HOUSE OF ASSEMBLY

Wednesday 22 November 1995

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

SMALL-WHEELED VEHICLES

A petition signed by 99 residents of South Australia requesting that the House urge the Government to repeal legislation with respect to small-wheeled vehicles to ensure the safety, amenity and rights of pedestrians was presented by Mr Brindal.

Petition received.

TAPLEYS HILL ROAD

A petition signed by 29 residents of South Australia requesting that the House urge the Government to support a tunnel underpass of Tapleys Hill Road located at the extension of the main runway at Adelaide Airport was presented by Mr Leggett.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

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

South Australian Film Corporation—Report, 1994-95.
Statutory Authorities Review Committee—Electricity Trust of South Australia, Review of the Third Interim Report—Response of the Minister for Transport and the Minister for the Arts and the Status of Women.

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

Corporation—By-Law—Mitcham—No. 7—Cats.
District Council—By-Law—Eudunda—No. 1—Permits and Penalties.

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

Botanic Gardens Adelaide, Board of the—Report, 1994-95.

SA WATER EMPLOYEES

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): Mr Speaker, I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. OLSEN: The industrial dispute at SA Water has been resolved and striking workers have agreed to lift all bans and return to work immediately. The resolution is based on an agreement between the unions represented by the single bargaining unit, SA Water and United Water International. This agreement settles all outstanding issues related to the transition of staff from SA Water to United Water International, their new employer.

The Government had made an offer to the staff, which, first, specifies an incentive package for the transfer to United Water International; secondly, gives staff access to accumulated sick leave for 10 years; and, thirdly, makes targeted voluntary separation packages available to all staff in scope who do not transfer to United Water International. As has been agreed with the unions previously, no employee will be retrenched. Employees can choose one of the following options: first, transfer to the new employer, United Water International; secondly, take a targeted voluntary separation package; or, thirdly, be redeployed within SA Water and the Public Service.

In addition to the arrangements agreed between SA Water and the work force, United Water International has offered to pay $2 500 to every employee willing to transfer. The company wants to establish long term, harmonious industrial relations with its new employees and is keen to progress the process of transition to allow for a smooth and timely commencement of the operation and maintenance functions which United Water International will carry out on behalf of SA Water. Let me summarise the current situation in regard to the operation of SA Water distribution and treatment works.

Over the past six days the effects of the dispute have been monitored by the unions, which maintained control of the radio room and made the assessment of situations requiring immediate attention. As of yesterday, there were at least 240 known choked sewers, five pumping stations overflowing, 15 manholes (access hole covers) flooding and more than 50 houses without water. An environmental protection order was issued to SA Water in relation to the Port River. Following the vote to lift the bans and to return to work this morning, area managers have progressively gained access to their depots and control rooms and, over the last three hours, have tried to assess the situation and place a priority for emergency crews to fix all problems as quickly as possible.

Where appropriate, SA Water will provide overtime to crews to ensure the community regains access to water and waste water services as quickly as possible. This will be at local area managers' discretion on the urgency of the repair and individual circumstances. I am advised that, in relation to the EPA order, chlorination resumed at the Port Adelaide Treatment Plant yesterday afternoon. SA Water will continue to monitor this situation, but from yesterday afternoon I understand it imposed no health concerns. In summary, I am advised that SA Water's operation will return to normal by this evening where ever physically possible.

The contract will require that United Water International becomes a majority Australian-owned company. United Water International will subcontract to United Water Services some of the work. The extent of that work is still subject to contract negotiation. The annual value of that contract is $80 million. About half of this is for capital works. These works, under the contract, must continue to be subcontracted to companies independent of United Water, but United Water Services will act as project manager. This will continue to provide for involvement of South Australian companies in the South Australian water capital program. The balance of the contract is for operation and maintenance.

In this, the Government will be looking for world's best practice to improve services and contain costs. Thames Water and CGE are proven performers in this respect. Even the member for Hart accepts this position. After visiting France earlier this year, he said:

> In fairness to the French companies in particular, they showed me some very good examples of how they do it in France and clearly they have been doing it for a long time.

I agree with the member for Hart. As the House was advised on 17 October, Thames Water and CGE are fully underwriting the operation and maintenance services on which, in the

main, former employees of SA Water will be employed. The extent to which Thames and CGE may be involved in subcontracting of operation and maintenance services is still to be determined and is an issue being addressed in the contract negotiations—as it has been for four weeks. Let me add further reassurance to the employees of SA Water who, because of their skills, have been offered to transfer to the preferred bidder, United Water International.

I remind the House that a contract is yet to be signed and final details are still being finalised. However, United Water International is the successful bid company, and will be the contractor with whom SA Water will enter into contract. United Water International will be the employer of transferring SA Water employees. They will operate and maintain Adelaide's water and waste water system. United Water International will be the company which has prime contractual obligations to operate and maintain Adelaide's water and waste water system and bears the legal obligation to perform the work. United Water International, the contracting party, will also be responsible for economic development. This was confirmed in writing by United Water International yesterday.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

Mrs KOTZ (Newland): I bring up the eighteenth report of the committee on the Sellicks Hill quarry cave 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.

PUBLIC WORKS COMMITTEE

Mr ASHENDEN (Wright): I bring up the seventeenth report of the committee on the Wirrina resort development (second report)—provision of water supply and effluent treatment infrastructure and move:

That the report be received.

Motion carried.

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

That the report be printed.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE

Mr CUMMINS (Norwood): I bring up the twelfth report of the committee and move:

That the report be received and read.

Motion carried.

Mr CUMMINS: I bring up the thirteenth report of the committee and move:

That the report be received.

Motion carried.

QUESTION TIME

WATER, OUTSOURCING

The Hon. M.D. RANN (Leader of the Opposition): Given the assurances provided by the Minister for Infrastructure on 6 July that bidders for our water contract were to be assessed for their integrity, will the Premier advise the House what investigations were undertaken by the Government to satisfy itself that the behaviour of these companies was of an acceptable, ethical standard? CGE owns 50 per cent of United Water Services, which will be subcontracted to operate and manage Adelaide's water and sewerage system. The Government and United Water have provided assurances that no senior person in any part of that consortium has been implicated in serious misconduct. However, the Chairman of CGE, Guy Dejouany, was charged with corruption and released on bail of 1 million francs ($A294 000) in what has been described in media reports as, and I quote from the Murdoch *London Times* of June:

> . . . the most intensive corruption investigation in France for 15 years.

The article states further that the company's Deputy Managing Director is also under investigation and has been released on bail. The report states:

> This is only the latest share-battering twist in a series of investigations that have seen 20 senior executives at [CGE's] main French-based subsidiaries named in bribery cases.

Did the Premier know about this investigation, and is the Chairman still under investigation and on bail?

The Hon. J.W. OLSEN: As I previously gave a commitment to this House that the Government would enter into a contract only with companies that had integrity in their operations, the managers of the negotiating team sought and obtained advice from all parties to ensure that their integrity was such that the Government of South Australia would be prepared to sign a contract with those companies, and that is the case. The advice that has been given to me by the negotiating team, which at my request sought information to ensure that when we reach sign-off we will sign-off with a company of integrity, is in place.

ADELAIDE AIRPORT

Mr LEGGETT (Hanson): My question is directed to the Premier. Does the State Government intend to press ahead with plans to extend the Adelaide Airport runway in view of statements made today by the Federal Minister for Transport?

The Hon. DEAN BROWN: I can assure the House that the State Government will proceed with the environmental impact statement and the detailed design work for the extension of Adelaide Airport despite the statements made this morning by the Federal Minister for Transport, Laurie Brereton. The trouble is that Laurie Brereton wants to play politics with the Adelaide Airport runway simply to protect his own electorate, which is adjacent to Sydney Airport; that is what it is all about.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: Laurie Brereton is all over the place when it comes to whether or not he supports Adelaide Airport. I point out to members opposite that the South Australian Minister for Transport (Hon. Diana Laidlaw) has a letter from Mr Brereton stating that the runway extension would proceed ahead of the leasing of Adelaide Airport and that funding to cover the Commonwealth's commitment would be provided in 1996-97. I point out that Laurie Brereton, having given that undertaking in writing, now appears to be going back on that. I also point out that the formal agreement put to the South Australian Government by the Commonwealth Government has no conditions whatsoever about the leasing out or sale of Sydney Airport. We did not draw up the agreement: the Commonwealth Government drew it up. The Commonwealth Government put the agreement to the State Government and we signed it. It was drawn up by Laurie Brereton's department in Canberra.

I also point out that what is really upsetting Laurie Brereton is that John Howard and the Federal Coalition have given an undertaking to bring forward to 1996 the sale or the leasing out of the airport. Clearly, under a Federal Coalition Government, we will be able to lease out our airport sooner than otherwise expected. That is good news for South Australia. If we unfortunately have a Federal Labor Government after the next election we will need to wait until the end of 1997 before we will be able to lease out the airport. It appears that Laurie Brereton is willing to continue to play politics, breach letters that he sent to the State Government and to breach agreements that he drafted and submitted to the State Government simply to make a political point to save his seat in the suburb of Sydney adjacent to the airport.

Mr Clarke interjecting:

The SPEAKER: Order! I suggest that the Deputy Leader follow the good example he set yesterday.

WATER, OUTSOURCING

The Hon. M.D. RANN (Leader of the Opposition): My question is again directed to the Premier. When the Premier announced on 17 October that United Water International had won the Government's water outsourcing contract, why was he not aware that this would be subcontracted to a foreign company, United Water Services, which is wholly owned by French and British interests? On radio this morning, in response to a question about the subcontract, the Premier said:

> I am clarifying the situation with the Minister, but there. . . there appears that there is provision there for subcontracting of the water to another entity and. . . I'm working that through with the Minister.

The Hon. DEAN BROWN: As anyone realises, when you let a major contract, that contract includes subcontracting provisions.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Chair knows about Standing Order 137.

The Hon. DEAN BROWN: Under this contract, there obviously had to be subcontracting out in a number of different areas, including the maintenance of some of the pipes that had clearly been talked about by the Minister. The Minister had also talked about the fact that the whole contract had been underwritten by the two overseas companies, CGE and Thames, and that information was given to the House on 17 October this year.

The Hon. M.D. Rann: What about United Water—

The SPEAKER: Order!

The Hon. DEAN BROWN: I point out following the announcements made on radio by United Water International yesterday and statements made to a select committee of Parliament on Friday, that I did—

The Hon. M.D. Rann: What about your statements—

The SPEAKER: Order! The Chair does not want to have to contradict the Leader of the Opposition.

The Hon. DEAN BROWN: I did have a discussion with the Minister. As the Minister has pointed out to the House today, there are provisions for subcontracting. The Minister has rightly pointed out that these are still subject to contract negotiations. It would appear that the Leader of the Opposition has not listened to what the Minister told the House this afternoon, that is, that the principal contract is with United Water International, a company which at the end of 12 months is expected to have—but it is still subject to contract negotiation—60 per cent Australian equity; it is expected to have six Australian directors, very importantly; and that company is underwritten by the two substantial overseas companies CGE and Thames. The extent to which the United Water Services company is involved in the operation and maintenance of the sewerage supply is still subject to contract negotiation. The Minister has indicated to the House this afternoon that there is a provision to subcontract out the work. He has made it clear that that has not yet been finalised due to those negotiations.

Members interjecting:

BANK OF SOUTH AUSTRALIA

Mr BROKENSHIRE (Mawson): Mr Speaker—

Members interjecting:

The SPEAKER: Order! The member for Mawson will resume his seat. The Chair will not accept any further interjections across the Chamber. The honourable member for Mawson.

Mr BROKENSHIRE: Thank you for your protection, Sir. Will the Treasurer provide the House with details of the progress made by the Government in securing final payment of the State Bank compensation package? Following the largest single national loss in corporate history in Australia through the former State Bank, the previous Labor Government agreed to a substantial compensation package from the Federal Government in return for a commitment to sell the bank. With the sale of the Bank of South Australia occurring earlier this year, I understand there has been some delay in securing the final payment.

The Hon. S.J. BAKER: It is indeed a red letter day for South Australia. Here is a promise that has actually been kept, unlike the airport promise: they are actually delivering the final payment. It represents the final payment of the $600 million compensation package negotiated prior to the last election. I remind members that it has already been paid in part in January 1993, $263 million; in January 1994, $75 million; in June 1994, $75 million; in August 1994, $159 million; and in November 1995, $77.388 million. We are receiving a cheque for $77.388 million.

I will share a confidence with the House on this issue. We qualified for the payment because we met the timetable that had previously been agreed to. When we came into government and began to negotiate the payments for the State Bank compensation package, which was signed up by the previous Government on performance, the Commonwealth made clear that the performance of the previous Government was not

sufficient to warrant the payments and it would no longer pay South Australia under the Meeting the Challenge statement and the capacity of the former Labor Government to deliver. I share with the House that the Federal Government had no confidence in the previous Government and it said, 'Unless we see the action we expect from you, you will not receive any more money.' We have delivered on time and with a package better than we argued at the time.

It is pleasing that our efforts have been recognised by the Federal Government. It is pleasing that this is the close of another chapter in the State Bank saga. But let no person forget the damage done to the State by the former Government and $3 115 million later we are still paying the price. We still have to make corrections and restrict budgets so we can repay this debt over a period of time and get those ratings up—the responsibility of the previous Government. The book is still there for people to read, and I am sure they will remember it for the next 20 years: we will not let them forget.

WATER, OUTSOURCING

Mr FOLEY (Hart): My question is directed to the Premier. Why is the Government now in dispute with United Water International concerning the timing of the sell down to achieve 60 per cent Australian equity and whether there will be a public float of the company? On radio this morning the Premier said:

> There has been some dispute in recent days over whether it is to be done over a 12 month period or an 18 month period. And the other issue of which there is some dispute at present is whether there is to be a float or not.

The public float was originally announced in the *Advertiser* on 19 October.

Members interjecting:

The SPEAKER: Order! The Deputy Leader of the Opposition knows the rules. He has been in conflict with the Chair on numerous occasions. I suggest he learn to contain himself and he will not have any further trouble. The Chair has been more than tolerant. I do not want to have to speak to him again during this Question Time.

The Hon. DEAN BROWN: As the honourable member would appreciate, statements were made at the time of the announcement that United Water was the preferred bidder and would be party to negotiations on the contract. At that time the statement was made, as was the anticipation indicated by the Minister, that there would be a 60 per cent Australian equity after 12 months and six Australian directors on it. I equally saw the statements that were made to the select committee and heard on ABC radio yesterday that there was some question over the time frame in which that would be done by the directors. But, of course, that is still subject to the contract negotiation, and the Minister has already indicated that. The Minister has said, 'This is the position that the Government is after.' The Minister has indicated to me that those negotiations are ongoing and that is the position that the Government has put down in those negotiations, that is, that there should be 60 per cent equity after 12 months and six Australian directors on the board of that company, which would put a majority of Australian directors on it. But, it is subject to negotiation, and that is why I said what I did this morning.

SMALL BUSINESS INDEX

Mr ANDREW (Chaffey): My question is directed to the Minister for Industry, Manufacturing, Small Business and Regional Development. Following reports this week that there has been a downturn in the small business economy, will the Minister tell the House what assistance has been given to the small business sector in South Australia and, in particular, of some of the improvements recorded by the business centre in the last quarter?

The Hon. J.W. OLSEN: I am delighted to report on this. I am terribly sorry that the Leader of the Opposition has found it necessary to leave the Chamber at this particular point of time because there is some good news and some good comparisons I would like him to be aware of as a result of that small business index being released of recent times.

Mr Lewis: It won't cost them $500.

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

The Hon. J.W. OLSEN: No, it will not; it is relatively cheap, and it has been publishing publicly. The largest survey of small business in Australia, which covers the manufacturing area, building, construction, wholesale, retail, transport, storage, finance, property, business services and recreation (in other words, across the board) found that 57 per cent of small business proprietors believe that the Federal Government's economic and other policies were working against them as small business operators. In addition, the report surveyed some 1 200 businesses, employing up to 19 staff across Australia. The reasons for their belief that the Federal Government was working against their best interests were high taxation, excessive bureaucracy, and lack of incentives and encouragement. Other reasons included simply a lack of understanding of how small businesses work and of industrial relations policies.

However, interestingly, that survey found that the South Australian Government out performs the Opposition by almost 12:1 as the Government best to look after the interests of small business in South Australia; that is, 59 per cent believed that this Government was best able to look after the interests of small business, and about 5 per cent believed that it was the Labor Party. In addition, 69 per cent of businesses believed that the South Australian Government was handling the State economy better than the ALP, which scored 3 per cent on that scale.

The survey revealed that 61 per cent of businesses believe that the South Australian Government is in the business of providing workplace reform, to give employers greater flexibility in handling their employees. That compared with 3 per cent for the ALP Opposition in South Australia. Further, 27 per cent believe that we are reducing bureaucracy and the amount of paperwork with which small businesses have to deal. In that instance, the ALP just did not register in terms of providing any support for the reduction of bureaucracy and paperwork for small business. So much for that part of the survey!

The important thing is to register the use of Government services in the support of small business in South Australia. The Business Centre, under Manager Marilyn Harlow, in the 1994-95 financial year has seen some 172 small businesses assisted through the consultancy grant scheme—an increase of some 221 per cent on the previous year. Performance measures show that client satisfaction is up 63 per cent, and 50 per cent of businesses were pleased with the scheme and the service being provided by that Business Centre.

In the business development scheme, 90 small businesses were assisted, and that is a 344 per cent increase over the previous year. Client satisfaction was up 68 per cent, and 31 per cent of those businesses reported an improvement in one or more areas including revenue, domestic share, employment and export market share. In addition, in assisting South Australian businesses, the Centre for Manufacturing has seen a 32 per cent increase in net profits as a percentage of its total sales, and $2.6 million worth of new investment was generated from successful projects within the innovation management service and scheme. The centre worked in depth with some 255 individual projects.

It can be readily seen that, through the Centre for Manufacturing and the Business Centre, and supported by this national survey, the Government's policies are underpinning small business operators in South Australia, clearing the decks in terms of paperwork, red tape and bureaucracy, giving them real assistance to focus on the expansion of their operations. If we can get small businesses expanding in this State, we will generate jobs in South Australia through the small business sector.

WATER, OUTSOURCING

Mr FOLEY (Hart): Why has the Minister for Infrastructure stated today that SA Water employees who are to be transferred to the private water company will be employed by United Water International when Industrial Relations Commission documents have listed the subcontractor, United Water Services, as the employer? The Opposition has a copy of documents prepared for the Industrial Relations Commission by United Water Services Pty Ltd citing that company as the employer.

The Hon. J.W. OLSEN: What the Opposition fails to understand or simply does not want to understand is that we are in a six-week negotiating phase with a preferred bidder to get a contract outcome in the best interests of employees and of all South Australians. In that negotiating phase we will be seeking to give security to consumers in South Australia and to bring about benefits in terms of export markets and jobs created, and we will not compromise on the principles that we have put down or the parameters within which the negotiations are taking place.

The Premier and I have consistently put down that there will be a 60 per cent equity in this company within a time frame. Have no fear, that will end up in the contract. We will negotiate that position through to that stage. Also, six of the 10 directors will be resident in Australia. Have no fear about that, because that will be in the contract.

I also point out that United Water, in its letter yesterday, indicated its concurrence with the thrust of what the Government is wanting to get out as to the final contract that is signed off by United Water International. As we go through these contract phases, the Government's preferred negotiating position, to get the best deal for South Australians, will be constantly put, and it will change during the course of those six weeks. Of course it was going to change in some respects, but the principles, the general parameters that are put down, will not change and will be required in that contract.

I can assure you, Mr Speaker, as I have said today, that United Water International (which will be the employer, which will have the contract and which will have the obligations), Thames Water and CGE will be required, as I have previously indicated to the House, to underpin this contract with separate unconditional, whole of contract guarantees which will give surety and guarantees to the consumers and taxpayers of South Australia. The Government is seeking to get the best deal for this State. What we see is the Opposition, for base political purposes, in a period in which there is intensive—

The Hon. Frank Blevins: Oh!

The Hon. J.W. OLSEN: The member for Giles says, 'Oh!' I can well remember the member for Giles putting in place a range of contracts for the former Administration, and we did not see or discuss any of them. If we applied the former Government's principle, we would get up and say, 'Commercially confidential,' and sit down and that would be the end of it.

Members interjecting:

The Hon. J.W. OLSEN: We supported the establishment of the select committee, so there need be no fear about the openness of the process. Of course, we have the Public Corporations Act, the Audit Act and a whole range of other Acts with which we will comply and which will ensure that the interests of South Australians are protected in this contract.

We are going through a phase of negotiation to get to the final contract sign-off position. In that process our endeavour is to get the best deal for South Australia. In many respects, there will be components which are non-negotiable in getting the best deal for South Australia. At the end of the day, we will have a deal that will generate 1 100 new permanent jobs, $628 million worth of exports and 20 per cent savings on the cost of the operation and maintenance of South Australian water and waste water services. What better deal could we get for South Australians?

AMBULANCE SERVICE

Ms GREIG (Reynell): Will the Minister for Emergency Services advise the House what progress has been made in the SA Ambulance Service's hard hitting advertising campaign which has been launched to ensure that all South Australian households take out ambulance cover?

The Hon. W.A. MATTHEW: I thank the member for Reynell for her interest in the activities of the Ambulance Service and particularly for her work to ensure that her constituents are also aware of ambulance cover options. A series of unashamedly deliberately hard-hitting advertisements has been launched by the Ambulance Service, involving real life emergency situations, to advise the South Australian public how important it is that they have ambulance cover. The service is particularly pleased by the way in which these advertisements have been received by the South Australian public.

The reason for the advertisements was brought about by the fact that only 20 per cent of households in South Australia were covered for emergency and routine ambulance transport. This low number of South Australians covered in that way was exacerbated by the fact that the Federal Government has not supported private health insurance in this country. As a result, we are seeing a mass exodus from private health coverage. In South Australia alone, more than 4 000 people a month have been exiting from private health coverage. That means that those people also have often not been covered for ambulance transport.

Mr Clarke interjecting:

The Hon. W.A. MATTHEW: This is the sort of difficulty that we are endeavouring to overcome. The Deputy Leader obviously does not understand that private health

cover can also provide for ambulance transport. It is important that all South Australians understand that, if they have opted out of their health insurance cover, at the same time they may unknowingly have opted out of ambulance cover. The fact is that that can incur for them a considerable bill, often over $405, for a simple ambulance carry. The problem has become so severe that in recent years the service has incurred bad debts to the tune of $2.5 million from people unable to afford ambulance cover.

In past years much has been said in this House about Ambulance Service problems. We all know that the demise of St John volunteers and the difficult creation of a joint venture are now matters of the past. This Government cannot change those factors, but we can get on with the job of efficiently managing the service, and part of that job is to advertise the service provided by SA Ambulance Service to ensure that South Australians are appropriately covered.

Since the commencement of the campaign, as at yesterday morning 1 280 telephone calls had been received in direct response to the advertisement. That has surprised even the marketing company which put the campaign together for the service, because those telephone calls have been made by people noting the telephone number from their television screens or picking it up from an advertisement. That pre-empts the letterbox campaign about to commence to reinforce the advertising. On average, we are receiving 116 telephone calls per day. Early indications are that those responding to the advertisement are families and young singles—the two groups of people who traditionally have not ensured that they have coverage.

All members of Parliament have received literature from me advising them of the ambulance cover scheme. I can only implore members to assist this campaign by ensuring that their constituents are aware of the necessity to take out ambulance cover because, simply put, accidents happen.

WATER, OUTSOURCING

Mr FOLEY (Hart): My question is again directed to the Minister for Infrastructure. Given that documents lodged with the Industrial Relations Commission have consistently cited United Water Services, not United Water International, as the employer of the 400 transferring water workers, when was the decision made to change the identity of the employing company, and have the relevant unions been made aware of that fact?

The Hon. J.W. OLSEN: I am not sitting around the negotiating table with the lead negotiators for SA Water or the representatives from the company. They sit there every day and have done so for about four weeks, and I understand that they will sit there every day for the next couple of weeks until they finalise the contract. As regards the minute and the day that the specific changes referred to by the member were made, we shall have to ask the negotiating team. The simple fact is that there are parameters within which our team has been given the responsibility to negotiate on behalf of the Government. Those parameters and principles are those which I laid down to this Parliament and which the Premier and I put out publicly when we indicated who the preferred bidder was. During this course—and I will repeat it, because it seems that one has to repeat this constantly to the Opposition—

Mr Clarke interjecting:

The Hon. J.W. OLSEN: No, you haven't: that is the point. The principle—

Members interjecting:

The SPEAKER: Order! We will not have any more interjections.

The Hon. J.W. OLSEN: There is one objective here: muddy the waters (as I said yesterday), create uncertainty and doubt about a process upon which we will—

Mr Clarke interjecting:

The Hon. J.W. OLSEN: You are wanting not only to vandalise but to sabotage the project. We know where you are coming from: here is a good deal for South Australia, and you knock it constantly so that it does not get up at the end of the day. It does not matter what the Opposition says in terms of wanting to knock the process. Let me assure members that a deal will be done and, at the end of the day, it will be a good deal done for South Australia—have no doubt about that.

Members interjecting:

The SPEAKER: Order! I suggest to the member—

The Hon. J.W. OLSEN: They bankrupted South Australia at one stage.

The SPEAKER: Order! I suggest to the member for Hart and the Deputy Premier that the House does not require any further interjections or the member for Hart might have to miss out on asking further questions.

The Hon. J.W. OLSEN: All will be revealed in the fullness of time when we have finalised the contract negotiations. The member for Hart actually waited until the negotiations regarding the EDS contract were finished. He at least gave the negotiators—who were trying to get the best deal for South Australia—the chance to get the best deal for South Australians at the negotiating table. Obviously, because of the political expediency of circumstances today, they are not prepared to do that in this case. Be that as it may, we will continue undeterred with the negotiations to get the right deal within the parameters that have already been put down. Those parameters have not changed and will not change.

DISABILITY EQUIPMENT WAITING LISTS

Mr BASS (Florey): Will the Minister for Health explain to the House what the Government is doing to reduce the waiting lists for equipment needed by those persons with a disability?

The Hon. M.H. ARMITAGE: I thank the member for Florey for his question, which relates to a very important matter, because the waiting lists for equipment for people with a disability—which in fact makes their independent living a possibility—have been far too long. We inherited huge waiting lists and we are determined to do something to reduce them. Currently, the equipment for people with a disability is provided through two different schemes: the Disabled Persons Equipment Scheme (DPES); and the HACC (Home and Community Care) Equipment Project. The Government intends to establish a single statewide equipment arrangement to be called the Independent Living Equipment Program.

Options coordination agencies will provide a focus for a point of access for equipment services for younger people, and Domiciliary Care Services will provide that same focus for frail, aged people. Each of those two agencies will be responsible for a particular part of the funds. They will assess priority and approve the expenditure on that equipment. The arrangements will generate specific and significant savings and, by combining the schemes into one program and incorporating the administration of that new program into an existing rationalised unit, there can be a number of efficien-

cies, including a saving of approximately $130 000 in a full year from the combination and rationalising of staff resources.

There are a number of non-staffing efficiencies that can be achieved, such as more efficient contracting, asset management, the recycling of equipment, and so on. The new arrangements, which are announced today, are the result of a long series of consultation with a variety of bodies and persons, including the Disabled Persons Equipment Advisory Committee, Domiciliary Care Services (both metropolitan and rurally based), the Aged Rights Advocacy Service, COTA, the Commissioner for the Ageing, Cancer Disability Action, and so on. The new arrangements are to be introduced in 1996 and phased in over a six month period.

There will be a single statewide equipment arrangement, which will deliver a number of benefits, such as more streamlined management, better management of the asset base, improved access, cost efficient buying practices and, as I said before, estimated cost savings of up to $130 000 per annum. Savings made through efficiencies will be channelled back into the equipment scheme resulting in a 5 per cent expansion of the funds, which will allow an extra 130 to 150 disabled people each year to receive appropriate equipment.

WATER, OUTSOURCING

Mr FOLEY (Hart): Will the Premier insist that United Water Services—the company that will be subcontracted to actually operate our water systems—be 60 per cent Australian owned, or will he allow that company to remain totally foreign owned?

The Hon. DEAN BROWN: As I said, this issue is the subject of contract negotiation. I indicated, because I had been briefed by the Minister and the people within the water corporation, that as part of the contract negotiation there would be a requirement to achieve the 60 per cent at the end of the first 12 months. I understand that, at the beginning—

Mr Foley interjecting:

The Hon. DEAN BROWN: I am talking about United Water International.

Mr Foley: I am talking about United Water Services.

The Hon. DEAN BROWN: I thought the honourable member said United Water International. I am sorry, I was relating details of United Water International and that was the company of which we talked about achieving a 60 per cent equity.

Mr Foley interjecting:

The Hon. DEAN BROWN: In terms of United Water Services, I was given an indication yesterday that this was a wholly-owned overseas company owned by CGE and Thames. The extent to which that company is to be involved—

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: —in the operation and maintenance of the water and sewerage system in South Australia is yet to be determined because it is subject to contract negotiation. The indication by the Director of United Water International on radio yesterday morning, and I believe to the select committee, was that there would be involvement of that company in the operation and maintenance, but I stress that that is still being negotiated as part of the contract.

The Minister has given that information to the House this afternoon. He indicated that there would be a subcontract of the information from United Water International to United Water Services, and that is in a number of areas in terms of financial and performance guarantees, and at least some operation of the water and sewerage system. The honourable member will simply have to wait until the final contract is negotiated before the full extent of that is known. I can indicate to the House that the Government's concern is to ensure that, if there were a major subcontracting, the position of the Government was still protected in that subcontracting.

That is very important, particularly as United Water Services appears, at this stage, not to be a wholly-owned subsidiary of United Water International. As I indicated earlier today, these are matters I have discussed with the Minister, who has said that they are subject to negotiation and that he has put down those positions. The honourable member will simply have to wait until the contract negotiations are completed.

The Hon. Frank Blevins interjecting:

The SPEAKER: I would suggest to the member for Giles that this is not afternoon chatter time.

MINERAL EXPLORATION, CHINA

Mrs HALL (Coles): Will the Minister for Mines and Energy inform the House what new steps have been taken to assist with the development of mineral exploration in the Hebei Province of China since an agreement was made with the Minister in Beijing last November?

The Hon. D.S. BAKER: I thank the honourable member for her question and interest in this matter as a very valued member of the backbench mines and energy committee. During a visit to Beijing last year, the South Australian Government signed a memorandum of agreement with geologists from the Hebei Province in China to conduct some aeromagnetic survey work in that province. The reason was that, geologically, the province is very similar to South Australia. The Chinese had looked around the world to see how they could enhance their aeromagnetic survey and exploration work, and the South Australian work was the best they had seen.

