must be included in the unit's annual report.

(5) Particulars of directions given under this section must be included in the relevant annual report of the Department.'

No. 26. Page 10, line 18 (clause 22)—After ‘approved constitution’ insert ‘or, in the case of an incorporated service unit that is a regional service unit, in accordance with the proclamation under which the regional service unit was established’.

No. 27. Page 10 (clause 22)—After line 18 insert new subclause as follows:

- (1a) The membership of a board of directors must include—
- (a) persons representative of the clinical staff, and others representative of the non-medical staff, of the incorporated service unit; and
- (b) persons representative of the community and any special interest groups served by the incorporated service unit; and
- (c) persons who have expertise in financial management or management generally.

No. 28. Page 10, line 26 (clause 23)—Leave out paragraph (b) and insert new paragraph as follows:

‘(b) an agreement between the board and the Minister.’

No. 29. Page 10 (clause 23)—After line 26 insert new subclauses as follow:

(1a) The Minister must enter into an agreement of the kind referred to in subsection (1)(b) with the board of each incorporated service unit.

(1b) Before entering into such an agreement, the Minister must ensure adequate consultation has taken place with health consumers and providers.

(1c) An agreement may, for example, make provision for—

- (a) the range, level or distribution of services to be provided by an incorporated service unit;
- (b) the resources to be made available to the unit’s board of directors.

(1d) An agreement will be for a period of one year or such longer period as the parties may agree.

(1e) If either party to an agreement becomes aware of any circumstances likely to affect its ability to meet its obligations under the agreement—

- (a) that party must inform the other in writing of the fact; and
- (b) the other party must respond in writing within 6 weeks; and

(c) if appropriate, the parties may vary the agreement.

No. 30. Page 10, line 27 (clause 23)—Leave out ‘any agreement of the kind referred to in subsection (1)(b)’ and insert ‘such an agreement’.

No. 31. Page 10 (clause 23)—After line 28 insert new subclause as follows:

(2a) An incorporated service unit must make a copy of any agreement of the kind referred to in subsection (1)(b) available for inspection by members of the public during the hours that the unit is normally open for business (or, in the case of a hospital, during the hours that the hospital’s administrative office is open for business).

No. 32. Page 10, line 30 (clause 23)—Leave out ‘Chief Executive’ and insert ‘Minister’.

No. 33. Page 10, line 34 (clause 24)—Leave out ‘government’ and insert ‘its’.

No. 34. Page 11, line 2 (clause 24)—Leave out paragraph (a) and insert new paragraphs as follow:-

- (a) the incorporated service unit provides high quality health care to members of the public; and
- (ab) deficiencies in the provision of health care are reported to the Chief Executive; and
- (ac) appropriate strategic and business plans and targets are adopted following consultation with the community; and’.

No. 35. Page 11, line 14 (clause 26)—Leave out ‘Imprisonment for 4 years or a fine of \$15 000 (or both)’ and insert ‘Division 4 imprisonment or a division 4 fine (or both)’.

No. 36. Page 11, line 26 (clause 26)—Leave out ‘\$15 000’ and insert ‘Division 4 fine’.

No. 37. Page 11 (clause 26)—After line 26 insert new subclause as follows:

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

No. 38. Page 11, line 34 (clause 27)—Leave out ‘\$15 000’ and insert ‘Division 4 fine’.

No. 39. Page 12, line 4 (clause 27)—After ‘board’ insert ‘and in the incorporated service unit’s annual report’.

No. 40. Page 12, line 19 (clause 30)—Leave out all words in this line after ‘The’ and insert ‘regulations may prescribe fees to be paid to directors of a specified class’.

No. 41. Page 12 (clause 31)—After line 25 insert new subclause as follows:-

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

No. 42. Page 13 (clause 32)—After line 2 insert new subclause as follows:

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

No. 43. Page 13, line 5 (clause 33)—After ‘Chief Executive’ insert ‘and the Commissioner for Public Employment’.

No. 44. Page 13, line 33 (clause 35)—Leave out ‘\$500’ and insert ‘a division 9 fine’.

No. 45. Page 14, line 3 (clause 35)—Leave out subclause (4).

No. 46. Page 14 (clause 37)—After line 18 insert new subclause as follows:

(1a) If, while enforcing or purporting to enforce a by-law, an authorised person, or a person assisting an authorised person—

- (a) uses offensive language; or
 - (b) without lawful authority—
 - (i) hinders or obstructs another; or
 - (ii) uses, or threatens to use, force against another,
- the authorised person is guilty of an offence.

Maximum penalty: \$4 000.’

No. 47. Page 14 (clause 39)—After line 34 insert new subclause as follows:

(3) However, a public patient is not liable to fees.’

No. 48. Page 15, lines 1 and 2 (clause 40)—Leave out paragraph (b).

No. 49. Page 15, line 27 (clause 44)—Leave out paragraph (a) and insert new paragraphs as follow:-

- (a) particulars of the services provided by the service unit during the year, and of the services proposed to be provided during the next financial year, including particulars of the volume, scope and standard of those services; and
- (ab) particulars of changes that were made during the year, and of changes proposed to be made during the next financial year, to the services provided by the unit; and
- (ac) particulars of building work undertaken and equipment acquired during the year, and of building work and equipment proposed to be undertaken or acquired during the next financial year; and
- (ad) particulars of any limits or controls placed on expenditure during the year; and
- (ae) particulars of any management contracts entered into during the year; and
- (af) particulars of any grants, subsidies or other financial assistance given during the year, or proposed to be given during the next financial year, by the unit out of money received by the unit for the provision of health services; and
- (ag) particulars of the organisation, management and staffing levels obtaining during the year and proposed for the next financial year; and
- (ah) particulars of any action taken during the year and proposed for the next financial year for better ensuring—
 - (i) the quality of the services provided by the unit; and
 - (ii) the provision of appropriate services that take into account the special needs of persons of ethnic or other minority groups; and
 - (iii) the welfare of the staff of the unit; and
- (ai) particulars of complaints relating to the provision of services by the unit received, handled or resolved during the year and of proposals for improvements in the mechanisms for handling and resolving complaints; and’.

No. 50. Page 15 (clause 44)—After line 30 insert new subclauses as follow:-

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

(4) An incorporated service unit must make a copy of its annual report available for inspection by members of the public during the hours that the unit is normally open for business (or, in the case of a hospital, during the hours that the hospital’s administrative office is open for business).’

No. 51. Page 15—After line 30 insert new Division as follows:

DIVISION 10A—ACCOUNTABILITY OF PRIVATE CONTRACTORS

Private contractors must furnish reports

44A. (1) If the board of an incorporated service unit has entered into an agreement with a person (a 'private contractor') under which the private contractor manages the whole or a part of the undertaking of the incorporated service unit or provides health services on behalf of the unit, the private contractor must report to the board on or before 31 August in each year on the contractor's operations under the agreement during the financial year ending on the preceding 30 June.

Maximum penalty: \$10 000.

(2) The report must include—

(a) a statement of accounts audited by a registered company auditor showing the private contractor's income and expenditure in relation to those operations during the year; and

(b) any other information required by the regulations.

(3) A board must, as soon as practicable after receiving a report under this section, forward a copy of the report to the Minister.

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

(5) An incorporated service unit must make a copy of a report received under this section available for inspection by members of the public during the hours that the unit is normally open for business (or, in the case of a hospital, during the hours that the hospital's administrative office is open for business).

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

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

No. 52. Page 16, line 3 (clause 45)—After 'Chief Executive' insert '(which must, however, have been published in the Gazette at least 7 days before the members of the board are removed)'.

No. 53. Page 16 (clause 45)—After line 14 insert new subclause as follows:

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

No. 54. Page 16 (clause 46)—After line 19 insert new subclauses as follow:-

(1a) Before the Governor dissolves an incorporated service unit the Chief Executive must—

(i) invite representations on the proposal from interested members of the public by notice published in a newspaper circulating in the area in which the incorporated service unit was established; and

(ii) consider representations from members of the community made in response to the invitation within a reasonable time (which must be at least 90 days) specified in the notice; and

(iii) report to the Minister on the representations made by members of the community.

(1b) A proclamation under this section is a statutory instrument that must be laid before Parliament and is subject to disallowance in the same way as a regulation.'

No. 55. Page 16, line 20 (clause 46)—After 'service unit' insert 'or board of trustees'.

No. 56. Page 16, line 25 (clause 46)—After 'a' insert 'local government'.

No. 57. Page 17, line 5 (clause 47)—Leave out '\$60 000' and insert 'Division 1 fine'.

No. 58. Page 18, line 12 (clause 50)—Leave out '\$60 000' and insert 'Division 1 fine'.

No. 59. Page 19 (clause 54)—After line 10 insert the following:

'Maximum Penalty: Division 6 fine.'

No. 60. Page 19—After line 23 insert new Parts as follow:

PART 4A—HEALTH SERVICE UNITS RECEIVING STATE GOVERNMENT FUNDING

Reporting obligations

55A. (1) A health service unit that is not incorporated under this Act must report to the Minister on or before 31 August in each year on the expenditure by the unit during the financial year

ending on the preceding 30 June of any funds provided or allocated by the Government of this State.

(2) The report must include—

(a) particulars of the purposes for which the funds were expended; and

(b) particulars of the volume, scope and standard of services subsidised by the funds; and

(c) particulars of the organisation, management and staffing levels of the service unit; and

(d) particulars of any complaints received during the year by the unit about its services; and

(e) if the amount of those funds equalled or exceeded \$250 000, a statement of accounts audited by a registered company auditor showing the service unit's total income and expenditure for the financial year and its assets and liabilities as at the end of the financial year; and

(f) any other information required by the regulations.

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

PART 4B—CONSUMER COMPLAINTS AGAINST PUBLIC AND PRIVATE HEALTH SERVICE UNITS

Minister must establish system for dealing with complaints

55B. (1) The Minister must establish a system for receiving, inquiring into and dealing with complaints from persons to whom services are provided by health service units, whether public or private.

(2) The Minister must ensure that the system—

(a) is fair, efficient and accessible; and

(b) allows for the resolution of complaints by conciliation; and

(c) is sensitive to the differing needs of complainants; and

(d) is properly promoted.

(3) The Minister must ensure that a complaints data base is established and maintained so that problem areas in the delivery of health services can be identified.

(4) The Minister must cause a report to be furnished to him or her at 6 monthly intervals on complaints received, inquired into or dealt with under the complaints system but such a report must not identify the complainants.

(5) The Minister must, within 12 sitting days after receiving a report under this section, have copies of the report laid before both Houses of Parliament.'

No. 61. Page 20—After line 3 insert new clause as follows:-
Limitation on invasion of privacy

55C. A person engaged in duties related to the administration of this Act or the provision of health services must not require the disclosure of personal information about a patient unless there are reasonable grounds for requiring disclosure of the information.

Maximum penalty: \$8 000.'

No. 62. Page 20, line 12 (clause 56)—Leave out '\$8 000' and insert 'Division 5 fine'.

No. 63. Page 20, line 32 (clause 57)—Leave out '\$8 000' and insert 'Division 5 fine'.

No. 64. Page 21, line 28 (clause 59)—Leave out '\$500' and insert 'Division 9 fine'.

No. 65. Page 22, line 19 (clause 61)—Leave out 'Relations and Employment' and insert 'and Employee Relations'.

No. 66. Page 22, line 22 (clause 61)—Leave out 'or order' and insert ', order or enterprise agreement'.

No. 67. Page 22, line 22 (clause 61)—Leave out 'Relations and Employment' and insert 'and Employee Relations'.

No. 68. Page 22, line 24 (clause 61)—Leave out 'or order' and insert ', order or agreement'.

No. 69. Page 22, line 26 (clause 61)—Leave out 'Relations and Employment' and insert 'and Employee Relations'.

No. 70. Page 22—After line 29 insert new clause as follows:-
Recognised organisations

61A. (1) The following are recognised organisations for the purposes of this section:

(a) the Australian Liquor, Hospitality and Miscellaneous Workers Union (Miscellaneous Workers Division); and

(b) the Australian Nursing Federation; and

(c) the Public Service Association; and

(d) the South Australian Salaried Medical Officers Association; and

(e) any organisation declared under subsection (2) to be a recognised organisation.

(2) The Chief Executive may, by notice in the *Gazette*, declare any organisation—

- (a) that is a registered association within the meaning of the Industrial and Employee Relations Act 1994; and
- (b) that in the Chief Executive's opinion, represents a significant number of officers or employees of incorporated service units,

to be a recognised organisation for the purposes of this section.

(3) A recognised organisation may make submissions to the Chief Executive and incorporated service units on any matter arising out of or relating to the exercise or performance of their powers or functions under this Act.

No. 71. Page 23, line 18 (clause 64)—Leave out '\$1 000' and insert 'a division 8 fine'.

No. 72. Page 24, clause 2 (Schedule 1)—After line 7 insert new subclause as follows:

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

No. 73. Page 24 (Schedule 1)—After line 13 insert new clause as follows:

References to the Commission in other Acts and instruments

4. (1) A reference in an Act or instrument (whether of a legislative nature or not)—

- (a) in the case of a reference to the Commission under the former Act, will be taken to be a reference to the Chief Executive;
- (b) in the case of a reference to the Chairman or the Chief Executive Officer of the Commission, will be taken to be a reference to the Chief Executive;
- (c) in the case of a reference to an officer, an employee or a member of the staff of the Commission, will be taken to be a reference to an employee of the Department.

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

That the Legislative Council's amendments be disagreed to.

I note that there are 73 different amendments and, in looking at a number of them, there is no doubt that the broad purpose of the Bill, as it left this House, has been altered to some considerable extent. In debate in another place, members of both the Labor Party and the Democrats indicated that they would disagree with amendments put up by the Government following a considerable amount of discussion with people in the field, on the basis that they believed that it was important that matters be discussed at a conference. Accordingly, I believe that a conference between the two Houses is the most appropriate way to deal with many of these matters. I believe that some agreement will be reached between the two Houses in respect of a number of the amendments, and I hope that that is sorted out quickly.

However, the Government believes that a number of amendments made by the Legislative Council basically emasculate what the Government has been trying to do in the area of the provision of health services. I refer members to matters discussed with the Minister for Transport in another place, and particularly the clauses in relation to the potential involvement of the private sector. Private sector involvement in the provision of health services has been a matter of considerable debate and regular questioning in this Chamber and, accordingly, the Government's role and desire to see the increased participation of the private sector in the provision of public health services is well recognised.

Accordingly, the position of the Government and of the Bill as it left this Chamber is that the private sector does have a role in the provision of health services. We believe that a number of the amendments moved in the Upper House place an onerous expectation on the private sector. As will become clear in the conference, a number of extra expectations have been put on private sector providers of public health services, if the Bill were to become an Act, above the expectations

already in place through security exchanges and so on. Accordingly, we believe that it presents too onerous a burden for the private sector.

We believe that a number of other amendments are contrary to the demands of the Bill as it left this Chamber and certainly are contrary to a number of things that the Government has been wishing to do and indeed which formed part of the policy that we took to the last election and which was, to all intents and purposes, ringingly endorsed by the electorate. So, we will seek to amend those clauses.

As the member for Elizabeth is now present, I reiterate that a number of our amendments were negated in the Upper House because they would provide fertile ground for discussion at the conference. I hope that, if a conference is set up, discussion on a number of those points will be fruitful. Whilst I emphasise that the Government believes that some clauses are untenable, it also believes that there is room for compromise in respect of others.

Ms STEVENS: The Opposition acknowledges that, since the Bill was first introduced in this House many weeks ago, the Government has made a number of changes in areas that the Opposition put forward. In our view, commonsense has prevailed in some of those areas. I would like to reiterate the Opposition's approach to the Bill. Right from the start, the Opposition agreed that there was a need for constructive reform—and it still holds that view. The Opposition does not disagree with the dismantling of the Health Commission. As I said at the outset, the Opposition believes that health needs to be put back into the health services legislation. Community consultation was not evident, and we believe that, because of events that have taken place in the health sector, this needs to be included in the legislation. The Opposition sees the matter of accountability as extremely important, and that means accountability for everyone, including the chief executive and the Minister: there should be accountability for all the players in the equation.

