HOUSE OF ASSEMBLY

Thursday 27 February 1997

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

PUBLIC WORKS COMMITTEE: PORT LINCOLN HOSPITAL

Mr OSWALD (Morphett): I move:

The that the forty-eighth report of the committee, on the Port Lincoln Health and Hospital Service Inc. redevelopment, stage 3, be noted.

The Port Lincoln Health and Hospital Service Inc. was established in the 1870s as the sole health facility for lower Eyre Peninsula. This facility serves a catchment population of some 20 000 people and provides a health service and resource base to other smaller hospitals on the lower Eyre Peninsula.

The South Australian Health Commission proposed to alter and add to the existing two-storey Port Lincoln Hospital to create a modern, efficient and cost-effective health facility. This forms the third and final stage of a multi-stage redevelopment at an estimated cost of some $7.397 million and follows the successful completion of the first and second stages of the project. Initially this was a six stage project that was consolidated into three stages by merging stages 3 to 6 into a single stage 3. The consolidation of these stages is expected to result in savings of some $777 000.

In summary, stage 3 works include the theatre suite redevelopment, including day surgery and recovery area; alterations and additions to create a 26 bed ward; new entrance and drop-off area; alterations and additions to provide accommodation for various community health units; refurbishment of administration areas; and refurbishment of existing space for the Institute of Medical and Veterinary Science (the IMVS laboratories). The committee's commitment to completing this project cannot be emphasised enough.

The age of the buildings, the poor design, the inadequate security measures, the presence of asbestos, the limited scope to provide quality health services and the excessive operating costs associated with the outmoded building cannot promote an efficient and effective health care facility. Furthermore, the upgrade of the Port Lincoln Health and Hospital Service is necessary to maintain existing services in the region. The new and refurbished areas will be significantly more flexible and adaptable than those in existence at the moment, and will provide both a longer life span for the works and greater efficiency in labour usage.

In addition, the provision of quality services at a local level will ensure that the leakage of patients to Adelaide is minimised. In turn, this is expected to provide positive economic implications for both health care consumers and the South Australian Health Commission. Finally, the committee considers that the hospital redevelopment will provide a number of significant benefits to families living in the Eyre Peninsula catchment area. The provision of the day surgery facility will mean that an increased number of surgical patients will be hospitalised for shorter periods, thereby greatly reducing both family stress and travel and post-operative trauma for patients. Similarly, the separate palliative care section will enhance the quality of care for the terminally ill and provide facilities for families to meet in private and to be counselled.

As members know, Port Lincoln is, in fact, an isolated community. Whilst it is an independent community, it is an efficient community. Port Lincoln is a base for Eyre Peninsula and, over the years, professional services have tended to congregate in Port Lincoln. In recent years, we have seen the resurgence of development there. We have seen the fishing industry develop, we have seen the marina complex develop, we have seen new housing coming to the town and we have seen Port Lincoln become increasingly a regional base and, because of its isolation and the current condition of the hospital, the committee is supportive of the Government in urging that this project proceed. It is no joke for anyone living in remote areas having to rely on public transport to get to Adelaide for treatment of medical conditions. Whilst medical staff and specialists have batted on extremely well under difficult conditions in Port Lincoln, this new project will change all that and make it a secure medical base for all of those who have chosen to live on the West Coast and Eyre Peninsula.

This fiercely independent population know how to look after themselves, and the State must help them by providing sound medical facilities and other infrastructure in Port Lincoln so that that area of South Australia can be strengthened as both a nice place to live and a strong economic base. It is all tied together. With the Government providing sound infrastructure, the private sector and people can get on with their lives and, on that basis, the Public Works Committee endorses the proposal for the final stage of the Port Lincoln Hospital and recommends that the proposed work proceeds as quickly as possible.

Motion carried.

WORKERS REHABILITATION AND COMPENSATION (DEFINITION OF TRAUMA) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 February. Page 976.)

Mr BASS (Florey): The Government opposes the Bill introduced by the member for Spence on 5 December 1976, for four reasons:

1. The Bill seeks to overturn an issue already determined on its merits and on the application of proper principles by the Supreme Court of South Australia.

2. The Bill wrongly imposes liability on the current WorkCover scheme and, of course, on employers funding that scheme for disabilities incurred before the scheme came into existence.

3. The Bill would impose at least $600 million additional costs on the current WorkCover scheme and put more pressure on reducing the current employees' benefits or increasing current employer levy rates.

4. The Bill is technically deficient.

The Bill proposes a change to the definition of 'trauma' in the Workers Rehabilitation and Compensation Act. The intention of the proposed amendment appears to be to provide for the current workers compensation scheme to pay compensation to people who contracted asbestos-related diseases prior to the commencement of the current scheme in September 1987 by extending the definition of 'trauma' to include an event or series of events which occurred before the 'appointed day', being the day that the WorkCover scheme commenced.

There is an assumption in the honourable member's comments that the corporation would be able to recover the amounts paid from past insurers. However, the significant risk in the proposed amendment is that it would place the full cost burden of asbestos related diseases contracted in the past on to current employers who fund the WorkCover scheme and who would fund the cost of the honourable member's amendment. It seems that the member for Spence intended there to be a right of recovery for WorkCover to seek reimbursement from past insurers who were on risk for injuries incurred in employment during the period they were the insurer. I assume this from a comment he made when introducing the Bill in December 1996, when he said:

> The amendment I propose will make the liability of these insurance companies clear and, if those insurance companies have ceased to exist, it will make the liability of the statutory reserve fund clear.