This led to the signing of the agreement. Ongoing work has taken place between officers of the Department of Mines and Energy and geologists from Hebei Province. It will lead to people from that province visiting South Australia next year and working in South Australia for several months. It will then lead to the technology that is used in South Australia, which is unique in the world, being used to map large areas of North-East China for the purpose of increasing exploration in that area and, ultimately, the mineral wealth of China. It is a feather in the Mines and Energy cap that, as it travels the world and presents what we are doing in South Australia, which will encourage overseas countries to come to South Australia to explore, it will encourage other countries to use that technology to enhance their capabilities of exploration—and I compliment the department on that.

WATER, OUTSOURCING

Mr FOLEY (Hart): Will the Premier confirm that the $628 million of exports promised under the Government's contract with United Water will be made up entirely of exports to foreign companies from South Australia or does that figure include exports interstate? On 18 October, the Premier told this House:

> . . . under the contract, there are specific provisions for the amount of exports that have to be achieved from South Australia

over a 10 year period, and they are exports out of Australia. That figure is $628 million. . .

However, the Opposition understands that a significant proportion of those exports are to interstate and that some of those exports are to CGE and Thames subsidiaries interstate.

The Hon. DEAN BROWN: I had a very detailed briefing from both the Minister and the department on this issue, and they indicated that these exports come under the export classification of the Federal Government. I understand that that is the requirement that has been given in the contract. Therefore, if they are exports they are out of Australia. The selling of goods from Adelaide to interstate for use within Australia is not acceptable under the definition of 'an export'. If the honourable member has any information to the contrary, I suggest he bring it to me. The contract is for exports, and that means goods going out of Australia.

ENVIRONMENT PROTECTION COUNCIL

Mr CAUDELL (Mitchell): My question is directed to the Minister for the Environment and Natural Resources. What progress is being made on the setting up of the National Environment Protection Council headquarters in Adelaide; has a site been chosen; and what role will the council play? It was announced recently that the headquarters for the council will be based in Adelaide.

The Hon. D.C. WOTTON: As I have indicated to the House before, I am delighted that the National Environment Protection Council (NEPC) is to be established in Adelaide and that Adelaide will house its headquarters. This formally recognises the work that is being undertaken in this State in the environment field. The council will certainly ensure that the environmental spotlight remains on South Australia. The work that has been carried out to determine where the headquarters should be sited has to a large extent been based on success in caring for the environment, which is what has occurred in this State.

Negotiations are currently under way for a suitable city location for the council's headquarters. Acting Executive Director, Mr John Lambert, has been appointed. I am very pleased with that appointment, because Mr Lambert has been recognised for the strong contribution that he has made in the environment area over a very long period. The council has been formed by an Act of Parliament in each State and Territory to formulate Australia-wide environment protection measures. Items on the first agenda are anticipated to include the development of draft national environment protection measures on the cross border movement of hazardous wastes and guidelines for the assessment of contaminated sites and vehicle emissions. Other items that have been foreshadowed include national standards for air and water and aircraft noise.

At previous meetings of the Australian New Zealand Environment Ministers Council (ANZECC), it has been recognised that those issues are of significance and can be dealt with appropriately by the new council. With the administrative and policy centre of the council being based in Adelaide, I believe that we can look forward to the pivotal role that this State will play in influencing environmental standards nationally. I am particularly pleased that progress is being made to find an appropriate site for the new council in South Australia, and I think all South Australians should be very pleased indeed with the progress that is being made and the fact that the NEPC will have its headquarters established in South Australia.

WATER, OUTSOURCING

Mr FOLEY (Hart): My question is directed to the Minister for Infrastructure. What penalties will exist under the water contract if United Water International fails to sell 60 per cent to Australian interests within 12 months? Yesterday, United Water International confirmed that it would offer 60 per cent equity in the company to the Australian market. However, last Friday, representatives of the United Water company told a parliamentary select committee that the sale of equity to Australian investors would be market driven and that within five years Australian equity could still be only 5 per cent.

The Hon. J.W. OLSEN: I do not care what was said by a representative before a committee—

Mr Foley: I do.

The SPEAKER: Order! I care when the member for Hart and others interject.

The Hon. J.W. OLSEN: —in this respect: we have put down a position on an offer of 60 per cent Australian equity in this company. In my view, that is non-negotiable. That position will be attained: it will form part of the contract. Therefore, the commitment that previously I gave publicly when moving to the preferred bidder will, at the end of the day, form part of the contract. No ifs and no buts and no maybes about that: that will be the position, have no fear.

I pose to the member for Hart the following question: does he want a situation where we take a quantum step forward in economic development and job creation in this State, or does he not; does he want to develop the economic capacity of South Australia to tap into the Asian region, or does he not; will he give a fair go to the Government of South Australia to negotiate the best deal for all South Australians, or will he not? The member for Hart needs to make up his mind: is he acting as a South Australian or simply as someone who wants to sabotage a good deal for South Australia in the future?

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: The parameters and the principles are non-negotiable. Those parameters and principles are these: 60 per cent Australian equity in United Water International—non-negotiable; and six out of the 10 directors resident in Australia—non-negotiable, in my view, and it will come out in the contract when we come to the final contract negotiation phase. In addition, there will be a 20 per cent saving to consumers in South Australia in the delivery of water and wastewater services—non-negotiable; there will be the creation of 1 100 permanent new jobs in this State for South Australians—non-negotiable; and there will be $628 million worth of export markets for South Australia over the next 10 years ($38 million in the first year)—non-negotiable. Those principles will be incorporated in the contract.

I know that the member for Hart has not negotiated many contracts during his life—he demonstrates that with the questions he has asked today. We have simply said that there is a preferred bidder, and these are the parameters upon which we will negotiate the principles that we want embodied in this contract—and, at the end of the day, embodied in the contract they will be. When we sign off the contract, I would be delighted if the member for Hart stood up and said publicly, 'I got it wrong, the questions were wrong, how could I have doubted them', because the contract will have those principles locked in place.

TERTIARY EDUCATION PLACES

Mr SCALZI (Hartley): Mr Speaker—

Members interjecting:

Mr SCALZI: I am standing and I do look up to my colleagues. Will the Minister for Employment, Training and Further Education provide current details regarding SATAC application figures for universities and TAFE in 1996?

The Hon. R.B. SUCH: I thank the member for Hartley for his question and I commend him on the good work he does on the council of the University of South Australia. The honourable member can certainly walk tall in relation to his duties there. Applications for SATAC this year are significantly down on last year by 4 000, from 28 000 to 24 000. This is partly as a consequence of a demographic dip in the age of people leaving school who indicate an intention to enrol in university. Of great significance is the fact that many young people are still opting not to enter the science and technology areas. In South Australia we need to address that issue. The Government is addressing it and, in conjunction with the universities and TAFE, we need to encourage more of our young people to consider a career in the science and technology areas.

For example, applications for the Bachelor of Science degree at the University of Adelaide, first preference, are down by 12 per cent; Bachelor of Science, Flinders, first preference, down by 21 per cent; Faculty of Applied Sciences and Technology, the University of South Australia, first preference, down by 4 per cent; engineering, University of South Australia, down by 14 per cent; Bachelor of Science, Flinders University, down 14 per cent; and Bachelor of Engineering, Electronics and Electrical, Flinders University, down by 14 per cent.

On the more positive side, for programs such as the Bachelor of Engineering Biomedical at Flinders University, applications are up 14 per cent; for the Bachelor of Environmental Management, there were 417 applications for 30 places; and for the Bachelor of Information Technology, which is critical for us, there were 447 applications for 20 places. The arts areas at the University of Adelaide and Flinders University had decreases of 1 per cent and 17 per cent respectively, while agriculture had a decrease of 25 per cent.

It needs to be conveyed to young people and their parents that they should consider applying for the second round of university offers to make sure that they obtain the appropriate skills necessary to access a sound career. Mature aged people should also consider studies at university. As the level of university applications is down, there will be a flow-through effect to TAFE, because in time the cut-off scores for universities will be affected and that will flow through and attract into the university sector some of the students who would have gone to TAFE.

As a Government, we are not prepared to accept a situation, which has been a trend for the past 10 or 15 years, whereby young people turn away from sciences and technology. We must get our young people to understand that their future employment lies increasingly in the areas of science and technology, and particularly information technology. We need to reverse that trend and get back to a more balanced approach where people are comfortable and accept the importance of science and technology not only for training but, importantly, for their career options.

WATER, OUTSOURCING

Mr FOLEY (Hart): Given the Premier's statements on radio today that the Government is in dispute with United Water International over the timing of Australian equity, whether there will be a share float or not and subcontracting details, can he guarantee that the contractor will take over and be operational on 1 January 1996, as he announced last month?

The Hon. DEAN BROWN: The Minister for Infrastructure has indicated that the answer is 'Yes.' They do expect the contract to be finished and, as I understand it, signed in December and operating from 1 January next year. Of course, any contract, if it is in the stage of negotiation, is always subject to the completion of those negotiations successfully. I guess that, although the honourable member says that that is in the schedule, and although I understand that they are very close to finalising that contract, there is always some element of uncertainty until the contract is finalised. The Minister has indicated that that is clearly the objective.

I point out that, as I indicated on radio this morning, there are still a number of matters: the Minister has just given certain assurances as to what the Government will require. Clearly, if you look at what the Government will require in that contract and what has been put down by United Water International through the Chairman both before the select committee and on radio, there are still a number of matters where there is an outstanding difference between the two parties, and they are the matters that have to be revolved. The Minister indicated earlier today that those matters are being negotiated. I have clearly indicated today as well that they are matters being negotiated at present. The indication at this stage is that it will be operating as from 1 January.

ELECTRONIC FUNDS TRANSFER

Mr ASHENDEN (Wright): Will the Treasurer advise the House of what effort the Government is making to ensure that savings are achieved through the use of electronic funds transfer facilities for processing payments?

The Hon. S.J. BAKER: The electronic age is with us in terms of information technology in a big way, and the Government is utilising—

An honourable member interjecting:

The Hon. S.J. BAKER: Well, if that is the honourable member's terminology, I am willing to accept that we are on a new dawn. I am glad that the Leader of the Opposition agrees. The use of EFTs is becoming more widespread and, from the Government's point of view, it represents opportunities. We have had a delay in terms of when funds are made available and when they are debited against our accounts. We make funds available to pay accounts, receive a debit account and there is a 24-hour time lapse between the two events. That means that for 24 hours our funds are sitting in the Reserve Bank earning no interest. With the EFT proposals, and under the new GDES Group 4 processing, it is possible to do that instantaneously on the day that the payment is due. So, we do not have to have funds lying idle for that duration.

The estimated saving from that initiative—and we have applied great pressure to get improvement in our banking facilities, and I hope that some of the private enterprise firms do the same with the other banks—is about $400 00 a year in interest simply because we will have those funds available and not have them planted in the bank waiting for the debit to come along.

WATER, OUTSOURCING

Mr FOLEY (Hart): My question is directed to the Minister for Infrastructure. Given the Minister's statement today that United Water International will be the employer of SA Water employees, why have the trade unions involved in this arrangement received letters today from United Water Services Pty Ltd? A letter dated 22 November (today) to Mr George Young states:

> Dear George
> I refer to discussions on 21 November 1995 with yourself and representatives of the CEPU, AMWU and the PSA concerning the current industrial dispute at SA Water. On behalf of United Water I confirm that United Water will make a payment of. . . to those SA Water employees who accept employment with United Water. The offer is conditional on a return to normal duties and the lifting of all bans and limitations by 1 p.m. on 22 November 1995 and acceptance by union members that the dispute has been resolved.

The letter is signed by Mr Kevin Doyle, Director 'United Water Services Pty Ltd'.

The Hon. J.W. OLSEN: Fellas, relax; it is clearly my day today. In relation to this matter, what the honourable member for Hart does with this question is to show his absolute ignorance of the process and the structure. Let me take it through with him quite slowly, because we have only United Water Services in place at the moment. United Water International is the company to be formed on the date that the contract is signed. United Water Services was in place when the request for proposal (RFP) went out on approximately 1 May. United Water Services was the consortium bidding company, CGE and Thames. Once their bid came in on 7 August, followed by the evaluation and clarification, a company was nominated. We have gone forward with the preferred bidder, United Water International, which was to be the company that established a 60 per cent Australian equity.

I respond to the honourable member for Hart by saying that my understanding is that United Water Services, which is the company there at the moment—the operating company which has been put in place—will be taken over in effect by United Water International when we get to sign the contract, if you get off our back so that we can sign the contract. When United Water International signs the contract—and the employees, I might add for the member for Hart, will not be joining the work force until 1 January, a month after that—the United Water International formed on contract sign date will be the employer taking over these employees as at 1 January next year when the contract will start to become operative.

Mr Becker: Do you understand?

The SPEAKER: Order! The member for Peake.

Members interjecting:

The SPEAKER: Order! I am waiting for members to realise that they are sitting in Parliament and not at a football club.

GRIEVANCE DEBATE

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

The Hon. M.D. RANN (Leader of the Opposition): We have seen an extraordinary performance today and the most palpable thing was the disagreement, conflict and tension between the Premier and the Minister for Infrastructure. It was interesting that, when the member for Hart as shadow Minister asked the Premier a question, they both stood up and glared at each other. We had the Premier saying on record today that he did not know about these arrangements until yesterday.

I refer today to another issue. At the weekend I was invited to attend a rally in defence of the Bowker Street Reserve, which is in the southern suburbs. A number of people were invited: the Premier, Rob Lucas, the Hon. David Wotton, the Treasurer, and local members for the surrounding areas such as Wayne Matthew, John Oswald and Colin Caudell. Not one single Liberal had the decency or courage to come along to the rally and explain to the hundreds of people and parents who were there that in fact—

Mr CAUDELL: Mr Speaker, I rise on a point of order.

The SPEAKER: I hope the point of order is relevant.

Mr CAUDELL: Yes, Mr Speaker. The Leader of the Opposition reflected on me by saying that I did not have the decency to turn up to a meeting—

Members interjecting:

The SPEAKER: Order! There is no point of order. The Leader of the Opposition.

The Hon. M.D. RANN: Thank you, Sir. There is no point of order. We would have liked to see the honourable member going along and talking to his constituents. I wish to let the honourable member know one thing for sure: the people there were asking where the local members were. I could go there as Leader of the Opposition and Paul Holloway could go there, as could Jeremy Gaynor, the Federal ALP candidate, but not one single Liberal had the guts to front. They want to sell off this reserve, but members should remember that back in 1973 the former Minister of Education, Hugh Hudson, made a pact with the people of that area, under contract, that that land would be handed over for recreational use.

It is another example of what will be sold off by this Government. But 3 500 young children aged eight to 16 years representing 64 schools use the ovals for soccer; hundreds each week aged up to 14 years use the ovals for Little Athletics; hundreds use it for football and hundreds use it for cricket, tennis, rugby, senior football, women's soccer and netball, yet this land is about to be sold off. Paul Holloway raised this issue in the Upper House and asked:

> Will the Minister heed the wishes of local residents of North Brighton and retain the land at Bowker Street as a public reserve?

The Hon. D.S. BAKER: Mr Speaker, I rise on a point of order. The Leader of the Opposition is referring to a member in another place without using his correct title. I think that is out of order.

The SPEAKER: Order! Technically the Minister may be right, but I will allow the Leader to continue.

The Hon. M.D. RANN: Thank you, Sir. The Hon. Mr Holloway asked:

> Does the Minister intend to meet residents of the area to hear first-hand their opposition to the sale of the land?

What did the Minister for Education and Children's Services say? He said:

> I do not like to judge the relative merits of questions: they are. . . not worth much. In relation to Bowker Street, I am happy to meet anybody, but my decision as Minister has been taken, namely, that it is surplus to the requirements of the Department of Education and Children's Services and in due course I will sign the appropriate documentation for that to occur.

What an extraordinary contempt for local people. This area was given to the local people by the former Labor Government and is to be flogged off. These people's interests are not being represented by their local members. Let us remember that international soccer stars, Socceroos such as Alex Tobin and Serge Melta, did their training there as children, as did major AFL footballers. However, we have seen a situation of extraordinary contempt by this Government for local people, and it is not surprising that local people are angry that their local members of Parliament—Liberal members of Parliament—did not have the decency, courage and gumption to do their duty as members of Parliament and attend that rally to explain the Government's actions. The Labor Party is opposed to the sale of this land and so are thousands of people and thousands of children around the area who use that land. There will be a mobilisation of local schools and local communities to point out to the local members that they should do their duty.

Members interjecting:

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

Mr ASHENDEN (Wright): Today I want to address an issue that has been current over the past few days. I would like to say how pleased I am that at long last the unions have seen common sense and have allowed workers to go back to work with SA Water.

An honourable member interjecting:

Mr ASHENDEN: The honourable member can laugh, but I want to outline what happened. I received a phone call on Monday afternoon at my office from a male who was extremely concerned because his wife had just rung him at work and said, 'You have to come home because we need desperate help. Sewage is running through our front yard, through the house and into our backyard.' This family has two young children.

The husband went home as quickly as he could. When he got home he saw the problem. He tried to contact SA Water. He got through and was told there was absolutely nothing that could be done because the unions would not allow any work to be undertaken unless the situation was an emergency. He said, 'For goodness sake, I have two young children and sewage is running through the front of my yard into the house and out into the backyard. Surely that is an emergency.' He was told it was not an emergency.

He then rang me and I immediately rang SA Water. A senior SA Water manager went to the home and saw how serious the problem was. He went to the depot and asked for this matter to be attended to, but the unions said, 'In no circumstances will we allow that problem to be rectified. We do not regard that as an emergency. The only occurrences we regard as emergencies involve hospitals or various other things.' Here was a family with sewage running through the yard and house where two young children were living. How can people train such young children not to touch that filth? My point is that the unions refused to allow this problem to be rectified. The manager got back to me and said, 'I have done everything I can to relieve the pressure in the mains area (lifting caps and the like), but the unions will not allow the workers to go out and rectify this problem.'

Members interjecting:

The SPEAKER: Order! I suggest that the member for Torrens cease interjecting. She will have an opportunity later in the grievance debate. The member for Wright.

Mr ASHENDEN: I make the point that I was keeping in close contact with SA Water management and this family. I had a distraught husband and wife who were terribly upset because they could see the problems their children were going to encounter. That mess was there for two days and I stress that the union made it clear that it did not regard this situation as an emergency. It would not allow any employees to rectify the problem. Evidently, this is not an unique situation, as I discovered when I discussed this with other members on this side of the House. Also, let us not forget what this union has done: it has flouted the Industrial Relations Commission.

The Hon. D.S. Baker: Who's the secretary of this union?

Mr ASHENDEN: That is a very good question. The point I make is that the union had been before the commission.

Mrs Geraghty interjecting:

Mr ASHENDEN: Yes, I will also make another point for the honourable member, who is closely involved in this: I had employees of SA Water coming to my office and saying, 'We just want to wash our hands of this affair. There is only one reason the union will not allow the meeting to occur, and that is that it knows jolly well that if a public meeting is held for all of us to attend we will vote against the action that our union is taking.' Members of the union came to me and made it quite clear that the reason for their visit was that they were embarrassed because their union would not allow them to go and help these people who were in trouble. Again, the union has nowhere to go, because the Industrial Commission ordered them back to work, they refused and they have flouted the commission. Imagine what members opposite would be saying if the employer had done this.

Let us put the blame exactly where it lies. It is not the workers, because they wanted to go out and help: it is the union. The union held off the meeting of all members for as long as it could, knowing full well it would get rolled. What kind of attitude is it when a union will do that while families are suffering in the way I have outlined? Once again, the unions in this case have to be absolutely condemned.

The Hon. D.S. Baker interjecting:

Mr ASHENDEN: As my colleague the Minister says, 'They are a mob of thugs.'

The Hon. D.S. Baker: They probably bash their wives as well.

Mrs GERAGHTY: Mr Speaker, I rise on a point of order. I would suggest that the Minister withdraw the comment he just made that union leaders 'probably bash their wives as well'.

The SPEAKER: The honourable member knows full well that that is not a point of order. The honourable member has—

Mrs Geraghty interjecting:

The SPEAKER: Order! I hope the honourable member is not answering the Chair back. The Chair has made a clear decision: it is not a point of order. The Chair was about to indicate to the honourable member—and I ought to explain to a number of members—that far too many frivolous points of order have been taken which bear no relationship to the Standing Orders. All members have been here long enough to know that the tactic of disrupting another member by taking a frivolous point of order is one with which the Chair will deal very harshly from now on. The honourable member for Elizabeth.

Ms STEVENS (Elizabeth): It may not have been a point of order, Sir, but the comment was certainly a most inappropriate—

The SPEAKER: Order! I hope the honourable member is not reflecting on the Chair, because she knows the consequences.

Ms STEVENS: No, certainly not, Sir; on the comment of the Minister. I will spend the few minutes allotted to me to comment again on the issue of health inspections in our community. This issue was raised by the Coroner in his investigation into the death of Nikki Robinson in relation to the HUS outbreak. This issue is one which we as a community must follow right through and ensure that the issues raised during that inquest are fully addressed. The Coroner, as part of his report, recommended that local government resources and the process of enforcing the State Food Act must be reviewed.

From evidence put to the Coroner, it seems that a real problem exists in relation to health inspections of food handling, processing and manufacturing plants in South Australia. Reading through the evidence provided in the inquest, it was interesting to note that there seemed to be major problems relating to the fact that, first, it is not unusual for companies to be forewarned of a visit by health inspectors to their premises; and, secondly, that there seems to be an issue concerning the lack of inspectors employed to carry out the work. The Coroner's inquest heard from three former Garibaldi employees that the processing plant was forewarned of visits by health inspectors and that workers often had to stop work to clean the premises in preparation for a visit to ensure that they were up to standard. This is patently a disgraceful situation to be occurring.

Last week, when I spoke on 5AN on the Matthew Abraham morning show about this issue, he invited callers to phone in about the issue of health inspections. There were two callers within a minute or so of starting this discussion—

Mr Cummins interjecting:

Ms STEVENS:—which I did not arrange: I do not have time to do those sorts of things, unlike Government backbenchers, no doubt. One of those callers spoke of having worked in an establishment where they were indeed warned of a health inspection that was to occur in an hour's time and said that this was common place. A further caller also reiterated that matter. Both those callers were in diverse community operations, but both agreed that this was a problem. The Minister did not take the opportunity to comment on this issue as it was being broadcast. A prepared statement was faxed through stating that a number of matters had been put in place, but those matters were discussed in broad generalisations; there were no specifics.

This is a very important issue. We need to be specifically assured that the issues highlighted in that report and backed up by anecdotal evidence, certainly last Wednesday and on other occasions, are addressed so that the community can be assured that health inspectors perform their jobs adequately and that food and food preparation, manufacturing and sale, etc., are safe.

Mr CUMMINS (Norwood): I refer to the arrogance of the Prime Minister of this country and the fact that he is so out of touch with reality that he is prepared to attack the very institutions that underlie the Westminster system. As we know—perhaps he does not know—the Westminster system is based on the concept of separation of powers, and that has existed basically since Montesquieu put forward that concept in 1748. We know that the powers are separated, comprising the executive, the judiciary and the legislature. They are separate and independent entities, and that is why our democratic system works.

We know that Commissioner Marks was appointed to the Easton commission. He was not from Western Australia: he was a former Victorian Supreme Court judge and a former President of the Bar Association of Victoria, a man with integrity unlike the member for Ross Smith. Prime Minister Keating, on 15 November 1995, described the Commissioner as dubious and worthless, and in the *Advertiser* on 15 November, as not having a shred of integrity.

It is amusing, really, because the integrity of the commission was tested because Lawrence, in her mad efforts to try to stop what the commission might find, took out an application for a declaration that was invalid and void. It went to a single judge of the Supreme Court of Western Australia and was dismissed; it went to the Full Court of the Supreme Court of Western Australia, where it was dismissed; and it then went to the High Court and, again, was dismissed. So much for the integrity of the commission. The High Court of Australia found that it did have integrity, most of the members, I might say, having been appointed by Keating and his Government.

The reality is that the commission found that Lawrence did not have a shred of integrity and *ipso facto* from that that Keating himself, in supporting her in the way he did, does not have any integrity, either. That is pretty obvious: either that, or he is terribly stupid. There was no hearsay evidence used in relation to these findings: the Commissioner himself specifically said that.

Mr Clarke interjecting:

Mr CUMMINS: In relation to Blaikie's report, I have read that, and there was no finding adverse to the Premier of this State. If the honourable member thinks that, he had better read it again. Of course, Commissioner Marks found that Lawrence was putting her personal interests before the public and she was in breach of trust. We know that members of Parliament hold trust on behalf of the people: that is what the representative and democratic process is all about. If the member for Ross Smith were to listen, he might learn something today. I am sure he would not understand these concepts, but I am quite happy to speak to him later.

The Commissioner also found that Lawrence lied to the public, denied any knowledge of the matter and put her interests before those of the Easton family. She denied that. She said that she had no knowledge prior to 5 November, even though seven of her own members disputed that. The amazing thing is that these people—seven of her own former Ministers—had absolutely no reason at all to say that Lawrence was lying, but they did. Four others also said that. On four separate occasions prior to 5 November, they said that the petition was discussed. It is patently obvious that Lawrence is a liar and that the Prime Minister of this country is prepared to support a liar for political reasons. When the Prime Minister of a country does that and the media of this country does nothing to try to stop that sort of behaviour, they are in the process of destroying the democratic procedures of this country and this democracy.

I hope that the media in this country will review what they have done in relation to this matter, and I hope they will come out and protect our democratic institutions, in which I, unlike the member for Ross Smith, happen to believe. He does not believe in this institution; we know that from the recent attack he made on the Speaker of this House. He has the same

mentality as that of Keating. It is a sewer rat mentality that will attack anything, including the very structure of democratic government for their own purposes, needs and personal interests. That is what you are about, the member for Ross Smith; that is what your Labor Leader in Canberra (Mr Keating) is about and—

Members interjecting:

The DEPUTY SPEAKER: Order! There should be no interjections.

Mr CUMMINS:—that is also what former member Lawrence of the Western Australian Government is about. She is now one of your Federal Labor Ministers in Canberra. That is the level of mentality of you—

Members interjecting:

Mr CUMMINS: Well, I left my friend: I was a bit smarter than you, wasn't I? That is the level of mentality of you and of the Party you represent: if anything gets in your way, you deny the rights of the people; you deny representative government. That is what Lawrence has done, that is what you do, and that is what your little mates in Canberra do. It is about time the people of Australia, and the media in particular, came out and attacked the likes of Keating.

The DEPUTY SPEAKER: Order! The honourable member's time has expired. I remind members that there would be less antagonism if members would address the Chair rather than address individual members and, therefore, incite blood.

Mrs GERAGHTY (Torrens): I want to speak on mental health this afternoon. However, I wish to make a few comments concerning the contribution of the member for Wright who has, as usual, gone into his general union bashing mode. He made several statements, some of which were absolutely untrue. Sewage may have been floating around or contaminating somebody's home but, if that was the case and if a representative of SA Water had contacted the union, it would have been rectified. On Sunday evening, my husband, who we all know is a union official, received telephone calls regarding the incident at Hope Valley where some of the tanks had started to empty. The union ordered back-flushing to take place so that the pipes would not be left without water because, as we know if that happens, air pockets form in the pipes and, when the water flows back in, the pipes blow.

The union took responsible action in that case, as it did in other situations where it was contacted about an emergency. I have some doubts that the unions were advised of this, as they could have been. There is no problem with any representative of SA Water contacting a union official: they had the telephone numbers, because they have been telephoning our home. Had they done that, those people about whom the member for Wright spoke would not have had to endure that situation—if it was as he said.

The Minister for Primary Industries indicated, by interjection, that union officials bash their wives. As I said, I am the wife of a union official, and I can assure you that I am not bashed. I certainly do not look as though I have been bashed, and I have not been. However, what happens in here is constant union bashing, and I am sure that the matter to which the Minister was referring was the fact that from the Government side of the House we have union bashing. We hear that constantly, but there is certainly no wife bashing.

Members interjecting:

Mrs GERAGHTY: I am sure that nobody would want him over there. The matter I wanted to discuss—and I will have to continue with it at a later stage—involves comments the Minister for Health made in the *Advertiser* last week concerning our mental health system. From reading his comments, I just do not believe that the Minister is listening to the cries out in the community. Certainly, in the electorate of Torrens we have a problem with people not being able to obtain the assistance they need from our mental health service. Members would be well aware that the mental health system is in crisis in our communities, and we seriously need to deal with these issues because of the problems that are occurring.

There are two issues involved, and they are interwoven. The first issue is that the community is dealing with the problems we are experiencing on a day-to-day basis, and these problems are now getting to a point where our communities are just not able to deal with them. I will have to continue this matter later, and I will pursue with the Minister the reduction of 200 staff in the mental health system. The Minister is embarking on a course of deinstitutionalisation but the Government has not transferred those staff into the community-based services. That is the real issue: the Minister is not putting the proper staffing levels or the funding into the community-based services.

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

Mrs ROSENBERG (Kaurna): I would like to put on record some of the successes that have been happening in the electorate of Kaurna with regard to personal safety and local security.

An honourable member interjecting:

Mrs ROSENBERG: We have done more in two years than the your Government did in the past 25. One of the successes I have talked about with great pride for some time is the Aldinga Community Police Station, which is now backed up by the success of the local Noarlunga Community Police Station, opened in late September. As a result of that opening, within the short time of a month or so of its existence, that police station boasted nine arrests, 23 reports and 15 cautions. The three officers attached to the Noarlunga Community Police Station each have one-third of the Noarlunga Centre precinct, with the responsibility to make themselves known personally to all the shop owners and people frequenting those community areas such as the cinemas and the swimming centres. They have done that very successfully and have been received very well by the community using Noarlunga Centre.

Recently, there has been the re-dedication of Ramsay Place, which is what could be described as the centre of the Noarlunga Shopping Centre complex. I want to put on record my support for and congratulations to the Noarlunga Centre Development Steering Committee on the work that has been done to get Ramsay Place to the current stage. Those who have gone through the Noarlunga Colonnades Shopping Centre in the past may have thought that Ramsay Place was a fairly dingy, tired and old-looking area. It has now been totally revamped and is a place in which one can be made to feel safe. It is an area not only for shoppers and workers in the Colonnades Shopping Centre, but people who visit the TAFE college to study can have an extra study area outside.

One of the main features of that redevelopment has been the landscaping work, which required a considerable amount of knowledge. Fully grown trees were taken out of various locations, kept alive for a considerable time, and then replanted in the revamped Ramsay Place. It took a lot of

expertise to do that, and I congratulate the landscape workers on their ability in putting it into place.