Finally, the Opposition is pleased to see the proposed establishment of an independent health complaints unit in the Bill, because in today's climate with issues relating to outcomes in hospitals across Australia, both private and public, we need to have such a unit in operation. Regarding particular clauses, I note what the Minister has said and I look forward to a constructive conference. I want every member of this House and the community to know that the Opposition has always approached this process with a view to getting the best possible outcome in terms of legislation for health services, and we will go into the conference with that in mind.

The Hon. M.H. Armitage interjecting:

Ms STEVENS: No, we differ with the Minister in a few areas.

The Hon. M.H. ARMITAGE: I rise on a point of order, Mr Acting Chairman. That is what a conference is all about. If the member for Elizabeth intends to run political arguments at a conference, it is important that she understand that a conference is a debate between two Houses not between two political Parties. We fully expect the member for Elizabeth to adopt the view of this House.

The ACTING CHAIRMAN (Mr Bass): Order! That is not a point of order. The member for Elizabeth.

Ms STEVENS: I understand what the conference is about. I am saying that the Opposition's participation will be constructive, as I think the Minister realises. The Opposition believes strongly in some of the issues in this Bill, one of which is community consultation, and the amendments in that

regard are seen as very important. Regarding the issue of accountability, I wish to place on the record something that I think we should all consider. About a week ago, the *Sunday Mail* in a general article on health services referred to four of our hospitals. In one of those articles it slipped in a small box, which contained the following comment regarding Modbury Hospital:

The *Sunday Mail* approached Modbury Hospital as the fifth hospital to be reviewed in its special report. Modbury's new private management, Healthscope, declined the invitation. A spokesperson, after consulting with Healthscope management, said it was policy that the hospital not open its doors to the media.

I think we should bear that in mind in relation to accountability. I conclude my remarks. The Bill will progress to the next stage.

Motion carried.

ROAD TRAFFIC (SMALL-WHEELED VEHICLES) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 19 July. Page 2846.)

Mr ATKINSON (Spence): The Bill before us gives dominion over our footpaths to roller-bladers and skateboarders. Almost no-one has asked for this Bill. Thousands of South Australian pedestrians are frightened of it—and they are right. The Bill amends the Road Traffic Act to lift the ban on skating on footpaths and roads. It reimposes the ban on roads with a median strip or a marked centre strip, keeping the vast majority of footpaths and roads free for skating. A council may ban skating from one of its footpaths or roads by resolution but it then must signpost each footpath or street from which skating is banished. The Local Government Association estimates that these signposts will cost about \$90 each. Under this Bill, the Adelaide metropolitan area could become a forest of metal poles announcing the exclusion of skaters and our footpaths and roads a patchwork of stencils announcing the same thing. The President of the Local Government Association, Mr John Dyer, wrote to me yesterday and said:

The negative impact on visual amenity caused by extensive signage in areas deemed not suitable for small-wheeled vehicles is also a major concern.

The in-line skates working group report tells us that skates can reach up to 40 km/h. I presume they can go faster downhill. Skateboards and roller-blades do not have brakes. The report tells us what we already know, namely, that most skaters are under 16 years of age and most skating related injuries are sustained by 10 to 14 year olds. No skater will be required to be insured for damage to themselves or others.

In the older suburbs, our properties are bordered by high front fences and, if not, we usually have a high corrugated iron side fence from behind which our car emerges into the street. We back our car from our driveway onto the street, pausing when the boot of the car is over the gutter to look for other moving vehicles on the street. How will a motorist backing his or her car onto a street be able to see a skater approaching at 90 degrees on the footpath at up to 40 km/h? How will a motorist be able to see over his or her shoulder through a six foot high corrugated iron or brush fence?

When backing a car out of a driveway, most motorists are blind to the footpath, and approaching pedestrians are spared only because they travel so slowly that they can stop for the car.

Most of us can imagine the impact of a child's flesh and bones against a motor vehicle travelling at 40 km/h. There are people working in our hospitals who record child accident statistics, so let no Government member think that he or she will escape political responsibility for the consequences of following the Liberal Party line on this, the silliest Bill introduced by the Brown Liberal Government.

The Minister for Transport, the Hon. Diana Laidlaw, asked us to vote for the Bill—to be with it. The Minister wants us to be with the working group report and to be with the law in the Eastern States. In this, she is a source of bad advice. First, this is a bad law and ought not to be copied; secondly, the Bill does not mirror the working group report; and, thirdly, no other State in Australia deems all footpaths and roads suitable for skating and then leaves it to local government to win them back for pedestrians, signpost by signpost, footpath by footpath.

I shall now comment on the in-line skates working group report and recommendations which, according to the copy the Minister's office gave me, were published in June 1993. The report asserts that skates are a form of personal mobility and states:

There is a potential for the use as in transport to school, and that would require access to roads and footpaths.

The Labor Opposition regards skates as toys, not a means of commuting to work or school. In this we disagree with the working group and with the Government. This governs our approach to the Bill. The reports continues:

Marketing representatives for in-line skates have estimated that there is a potential market of thousands of in-line skates this summer and that some accessibility to the road system should be available.

Further, the report states:

The new owner of skates could believe that access to the road system was available.

The Labor Opposition does not accept that our laws should be changed to suit the marketing plans of toy manufacturers, and we see no reason why a buyer of skates should believe that he or she had access to footpaths and roads, access to which have always been denied to skaters. It is not a legitimate expectation. We should not defeat the quiet enjoyment pedestrians have of our footpaths merely on the expectations of buyers of skates.

The report cites section 61 of the Road Traffic Act to show how the law bans skates from our footpaths and roads, but its citation also reveals something which I am sure advocates of the Bill did not want revealed, that is, a wheelchair or a postie's bike is forbidden to travel at more than 10 km/h on a footpath. The Government is keeping these offences that can be used to punish people who are disabled and posties going about their lawful business but the Bill imposes no speed limit on skaters. The fine on the disabled and posties is a traffic infringement notice to the value of \$78. According to the Brown Liberal Government, there is to be no penalty for skateboarders and in-line skaters.

The report makes the point that children under 16 years of age cannot now be issued traffic infringement notices for skating unlawfully. It states:

The only method of enforcement is to use the Children's Court, which is seen as an extreme measure and not favoured by the police.

Very simply, the Government could expand the traffic infringement notice system so that it embraced people under the age of 16 years. That is one thing it could do, rather than bring in this absurd law. However, it is wrong to be legalistic about this and to say that, because traffic infringement notices

cannot be issued, enforcement is doomed to failure and skating must, therefore, be legalised on footpaths and roads. This is the kind of liberal folly dressed up as reasoning that we have heard on prostitution and euthanasia laws.

Parliament should use commonsense. Even though the police cannot issue infringement notices to children skating unlawfully, at present police can and do tell them to get off their skates if they are behaving dangerously. Our streets and footpaths are not thronged with skaters. The police handle skaters well. The Bill takes away the authority of the police to do their job. This Bill is a message to all skaters that the footpaths and roads are now theirs. Imagine the mouthful that police will now get from youths when they ask one skater to get off his or her skateboard or a gang of them to get off their skateboards. Imagine the mouthful pedestrians will get if they point out to a skater that he or she is perhaps skating dangerously. Motorists, encased as they are in a tonne of metal and plastic, will be better able to defend their territory against skateboarders than will pedestrians, especially the elderly and the vision impaired.

The Minister's suggestion that skaters would be required by a code of conduct to shout 'Passing!' as they overtake a pedestrian is a joke, and the public of South Australia knows that. The Minister came up with a code of conduct for skaters which is not incorporated in the Bill but which is incorporated in her propaganda for the Bill. Most South Australian pedestrians will have a bitter smile on their face when they read this proposed code of conduct for skateboarders, which was put forward by our Minister, the Hon. Diana Laidlaw: keep left when skating, overtake on the right-hand side, and always advise those you are overtaking 'Passing!'; give way to pedestrians at all times; skate in single file; and learn how to skate in a quiet area before using high activity areas. Any pedestrian would know that that code of conduct is a joke, and it will be observed in the breach. If police cannot enforce today's total ban on skating on footpaths and roads because they cannot issue traffic infringement notices to persons under 16 years, how will police enforce that partial ban on skating, namely, skating on those roads signposted by local government?

I suggest the Minister opposite pay attention to what I am saying. The least he could do is explain to the House how, if police cannot enforce the ban on skating now, they will enforce a partial ban. The enforcement seems to me not to follow at all. If we have a problem now, we will have the same problem after the proclamation of the Bill. By the Bill, the Minister does not empower police to issue traffic infringement notices to skaters under 16 years of age who skate in defiance of the no-skating zones she proposes. Some councils have said that they will retaliate against the Bill by passing by-laws that ban skaters from all footpaths in their own municipality. When police see skaters tearing along a footpath after the proclamation of this Bill, they will have to ask themselves, 'Am I in the Town of Thebarton, the City of West Torrens, or the City of Hindmarsh and Woodville? Is skating banned altogether in this municipality? Is this footpath off limits owing to a signpost erected 200 yards up the street? Is this a municipality where skateboarders are kings of the road?' In order to enforce this proposed law, police will have to have in their patrol car a computerised map that is as powerful as TransAdelaide's passenger inquiry timetable system, which the Minister has put in mothballs.

Pedestrians will notice the greater incivility of skaters towards them as soon as it becomes known that the Bill has been passed. It will be a case of 'Skaters rule, okay!' And all

because a Minister, whose view of the pavement is through the glazing of a chauffeured Holden Statesman, was told by a public servant that police could not enforce traffic infringement notices against children under 16 years. I challenge the Minister for Transport, the Hon. Diana Laidlaw, to walk our streets as a pedestrian for a few days, to ride a bicycle around our suburbs for a while and to travel on public transport regularly. If she were to do this, I do not think that she would bring a Bill like this to Parliament. You would have to be employed in an Upper House of Parliament with no contact with constituents to draft a Bill like this. You would have to live a life that consisted mainly of being ferried in a chauffeured Holden Statesman back and forth between one's North Adelaide mansion and a city office to acquiesce in legislation of this kind. It was the same Minister for Transport who said, 'Most roller-bladers are responsible and caring. They will respect others who use the footpaths and minor roads.' We will see about that.

I agree with the report's recommendations that local government make special facilities available to skaters, such as car parking areas, under-utilised netball courts and closed streets. The Labor Opposition proposes that local government be empowered by the Bill to declare certain safe and closed streets as play streets in which skating would be lawful, but the Liberal Government has indicated that it will not accept this amendment. This Bill does not reflect the working group's recommendation. In fact, while I do not agree with the working group's narrative or reasoning, I acknowledge that it has recommended changes such as those proposed by the amendments of the Parliamentary Labor Party. The recommendation was—and the Minister admits it—that footpaths could be used by skaters only with council approval.

In our public debate about the Bill, the Minister has conceded the force of most of the Labor Party's arguments. Her principal reason for sticking with this unprecedented legislation is that about three years ago Parliament gave councils the authority to designate footpaths suitable for use by cyclists and no council has so designated such a footpath. So the Minister does not trust councils to designate skating areas. I think ward councillors are or should be the elected officials closest to the people. If residents wanted a footpath designated as suitable for cycling I am sure they would have been in touch with their ward councillors seeking such a designation. That they have not been in touch shows that there is no public demand for it, and I say that as someone who cycles every working day.

If, as the Minister argues, there is a strong demand from children and their parents for local skating areas why not go with Labor's amendments and let the people decide? Instead, the Liberal Government is telling people what is good for them and hardly anyone shares the opinion. Government backbenchers know that what I am saying is right. I believe that there would be public demand for the designation of play streets and I believe that local government would respond to that demand. My constituents ask me the same question, whether it is at the RSL club, the railway station, on their door step or on talk-back radio, and that is: where did she get the idea?

To their credit, some Government backbenchers have fought this Bill in their Party room. The member for Colton says that the Bill should be dumped before someone is killed. He says that it is unfair to put that type of pressure on the elderly. The member for Wright, who has hitherto been a

class monitor or prefect, says that the Bill is a disaster waiting to happen and 'an ill thought out provision.'

Members interjecting:

Mr ATKINSON: The Minister representing the Minister for Transport interjects concerning my remarks about the member for Wright. I would have liked to say something a bit stronger but it would not have been parliamentary so I confined myself to the use of the words 'class monitor'. I agree with the member for Wright when he says, 'Footpaths are for walking.' The member for Wright is right about that one. The member for Mawson—another class monitor—says that his electorate is opposed to the Bill. I do not think that the people of any electorate in this State support the Bill and if members opposite have been in their electorate offices taking calls from their constituents they would know that opposition to the Bill is almost unanimous. The member for Mawson said:

If this legislation proceeds, I will have to cross the floor and vote against it.

Mr Caudell: Must have been dreaming.

Mr ATKINSON: The member for Mitchell says, 'Must have been dreaming.' Like other members of this House, he knows what a goody-goody Government backbencher the member for Mawson is and how, when it comes to a conflict between the Party room and the wishes of his constituents, he will back the Party room every time. However, he has his chance to support his constituents today. Despite these rumblings from the grossest backbench in our State's history, the Minister has made no concessions—

Mr Caudell: What type of backbench?

Mr ATKINSON: The grossest—that is to say it is the largest backbench in the history of the Parliament. The Minister has made no concessions whatsoever to the concerns raised by the members for Colton, Mawson and Wright. Not one concession has been made by Minister Laidlaw on any of the points they raised.

Mr Caudell interjecting:

The DEPUTY SPEAKER: Does the member for Mitchell intend to speak later in this debate or is he going to do it by way of interjection? The member for Spence has the floor.

Mr ATKINSON: I am happy to have the member for Mitchell make his contribution during my contribution and, given the age profile of the State district of Mitchell, I am happy for his remarks in favour of skateboarders being 'kings of the road' to be recorded in *Hansard* because at the next election the Labor Party will ensure that his comments in favour of unlimited skateboarding are conveyed to the elderly people of his electorate by direct mail. The Government amendment on council liability for skating accidents is technical and would not assuage the public's anger against this Bill at all.

Last but by no means least, the Local Government Association opposes the Bill. It is terrified by its exposure to increased liability for accidents caused by skaters. The general principle of council liability for footpaths is that council must pay if it lays a footpath badly and someone is injured as a result. Council also must pay if it was warned by someone that the path was in bad condition and it did nothing to repair it. Council is not liable if it laid the footpath well but the elements and time have caused the path to deteriorate and someone is injured as a result. This is a simple explanation of what the law calls misfeasance and nonfeasance.

Council is liable for misfeasance, not for nonfeasance. The historical distinction is being undermined by activist judges who, following the American principle of 'have opinion, need case' are expanding the frontiers of legal liability well beyond what public opinion thinks necessary. What was obviously nonfeasance is being re-interpreted as misfeasance. So council's exemption from liability in this area is unlikely to continue as it has historically.

Members should be aware that opposition to this Bill is almost unanimous. Government backbenchers will have difficulty—as will Government Ministers—in finding a single person enrolled to vote in their electorate who is in favour of this Bill. This Bill is not merely a disaster waiting to happen in terms of the physical welfare of people who use our roads and footpaths: it is an electoral disaster waiting to happen.

Mrs ROSENBERG (Kaurua): Some of the key concerns that the community has in terms of opposition to this Bill have been fairly well explained by previous speakers. I undertook a survey in my electorate asking whether people were in favour of this issue. I received a fairly mixed response, probably because the electorate encompasses two councils. The Noarlunga council has been reasonably proactive in terms of providing off road areas for skateboarding, as opposed to the Willunga council, which has not been proactive in providing anything terribly much. Also, the mixed reaction to the survey has reflected the fact that there are fairly well developed and good footpaths in the Noarlunga council area and not such a great number of good footpaths in the Willunga council area, which may explain why there was such an odd answer to the survey.

I put on record that the majority of people answering the survey were opposed to this issue. A lot of people added a piece to the survey which was not asked for: they did not agree with the idea of skateboarders being on a footpath but did agree with their being on a roadway. That is an interesting point and it may explain some of the reasons why pedestrians have such a problem with the idea of a skateboarder behind them. It has to do with the issue of speed. Obviously, there is an idea in people's minds that when somebody is skating along a footpath it is at a speed that is not acceptable to the people who are walking and sharing the footpath. I think that is one of the reasons why such a large number indicated they would be happy if they were located on a roadway, but not located on the footpath.

With that in mind, my personal point of view is that I would be much happier if they were sharing the bicycle lanes. We have several situations within the council areas that I represent that have shared bicycle and foot laneways. They have been quite successful because there is a line down the middle which clearly indicates that one half of the footpath is for foot traffic and the other half for bicycle traffic. My personal preference is that skateboarders fit in better with bicycle traffic than they do with foot traffic and perhaps a location in bicycle lanes is more appropriate. I am also disappointed that we have put a degree of responsibility onto local government instead of taking the responsibility ourselves. As a past member of local government I was quite often quoted as saying that I was fed up with—

Mr Atkinson: Which council is that?

Mrs ROSENBERG:—the worst in South Australia—and disappointed with the situation whereby we were always going to be bucketed with another State Government piece of legislation for which we as a local council would have to pick up the tab. I feel very disappointed that, as part of this

decision, basically we have done the same thing; that is, that with this legislation we are putting a lot of responsibility onto local government; for example, giving the council the responsibility to decide which footpaths will be used for skateboarders, as well as the responsibility for signing those footpaths so that it is clear to the community which footpaths are acceptable for this purpose.

In my electorate there is a series of retirement units built by the Housing Trust. They are quite new units and are now fully tenanted. There is a large car park opposite the units which is used by a motor registration office. Quite often this car park is also used by skateboarders. I have had a series of complaints from the people renting the units saying that they are upset by the noise and the language used by skateboarders in that car park. However, when I spoke to the local police about it their attitude was that they would prefer to have those skateboarders in the car park rather than on the road and footpath. So, I have some difficulty in accepting that this legislation is a requirement of the police. However, I do accept that there is a need to clarify the definition of what is and is not acceptable legally so that the police are clear on what they can and cannot do. So, I accept that as a compromise in this Bill.

The other issue of which I have taken a great deal of note recently is the number of aged care facilities within my electorate. One of them in particular is located on a disastrous main road carrying very fast moving traffic. Should we be adding to the problems people already have when crossing a major road to board a bus? Forcing them into a situation in which they will be fighting with the roller-bladers does conjure up an emotional picture. But, quite frankly, in the whole time that I have been the member for this area I have seen three roller-bladers on the footpaths of the entire electorate. Maybe I have been going around with my eyes closed or maybe there are not a lot of roller-bladers in my area. I think we have tried to kill an ant with a hammer in this issue. Because I have seen so few people using roller-blades in this area, coupled with the fact that one of the councils has been proactive in offering them off-road areas on which to skate and not a huge number of people wish to use that as a means of transport, I think that we have perhaps put aside general commonsense in terms of how we could have handled this process and gone for a heavier process—a legislative process.

I am not sure that the numbers using skateboards at this stage indicate that we need to consider this legislation at this time. The compromise of using car parks after hours is one that we should look at sensibly. There are some places where that would be feasible. There are probably other places where it is not because of the hours that the shops are open, but those sorts of issues could be looked at on a local basis. I would be happy if we could see local government and State Government in a partnership putting more resources into appropriate places where young people could skate off road. It certainly is a recreation that people choose to pursue.

My own children have skates. They use my driveway and I am happy with that, but I would not be happy if they decided to go out onto a roadway. Our roadway is the main road leading from Main South Road to the beach in a fairly busy area. It is an unmarked road and there is absolutely no way that that road is appropriate for my children, or anybody else's for that matter, to be skating on it. We should think very seriously about providing extra resources for off-road places for skating. This Bill would have been enhanced by having a sunset clause and we could have considered it after

12 months to see how it had fared, whether people had accepted it and whether it had moved into the community the way we are assured it will.

Mr BASS (Florey): This Bill should not even have a sunrise clause, let alone a sunset clause. This legislation, if passed, will allow skateboards, roller-skates and roller-blades to be used on footpaths and certain roads. In my opinion, it would be madness and sheer stupidity if that were allowed to happen. Roller-skates and roller-blades when being used by persons who are competent and on a smooth surface can be stopped and the user can change direction. But, given that roller-blades and roller-skates will now be allowed to be used on footpaths and certain roads—surfaces that vary in condition in some cases from fairly smooth to very rough—and used by persons who have varying degrees of ability, one must consider the control that a majority of the users would have and I would suggest that a majority of the users would have poor control.

The same applies to skateboards: to allow these to be used on the footpath and certain roads, as I have said, is madness and stupidity. From 1 June 1994 to mid-May 1995, 92 roller-blade accidents were reported. No fatalities were involved with roller-blading, but these figures did not include injuries to pedestrians whom roller-bladers may have injured or knocked down. In my electorate I have five retirement villages in which well over 1 000 elderly people live. I have four nursing homes and several Housing Trust unit complexes for elderly people. After the next election I will have the Masonic Village in Ridgehaven which also houses well over 200 elderly people.

If members think for one minute that I will agree to something that will put at risk these people in my electorate, they are very wrong. Tea Tree Gully council has built a skateboard pit so that skateboarders can go to that enclosed area and use their skateboards with no fear of hurting anyone else and with no fear of being hurt by a passing vehicle. At present there is a designated roller-skating rink in my electorate. Although it is now being sold, they are looking for another site but at least it is there and it is an area that roller-skaters can use. In introducing this Bill in another place the Minister discussed the matter of who would be responsible in the case of an accident. The local councils I contacted do not want to be held responsible for claims or injuries that will no doubt occur.

The Minister informs me that a person on a skate-board, on roller-skates or roller-blades is covered by the contents policy of their home insurance. I checked that and that is the case, but I also found that only 68 per cent of South Australian residents have contents insurance. Therefore, nearly one-third of the houses in South Australia have no contents insurance and so have no public liability insurance. About one-third of the youth on roller-blades, in-line skates and skateboards will be zipping down the road or footpath with no insurance whatsoever. The Minister included in the draft a code of conduct for users of these small wheeled vehicles.

Mr Atkinson interjecting:

Mr BASS: I might read the code, which states:

A user—

Always wear protective clothing, including wrist protectors.

Always skate under control and within your ability.

Keep left when skating and overtake on the right hand side and always advise those that you are overtaking—'Passing'—

'Yoo-hoo; here I come (out of control), but I am coming'—

Give way to pedestrians at all times.
 Skate in single file.
 Avoid areas of high traffic.
 Stay alert and be courteous at all times.
 Observe all regulations and obey all directions of local law or police officers.

Skate at speeds which are appropriate to the environment that you are in.

Learn how to skate in a quiet area before using high activity areas.

I have had a fair bit to do with children, both as a parent, as an uncle to some 18 children and a great-uncle to one child. As a police officer I also had a great deal to do with young people. If the Minister believes that the recommended code of conduct means anything to an eight or nine-year old boy, then she is sadly mistaken. The code stipulates that the user must stay alert and be cautious and courteous at all times. I can remember the days in England when I went hell for leather down the hill in front of our house in a go-cart that my brother and I built and coming upon persons using the footpath. It is a bit hard when you are nearly out of control to stay alert and be courteous. At a high speed it is virtually impossible to do anything. The code also states:

[The user must] observe all regulations and obey all directions of local law or police officers.

I can say with certainty that an eight to nine-year old would probably have trouble reading the rules, let alone understanding them. The Minister states:

There is a problem with controlling skateboards, roller-blades and roller-skates.

I refer to the regulations under the Road Traffic Act, as follows:

10.07

(2)(a) No person shall ride a skateboard and/or roller-skates on the carriageway of a public road.

I suggest to the Minister that she include 'roller-blades' in this provision and the problem will be fixed. If the use of roller-blades, roller-skates and skateboards becomes a national or international sport, as is the case with roller-skating, areas for roller-blades and skateboards can be built so that it is safe for the users and the public. We should not enact legislation that puts at risk the elderly and adds another risk to the public roads, as if the current death toll on our roads is not sufficient now. Let us not increase it and, with our youth on roller-skates, roller-blades and skateboards it will definitely do that. I do not support the Bill.

Ms HURLEY (Napier): As the shadow Minister for Housing, Urban Development and Local Government Relations and as a local member, I want to voice my strong objections to the Bill. I simply do not know from where the rationale or the impetus for it came. My electorate encompasses some areas with a high proportion of older people but overwhelmingly there are younger residents in my electorate, young families with either very young children or teenagers and not once have I been approached about opening up the roads and footpaths for skateboarders or roller-bladers.

Much has been said in this debate about the problems this legislation will cause for older people, but I want to put strongly on the record that young families have problems, as well, and people have come to me about this. Parents with children in pushers are extremely worried about being run over and, if they have toddlers walking beside them, they are concerned that they will be run over by roller-bladers while they are on their way to the local deli to do some shopping.

It is simply incompatible to have skateboarders and roller-bladers haring down footpaths and roadways in a small, local community. It is not appropriate that people have to look behind them constantly, wondering whether they are about to be rolled over by some small wheels.

In one respect the area that I represent is fortunate in that it has quite a deal of open space. Council has provided areas where roller-skaters and skateboarders have designated paths and special areas where they can practise their sport. One such area in the park across the road from me is well used by the children in my neighbourhood. Some of the inner city councils have more trouble providing areas where people can skate. However, with a bit of innovative thought, they could come up with areas that are not incompatible with this sort of use because, after all, it occurs mostly after school and on the weekend, so places such as car parks, which are not used heavily on weekends, could be used.

This sort of sport can be accommodated without running roughshod over councils' views, and councils have come out very strongly against this legislation. It is expensive, inconvenient for them and, as the shadow Minister said, their liability is very much open to question, and that is something that they are very nervous about. This has been brought about because the Minister seems to think that there is a big push on from younger people in the community to have skateboarding. I find it amazing that the Minister has agreed so readily to everything that has been requested by these people without any thought, apparently, to the rest of the community. The third tier of government has objected strongly on a number of counts to this legislation, and I am surely not the only local member who has received a lot of objections to this legislation from older and younger people. Members opposite who have been brave enough to oppose this Bill are obviously responding to pressure from their electorates.

This legislation is being bulldozed through without any obvious rationale or reason, and no attempt has been made to find a commonsense solution to the problem. If a large body of people are intent on roller-blading, is it for sport or is it for business? Why do they need to use our roads? Why do they need to share the footpaths with people who are older, slower, and more encumbered by shopping or pushers, or whatever, than they are? The member for Florey is quite right. The kids in my area will not follow a code of conduct about which they probably will not even hear. They will be entirely oblivious to it. All they will know is that they have virtually unfettered right to roller-blade or skate down minor roads and along footpaths. They will not take a blind bit of notice of any code of conduct.

As I said, I live opposite a park. A number of groups of kids who use that park occasionally become boisterous. I am not saying that they are bad kids, but they are boisterous kids, they get together and they play hard. Instead of having them confined to a park, under this legislation they are free to roam all around the neighbourhood. Across from my house is a *cul-de-sac*. Young children play cricket there, they play in the dirt and they play little games amongst themselves. The older kids will now be able to go skateboarding and roller-blading around there. This quiet little *cul-de-sac* will no longer be a safe haven in which little kids can play. There could be people roller-blading or skateboarding up and down that street.

I have seen three or four kids roller-blading together along the streets under the current legislation. They have not been picked up by the police, but they may have been warned once or twice and have been told to go to safe areas to practise. Do

we need this legislation to enable people to practise their sport, in which case they should be in a sporting complex? Will people use this form of transport as a courier service or as a business? Why do they need to roller-blade down roads? What is the big push? Why do we need to endanger people in this way? I should like those questions answered before our community subjects itself to this sort of action and before our councils take on the financial and social responsibilities which this Government is foisting on them under this legislation. The Liberal Government, which introduced this legislation, has dumped the consequences on local government. That is the bottom line—that local government will wear all the responsibility for something that the State Liberal Government has implemented. Local government does not want to take on this responsibility. Councils have stated in no uncertain terms that they do not want the responsibility, that they are worried about the consequences of the legislation, and they do not see the need for it.

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

Mr ASHENDEN (Wright): The speech I am about to make I do not find easy to make because I will be disagreeing with the Government, of which I am a member. The one thing about the Liberal Party which I have always admired is that its members have the right to disagree in this House with our Party if we feel strongly about an issue. I want to make it quite clear that the only reason I am standing up here tonight to oppose this Bill is because I feel strongly about the issue which is being debated. I believe that in this instance I must put my strong feelings as well as the feelings of my electorate before the consideration of the facts that the Government is putting forward in this Bill.

Mr Atkinson interjecting:

Mr ASHENDEN: The shadow Minister is interjecting, 'Hear, hear!' I point out to the shadow Minister that if we feel strongly about or disagree with a decision of the Government or the Party we are given the right to cross the floor, whereas the honourable member in no circumstances can ever cross the floor if his Party says that it will vote in a certain way.

Mr Atkinson interjecting:

Mr ASHENDEN: I will ignore the shadow Minister. I disagree with the legislation that is before the House. On this matter I will be representing my strong feelings and the feelings that I am gathering from my constituents. I acknowledge that the Minister is right in that there is a necessity to provide greater control in relation to the use of in-line skates and skateboarding on public thoroughfares: there is no doubt at all that that is needed. My disagreement occurs because I do not believe that the way in which this legislation is presented to the House is the way to go about it.

I have asked myself, as have my constituents, 'What is a footpath?' When I look at the definition of 'footpath' I cannot go past the fact that 'footpath' says it all: it is a path which is there for those people who are using their feet—in other words, for pedestrians. I believe that there is a strong conflict between pedestrians and in-line skaters and skateboarders with regard to the use of footpaths.

My electorate has a great divergence in terms of the age of its residents. I have a large number of elderly and retired people, and many young mothers and young families. I not only have retirement villages but South Australian Housing Trust villages, which are designed for the use of retirees, and many retirees living in individual housing within my

electorate, as well as many young families. They are the two groups who have contacted me. The elderly have said that they are fearful for their safety on footpaths if this legislation is passed; young mothers have rung me and said, 'I use the footpaths when I am pushing my children in a pusher or pram and I am afraid of what might happen if the footpath can be utilised by in-line skaters or skateboarders.' I am concerned about the very real danger I see in the mix of pedestrian traffic and people who are using in-line skates and skateboards.

We are aware that in New South Wales there has already been one fatality in relation to the legalisation in that State for the use of skateboards or in-line skates on footpaths. As far as I am concerned, any injury or fatality is one injury or fatality too many. I repeat: my concern about this legislation is the danger that it will present to pedestrians who are using footpaths for the reason for which they were constructed.

Additionally, I see very real danger for those who are using in-line skates and skateboards on footpaths because they will be going along those footpaths, probably at fairly high speed, at the same time as people reverse their vehicles out on to the road. Therefore, not only do I see a danger to pedestrians from these in-line skaters and skateboarders: I see a very real danger to the in-line skaters and skateboarders in terms of having a collision with a motor vehicle. For example, where a motorist quite rightly is reversing out of his or her property on to the road, in many cases you have front fences and vegetation which obscures the view.

When they reverse over a footpath most people expect that the only traffic they need to look out for is pedestrian traffic which they will be able to see well in advance but, because of the speed at which these skateboarders and in-line skaters will be approaching the entrance to the property, I can foresee collisions between reversing motor vehicles and in-liners and skateboarders. Therefore, I believe that despite the intentions of the Minister—and I repeat that I acknowledge that changes are needed—the approach that we are adopting is not the right one. I cannot help but feel, as I have said and as the shadow Minister has pointed out, that in introducing this legislation we are really presenting South Australians with a disaster waiting to happen.

I did not want to be associated with a Bill that could lead to serious injury or even death once it is passed. I believe that my conscience would trouble me forever if I were to be seen to have supported legislation which led to the death or injury of a young skateboarder or in-line skater or a senior citizen or retired person or a young mother or a baby or whatever the case may be. I really do see this legislation as presenting that sort of danger.