The changes that have taken place in Ramsay Place make it much more welcoming for the community at night. Many people have claimed that they feel uncomfortable and out of place there at night because of some of the dark and hidden areas but, with the change in the landscaping, it provides not only good shade during the day but it is opened up at night as well.

There has been a cooperative approach between the three levels of government. The Federal Government, through its Better Cities Program, has provided $1.64 million to fund the upgrading of the whole of the Noarlunga Centre. That includes the redesign of Ramsay Place, as well as areas like the transport interchange, car parks and amenities around Noarlunga Centre.

As part of the transport interchange upgrade, this Government is embarking on what is known as the mural art program. We are working with a series of young artists in the area and with the Noarlunga council, TransAdelaide and the Department of Transport in a cooperative approach towards mural art on the new areas in the interchange. Hopefully, that will overcome the problems of graffiti to which that new interchange will obviously be subjected if we were not to take up some of the initiatives of the mural art program.

The suggested drawings and art works will be on display for the community to comment upon, and it will then go to the Noarlunga council for approval. Hopefully, with the opening of the new interchange in March next year, some of that mural art will be on display for those who use the centre. It is a particularly exciting innovation for TransAdelaide, and I congratulate it.

STATUTES AMENDMENT (DRINK DRIVING) 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 seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The purpose of this Bill is to amend the Road Traffic Act 1961, Harbors and Navigation Act 1993 and the Motor Vehicles Act 1959 with regard to various provisions relating to drink driving. This Bill seeks to address anomalies and seeks to ensure that provisions relating to the taking of blood alcohol samples are strengthened.

Until recently, the provisions of the Road Traffic Act and Harbors and Navigation Act dealing with drink driving had been similar. However, in a number of instances more recent amendments to the Road Traffic Act had not been incorporated into the Harbors and Navigation Act. As the responsibilities and concentration required for driving are similar whether on the water or the roads, there is a need to ensure that the law in both cases is similar. This Bill, therefore, incorporates the previous amendments to the drink drive provisions of the Road Traffic Act, and those now proposed, into the Harbors and Navigation Act.

As a result of instances where learner drivers have been involved in accidents and the accompanying licensed driver has been under the influence of alcohol, further provisions are required to strengthen the law. It is a requirement under the Motor Vehicles Act for a licensed driver to supervise and instruct the learner driver at all times while in control of a vehicle, yet there is no provision under either the Motor Vehicles Act or the Road Traffic Act for the licensed driver to be breath tested in the event of an accident.

There are a number of potential problems arising from this. Not only does the licensed driver display inappropriate driving behaviour to an inexperienced driver, he or she may also be unable to provide proper supervision. In the event of the licensed driver being involved in an accident, or if he or she has committed an offence and not being in a fit state to drive, the licensed driver could take the opportunity to pretend that the learner driver was in charge of the vehicle and escape the likely consequences. The amendment to the Motor Vehicles Act will overcome this defect by providing a maximum blood alcohol concentration of 0.05 per cent for a licensed driver accompanying a learner driver. It will also ensure that the licensed driver can be subjected to a breath or blood analysis as if he or she was the driver of the vehicle. The learner driver will remain subject to all breath testing and penalty provisions currently applying.

Section 47i of the Road Traffic Act sets out the steps to be taken by a medical practitioner when taking a blood sample from a person who attends, or is admitted to, hospital as a result of a motor vehicle accident. It requires one sample of blood to be given to, or retained on behalf of, the person from whom the blood was taken. A second sample is given to police for analysis. This procedure provides the person with an opportunity to have the blood analysed in the event that he or she wishes to verify the evidence which might be presented in a prosecution arising from the motor vehicle accident. The courts have held that if a defendant has not been provided with the blood sample and therefore denied this opportunity to fully test it, the prosecution must fail. A number of prosecutions have failed or have been withdrawn on this basis.

Situations have arisen where it has not been possible to show that the treating medical staff have handed the blood sample to the defendant. This Bill removes the responsibility from medical staff for determining who should receive the patient sample and will provide an independent control of these samples. The effect of the amendment will be that both patient and evidentiary blood samples are forwarded to the Forensic Science Centre. A certificate will be given to the patient by the medical practitioner or left with his or her personal effects at the hospital, outlining that the blood sample will be forwarded to the Forensic Science Centre and will be available for collection from there.

In order to ensure that the defendant is provided with the opportunity to obtain his or her blood sample, a letter will be sent advising the defendant that the sample is available for collection. Failure to collect the sample will not prevent presentation in evidence of the results from analysis of the evidentiary sample.

The Supreme Court has drawn attention to the difficulties arising from the operation of section 47G(1a) of the Road Traffic Act. This section precludes the introduction of evidence to rebut the reading produced by a breath analysis instrument as to the defendant's blood alcohol level, other than by way of evidence which is obtained by blood analysis. This provision has the effect of discouraging deliberate drinking after an accident, for example, with the object of presenting a defence that, at the time of the accident, the defendant was not affected by alcohol. A defence could otherwise be made out that the breath analysis reading was the result of consumption of alcohol between the time of the accident and the time of the breath analysis.

Whilst this section prevents such evasion, it has in fact led to a number of injustices. To overcome this problem, an amendment will allow a defence of 'intermediate drinking'. This defence will only be available if the defendant, on the balance of probabilities, can show that he or she had consumed alcohol after ceasing to drive or attempting to drive. It will also be necessary to show that the amount of alcohol consumed in that time would have been sufficient to raise the blood alcohol level to a point where drinking whilst driving was an offence. If satisfied that the defence of 'intermediate drinking' has been made out, a court can dismiss the charge or convict of an offence of a less serious category.

Concern has been expressed that the introduction of this defence could lead to intoxicated drivers consuming alcohol at the scene of an accident or leaving the scene with the intention of consuming alcohol, or claiming to have consumed alcohol, in order to establish grounds for a defence of 'intermediate drinking'. To overcome this problem, the Bill specifically precludes the use of the defence in situations where a driver consumes alcohol at a breath testing station or at the scene of an accident or leaves the scene of an accident and fails to comply with the provisions of the Road Traffic Act with regard to responsibilities at the scene of an accident. On this basis, the defence will only be available to those drivers who have complied with their responsibilities under the Road Traffic Act.

As a defence of 'intermediate drinking' will now be available, there is not justification for continuing to accept this as an excuse for failing to take a breath test. Intermediate driving will therefore be specifically precluded as a reason for failing to comply with a requirement or direction to submit to an alcotest or breath analysis.

A recent appeal before the Supreme Court has highlighted the need for a provision relating to the approval of the blood testing kits to be clarified. In order to overcome the difficulties of proving whether or not the kit provided is one approved by the Minister for Transport, amendments are proposed requiring the kits to be of a kind declared by the Governor by regulation to be approved blood test kits.

At the request of the Director of Public Prosecutions, amendments to section 47G (1) of the Road Traffic Act and section 73(5) of the Harbors and Navigation Act have been included in the draft Bill to extend the use of a blood alcohol certificate as proof in other offences such as reckless and dangerous driving or causing death or injury by reckless driving. In at least six prosecutions every year, up to 5 days are spent during each prosecution in proving facts of this nature. The amendments will avoid the need for this by allowing the use of certificates as an evidentiary aid in proving the accuracy of blood alcohol readings in such prosecutions. The presumption that the blood alcohol level recorded in the breath analysis was present in the defendant's blood during the preceding two hours will, however, only apply in drink driving prosecutions and not in prosecutions for the other offences.

Despite significant measures taken to remind drivers of the danger of drink driving, irresponsible behaviour still exists on our roads. I strongly believe that these amendments will assist in getting this important message across.

I commend this Bill to honourable members. I seek leave to have the detailed explanation of the clauses inserted into *Hansard* without my reading it.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

Clauses 1 and 2 are formal.

Clause 3: Interpretation

Clause 3 provides that a reference in this measure to the principal Act is a reference to the Act referred to in the heading to the Part in which the reference occurs.

PART 2

AMENDMENT OF HARBORS AND NAVIGATION ACT 1993

Clause 4: Amendment of s. 71—Requirement to submit to alcotest or breath analysis

Section 71 of the principal Act provides that a person who is operating or has operated a vessel within the preceding two hours, or is or was on duty as a member of the crew of a vessel operated within the preceding two hours, may be required to submit to an alcotest or breath analysis.

The proposed amendment provides that a person is not entitled to refuse to submit to an alcotest or breath analysis on the ground that the person consumed alcohol after the person last operated a vessel or was on duty as a member of the crew of a vessel and before being asked to submit to an alcotest or breath analysis. The amendment also provides (in similar terms to the corresponding provision of the *Road Traffic Act 1961*) that it will not be a defence that the reason for refusal was the physical or medical condition of the person unless—

(a) a sample of the person's blood was taken; or

(b) the person requested that a sample of blood be taken but an authorised person failed to do so or a medical practitioner was not reasonably available to do so; or

(c) the taking of a sample of a person's blood was not possible or reasonably advisable or practicable in the circumstances because of some physical or medical condition of the person.

Clause 5: Amendment of s. 72—Police to facilitate blood test at request of incapacitated person, etc.

Clause 5 amends section 72 of the principal Act to remove the right of a person who has been required to submit to a breath analysis to require assistance to have a sample of blood taken. An exception to this is where that person has refused to submit to a breath analysis because of some physical or medical condition and has immediately requested that a sample of blood be taken. The taking of a blood sample in these circumstances will be at the expense of the Crown. This amendment is consistent with previous amendments to the *Road Traffic Act 1961*.

Clause 6: Insertion of ss. 72A and 72B

Clause 6 inserts two new sections into the principal Act. The proposed section 72A provides that where—

(a) a person submits to a breath analysis outside Metropolitan Adelaide; and

(b) the person requests a blood test kit; and

(c) it appears to an authorised person that the person will not be able to make transport arrangements within two hours after the conduct of the breath analysis to a place at which a sample of the person's blood may be taken and dealt with; and

(d) the person requests of an authorised person that they be transported to such a place,

an authorised person must arrange such transport.

The proposed section 72B provides that where a person submits to a breath analysis outside Metropolitan Adelaide a sample of the person's blood may be taken by a registered nurse instead of a medical practitioner.

Again, these new provisions are consistent with changes previously made to the *Road Traffic Act 1961*.

Clause 7: Amendment of s. 73—Evidence

Section 73 of the principal Act provides a presumption that the concentration of alcohol indicated as being present in the blood of a person by a breath analysing instrument was in fact present in the blood of the person at the time of analysis and for the preceding two hours. This presumption may be rebutted by evidence of the concentration of alcohol in the person's blood as indicated by a blood test conducted under Part 10 Division 4 of the principal Act. Under the proposed amendment the presumption will only be rebutted by evidence of the concentration of alcohol indicated by a blood sample (which must have been taken under section 74 following an accident or under the proposed new procedures relating to blood test kits) and evidence that relates the analysis of the blood sample and the results of the analysis to the question whether the breath test gave an exaggerated reading of the defendant's blood alcohol level.

The clause makes amendments so that the presumption and evidentiary provisions in section 73 apply in relation to offences against other Acts (for example, the *Criminal Law Consolidation Act*) as well as offences against the principal Act. The presumption that the blood alcohol concentration indicated by a breath analysis was present during the two hours preceding the analysis will not, however, apply in relation to offences against other Acts. Similarly, the provision limiting evidence in rebuttal of the presumption as to the accuracy of breathalyser readings will not apply in relation to offences against other Acts.

An amendment to subsection (4) provides that the person operating the breath analysing instrument must, if the breath analysis indicates a concentration of alcohol exceeding the prescribed level and the person requests it, give the person an approved blood test kit in the same way as under the *Road Traffic Act 1961*. A new evidentiary provision is included relating to compliance with subsection (4) together with a provision limiting defence argument as to deficiencies of a blood test kit furnished to the defendant to deficiencies that prevent compliance with the procedures in the regulations relating to the use of blood test kits. The above amendments also match the corresponding *Road Traffic Act* provisions.

The clause also separates the subject matters of a certificate under the evidentiary provision contained in subsection (5)*(b)* so that certificates may be issued by different authorised officers.

Clause 8: Insertion of s. 73A

Clause 8 inserts section 73A into the principal Act. The proposed new section provides that where the prosecution relies on evidence of the results of a breath analysis to establish that the defendant is guilty of an offence against Part 10 Division 4 of the principal Act and the defendant satisfies the court—

(a) that the defendant consumed alcohol after the defendant last operated a vessel or was on duty as a member of the crew of a vessel and before the performance of the breath analysis; and

(b) in a case where the defendant was required to submit to the breath analysis after involvement of the vessel in an accident—that the requirements of section 76 (relating to rendering assistance and providing particulars) were complied with and that alcohol was not consumed by the defendant while at the scene of the accident; and

(c) that, after taking into account the quantity of alcohol consumed by the defendant during that time and its likely effect on the concentration of alcohol indicated as being present in the defendant's blood by the breath analysis, the defendant should not be found guilty of the offence charged,

the court may find the defendant not guilty of the offence charged or guilty of an offence of a less serious category. This proposed new section corresponds to a similar provision proposed to be inserted in the *Road Traffic Act 1961* by the amendments contained in Part 4 of the Bill.

Clause 9: Amendment of s. 74—Compulsory blood tests of injured persons including water skiers

Clause 9 amends section 74 to provide that when a medical practitioner takes a sample of blood the medical practitioner must give to the person from whom the sample was taken, or leave with that person's personal effects at the hospital, a notice advising that the sample of blood has been taken under this section and that part of that sample is available for collection at a specified place.

The proposed amendment provides that one of the containers containing the sample of the person's blood must be collected by a member of the police force and delivered to the place specified in the notice and be kept available at that place for collection by the person from whom the blood sample was taken.

These amendments also correspond to amendments proposed to be made to the *Road Traffic Act 1961* under Part 4 of the Bill.

Clause 10: Amendment of s. 76—Duty to render assistance and provide particulars

This clause makes drafting corrections only.

PART 3

AMENDMENT OF MOTOR VEHICLES ACT 1959

Clause 11: Amendment of s. 75a—Learner's permit

Clause 10 amends section 75a to provide that a person must not act as a qualified passenger for a learner driver while there is present in bis or her blood the prescribed concentration of alcohol (0.05 grams or more in 100 millilitres of blood). The penalty is a maximum fine of $1 000.

Clause 12: Amendment of s. 81a—Probationary licences

Clause 11 makes amendments to section 81a that are required as a result of amendments made in Part 4 of this measure to the *Road Traffic Act 1961*.

PART 4

AMENDMENT OF ROAD TRAFFIC ACT 1961

Clause 13: Amendment of s. 47A—Interpretation

This clause adds to section 47A a new definition of an approved blood test kit. Blood test kits will now be approved by regulation.

Clause 14: Amendment of s. 47E—Police may require alcotest or breath analysis

Section 47E provides that in certain situations the police may require a person to submit to an alcotest or breath analysis.

The proposed amendment alters subsection (5) to provide that a person is not entitled to refuse to submit to an alcotest or breath analysis on the ground that the person consumed alcohol after the person last drove a motor vehicle or attempted to put a motor vehicle in motion and before being asked to submit to an alcotest or breath analysis.

Clause 15: Amendment of s. 47G—Evidence, etc.

Section 47G of the principal Act creates a presumption that the concentration of alcohol indicated as being present in a person's blood by a breath analysing instrument was the concentration of alcohol at the time of the analysis and for the preceding two hours. This presumption may be rebutted by analysis of a sample of blood. Under the proposed amendment it is only rebutted by evidence of the concentration indicated by a sample of blood and evidence relating the analysis of the blood sample and the results of the analysis to the question whether the breath test gave an exaggerated reading of the defendant's blood alcohol level.

The clause makes amendments so that the presumption and evidentiary provisions in section 47G apply in relation to offences against other Acts (for example, the *Criminal Law Consolidation Act*) as well as any offences against the principal Act. The presumption that the blood alcohol concentration indicated by a breath analysis was present during the two hours preceding the analysis will not, however, apply except in relation to offences against section 47(1) or 47B(1). Similarly, the provision limiting evidence in rebuttal of the presumption as to the accuracy of breathalyser readings will not apply in relation to offences against other Acts. The evidentiary provision as to whether a breath analysing instrument was in proper order and was properly operated will not apply in relation to an offence against section 47E(3) relating to failure to comply with directions as to a breath analysis.

An amendment to subsection (2a) provides that the person operating the breath analysing instrument must, if the breath analysis indicates a concentration of alcohol exceeding the prescribed level and the person requests it, give the person a blood test kit in a form approved by the Governor by regulation rather than one approved by Ministerial notice.

A new evidentiary provision is included relating to compliance with subsection (2a) together with a provision under which defence arguments as to deficiencies of a blood test kit furnished to the defendant would be limited to deficiencies that prevent compliance with the procedures in the regulations relating to the use of blood test kits.

Clause 16: Insertion of s. 47GA

This clause inserts section 47GA into the principal Act. The proposed new section provides that where the prosecution relies on evidence of the results of a breath analysis in order to establish that the defendant is guilty of an offence against section 47(1) or 47B(1) and the defendant satisfies the court—

(a) that the defendant consumed alcohol after the defendant last drove a motor vehicle or attempted to put a motor vehicle in motion and before the performance of the breath analysis; and

(b) in a case where the defendant was required to submit to the breath analysis under section 47E(1)*(d)* (following involvement in an accident)—that the defendant complied with section 43(3)*(a)*, *(b)* and *(c)* in relation to the accident (that is, stopped the vehicle, rendered assistance and provided personal and vehicle particulars) and that alcohol was not consumed by the defendant at the scene of the accident; and

(c) in a case where the defendant was required to submit to the breath analysis under section 47E(2a) (at a breath testing station)—that the alcohol was not consumed by the defendant in the vicinity of the breath testing station; and

(d) that, after taking into account the quantity of alcohol consumed by the defendant after he or she last drove a motor vehicle and before the breath analysis and its likely effect on the concentration of alcohol indicated as being present in the defendant's blood by the breath analysis, the defendant should not be found guilty of the offence charged,

the court may, despite the other provisions of the Act, find the defendant not guilty of the offence charged or guilty of an offence of a less serious category.

Clause 17: Amendment of s. 47I—Compulsory blood tests

This clause amends section 47I to provide that when a medical practitioner takes a sample of blood from a person under this section the medical practitioner must give to the person, or leave with the person's personal effects at the hospital, a notice advising that a sample of blood has been taken and that part of that sample is available for collection at a specified place. The proposed amendment also provides that one of the containers containing the sample of the person's blood must be collected by a member of the police force and delivered to the place specified in the notice and be kept available at that place for collection by the person from whom the blood sample was taken.

Mr CLARKE secured the adjournment of the debate.

STATUTES AMENDMENT (SUNDAY AUCTIONS AND INDEMNITY FUND) BILL

Second reading.

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

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The *Statutes Amendment (Sunday Auctions and Indemnity Fund) Bill 1995* is introduced to make amendments to the *Land Agents Act 1994*, the *Conveyancers Act 1994* and the *Land and Business (Sale and Conveyancing) Act 1994*.

As part of the legislative review process, work was carried out by the Commissioner for Consumer Affairs and his staff to clarify whether the new provisions of the *Land Agents Act* and the *Conveyancers Act* permitted the monies from the Agents Indemnity Fund to be used for the purposes of auditing trust accounts as well as to recover the costs of conducting disciplinary actions against agents and conveyancers as they had been for a number of years.

Accordingly advice was sought from the Crown Solicitor and in an opinion of 14 September 1995, it was indicated that neither Act specified that the Commissioner could recover the costs of auditors who audited the trust accounts for land agents and conveyancers from the Fund or that he could recover the costs of conducting disciplinary actions against agents and conveyancers from the Fund.

Accordingly, it was established that under the current Acts the Commissioner is not able to recover either costs from the Fund.

As the provisions of the two new Acts substantially mirrored those of the repealed *Land Agents, Brokers and Valuers Act 1973*, and given that since the late 1980's, a significant amount of money had been drawn from the Fund, particularly for auditing purposes and for the administration of the old Act, further clarification from the Crown Solicitor was sought, which essentially confirmed the earlier advice.

As a result of the advice of the Crown Solicitor, and following consultation with the Auditor General's Department, amendments have been drafted to enable the Commissioner to lawfully use monies standing to the credit of the Indemnity Fund for purposes associated with the administration of the *Land Agents Act 1994* and the *Conveyancers Act 1994*, in order to provide a high level of consumer protection through the monitoring of trust accounts of agents and conveyancers, and where necessary, conducting disciplinary actions to maintain the highest standards of practice within the real estate industry.

The amending legislation also validates the authority of the Commissioner to make such payments for the same lawful purposes under the repealed *Land Agents, Brokers and Valuers Act 1973*.

A further amendment is included to remove the prohibition on Sunday auctions contained in section 37 of the *Land and Business (Sale & Conveyancing) Act 1994*. Presently, only public inspections of properties and negotiated sales can take place. The existing blanket prohibition on Sunday auctions is a very old one, and probably has its origins in Sunday observance laws.

This amendment will align real estate business practices in South Australia, with those in all other States and Territories. The Northern Territory alone places a ban on auctions on Christmas Day and Good Friday, but makes no general restriction for Sunday auctions.

In view of the fact that so much commercial and recreational activity can now occur on a Sunday there seems no logical reason why the prohibition in relation to real estate auctions should remain.

I commend this Bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

The alterations to the indemnity fund provisions commence on assent. The introduction of Sunday auctions will commence on a day to be proclaimed.

Clause 3: Interpretation

Clause 4: Amendment of s. 29 Land Agents Act 1994—Indemnity Fund

This amendment expands the purposes for which the indemnity fund may be applied to purposes related to the enforcement of the Act, namely, the costs of prosecutions, disciplinary proceedings, investigation of complaints, examination of trust accounts of agents and administration or management of trust accounts or businesses of agents.

Clause 5: Amendment of s. 31 Conveyancers Act 1994—Indemnity Fund

This clause makes a corresponding amendment to the Conveyancers Act.

Clause 6: Repeal s. 37 Land and Business (Sale and Conveyancing) Act 1994

This amendment allows real estate auctions to take place on Sundays.

SCHEDULE Validation of Past Payments out of Fund

The schedule validates any past payments out of the Fund for the purposes allowed under the amendments made by this Bill.

Mr CLARKE secured the adjournment of the debate.

CONSUMER TRANSACTIONS (MISCELLANEOUS) AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This Bill repeals references to the Commercial Tribunal in the *Consumer Transactions Act 1972*, and makes necessary amendments in preparation for the national Uniform Consumer Credit Code.

Another Bill, the *Statutes Repeal and Amendment (Commercial Tribunal) Bill 1995* repeals the jurisdiction of the Commercial Tribunal in other Acts, namely the *Goods Securities Act 1986*, the *Trade Measurement Act 1993*, the *Trade Measurement Administration Act 1993*, the *Survey Act 1992* and the *Fair Trading Act 1987*.

The *Consumer Transactions Act* contains several references to the Commercial Tribunal due to its jurisdiction in credit and other matters. The Bill removes those references and transfers the jurisdiction to the Magistrates Court Civil (Consumer and Business) Division.

This Bill is consistent with the Government's policy to rationalise the various jurisdictions, multiplicity of Courts and procedures for disputes and enforcement; and where appropriate to bring proceedings within existing Courts.

The Bill also makes necessary amendments in preparation for the national introduction of the Uniform Consumer Credit Code, which is scheduled for 30 March 1996. Parliament has already passed the *Consumer Credit (South Australia) Act 1995* and the *Credit Administration Act 1995*. The provisions of this Bill dealing with the credit amendments will, of course, be proclaimed at the same time as the two credit Acts named above.

The effect of the Bill is to have an amended Consumer Transactions Act, which will retain the warranty provisions and other consumer protection measures, and will reflect modern drafting conventions, owing to the inclusion of Schedule 2. It is proposed to extend the Consumer Credit Code provisions relating to consumer leases to a group of consumers who were previously protected by the Consumer Transactions Act but whose consumer leases are not dealt with by the Code. The persons who would be affected by the repeal of the Consumer Transactions Act provisions would be consumers who leased goods for longer than four months where the charges and costs did not exceed the cash price of the goods. The effect of these amendments to the Consumer Transactions Act is to preserve the rights of those consumers.

I commend this Bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement of the measure on a day fixed by proclamation.

Clause 3: Amendment of long title

This clause amends the long title of the principal Act to remove obsolete wording.

Clause 4: Amendment of s. 5—Interpretation

This clause updates definitions and removes obsolete ones. Currently the Act applies to consumer contracts under which the consideration to be paid or provided by or on behalf of the consumer does not exceed $20 000. This clause increases the amount to $40 000.

Clause 5: Substitution of s. 6

6. Application of Act

This provision has been redrafted to remove references to consumer credit contracts and consumer mortgages and to bring drafting into conformity with current style.

6AA. Application of Consumer Credit (South Australia) Code to certain consumer leases

This provision extends the application of Part 10 of the *Consumer Credit (SA) Code* to consumer leases that are currently covered by the Consumer Transactions Act but which would not otherwise be covered by the Code.

Clause 6: Repeal of s. 7

Clause 7: Repeal of s. 13

These sections will be replaced by provisions of the *Consumer Credit (SA) Code.*

Clause 8: Amendment of s. 15—Rescission of consumer contract
This clause replaces a reference to the Commercial Tribunal with a reference to the Magistrates Court (Civil (Consumer and Business) Division).
Clause 9: Substitution of ss. 16 to 19
16. Powers of Magistrates Court in the event of rescission
This provision has been redrafted to remove references to consumer credit contracts and consumer mortgages, to replace references to the Commercial Tribunal with references to the Magistrates Court (Civil (Consumer and Business) Division) and to bring drafting into conformity with current style.
Clause 10: Repeal of Divisions 2 and 3
Clause 11: Repeal of Parts 3 to 8
These section will be replaced by provisions of the *Consumer Credit (SA) Code.*
Clause 12: Amendment of s. 45—Prosecutions
This clause removes obsolete provisions.
Clause 13: Substitution of ss. 46 to 49
46. Power of Magistrates Court to extend time
This provision has been redrafted to replace references to the Commercial Tribunal with references to the Magistrates Court (Civil (Consumer and Business) Division) and bring drafting into conformity with current style.
47. Invalidity of exclusion clauses
This provision has been redrafted to bring it into conformity with current drafting style.
48. Nature of writing
This provision has been redrafted to remove references to consumer credit contracts and consumer mortgages and to bring drafting into conformity with current style.
48a. Relief against civil consequences of non-compliance with this Act
This provision has been redrafted to replace references to the Commercial Tribunal with references to the Magistrates Court (Civil (Consumer and Business) Division) and bring drafting into conformity with current style.
49. Service
This provision has been redrafted to remove references to credit providers and consumer mortgages, to remove obsolete parts and bring the drafting into conformity with current style.
Clause 14: Amendment of s. 50—Regulations
This clause removes references to consumer credit contracts and consumer mortgages and increases the maximum fine for an offence against the regulations from $200 to $2 500.
Clause 15: Renumbering
Due to the number of provisions of the principal Act deleted by this measure, the remaining provisions will be renumbered when the Act is reprinted following consolidation of the amendments made by this measure.

SCHEDULE 1
Transitional Provisions

This provision ensures that certain orders of the Commercial Tribunal in force immediately prior to the commencement of this measure will continue to have force as if they were orders of the Magistrates Court.

SCHEDULE 2
Further Amendments of Principal Act

This schedule makes further amendments to the principal Act to remove obsolete provisions, headings and references and to update the drafting of the remaining provisions of the Act to current style in preparation for the Act reprint.

Mr CLARKE secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION (APPEALS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 15 November. Page 513.)

Mr CLARKE (Deputy Leader of the Opposition): The Government's intention is to allow the Director of Public Prosecutions to appeal against an acquittal by a judge who tries a case without a jury. In the form in which it arrived from another place the Bill does not do this, but the Deputy Premier indicated that he will be amending clauses 6 and 7 to do it, and those amendments have already been circulated to members.

The Government argues that a magistrate's acquittal may be appealed, so what is the danger in a judge's acquittal being appealed? Moreover, the Government argues that this proposal has been in the Liberal Party's election manifesto in the past two general elections. Much as I listen attentively to the law and order debate in elections, I cannot say that I recall this proposal being mentioned either on radio or on the doorsteps. It is a tradition of the law that an accused cannot undergo double jeopardy; that is, be tried twice for the same offence.

The English jurist Blackstone mentions the 'universal maxim of the common law of England that no man is to be brought into jeopardy of his life more than once for the same offence.' An American formulation is as follows:

> The underlying idea, one that is deeply ingrained in at least the Anglo-American system of jurisprudence, is that the State with all its resources and power should not be allowed to make repeated attempts to convict an individual for an alleged offence, thereby subjecting him to embarrassment, expense and ordeal and compelling him to live in a continuing state of anxiety and insecurity as well as enhancing the possibility that even though innocent he may be found guilty.

The reference is *Green v. The United States, 355 US Reports (1957)*, page 184 onwards, and in particular page 187. The Liberal Party's policy on this raises the question of who will fund the accused's defence of the appeal. It also worries me that accused persons who now elect to be tried by judge alone will now choose to have juries empanelled instead. The Opposition thinks that trial by judge alone has been a moderate success and should not be discouraged. It seems that the DPP's appeal would not be confined to questions of law but could be on the basis that the judge's decision on the facts was perverse, namely, unable to be supported on the evidence.

I must say that I enjoyed the knots into which one Liberal Party activist, who portrays himself as a fearless advocate of the criminal classes, tied himself when supporting this proposal. I could talk about this proposal for an hour or so, but the Opposition knows that the Government will, as usual, use the brute force of its huge majority in this place to restore its proposal to the Bill, so I will save my arguments for the deadlock conference. On balance, the Opposition will stay with our criminal law tradition and oppose the amendments. We support the rest of the Bill. The Bill also allows the DPP to appeal against a stay of proceedings. A stay of proceedings is usually granted where a trial might be an abuse of process.

The accused in the Australian war crimes trial, for instance, applied for a stay of proceedings on the ground that it was unjust to have a criminal trial more than 40 years after the alleged offence. The chances of a judge granting a stay of proceedings is greater since the High Court case of Dietrich, which held that a trial should be stayed if an impecunious accused is charged with a serious offence but is denied legal representation at the public expense and is, through no fault of his own, unable to meet the costs of representation. The third change in the Bill is the ability to reserve for a higher court a question of law arising from an issue before the trial, for instance, a stay of proceedings.