I also believe that the legislation puts an unfair burden on councils because, in passing this legislation, we are really saying to councils, 'We have put the legislation on the boards but it is up to you to determine whether you will allow this legislation to be used in your council area and, if so, in what areas.' Again I have a problem with that because we are really flick passing the whole problem to local government. I also point out that in relation to one of the councils in my electorate, the Tea Tree Gully council, we do not need this legislation because we already have a skateboard park in Tea Tree Gully; we already have a Linear Park in which people who wish to use in-line skates and skateboards are able to practise their hobby or sport or whatever you want to call it. Again, particularly in relation to one of my councils, I do not see the need for this legislation.

This leads me to the next point, that the electorate of Wright is extremely hilly. It covers the Golden Grove development, Salisbury East, and suburbs such as Fairview Park. All those suburbs in the Golden Grove development, and those in Fairview Park and Salisbury East, contain large, hilly areas which means that, if those councils were to allow the use of in-line skates or skateboards on those footpaths, the users of those skates would be able to move very quickly.

Members present tonight may laugh, but what I am about to say actually happened to me not the last weekend but the weekend before. I was driving down a slope in the North East Road, which I grant is not in my electorate, and the slope of the North East Road to which I am referring is just to the west of the old Tea Tree Gully township where the slope is nowhere near as great as the slope in many parts of my electorate. In my car I was doing a shade over 60 kilometres an hour and I was passed on the left-hand side by an in-line skater. That gives an idea of the speed that these young people are able to get up to on these skates.

If we give skaters the opportunity to move at that sort of speed on footpaths, surely disaster will occur. I cannot understand why we are legalising the use of in-line skates and skateboards on footpaths and not in bicycle lanes, because the mixture of in-line skates and skateboards with bicycles is much more logical than mixing in-line skates and skateboards with pedestrian traffic. However, this Bill, if it passes, specifically prohibits in-line skaters and skateboarders from using the most logical section of the roadway. In fact, taking it one step further, if it is considered logical to allow in-line skaters and skateboarders to utilise footpaths, it is just as logical (although I make clear that I certainly do not support it) to allow in-line skaters and skateboarders to go on to roads. I see no difference between the conflict between cars and skaters as between skaters and pedestrians.

Mr Atkinson interjecting:

Mr ASHENDEN: We can argue that, but I make the point—

Mr Atkinson interjecting:

Mr ASHENDEN: If it does allow it on roads, it simply makes it more dangerous for in-line skaters. I make clear that it is not the skaters *per se* to whom I am opposed. I am concerned about the danger they present to people legitimately using the footpath for its designed purpose. I am also concerned about the danger to the skaters themselves. I have talked about what could happen to a skater when a motorist reverses from his or her property. Similarly, if they are allowed on roads I can see danger there.

I have also had police officers contact me on a private basis. Despite the assurance of the Police Department that it supports the legislation, I have had many police officers speak to me individually as constituents, stating that they do not agree with this legislation and that they see huge problems ahead. Additionally, councils in my area have indicated that they oppose the legislation and do not want it. A district like mine is very much like a barometer whereby we tend to get contact from people in relation to anything the Government does or does not do because people realise that the seat is marginal and that therefore the affect of any Government legislation in that seat will be marked.

We tend to get a lot of phone calls and visits to the office. I can honestly say that I have had innumerable phone calls and many people coming to my office and people writing to me. Every contact made with me in relation to this legislation has opposed it. I have not had one contact in my electorate office asking for this legislation to be introduced. I come back

to the point that I do not find this easy, despite the interjections of the member opposite. I have thought long and hard about this, and it was not easy to stand up and be critical of a decision of the Government, of the Party of which I am a member, and to express that in the ultimate way. Based on the feedback I have had in my electorate office, in this instance, if I am to represent my electorate, I must put my electorate before the decision taken by my Party.

In view of the points I have made and the strong opposition I have found in my electorate, particularly from retired persons, senior citizens and young mothers, I believe the legislation should not proceed. I am concerned about the dangers not only to pedestrians using the footpath but also to in-line skaters and skateboarders, for the reasons I have already outlined. I am concerned that many people out there in South Australia are opposed to this legislation. Despite trying to rationalise in some way in my own mind the fact that New South Wales and Victoria have introduced legislation virtually identical to this, I cannot accept that it is what South Australians either need or want. For those reasons I oppose the Bill presently before the House.

Mrs GERAGHTY (Torrens): I will not take up much time this evening because most of what I wanted to say has already been said in this place. I am concerned about the Bill. Frankly there is little merit or commonsense to be found in the introduction of this Bill. It puts the elderly and young at risk. Many of those issues have been canvassed quite thoroughly by the member for Napier, so I will not go over them again. However, if the Minister expects that in-line skaters will obey—let alone understand—the code of conduct, she must think again. Footpaths are for the use of pedestrians and the roadway is for traffic and not for people using in-line skates. We have enough road fatalities now, and these sorts of activities on the roads will only increase the risk.

If the Minister does want to do something positive for people who wish to participate in this activity, she should pursue the option of creating proper recreation facilities where in-line skaters will not be at risk and, more importantly, will not place the public at risk. Local government does not want this and should not be responsible for policing and monitoring the proposals of this Bill. Many of my constituents have contacted me and expressed their concern. Parents do not want their children on the streets or on the footpaths where they may be responsible for injuries caused to others or possibly be financially responsible as a result of an accident. There are too many inherent problems with the Bill, and I and my constituents simply do not support it.

Mr LEGGETT (Hanson): I rise to voice my concern and to record the protests of many constituents in Hanson regarding the Road Traffic (Small-Wheeled Vehicles) Amendment Bill 1995. Whilst I have tremendous respect for Minister Laidlaw, I find that I cannot support this Bill. I do not believe that it satisfactorily addresses the concerns that councils and committees have in relation to injuries incurred by pedestrians and other road users as a result of accidents involving the use of small-wheeled vehicles such as rollerblades. Many of my constituents have contacted me personally concerning this Bill. Most people are elderly and a large percentage of them reside in retirement villages and homes for the aged.

Mr Becker interjecting:

Mr LEGGETT: I am sure that if the member for Peake would listen he would fit quite comfortably into an old age home. There are a number of concerns with this legislation, and unquestionably the key problem involves liability. Who will pay for the damage incurred, and who will ultimately be responsible for the injuries that undoubtedly will be received? I refer to the use of roller-blades by young teenagers. Sometimes young boys and girls on bikes can also be quite dangerous. I recall that roller-blades these days are more sophisticated than the type of machinery we had when I was a young person many years ago. It is interesting that a public road is defined as a carriageway for vehicles, as is the abutting footpath. Both have specific purposes—roads for the cars (and there are some dangerous and reckless people on them as well) and footpaths for pedestrians to walk on safely. It is the use of footpaths that has troubled and concerned many of the older residents in Hanson. The question they are asking is: who will accept the liability?

I am aware that rules have been laid down in this legislation that people on roller-blades have to keep to the left-hand side and honk when they go past someone and are not allowed to skate at night. There is no way in the world that some of these kids can move without going at one of two speeds: flat out or stop. I remember when I was a skier many years ago that it was impossible to impose rules and regulations on skiing on the slopes. On many occasions skiers were completely out of control. The Local Government Association is adamant that it requires full exemption from liability or at least minimum limited liability. I have in my electorate many constituents who are afraid to go out onto footpaths because they might be hurt. They are afraid to go shopping or for a walk with their spouse or grandchildren. Last week while walking in Linear Park near my own home I saw some near misses with roller-bladers belting along.

Mr Becker interjecting:

Mr LEGGETT: It is a bit of an imposition having the member for Peake sitting alongside me making comments. I have received many telephone calls, letters and personal visits from a significant number of older residents of my electorate asking me to vote against this proposed legislation. Only two days ago, a lady aged 81 years rang me. Some months ago she was knocked to the ground by a youth on roller-blades. Obviously, this was totally unintentional but, when this lady returned to the shopping centre for help, it was discovered that she had a broken arm and severe facial bruising together with severe shock. She still has ongoing problems with her shoulder that require physiotherapy. She informed me that no-one would take responsibility for the accident, that no-one wanted to know about it. In the end, she paid for all the costs incurred—and she is a pensioner. This lady has a partially deaf husband who has also had a series of near misses while walking along the footpath. There is a danger that one day he could be seriously injured or even killed. People might laugh at that, but it will take only one accident to cause the realisation that this legislation is potentially dangerous.

At the tender age of 50, I am still relatively fit, but following two recent bouts of major surgery I, too, am a bit wary on footpaths in my electorate whilst doorknocking.

Mr Atkinson interjecting:

Mr LEGGETT: The member for Spence says that he does not want any harm to come to me, because obviously that door knocking will be effective in the next 18 months or so. I myself might have to put on some roller-blades. I can identify with the concerns of my constituents. I believe that

we also have a potential problem with young mothers pushing prams, as mentioned, I think, by the member for Wright. The introduction of this legislation is a potential health hazard for mothers with young children. I realise that the following is a rarity, but one of my constituents called to say that she had been robbed by a youth on roller-blades, her bag having been snatched. Again, this was an elderly woman—it is mostly elderly men and women who have contacted me—and the skater was gone in a flash.

As the member for Spence said—and it is not often that he is very accurate—kids can skate at speeds of up to 40 km/h. That is the same speed that the member for Peake went when he was doorknocking prior to the last election.

Mr Becker: In his gopher machine.

Mr LEGGETT: In his gopher machine, as he quite rightly says. Tremendous damage can be done to both skater and pedestrian at that speed. Statistics show—and, again, the member for Spence is correct—that most skaters are aged between about 10 and 16 years. My concern is focused on youths as well. As a young teenager, I had more busters on a bike than I had hot dinners. I know what it is like to hit a fence or a car because of excessive speed on a bike with no brakes. Thankfully, we had no skateboards in the 1950s—I am referring to the 1950s not like the member for Peake who can remember the 1850s—otherwise I would have skinned more than just my knees.

Modern roller-bladers need convened areas for such activities. This can be done. They need special tracks where kids can go like a bat out of hell if they want to without risking the life and limb of themselves and others and where the activity is controlled to a certain degree. There is no provision for such activities, and our footpaths, roads and Linear Park footpaths are potential hazards and can be extremely dangerous because of kids whizzing past. Many young people going to school use bikes and observe legislated safety measures, for example, the wearing of a helmet. I have even seen the member for Spence, helmet on his head, straining on his two-wheeled bicycle, to which he has now graduated, over Bakewell Bridge on his way to this House. I have seen very few young people going to school—

Mr Becker interjecting:

Mr LEGGETT: I wonder whether someone could take the member for Peake outside: he has obviously drunk too much for dinner. I repeat: I have seen few young people going to school on roller-blades. I would like to see the member for Peake doing the same thing.

The SPEAKER: I suggest to the member for Peake that his interjections are completely out of order.

Mr LEGGETT: And he is out of his seat, too, Mr Speaker. I am sure that, if he fell over on his roller-blades, it would read about five or six on the Richter Scale. It is a purely recreational activity—as are the comments of the member for Peake tonight—with at present no helmet being required. It is proposed under this legislation that all roller-bladers will wear headgear, but I believe that this should be compulsory when roller-blades are used in designated areas also. These areas could easily be chosen by local councils, which would be only too pleased to designate areas. The West Torrens council, which is a very helpful council in my area and dominates most of my electorate, would be only too pleased to designate areas in which these kids could let off steam. Whilst I appreciate the work done by the Minister—I think that as Minister she has done an outstanding job—I cannot support this proposed Bill in its present form.

Ms WHITE (Taylor): I oppose this Bill. In doing so, I wish to put on record the views of many of my constituents. I oppose this Bill on behalf of my constituents whose views are represented by those members of the Taylor constituency who have approached my office. Most of the arguments for and against this Bill have been put, and I do not wish to repeat them, but my major concern involves the issue of safety not only for pedestrians but for users of small-wheeled vehicles and motorists who, under this Bill, will have to contend with those small-wheeled vehicles. The Bill has two silly aspects. The first silly aspect involves the clause which provides that a rider must not ride on a designated road or part of a road. It indicates that, in order for councils to prohibit use on any area, they must specifically rule out that area. I believe that this is the wrong approach, that councils should have the power to rule in areas specifically for small-wheeled vehicle users.

My electorate crosses five council boundaries. The bulk of the population of the electorate of Taylor lives in the Salisbury council area. The Salisbury council is concerned with providing facilities for youth in the area. Currently, it has set aside, or is in the process of setting aside, areas not only for BMX bikes but also for small-wheeled vehicles. This is a responsible thing for councils to do, and I think the Government should encourage this sort of activity rather than adopt the approach it has chosen by way of this Bill.

The other aspect that I think is silly is that clause which provides that it is the responsibility of small-wheeled vehicle users to indicate to a pedestrian when passing. Members would be aware that some users of these skates, skateboards and in-line skates are already in the habit of communicating their passing—although the words they currently use before they send someone flying might not be quite as polite as the Transport Minister has in mind. This Bill has some silly aspects about it. In its current form I cannot support it and, similarly, I urge all members to oppose this Bill.

Mr Atkinson interjecting:

Mr SCALZI (Hartley): I thank the member for Spence for those comments. I have some difficulty with this legislation as well. I will not speak at length, because many of the points I wish to make have already been put forward. I do not agree with Opposition members who said that this Bill is silly, that there has not been sufficient consultation, and so on. As a Government member who has had the opportunity on many occasions to discuss the Bill, I have had the opportunity to put forward my constituents' concerns. The Minister has done her best to address those concerns. Legislation in New South Wales, Victoria and Queensland has been passed, without the great opposition that members opposite have alleged. It is with that intent that the Minister has proposed this legislation. In other words, her intentions are to address the fact that changes have taken place and that small-wheeled skateboards, and so on, are available to our young people.

Obviously, there is a need to look into this area and to address the problem of how to best meet those needs whilst at the same time, for example, allaying the fears of the elderly and council members in my area. The Minister has done her utmost to try to address that problem. No doubt many members on this side would have before them much correspondence that would allay those fears. I thank the Minister for that correspondence, for taking seriously the concerns I have expressed on behalf of my constituents and for putting forward amendments to try to deal with that problem.

The difficulty with this legislation is that it is across the board. Not all council areas have similar footpaths and problems, and the demographics of various areas are quite different. For example, in my area I have had representations from Lutheran Homes, the Payneham council and, indeed, from some Campbelltown members who generally have a problem with this type of legislation. I do not have the great fear some members have expressed—the exaggeration that somehow an army of young people will terrorise the neighbourhood, run into old people, and so on. Nevertheless, there is the possibility of some injury and of people being hurt, and the good intentions of this legislation might not always be realised in every case. For those reasons, I have reservations about supporting this Bill. On behalf of my constituents, I have difficulty supporting the legislation as it is. Nevertheless, I acknowledge the work that has gone into this Bill, and the great discussions in the other place would vouch for the seriousness of the concerns that people have expressed in this area. On behalf of my constituents, I indicate that, at this stage, the Bill does not fully address those concerns.

The Hon. M.D. RANN (Leader of the Opposition): I am certainly very encouraged by the debate so far, including contributions from members opposite. It is good to see members on both sides of the House putting first and foremost the needs of their constituents, which is why we have been elected to Parliament. I am very concerned about this Bill. Quite frankly, the Bill is wrong and deserves to be thrown out. Already, elderly people and people with disabilities are frightened, and parents, particularly mothers with young children, are frightened. This Bill amends the Road Traffic Act to lift the ban on skating on footpaths and roads. Certainly, I agree with the member for Spence that under the Bill the Adelaide metropolitan area could become a forest of metal poles announcing the exclusion of skaters on our footpaths and roads etc. The fact is that skaters can reach speeds of up to 40 km/h, and they can go faster downhill. Skateboards and roller-blades do not have brakes.

Mr Caudell interjecting:

The Hon. M.D. RANN: The honourable member is talking from behind, saying that cars can go up to 300 km/h. Is that the Liberal vision for the Southern Expressway? How ridiculous! The fact is that most skaters are under the age of 16 years, and most skating related injuries are caused by 10 to 14 year olds. No skater will be required to be insured for damage to themselves or to others. They are a risk to pedestrians. There is a high-speed risk to themselves when cars are backing out of driveways. How will a motorist be able to see over his or her shoulder through a six foot high corrugated iron fence and see someone heading towards them at 40 km/h? To those members and to the Minister who believes that the grand plan will not result in injury, let me say this: I know a woman in her sixties whose whole life is clouded with pain after she was hit on the knee by a skateboarder, who went airborne. That shattered her kneecap. She is now permanently using a stick, and she had months in and out of hospitals. Her whole life has been detrimentally changed on the basis of an injury. Some members seem to think that is funny. The member for Elder seems to think that is funny. Let him go to the nursing homes in his electorate, to the parents and to the councils and tell them of his amusement. A lady I know has had her life ruined by a skateboarding constituent. The skateboarder did not stop.