Under the Bill, the DPP can seek leave to appeal on any issue arising before a trial, but an accused can be granted leave only if there are special reasons why it would be in the interests of the administration of justice to have the appeal heard before the trial. Some argue that this inequality before

the DPP and the accused is wrong. I have read much on this point and am inclined to the Government's view. The accused will have a chance to appeal on the same grounds as the DPP if he is convicted. A case stated to a higher court will now be able to go to the Full Court of the Supreme Court at any time during the trial, whereas before the Bill a case could be stated only after conviction.

Sometimes the outcome of a trial will depend on a conjectural point of law, and it may be better to resolve this point of law before proceeding with the expense of a trial. The Bill also allows the Supreme Court to grant leave to appeal against sentence on some matters only and not on all the matters on which the appellant applies. The Opposition will support the second reading, oppose the amendment to clauses 6 and 7, and look forward to a conference of the two Houses on the Bill where ultimately right will prevail.

Mr BASS (Florey): Whilst supporting the majority of this Bill I wish to speak particularly to new section 352, about which the Deputy Leader has already spoken. The right of the Director of Public Prosecutions to be able to appeal against an acquittal by a judge sitting alone is as Mr Michael Abbott QC, President of the South Australian Bar Association, states:

> Verdicts of acquittal have from time immemorial been inviolate and to allow an appeal against a verdict of acquittal strikes at the very heart of South Australia's system of criminal justice.

Notwithstanding 20 years of clashing with Mr Michael Abbott QC while giving evidence on behalf of the Government in many criminal cases, I respect the man's ability and the comments he has made.

This Bill comes to us from the other place. For the first time, the parliamentary wing of the Liberal Party has several lawyers among its members and, disappointingly, one of those lawyers supports this legislation because he does not believe that trial by judge alone should be allowed. That lawyer is saying, 'I will agree to a bad law to stop a bad judge.' It disappoints me that these matters have not been raised by the lawyers in my Party but, as they say, 'Three or four lawyers: three or four different opinions'. The option of trial by judge alone was introduced by the Labor Government to try to reduce the waiting lists and to enable trials to be heard before the District Court rather than the Supreme Court.

The amendment to section 352 seeks to counter decisions by bad judges. If there is a problem with a judge sitting alone, let the statutes give us the ability to remove that judge. Let us not introduce an amendment that attacks the judicial system as we know it. I understand that this House and the other place can remove a judge. I believe that, if a judge cannot properly apply the law, he or she should be removed. Twenty years ago my partner, on the fourth day of a rape trial, was asked by defence counsel, 'How did you know the defendant?' My partner answered, 'I saw his photo on the police notice board', immediately indicating to the jury that, because the accused had a mug shot, he had previously come under the jurisdiction of the police, and there was a mistrial.

About 10 minutes after the mistrial my junior partner and I had strips torn off us by the Director of Public Prosecutions for wasting Government money because we should have known better. Yes, my partner should have known better because I had told him what he could and could not say, but we all make mistakes. We were brought to book because there was a mistake, and I say that judges can be brought to book without amending section 352. The appeal against a judge sitting alone is really an appeal against a judge who has misdirected himself in relation to the evidence he has heard from witnesses, the victim or victims and the accused.

By misdirecting himself the judge acquits the defendant. Is that any different from a trial by judge and jury where, after listening to the evidence, closing addresses from defence counsel and the prosecutor and the judge's summing up, the jury then acquits? What is the difference? Is this the short end of the wedge? In three years will the Government want to appeal against the decision of a jury that has acquitted an accused person? I say that that is the danger. As I said earlier, I agree with many aspects of the Bill, such as a stay of prosecution; and the application of the High Court judgment in Dietrich is definitely correct. I feel that the Attorney-General has addressed those matters. The amendment to section 352, as Mr Michael Abbott QC, President of the South Australian Bar Association said, attacks the heart of South Australia's system of criminal justice. Mr Abbott also says—and I think this is very important:

> At present, if the Director of Public Prosecutions is dissatisfied with any direction that the judge has given himself or herself in a trial by judge alone where an acquittal has taken place, he may require the judge to reserve questions of law pursuant to section 350(1a) of the Criminal Law Consolidation Act. The reservation of such a question of law for the consideration and determination of the Full Court means that, if a judge has made a mistake in directing himself or herself and such misdirection has resulted in acquittal, then the error is unlikely to be repeated by other judges.

Again, I come back to what I said earlier: if a judge continues to make a mistake, that judge should be removed. We know what happens when the Deputy Leader of the Opposition continues to make mistakes and upset the Speaker: he is removed from the Chamber.

Members interjecting:

The DEPUTY SPEAKER: Members are being unnecessarily antagonistic.

Mr BASS: If young police officers make a mistake, they are brought up in front of their superiors. If a mistake is made when they are in the witness box giving evidence, they are dragged over the coals, sent back to the academy and told to get it right. What is the difference between police officers, members of the Public Service, members of private enterprise and judges? There is no difference: they are there to do a job and, if they cannot do the job properly, they should not be there. Mr Abbott says further:

> It may be said that this is shutting the stable door after the horse has bolted, but as is well known, our system of criminal justice is predicated on the basis that many guilty people will be acquitted, but hopefully no innocent person will be convicted. The standard of proof beyond reasonable doubt invariably means that defendants who (on one view) are guilty of an offence may be acquitted by a jury or indeed by a judge who is not satisfied beyond reasonable doubt of the guilt of the accused. To suggest that because the judge's view is misplaced when sitting as both judge and jury and that the verdict of acquittal by a judge could and should be appealed but not the verdict of acquittal delivered by a jury has no basis in logic.

I have great respect for the ability of the Hon. Justice Doyle who recently was appointed as Chief Justice. Recently in the *Sunday Mail* he said that judges have a bad image and that he is working at correcting that image. There will be new guidelines for our judges. That is an initiative of the new Chief Justice, and it has been endorsed by the State Government. Why then are we introducing this terrible amendment? In my opinion, it is a terrible amendment because, as I said earlier, it attacks the very foundation of the South Australian criminal justice system. It is not a good system, but I have yet to see a better one: I did not see a better one during my days as a police officer, and I have been

all over the world and seen many. Perhaps we should adopt the French system where, if the coppers get you, you are guilty until you prove yourself innocent. Perhaps we should adopt the system in Nigeria where political dissidents were recently hanged. But no, we want to retain the system that we have. As I said, it is not a very good system, but there is nothing better.

I support the Bill because there are areas that must be picked up, but I am very disappointed with the amendments to section 352. I ask that, when this Bill becomes legislation, it be remembered that I, who have spent 33 years fighting for justice as a police officer, did not agree to an attack on the criminal justice system in South Australia.

The Hon. S.J. BAKER (Deputy Premier): I thank members for their contribution. I might say that 90 per cent of it was completely out of order, but I did not wish to take a point of order on the debate simply because members alluded to amendments that are not in the Bill. However, I am happy that the debate has been forthcoming and that the issue has been argued, because we will not have to concentrate on it so stringently in Committee. The Bill is straightforward, as members have pointed out, except for one area which will be canvassed in Committee when I move an amendment.

In keeping with the tone of the debate, I point out to members that there are a number of anomalies in their thinking about what the criminal justice system actually does. It is suggested that, if a judge makes a mistake, that judge should be removed. I suggest that the only way we can actually find out whether a judge has made a mistake is not based on the opinion of the DPP but on the judgment of his or her peers. If that judgment does not take place, there is no evidence to remove an ignorant or poorly performing judge. So, on that basis that argument does not hold up.

There are other interesting arguments. For instance, if we say that anyone can appeal on a matter of fact or law or the harshness of the sentence, if those rights pertain to the accused, the court, acting on behalf of the people, should have the right to examine its own decision. No-one suggests that that is a clear-cut matter. There has been a time-honoured tradition that, if you are lucky enough to get off, you walk free. However, there is increasing concern about judgments made and directions given by courts. We have seen nothing from the legal profession to say that it is not happy for that situation to continue. We have seen a number of examples—and we will continue to see many more as cases and evidence become more and more complex—of acquittals that have been wrongly placed—wrong in law, wrong in judgment, and wrong in a number of other areas—simply because we are relying on a group of people who have life tenure.

Some of those people might not have lived up to the expectations of the Crown—we expect that, because no-one is perfect and a number of mistakes are made—but as a society we cannot afford to allow particular elements of any organisation to continue to make mistakes. Judges are not immune from making mistakes. As everyone would be aware, they go through health difficulties and changes that do not necessarily suit them for the job to which they have been appointed.

What we have in place is a system that does not bear scrutiny. Therefore, the people are entitled to justice as they see it. The fact that someone has made a mistake does not mean to say that that mistake should not be repaired. The consequences can often be quite traumatic with other victims being created that would not have been the case had the judgment been correct in the first place. So, it is not a clear-cut situation. The Deputy Leader and the member for Florey have history on their side. History sometimes has to be tested to see whether what we are doing is in the best interests of the people concerned. Indeed, under this system if the DPP gets it wrong, he or she will be subject to the acrimony of a decision taken in a higher court as to the worth of the appeal. The system itself is actually put under more scrutiny and pressure in the process and, therefore, people can have greater comfort in the way that the courts administer themselves. There has been nothing in place. We could have a system of judicial review with a report to the Parliament. Parliament can actually remove judges: we are the only ones who can. There has been no change in the system over many years and we have seen some performances that have not necessarily lived up to scratch simply because those persons had lost some of the skills that were apparent at the time of their appointment.

Some of them had perhaps not been as diligent as they should have been in the exercise of their duty. That is not a criticism of judges: it is a fact of life that the system allows judges to preside up until 70 years of age. Judges do not go through the same judgment on their performance as do people in business or in employment. If they are no longer suited for that profession or are making mistakes of a very fundamental nature, they should no longer be in that position.

It also means that they have to perform a lot better if there is scrutiny. There is a number of ways of doing that. The Attorney wants—and has the support of the Government—this provision in the Bill. It does have a precedent in the Canadian Parliaments. The matter has been discussed with law makers across Australia. There is a similar provision in the Western Australian jurisdiction. There is nothing new except that it has not come before Parliament in this form in the past. As the Deputy Leader suggests, there will be amendments to the Bill. We have had a very fruitful debate on this matter and it will be sorted out in conference or some other suggestion might be put forward. The Government appreciates the support of the Deputy Leader and the member for Florey for the other provisions in the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—'Right of appeal in criminal cases.'

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

Page 4, after line 14—Insert—

(aa) if a person is tried on information and acquitted and the trial was by a judge sitting alone, the Director of Public Prosecutions may appeal against the acquittal on any ground with the leave of the Full Court;

This amendment was foreshadowed in the second reading explanation to allow the DPP to appeal against a verdict of acquittal following a trial by judge sitting alone. The Crown has no right of appeal against the acquittal of an accused person where the acquittal is by judge or jury. In the Magistrates Court where the decision to acquit is made by one person, the Crown has a right of appeal. When a person elects to be tried by judge alone, no matter how wrong the acquittal may be on the evidence, the decision by one person means that an accused goes free. To provide the Crown with a right of appeal against a decision by a judge to acquit an offender would provide an important check on the judge's decision.

There are some cases in Canadian law that I highlight: the Supreme Court of Canada in *R v Morgentaler, Smoling and Scott* (1985) and *R v Century 21 Ramos Realty Inc and Ramos* (1987). They are references which provide that the

courts that upheld an appeal on questions of fact did not violate the constitutional protection against double jeopardy, which is the situation being argued today. It is a matter of opinion as to what provides the best results from the courts. Obviously, if the Full Court does not feel that the DPP has an adequate case, the matter will go no further. However, if there is very compelling evidence from the transcript and from the evidence provided by the DPP, and provided the DPP lawyer had not slipped up in the process in trying to protect his own butt for inadequate prosecution (which can be the case), the appeal can proceed. We would not expect this to be exercised on very many occasions, but it might actually focus the attention of some of our judicial officers.

Mr CLARKE: As I pointed out in my second reading contribution and as was pointed out in the member for Florey's contribution—virtually all of which I concur in—what the Minister has put forward is quite outrageous. What could not be asserted by any stretch of the imagination is that the member for Florey is soft on law and order. He has served as a police officer and as a union official of a group of workers who are well respected in the community and whose job it is to put their lives on the line every day in the protection of the property and the life and limb of the citizens of this State. What the member for Florey pointed out in his second reading contribution is absolutely right: our judicial system as it stands may not be perfect but it is the best system that we know about. Whilst the Deputy Premier may say, 'The whole point of this amendment is to focus the minds of some of the judges', that is disgraceful.

As the member for Florey pointed out, if a judge is so incompetent and acts with misconduct, there are provisions within legislation for both Houses of Parliament to remove that judge. There is also the question of the appointment of judges by Governments of the day—and there have been successive Governments over the years. Presumably, there is some scrutiny of a person's qualifications and fitness for office before they are offered the position of judge. The issue really boils down to this: it is a case of double jeopardy if a defendant chooses to go before a jury and is acquitted and there is no appeal. The whole purpose of the legislation of trial by judge alone was, as the member for Florey pointed out quite rightly, to get over the backlog and the cost of the trial system by jury only. If a defendant faces double jeopardy by trial by judge alone, there will again be a shift towards greater use of trial by jury, because that way is the only way defendants can escape the possibility of double jeopardy.

This legislation appears to follow hard on the heels of a celebrated rape case where a judge was alleged to have mistakenly directed a jury as to the law on certain situations and where a defendant was acquitted by a mistaken direction given by the judge. This amendment will not fix that problem, because that case was heard before a jury. That was the position if my memory serves me correctly. The Minister's logic is, 'If we have judges making mistakes in their directions to juries, we get rid of the safeguard against double jeopardy where there cannot be an appeal on acquittal if you are acquitted by a jury.' As the member for Florey rightly pointed out, once you follow the path that the Government has indicated in the amendment, the logical consequence will be for the Government of the day to move that the Director of Public Prosecutions can appeal acquittals by a jury. That flies entirely in the face of our legal traditions that have been built up over the centuries of defendants being able to avoid double jeopardy. As I pointed out in my second reading speech (more likely, the second reading speech of the member for Spence, if he had been here), this ancient enshrined right on these major crimes is that a defendant, when they have ranged against them the full power of the State in terms of resources that can be devoted towards prosecution of an individual citizen, if there is a risk of double jeopardy, which is what the Government is seeking to import by way of the amendment, it is an attack on the freedoms and rights of the individual.

In saying that, obviously the Opposition does not condone people who should be judged guilty and who are let off free. That will happen: it is an unfortunate fact of life in any judicial system that not every decision a jury or judge comes to will be 100 per cent right on every occasion. We respect our judicial system and the right that no individual should face double jeopardy, particularly where they do not have the necessary resources to be able to defend themselves again and again. The Minister's amendment will ultimately lead to problems with respect to trial by juries where the blood lust of some Government members of the day, or because of some particular embarrassing decision that comes from a jury, will throw into question double jeopardy and grant the Director of Public Prosecutions the right to appeal against an acquittal by a jury.

Also, I raise the issue of cost. We all know that justice delayed is justice denied. If defendants have to go to a trial by jury to avoid double jeopardy problems, it will inevitably lead to further delays in having cases heard and settled, and that is not in the interests of the public or the administration of justice in this State. I cannot speak any more strongly against the Government's amendment, and I will not delay the Committee; however, it is not for anyone to import that somehow the Opposition is soft on crime. We stand up for civil liberties and the rights of defendants. No-one is guilty until after the verdict has been handed down, and I echo the sentiments expressed by the member for Florey. I am amazed that, with the number of lawyers in both Houses of Parliament in this State who are members of the Government Party, they can adopt such convoluted logic to somehow support legislation that the member for Florey cannot support when he has been in the front line of the defence of citizens in South Australia and possibly would have been subjected to the type of abuse, and so on, that can sometimes befall police officers in the execution of their duty. I commend the member for Florey for standing forthright in the interests of the defence and liberty of citizens in this State.

Mr BASS: I apologise that in my second reading speech I got carried away, but this is a matter that I passionately believe is wrong. Clause 6 provides that, if a person is tried on information and acquitted in a trial by judge sitting alone, the Director of Public Prosecutions may appeal against the acquittal on any ground with leave of the Full Court. If a judge sitting alone misdirects himself and gives ground to appeal against an acquittal, what is the difference between that and a judge incorrectly directing a jury which then acquits the defendant? Can the Minister explain the difference between those two situations?

The Hon. S.J. BAKER: I will deal with a couple of issues at the same time. As to the logic expressed, the argument advanced is quite compelling, so we are not talking about a black and white situation but a situation deserving a test. Both members have argued against that test, and there are two factors to be considered. One is that, when a judge-alone provision was made, it was a matter of choice for the defendant. It gave the defendant or the accused a greater ability to get himself or herself acquitted. In certain trials

there is no doubt that people prefer the clinical expertise of a judge to perhaps the more emotional approach adopted by people sitting on a jury. As to the issue of whether it is a matter of direction or mistake, there is not a great distinction there.

Mr BASS: These considerations were prompted by the introduction of trials by judge alone with a desire to speed up court processes, to utilise judicial time more effectively and to lower the cost of justice to the community. I can tell the Minister that, if the amendment becomes law, there will be no more trials by judge alone, because any lawyer would be completely off his rocker to recommend to a defendant that he or she be tried by judge alone when he knows, as the Deputy Leader has said, that it will involve double jeopardy. The Minister also said that the defendant had two choices but the effect of the amendment *de facto* would be to reduce the defendant's choices to one. Secondly, it will increase the court costs and will again clog up the courts. Has the Minister some way of ensuring that the cost of the process can be paid for?

The Hon. S.J. BAKER: Let us be quite clear about this. There is some suggestion that they are all hooking onto the judge system because the judges will always get it wrong. That is the logic of the argument we have heard today but, of course, that is just rubbish. The point at issue is whether a lawyer attempts to choose a judge because he or she knows the judge is not doing his or her job properly—and we would hope that that does not occur. Cause lists make it much more difficult for someone to choose a judge who may be lenient in sentencing or more inclined to acquit. People will continue to use the judge alone because they simply believe that their best chance for an acquittal lies with judge alone rather than with the vagaries of judgment by people. That is why—

The Hon. Frank Blevins interjecting:

The CHAIRMAN: The member for Giles is doubly out of order interjecting away from his place.

The Hon. S.J. BAKER: Lawyers will not assess whether a judge will make a mistake. That is a bonus in the system if the judge makes a mistake. They will assess the capacity for their case to succeed, and therefore I assure the honourable member there will not be this sudden rush to go to juries because, if the judge makes a mistake, they do not get the benefit of that mistake. Let us clarify that point. There will not be a great cost involved. There will not be a lot of challenge involved. It is a safeguard in this system. I do not expect that any lawyer worth his or her salt will be counting on a mistake by the judge to get someone acquitted. So, the logic in the argument fails dismally. But it is an important principle and I recognise the arguments put forward by both members.

The second point is that when a judge makes a decision and directs himself or herself, it is apparent to everyone concerned what has occurred in that decision-making process. When a jury makes up its mind it does not quote chapter and verse why that decision is made: that is simply the end of the section. The jury says 'Yes' or 'No', 'Guilty' or 'Innocent' on the basis of its understanding of the facts. People can make their choices about those systems, but an error made by a judge involves a different principle from that involving the process whereby an error is made by a jury which nevertheless has stood the test of time.

The Committee divided on the amendment:

AYES (31)

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

NOES (10)

Bass, R. P.	Blevins, F. T.
Clarke, R. D. (teller)	De Laine, M. R.
Foley, K. O.	Geraghty, R. K.
Hurley, A. K.	Rann, M. D.
Stevens, L.	White, P. L.

PAIRS

Brown, D. C.	Atkinson, M. J.

Majority of 21 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 7—'Determination of appeals in ordinary cases.'

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

Page 5, lines 2 and 3—Leave out all words in these lines and substitute the following:

7. Section 353 of the principal Act is amended—

(a) by inserting after subsection (2) the following subsection:

(2a) On an appeal against acquittal brought by the Director of Public Prosecutions, the Full Court may exercise any one or more of the following powers:

(a) it may dismiss the appeal;

(b) it may allow the appeal and direct a new trial;

(c) it may make any consequential or ancillary orders that may be necessary or desirable in the circumstances;

(b) by inserting after subsection (3) the following subsection:

The principle has been established. This is part of the total amendment.

Mr CLARKE: I will not labour the point, but I indicate our opposition to this amendment for all the reasons I have stated beforehand and look forward to the conference of both Houses when I am sure right and justice will prevail.

Amendment carried; clause as amended passed.

Remaining clauses (8 to 11) and title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (COURTS ADMINISTRATION STAFF) BILL

Adjourned debate on second reading.

(Continued from 15 November. Page 514.)

Mr CLARKE (Deputy Leader of the Opposition): The Opposition supports the second reading of the Bill. However, I will put some questions to the Minister in Committee. There is not a great number, and they deal mainly with employees who go across under this new legislation as to what their rights will be. As I understand it, from the Public Service Association, there was no consultation between the Government and that organisation with respect to ensuring that the rights of employees were protected in this area. Hence, I will be putting some questions to the Minister. If the statement made to me by the Public Service Association is accurate, it

is regrettable, because a number of concerns may well have been able to be alleviated simply by some consultation between the Government and that association.

On another Bill, which was debated either earlier this week or late last week, the relevant Minister—I think it was the Treasurer—thought there had been negotiations dealing with the superannuation issue, the contracting out issue. The Minister said that he believed that the PSA had been consulted, but that had not happened on that occasion. I understand from the PSA that this has not happened on this occasion, either. In that case, it is not a deliberate ruse by the Government, but it is something that needs to be attended to in the future.

The Attorney has clearly explained the need for the Bill—to remove doubt about the application of the Public Sector Management Act to various court staff. The Opposition takes the view that the Bill contains appropriate provisions relating to the employment of staff, disciplinary action and termination in relation to staff superannuation, and so on. Speaking on behalf of our shadow Attorney-General, the member for Spence, I do not think there is any doubt in the ordinary person's mind that court staff are public servants of some kind. This Bill puts that matter legally beyond doubt. The specific provisions in relation to senior staff, tipstaves, judges' associates and youth justice coordinators are accepted by the Opposition. The Opposition is satisfied that the principle of maintaining appropriate distance between Ministers and courts staff is maintained in the provisions of this Bill. We support the second reading, and I will outline the concerns of the Public Service Association in Committee.

The Hon. S.J. BAKER (Deputy Premier): I thank the honourable member for his support. I am somewhat surprised by the honourable member's comments, because we are clarifying the position as everybody, including the union, understood it so that there would be no doubt. I cannot understand what direction he has received from the Public Service Association. It is true that no formal discussions took place with the PSA. It is also my understanding that the matters were clarified as a result of questions raised about this matter, including from the PSA. The Bill satisfies the administrative arrangements that are appropriate for the courts.

I can understand why the PSA would ask questions if it had not been consulted. However, as the honourable member indicated, it seems to be consistent with what the PSA would require. Therefore, the only apology would be that it was not informed that we were doing what it wanted us to do. That is the only logic I can apply. As far as I am aware, there is no angst about it. It is a straightforward matter. It clarifies the issues under the governance of the courts. It provides for the separation of powers, as we would expect, and it makes plain that which people understood but which was not actually enacted. We found the position to be very straightforward.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'The State Courts Administrator.'

Mr CLARKE: I ask the Committee to allow me a little licence to ask all my questions, which are not many in number, under this clause; then I will have no further questions for the remainder of the Bill. Will administrative, ancillary and other staff within the courts administrative authority continue to have their conditions of employment governed by the provisions of the Public Sector Management Act and, in particular, will those employees continue to have access to the Promotion and Grievance Appeals Tribunal, review of remuneration level by the Commissioner of Public Employment, and positions that are advertised within the South Australian public sector notice of vacancies and redeployment?

The CHAIRMAN: As a point of clarification, the rules of debate and the rules of Committee are that three questions may be asked on a clause. If the honourable member has more than three questions, I would assume that he will select an appropriate clause later.

The Hon. S.J. BAKER: The answer is 'Yes.' I refer the honourable member to new section 21B, which provides that they shall be treated the same way as a member of the Public Service.

Mr CLARKE: Will the Commissioner for Public Employment's determinations and circulars apply to those employees, and will they be binding on the State Courts Administrator and the State Courts Administration Council?

The Hon. S.J. BAKER: We would have to be very specific, because some of those cover administrative detail that would have to be issued through the courts administrative authority itself, and others would be general instructions that would cover the Public Service. In some cases the answer would be 'Yes' and in some cases it would be 'No,' depending on the circumstances. The general provisions apply, and again it is under new section 21B.

Mr CLARKE: My final question is a catch-all. I should like an assurance from the Minister that employees will not be disadvantaged in any way as a result of the transfer. I take it that is the Government's objective, and I should like that assurance.

The Hon. S.J. BAKER: I understand this was a matter not of controversy but of making sure that everybody understood that what the member for Ross Smith said is correct. I will have this matter re-examined, because I am not aware of all the material. The dilemma is that the Courts Administration has a level of independence which is different from the rest of the Public Service. The principle, however, is that people who work in the courts should be treated no differently from others in the Public Service. If there are any peculiarities because of the difference in the administrative roles which are now in place, I undertake to provide that information to the member.

Clause passed.

Remaining clauses (5 to 20) and title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION (CONSTITUTION OF COMMISSION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 November. Page 584.)

Mr CLARKE (Deputy Leader of the Opposition): The Opposition will support the second reading of the Bill. However, we are opposed to one provision, which I will outline shortly. I have read the second reading explanation. Basically, the amendment seeks permanently to separate the position of the Chief Executive Officer of the commission from that of the Chairperson, but I understand the current legislation allows that to happen in any event. Whilst the previous occupant, who is now a member of the other place,

was both Chairperson and Chief Executive Officer, that was not mandatory. The legislation allowed that to happen, but the Government of the day could decide to have a separate CEO and a separate Chairperson of the commission.

If anything, the Government by its legislation actually reduces its own flexibility in this area. However, if the Government, in an administrative sense, wants to bring in legislation which formally separates the two positions and they have to be filled separately, the Opposition will not stand in its way. It is an administrative arrangement and it is within the prerogative of the Government to get its way on that issue.

As regards reconstituting the size of the commission to eight people (four must be men and four must be women), obviously we have no objection to that in principle. However, our opposition is to what I think is a churlish sort of amendment by the Government, which is to knock off the representative nominated by the United Trades and Labor Council. That is a churlish and demeaning act on the part of the Government. No doubt it warms the cockles of the heart of the member for Wright and others who are basically anti-union and who express such sentiments on a regular basis in this House. For practical purposes, what sins has that provision, which I understand has been there since the Act first came into operation in 1980 or thereabouts—

Mrs Hall interjecting:

Mr CLARKE: Under a Liberal Government, as the member for Coles rightly points out, and you, Sir, served in the Cabinet of that Government. It must sadden you that the Government of today is so much more Right wing than the Liberal Government in which you served as a Cabinet Minister.

The rationale behind the proposal to deny the United Trades and Labor Council the opportunity to nominate a representative is not set out in the second reading explanation, except for one aspect to the effect, 'No other group in our society has an automatic right under the Act to nominate a person to the commission, so we will take that right away.' There is no reference in the second reading explanation other than that why the representative nominated by the UTLC should be dropped. There is no explanation why that person who has served over the years—and I am not even sure who that person is—should be dropped. We do not know whether it is because that person is not contributing to the commission's deliberations, is in any way being derelict in their duty or is acting adversely or contrary to the interests of the State with respect to multiculturalism and ethnic affairs.

Many migrants from non-English-speaking backgrounds work in industries covered by registered trade unions, and such people, who have been active within their unions, can bring coal-face experience to the commission. We have recently seen the Government's commitment to multiculturalism through its funding cuts of $70 000 to the Migrant Workers Centre. That has caused the centre to reduce services drastically to migrant workers in this State. The Migrant Workers Centre is funded by the Federal Government—it was funded by the State Government—and it is financed and assisted by the United Trades and Labor Council to the tune of about $50 000. That centre operated for all workers, whether union members or not. However, this Government, by cutting $70 000 from its funding, has ensured that it will no longer be open to its client base. That is a very sad reflection on this Government and points to its lip service to multiculturalism and ethnic affairs generally in this State.

I have attended a number of receptions held by various communities—Greek, Italian and Lebanese—around this State. I often see the member for Hartley at those functions. A huge parade of Liberal members of Parliament turn up at those meetings and functions, as is their right, but the proof of the pudding is in the eating. This Government's commitment to multiculturalism is so great that a Migrant Workers Centre, which worked on behalf of all migrant workers in this State, irrespective of union membership—and significantly non-unionists used that centre on a daily basis—had $70 000 cut from its budget, effectively forcing it to close its doors to its clients.

The United Trades and Labor Council has many affiliates that have significant numbers of members who come from a diverse range of ethnic backgrounds. For example, the old Vehicle Builders Union, which is part of the Australian Manufacturing Workers Union—names keep changing through amalgamations—has literally thousands of members from not just Greek and Italian backgrounds but from countries around the globe, particularly Vietnam. Many members of the National Union of Workers are of Vietnamese background. The list goes on throughout every union represented by the United Trades and Labor Council.

It has literally tens of thousands of members who come from a broad cross section of different ethnic communities. Those United Trades and Labor Council affiliates issue newsletters, bulletins, and occupational health and safety courses in a range of different languages and publications. They also participate actively in safety campaigns with WorkCover. The trade union movement has invested time and cash resources in representing the interests of migrant workers in this State not only in the bread and butter issues of wages and working conditions but also in issues such as discrimination in the work place, unfair dismissal and harassment and, in many cases, sexual harassment of women workers at the work site.

Women who do not have a full command of the English language or knowledge of their industrial rights have fallen prey to sometimes unscrupulous employers. The clothing industry is also well documented for the sweat-shop working conditions of so-called independent contractors, where migrant women, in particular, are used as cannon fodder and paid 50¢ for a shirt, or some other piece of clothing, which is then sold in the stores for about $50. These are the types of issues the trade union movement is constantly encountering in its defence of migrant workers.

It is at the coal face of these issues all the time yet, because of the mean spirited, ideological viewpoint of this Government, section 6 of the principal Act will be amended in such a way that the United Trades and Labor Council will not have, as a right, the ability to nominate one of eight people to serve on the commission. That is rather stupid and, as I said, churlish and mean spirited, because it tries to pretend that the trade union movement does not have a wealth of experience that can be applied in support of multiculturalism and the ethnic communities of this State.

I know that the Premier might say, 'Our legislation does not preclude someone from the United Trades and Labor Council, or someone with a union background, from being appointed to the commission.' If that is the case, I simply say: what is wrong with having it enshrined in the legislation, other than for purely ideological reasons? It does not give undue status or recognition to any one group. I do not mind if the Government wants to amend the current Bill to say that one person must come from the South Australian Employers'

Chamber of Commerce and Industry. In reality, the United Trades and Labor Council, of any of the recognised representative organisations in South Australia that should be entitled to be represented on such a body as this, is the organisation that can speak with authority.