The SPEAKER: Order! There is a point of order.

Mr WADE: I rise on a point of order, Mr Speaker. The honourable member indicated that I was smiling during the debate, when I was not. That is misrepresentation. He is imputing improper motives to me. I seek an apology.

The SPEAKER: Order! I gather, from what the member for Elder has said, he is indicating that the Leader of the Opposition has imputed an improper motive. I did not hear the comment. If the Leader of the Opposition imputed an improper motive, would he care to retract it?

The Hon. M.D. RANN: I will not retract it not because I am being defiant of the Chair but simply because I was talking about a personal elderly friend who was injured by a skateboarder, and the member opposite was laughing while I was talking, which I found offensive.

Mr WADE: I rise on a point of order, Mr Speaker. Again the honourable member opposite has indicated improper motives on my part. At that time, no smiling came from my person at all.

The SPEAKER: As the Chair is having some difficulty hearing, I am not in a position to rule on the matter. I suggest to the member for Elder that if he is unhappy about anything he has the opportunity to participate in this debate and he can use that opportunity to refute any comments which he finds offensive or with which he is unhappy. The honourable Leader of the Opposition.

The Hon. M.D. RANN: Thank you, Sir. Indeed, one day my son and I were leaving my electorate office in Commercial Road, Salisbury, and walking down Commercial Road when suddenly someone whom I could not hear because of traffic noise—and who I must say seemed older than 16—came behind me at high speed and I was whacked on the back of the head. I believe that this Bill will result in injuries and disabilities; it will result in elderly people being hurt; it will result in elderly people being shaken; and it will result in elderly people being frightened and perhaps, as was the case with my friend, permanently maimed. Hopefully it will not, but it may also result in the deaths of young people as a result of collisions with motor vehicles. This Bill quite simply is wrong.

The Minister for Transport in the Upper House basically has shown that she does not understand the concerns being raised and that she is not in touch with the needs of the people in the community. All she has to do is talk to decent honest citizens to find out what they are telling the rest of us about this Bill. This Bill is wrong; it has not been thought out; and it is dangerous. People will be hurt, and people may be killed. A whole range of other legal ramifications involving insurance and liability have not been addressed properly. There will be kids hit by motor vehicles; there will be elderly people hit by skateboarders and roller-bladers on footpaths. We will see shattered lives. Of course, we have from the Minister some kind of code of conduct which contains provisions such as keep left when skating, overtake on the right-hand side, always advise those you are overtaking or passing, give way to pedestrians at all times, skate in single file and learn how to skate in a quiet area before using high activity areas. Anyone who lives in the suburbs knows that this code of conduct is a joke and will be observed in the breach, as the member for Spence has said.

There will be huge confusion in terms of liability and in terms of the police knowing which street or road in which council area has the markings up to show it is a skateboarding area. The kids will not know whether or not they are in a designated area or a designated municipality. We will see massive confusion, resulting in real hurt. Unlike the Minister

for Transport and her coterie from the Liberal Party that she has appointed to Public Service positions, I represent an area of young people—it is one of the youngest electorates in the State—and not one single parent or kid has asked me to come into the Parliament and support this legislation. However, parents, the elderly and the people who care about the elderly have come to me and said, 'Please, Mr Rann, don't let this Bill pass.' My plea is for all members in this Chamber to forget the Minister for Transport's reputation and actually vote tonight on the basis of their conscience and in terms of the needs of their constituents. This Bill is wrong: chuck it out!

Mr CONDOUS (Colton): I understand the Minister's concern in trying to pass this legislation, taking into account the line of responsibility that has been adopted by the Parliaments of New South Wales, Queensland and Victoria. However, I do not believe that we should take into account what happens interstate when considering any legislation in this Parliament. We must treat South Australia as an individual State and must take into account the needs of the people we represent. In relation to this Bill, the most important factor is that we represent those people who have had the decency to come and tell us about their concerns. In my area alone there are three very large retirement villages—the Adelaide Co-op Retirement Village on Frederick Road, the Saint Hilarion Centre at the Reedbeds and the large Fulham Retirement Village at the corner of Tapleys Hill and Henley Beach Roads, which has somewhere between 250 and 300 residents. In fact, that village had a meeting at which it was voted unanimously to oppose the support of in-line skating because of the danger that it would pose to the elderly who at some stage during the course of the day, as their daily exercise, often take a walk around the streets of Colton, particularly along Henley Beach Road to and from where the old viaduct used to be.

Another concern raised has been from mothers who have young children in prams or pre-school kiddies of only three to four years of age who tend to walk along with their mothers on the footpath. Another problem has arisen within my electorate to which I referred in my last newsletter, and that is the number of my constituents who have three or four cars and who, instead of parking them all within their boundary, leave the last one half in their driveway and half on the footpath. Of course, the elderly people—especially those in electric wheelchairs—then have to manoeuvre down onto the road in some way and come back up again onto the footpath. These are all problems that face the elderly in our areas and, as members of Parliament, we have a responsibility to ensure that they can use footpaths to be able to manoeuvre and move around the electorate without any danger at all.

Are we going to turn our footpaths into bowling alleys where kids line them up and say, 'I'm not going to hit them, but I'll see how good my judgment is' and they miss them by about an inch when they pass them? To whom are we going to give the responsibility for this? Local government does not want to accept the responsibility of insurance, and we do not want to do anything about it, so all of sudden you are saying to the community—especially those who are not able to manoeuvre quickly—'If you happen to get knocked over when using the footpath and you break a hip bone and need hospital treatment, no-one is going to accept any financial responsibility, so let's hope you have put a few dollars aside so that you can pay those medical costs.' Believe me, I have seen it before. During my time as Lord Mayor I have come

out of the town hall and on many occasions incidents involving mainly bicycles—

An honourable member interjecting:

Mr CONDOUS: People were bowled over out the front, in King William Street. You can laugh about it, but I saw an elderly lady knocked over one day. Luckily, she took the brunt of the fall on her hip and back but she hit the back of her head, which cracked open and she needed medical attention. The person who hit her could not have given two hoots; he continued on his merry way. He just left her there for other citizens to pick her up and get her into an ambulance, which took her to the Royal Adelaide Hospital for the care she needed.

We all have insurance: we insure our homes and cars and we take out medical insurance. However, that does not mean that, because we have taken out house insurance, for example, we want to see our houses burnt down simply to get a bit of value back for the money we are paying in insurance. We pay for this as a form of cover. My local council has said to me, 'We don't want to have the responsibility of designating our areas, because we don't want any of it to be designated at all for in-line skating. We don't want the responsibility of taking out insurance to cover ourselves.'

There is a need to protect the people who use our footpaths, and allowing in-line skating and skateboards to be used on those footpaths is not the way to achieve this. Before members decide to vote tonight, I urge them to think of one thing: if they support this legislation and something tragic happens—as has happened in New South Wales where there has been a fatality—will they be willing to accept responsibility and say at a later date, 'I supported it and I really must accept some form of responsibility for the death or injury of that person'?

Members interjecting:

Mr CONDOUS: That is right, and if anyone decides to support it—

The Hon. FRANK BLEVINS: I rise on a point of order, Mr Acting Speaker. The member for Colton has just been accused of being the biggest hypocrite that the member for Mitchell has ever met. I know that the member for Colton has a thick skin; I do not, and I take great offence to that.

The ACTING SPEAKER (Mr Bass): There is no point of order.

Mr CONDOUS: I conclude by saying one thing: if members support this Bill and in, say, three or six months time somebody is injured or there is a death, members are partly responsible because they supported this measure and therefore have to accept responsibility. I will not place that responsibility in my hands. I will do exactly what my electorate has asked me to do and oppose the Bill and thus protect my constituents from in-line skating and skateboards, and that is what I urge everybody to do.

Mr CLARKE (Deputy Leader of the Opposition): I rise to oppose the legislation for a number of reasons. Many of those reasons have already been referred to by various members of Parliament, particularly a number of Liberal members and, of course, the lead speaker for the Opposition. I do not want to unnecessarily labour the point by repeating all that has been said, but this is an unusual day—a great day in many respects—because never before in my brief history of 18 months association with this Parliament have I witnessed the introduction of such an asinine piece of legislation into this House. Only in the Legislative Council could such a piece of legislation be given birth to and carried compared

with the House of Assembly. There are a number of other major events surrounding today, not the least of which is my own daughter's fourteenth birthday. She is now eligible and has become a member of the Australian Labor Party and a member of her father's sub-branch. So I trust that she will vote for me in any preselection ballot that may occur in the future.

Ms White interjecting:

Mr CLARKE: That is why I let her off school work tonight; that is exactly right. Every member who has spoken to this Bill in this House at least deals face to face with real constituents. That is the difference between this House and another place, because only in the other place could a Minister have conceived such a stupid piece of legislation. Not one member of the public has asked for it. If they were knocking at our front doors, then we, as representatives of the people in our 47 electorate offices, would have been contacted more than adequately by people expressing this huge surge of support for allowing people to go skateboarding and in-line roller-skating down our public footpaths. It is only in another place where the Democrats (those great tree huggers, those who seek to court 4 per cent of the popular vote) could support such a stupid piece of legislation put forward by the Minister for Transport.

I can almost forgive the Minister for Transport for her stupidity in introducing this legislation because she is a member of the other place and the last time they met a real constituent was around 1915. There is a photograph on the wall of Parliament House which indicates the last time a constituent bumbled and blundered into the other place to try to find a Legislative Councillor. What I find absolutely incredible is that members of Cabinet in this House were silly enough to support the Minister for Transport's legislation in this area. Fortunately, members of the Labor Party in that other place are in touch with their constituents and hence their strong opposition to the Bill.

The point is that the obligation is on councils to signpost the areas where skateboarding or in-line roller-skating is to be prohibited. As the member for Spence pointed out, there will be an absolute forest of steel poles erected on every footpath by councils stating that skate-boarding and/or roller-blading is prohibited, rather than the more sensible suggestion put forward in another place by the Australian Labor Party; that is, if councils want to allow skateboarding or in-line roller-blading to take place, then they should designate that that type of activity is legalised or within council by-laws. I am not sure what it will cost councils to erect these posts, but they are expensive, particularly for the very large councils. Of course, they will be vandalised or some small lane or back street will be forgotten to be signposted, an accident will occur and the council will be sued.

Not one council that is a member of the Local Government Association supports this absolutely stupid piece of legislation. How on earth the Minister for Transport conceived this idea, or her bureaucrats conceived the idea, absolutely astounds me, but I am even less forgiving with respect to the 10 members of Cabinet who reside in this House and deal with constituent problems like the rest of us. How they could have fallen for the three card trick is absolutely beyond me and leaves me somewhat with trepidation regarding the conduct of the Government of this State as a whole. I thank those members of the Liberal Party who have spoken in this House against the legislation. It is not an easy thing for members to stand up and oppose the legislation of their own

Government, and hence I commend them for their courage in sticking up for their constituents.

This issue is non-Party-political because the reality of it is that we as members of the House of Assembly deal with constituents on a day-to-day basis. We are the ones who are in touch on a constant basis with the needs and wants of our constituents. We know that there is no demand out there by our constituents, whether they be youthful, adult or senior citizens, to allow this legislation to pass. I commend the members concerned for their courage in standing firm and I trust that they will carry out their undertakings to vote against this legislation when a vote is finally taken. Rather than put them in a bad light by voting against their own Government, I am sure their constituents, the Local Government Association and their councillors will applaud them for standing up for what basically is commonsense. The issue is not a Party-political one. It is about what makes good, plain commonsense in relation to what the average citizen in the street wants. A constituent of mine who is technically blind approached me last week about this issue. He was almost run down only a couple of weeks ago by a skateboarder. Let me assure you, Mr Acting Speaker—

Mr Caudell interjecting:

Mr CLARKE:—and the member for Mitchell, who is so flippant about this issue, that the young person who almost ran into my constituent from the back did not call out the word 'passing' as he proceeded to hurtle down the footpath and just about skittled this middle-aged, technically blind person. When the man yelled out at the young lad as he passed him by, saying, 'What the hell do you think you are doing?' the response was not 'I am dreadfully sorry, Mr Citizen, I should have called out the word "passing" on the way through.' Instead, the little thug gave him a mouthful of abuse and told him to mind his own business as he continued to career down the street.

Mr Caudell interjecting:

Mr CLARKE: I am sure that the little thug came from the member for Mitchell's area. He certainly would not be a resident of my electorate. It shows what every one of us, as members in touch with our constituents, knows—that this piece of legislation will not work and is an opportunity for people to go about on their skateboards and in-line roller-blades careering into ordinary citizens, young mums with their kids in tow or elderly citizens, in particular, who are not agile enough to get out of the way.

I say again to the House: how such an asinine piece of legislation saw the light of day in any Minister's department beggars the imagination. How Cabinet in its collective stupidity allowed the Minister for Transport to pursue this legislation again beggars the imagination and fills me with dread about the conduct of business in the rest of the State. I support those Liberal members of Parliament who are opposed to this legislation. I commend them for it and I encourage them to stand firm. If they do and if there are sufficient of them to defeat this legislation, they will only bring credit upon themselves and, whilst there may be some temporary embarrassment for their own Government, they know that they will have saved the Government from its own stupidity.

Quite frankly, if we were Party political about this matter, we could make a few perfunctory comments in opposition to this legislation and hope that it passes because, every day of every week between now and the next election, as a skateboarder or an in-line roller-blader scoots down a street and bowls over an old lady, a young mum or a young child, that

would be a harvest of votes for the Australian Labor Party, because we would constantly remind the electorate of the stupidity of this Government. Because we are concerned about the interests of South Australians, we put their interests before Party politics.

Members interjecting:

The ACTING SPEAKER: Order! The Minister and the member for Mitchell are out of order.

Mr CLARKE: I urge all members to reject this legislation because it could be a bipartisan decision in which no Party politics is played so that bad legislation does not come into law.

Mr BECKER (Peake): The Deputy Leader of the Opposition is starting to become a bore. When I first came into this Chamber, the member for Ross Smith was the late Jack Jennings, who was a brilliant orator. As a matter of fact, he was a brilliant politician and was destined to become the Leader of the Labor Party, except that he bumped up against a person by the name of Don Dunstan and it was very close as to who in those days was the better politician. I would say that it was Jack Jennings. Unfortunately, the present member for Ross Smith will never match the debating skills or the ability of the late Jack Jennings. His speech tonight was another boring, continuous repetition of a very small argument.

To denigrate another place is against Standing Orders. The honourable member accused members of the Government in another place of sheer stupidity, and to say that members of the Legislative Council have not spoken to a constituent since 1915 is totally untrue, because the Minister for Transport is well represented in the electorate. She meets with people all over the metropolitan area and the country, and that is something that several members of the Labor Party in the Legislative Council cannot say because I doubt whether some of them know where Gepps Cross is or have even been past it. Let us get down to the nitty-gritty. I hope that the Deputy Leader of the Opposition writes to his colleague in Queensland and says how stupid they were to bring in this legislation two years ago.

Mr Atkinson: You are wrong about the Queensland legislation.

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

Mr Atkinson: Read out the Queensland legislation.

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

Mr BECKER: There is legislation in Victoria, New South Wales and Queensland. The legislation was brought into South Australia to overcome a problem and to look at the rights of young people. The member for Spence knows very well that everyone in this community has rights, and that includes young people. I defy the member for Spence to say to the young people in this State, 'You have no rights.' I defy him to do that; in fact, I challenge him to do that. If the member for Spence is ever to have a political career or a political future, he had better start thinking about the young people in this State. This legislation tries to accommodate young people who want to ride on roller-skates, skateboards or whatever. Roller-skates have been around longer than I have, and I have been on this earth for 60 years. People have been riding pushbikes and scooters—

An honourable member: Penny farthings!