It has an enormous amount of experience in dealing with the day-to-day problems of migrant workers from non-English speaking backgrounds working in industry in South Australia, and it could assist the commission in its work in furthering the interests of multiculturalism in this State. I will not belabour the point any further. Obviously, the numbers in this House will ensure that the Government's legislation will pass but, in another place, it is another issue. I trust that we will revisit this issue in the not too distant future.

Mr SCALZI (Hartley): I support the Bill and the Premier's amendments. I commend the Premier, the Minister for Multicultural and Ethnic Affairs, on the progress that has taken place in this area in the past two years. I appreciate the support of the Deputy Leader with regard to the amendments, with the exception of his comments relating to the United Trades and Labor Council. He is wrong when he says that we, on this side, oppose union membership. Indeed, if that were the case, it would be difficult to explain how the Premier has a financial union member in his backbench committee: I am a member of SAIT, and I will retain my membership.

Unions have a role to play in the community, but I do not believe it should be enshrined in this type of legislation, just as I do not believe a particular employers' chamber should be enshrined in the legislation. Things have changed and I am sure that people from diverse backgrounds, including people with union backgrounds, will have the opportunity to be appointed to a body such as this. I am sure that, if we look through their CVs, we see that that is the case. Of course, the Opposition has not questioned the separation of the Chair and the executive officer and has commended the Government on the matter of gender balance.

It is important to acknowledge how far we have come in this area of multiculturalism since the commission was established under the Tonkin Liberal Government of 1979 to 1982. I believe we have come a long way and, in the past two years, we have worked on that progress. No doubt the Labor Party did good things in its term of office in this area as well, such as the establishment of an ethnic chamber of commerce on Greenhill Road and the promotion of trade. This Government is committed to utilising the rich diversity of its ethic communities as a resource to promote trade and development in the State. This Government, more than any other, has kept that focus.

We have also come a long way in generally accepting that we are a multicultural society. I would like to relate a story from when I was a teacher. One day, I came back from yard duty and sat down with a group of teachers who were joking about ethnics. I said, 'Ethnics are a nuisance; they're nothing but trouble. They should all go back where they came from.' Of course, there was dead silence in the staff room. I said, 'I agree: they should all go back to where they came from, retrospectively to 1788.' My point is that we are all Australians from one background or another. The commission is there to promote community well-being and to utilise the richness of the diverse resources that we have in the community. In 1911 in South Australia—and this State has led the way in many of these areas—11 per cent of the population spoke German. We have always been a multicultural society, and we have always built on that richness of diversity that has made us the State and the nation that we are.

I further reflected on our success in this area in January this year when I visited Rome. A citizen of Rome said to me, 'You have a lot to be proud of in Australia.' I said, 'That's nothing new, but why do you say that?' He said, 'When expatriots come here from Brazil, Argentina, the United States and Canada, they still regard themselves as Italian. When they come here from Australia, they say that they are Australian.' That is a powerful statement, one which says a lot about Australia. What that statement says is that, when a country accepts people with their language, culture and way of life, and when that is not threatened, they feel good about themselves and they are more likely to make a commitment to that country. Other countries in the world are not committed to the acceptance of that sort of diversity, and I believe that they pay for it with conflict and the lack of the stability that we enjoy.

I appreciate the bipartisan approach of our major political Parties, which believe that we must promote harmony in our community. That is now a fact: we have succeeded. The few critics in our society who tell us that the policies of multiculturalism cost us should ask themselves this question: what would it cost us if we did not promote those policies? I think we are all the better for them. As has been evident in the past two years, we are not only benefiting from the richness in diversity—we can go to festivals and enjoy the full tapestry of food, dancing and music which has given Australia a new identity—but we are also promoting trade.

Recently, I was fortunate to be a member of a trade delegation to Kuala Lumpur where over 30 South Australian companies and organisations exhibited the best from South Australia. I saw at first hand how well we were received. I was asked whether someone who is not born in Australia can become a member of Parliament. The fact is that, if you look around in both this place and the other place, you will see a testimony to the success of multiculturalism in Australia, because ultimately members of Parliament must reflect the composition of the population. That must also be reflected on the membership of boards, Government agencies and so on. The Premier and this Government are strongly committed to that policy: we are doing everything possible to promote it, and we are succeeding.

The amendment that provides that we must have four women and four men gives credence to that commitment, with regard to not only diversity but gender balance. It is important in something such as this, because in the past Australian women from a non-English speaking background have been reluctant to come forward to take up these sorts of positions. This amendment provides that we must make that extra effort to make sure that they are there. No-one can question the commitment of this Government in that area. Not only have we included this in our policies but we are amending the Bill to make sure that it takes place. I commend the Bill.

Mr CONDOUS (Colton): I support this Bill. I am proud that, at long last, today the Government has separated the role of Chief Executive Officer and Chairman of the Multicultural and Ethnic Affairs Commission, because in my opinion that situation was absolutely untenable and incorrect. It would be no different if the Premier decided not only to be the Premier of this Government but also to sit in the Chair and conduct the meeting. And it would be no different if the Chief Executive Officer of the Adelaide City Council not only held

that position but also sat in the chair and conducted meetings. I applaud the move by the Premier to distinguish clearly between those two roles. I know that under Basil Taliangis, the Acting Chairman, the committee will blossom, develop and play a more important role in the community.

It is easy for me to stand here today as the son of Greek migrants and talk about this, because I have experienced what it is like, even though I consider myself an Australian of Greek parentage, to live in a country which once upon a time treated its migrants very badly. Thankfully, we have matured and grown since then. Credit must be given to the Tonkin Liberal Government which initiated this, but in my own community the Hon. Murray Hill was one of the very first to embrace ethnic communities. I do not know the exact role that he played in other communities but, in my own Greek community, the Hon. Murray Hill held out his arms and helped it to develop. He is still talked of today in very strong and warm terms in that community.

One must realise that 20 per cent of the community is of ethnic background. During my time as Lord Mayor, one of the things that I always did—and I would do this whether in Adelaide or interstate but mainly overseas—was to boast that I was proud that Adelaide was made up of 95 different nationalities who lived in total harmony integrated within our community. There were no racial tensions at all. It was easy to travel to other parts of the world—I will not mention the particular countries—to see their ethnic problems, but we were fortunate in Adelaide that no-one really worried where you came from or what you were like: they judged you simply on the type of person you were.

The Multicultural and Ethnic Affairs Commission has been established to develop a fellowship, to integrate ethnic communities with our own communities but, more importantly—and I think this is where the importance of the committee lies—it allows people to adopt Australia as their country but still to follow their religion and to express by way of festivities their preference for food, dance and everything else that enriches our community. What a tragedy it would be if those people came here from all around the world and lost the great cultures and traditions that they had developed in their own country, because one of the great things about being an Australian is watching multicultural communities performing their dances and music, and everything else that goes with it. We are enriched by those cultures and by knowing what is going on.

I praise the Premier's efforts as Minister for Multicultural and Ethnic Affairs in specifically encouraging the ethnic communities not only to establish themselves in South Australia but also to return to their countries to try to establish trade missions, thereby providing a dual benefit of ethnic communities having an input into the development of South Australia and also providing for export to those countries. We saw this recently with a very large delegation that went to Thessaloniki led by Basil Taliangis as Chairman of the Greek Trade Mission in South Australia. The success of that was so great that Victorians suddenly thought, 'Wait a minute, Melbourne has the third largest Greek population in the world, and here is Adelaide going to Thessaloniki to undertake trade and we have never done so.' The amazing thing is that, in 1996 when the Premier leads a delegation to Greece to attend a trade fair in Thessaloniki where South Australia will be involved, representatives from every other State in Australia will accompany him as well, because they realise the importance of being there to compete for the markets.

The wonderful thing about this country is that ethnic people can actually laugh at each other and make jokes about themselves without worrying about it. I have two very good friends in Melbourne (Mary Coustas and Nick Gianopoulos) who started a little play called 'Wogs out of Work'. Everyone wondered what they were on about. I went to the Thebarton Theatre to find out what was going on and discovered that 75 per cent of the people there were of ethnic origin, Italians and Greeks. They had actually gone along to have a laugh at themselves, because the interpretation given by these two fine and talented actors was so hilarious that they could relate to the experiences that they had been through in their own home. They were absolutely delighted to think that someone was making a joke of the way that we in the ethnic communities, especially the Greek and Italian communities, enjoy our lives.

My friends went on and developed other things like *Acropolis Now*, which became a top rating TV show. It is great that we have matured as a community and are able to embrace each other and say, 'Listen, let's not get too serious about this.' While we may be from an ethnic background in that we have migrated to Australia and have been raised by migrant parents, we will have a little laugh at ourselves. The most important thing is that we will make a contribution to the very country to which we migrated, because we are proud to be Australians and proud to live in the best country in the world. There is no doubt about that at all.

At the Dimitria Festival, held on Sunday for the Macedonian communities, appreciation of the Premier's commitment as Minister was expressed by vigorous applause and great warmth. The Premier has genuinely come out in support of this because he knows that the contribution to the development of South Australia from the migrant people of those 95 nationalities, including the Asian community, whether they be ordinary workers, professionals or small business people, is so important. Let us not forget about the Asian community, because it is making the next surge in terms of showing what potential this country has if you exploit and work it for the benefit of our children and the future of South Australia.

I am absolutely delighted with the Bill and welcome the fact that the roles of Chief Executive Officer and Chairman have now been separated. We will see enormous benefits in the future from this measure, because there will be greater diversity, intensity, development and roles played by the ethnic community benefiting South Australia not only in a business sense but culturally and in many other ways. I congratulate the Premier on introducing this Bill and support it wholeheartedly.

Mrs HALL (Coles): I proudly support this Bill, which represents such a sensible approach towards amending the South Australian Multicultural and Ethnic Affairs Commission Act. It also provides for a separation, as my colleagues have said, between the Chairman and the Chief Executive Officer, and I am very pleased that this action has been taken. We are also taking steps to ensure that the Multicultural and Ethnic Affairs Commission better serves the community for which it was created. This commission was originally the brainchild of the Tonkin Liberal Government, and since those days the make-up of our South Australian society has changed dramatically.

Some attitudes have been a little slower to respond to these changes, but it is fair to say at the halfway point of the 1990s that the philosophy of multiculturalism is generally

accepted. It is accepted by many with great pride and enthusiasm, as we are unquestionably a success story in Australia and, I would say, particularly in South Australia. Indeed, we are a multicultural society with a very wide range of languages, customs and cultural backgrounds.

As my colleague the member for Colton just said, about 20 per cent of South Australians were either born or have at least one parent who was born in a non-English speaking country. More than 13 per cent of South Australians speak a language other than English at home. In my electorate of Coles, some figures from the 1991 ABS census may be of interest to record. More than 32 per cent of the constituents in Coles were born overseas (interestingly, 10 per cent higher than the South Australian and Australian average); 23 per cent of my constituents were born in non-English speaking countries; and more than 10 per cent were born in Italy (and I am proud to say that that is about 8 per cent higher than the South Australian and Australian average). I have a number of very significant groupings in my electorate which include Greek, German, Malaysian, people from Hong Kong, growing numbers of people from Central and South America and a small but significant and growing community from India.

Mr CLARKE: I rise on a point of order, Mr Speaker. I appreciate that the member for Coles' speech will be recorded in *Hansard* whereby she will mail it out to her electorate—

The SPEAKER: The honourable member will come to his point of order.

Mr CLARKE: My point of order, Sir, is that the Bill we are debating concerns the reorganisation of the Chairman's and CEO's positions and the dropping of the UTLC representative on the commission. I ask you, Sir, to rule on the question of relevance.

The SPEAKER: In view of the fact that this Bill alters the status of the chief executive officer and the chairperson, the Chair will allow some considerable latitude as these people are focal to the operation of the Multicultural and Ethnic Affairs Commission. Therefore, I cannot uphold the point of order. However, I suggest to all members participating in this debate that they link up their remarks.

Mrs HALL: I am very pleased that the Deputy Leader has raised that question, as I believe it is extraordinarily important to note that the people in my electorate, along with many people in other electorates in this State, are well served by the Multicultural and Ethnic Affairs Commission. After all, that is the commission's role. Importantly, more than 30 per cent of the constituents in Coles speak a language other than English at home. Interestingly—for the Deputy Leader's knowledge—more than 27 per cent of the constituents in my electorate speak Italian.

It is these people that the commission serves directly, but it can also be of benefit to all South Australians by capitalising on this great diversity. The make-up of the commission reflects a gender balance as well as the views of those from a large range of cultural backgrounds. The changes and increases in flexibility allowed by the passage of this legislation will help the commission maximise the benefits of its work.

As part of this Government's commitment, and the Premier's commitment in particular, to multiculturalism, the commission works closely with the Office of Multicultural and Ethnic Affairs, and that office continues to provide assistance to various chambers of commerce that widely and successfully promote exports at overseas trade fairs. The commission assists in granting access to Government to people of all backgrounds, regardless of their communication skills, an aim that is consistent with this Government's philosophy.

It also assists in improving the communication skills of non-English speakers and helps them by encouraging the employment of bilingual and bicultural people in our Public Service. It is this Government's stated aim to expect that senior public servants, particularly those in the area of economic development, will become proficient in a second language. That will require a turn-around in our school system. As the Arnold Government cleaned out its desks after more than a decade of fairly non-competitive lowest denominator education policy, it left a legacy of only 8.87 per cent of year 12 students studying a language other than English. While we have made progress in terms of providing greater access and opportunity for those from different backgrounds, our students have not been sufficiently encouraged to show interest in the larger world, even when that larger world has arrived here at home.

As I said earlier, we have come quite a way from where we once were. Many years ago I remember seeing the movie *They're a Weird Mob*, which detailed the transformation of Nino Culotta from newly arrived Italian to a fair dinkum Aussie. Those were the days when, sadly, racial slurs in public were the accepted norm. In more polite circles, Australians talked about migrants and/or new Australians. Along the road to multiculturalism, and perhaps a harbinger of rampant political correctness, the term 'ethnic' was coined to describe Australians of a non-Australian background. The Multicultural and Ethnic Affairs Commission was given the badge 'Ethnic Affairs Commission' at birth. I put it to the House that it is time to take the next step and put the term 'ethnic' into general disuse.

I am a proud member of this Government's backbench Multicultural and Ethnic Affairs Committee and, along with a number of my colleagues who have spoken so far, I have many friends and constituents who, under current terminology, would be labelled ethnic Australians. Some were born in China, some in Greece and many in Italy. My point is that it is their Australianness, rather than their ethnicity, that is shared. Would it not be more appropriate to describe them as Australian Chinese, Australian Greek or Australian Italian? Certainly, a number of my friends do not consider themselves 'ethnic'.

From my research I have discovered that 'ethnic' is a term not widely used in other countries to describe non-native inhabitants and citizens, and I would like to quote a couple of sources. The United States Information Service states:

> A brief review of United States legislation reveals the word 'ethnic' is not commonly contained in legislation. When it was used the term was generally applied to heritage matters. Phrases describing persons of particularly racial or ethnic origins such as Hispanic Americans, Italian Americans or African Americans appeared more common.

In a number of European countries that is also the case. In Germany, for example, the term 'ethnic' is used in German official publications and legislation only behind the terms 'national' or 'nationality', which were far more common. Surely all of us, particularly in this magnificent country, are from some place else and as such are all ethnic to a degree. As an adjective then the term seems redundant to me. When used as a noun, it can be perceived as a slur, whether intentional or not. In sharp contrast the word 'multicultural' evokes, we know, a feeling of diversity and accurately reflects the state of play in Australian society. Maybe the

commission can take this point up some time and examine how to maximise the strengths of this rich diversity in our State. I commend the Bill to the House.

Mr CUMMINS (Norwood): I support the Bill but, before talking about its provisions, I wish to refer to the member for Ross Smith, whose duplicity and lack of logic in this place never ceases to amaze me. This afternoon we have heard him arguing in one voice that we should not exclude the CEO from being a member or chairperson because, if we do that, it will not provide us with flexibility. He then goes on to argue—this is his logic—in the same debate that we should not remove paragraph (b) from section 6(1), which makes it compulsory to appoint a United Trades and Labor Council member. Of course, by removing that provision the amendment provides the very flexibility for which the honourable member previously argued in relation to the CEO. One could say that he is a man of contradictions and a man lacking in logic, to say the least. The Deputy Leader says that he is concerned about the ethnic community but it is patently obvious that he did not even bother to read the Bill before he came in here—

Mr Clarke interjecting:

Mr CUMMINS: Either he did not read it or did not understand it, but the reality is that, with respect to the amendments to section 6, the member for Ross Smith told the House that commission members are being reduced from 15 to eight. The member for Ross Smith takes his salary as a parliamentarian yet he cannot read a couple of minor amendments to a Bill. The amendment does not do that at all: it simply provides that previously there were at least three men and three women whereas now there have to be four men and four women and the number of 15 members remains.

Mr Clarke interjecting:

Mr CUMMINS: Good. Now you understand and I am happy that I have taught you something tonight. I now refer to the amendment contained in clause 3(b), concerning a person occupying the position of CEO not being a member or chairman of the commission. I can understand why the member for Ross Smith would not comprehend the purpose of that provision, because his Government was renowned for its lack of accountability in all things. I would have thought it was obvious why that provision is necessary, namely, that it requires accountability. Under section 5, the commission is a corporate body which controls its own assets, accounts and is responsible for public funds. The chairperson is appointed for a period of five years and a member for three years. Obviously, that can clearly put someone in a position of conflict when the person concerned is the CEO.

If a person is appointed as chair for five years and is appointed as CEO, there is massive potential for conflict of interest. I would have thought that that was obvious even for the member for Ross Smith, because fundamentally what we are talking about is fiduciary relationships involving a responsibility to those who appoint you to a position to act honestly and in good faith. In fact, one must avoid a conflict of interest.

Mr Clarke interjecting:

Mr CUMMINS: The member for Ross Smith always says that to me: I am waiting for the day when you come in with something original. Having heard the logic of your argument in this debate, I doubt that your mind could comprehend even the concept of original, let alone saying something original in the House.

Mr Clarke interjecting:

Mr CUMMINS: I will continue. A fiduciary relationship arises when one party is entitled to expect that the other will act in the first party's interests or in their joint interests to the exclusion of the second party's separate interests. The potential for a conflict of interest must be obvious if the person holding the position of CEO and chairman misused it for his or her own personal interest. He may also be in a position to misappropriate property or funds, and it is patently obvious that his personal interest may conflict with that of his duty as a chairman or as a member of a board. In the event that—

Mr Clarke: I don't oppose that.

Mr CUMMINS: No, the honourable member was saying, 'What is the reason? It is churlish and we should not change it.' That is what the Deputy Leader was saying. The Deputy Leader does not understand; that is his problem. The principle I refer to was succinctly put in the High Court case of *Hospital Products Limited v United States Surgical Corporation* 1984 156 CLR at page 41. It states:

> It has often been said that a person who occupies a fiduciary position ought to avoid placing himself in a position in which his duty and his interest or (2) different fiduciary duties conflict.

I will explain that to the member for Ross Smith. Obviously, you can have the duties of a member of a commission and the duties of a CEO which are completely different. I am sure the member for Ross Smith can understand that much. It continues:

> This is rather a counsel of prudence than a rule of equity. The rule being that a fiduciary must not take advantage of such a conflict if it arises.

The Bill is fundamentally a counsel of prudence because this Government, unlike the previous Labor Government, believes that people should be accountable for the positions they hold, whatever those positions are, and in particular when they have control of public funds. We know the honourable member's Party does not mind that because of what it did to the State.

An honourable member interjecting:

Mr CUMMINS: We know that, yes. The other matter I deal with is clause 4, which amends section 8(5). That amendment provides for the very flexibility that the member for Ross Smith wanted, although the honourable member did not address that issue. In relation to the retirement of a member of the commission, the person who is appointed does not have to be appointed for the unexpired period of the appointment. I have great pleasure in supporting the Bill and I am very glad that the member for Ross Smith now has an understanding of section 6(1); namely, that there will be 15 members not eight, and I reassure the honourable member of that.

The Hon. DEAN BROWN (Minister for Multicultural and Ethnic Affairs): I pick up a couple of points in closing the second reading debate. First, I thank honourable members for their contribution to the debate, and I have appreciated how many of them have spoken. I pick up the point from the Deputy Leader who led the debate for the Opposition. How he comes to the conclusion that there are only eight members of the commission under this proposal absolutely astounds me. I suggest that he learn to read.

Mr Clarke: I was wrong and I admit it.

The Hon. DEAN BROWN: The Deputy Leader has now admitted that he was wrong, so all his comments on that are withdrawn. Let us tackle the other half of the honourable member's speech and find whether it is also wrong. If ever

there was to be any representation on the Multicultural and Ethnic Affairs Commission, I would have thought that that representation would come from the various ethnic chambers which have now been set up. After all, they represent approximately 25 different ethnic communities in South Australia. The Trades and Labor Council is set up to represent people involved in industrial relations: 25 ethnic chambers are set up specifically to represent the various representatives in each ethnic community in terms of business councils or chambers of commerce. If there was to be any representation at all, clearly it should be with those ethnic chambers and not with the United Trades and Labor Council.

For instance, when people appoint a committee for a kindergarten they do not race off to the Employers Chamber and say, 'Will you put a representative on our committee?' It is quite inappropriate. They would appoint someone from the education area in particular if they wanted anyone. I point out that there are 25 different ethnic chambers, which have very close contact with the Multicultural and Ethnic Affairs Commission. They also have very close contact with the Office of Multicultural and Ethnic Affairs. However, the State Government believes it is appropriate not to have any specific representation. It will pick a broad cross-section of people for the commission, and that is why the legislation removes any specific representation.

If we were to retain the UTLC, to be even-handed, as the Labor Party would want us to be on all occasions, we would automatically have to include someone from the Employers Chamber. It is just not appropriate. I am not going to waste two of the positions on the commission—one for the United Trades and Labor Council and one for the Employers Chamber—when we have a body which represents ethnic communities and our broad multicultural community in South Australia. The other important amendment is the splitting of the role between the Chair of the commission and the CEO's position. I have never been in favour of that amalgamation. I believe it is a dangerous precedent. Look what happened to the State Bank when it had a very strong CEO who tended to run the board. Things ran off the rails—

Mr Clarke interjecting:

The Hon. DEAN BROWN: Yes, but you had a strong CEO who tended to run the board and the whole thing ran off the rails. The board is there to monitor, to guide and to audit the progress of the organisation. The last thing we want to do is to confuse the role of Chair of the board with the CEO's position. If the Deputy Leader cannot understand that basic fundamental principle of governance, we have a huge problem with the Opposition in this State because it has not learnt the lessons that flowed from the State Bank and various other Government organisations.

Members interjecting:

The DEPUTY SPEAKER: Order! Members will have the opportunity to speak later.

The Hon. DEAN BROWN: I again thank members for their contribution and look forward to the Bill passing through the House quickly.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Constitution of commission.'

Mr CLARKE: I refer to the Government's commitment to multiculturalism and the like, and the rights of migrant workers in particular. Is it the intention of the commission to assist organisations such as the Migrant Workers' Centre by restoring the $70 000 funding which has been taken off that centre and which has forced it to close its doors?

The Hon. DEAN BROWN: This clause has no relevance to that whatsoever.

Mr CLARKE: I beg to differ. We are dealing with clause 3, which involves the constitution of the commission. A few moments ago, the Premier—as did a number of the members of the Government Party—spoke effusively about the role of the commission in promoting multiculturalism and assisting members of the various migrant communities in South Australia. The Migrant Workers' Centre is a body that plays an important role in assisting migrant workers, particularly those from a non-English speaking background. Will the Premier, as the Minister responsible for the commission, ensure that organisations such as the Migrant Workers' Centre have their funding ($70 000 in the case of the Migrant Workers' Centre) restored—if he is to give other than lip service to multiculturalism?

The CHAIRMAN: Order! The Premier has indicated a lack of relevance to this clause. Nothing at all is contained in the Bill about funding: it is strictly about the composition of the board. So, technically the honourable member is out of order in raising the matter of funding. It is up to the Premier if he wishes to respond further.

Mr CLARKE: The Premier's silence speaks volumes for his commitment to multiculturalism. Will the Minister ensure that a representative of migrant workers is on the proposed 15 person commission? They must have the capacity to be able to speak for those who work at the coalface and who come from a non-English speaking background, and they must be able to give relevant information and advice to the commission.

The Hon. DEAN BROWN: If the honourable member would only look at the composition of the board, he would realise that I have substantially increased the representation of those from a non-English speaking background. I have increased the proportion of women, and I have broadened significantly the background of people coming onto the commission. A whole new range of people has been included. A lot of favourable comment has been made, and they represent a broad cross-section of ethnic communities and backgrounds in terms of the work force. Therefore, the point the honourable member has raised is already adequately covered within the membership of the commission.

Clause passed.

Clause 4—'Removal from and vacancies of office.'

Mr CLARKE: Representatives of the Trades and Labor Council have served on the commission over the years. Has the Premier been in receipt of any information whatsoever that those persons have not carried out their functions diligently and been of—

The Hon. DEAN BROWN: I rise on a point of order, Mr Chairman. I point out that we have passed that clause, and the honourable member knows it. I am amazed that the Deputy Leader of the Opposition seems to have so little understanding of the processes and procedures of this Committee.

Members interjecting:

The CHAIRMAN: Order! Thank you, member for Norwood; the Chair needs no further assistance. The member for Ross Smith had asked three questions on the previous clause, which was the relevant one, and his questions had expired. I invited him to ask a further question on clause 4, were it relevant, and the point of order raised by the Premier is certainly that the question is not relevant.

The Committee divided on the clause:

AYES (26)

Armitage, M. H.	Ashenden, E. S.
Bass, R. P.	Becker, H.
Brindal, M. K.	Brokenshire, R. L.
Brown, D. C. (teller)	Buckby, M. R.
Caudell, C. J.	Condous, S. G.
Cummins, J. G.	Evans, I. F.
Greig, J. M.	Hall, J. L.
Ingerson, G. A.	Kotz, D. C.
Leggett, S. R.	Lewis, I. P.
Matthew, W. A.	Meier, E. J.
Oswald, J. K. G.	Rossi, J. P.
Scalzi, G.	Venning, I. H.
Wade, D. E.	Wotton, D. C.

NOES (7)

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

PAIRS

Andrew, K. A.	Quirke, J. A.
Kerin, R. G.	Atkinson, M. J.

Majority of 19 for the Ayes.

Clause thus passed.

[Sitting suspended from 6.3 to 7.30 p.m.]

Title passed.

Bill read a third time and passed.

LOCAL GOVERNMENT FINANCE AUTHORITY (REVIEW) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 October. Page 442.)

Ms HURLEY (Napier): The Local Government Finance Authority is a collective which borrows and invests in bulk for councils. It is a simple bundling of local government business in the interests of both local government and South Australia. Its workers retain jobs and decision making in South Australia in this important area. We hear a lot from this Government about creating new jobs, and I shall be interested to hear how the Government is protecting existing jobs in this important sphere.

The Local Government Finance Authority has been one of the State's most successful financial institutions. It was an outstanding initiative of local government and the Bannon Government. The authority has reduced the cost of finance to councils across the State. It has assisted in the management of an important area of public finance in the interests of the State and, incidentally, it provides income to the State Government in the form of guarantee fees and other income from transactions.

The authority made an operating profit this year of $3.5 million and paid $1 million in bonuses back to councils. I congratulate the authority on that result. It is $1 million in savings which has been ploughed back into councils for the benefit of ratepayers. I note that this brings to $6.3 million the total in bonuses paid by the authority back to councils, which is an outstanding result. I should like now to quote briefly from the Chairman's review in this year's LGFA annual report. He said:

> The State Government guarantee fee has continued its upward trend with the latest increase being imposed by regulation to apply from 1 June 1995. Any increase affects our ability to remain competitive, and to address this concern we are forming a special task force. Amongst other matters, the terms of reference for the task force include examination of options for fund raising which will involve less reliance on the Government guarantee.
>
> Pending the results of the investigation by the task force, we have introduced some financial subsidisation of the council loan and deposit activity from non-core business income.
>
> Despite the withdrawal by the State Government of the exemption from financial institutions duty for LGFA banking transactions as from 1 July 1995, the LGFA has decided to fully absorb the cost so that council transactions with the LGFA will remain free of FID charges.
>
> Local government ownership of the LGFA is expected to receive confirmation by appropriate amendments being made to the Local Government Finance Authority Act. In relation to the ownership issue, it has also been arranged to repay the total $50 million capital provided by the State Government, and repayment is expected to be completed within three years.
>
> Under the Council of Australian Governments' Agreement on Competition Principles dated 11 April 1995 (between the Commonwealth Government and the State Governments) the South Australian State Government is required to consult with local government as to how those principles will apply to local government activities and functions in South Australia.
>
> Arising out of the competition principles agreement is the potential application in certain circumstances of taxation equivalent obligations. We have been under the impression that LGFA (as a local government entity) would have been included in any negotiations dealing with the local government sector generally. However, we are advised that the State Government has made the decision that the taxation equivalent regime (TER—whereby the equivalent of company income tax and wholesale sales tax are paid) will apply to the LGFA and that such application has been dealt with as an issue separate from the remainder of local government in South Australia.

There is one further paragraph in the report that I should like to quote:

> The State Government has indicated that the application of TER to the LGFA has now been rescheduled to commence as from 1 July 1996 (in lieu of 1 July 1995).

I should add that the retiring Chairman of the LGFA, Mr Don Lee, has made an outstanding contribution to the LGFA and is a well respected manager and administrator who has been with a leading legal firm after leaving the City of Adelaide some years ago. I should like to recognise his service to the public as Chairman of the LGFA, a position for which he received no remuneration.

To review what he said in his annual report, he has told us that in the space of one year this Government has, first, imposed by regulation for the first time an increase in the State Government guarantee fee (in all other years since the establishment of the authority the level of the guarantee fee has been agreed); secondly, withdrawn the LGFA's exemption from FIDs; thirdly, sought to apply TER from 1 July 1995; and, fourthly, subsequently changed that operative date to 1 July 1996, but still dealing with the LGFA in isolation from the rest of local government.

It is no wonder that the LGFA has formed a special task force to look at its ability to remain competitive and is currently subsidising its activities with councils from its earnings on its reserves. With friends like this Government, it sounds as though the LGFA does not need enemies.

I should add that the trustees of this successful authority, who manage its affairs on behalf of local government, do so without any remuneration. As with the hard-working elected members in local government generally, the authority's trustees are volunteers.

As I did in relation to elected members in the debate on the Local Government (Boundary Reform) Amendment Bill,

I should like to record the Opposition's appreciation of the Trustee and Deputy Trustees who have made the LGFA a success over the past decade. I am quite shocked that this role should again fall to me and that the responsible Minister does not have a kind word to say in his second reading explanation for those who serve this State so well in a voluntary capacity. I thank the current and past trustees of the authority.

I do not intend to dwell on this Bill, because it is generally supported. There is only one clause which causes the Opposition concern, and that is clause 15 which establishes the basis for applying the tax equivalent regime (TER) to the authority. This clause is in line with competition principles which have been championed by the Federal Government in the quest for an open competitive environment for public and private enterprises. That process, however, and its application has not been without qualification. The competition principles agreement provides arrangements to take into account important issues such as ecologically sustainable development, community service obligations, access and equity, regional development and employment growth. I am not convinced that this Liberal Government has any regard for those sorts of important issues in the clarification of the relationship between the public and private sectors. In fact, I believe that this Government has shown a significant disregard for a number of those issues.

The competition principles agreement was signed by the Prime Minister, Paul Keating, and the Premier of this State on 11 April 1995. It was also signed by the Premiers of other States and the Chief Ministers of the Territories. It was not, however, signed by local government. In addressing local government's needs, however, the Prime Minister supported the insertion of a special clause—clause 7—which I should like to read, as follows:

(1) The principles set out in this agreement will apply to local government, even though local governments are not parties to this agreement. Each State and Territory party is responsible for applying those principles to local government.

(2) Subject to subclause (3), where clauses 3, 4, and 5 permit each party to determine its own agenda for the implementation of the principles set out in those clauses, each State and Territory party will publish a statement by June 1996:

(a) which is prepared in consultation with local government; and

(b) which specifies the application of the principles to particular local government activities and functions.

It is obvious from that clause that the competition principles agreement does not formally bind this Parliament, nor does it remove Parliament's responsibilities to satisfy itself that the application of certain aspects of this agreement and the method of application proposed in South Australia are in the interests of the State of South Australia. However, at this stage we seem to have a State Government which believes in the powers of an Executive Government and which seems none too keen on doing very much consultation. It seems to believe all too often that Parliament is an impediment to its activities.

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

Ms HURLEY: Wait until we get to the Housing Trust Bill. Sometimes we need to remind members opposite of the obvious. The TER cannot be applied to the LGFA nor, indeed, to any local government position without an amendment to the legislation, except with the agreement of local government. That option is, of course, available to the Government. If one reads the memorandum of understanding, signed by the Premier of the State with the Local Government Association, one believes that the Government is obliged to seek agreement of the LGA on such matters.

We are reminded that members opposite, and particularly the Minister, have either not read or not understood the memorandum of understanding. Of course, the Premier signed the competition principles agreement and the memorandum of understanding, so the question which might be posed is: when does the Premier's signature mean something and when should it be disregarded? The Opposition would like these and other questions answered and we will deal with these issues in Committee. The Opposition supports this Bill in this House and will possibly deal with the response to the answers when the Bill is debated in another place.

Mr CLARKE: Sir, I draw your attention to the state of the House.

A quorum having been formed:

The Hon. J.K.G. OSWALD (Minister for Housing, Urban Development and Local Government Relations): I thank all members who contributed to the debate this evening and the Opposition for its support of the Bill. I am very curious to know who helped the Opposition put that speech together, because it had a familiar ring to it, similar to the line put forward by the Opposition—on behalf of others, I am sure—during the debate on local government reform that the Government does not consult with the LGA. I can assure the House that, in this case, I met with the LGA and, as a result of those discussions, an agreement was reached and the LGA signed off on the legislation.

Mr CLARKE: Sir, I draw your attention to the state of the House.

A quorum having been formed:

The Hon. J.K.G. OSWALD: Before I was rudely interrupted I was trying to make the point that this Government does consult with the LGA. We have a very close working relationship with the LGA, and the continuous reporting to the House by the Opposition that that relationship does not exist, I can assure members, is water off a duck's back. The fact of the matter is that we have an ongoing relationship with the LGA. My staff are in constant touch with officers, and there is no point in sending messengers here, for purely Party political purposes, to try to establish the fact that we do not consult.

The Government consulted with the LGA on this piece of legislation. An agreement was achieved, and the form of words in the Bill demonstrates that agreement. The role of the Local Government Finance Authority, I believe, in large part, is included in my second reading explanation but, for those who read *Hansard* and would like some further explanation, I will concentrate, first, on the question of competition and, secondly, on the question of the taxation equivalent regime. It is obvious from listening to contributions of members opposite that they do not understand what is happening on a national competition principle agreement level.

There is a move across Australia, and South Australia is part of that move, and to say that South Australia must stand aside from the rest of the Commonwealth is misrepresenting what is happening nationally. The Local Government Finance Authority was established in 1984 to provide a way for local government authorities—most too small on their own to do so effectively—to take part together in developing a financial marketplace. It was clear from the 1983 debates on the Bill, which received support from both the then Government and the Opposition, that the initiative for the authority came largely from local government, and it was intended as a vehicle to enable local government to engage in prudent financial management.

The functions of the authority are to borrow and invest for the benefits of councils and any other local government body which may be prescribed, and to engage in whatever other activities the Minister may consider to be in the interests of local government. Under the terms of the Act, the authority may borrow widely but may accept deposits only from councils and prescribed local government bodies. In the area of competition, the authority has no monopoly on council business. Councils are free to take part in the wider market-place by themselves if they prefer, which is a financial reality for some of the larger councils. The authority provides a highly specialised service to those of its members which choose to use it. In practice, the LGFA has had the central role in council lending business for the past 10 years.

An effect of the central part played by the authority has been to keep in South Australia money generated by its activity which otherwise would have left the State. The major competitors of the authority are interstate and overseas financial institutions with a particular interest in local government finance.

I would like to refer to the taxation equivalent regimes (TERs). In keeping with State and national competition policy, under the Bill now before Parliament the authority will make taxation equivalent payments from July 1996. The application of a TER to the LGFA is not designed to have a resource impact on local government. TER amounts paid will be recirculated for the betterment of local government. The proposal is that the LGA put forward proposals for which the money may be paid for the Minister's agreement. The Minister's role recognises that whilst all councils are automatically members of the LGFA only those who choose to be are members of the LGA. While universal membership of the LGA applies at present, there can be no guarantee that that position will always hold true.

The payments will be made into and out of a Treasury deposit account to demonstrate visibly that they are acquitted by the LGFA. This will help to make it clear that LGFA operates under competitively neutral conditions on a level playing field. It is important to highlight the fact that, whilst the money goes across to the Treasury trust account, it is returned to local government, and that in fact local government has the full use of that money.

To pick up the point made by the honourable member opposite in relation to clause 7 and the national competition principles agreement, which will come up again in Committee, I put on the record a letter that I wrote to Mr Ross, the new President of the Local Government Association. The executive referred to the following three points:

1. Why TER provisions are to be introduced prior to the adoption of a clause 7 statement under the national competition principles agreement?
2. That any TER payments made be made direct to the LGA.
3. That it be noted that the competition principles agreement does not require the transfer of TER funds to the State or ministerial discretion in the expenditure of the funds.

I think this has probably picked up the exact questions that the honourable member raised during her remarks. My reply to the first point was:

As conveyed in correspondence with the Under Treasurer, taxation equivalent regime provisions are to be applied to the LGFA as a matter of State Government policy on public sector reform in line with the recommendations of the Commission of Audit of May 1994. This decision preceded the conclusion in April 1995 of the national competition principles agreement. Since the advent of the national agreement, it has also become necessary to meet the requirements set out there. These include application of a TER to significant public sector financial enterprises such as the LGFA.

My reply to the second point was:

Local government is affected by but is not a party to the national agreement. Under the terms of the agreement, the State Government is specifically responsible for ensuring that the competition policy principles set out in the agreement are respected. The proposal that the funds be paid into the sole control of the LGA is not acceptable. Councils are not required to be members of the LGA and while one would not wish to see it happen they could, technically, walk away from the association. On the other hand, all councils are by statute members of the Local Government Finance Authority. The proposal in the Bill is that funds be disbursed for purposes proposed by the LGA and agreed to by the Minister. This is a proper and reasonable sharing of the role of trustee of the funds. It gives the LGA the initiative while providing the additional assurance to which councils are entitled. It also gives the State opportunity to ensure that competition principles continue to be respected in the disposition of the funds.

My reply to the third point was:

I have already made it clear in correspondence with the association that it is not intended to remove or reduce the benefit to the local government sphere of TER payments by the LGFA. Transfer of the funds in the first place to a Treasury deposit account will enable the State to sign off on the national agreement with confidence and it will also demonstrate publicly and conclusively that the payment of TERs by the LGFA has been completed thereby protecting the LGFA from allegations of unfair competition on the part of private financial institutions.

I think that sums up most of the queries that have been raised by the Opposition and the LGA. It ensures that the moneys raised are returned to local government. I think it preserves the integrity of the competition principles agreement and protects everyone on either side of the ledger from any allegations of wrongdoing or improper procedures.

I thank the Opposition for its support for the Bill. I assure the Opposition that we did consult with the LGFA and the LGA. I met with Mr Dyer, Mr Ross and Mr Lee, and we talked through the implications of the national competition principles agreement. We also talked through the question of the money going across to the Treasury and being returned to local government. I gave an assurance that I would put that on the *Hansard* record tonight. I believe that, basically, everyone is in agreement with what we are doing. In commending the Bill to the House, I thank those members who took part in the debate and look forward to the Committee stage.

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

A quorum having been formed:

Bill read a second time.

In Committee.

Clauses 1 to 14 passed.

Clause 15—'Tax equivalents.'

Ms HURLEY: In relation to the application of the competition principles, has the Minister analysed the following tests in relation to LGFA, and what is his belief regarding the results of applying these tests? Is the activity a business activity? Is the activity a significant business activity? Is it appropriate to apply competition principles? Do the benefits outweigh the costs of applying the principles?

The Hon. J.K.G. OSWALD: In all cases the simple answer is 'Yes'. There has been a considerable amount of national debate on this question. As I said in my reply to the second reading debate, it is a subject which is on the agenda right throughout the Commonwealth. It is a subject which I believe the honourable member's Party nationally supports. I thank her for her support for the clause as intimated in her second reading speech, because it does fit in with national policy.

Mr CLARKE: Mr Chairman, I draw your attention to the state of the House.

A quorum having been formed:

Mr CLARKE: Has a clause 7 statement with respect to local government in South Australia under the competition principles been published and, if not, is one in preparation? What consultation has occurred with councils in relation to a proposed statement?

The Hon. J.K.G. OSWALD: There is currently a joint working party involving State and local government, and working papers are being considered. I expect to see something out in the public arena this year.

Ms HURLEY: In relation to appropriateness, how has the Government considered the importance of the way in which councils apply their loan funds in relation to clause 1(3) of the competition principles agreement; namely:

(d) Government legislation and policies relating to ecologically sustainable development;

(e) social welfare and equity considerations including community service obligations;

(f) government legislation and policies relating to matters such as occupational health and safety, industrial relations and access and equity;

(g) economic and regional development including employment and investment growth; and

(h) the interests of consumers generally or of a class of consumers?

In particular, I would be interested in the Minister's answer on regional development and in his analysis of the impact of this clause on rural councils and provincial cities and their ability to fund much needed infrastructure.

The Hon. J.K.G. OSWALD: In my previous response to the Deputy Leader I referred to the joint working party, as part of whose work all the elements are to be further considered in implementing competition principles. We recognise the list that the honourable member has put on the record. It is part of the preparation and work of the joint working party to go through those lists. All these elements will be further considered when we actually implement the competition principles.

Ms HURLEY: I appreciate that that will happen in the future but we are dealing with this Bill. In determining whether the benefits of this provision outweigh the cost, has the Minister undertaken a cost benefit analysis and considered the impact of this clause on the level of profitability of the core business of the LGFA, that is, the lending and taking of investments from councils?

The Hon. J.K.G. OSWALD: That is continuing to be monitored at the moment. The honourable member is getting away from the whole purpose of this legislation. The TER money will go across to the Treasury; local government will determine where it wants the money sent back and we will send it back accordingly. It is done by agreement. It is purely a process of transferring the funds through the Treasury to satisfy all the policies, Federal and State, to ensure that everything is transparent and above board. There is no hidden agenda in this at all. The working party I referred to is dealing with a lot of the issues raised by the honourable member.

Mr CLARKE: Although the Minister has said that it makes compliance more obvious, do the competition principles require any payment of the funds into State Treasury?

The Hon. J.K.G. OSWALD: My advice is that the agreement leaves the implementation of the detail to the States.

Mr CLARKE: So, there is no requirement under the competition principles to do it? Your actions are purely the responsibility of this Government in that you have decided this is what you will do. There are no outside forces directing the State Government to take a particular stance?

The Hon. J.K.G. OSWALD: The State has decided to make it very clear that this is the way we are implementing the policy. It is very transparent, visual and a particularly simple way for the funds to be transferred to Treasury and transferred back. I repeat that local government is quite happy with and has agreed to the arrangements set in place. At the end of the day, local government will decide where all that money goes.

To pick up another point I made earlier, at the moment every council is a member of the LGA. If that did not happen in the future and several councils did decide to break with the LGA, a situation could arise. I believe that the system the State has chosen will cover these types of eventualities and be a satisfactory arrangement for everyone.

Clause passed.

Clause 16—'Accounts and audit.'

Ms HURLEY: Will the Minister state his support for the existence of the LGFA? Does he believe there is value in local government collaborating in investments and borrowings, or is he happy to see the private sector take up that role?

The Hon. J.K.G. OSWALD: I am very supportive of the LGFA. I have been very supportive: Don Lee and his officers and board members have done an extraordinarily good job. The advantage of the LGFA is that it has provided funds and also retained capital within South Australia which, as I said earlier this evening, we could have lost interstate. I am supportive of the LGFA, which is a good organisation.

Clause passed.

Remaining clauses (17 to 20) and title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN HOUSING TRUST BILL

Adjourned debate on second reading.

(Continued from 26 October. Page 445.)

Ms HURLEY (Napier): I recognise what this Bill is all about: it is consequent on changes made under the Housing and Urban Development Bill in which the Minister sought to bring the Housing Trust under the control of the Department of Housing and Urban Development. That did not succeed in its entirety and now we are having to regularise the situation with the Housing Trust. The Opposition has a great deal of unease about this Bill, as do many members of the community. That unease is not so much in response to what the Bill says word for word; it is more that we are concerned that it paves the way for a number of changes which the Opposition and trust tenants do not want to see. This is all fairly well encapsulated in the Audit Commission's recommendations, and I will go through the key recommendations contained in the South Australian Government's response to the Commission of Audit's recommendations, a document printed in October 1994. The first recommendation states:

> There should be setting of public housing rents more closely in accordance with general market levels and dwelling attributes.

That recommendation is being considered by the Government, and I suspect the only reason it has not been implemented is that a number of the Government's marginal seats contain a fair bit of public housing.

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Napier has the floor.

Ms HURLEY: The second key recommendation states:

> There should be a placing of greater reliance upon housing subsidies and/or housing related income support measures in coordination with the Commonwealth Government to assist those in need of housing rather than constructing/acquiring housing.

That recommendation was adopted. The remarks state:

> A framework is being established whereby subsidies to public and private tenants can be compared, that is, market rents. The Commonwealth is moving towards annually increasing housing subsidies to private renters through the implementation of housing affordability benchmarks. The trust's pricing policy will reflect this move to greater parity between tenures. The trust is currently reviewing the criteria for provision of rent relief to better target housing assistance to those in greater need.

That sounds all very well, but we know that the Commonwealth-State Housing Agreement is being negotiated and there is need for some change in the housing market. The key words are 'rather than constructing/acquiring housing', the trust should place a greater reliance on housing subsidies. We will have a reduction in the amount of public housing stock in South Australia, yet South Australia has been recognised for having a high level of public housing and the benefits that this has brought to the community in terms of the amount and quality of housing. We all know that the Government has been trying to sell off as much of that housing as possible.

I refer to another point where this legislation paves the way for dramatic change. Another recommendation provides that the trust should be:

> introducing a means test to qualify for South Australian Housing Trust accommodation.

The Government's response: 'adopted'. And the comment was:

> The trust is currently developing means test as part of a broader needs based allocation policy.

We would all recognise that the allocation of resources needs to take into account the priorities of need, and the trust does that effectively at the moment simply through management of its waiting list and priority system, but this Government wants to introduce a means test for trust accommodation. Another major change for the trust is related to that, and the recommendation is that the trust:

> should consider introducing limited term leases for new South Australian Housing Trust tenants not in receipt of a rental rebate.

Again, the Government's response: 'adopted'. A number of other changes are contemplated, but I am just outlining the key changes. Another recommendation provides that the trust look at:

> the scope for a larger sales program, given the relatively large size of South Australian Housing Trust stock.

In the past, South Australian Governments, on a bipartisan basis, have built up trust stock in this State for good reasons, and we have been the envy of other States because we have such a large amount of public housing stock for those who need it. These sweeping policy changes recommended in the Audit Commission report have never been brought before Parliament. As I said in relation to a previous Bill, that is common practice by this Government—it bypasses Parliament and seeks to introduce through the backdoor major changes for which it has no mandate. I wish the Government had the courage to bring these changes before Parliament so that it can explain its policy. Instead, it seeks to do it by backdoor means, bypassing the normal processes that have served our democracy in South Australia so well.

In fact, the trust has served the people of South Australia well. It is widely recognised and generally accepted that it has contributed to the stability of the housing market in this State and been responsible for reasonable prices for families wishing to get into housing in South Australia. It has been responsible for the provision of workers' housing and, if this Government fulfils all its promises to Kickstart the economy—which it shows no sign of doing yet—we might need more workers' housing.

The Housing Trust in this State has held the assets contained within it in trust for the people of this State, hence the word 'trust' in the name South Australian Housing Trust. This Bill and the previous Housing and Urban Development Bill make a mockery of that part of its name. It is no longer in trust within the South Australian Housing Trust; it is in trust within the Minister's hands. The fact is that not many Housing Trust tenants trust the Minister or this Government to hold those assets for them, to keep them safely and treat them properly. That is the basis of our objections to the Bill. Again, as is so common, there is very little the Opposition can put its fingers on, but we all distrust the Government's attitude to these sorts of matters.

The previous South Australian Housing Trust Act was half the size of this Bill. It contained sweeping and general statements and very little in the way of protecting its Housing Trust tenants. That was because the Housing Trust previously had enjoyed bipartisan support and there was no need to put these checks and balances in the Bill because everyone knew that the Housing Trust would continue its support. It looks to everyone as though that support is gradually being taken away from trust tenants and the other people of South Australia. It will happen under this Government, even though it has no mandate to make that change.

Currently, the South Australian Housing Trust has an access policy which enables all non-property owning residents of this State to apply for public housing. It seems that this Government will undermine that policy as well without bringing it into Parliament. There is simply a lack of trust in this Government and in the way the Minister seems intent on assuming direct control of the trust and other assets. Many voters who turned to the Liberals in protest at the last State Government election are now asking themselves what they have done. Many of them have said to me that they recognise that they made a mistake. I can assure members that this Bill will not change their mind, particularly the more vulnerable members of the community, because the suspicion is growing that this Government simply does not care about them.

In a previous debate the Minister mentioned consultation and how he got out and consulted with people. I would be interested to hear the Minister's definition of 'consultation' because consulting does not mean just going out and talking to people and hearing their views. It means going in with an attitude of negotiation so that those views are taken into account. It is not enough to hear them—the Minister has to take some notice of them. I am sure the Minister will say that there has been consultation on this Bill, but the peak housing body in this State, Shelter SA, which represents wide sectors of housing, does not believe that it has been properly consulted on the Bill. The people who represent the tenants and prospective tenants of the Housing Trust do not believe that they have been consulted. Despite promises from the Minister's staff and the department, Shelter SA was never

given a copy of the Bill. If the Minister calls that consultation, something strange is happening. Shelter SA's latest newsletter of October-November 1995 states:

Shelter SA has finally laid their hands on a copy of the Housing Trust Bill. Despite requests through trust officers and the board, Shelter SA was able to secure a copy informally after the first reading in Parliament.

We have, in the past, been given copies of draft Bills, as is appropriate for a peak non-Government housing body in this State; so why not this time?

The Bill itself is similar in structure and form as the Housing and Urban Development (Administrative Arrangements) Act. The reason for the drafting of this legislative base for the Housing Trust can be largely attributed to the Democrat MLC The Hon. Sandra Kanck. Sandra believes that the uniqueness of the Housing Trust and its longstanding and bipartisan support for public housing in this State requires that it be enshrined in a specific Act of Parliament.

Despite her good intentions and not allowing the Housing Trust to be absorbed into the HUD Admin. Act, the draft Bill, if passed unamended, will set the course for the South Australian Housing Trust into unchartered waters.

The Bill, in its current form, enables the Minister and the Treasurer to embark on some wholesale changes in the operations of the Housing Trust. The 'Functions of the SAHT' in the draft Bill focuses on economic objectives, being financially driven through rates of return and asset management objectives. These need to be counter balanced by the social objectives and include the continuance of community service obligations performed by the SAHT.

Furthermore, issues that will cause concern and have a direct bearing on tenants and potential tenants relate to continued open access of public housing and the variation and overriding of lease agreements and tenancy conditions.

Members can see that the Minister has not fooled anyone by his actions in relation to the Housing Trust or the Department of Housing and Urban Development. We will certainly be putting forward a number of amendments which we hope will contain what we believe is the hidden agenda of this Government.

Mr BECKER (Peake): The South Australian Housing Trust has served the people of South Australia extremely well since its formation in the mid-1930s under a Liberal Government. I am particularly delighted to note in the Messenger Newspaper of the past few days, particularly page 7 of the *City Messenger* of 22 November 1995—

Mr Clarke interjecting:

Mr BECKER: Alex who?

Mr Clarke: Alex Kennedy.

Mr BECKER: Alex only ever contacts me when she has a problem with her own family. Don't worry about Alex. I can tell members some stories about Alex. I think she might be looking for another job. It just proves that the Murdoch press has got—

Mr Clarke interjecting:

Mr BECKER: No, I do not think so. It proves that the Murdoch press has too many employees. The South Australian Housing Trust conducted a survey and published an advertisement, headed 'Prompt, reliable, fair and polite', in the *City Messenger*. It states:

The Housing Trust is helping over 100 000 customers in public or private rental housing.

We recently surveyed our customers to find out what they thought of our service.

The results showed that most customers are happy with the service they get. They also told us where we need to do better.

We have given all customers a commitment that our service will be prompt, reliable, fair and polite.

Here is a summary of what they said:

- 92 per cent said trust staff were friendly and helpful;
- 82 per cent said that they were treated with dignity and respect;
- 86 per cent said that the waiting time at trust offices was reasonable;
- 89 per cent said that the trust treated them fairly and did not discriminate; and
- 77 per cent said that maintenance work was satisfactory.

We are working to improve our service in the areas of maintenance, response to letters, telephone access and the quality of service at front counters in all regional offices.

We thank all customers who participated in the survey. Your comments will help us to do our job—providing housing assistance to people in housing need.

The advertisement is signed by Jan Connolly, General Manager, Housing Services.

What is claimed in that advertisement is correct because the South Australian Housing Trust has developed remarkably in the past two years—restructured and reorganised—and that is why this legislation is necessary. I well remember the years when Terry Hemmings was the Minister for Housing. He led a period of negotiation with the Federal Housing Minister when the funds for South Australia were cut down, and he tried to cover it up by saying that there was very little happening. We had meetings in certain suburban areas, particularly down south, in relation to the problems that were being caused and the pressure that was being placed on Housing Trust tenants.

It was Hemmings who took the caretakers away from the large blocks of Housing Trust flats and left a lot of women feeling very insecure, particularly middle-aged women who were left on their own. They felt that the situation required improvement. There were a lot of things happening in the Housing Trust during the Bannon years of the Labor Government in this State that were not conducive to the proper housing program that we had become accustomed to in South Australia.

Mr Clarke interjecting:

Mr BECKER: Whilst interjections are out of order, let me tell the Deputy Leader, as I have on other occasions, that I am one of the products of the South Australian Housing Trust. During my generation, young people in South Australia had the opportunity to go out and choose a block of land. The scheme was set up by the Playford Government through the Housing Trust. You could pick a block of land in the metropolitan area—

Mr Clarke interjecting:

The SPEAKER: Order! The Deputy Leader of the Opposition has had a fair go; I ask him to take a step backward.

Mr BECKER: The Liberal Party helped my generation acquire a house through the Housing Trust, making land available to them at cost. You picked the block of land where you wanted it. You could select the style of house you wanted. The Housing Trust then supervised and built it. The first house of many people in the metropolitan area and in the country was a Housing Trust house. It was a well built brick house, built to your design, and it contained the things you needed. That was a wonderful start.

What a terrible tragedy that we elected Labor Governments from 1965—except for one brief period when Steele Hall was the Premier, but he could do very little, because he was hamstrung by an Independent Speaker. The Labor socialist policy preferred to have everybody owing the State with regard to their housing needs. The attitude was: let the State accommodate the people, dictate to the people and control the people's lives. That was the Labor Party's mistake. The Liberal Party did a wonderful job of providing affordable accommodation for the people of South Australia. It did an excellent job. Of course, over the years these other great wallies came in later, as Ministers, and slowly destroyed

the good reputation of and all the good things that we came to know about the Housing Trust. It was Hemmings who cut out the rental offices that were convenient for the people, took away the caretakers and reduced the staff services. And we have had to rebuild and reorganise—

Mr Clarke: Rebuild! You've pulled them down.

Mr BECKER: Listen! We've had to rebuild the management structure. The survey indicates that 92 per cent of people said the trust staff were friendly and helpful. That did not happen under a Labor Government—no way, not given the problems, queries and complaints we used to get under a Labor Government. It was one of the busiest and most problematic portfolios in our electorate offices. It is typical of the management of public affairs and the administration and finances of Government-owned authorities such as the South Australian Housing Trust. The Housing Trust has now come back under the good sound management of the current Minister, and I commend him for that.

I have noted that he is suggesting that there will be seven persons on the board and that one should be a woman. I make an appeal to the Minister—and it is something that the Labor Party promised many years ago (and did not fulfil, to the best of my knowledge)—to put a tenant on the board of the Housing Trust. I hope that in the near future we can put a tenant on the board, because it is most important. Those of us who believe in social justice, who interject continuously in the House and who carry on should support me in my call for a Housing Trust tenant to go on the board.

We have established and encouraged—certainly in my areas—small Housing Trust tenant groups. Where they meet, we have assisted them and helped them meet frequently as senior groups or as groups of tenants, and they get the wonderful friendship and comradeship associated with living in those blocks. I have absolutely enjoyed representing people in Housing Trust accommodation and assisting them within their needs. We went through a terrible period in the early 1970s and 1980s with Housing Ministers. However, it was the Federal Labor Party that cut back the funds for housing for South Australia. It was Hemmings, Bannon and those people who did not stand up and really fight for South Australia. They saw our housing go down. There were 43 000 or 44 000 people on the waiting list. Today, there are fewer than 40 000 people, thanks to a good, strong Liberal Government. We were the ones who did something for the people in this State. We believe in encouraging and supporting home ownership.

In the 1950s and 1960s when the people wanted housing, we made it possible for them to own their own home. That should be the desire and the wish of every political Party. It should be the desire and the main object of any modern political Party to encourage home ownership in this country and to make it affordable for the people. When Governments in Canberra encourage high interest rates, when they do not provide for sufficient money for housing and are now talking about using superannuation funds to provide for housing finances, you know that the management of the country federally is in diabolical trouble. The South Australian Housing Trust has served this State well, when you look at the total history of the Housing Trust. Each and every person, from the General Manager down through all the staff, can be justly proud of the role they have played. I congratulate and thank the Minister for what he has done on behalf of the people in South Australia who are dependent upon Government housing. Keep up the good work.

Mr CLARKE (Deputy Leader of the Opposition): I probably rose too quickly to my feet: I thought I should wait for the member for Ridley to add his undoubted weight to the argument for the Government in this area. I was not planning to enter this debate except to add a few points when it came to the various amendments that the member for Napier intends to move on behalf of the Opposition. However, given the contribution of the member for Peake and the historical distortions of fact to which he has alluded in his speech, I want to say a few things. I do not know how the member for Peake could be in this House for 25 years yet have the gall to utter the words he did just a few moments ago.

The then Liberal Party, now in government, in the very early 1970s, under the Whitlam Government, wanted the then Dunstan Government to reject the moneys offered by the then Whitlam Government for the Housing Trust and the Urban Land Trust—I think it was known by some other title then—to be able to buy the broad acres around metropolitan Adelaide to be developed, serviced and sold off in an orderly fashion so that private housing would be affordable to the average Australian wage earner in this State. That put us in marked distinction with the Liberal Governments of Victoria and New South Wales, under Premiers Askin and Hamer at that time.

You, Mr Speaker, being a member of the House at that time, would recall that they rejected the Whitlam Government's offers of money for them to do the same in terms of developing land and selling it off at a reasonable price for the average wage earner. They said that was interfering with a capitalist market. They said, 'We will not have anything to do with that. We will allow our people, the average workers, to be exploited, to be ripped off by private developers who buy land cheaply, sit on it for a period, and artificially drive up the prices.' That has now made private home ownership anywhere within a reasonable distance of the city of Sydney itself almost nigh on impossible, and that is almost true in Melbourne, as well. However, fortunately, because the Labor Party was in government, we adopted a policy of saying, 'If those two Liberal governed eastern States don't want the money, the Dunstan Government will have that as well.'

The Whitlam Government provided that money to the South Australian Government, and what a boon it has been to South Australians. It has allowed us to amass a land bank which has been sold off progressively over time and made land affordable for those who are fortunate enough to be in work. Of course, during the 1970s we had a significantly lower unemployment rate. Contrasting that situation with this Government since it has come into office, it would do away with that land bank, hand it back to the private developers and allow gross exploitation to be the order of the day with respect to the land.

Mr Becker interjecting:

Mr CLARKE: The member for Peake actually draws my attention to the Bill. Given the enormous latitude that he had with respect to his contribution to the Bill, I could not help but follow in his footsteps. He talked about the Housing Trust in the good old Liberal days. He said that people could choose from a huge variety of homes under the former Playford Government. Again, the member for Peake has an extremely short memory. It may be a product of his being here for 25 years. Fortunately, I realise that you, Sir, are well on top of things, but the member for Peake, who joined this House at the same time as you, is showing signs similar to

those which are affecting the former President of the United States.