Mr BECKER: They have been riding anything that has wheels. If one looks at the legislation and at what the

Minister is doing, one realises that designated areas are the responsibility of local government. However, for the benefit of the member for Spence, I shall read into *Hansard* a letter from the Minister for Transport dated today and addressed to John Dyer, President of the Local Government Association.

Mr Caudell: It is a 'Dear John' letter!

Mr BECKER: Yes, it is. The letter, which is about small-wheeled vehicles, states:

I refer to the facsimile from the Secretary-General on 19 July and your letter to members of Parliament on 24 July regarding the Road Traffic (Small-Wheeled Vehicles) Amendment Bill now before the House of Assembly. I appreciate from earlier discussions that the Local Government Association (LGA) considers councils should bear no liability—but, in the spirit of compromise, the LGA is prepared to accept a form of limited liability. The Government does not accept that, if a council creates a hazard (misfeasance), it should be exempt from liability. We consider, however, that in respect to small-wheeled vehicles only, a case can be developed to provide for limited liability.

I moved such an amendment, which passed the Legislative Council, on 18 July. This amendment allows councils and other road authorities to continue to do what they currently do in terms of the design, construction, maintenance or management of roads, including footpaths. In other words, the precautions currently taken to protect pedestrians, cyclists and motorists will be sufficient in relation to riders of small-wheeled vehicles. Consequently, a rider of a small-wheeled vehicle who is injured in an accident on a footpath or road will have a right of action against the road authority only if the accident resulted from a failure to take precautions required for the protection of a class of road users (pedestrians, etc.) apart from riders of small-wheeled vehicles.

My amendment does not affect the 'misfeasance/non-feasance' rule to the extent that the courts continue to apply the rule in relation to the negligence liability of a road authority. I understand that LGA now seeks a minor amendment to the limited liability provision on the basis that it would offer fewer discrepancies in interpretation. My advice is that your proposed new wording offers 'little practical point'. However, following a discussion with Mr Des Mundy earlier today, the Government has agreed to accept the LGA's proposed wording—and an amendment will be moved to this effect in the House of Assembly later today.

In relation to your concerns about injuries incurred by pedestrians and other road users of small-wheeled vehicles, I confirm again that the legal liability is exactly the same as currently exists for pedestrians and cyclists. The legal redress is through the judicial system. Of course, as with pedestrians and cyclists, many small-wheeled vehicle users will be covered by public liability in existing household or family insurance policies. And specific insurance policies are available.

Also, I take the opportunity to repeat that from the outset the legislation has provided councils with sufficient flexibility and powers to declare, by regulation, stencils on footpaths or through signposting, areas deemed unsuitable for small-wheeled vehicle use. I understand that in New South Wales, Victoria and Queensland where the same legislation has been in force for a number of years councils generally have opted to declare such areas by regulation, thus avoiding both the costs and unsightliness of signs.

Yours sincerely, Diana Laidlaw MLC, Minister for Transport, 25 July 1995.

Nobody likes to see the elderly threatened as they use our footpaths and/or roads. It is acknowledged that some people do suffer from sight impairment or hearing impairment, and that some have both disabilities—and that is most unfortunate and regrettable.

We have just had two weeks of school holidays, and in front of my office on Henley Beach Road the other day an elderly lady was riding her gopher on the footpath in one direction and a young boy was coming along the other way on his skateboard. I could see a confrontation coming, as the two were travelling along the footpath. However, the young boy pulled up, got out the way and quite politely smiled at the elderly lady and let her through. I will not have it said in this House that all young people are not good citizens. I will not

have their name and reputation reflected upon, as was done by the Deputy Leader.

The Minister is doing her best to assist everybody in respect of the use and the right of the law. The Minister must be congratulated for having the courage, decency and foresight to do something for the youth of this country. The Minister deserves all the support that we can give her to resolve a situation that the previous cowardly Labor Government—that incompetent Administration—would not and could not attend to. I totally support the legislation.

Ms STEVENS (Elizabeth): Of all the speakers who have spoken on this Bill, only one—the member for Peake—has spoken in favour of it if we do not count the Minister who introduced the Bill without speaking to it. As I have listened to the debate I have picked up on some of the comments in the speeches which have preceded me. The member for Kaurua put it interestingly: she said that it was like killing an ant with a sledgehammer. The member for Taylor said that it was a silly Bill, and went into detail explaining its silly aspects. The member for Spence talked about the forest of posts that would have to be erected throughout council areas as local government tried to inform people about this law.

Essentially, when this ridiculous Bill is passed, we will load its responsibility on to local government, which will then have the responsibility of implementing the legislation. We have a totally ridiculous situation in front of us. The issues in relation to the Bill have been explored by most speakers, but I agree that the safety angle is the biggest point of all. In my view, any shared-use zone is fraught with difficulty. I can speak from my experience when I have walked along the Torrens River Linear Park pathway, which is shared by cyclists. Even though most of the cyclists ring their bell and give a warning, it is quite unnerving as you walk along, knowing that at any moment a cyclist could come from behind with neither of you knowing which way to move. There have been near misses. You see this sort of thing repeated in all shared-use zones. So, it is fraught with difficulty, and this issue will be no different.

We have the needs of many different groups trying to be accommodated in the one area, and it will not work. Like many other members, I also have been contacted by a great number of constituents, not only elderly constituents but also constituents of other ages, who say that this is a bad Bill, that it will lead to people being cleaned up on the roads, people being afraid to venture out and so on—and I understand what they are talking about. That is the main issue, and I think it is such an overwhelming issue that the Bill should not be passed.

The other issue that has been mentioned relates to liability—who picks up the tab for injuries that are caused? Finally, there is the issue that I mentioned a little while ago—that we pass the Bill and local government has the responsibility for it. I know that people on the Elizabeth council have been overwhelmed by call after call from people about this Bill. Essentially, I do not think it has any redeeming features. I believe that it would be more useful if the Minister and her department put their energy into working together with local government to provide specifically designated areas for young people to use their roller-blades.

Young people do have rights: they have the right to enjoy that sport and activity and to enjoy it safely, as other people have the right to be able to walk down the footpath, drive along roads, ride bikes along roads, and so on. Let us put our energies into constructing, throughout our community, safe

areas where young people can enjoy these activities; but let us keep footpaths for people who are walking, let us keep roads for cars and, where possible, let us have bikes on bicycle tracks. Let us have a safer community. I oppose the Bill.

Mr FOLEY (Hart): I oppose the Bill and from the outset I say, 'What a silly Bill'. As my colleague the member for Spence said so eloquently on radio the other day, amendments such as this could only have come from another place and could only have come from a Minister in another place. Fancy putting into legislation an amendment that says that some young person, belting along at 40 km/h on the footpath in my electorate of Semaphore along which some poor elderly couple are walking, has to yell out, 'Passing!' The poor elderly people would die of fright from the yelling of the word, let alone the incident involving the roller-skates or roller-blades. It is a silly Bill and a silly amendment by an arrogant Government. What greater example of a Government that is losing touch with what the electorate wants than this Bill?

It is yet again another sign of this Government's arrogance and it is such a telling sign that there are so many members on Government benches who realise the arrogance, the appalling nature of this Bill and the silliness of it that they are prepared to cross the floor. No other Bill in the life of this Government has created the reaction that has this one from Government members. Those members know full well that this is not what their electorate wants. The member for Kaurna mentioned a survey. I too did a survey of every constituent in my electorate. In my newsletter, on the front page of the *Hart Community News*, issue No. 3, the spring 1995 edition—an extremely widely read journal in my electorate and put out by me—I asked whether the electorate wants me, as its local member, to support such a Bill in this Parliament, and 78 per cent of all respondents said that I should not support this Bill. The other 22 per cent were under the voting age. They were keen to see it, but 78 per cent of the large number of respondents wanted me to oppose this Bill. With that, I am opposing it.

The member for Mawson in his local paper said that he will be opposing the Bill and he will have the opportunity tonight to back up his public comments in his local paper. Let us not forget that the member for Mawson, in wanting to be seen to be supporting his electors, said in his local newspaper that he will cross the floor on this Bill. The challenge is there to the member for Mawson and, having made that statement publicly in his local paper, he has no choice but to follow through.

My electorate said that this is a dangerous Bill and a dangerous precedent for the Government to be setting, because the streets of Semaphore in the electorate of Hart are safe because they have good footpaths. I am not about to be party to any Bill that will result in danger on the footpaths in my electorate. I say to local government councils that they have the absolute obligation to provide suitable facilities for the young people of my electorate to put on their roller-blades, take their skateboards and have a good recreational facility. That is it—a recreational facility. We do not give our young people a mode of transport by putting roller-blades on their feet and legalising the use of footpaths. It is too dangerous and I will not support it. I was a good skateboard rider of some note in my area. We had to go to Regency Park or some other area where there were public facilities. We would not have thought—maybe we did once or twice—

about using a footpath or such a public place. I see no need for this Bill or law and urge all Government members to think through the issue carefully.

Mr Quirke interjecting:

Mr FOLEY: I have highlighted a couple tonight. The member for Colton grows in stature and integrity as far as I am concerned, because he is one member who, when he says something, follows it through. I am prepared to forget the other time that he did not. I am prepared to forget the 50 000 signatures, because on this issue he went wider than that and went on Channel 7, before about 250 000 people. We all learn in this job and the member for Colton is obviously not a slow learner. He has been prepared to stick out his neck, as have the members for Florey and Kaurna. I see in the gallery the Minister for Transport. I have supported the Minister for Transport on many issues but, unfortunately, on this one my support cannot be forthcoming. I take members back to my earlier comments that, in the widely read spring edition of this year—

The Hon. S.J. Baker interjecting:

Mr FOLEY: No, last spring. In that edition I asked a question. My office for weeks was inundated with calls from concerned people, and not just from the elderly. Some young people did not think it right that they be given free access to our State's footpaths and sidewalks. About 78 per cent of all respondents said that we should not have it and the 22 per cent who said that we should were under the voting age, so their views were not as relevant as the other 78 per cent. It is a silly law with a silly amendment and my colleague the shadow Minister for Transport is 100 per cent correct when he stands in this place and puts the Opposition's position, perhaps in more detailed form than I have tonight.

I am pleased to join with the Opposition and with so many of the Government backbenchers who have seen the political damage that they might suffer should they support this—members who have the courage, stature and ability to know that, when something is wrong in this Government, they are prepared to stand up and be counted. I look forward to its happening again in future, because it is an important sign that, with this Government's arrogance and lack of touch with the grassroots issues of this community, there are enough members opposite who want to bring down this Government a peg or two. The Government is showing signs of extreme arrogance early in the piece, but the leadership of the Government can be thankful that they have some members like the members for Colton, Florey, Kaurna, Mawson, Hartley and Lee, and perhaps the member for Wright, who I know is not a big supporter of this Bill. These members can perhaps bring a bit of the common touch back to the Government so that we do not see introduced a dangerous law and one that my community has made clear to me as local member it does not want and will not accept my voting for.

I am here tonight putting forward the views of the electors and constituents of Hart. On this issue the Minister for Transport has made a grave error. She should go back to the drawing board and look at another approach. I am pleased to stand with so many members in this place tonight in opposing this Bill.

Debate adjourned.

**INDUSTRIAL AND EMPLOYEE RELATIONS
(MISCELLANEOUS PROVISIONS) AMENDMENT
BILL**

The Legislative Council intimated that it had agreed to the recommendations of the conference.

SOUTH AUSTRALIAN HEALTH SERVICES BILL

The Legislative Council intimated that it insisted on its amendments to which the House of Assembly had disagreed. Consideration in Committee.

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

That the House of Assembly insist on its disagreement to the Legislative Council's amendments.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs Armitage and Caudell, Ms Stevens, Mr Wade and Ms White.

**ROAD TRAFFIC (SMALL-WHEELED VEHICLES)
AMENDMENT BILL**

Second reading debate resumed.

Mr MEIER (Goyder): I support this legislation. It has been interesting to hear the debate, particularly the contribution of members opposite, who have carried on in their usual way, criticising anything that the Government does. That is very disappointing. Despite their Leader's request some 18 months ago to show bipartisan support in as many areas as possible, wherever possible they seek to ignore that. In fact, in the past few days, we have seen the classic case in respect of the new marketing program for South Australia, but tonight we are debating about the small-wheeled vehicles legislation. It is disappointing to hear members opposite knock, knock, knock all the time. They are so envious of the way in which this Government has taken up the challenges which faced it when it came into office. They do not like the way this Government is facing those challenges. They were never able to take tough decisions—this Government is—and members opposite seek to knock it all the time.

It is important to note that this legislation is not unprecedented. As has been pointed out by other members, similar legislation has been working well in New South Wales and other eastern States since 1991. It is not as though we are trail-blazing with new legislation. Clarification of the law regarding roller-blades and skateboards has been prompted by the police and the courts, but members opposite do not want to assist the police. Of course, they will take up their case when it suits them—

Mr Clarke interjecting:

Mr MEIER: You didn't want to hear about the 135 extra police that we have put on the beat or the fact that we are bringing down the rate of crime in this State: that doesn't interest you at all. You just want to take up some political objective that suits you to try to gain some political momentum out of it, but it has not worked. The polls show that the popularity of the Leader of the Opposition is at a record low and that the Labor Party is a total disaster in this State—in fact, it is completely on the nose. It is a pity that members opposite do not take the opportunity to read this legislation and seek to support the material that has been called for by the police and the courts.

It is quite clear that until the law is clarified the police will not act on in-line skaters. We heard several examples from the Opposition of people unfortunately being hurt by in-line skaters. I sympathise fully with those people who have been hurt. Having walked from Parliament House to Rundle Mall on occasion and sometimes along North Terrace, I understand that in-line skaters are a danger to the community. There is no question about that. But what right do the police have to take any action? They have no right at all. No-one can do anything at present, and the Opposition says that it is happy to continue supporting that. Members opposite are quite happy if someone is knocked down; they do not care if an injury occurs; they do not care if the police cannot prosecute. That is a tragedy. They ought to take a responsible attitude and at least look at the legislation and see where we are going.

South Australia is the only State to provide local government with protection from liability. We cannot pretend that in-line skates and skateboards do not exist. This issue must be addressed, and it is a pity that the Opposition did not address some of these issues earlier. I would like to pursue some of the reasons for the need for this legislation. First, increased use of in-line skates, skateboards and roller-blades has obviously necessitated clarification of the current legislation. Ironically, this was first recognised by the former Labor Government.

Members interjecting:

The SPEAKER: Order!

Mr MEIER: Members opposite now seek to deny that, but in fact it was first recognised by the former Labor Government that the police could not take action. It knew there were problems. In fact, it convened a working group in the year before it was so rightfully defeated.

Mr Atkinson interjecting:

Mr MEIER: This is incredible. In other words, the honourable member is quite happy to see people knocked down and for this Government not to take any action to correct the situation. That reflects even more on the previous Government, which bankrupted this State. Now members opposite are quite happy to see people injured. I think it is a disgrace: I cannot believe the attitude coming from members opposite.

Members would be aware that the Road Traffic Act currently bans the use of these devices on the carriageway of public roads while vehicles are banned on public footpaths. Crown Law advice is that small-wheeled vehicles are not defined as either vehicles or pedestrians under the Road Traffic Act. Therefore, the legal situation regarding their use is not clear. As I indicated earlier in my preamble, the police are reluctant to prosecute because of the uncertainty of the legislation. I am sure that the member for Florey would fully appreciate that the police have been embarrassed on occasions because often they have brought someone to court and sought prosecution but, because the law does not specify one way or another, the case has been thrown out of court.

Mr Atkinson interjecting:

Mr MEIER: I thought that the member for Spence had some sort of an education—in fact, from time to time I have given him credit for his education—but obviously he is out of his depth in respect of this issue. That is a great shame. Perhaps he ought to go back to his Barton Road issue which might be more in his area. There is clear consensus among older persons, the police and other user groups who are represented on the working party convened by the present

Minister for Transport in February this year that there is a need to amend the Road Traffic Act.