In the electorate of Ross Smith, more than 20 per cent of residents live in Housing Trust homes. When I go through Kilburn I see magnificent arrays of solid brick homes built in the 1930s and 1940s. I think they are called the Cowes design, but I am not sure whether that is the correct terminology. However, in street after street throughout the suburbs of Kilburn, miraculously, all the homes built in the Playford era have exactly the same design from the kitchen to the bathroom to the bedrooms to the size of the block of land on which they stand; and when I move into the suburbs of Northfield and Clearview in my electorate, there is street after street after street of weatherboard homes, all designed exactly the same. What I am putting to the House is that what the member for Peake had to say on that point is just so much arrant nonsense, and I am amazed that he had the gall to get up and say it.

The Housing Trust is a magnificent institution for this State. Former Premier Playford is to be congratulated for establishing the Housing Trust, and successive Governments which have given it their support deserve commendation. The Housing Trust has helped this State enormously with the provision of better quality homes for all classes of society, and the most important point is that families have been provided with a roof over their heads. The quality of the standard of living of our citizens is largely determined by the availability of safe, good quality housing. That is what successive Governments, both Liberal and Labor, in this State have been able to provide, until we come to this present Liberal Government. This Government wants to make the Housing Trust welfare-oriented only, so that people on low incomes will be forced to look to the private sector for their housing needs. That is the qualitative shift in emphasis and ideology of this Liberal Government, which marks it in great distinction to that of the former Playford era.

The member for Peake knows that what I am saying is absolutely true. That is the whole emphasis and policy of the Housing Trust under this Minister. However, I will not be so harsh on this Minister. He is not a bad sort of a bloke when it comes to these sorts of things in terms of social justice. I think he actually believes in it, unlike most of his Cabinet colleagues, and the Premier in particular. He is in a minority in this area. We have seen how the Premier has left him out on a limb, whether it be *TAB Form* or being the tsar of the Patawalonga redevelopment in his capacity as the member for Glenelg—the member for Morphett, although he is affectionately known as the member for Glenelg by the residents of West Beach—and in a whole range of other areas.

Mr Becker interjecting:

Mr CLARKE: I can understand the member for Peake praising the current Minister, because he, too, when he is on one of his parliamentary trips, wants to be invited to his home in London when he becomes the Agent-General by the end of this year. The only problem about the Agent-General's job is that, other than the Premier, every Cabinet Minister has been offered that position. I do not think there is enough room in The Strand in London for 12 Agents-General or—perhaps even you, Sir—13 Agents-General.

I will wind up on this point, because my other contributions can be made in Committee. However, I was provoked by the outlandish comments of the member for Peake, who has been here long enough to know about the successive policies of various Liberal and Labor Governments towards the Housing Trust and the decided shift in ideology with respect to Housing Trust tenancy by this Government.

Mr LEWIS (Ridley): These days particularly I hear the member for Ross Smith—

Mr Clarke: Deputy Leader.

Mr LEWIS: That is a temporary appointment.

Mr Clarke: That's what they said about you when you were elected in 1979.

Mr LEWIS: Yes, a oncer; that's what I was. I was not likely to be here again in 1982. But, lo and behold, I am still here.

Mr Clarke interjecting:

Mr LEWIS: The member for Ross Smith needs to be disabused about his understanding of the cycles of night and day as well as who did what in public housing in South Australia. I will leave his insinuation about lunacy as something we can expect of somebody of his capacity to judge, by virtue of his personal experience and I will return to the Bill.

Mr Clarke: Go and strangle a pigeon.

Mr LEWIS: If that would please the member for Ross Smith, I invite him to do it for himself. More particularly, I should tell the member for Napier that this Government does care. This measure would not be in the Chamber now in this form if the Government did not care. For her to say that we do not care denies the fact that, in the same general spirit of bipartisan recognition of the need for public housing, we continue to provide that form of accommodation. What has happened over the past 50 or 60 years since the trust became really active is that more and more people have learnt how to manipulate the system to their advantage.

Despite the fact that general levels of prosperity in the community have increased, some people have exploited the rest of us taxpayers for their own selfish and personal gain. In my judgment, there are people who are improperly accommodated by the South Australian Housing Trust at present, because they are well able to provide accommodation for themselves. If they do not want to set aside a portion of their income to pay off their home, it is their choice to rent, but not at subsidised rentals. Anybody who has reasonable and secure employment ought to be purchasing their own home and, if it is a Housing Trust home, they should take the opportunity we are providing.

They ought to do that out of a moral commitment to others in the State who do not have a home at the present time, either a Trust home or any other home—and, goodness knows, enough young people are homeless. The South Australian Housing Trust has been a good instrumentality. In fact, it was introduced prior to the Playford era as a concept in 1936 by the Butler Government. Tom Playford had only just arrived here, and I disabuse the member for Ross Smith of his mistaken impressions about that: he was not in a position to do anything about that, as he was not a Minister.

More particularly, though, it was used as an appropriate vehicle, quite sensitively and compassionately by Sir Thomas Playford during the post-war era, to rapidly expand the housing stock in South Australia in a form which was very affordable; much higher than the standard of housing generally available in the other capital cities of Australia. For the member for Ross Smith to make disparaging remarks about the brick homes in Kilburn which were properly sewered and which had reticulated water into the kitchen and other essential wet areas of those homes, as well as having proper stormwater disposal systems built into them, is indeed

a reflection on the level of his understanding of the general standard of housing across Australia at that time.

They were very good homes for their time, and they were built in no way inadequately or poorly. More particularly, the member for Ross Smith made no mention whatever of the considerable variety of homes in his own electorate and those homes that were built in the early 1950s in Blair Athol. There was great variety in architectural styles; there was not a great variety in building materials available because we did not have the infrastructure to do anything other than simply bake bricks and mill the timber.

Early South Australian Governments had the foresight to engage in plantations of pines in the South-East which were not available in sufficient quantity to build timber-frame homes but, nonetheless, were available in sufficient quantity to provide the joinery necessary to ensure that those homes were not only of solid construction of bricks and mortar with appropriate deep drainage and potable water reticulated into them but also had built-in cupboards as storage space for clothing, food, and so on, which reduced a further drain on the tenants' purse in that they were not required to buy that type of furniture.

The homes were well kitted out for those days compared with housing elsewhere in Australia. Even in the rural sector in South Australia a great many people, including myself, grew up in homes that had some earth floors and unlined walls comprising either galvanised iron—one single sheet between the inside and the outside—or kalsomined hessian. Plenty of my friends grew up in homes, from the time they were born to the time they were married, that had no solid walls whatever—they were simply kalsomine-painted hessian. The only solid part of the structure in those homes was the chimney of the fireplace that faced both ways.

After the establishment of the dwellings in Blair Athol there immediately followed, from the bulk orders secured by Sir Thomas Playford himself, that great number—thousands—of kit homes which went into suburbs such as Greenacres and Hillcrest and which were constructed of baltic pine, and they were a further improvement again. Moreover, they were inexpensive because a large contract was written with the Baltic States that produced the timber in the kit forms. They were exported to South Australia on liberty ships which still continued to be seaworthy and capable of carrying them here.

Those kit homes were an essential feature of the rapid expansion of accommodation for the population and the industrialisation and development of this State's economy, giving people somewhere reasonable to live, in locations from which they could get from their home to where they worked on inexpensive public transport. That made this State what it became: a place to live; a place to have a job; a place to raise a family; and a place in which to feel secure. Then, of course, came the Dunstan era and there was a gross muck-up in that regard. No attempt was made to require people to continue justifying the necessity for public housing: it was simply handed out *carte blanche*. We even had Labor Ministers living in rental housing provided by the Housing Trust.

Mr Cummins interjecting:

Mr LEWIS: Not only the Ministers but also their mates. They were pushing out people in necessitous circumstances and preventing them from getting access. I point out to the members for Napier and Ross Smith that it is not on this side of the Chamber, and it is not the predecessors of members on this side of the Chamber, who need to hang their heads in shame. No, we can stand and be proud of our record. It is members of the Labor Party who should be ashamed of themselves for allowing their Ministers and their Ministers' mates and staffers to take subsidised rental accommodation while people were still on the waiting list who were very much in necessitous circumstances: unable to get a dwelling and unable to find somewhere permanent in which to live and raise their families.

The member for Ross Smith also needs to remember that we developed and used the Mount Gambier stone in dwellings built by the trust and others in the private sector throughout the South-East, and that was made possible by the trust. To say that there is a boring monotony of materials and design form in Housing Trust accommodation provided by Liberal Governments is ridiculous. Indeed, it is this Government, through this legislation, that now will be able to provide a far greater array of housing styles for people, as we find that the living values of many people change from the nuclear family to loose associations with one or more adults.

We are not only then further developing the concept of cooperatives through this legislation and enabling cooperative housing to develop in the various ways people who seek that kind of accommodation want, but we are also providing for a far greater diversity of shared facilities, including wet areas, between single adults. I refer to private and personalised living space being integrated with cooperatively used wet areas by the people concerned. That kind of innovation, which is facilitated by this legislation, ought to be applauded instead of being condemned. Anyone would think, from the remarks made thus far by Labor members, that this Bill guts the capacity of a compassionate Government, of any persuasion, to continue providing for those people who find themselves in necessitous circumstances, when quite the opposite is the case.

The record of proceedings in this Chamber would be less than adequate if someone here did not put that matter straight. The Minister and the people advising him ought to be commended for the common sense and courage they have displayed in putting this measure together. The section in the legislation referred to as 'the functions' makes clear to any one of us that what I am saying is precisely the case and that, by the mechanisms provided elsewhere, we will also be able to ensure that those people who desperately need housing will be able to get it, and situations involving those who can well afford to provide it for themselves in the private sector by either owning or renting the dwelling in which they live, according to their inclinations, is also facilitated.

Without this greater diversity of dwelling types and styles the lifestyles of the 1990s and next century will not be adequately and sensibly accommodated at what are regarded as efficient or economical costs to the public purse. I, therefore, say to the Minister quite simply: God speed. Let us get on with the job. We do not have a bottomless pocket or an unlimited quantity of money to invest. We need to know that the Government is providing adequate but not unnecessarily elaborate accommodation for those in greatest need.

The Hon. J.K.G. OSWALD (Minister for Housing, Urban Development and Local Government Relations): I thank those members who have contributed to the debate tonight. This Bill is about saving the Housing Trust. Members opposite preached their usual gloom and doom about the Housing Trust and where it is going. I ask members to cast their mind back a couple of years to the change of Government in 1993 and to consider the state of public housing in

South Australia at that time. I remind members that we came into Government at a time when there was quite a dramatic decline in Federal funding through the CSHA. The Commonwealth Government had already telegraphed that there would be further heavy slashing of funds for capital that normally we would have used for refurbishment, rebuilding and HomeStart. There was also on the way a dramatic increase in the number of tenants and potential tenants in receipt of a rebate. The percentage was creeping up to above 70 per cent; in the last financial year it was about 75 per cent, and it is now about 79 per cent. These subsidies become an immediate drain on the cash flow of the South Australian Housing Trust.

We also inherited a debt of $300 million, the result of a building program during a time of extremely high interest rates some years earlier. Of course, that $300 million debt must be serviced, and that must be combined with the ageing stock, which is in a declining state of repair. The former Government did not address the whole issue of maintenance, but just rolled along believing that everything would be all right and that the trust tenants would support the Government. Of course, when one analyses what happened in the 1980s, there was a drift away from the Government of the day as regards support from within the Housing Trust, because the public started to realise that the Bannon Government was not interested in the maintenance and upgrading of Housing Trust properties. It could see the decline in the quality of the stock. It read in the media that Federal funds for public housing were drying up. It knew about the debt, and it knew that the trust was in trouble.

We came into Government at a time when all those matters were coming to a head. The task was placed upon me by the Premier to turn around the financial position of the public housing sector, to ensure that we set it in a new direction, gave it a new base, a sense of purpose and a place within the housing industry, and also to ensure that we set in place a management structure that would put the Housing Trust back in the black.

The Housing Trust was seriously in debt—every assessment told us that that was so—and it was handed over to us by a Government that did not seem to care. One of the great lessons that came out of the State Bank debacle when the Bannon Government was in power was the fact that no longer could Ministers hide behind and blame boards for what went wrong. That was one of the first things that struck me as the new Minister for Housing: that I could not hide behind the Housing Trust, HomeStart or SAULT boards. Ultimately, I was responsible for what was happening on those boards, and I was responsible for the decisions they made.

If the Housing Trust continued to decline and waiting lists continued to rise then at the end of the day, it would not be the Chairman or members of the Housing Trust board or the Chairman or members of the HomeStart board who would get the blame if things went wrong: it would be the Minister for Housing, Urban Development and Local Government Relations. So, I sat down with consultants, people interested in where public housing was going, and decided to revamp the whole of the department. I was acutely aware that the South Australian Urban Land Trust, as it was then, was in a state of change. That agency both held land and was involved in development.

The Housing Trust also held land and was involved in development. The portfolio of HomeStart had a finance organisation involved in helping people at the lower end of the lending market. We brought together an amalgam which picked up the national housing policy and which moved for the separation of property management and rental services. We were able to create within the Housing Trust two new entities to manage properties and rentals and to remove from the trust the development section and create a new urban projects authority to manage all major projects, leaving the Housing Trust to be the public landlord with the capacity to manage rentals and also build properties.

HomeStart has remained as is, and members are familiar with how we fitted the planning division provisions into the new Housing and Urban Development (Administrative Arrangements) Bill. It is history now that we brought in legislation. For reasons known to themselves the Opposition and the Democrats chose not to support the passage of that Bill as it was part of the Housing and Urban Development (Administrative Arrangements) Bill, but we were assured by the Australian Democrats in another place that if we reintroduced the Bill separately it would receive attention and passage, and we look forward to their support in another place. I am also pleased that the Opposition has re-examined the issue of the passage of this Bill. I believe that it will propose a few amendments, but that they are relatively minor, and I do not think they detract from the thrust of the Bill. I look forward to its passage through the Lower House.

Some of the expenses which the Housing Trust must contend with and which have an impact on the internal debt ought to be put on the public record, because I think that one of the comments made by the Deputy Leader of the Opposition shows a distinct lack of understanding of the trust and its internal structures. Not only are we housing people, in this case 79 per cent of people who are already receiving a rebate, but those whom we cannot house through the public housing sector we assess in the private housing sector, and some of the rental assistance that we are providing out of our cash flow to the private rental area should be put on the public record. I wish to put the following statistics on the record. The number of households that received other forms of private rental financial assistance in 1994-95 was 23 074. It is anticipated that 26 300 households will receive financial assistance with bonds in 1995-96.

That assistance comes from a Government which the Opposition claims has no feeling, sense of duty or purpose as regards looking after people in need in the public housing sector. All I can say is that the Opposition's allegations are utter rot. The public record is there for everyone to see. This Government has accepted the challenge and gone well ahead of anything done by a previous Government, to make sure that people in difficult circumstances who seek public housing have access to it, and if they do not have access to public housing we have a private rental assistance scheme for them. In other areas of rental subsidies, the Housing Trust provided a total of $124.3 million to the 75 per cent of tenants who qualified. That is an enormous drain on the cash flow of the Housing Trust; nevertheless, it has been accepted by the Government to ensure that it takes up its social responsibility for helping these people.

I demonstrated my relationship with tenants very clearly a few weeks ago when I opened the new Housing Tenants Association office in the Deputy Leader of the Opposition's electorate. I was very pleased to see several Labor members attend the official opening of that office. We will use that facility to ensure that the Government keeps close to the needs of tenants, that we understand the needs of tenants and that we respond quickly to their needs. There are not too many people in the public housing sector who will argue with me as Housing Minister about where I am going in terms of

the public housing sector. Indeed, a member of the Opposition had some criticism from Shelter SA with regard to this Bill. I do not have too many problems with Shelter SA. I do not have too many problems with any organisation in the public housing sector, because they appreciate in the current financial climate that this Government is doing more than would normally be expected in providing assistance to people in need. One has only to look around at the housing developments in place and which are about to get under way to see this.

The Mitchell Park redevelopment is something of which this Government can be justly proud. We have upgraded the stock in old housing areas. Plans for The Parks redevelopment are nearing completion. It is an area which needs significant upgrading, and we are prepared to go in there and do it. The bottom line of all the redevelopment and of the whole of the policy of selling off property to reinvest is that it gets reinvested back in the public housing sector. The Deputy Leader of the Opposition had a bit to say about the selling off of Urban Land Trust land. The honourable member has to bear in mind that the proceeds from every acre of land sold is reinvested back in the public housing stock or is used to wipe out the Bannon debt legacy this Government inherited. Every dollar raised is a dollar that goes back into the public housing sector. That is something which the Opposition with all its protesting cannot take away.

Two years ago, this Government put up with the most scurrilous statements from the Labor Party about what we would do to the public housing sector and about how we would decimate it. I have ensured that, if every asset sold has not gone towards debt reduction, it has gone into bricks, mortar and maintenance. Even the money from the $28 million sale three weeks ago in respect of the Elizabeth Shopping Centre has gone back to the Housing Trust to ensure that there is debt reduction to get rid of this $300 million high interest loan which is crippling the internal cash flows within the Housing Trust.

We will ensure that our tenants and the people of South Australia benefit. It is an absolute nonsense for the Opposition to suggest that public tenants in this State are worse off under this Government. Public tenants can have some sense of security from the way in which we have reorganised the Housing Trust in this Bill to claw it back into the black. We will claw back the finances and the administration of public housing in this State so that within a short number of years we will have a strong public housing sector. The South Australian public housing sector is the envy of other States.

The Commonwealth Government tries to manipulate Commonwealth-State housing agreements to help Queensland and other States. We fight for our rights in South Australia because we have a large public housing stock. Some of it needs maintenance and some of it, as we know, needs complete replacement. At the end of the day it is all about having an efficient department to run the organisation. The provisions of the Bill set up an efficient department to run the organisation. The Bill makes the Minister ultimately responsible for what happens, and I do not think anyone has any argument with that.

As I said a few minutes ago, we learnt from the State Bank debacle that Ministers cannot hide behind boards. Ministers have to be up-front and have a structure there to accept responsibility. The structure has to be there from the Minister down through the department and down through the boards so that there is input into policy. There should be no argument with that, and I believe that this Bill achieves it. I commend the Bill to the House. I thank all members who made a contribution and look forward to the Bill's speedy passage.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Functions of SAHT.'

Ms HURLEY: I move:

Page 3, line 9—Leave out 'in need'.

This amendment refers to the fact that currently the Housing Trust has an open access policy where anyone who does not own property can apply for Housing Trust rental. We would not like to see that changed, as the Audit Commission recommends, without a great deal of public debate and consideration. Although it is a small amendment, we would like to see it put in place to ensure that the policy is still one of open access.

The Hon. J.K.G. OSWALD: This is a most extraordinary form of words. I thought that the honourable member represented a socialist Party. The South Australian Housing Trust is a—

Ms Hurley interjecting:

The Hon. J.K.G. OSWALD: Well, I certainly sat back during my 57 years and watched socialism develop. I have watched socialism rise, and I have watched it collapse and fall. I understand that in this country socialism is a little bit on the nose right now. You only need to look around this House to see that fact. Nationally, socialism is a bit on the nose right now, and one can see that in the polls. In fact, the Opposition had an opportunity in this Bill to show itself as socialist by providing an amendment which would assist people in need. There are degrees of being in need. Everyone knows that, if you put your name on the Housing Trust list and leave it there long enough, eventually it will come up. But, we have a social conscience which says that, if you are in need, you have priority. We have a Housing Trust—

Ms Hurley interjecting:

The Hon. J.K.G. OSWALD: The honourable member is nodding to me now. Why on earth does she want to delete the words 'in need'? The Bill provides:

. . . the functions of SAHT include—

(a) to assist people in need to secure and maintain affordable and appropriate housing. . .

The honourable member is trying to say that those who are not in need should still be entitled to public housing.

Ms Hurley: That's right.

The Hon. J.K.G. OSWALD: I say that that is right, too, but there is nothing wrong with putting in the Bill that fundamentally it is there for people in need. A year ago, 75 per cent of people waiting to get on to the housing list received some form of subsidy—it is now 79 per cent. In a few years—heaven forbid—it could be even higher. We give priority to the people in need. My form of words does nothing more than recognise that there is a needs base. A previous speaker referred to means testing. I do not apologise for the fact that I will try to place people in need first.

As I say, there are circumstances where people will come in and put their names on the waiting list and eventually they will rise to the top of the list. In managing public housing it is difficult to walk away from the fact that nearly 80 per cent of our tenants have subsidised rents, which is why we have private rental assistance. During the second reading debate I detailed the massive amounts of money we are setting aside in private rental assistance to help people in need. I am not

going to the barriers on the amendment. My policy is clear. The Opposition is being semantic in wanting to delete the words 'in need'. It surprises me because the Opposition claims to be a socialist Party. It is a socialist Party that seems to be trying to hide that fact. The Opposition is even deleting its Party name from its literature nowadays, because it is frightened of being identified as socialist.

The Opposition had an opportunity to say, 'We are socialist and we want to make the housing market out there for people in need.' The Opposition gave away that opportunity. I am not opposing the amendment because it is semantic. Our policy is clear: we will make the public housing sector available to people in need. There is a priority housing list and, if people want to put their name down—there is no problem with that—eventually their name will come to the top, but there is a priority system which I will enforce.

Mr CLARKE: Briefly, I support the comments of the member for Napier. It is not a question of semantics. The amendment is not about semantics but about a fundamental philosophy that there should be open access to the trust. If we turn the trust into a welfare organisation only, we are saying to workers on low incomes, 'Devil take the hindmost: go to the private sector, because that is all that will be around of which you can avail yourself.' The Minister gave a good speech: it was the most animated and passionate speech I have heard from him in the nearly two years I have been in this House. We know the Minister's view on socialism. As the member for Glenelg—I am sorry; the member for Morphett—he is passionate about the development and socialism around the Patawalonga using taxpayers' money to do up the Patawalonga to the detriment of the people of West Beach.

Mrs KOTZ: Mr Chairman, I rise on a point of order. There does not seem to be any relevance to the debate.

The CHAIRMAN: I do not think there is a point of order. The Deputy Leader is really praising the Minister for his impassioned speech, and it would be folly of the Chair to prevent praise being heaped on the Minister. However, I ask the Deputy Leader to make his remarks relevant.

Mr CLARKE: Thank you, Mr Chairman. Again, through your wise ruling, it demonstrates why I am such a fervent supporter of yours to be Speaker of this House. In conclusion, the Minister expounds well on these theories of socialism and so forth, and we in the Labor Party do not run away from our socialist views and our social democratic policies. It is a bit rich coming from the member for Glenelg—I mean Morphett—in terms of using taxpayers' funds to ruin West Beach and make the Patawalonga area so much more valuable for the residents and developers in that locality. Good try, Minister, but it is a bit rich to claim that you are not a socialist: you are a magnificent socialist on behalf of those developers and immediate property owners surrounding the Patawalonga.

The Hon. J.K.G. OSWALD: I really must respond. Members would like to know who my senior partner is in the Glenelg project. It happens to be the greatest socialist of them all—Brian Howe. It is not really my project. The Deputy Leader should analyse the amount of money that the Commonwealth is putting into the project compared to the amount the State Government is putting in. I am managing the project on behalf of the Better Cities program, but the honourable member will find that it is a Commonwealth project, which is funded by the Commonwealth and the greatest socialist of all—the Hon. Brian Howe. The honourable member is on thin ice trying to talk about 'my project': it is not my project but it is the Hon. Brian Howe's project, and he has put the money into it.

Mr Clarke interjecting:

The Hon. J.K.G. OSWALD: Ask the Hon. Brian Howe. If you want to make a political stand here and embarrass your Federal counterpart, I suggest you go your hardest because it is all part of the project. The Federal Government is the senior partner. The honourable member wants to sheet the blame home to me, but we are a small player financially in the project.

Members interjecting:

The Hon. J.K.G. OSWALD: The project is in partnership with the Commonwealth Government, and I suggest that the honourable member does not go deeper into his criticism of his Federal counterpart. It is a joint project and I will press on with it, but the honourable member should stop criticising the Federal Government in this case because Brian Howe happens to be your mate and you are trying to put the responsibility on my shoulders. You made a mistake.

Amendment carried; clause as amended passed.

Clause 6 passed.

Clause 7—'Specific powers of SAHT.'

Ms HURLEY: I refer to paragraph (a), which gives the trust the ability to lease houses from an agent or any other person. There is concern in the community that the trust will be encouraged to take part in head leasing. It seems to allow the trust to lease houses from private persons and release them rather than the trust building its own public housing. What is the effect of this paragraph and is there an intention to undertake such activity?

The Hon. J.K.G. OSWALD: I will give the Committee information about head leasing, which has been promoted by the Commonwealth and some State Governments as an alternate means of procuring public housing using recurrent rather than capital funding. I advise the Deputy Leader that it is the Commonwealth Government. The head leasing—

Mr Clarke interjecting:

The Hon. J.K.G. OSWALD: I know the tenor of the debate has shifted in the Chamber, but never mind. The head leasing pilot scheme, which the honourable member is probably aware of and which is under consideration, is one of three proposed projects submitted by my portfolio to the Commonwealth Government for support under the social housing subsidy program. A couple of tenders are in and we are in active discussion with those companies. The tenders received in the pilot are under consideration within the trust.

As background, I indicate that in May 1995 the trust's property management called for registrations of interest for the developers and long-term lease-back for public housing from consortias of builders, developers, financiers and property markets. Eight consortia registered their interest, and on 7 July all were invited to tender for the head lease from the trust for 30 units to be built on land at Golden Grove, Fulham Gardens and Windsor Gardens. We then went through the various processes of selection which have not yet been finalised. What I am saying gives background to the fact that it is a Commonwealth-State project.

We intend doing it by selecting only a small sample to trial. The trust is not interested in becoming involved in a program which costs it money. With these types of schemes we have to be very careful, because the Government can purchase money, in many cases, cheaper than the private sector. We have to be very careful and mindful that we do not become too deeply involved in these head lease pilot

programs until we know that it is to our public benefit. Hence, we are doing it as a pilot and, if it proves successful and it is to the public benefit, then we would be prepared to expand it.

Ms HURLEY: In view of that answer, will details of this scheme be made public once it has approval and will the assessment of the scheme also be made public?

The Hon. J.K.G. OSWALD: The answer is 'Yes' on both occasions. The selection of the preferred developers is done by special panel. Ultimately, it goes to the Housing Trust Board and, of course, from the Housing Trust Board I have knowledge of it and it then becomes public. There is a very strict and careful procedure that is gone through and then, finally, it comes to the board.

Ms HURLEY: In relation to paragraph (j), does this relate to the Housing Trust's acting as an agent for private property owners, or is there another provision implied therein?

The Hon. J.K.G. OSWALD: I would like to give the honourable member a considered reply to that question. I make a commitment that between now and when we go to Committee in another place I will give the honourable member a written reply and a full explanation. It is an important point and I would be very happy to ensure that the honourable member understands it. We can have a discussion about it either now or in Committee in another place.

Clause passed.

Clause 8 passed.

Clause 9—'Constitution of board of management.'

Ms HURLEY: Is it anticipated that the board of seven members to be appointed by the Governor will be the same people as on the current board of the South Australian Housing Trust?

The Hon. J.K.G. OSWALD: All terms except one expire on 1 January and on 1 January there would be a reconsideration. I have not addressed the issue of new board members. I was not so pre-emptive of that in respect of the passage of the Bill through the House and Parliament. Once the Bill has been passed and we get into January, we will have to address that situation. I have a very good working relationship with the Housing Trust Board. I use this opportunity to put on the public record my appreciation of its cooperation in comment during the drafting of the Bill. We had many meetings. My officers have had many meetings with the board and with the board's chairman and, obviously, some active debate has taken place over various clauses but, at the end of the day the board, my officers and I are in general agreement on the thrust of it. I do not believe that there is anything in the Bill now which is of major concern to the board.

Clause passed.

Clauses 10 to 15 passed.

Clause 16—'General management duties of board.'

Ms HURLEY: I move:

Page 7, line 28—Leave out paragraph (a) and substitute new paragraph as follows:

(a) achieving continuing improvements in the provision of secure and affordable public housing; and.

The Opposition is a little concerned that the majority of the Bill refers to financial considerations in respect of the way in which the trust operates. Ideally, we would like to see more with regard to the trust's fulfilling social needs within the community and its other community service obligations. However, in this instance in particular we would like to see clause 16(1)(a) clarified by alluding to the trust's interest in the provision of secure and affordable public housing.

The Hon. J.K.G. OSWALD: In actual fact, in reading the honourable member's proposed amendment it even went through my mind that we could leave my paragraph (a), add the honourable member's paragraph (b) and then go on with the new paragraph (c) because, once again, she is playing semantics. I do not see anything wrong with saying that the board is responsible to the Minister for overseeing the operations of the Housing Trust with the goal of securing continuing improvements in performance. That is as it stands in the Bill. I would have thought that everyone in this Chamber would like to see improved performance because, heaven forbid, over the past eight or 10 years under the Bannon Government, we could not claim that everyone was homing in on the need for improved performance.

The honourable member's amendment does not say any more than my provision: she has picked another form of words. Once again, I will not go to the barriers over this amendment. I am in a very conciliatory mood this evening as far as the amendments are concerned. It does not detract from the Bill: it does not add to the Bill. What we had there before was adequate but, in the spirit of cooperation, and because I am in a conciliatory mood, I would be quite happy to accept the honourable member's amendment.

Amendment carried; clause as amended passed.

Clause 17—'Staff.'

Ms HURLEY: I note that the Minister will consult with the chief executive of the department and determine the staffing arrangements for the South Australian Housing Trust. Does the Minister expect that this will entail any staff cuts within the Housing Trust?

The Hon. J.K.G. OSWALD: The honourable member has to realise that, whilst we are dealing with the legislation today, this has been in place for over a year now. The honourable member has to look back and realise that things will not change tomorrow on the passage of the Bill. The normal TSPs are available but, other than that, there is no change. As far as the members of the trust are concerned, tomorrow, or the day after this Bill is proclaimed, it will not be any different from the past. I refer the honourable member particularly to the second reading explanation in which we were at pains to detail the protection of staff, their conditions and their ability to transfer around the agencies and the Public Service. Indeed, we received strong union support for what we did in the rearrangement of the Housing Trust.

I applaud the unions for their support right through the drafting of the HUD Bill. What is here is no different from that which is in the HUD Bill, with which the honourable member's Party has agreed. It is no different from the wording contained in the Housing Cooperatives Bill which we put through a few days ago and with which the honourable member's Party also agreed. We are now pulling together this commonality which runs through three pieces of legislation.

Clause passed.

Clauses 18 to 22 passed.

Clause 23—'Transfer of property, etc.'

Ms HURLEY: I move:

Page 10, line 26—After 'However' insert:

(a) the Minister must not act under subsection (1)(b) unless he or she has first given, by notice in the gazette, preliminary notice of the proposed transfer at least two months before the publication of the relevant notice under that subsection; and

(b) *[The remainder of subclause (3) becomes paragraph (b)]*.

One of our major concerns with this Bill is that it frees up the ability of the Housing Trust to transfer assets out of the

Housing Trust. Earlier, I referred to the fact that, under the previous Housing Trust Act, the assets held within the trust were literally held in trust. This clause allows those assets to go outside the Housing Trust to various places, which are detailed in that clause. We understand that there might be some need for a little more flexibility in the right of the trust to transfer assets, particularly given the new arrangements under the Housing and Urban Development Bill.

However, we are concerned that there be no wholesale transfer or sale of assets out of the trust without the community being fully aware of what is happening and being able to have a say in it. Blocks of housing could be transferred to third parties, to other parts of the Government or, indeed, as I understand it, to Treasury under this clause. My amendment seeks not to prevent that but to require sufficient notice to be given so that people are aware of what is happening and can put their views to the Minister, if necessary. This amendment asks that preliminary notice of any transfer of assets be given two months before the relevant notice is published in the *Gazette* so people are aware of what is happening within the Housing Trust and whether or not there is any intention to change what is happening with assets of the trust.

The Hon. J.K.G. OSWALD: From the honourable member's description and from what she has said, I really do not accept the argument. Clause 23(1) provides:

The Minister may with concurrence of the Treasurer, by notice in the *Gazette*—

So I have to put it in the *Gazette*. Clause 23(1)(b) provides that I can transfer an asset, right or liability of the trust. The first three paragraphs provide that I can transfer it around the portfolio. Subparagraph (iv) provides that I can transfer it to the Crown, or to another agent or instrumentality of the Crown. So it would still stay under the Crown. Subparagraph (v) involves prescribed circumstances and prescribed conditions. As a proposal, it just leads nowhere. It is transparent. I have to put it in the *Gazette*. It is not as though I can do it without anyone's knowing about it. I must accept the public odium when it is published in the *Gazette*; there would be a public outcry if I did something to which the public objected.

Under the existing form of words, I am committing myself such that, if I transfer something and if the public does not like it, I have to run the public gauntlet. I have to come in here during Question Time and be questioned on it. It will appear in the *Government Gazette*. I know that the Deputy Leader of the Opposition would be smartly on his feet, asking questions, as is his wont. If he asks me questions, he will get the answers. There probably would be no point in raising the matter here if it was already in the *Government Gazette*. I do not believe that it is necessary to make the change.

Also, the honourable member must bear in mind that, when we put the HUD administration Bill through—and it went through both Houses of Parliament earlier—it was accepted then. This is no different. Having established a precedent or a matter of principle, which you accepted under the HUD Bill, what is different now? If the clause provides that I have to put it in the *Gazette*, we will not do anything secret, because we know it has to go into the *Gazette*. We would be subjected to public odium and ridicule, and the media could comment on it. The fact that it has to come here would be enough to constrain any Government—of any persuasion—from doing anything for which it would have to answer in public eventually. Surely, that is sufficient for a Government to be kept honest by the fact that it has to report back to the public through the *Government Gazette*. What more can you ask as far as public accountability than having to declare publicly?

Amendment negatived.

Ms HURLEY: Earlier, the Minister referred to the manner in which he had ensured that funds freed up by the sale of Housing Trust assets had been returned to the Housing Trust. In view of the fact that this clause makes the sale of assets easier, will the Minister give a commitment that he will continue in future that policy of putting the funds of any sales back into public housing?

The Hon. J.K.G. OSWALD: With the declining funds from Canberra and while we have that $300 million debt (which we are slowly reducing, I admit, which is good) we have no alternative: we must reinvest the funds. We must reduce the debt. This Government has a firm policy to ensure that proceeds of the sale of our property goes back into debt, is spent on new starts or is spent on maintenance. That is the Government's policy.

Mr Clarke: That statement is still good whether you go to London or not.

The Hon. J.K.G. OSWALD: I don't think I'll even respond to that interjection, but it's already in *Hansard*, isn't it? We have been very up front and transparent on this whole question of the retirement of debt. Two years ago, we were criticised by the public housing lobby, who painted me as a most draconian Minister who would decimate public housing. In fact, I have turned out to be one of the most successful Housing Ministers in the State for some time. That has been evident by the reports we have received back from the public housing sector. I believe that it accepts that this Government is doing a good job in managing the public housing sector with a declining cash flow and working itself out of the trouble created by the Bannon Government over the 10 years leading to the State Bank debacle.

Clause passed.

Clauses 24 and 25 passed.

Clause 26—'Dividends.'

Ms HURLEY: A great deal of concern has been expressed in the community about the fact that the Housing Trust will be required to pay dividends to the Treasury, which will take away funds from the public housing sector. Is it envisaged that in the near future dividends will be paid to the Treasury?

The Hon. J.K.G. OSWALD: It is unlikely that this clause would ever be applied in South Australia. It has been put in the Bill in case it is required under national housing policy. We do not know what will come out of Canberra—only time will tell—but I do not anticipate it being used at State level.

Mr Brokenshire interjecting:

The Hon. J.K.G. OSWALD: Of course, if there is a change of Government, as the member for Mawson points out, there could be a different situation.

Clause passed.

Clauses 27 to 41 passed.

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

That the sitting of the House be extended beyond 10 p.m.

Motion carried.

New clause 41A—'Triennial review.'

Ms HURLEY: I move:

Page 17, after line 32—Insert new clause as follows:

41A. (1) The Minister must once in every three years cause a report to be prepared on the operations and administration of SAHT.

(2) The report must be prepared by a person who is independent of SAHT.

(3) 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.

I am seeking to reintroduce the triennial review, which is part of the old Housing Trust Act provision. The triennial review provides a good opportunity to look at the operations of the trust and to indicate options for the future. It has been found very useful in the past to set directions for the trust. Earlier I referred to concern in the public housing sector about the direction in which the Housing Trust is going under this Government. We would like the operations and intentions of the Housing Trust to be made more open and obvious to the community.

The Bill allows for a considerable amount of reporting to the Minister. I am sure that is a good provision for the internal provisions of the trust, and I welcome that close reporting of goals and performance. I would welcome the Minister's acceptance of the need to have a longer-term look at the operations of the trust, and the introduction into the Bill of a triennial review would achieve that object.

I have included the condition that the report must be prepared by a person who is independent of the Housing Trust. I am sure that the trust and the Minister would find it useful to have an independent person to look at the operations of the trust. We know that internal company or organisational reviews can be self-centred, and it is often useful to bring in an outside consultant or operative to take a fresh look at the way that the operations are being run and perhaps to introduce some lateral thinking into the organisation. I believe it would be a worthwhile addition to the Bill as it would ensure good control and understanding of the way that the trust will operate under the new regime.

The Hon. J.K.G. OSWALD: The Government does not accept the new clause. I do not think that the member for Napier has fully understood the Bill and the changes that we are bringing in. I remind her that business plans will be put in place which will be agreed between the Minister and the trust. The business plan is an essential part of the arrangement between the policy development department and divisions within HUD through the Housing Trust, the Housing Trust board and the link between them and me. With a business plan in position, parts of the checks are there. Also, the annual report to Parliament is linked with the business plan.

The trust has agreed that we do not need a triennial review. It should be understood that this was debated at length within the Housing Trust board. Bearing in mind that the trust has to have a business plan, that it is subject to audit by the Auditor-General and that there has to be an annual report to Parliament, I do not think there is a problem. If I thought that it was useful for the triennial review to stay in place, I would be the first person to suggest it, but I do not believe that is the case. I think it is redundant and will serve no useful purpose.

We believe in accountability. I notice that on an earlier clause the member for Napier sought to knock out a form of words and put in her own because she did not believe that we should be talking about accountability. I know that deep down she believes in the accountability of the trust, and accountability is reflected in the Bill. Everyone has agreed to it and I see no reason to change it.

Mr BROKENSHIRE: This Bill repeals legislation that was originally drafted in this Parliament in 1936, which is a long time ago. A lot of water has flowed under the bridge with respect to the Housing Trust since that time. I am very proud to be a member of the current Government that has taken the initiative to look at the Housing Trust's position at this time. I am also pleased to say that I am a member of the Minister's backbench committee, so I have had the opportunity of working—

Mr Clarke interjecting:

Mr BROKENSHIRE: Quite a lot; we are fairly busy people. I have had the opportunity of working with the Minister on this Bill. As I see it, this Bill is about accountability and the fact that accountability must also be clearly matched with responsibility. This Bill is intended to ensure that the trust is therefore made directly responsible to the Minister. It is the Government's intention to provide the best possible housing opportunities for tenants of public housing and receivers of housing assistance in response to need, and to be consistent with principles of equity within the available resources. Whilst I do not have a lot of Housing Trust people in my electorate I do have some, and I want to ensure that the best opportunities avail for those people.

I also want to ensure that the best opportunities avail for all South Australians. As has already been pointed out, the Commonwealth has started to put the clamps on the Federal/State agreement with respect to housing, and we have seen a significant reduction in the amount of money coming across from the Federal Government. We see that on a day-to-day basis, but it is not mentioned by the Opposition. The Opposition also does not mention that, on top of the nearly $9 billion debt we are trying to fund for this State of 1.5 million people, we happen to have a $1.2 billion debt, thanks very much to the previous Government, with respect to the Housing Trust.

When I drive home each night towards my electorate, or when I visit the electorate of Torrens, for example, as I did recently, I am amazed to see how run down the housing stock is in this State. In fact, two-fifths of five-eighths of you know what has been done with respect to maintenance in those areas in the past 10 or 11 years. We must be responsible. We must reduce that $1.2 billion debt. We must ensure that the list of 43 000 people, who were on the waiting list when we came into Government, is significantly reduced, and that people who deserve to get housing accommodation through the Housing Trust are given that opportunity wherever and as quickly as possible.

We also must ensure that we work within the parameters of the current day and age, and take into account the future direction of the Commonwealth-State agreement with respect to public housing. That is what this Bill is all about. This Bill is about rebuilding that stock. The Deputy Leader of the Opposition has been carping tonight and asking the Minister, 'What are you doing about rebuilding the stock?', etc. I would suggest that—here he goes; he is not happy—

Mr CLARKE: I rise on a point of order, Sir. I question the relevance of the honourable member's remarks. We are in Committee. If the honourable member wanted to make a second reading contribution he had his opportunity. We are dealing with the insertion of new clause 41A. I know that it is late but it would be helpful if the honourable member could return to the new clause.

The CHAIRMAN: The Deputy Leader has a point of order. The honourable member has been allowed considerable latitude in contributing virtually a second reading address to what is a very limited amendment to be inserted by the member for Napier. I would ask the honourable member to return to the amendment.

Mr BROKENSHIRE: I will return very quickly to the it. I have a lot of energy. Even though it is late in the night, I have a lot of energy; I could go all night on this Bill, because I believe that it is heading in the right direction for the people of South Australia. I do not mind staying here for a while, even though the Deputy Leader would like to go and have a drink. When I drive home tonight I will see a big placard advertising a redevelopment in Mitchell Park, which addresses all the issues with respect to the Housing Trust. I would invite the Deputy Leader to look at what is happening with the Housing Trust. Does the Minister feel comfortable with the accountability procedures within clause 41 and associated clauses?

The Hon. J.K.G. OSWALD: I was going to refer the honourable member to my reply to the question asked by the Opposition. The new Bill includes business plans which will be produced annually and which must be agreed upon between the Minister and the trust. There is an annual reporting process to Parliament, which is an additional check and balance in the system. The trust board has agreed to the arrangement, and the trust would not have agreed to it had it not gone into the matter in depth and realised that it was the way to go. I remind members that the trust is subject to audit by the Auditor-General.

If members put all those conditions into one package they will come to the same conclusion as the board: that it would be an unnecessary waste of resources to have another triennial review system implemented when issues can be picked up by those measures I have just mentioned. There is no point in having a review for the sake of a review. The measures we have put in place were not necessarily in place when we had the concept of the triennial review because, at that stage, we had an independent board. It was a statutory corporation; it was not close to Government policy and, at some time, it had to report to Government to assess where it was going.

That assessment was carried out under a triennial review. Independent people wrote a financial assessment of where the Housing Trust was at, reported to Government, and Government then became involved in the decision-making process. That will no longer apply because the business plan, as well as the other reporting measures I have mentioned, will be in place. It is unnecessary to put that imposition back on the Housing Trust. The trust agrees with me and, while I understand the reason for the honourable member's amendment, and I am quite happy for her to put it up, I believe it does not serve a purpose.

New clause negatived.

Clause 42—'Regulations.'

Ms HURLEY: I move:

Page 18, lines 7 and 8—Leave out subparagraph (i).

This is a key amendment for the Opposition. It seeks to delete the section which allows for a variation in terms of leases or leases of a specified class entered into by the South Australian Housing Trust. People in the public housing sector are very concerned that their leases with the Housing Trust may be varied arbitrarily by the Housing Trust under this provision. Although it is by regulation we are not satisfied that the section provides sufficient protection for tenants of the Housing Trust and the all important security of their leases which is vital to tenants and which is one of the reasons why they seek to live in public housing.

When leases previously needed to be varied it was brought through Parliament as an amendment to the Act, and that is what we seek to provide in the future. When a variation for leases was required, for example, when changes were made with respect to the payment of excess water, it was by an amendment to the Act, which came through Parliament and the Opposition was able to agree with that. Indeed, the Opposition has not been difficult in these sorts of issues where it is obvious and practical that the Government needs to achieve things.

We want to ensure that any substantial changes in the policy of the Housing Trust—and naturally that involves any changes to the leases—are brought into Parliament for consideration and debate by members and in the wider community. I believe it is important that tenants in public housing, who these days have to cope with family stress or are on benefits, particularly older people, are certain in their own mind that they have security in the terms and length of their lease. I believe this amendment is of crucial importance.

The Hon. J.K.G. OSWALD: The Government opposes the amendment. I think I had better explain what this clause is about. The Opposition agreed to this amendment when we put through the water rates Bill earlier in the year. The honourable member should be aware that there has been a further variation in water charges by SA Water which, of course, is borne by the Housing Trust. The Housing Trust adapts leases *en masse* rather than writing out 63 000 individual agreements. Surely the Opposition does not expect the Housing Trust to undertake 63 000 variations of agreements. When a tenant signs up, an agreement is signed. We ask the Opposition to leave in this clause to avoid the ridiculous exercise of changing 63 000 individual agreements. The Opposition has accepted the principle in another Bill, and it is no different in this Bill. Under those circumstances, I cannot accept the amendment.

Ms HURLEY: With respect to the previous Bill, which the Opposition accepted and which provides for changing the conditions of water payments, did that not have the effect of automatically changing those 63 000 leases? If any further variations of that nature in the terms of the lease were required, could they not be done by bringing an amending Bill to Parliament?

The Hon. J.K.G. OSWALD: The honourable member is probably right, but surely we do not have to come back with a Bill every time these circumstances apply. We can cover that situation in this Bill. The Parliament has already agreed in principle to the wording in the water rates Bill. The thought of 63 000 variations is not acceptable, and neither is the thought of bringing back a Bill to the House on every occasion it becomes necessary. The wording in subparagraph (i) sets out the position clearly and allows the trust to make variations on each occasion.

Ms HURLEY: If the Government decided to change the term of a lease so that each tenant might have perhaps only a 10 year lease, could that not be done under the terms of this clause simply by regulation?

The Hon. J.K.G. OSWALD: I say at this stage that it is not my intention to do that.

Amendment negatived; clause passed.

Schedules 1 and 2 and title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (WORKERS REHABILITATION AND COMPENSATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 November. Page 507.)

Mr CLARKE (Deputy Leader of the Opposition): I trust that I will be able to put the Opposition's point of view on these amendments fairly succinctly and quickly given the hour of the night, unless—

The Hon. S.J. Baker interjecting:

Mr CLARKE: The Deputy Premier has just walked in, so that will guarantee at least a three hour debate if only out of sheer spite on my part. The Opposition rises to support generally the amendments that have been put forward by the Government in this Bill. Far be it from me to be childish or churlish, but I will be on this occasion, because I would like to suggest, 'We told you so.' It is a human weakness, and I am no different from a number of other people in wanting to say, 'I told you so.' With respect to the legislation that the Government puts forward regarding the retirement age or the age at which weekly payments are to cease, the Government has finally accepted what the Labor Party put forward via the Hon. Ron Roberts in another place that the age of 65 years should apply equally to men and women.

The Government's previous legislation with respect to this matter was discriminatory. It provided that where males reached their normal retirement age, recognised by the Commonwealth Social Security Act 1947 as 65 years, it recognised the normal retirement age of women as being 60 years, notwithstanding the fact that there are many women in the work force over the age of 60. We pointed out to the Minister during the debate on workers' compensation, which no doubt has been lost amongst the welter of amendments and debate that took place earlier this year because of this Minister's draconian legislation which he introduced at that time, that that would create a discriminatory situation.

Of course, the Minister told me and my colleague in another place that we did not know what we were talking about, yet once again we find that the courts have upheld the Opposition's interpretation. In the case of *Piller v The Corporation*, the Full Court of the Workers' Compensation Appeal Tribunal found that this Minister's legislation was null and void because it contravened the Discrimination Act by discriminating between the sexes.

As a result of that legislation being found null and void, there is no retirement age insofar as the Workers Compensation Act is concerned. Because the Government's legislation repealed the former legislation and the legislation it introduced was found to be null and void, there was no cut-off date or age with respect to the payment of income maintenance for injured workers. By introducing this legislation the Government has belatedly set 65 years as the age of retirement for men and women, unless there is a normal retirement age for workers in employment of the kind from which the worker's disability arose, whichever is the lesser. I have some questions for the Minister on a couple of points which I will ask in the Committee stage. I do have an amendment with respect to the 65 years of age requirement for those workers who are still in employment but who are over the age of 65 years which offers those persons some modicum of protection and justice.

The rest of the proposed amendments are relatively uncontroversial in the sense that, again, we warned the Government when it introduced the original legislation on workers' compensation earlier this year that there would be difficulties with respect to self-managing companies. We warned the Government at that time with respect to the pilot scheme that there would be difficulties at law, and we were proven correct. Again, I do not want to be churlish about it but I point out that the Minister in introducing this legislation with respect to workers' compensation was proven wrong again by not heeding our advice on age 65. The Minister was also found out at law by the High Court of Australia with respect to the shop trading hours legislation and a number of other pieces of legislation, simply because he would not accept my rather sage and wise advise, if I can be so humble as to say that. And, before somebody interjects, I should say that I have a lot to be humble about. I thought I had better add that before the member for Unley scurries in grovelling as usual to make such a comment.

With respect to the rest of the legislation, the Opposition supports it in the sense that, whilst we as an Opposition oppose some aspects in principle on a number of the points it contains, we had that debate earlier this year. Those points were lost by us because we did not have the numbers in another place and, therefore, we do not want to reagitate them at this juncture. We merely urge upon the Minister that, in future, when it comes to matters industrial, particularly workers' compensation matters, he defer to me in terms of taking advice.

In conclusion, this may be the last time that I address the House with respect to industrial matters as they pertain to the present Minister for Industrial Affairs, because we expect that around Christmas the Minister will go to London as South Australia's Agent-General. We wish the Minister well in that new career. I understand why he would want to accept the position of Agent-General, given that the Premier and the rest of the Government have unreasonably imposed on the Minister for Industrial Affairs the burden of having to carry the Minister for Emergency Services and a whole raft of other Ministers. The Minister has been driven into the ground with sheer overwork because he has had to carry the load of 12 other incompetents. Is it any wonder that he looks forward to a well-earned break by serving as our Agent-General in London? We wish him well in that capacity, and I look forward to seeing him in The Strand over lunch at his expense.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Weekly payments.'

Mr CLARKE: I move:

Page 2, after line 10—Insert:

(5A) However, if a worker who is within 12 months of retirement age or above retirement age becomes incapacitated for work while still in employment, weekly payments are payable for a period of incapacity falling within 12 months after the commencement of the incapacity.

This amendment tries to take into account those workers who are over the age of 65 but who are still in employment and who are injured, or those workers who, for example, are just over 64 years of age and who are still in employment. The Government's Bill provides that a worker's income maintenance ceases at 65 years of age unless there is a normal retirement age, and I will ask the Minister some questions about that in a moment. It is my understanding that what the Minister means by 'normal retirement age' applies to certain special categories of workers such as airline pilots who are, under their industrial conditions of employment if not the law of the land, required to retire at age 55; hence, that would be the age at which income maintenance would cease for that group of workers rather than age 65. If that is the meaning as far as the Government is concerned, I do not have any

argument with it. I will develop that point later, but first I want to dwell more particularly on that group of workers who are either just under the age of 65 or who are over the age of 65 and who are injured.

This matter came to my attention as a result of a constituent's coming to see me. I have his permission to use his name and the name of his employer, because it is very important for two reasons: first, to give a practical example to the amendment I put forward; and, secondly, to again alert the Minister and WorkCover to dangerous work practices about which employers should be smarter in terms of trying to eliminate so that we avoid unnecessary injuries to workers and unnecessary costs. The constituent concerned is a Mr Doug Oliver of 4 Linden Avenue, Northfield. He is employed by Woodroffe sheet metal at Regency Park. He has been employed by that company as a press operator for eight years and is 67 years of age. His job as a press operator involves lifting sheets of steel, from 2 to 3 metres long and 400 centimetres wide, into the presses about eight times per item to build door frames. In an eight hour day he undertakes that process 2000 times manually.

Undertaking this process with 2 to 3 metre long sheets of steel by some 400 centimetres wide can be very heavy work for anyone, be they a young person or a 67 year old person. He injured his back. He does not work the night shift, but it leaves its work on a trolley near his press and he is required to push the trolley away when he resumes work in the morning. The trolley weighs between three and four tons and he pushes it manually every morning. He has to skirt around sheets of iron lying in the workplace walkways. He has complained to his safety supervisor and his employer on a number of occasions about safety in the workplace.

On this morning he shifted his trolley and it went into a dip. He sought to pull it out and pulled his back. It was as simple as that—a back injury, which should not have occurred but it resulted from poor management and safety by that employer. Mr Oliver is 67 years old and married late in life. He has a younger wife and a mortgage and he is still working at 67 years in a particularly heavy industry, not because he necessarily loves work but because he has to work to pay his house mortgage. He is concerned as a husband that, if anything should happen to him (because he is much older than his wife), he would leave her without the financial resources to pay off their house mortgage. He is undertaking extremely physical work to try to pay off the house.

The problem with the Government's amendment is this: whilst he would still be eligible for medical benefits and costs with respect to his injury, Mr Oliver will not be in receipt of income maintenance. His employer is paying the company's premium which, in part, is based on Mr Oliver's wages. The employer pays a premium based on a percentage of the wages bill, so the employer pays towards the insurance bill. Because Mr Oliver is over 65 years, under the Bill he is not eligible for income maintenance but my amendment seeks to provide some buffer for workers in that situation by providing 12 months' income maintenance if workers are injured whilst still in employment over the age of 65; if they are 64 years and six months, with only six months to go, they would still be entitled to a maximum of 12 months' income maintenance.

My amendment would allow constituents such as Mr Oliver, if they are unfortunate enough not to be able to resume work, to get their financial affairs in order. I have met Mr Oliver who is a big and physically fit person. Certainly, he is in better physical condition than I am, except for his back injury, but at his age he is unlikely ever again to secure employment in a heavy metal manufacturing company, and he is most unlikely to be found light duties.

Mr Oliver has obligations and he did not go out and get himself injured deliberately, but he is in employment beyond the age of 65. His employer was happy for him to work beyond the age of 65. He has been paying taxes as a citizen and his employer has been paying workers' compensation premiums based on his salary. Therefore, I see no reason why such employees should not have some safety net and be able to receive payment for up to 12 months to enable them to get their financial affairs in order before they are reduced to the pension. Unfortunately, there are thousands of people like Mr Oliver who, because of the nature of their employment, their occupation and their age did not have access to superannuation, which became generally available only in 1986-87 and even then was restricted to 3 per cent of wages.

The only superannuation scheme that Mr Oliver belongs to is the superannuation guarantee charge, which is a requirement of his award and now Federal Government legislation. Mr Oliver has not been in employment with that company long enough or with previous employers where superannuation was available whereby there is sufficient money available for him to live in dignity once he has left work. Therefore, I urge the Government to support my amendment. About a year ago I read—and the Minister will be able to correct me if I am wrong—that basically the Government's savings on a cut off age of 65 years is about $1.4 million or $1.5 million. In the great scheme of things, it is a paltry sum. True, we have to make savings where we can on WorkCover and I do not argue with that.

I do not argue that there has to be a cut off date at some time with respect to workers receiving workers' compensation income maintenance payments, but it will not break the bank or add unnecessarily to the cost burdens on employers generally in South Australia if we provide some measure of protection for citizens such as Mr Oliver who have worked hard all their lives and who, if the information he gave me is accurate (and I have no reason to believe otherwise), if it was not for slipshod safety management by his employer, would still be in productive employment without a back injury. I urge the Government to support the amendment. I want to hear the Government's view on the amendment before asking a further question about the definition of 'normal retirement age'.

The Hon. G.A. INGERSON: The Government opposes the amendment for several reasons. The amendment extends the weekly payments to an unlimited age. It virtually means that, if one is working at 75 and happens to be injured, there is a further 12 months' extension of benefits. That takes a person well past the age of 65, and the provision goes far beyond what the previous Government introduced with a total cut off at 70. Potentially, the amendment takes it past that age. We have a rough estimate (it can be no more than that) that there would be an extra cost of about $1 million. The Deputy Leader knows that that is an actuarial figure and it could be plus or minus $500 000, but there is an extra potential significant cost in opening it up, which is what the amendment would do.

The original amendment went through both Houses of Parliament—and was finally found to be invalid by the court—because both Houses agreed with the principle that, once people reached retiring or pension age, there was some safety net available so that, if their WorkCover benefit ceased, there was income coming in. It was under that principle that the ages of 60 and 65 years were put in the

previous Bill because they were the accepted retirement ages. That provision has been found to be discriminatory, which is the reason for the change. The principle still stands. Once a pension is available, it is our view, and it was the Parliament's view last time, that these benefits should cease.

In relation to the accident described by the Deputy Leader, clearly, from what I heard, the problem was an occupational health and safety issue and it probably should never have happened. Hopefully, Mr Oliver will recover and will be able to return to work. One of the best pieces of legislation brought in by the previous Government involved the manual handling regulations. There were a lot of hassles in trying to make it work, but the principle of removing the lifting, the pushing and the pulling of huge weights by a human is a good principle—and people should not be doing it. In essence, the problem in this instance was an occupational health and safety one. Having said that, there is compensation at the end of the day. I feel sorry for Mr Oliver but, as far as Parliament and the Government are concerned, there needs to be a cut off age. We are prepared to accept 65 years for both males and females and we—

Mr Clarke interjecting:

The Hon. G.A. INGERSON: We could put some other age in—68, 70 or 69. We could do all those things and that would take us back to the position that we were in when the first amendments came in. We do not accept this amendment but, having said that, and as I advised the Deputy Leader previously, we will look at other possibilities in terms of this amendment. In other States there are other amendments that attempt to look at the same problem. We will do that and report those comments in another place.

Mr CLARKE: I appreciate the Minister's final comment that he will look at it. That will be important because, whilst the Occupational Health and Safety Act can be invoked with respect to employers on health and safety grounds, the fact is that Mr Oliver does not have a claim against his employer for negligence. This would have been available to him years ago before the system changed in 1986 under a Labor Government, for the reasons which were explained at that time. Therefore, his only recourse in terms of some form of financial security for an injury that should not have occurred is some form of income maintenance protection. I would have thought that a 12 month maximum payment of income maintenance for persons such as Mr Oliver would have not been an undue burden on the scheme. I am heartened by the Minister's final comments and look forward to discussing the matter with him next week whilst the Bill is being debated in another place and where, hopefully, it can be resolved.

My next point relates to the definition of 'normal retirement age' under clause 4. I know those words were used in the previous Act, but I have had some strong representations from the United Trades and Labor Council, and certain other unions, on that matter. It is my understanding that 'normal retirement age' takes into account special groups of workers such as the airline pilots. They have a normal retirement age of 55 as an occupational group, and that is when income payments cease. One of the concerns that has been expressed to me is that private insurance agents, who might be keen to get their hands on the Government's incentive payments with respect to return to work or cutbacks in claims, might try to interpret it incorrectly.

For example, in the retail industry 90 per cent of the work force are females and a good number of them may well leave employment at around age 60. Consequently, we will have unnecessary litigation before the courts by these insurance companies or agents of WorkCover trying to suggest that, because a significant number of women in this industry leave their employment at age 60, therefore that is the normal retirement age. Hence, women over the age of 60 who choose to continue to work but who are injured will then be subject to litigation whereby it is contested whether their normal retirement age is 60 or 61 and whether they should be paid out to 65. It is my view and my understanding of the law, as this matter has been litigated in the past by the tribunal, that that type of argument would not be successful.

Will the Minister give an assurance that, if there were attempts by insurance companies to try to, if you like, stretch the long bow beyond that which has been accepted at law concerning the definition of 'normal retirement age' specifically to cater for those particular industries or occupational groups such as airline pilots, the Government would reconsider the legislation to try to overcome that type of unnecessary litigation and unduly oppressive narrow interpretation of 'normal retirement age'?

The Hon. G.A. INGERSON: The Deputy Leader is being a little bit flippant, because this section has been in the Act for some time. I would have thought that, if the advisers in the retail industry had seen an opportunity, they would have taken it a long time ago. I am surprised that the Deputy Leader has put that type of position forward. I do not agree. I do not believe that that sort of issue would occur. More importantly, our dispute resolution process which has recently been through Parliament—and, as I have said once before, agreed to by all Parties in this Parliament and by employers and employees—would very quickly pick up this issue and have it dispensed with. It is our view that this could legitimately apply to only a very few cases and, as years go by, it would apply to fewer and fewer. Since it is maintaining the *status quo* under the existing Act, it is something that we ought to leave in. As far as I am aware, there have been no examples of abuse and not too many instances of having the claim brought back from 70, as it was before, to an earlier retirement age.

Amendment negatived; clause passed.

Remaining clauses (5 to 10) and title passed.

Bill read a third time and passed.

ADJOURNMENT

At 10.50 p.m. the House adjourned until Thursday 23 November at 10.30 a.m.