I am talking about not only the police and other user groups but also older persons, to whom members of the Opposition have referred from time to time. I have also had older people come to me in my electorate and express concern about this proposed legislation. But I have explained it to them and said 'What's the use of having the present situation where, if you are knocked over, the chances of your successfully seeking litigation against the offender are virtually hopeless?' They agreed with me that that is totally unsatisfactory. The South Australian legislation has been modelled on the New South Wales legislation, and that has worked well—

Members interjecting:

The SPEAKER: Order! Another debate is taking place between the members for Mitchell and Hart. The member for Goyder.

Mr MEIER: I am always happy to have support.

Members interjecting:

The SPEAKER: Order!

Mr MEIER: Thank you, Mr Speaker. I am always happy to have support from this side of the House, and I appreciate the member for Mitchell's fully supporting this issue, too. I know he will also be speaking soon, and I am sure that he will express his displeasure and concerns at the attitude of the Opposition in again trying to do a Pontius Pilate, washing their hands of any responsibility. It is a great shame. The New South Wales experience initially concerned older people. The Government, Opposition and police have confirmed that those fears have not materialised, and use of these vehicles in New South Wales is not a problem. One would think that, if it has been trialled in New South Wales since 1991, surely we can learn from that. But, no, the Opposition wishes to ignore that experience. All it wants to do is knock the Government. Interestingly enough, the Australian Capital Territory is enacting similar legislation, so we are not on our own there.

Mr Caudell interjecting:

Mr MEIER: Indeed, as the member for Mitchell said, the support on the Eastern Seaboard is widespread, and they have given it a trial. In fact, it has proved to be successful. So why do we have all the knockers? I do not understand. Since 1993 Queensland has had legislation which allows them free access to footpaths. I must admit that Queensland certainly is the go-ahead State, so far as I was able to see on a visit there some 12 months ago. It aggrieves me that we are not as far advanced as Queensland. I recall thinking many years ago, when our population sizes were very similar, 'I hope South Australia will break away and be the State that leads in population growth and economic activity.' Well, unfortunately, the opposite happened. Queensland has taken this whole issue to task and is not experiencing problems.

Another matter members need to consider is the fact that the proposed Australian road rules advocate uniform national road rules for all users. I have some problems with that concept because South Australia has specific issues involving, say, heavy vehicles and our massive road distances compared to Victoria, for example. However, I am in complete agreement that we should seek to have uniformity with in-line skates and skateboards, because we can learn from the experiences of other States.

Regarding the concerns of older people, the South Australian legislation has due care provisions, and a code of conduct is being prepared. There will be an extensive

education campaign, and that is very important. In fact, it is disturbing to see how the Opposition has singled out individual aspects, as we have seen it do with the marketing of South Australia. It tries to make political capital out of a minute part of a total program. It creates scare tactics, and people react to that information only. I will acknowledge that the Opposition is not too bad at doing that.

However—and the member for Spence probably would appreciate this—it is failing dismally. It is a pity that the honourable member did not take on board the words of his Leader some 18 months ago when he said, 'We will be a different Opposition. We will not be an Opposition that simply seeks to block and knock. We will be an Opposition that will give bipartisan support wherever possible.' I am still waiting for that bipartisan support. I am still waiting for the Opposition to take a responsible attitude in this House. The Leader also said, 'We won't use disruptive tactics in the House. We won't seek to disrupt for the sake of disrupting.' That has been a complete joke. The Deputy Leader of the Opposition obviously did not hear his Leader at that time, because he has been put out of this House not once but twice.

Mr Clarke: No, three times.

Mr MEIER: It just shows—three times! I am amazed that the Deputy Leader is still in his position, because he must be a great embarrassment to his Leader.

Mr FOLEY: I rise on a point of order, Mr Speaker. I am listening with much interest, but I cannot see the relevance of the member for Goyder's recent comments on this Bill. Mr Speaker, I ask that you draw him back to the substance of the debate.

The SPEAKER: If the Chair were to rigorously enforce that Standing Order, not only would the member for Goyder have difficulty but so would the member for Hart.

Mr MEIER: Experience has shown not that there will be a proliferation of in-line skaters but that the use of such skates can be managed in the future. Not only older but younger people too often have concerns about cyclists, but no-one considers banning them. It is very disappointing that the Opposition has not given the support sought on this legislation. It is something that needs to be trialled. At least the police will now have the chance to prosecute where people abuse. We have heard a lot from other members about the rights of councils and the role they will play in this. I believe that is the level at which it should be, too. Local councils should be involved at the local level, and they can determine exactly where people should or should not be allowed to skate, to have in-line skates or to have roller-blades.

I have weighed up the situation over the past few months, because much discussion has ensued. I have taken on board some of the concerns that have been raised with me by my constituents. I have urged all the constituents who have approached me to take it up with the Minister, and I would like to compliment the Minister on having considered the views of so many people throughout this State. It is legislation that has not been easy to address in the first instance. It is very interesting that the previous Government recognised the problems but that those members now want to wash their hands of it. I wish this legislation a speedy passage through the House.

Mr CAUDELL (Mitchell): We have heard some perceptions here tonight! We have heard the member for Hart stand up and say, 'This could be set up only by a Minister from another place.' Then we heard from my bald-headed, Afghan camel driver mate from Ross Smith, when he said—

The SPEAKER: Order! The member for Mitchell is completely out of order, and he has reflected upon the Deputy Leader of the Opposition. I ask for an unqualified withdrawal. Those comments are not in the spirit of this or any other debate.

Mr CAUDELL: I make an unqualified withdrawal of the remark. The member for Ross Smith asked, 'Who could have thought up such a stupid idea?' Unfortunately, the member for Ross Smith did not answer the question, so I will answer it for him: the member for Giles did. The member for Giles was stupid enough to think up such an idea and, as it turns out, it was a very good idea. The member for Giles got together a number of people from the community to consider this issue. The member for Giles could see that the young people of South Australia needed some guidance on the use of this new play thing they had, in-line skates. At that stage, before the member for Giles took on the Treasury, he displayed some foresight in relation to transport matters.

So, for the benefit of the members for Ross Smith and Hart, the member for Giles was the original proponent of this idea and he is the reason why we are having this debate today. The member for Hart should have known that because he was an adviser, unless he was up to his ears with yellow labels. The need for the legislation itself is due to the increased use of in-line skates, skateboards and roller-skates. The Crown Law advice to both this and the previous Government was that small-wheeled vehicles are not defined as either vehicles or pedestrians in the Road Traffic Act, and therefore the legal situation for their use is not clear.

As the member for Goyder has stated, there is interstate precedent associated with the legislation. The South Australian legislation is modelled on the New South Wales principle, which has the support of the New South Wales Labor Party; the Australian Capital Territory is enacting similar legislation; Victorian local councils have responsibility for in-line skates and that legislation has the Victorian Labor Party's support. Since 1993, Queensland has allowed for free access to footpaths. The Labor Party was in Government but I have not heard the latest update—

Members interjecting:

Mr CAUDELL: I was going to say that you can count on a Queenslander but I have had second thoughts on that issue now. The Labor Government in Queensland was associated with that State's legislation. Also, the ministerial conference which took place earlier this year set about the task of standardising the Australian road rules, and that conference advocated reform to ensure uniformity associated with in-line skates, skateboards and roller-skates. Experience interstate has shown that there will not be a proliferation of in-line skaters as a result of this legislation. Simply, the use of in-line skates can be controlled in the future as a result of this legislation. Tonight, after listening to the speakers opposed to this measure, we would have gained the perception that South Australia has now faced an epidemic of injuries resulting in hospital treatment. We have heard of case after case of injuries occurring; we have heard of increasing numbers of people on roller-skates, in-line skates and skateboards crashing into pedestrians in our streets.

As a result of those assertions, I telephoned the casualty records departments of the Flinders Medical Centre, Royal Adelaide Hospital, Modbury Hospital and Queen Elizabeth Hospital as well as the AMA and the Health Commission. As a result of those inquiries, I have found that since 1986 only four people have reported an incident involving being hit by

a person on in-line skates, roller-blades, roller-skates or a skateboard. So much for the perception—

Members interjecting:

The SPEAKER: Order!

Mr CAUDELL: —that has been created by the member for Spence. He has created the most misleading perception in this Parliament by telling us that so many people have been injured, or are about to be injured as a result of these changes to the legislation.

Members interjecting:

Mr CAUDELL: We have heard of about 92 injuries in relation to people who have used the blades, but only four people have had treatment since 1986 resulting from being hit by persons using roller-blades. Other members in this Chamber have said that only 68 per cent of constituents have a contents policy.

Mr ATKINSON: I rise on a point of order. A Government adviser continues to brief a member of the House across the barrier.

The SPEAKER: Order! The member for Davenport will resume his seat.

Mr CAUDELL: A number of members have mentioned that only 68 per cent of people have a contents insurance policy and that, because of that, a third of the people who use roller-skates, in-line skates and skateboards would not have a public liability policy. If we use the same analogy we could say that a third of the people who ride bicycles would not have public liability insurance. In fact, if we—

Members interjecting:

Mr CAUDELL: If you have brakes, you should put them on your mouth. When we talk about perceptions in relation to statistics, it reminds me of a program that I saw dealing with the media. A headline said that one in four women were involved in domestic violence but when you examined the article a little further you found that it referred only to one in four people who had been admitted to the casualty section of the hospital. Then, when you read further you found that it referred only to one in four women who had been admitted to casualty and who had experienced domestic violence at some stage in their life. As the article went on the statistics were stretched out even further. So, just because only 68 per cent of people have a contents policy, it is not necessarily so that a third of the people who use in-line skates or roller-blades do not have public liability insurance.

The legal liability for injury or accidents involving small-wheeled vehicle users is the same as exists currently for pedestrians and cyclists; that is, that legal redress can be sought through the judicial system. As I have said, the cover for public liability can be provided under existing household or family insurance policies. I have advised my constituents in Marion that anyone with a child who uses in-line skates, roller-blades, skateboards or bicycles, or who simply goes running through the park, should ensure that, through their insurance agents, they have insurance covering public liability.

The local government liability issue also has been raised. Local government is concerned about the liability. The Crown Law opinion has been that councils have not been liable at common law for damage resulting from their failure to repair a footpath. However, councils are liable for creating a hazard. The LGA is concerned that, in an increasingly litigious society, this could become a common occurrence. An amendment to be moved at a later stage will provide councils with limited liability. To provide against full liability as required by local government would mean that councils

could opt out of their responsibility to keep roads and footpaths in good repair. The member for Spence and a number of other speakers have said that local government is opposed to this legislation. The minutes of the Marion council of 13 February 1995 state:

Mr Condous interjecting:

Mr CAUDELL: Would you like me to pass on your good tidings?

Mr Atkinson: Yes, do that.

Mr CAUDELL: The member for Spence and the member for Colton are passing on their good tidings to the Marion council. Those minutes state:

The council could not expect total immunity from claims just because the activity is illegal. . . There remains an onus on the council to exercise a duty of care to both pedestrians and road users, whether under existing or proposed legislation. . . The use of roller-blades, etc., on footpaths and roads does not appear to be a significant problem for pedestrians in the City of Marion. This is confirmed by South Australian Police.

As I said, that is from the works and maintenance meeting of the Marion council on 13 February 1995.

An honourable member interjecting:

Mr CAUDELL: That was a recommendation from a council policy adviser. The member for Spence and others have made a lot of fun about the code of conduct in relation to the legislation. A code of conduct exists in every form of life. I hope that some members of this House show a bit of leadership to young people in the community to ensure that they do the right thing so that they in turn pass that on to other people in the community to ensure that the right thing is done. For example, the member for Spence rides a bicycle. I am sure that, if he came across a group of pedestrians while out riding his bike along the Linear Park, he would make some sound—whether it be by yelling, ringing his bell, ringing his chimes or by saying ‘Excuse me’—to alert those people of his approach so that he did not run into them. That is purely a code of conduct, an unwritten law that the member for Spence would live by. I am sure that that situation, as intended in the code of conduct put down by the Minister, is the same for people who ride bicycles on bike trails.

The member for Spence and the Leader of the Opposition emphasised the fact that they believed that the senior citizens of our society are not in favour of this legislation. I remind the Leader of the Opposition, the member for Spence, the member for Ross Smith and the member for Hart that COTA and the South Australian Pensioners Retired Persons’ Association were present when the committee agreed with the legislation that is before us. So, on the contrary, the aged and the senior citizens do agree with the legislation. The member for Spence made great play about perceptions and the world being over-run with epidemics and so on, and the fact that people on skateboards and in-line skates will knock over pedestrians. I assure the member for Spence that morons not only ride roller-skates but they also create problems at football, in Hindley Street, on the roads and ride push bikes as well. I assure the honourable member that, based on the 80-20 rule, the number of people who behave is far greater than those who misbehave.

For the benefit of the member for Spence, I point out that my youngest lad rides in-line skates. When he was legally crossing the road the other day a car attempted to run him over because he was a child on in-line skates. I will have great delight, as the member for Ross Smith would say, in copying the speeches given in *Hansard* today and posting them out to every 18 year old in their electorates. I will

ensure that everyone from 15 to 18 in the electorates of Ross Smith, Spence and Hart receive a copy of those members’ contributions to this Parliament to let them know that they have no concern or consideration for the young people of our society.

This legislation comes about for a number of reasons as a result of the inactivity of local government in relation to providing facilities for young people. The legislation is required because councils are not providing these facilities for young people. Consequently, I decided to telephone the five councils that would normally be considered G5 councils. I also had an interest in whether these councils provided basketball facilities for their young people. The Salisbury council has one facility in its total council area for in-line skating and only seven basketball facilities for young people. The City of Elizabeth provides two in-line skating facilities and no basketball facilities.

Mr ATKINSON: I rise on a point of order, Mr Deputy Speaker. The Minister for Transport’s adviser (Ms Penny Reader Harris) and the member for Unley continue to converse across the barrier between the House and the gallery. Ms Reader Harris has been warned once this evening. I ask you to rule on this matter.

The DEPUTY SPEAKER: The Chair has been observing what the honourable member purports to be happening but could detect no movement of lips. However, if the honourable member is engaging in conversation, I ask that he take steps to remove himself behind the barrier as is the proper custom of the House. The honourable member can conform to the practices of the House.

Mr CAUDELL: The City of Tea Tree Gully provides two in-line skating facilities and no basketball facilities. The City of Noarlunga provides 23 basketball facilities and seven skateboarding facilities. That is a compliment to the member for Reynell and the member for Kaurna for the hard work they have done in their electorates to ensure that facilities are provided for young people. I hate to say it, but since 1991 the City of Marion has consistently knocked back any proposal to provide in-line skating or skateboarding facilities. I was on the council and I tried my hardest to get facilities for the youth of Marion. However, I was knocked back by draconian-type people similar to those who sit on our right-hand side. I conclude, instead of jumping on young people—

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

Mr EVANS (Davenport): I support the Bill. I have a different viewpoint from most members, in that I am a member of an organisation that is currently trying to set up a branch of the South Australian In-line Hockey Association at the Blackwood Recreation Centre, which is based in my electorate.

Mr Atkinson interjecting:

Mr EVANS: The member for Spence complains about the fact that I am trying to help the youth of the district. I note that he has not bothered to set up a branch of the South Australian In-line Hockey Association in his electorate. I invite him to form a branch there if he wishes. I am quite happy to help him establish that. We have heard only five speakers who oppose the Bill. Personally, I do not see what the real issue is. Essentially, we are saying to the 30 000 youths who currently use in-line skates—some of whom skate to university or are involved in the courier business and use in-line skates to run their business—that we will remove their

activity from a grey area of the law by defining exactly where they stand. To me that can only be a good thing.

As the member for Mitchell has already indicated, other States such as Queensland and Victoria have already gone through this process and been quite successful. The interstate precedent for this legislation has worked well, and I congratulate the Minister on adopting the New South Wales legislation because that has been quite successful. I also congratulate her on taking up local government concerns regarding limited liability. There is no doubt that, if this legislation is passed, the council should be protected through the limited liability clause. From the Mitcham council's point of view, in the Mitcham hills area of the Davenport electorate, we are lucky in some regards in that we do not have a lot—

Mr Clarke: You don't have a lot of skateboards.

Mr EVANS: No. We have a lot of skateboards but we do not have a lot of footpaths. While, over the years, other councils have had a high debt regime and have mortgaged themselves to the hilt to provide services that some people do not want, the Mitcham council has not done that. I note that some members commented how lucky their electorates are because they have the Linear Park riding paths that go from the north of Adelaide down to the coast. Labor Government after Labor Government pork barrelled money into their northern electorates to try to win votes and they ignored the Mitcham hills area as far as money and facilities go. Those members stand up and say that they have great facilities, thanks to previous Governments, and that they will make their kids ride on those facilities. But what about all the other electorates that have been ignored by successive Labor governments?

Mr Clarke interjecting:

Mr EVANS: I have been to the football club at Kilburn and I know that the previous Premier did not help them out there. The member for Ross Smith knows that I went out there to try to get them a grant. It is all right for members north of the city to stand up and say that they have great bike paths, thank you very much; but, in the Mitcham hills and other areas where the terrain is difficult to build bike paths, we cannot get a bike path down out of the Mitcham hills, so it becomes very important to provide some facility for young people to use in the district. For the third year we are having a battle to get a BMX track funded in the district.

Mr Clarke: We can't afford BMX; that is my argument.

Mr EVANS: That is fine. The honourable member should do what we did and approach Apex. If he wants to help, the member for Ross Smith should re-establish the Prospect-Enfield Apex Club and get them to build it, if he is so community minded. The Apex Club has offered to build a BMX track for the council.

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Ross Smith.

Mr EVANS: What I am saying is that this is a broader issue than just the northern metropolitan seats. I support it strongly. Approximately 30 000 kids have these in-line skates and they deserve a place to use them. In my day we used to kick a footy and play test matches out in the back street. Technology has improved and the toys have changed, and I see nothing wrong with the kids of today having the opportunity to go out on a quiet back street and legally use their in-line skates. Essentially, that is all we are talking about. They cannot use them on main roads because the legislation prevents that. Councils logically have the choice to limit their use on footpaths near a retired persons' village, for example.

It is a commonsense rule to allow councils to have that independence, as they are closest to the ground. I support the Bill and I congratulate the Minister on introducing it. I encourage all members to support it.

Ms GREIG (Reynell): I shall speak for only a few minutes because I believe that everything has been said. What is very sad is that the Opposition has no consideration for the youth in our community. It is really a sorry state of affairs when the needs of our youth are not considered. All aspects of this issue have been debated tonight and, for a moment, I began to wonder whether we should ban prams from the street because they are also small-wheeled vehicles. Some members of my community have been raising funds to buy helmets, knee pads and arm pads for in-line skaters to make sure that they skate safely in the street. As a parent of two young boys, the elder of whom skates, I am pleased that some regulations are in place. Indeed, many parents in the community assumed that such regulations were there, anyway. On questioning people in my area about skating regulations, they all said that they thought there was a law about it. They did not realise that nothing was in place.

I am trying to figure out what all this argument is about because, given the way the debate has gone tonight, I began to think that we should ban pedestrians from the street and cars from the road. We are talking about vehicles that cause accidents on the road. However, in this debate we are concerned about in-line skating and skateboarding, which our kids have a bit of fun with. As I mentioned earlier, in my electorate we take care of our children on the streets. Skating rinks are already set up. Sometimes we must give youth some credit for having a brain. They have been accused of being hoons, thugs and everything else, but there are plenty of good kids out there to whom no consideration is being given.

In a telephone call to the police earlier tonight seeking information about the law on in-line skaters, I was informed that, unless there is a council by-law, there is no offence. How can police control what is going on or point children in the right direction if they are making a mistake? Cycling safety schools have been set up to teach children road traffic behaviour, but we have not accepted that our children should behave properly and use their skates in a safe manner and in a way that is acceptable to the community. I support the Bill because it is only fair that we give our youth a fair go.

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

That the debate be adjourned.

The House divided on the motion:

AYES (24)

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

NOES (11)

Atkinson, M. J. (teller)	Blevins, F. T.
Clarke, R. D.	De Laine, M. R.

NOES (cont.)

Foley, K. O.	Geraghty, R. K.
Hurley, A. K.	Quirke, J. A.
Rann, M. D.	Stevens, L.
White, P. L.	

Majority of 13 for the Ayes.

Motion thus carried.

SOUTH AUSTRALIAN HEALTH SERVICES BILL

A message was received from the Legislative Council agreeing to a conference to be held in the Legislative Council committee room at 10.30 a.m. on Wednesday 26 July.

ADJOURNMENT DEBATE

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

That the House do now adjourn.

Mr MEIER (Goyder): Tonight I would like to draw the attention of the House to some of the facts about unleaded fuel. Members would appreciate the requirement for cars manufactured since 1986 to accommodate unleaded fuel. I guess that many of us have taken it for granted that unleaded fuel has positive advantages for our environment, and it is interesting, first, to look at the history of unleaded fuel and, secondly, to consider the negative effects of unleaded fuel on our environment today.

The early car engine had a very low compression ratio, and the only reason for this was the available fuel. Once the compression ratio started to go past 5:1, what is known as pre-ignition (or knocking, as some older members might remember in the early cars—they would knock when they went up a hill and you had to change down a gear) became a real problem. In the early 1920s a gentleman by the name of Thomas Midgie discovered that platinum, silver and lead stopped knocking in engines. As a result of further research, Mr Midgie found that a compound of lead called tetra-ethyl was an ideal substance which not only stopped knocking in the car engine but also was soluble in petrol and vaporised like petrol. Additionally, tetra-ethyl broke down into lead at upper cylinder temperatures and, in turn, the octane rating went up from 50 to 65. With improvements at the refinery, the octane rating during the 1940s and 1950s climbed to 80 and, with further development, we have aviation fuel, which has an octane rating of 110.

Particularly during the 1960s and 1970s there was a call to clean up the atmosphere, and Governments reacted to that call. 'Clean up car exhausts' was the call from the Green Lobby, which pointed out that its information showed that lead was poisoning our children and should be banned. Emotive language was used at the time and it caught the attention of Governments and the public at large to such an extent that action was taken by Governments not only in this country but overseas.

Lead is a poison if absorbed by the body, but does it follow that lead found in our bodies has come from lead in petrol? Tests have been carried out all over the world to check the effect on humans of lead emissions from car exhausts. In fact, the German Government cut lead in petrol from .4 to .15 grams per litre and, after five years, discovered that there was no detectable reduction in blood lead levels despite the lead content in petrol being reduced by two-thirds. Obviously, a real question mark came to the fore.

The University of London pointed out that the lead that comes from car exhausts had been baked at 2 000 to 3 000 degrees celsius (similar to the baking of a house brick) and the level was microscopically small; it is not absorbed by the lungs and it is not dissolved in the hydrochloric acid of the stomach. Research has shown that the lead in our blood comes from eating and drinking, and that the main source was from soldered food cans, lead-based paints and lead water pipes. Research also has shown that blood lead levels were higher in country people who drank bore water.

Interestingly enough, New Guinea highlanders and people on remote islands where there were no cars had a higher lead content in their blood samples than was in the blood samples taken from people living in the heart of Melbourne—a city where you would expect the lead content in blood to be higher because of the exhaust fumes. Despite the evidence, the Greens used the statement that 'lead is a poison therefore it must be bad' as a way of railroading Governments into introducing unleaded petrol in Australia. I remember at the time that we were told that unleaded petrol would cost us more. In fact, that has not proved to be the case. I believe that at the beginning it was about the same and that it has been respectively lower and, with the Government's recent introduction of the leaded fuel tax, leaded fuel is considerably more expensive so people using unleaded fuel feel that they are getting cheaper petrol.

The real reason for the introduction of unleaded fuel, accordingly to an article by Dr David Warren, was that catalytic converters were required on cars to get rid of nitrous oxides, carbon monoxide and the unburnt petrol that came from car exhausts. Lead rendered catalytic converters useless—I think that we have all been told that—and this was the reason other countries introduced unleaded petrol, but Australia did it because lead was a poison and we thought it was dangerous.

The problem is that, if lead is removed from petrol, what will be used in its place so that the octane level is maintained? As many members would know, it was decided that benzene was the best alternative. Benzene is a known carcinogen, a causer of cancer, and unleaded petrol now appears to be so dangerous that under no circumstances should it be used in any car not fitted with a catalytic converter. That was despite a Government campaign two or three years ago or less to advise people to check whether their car can use unleaded fuel. Many can and they do not have catalytic converters. It should not be used, according to Dr David Warren, in lawn mowers, chainsaws, whipper snippers or outboard motors and should never be used to wash down parts. Also, he advocates avoiding getting unleaded petrol on the hands and avoiding the fumes when refuelling. As the catalytic converter does not work until it reaches 400° Celsius, one should avoid breathing the fumes from the exhaust of a cold engine. In other words, if you are in your garage when you start the engine, make sure you are not breathing in the fumes.

In Britain this risk was so clear that the National Society for Clean Air has removed its support for unleaded petrol. In the United States all new cars are fitted with anti-fume fillers so the fumes emitted whilst refuelling are kept away from the person doing the refuelling. In fact, advertisements urging people with pre-1986 vehicles to use unleaded petrol where possible have suddenly disappeared from our television screens and it seems that the cost of producing unleaded petrol is significantly more because it uses more oil and therefore creates more pollution as benzene is derived from oil.

The alarming aspect of the introduction of unleaded petrol in Australia is that we have replaced an almost harmless substance like lead in our petrol with a frightening hazard like benzene and it has been done because a vocal minority at the time stole the agenda and, through misinformation, have saddled us with a potential time bomb that could increase cancer rates in Australia. Therefore, it is not surprising that Dr Warren urges all people to question what is put forward as fact and to take note of scientific evidence which was being promoted through this sorry saga but which the politicians of the time ignored. Unfortunately in some cases they appear to be still ignoring the scientific evidence, as we have seen in recent advertisements. I draw this matter to the attention of the House because the whole issue needs to be further examined not only at the State level but also at the Federal level for the health and safety of our citizens here in South Australia and in Australia as a whole.

Mr ATKINSON (Spence): I rise to speak against the motion that the House do now adjourn. It is most unusual that any member would rise to speak against the adjournment motion. As members know, it is usual on the motion that the House do now adjourn for one member from either side—

The Hon. S.J. BAKER: On a point of order, Sir, I do not believe that a member can debate a motion that has just been before the House. The Standing Orders preclude this debate.

The DEPUTY SPEAKER: Order! There is provision for a motion to be moved at the end of the sitting on Tuesdays and Wednesdays for the debate to be adjourned, following which two contributions of 10 minutes each are allowed on any subject of the debater's choice. Therefore, the member for Spence is entitled to debate any topic of his choice.

The Hon. S.J. BAKER: He was referring particularly to the decision of the House to adjourn, which was the subject of the previous debate. This is contrary to Standing Orders. It is simply a point of order. I do not mind whether the member wastes the time of the House: it is simply a point of order.

The DEPUTY SPEAKER: Order! The Minister has no valid point of order. The motion is that the House do now adjourn. The member for Spence, unusually, has chosen to select that precise issue as the point of his debate. The Chair listens with interest.

Mr ATKINSON: Thank you for that splendid ruling, Mr Deputy Speaker. Members of the House would be appalled at the ignorance of the history of the House and its traditions displayed by the Deputy Premier in the two points of order that he took, both of which were turned down. It is appalling ignorance of the history of Parliament and the importance of the adjournment motion. Most motions that the House do now adjourn are a cue for debates with no boundaries of relevance, so it is normal when the motion is moved before 10 p.m. on Tuesdays and Wednesdays that the House do now adjourn that there is an opportunity for members, usually backbenchers, to speak on any topic of their choosing for 10 minutes. However, the substantive part of the motion is that the House do now adjourn and, for a change, I will speak against the motion, because I do not believe that the House should now adjourn.

The Hon. S.J. Baker: Okay.

Mr ATKINSON: It has finally dawned on the Deputy Premier that I am speaking literally to the motion, for a change. The reason I am speaking to the motion is this: we now sit in a Parliament where the Government has the biggest

majority of any Government that has governed South Australia.

Mr Clarke: South of Singapore.

Mr ATKINSON: As the member for Ross Smith rightly observes, the Brown Liberal Government has a majority in Parliament bigger than in any other Parliament south of Singapore. It is remarkable that in those circumstances, when the Government has a 36 to 11 majority, the Deputy Premier and the Brown Liberal Government are seeking to send the House home. It is remarkable arrogance by this Government. Why would a Government with a 36 to 11 majority in the House, in the last week of Parliament when we are normally struggling to clear all the legislation and when in particular the Notice Paper—the daily program which I have with me—reads 'Road Traffic Small-Wheeled Vehicles Amendment Bill: Completion of debate', seeks to send the House home before it has completed its work? What indolence, what laziness! We could easily be here until midnight. We could clear the Bill, do other Bills and clear the tasks before us. But this Government, in a fit of indolence, because it is too lazy to transact the business properly before this House, tries to send the House home early—tries to send it home at 10 p.m. In the view of the Opposition, we should stay here and transact the legislation that is before the House.

There is a special reason why the Brown Liberal Government wants to adjourn the House: it does not have the numbers to pass a Government Bill currently on the Notice Paper. That is why the Brown Liberal Government is trying to send the House home. Is it not extraordinary that, with a majority of 25 votes, this Government has to move that the House do now adjourn? Is it not extraordinary that we have witnessed Ministers in the Government and the Government Whip running around to Liberal Party members who intended to vote against the skateboarding Bill offering them an early minute? 'Go home' they say, 'Go home to bed'; 'Go home to your electorate.'

Mr MEIER: On a point of order, Mr Deputy Speaker, the honourable member is reflecting on the Government Whip, because the Government Whip has not done anything that the honourable member has suggested.

Members interjecting:

Mr MEIER: I certainly have not. You can look at the pairs list if you want.

The DEPUTY SPEAKER: Order! There is no point of order from the Government Whip. However, the honourable member would have received notice from the Chair very swiftly that he is adverting to legislation currently before the House, a Bill that has already been adjourned with the concurrence of the House and a division being taken. He should refrain from reference to the debate which has immediately preceded the grievance debate.

Mr ATKINSON: Thank you, Sir, for your counsel, but my text tonight is that the Government is seeking to adjourn the House because it no longer has control of Government business. One has only to listen to the words of wisdom from the members for Florey, Mawson, Colton, Hanson, Kaurana, Hartley and Wright and to take note of the abstention of the member for Lee to know that the Government does not have control of Government business at this time of night. That is the point I am making. So, without referring to the Road Traffic (Small-Wheeled Vehicles) Amendment Bill, the point I am trying to make is that the Government cannot continue with business tonight because it does not have the numbers to control the House.

The adjournment motion is a very important motion to any Government, because if the Government cannot adjourn the House it should resign from office. That is a longstanding parliamentary tradition. Because the Government did not have the numbers tonight to pass a Government Bill, in spite of the fact that it was scheduled for completion of the debate, it adjourned it. It is true that the Government does have the numbers to adjourn the House, because all those dissenters, whose electorate names I read, will come back to the Government on the adjournment motion. Let the House be under no illusion: those members whom I mentioned would have abstained on the Government Bill or would have voted against it.

The Hon. S.J. BAKER: On a point of order, Mr Deputy Speaker, the honourable member is referring to the previous debate. This is the issue that I raised in the first place. The honourable member has transgressed at least five times during this debate.

The DEPUTY SPEAKER: The honourable member should refrain from referring to the debate or reflecting on speeches made during the previous debate.

Mr ATKINSON: Thank you for those words of wisdom, Sir. The point that the Labor Opposition is making is that the Brown Liberal Government does not have the guts to keep the Parliament sitting even though it has a majority of 36 to 11. Very few Governments have had to adjourn the House because they no longer had control of Government business. What an indictment on the arrogance of this Government, that the Deputy Premier has had to come in here and move the adjournment of the House. What cowardice! What a surprise!

Would the voters of South Australia believe that the Government that they elected with a record majority on 11 December 1993 would on Tuesday 25 July 1995 have to move to adjourn the House because it could not get a Government Bill through?

The House divided on the motion:

AYES (24)

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

NOES (11)

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

Majority of 13 for the Ayes.

Motion thus carried.

At 10.18 p.m. the House adjourned until Wednesday 26 July at 2 p.m.