The main purpose of the Bill was restated by the Deputy Leader of the Opposition in his contribution on 13 February 1997, when he said:

> The member for Spence simply seeks to amend the Act to provide that those workers who are unable to claim against their previous insurer can do so under the WorkCover system.

The Government has received advice that the Bill is technically deficient if one of its objectives is to preserve WorkCover's right of recovery against past insurers. In its present form, the Bill is likely to make the liability of past insurers very clear, that is, a nil liability.

Furthermore, it has not been established that any amendment is required to ensure that workers have access to compensation for asbestos related diseases contracted prior to the commencement of the WorkCover scheme. The decision in the Supreme Court case of Huntley, referred to by the Opposition, has clarified the law as it stands to the extent that, if a worker has not been exposed to asbestos to the extent likely to have caused the disease during the period since WorkCover commenced in 1987, there is no entitlement to compensation from the current scheme.

That decision did not say that there is no entitlement to compensation at all. It is now clear that workers in that situation can seek compensation from the employer/insurer responsible at the time of exposure. The court has decided the issue on its merits and, given that the principles which have underpinned the court's decision are sound, that decision should be allowed to stand. If the relevant employer did not have a policy of insurance at the time or if the insurer is now defunct, the statutory reserve fund, which is now managed by WorkCover, will be responsible for the liability. The current process ensures that the insurer who collected premiums to cover a risk at the time will bear the liability. The proposed amendment would transfer the liability to the current scheme funded by current employers whose levies cover the risk of injuries to the current—not the past—work force.

The proposal to have the WorkCover scheme provide compensation and then seek recovery from the liable insurer would deny the insurer the right to investigate and defend a claim against it. It would be inappropriate to legislate for a quick fix in such circumstances. The WorkCover fund is not there to provide a pool of money for settlement of claims which occurred prior to the commencement of this scheme. Third party motor vehicle claims take some time to resolve through the courts, but it would be totally inappropriate to suggest that the Government should pay the injured party upfront and sort out the liability and seek recovery later. In effect, this is what is being proposed here.

The proposed amendment would transfer to the scheme a significant liability of at least $600 million at a time when the scheme already has an unacceptably high unfunded liability. The Government could not support a proposal to add to that liability and risk increasing costs to employers or putting even greater pressure on the level of benefits provided for workers who are properly covered by this scheme.

The Labor Party in this State left the WorkCover scheme with a $286 million unfunded liability and the highest employer levy rates in Australia. This Bill, sponsored by the Labor Party, would simply compound WorkCover's financial problems and the costs would have to be borne by current workers or employers. In opposing this Bill the Government is not suggesting that workers who contracted asbestos-related diseases prior to the commencement of WorkCover in 1987 (and generally from exposure many years prior to that time) are not entitled to compensation or should be denied the right to claim compensation for the disease. However, there is an existing process that should be followed to allow for proper investigation of claims and adjudication of liability. A legislative 'quick fix' and presumably legislative allocation of liability to a past insurer is not supported. The Government opposes the Bill.

Mr De LAINE secured the adjournment of the debate.

REHABILITATION OF SEXUAL OFFENDERS BILL

Adjourned debate on second reading.

(Continued from 13 February. Page 978.)

Mr ROSSI (Lee): When the member for Kaurna raised with me the concept of this Bill I was thrilled that something was being done about sexual offenders. However, I find that the draft Bill that was presented to me does not go far enough. During my short political life I have attended voluntary neighbourhood dispute meetings which people have been asked to attend to receive counselling. This scheme does not appear to be working because, if one party turns up to the meeting and the other party does not, nothing is achieved. Clause 7(1)(c) of the Bill provides that before an offender can commence a rehabilitation program the CEO must be satisfied that the offender has consented to medical treatment involved in the program. Clause 7(2) provides:

> An offender may not, without the consent of the CEO, commence a rehabilitation program . . .

I believe that clauses 7(1)(c) and 7(2) of the Bill give an offender liberty to start and stop a rehabilitation program when he or she so chooses. Offenders are not compelled to attend a rehabilitation program. Clause 8 provides:

> An offender who has been counselled and assessed in accordance with this Act as suitable to undertake a rehabilitation program may, without incurring any penalty or detriment whatever—
>
> (a) refuse or fail to undertake such a program.

That clause makes the Bill totally invalid and not worth the paper it is written on. If offenders are forcing their views onto other people and such views are unacceptable to the community, the community should force its views onto the offenders. Offenders should be compelled to attend a rehabilitation program and, if they do not, the penalty should reflect their unwillingness to cooperate. In fact, the penalty should be doubled or at least increased in some fashion as an incentive for offenders to cooperate. Unfortunately, while the idea behind the Bill is to be commended, the advice given to

the honourable member, from either the legal profession or the do-gooders, makes this Bill ineffective in the long term. Unless the wording of the Bill is changed to make a rehabilitation program compulsory, I oppose the Bill.

Mr MATTHEW (Bright): I support this Bill and commend the member for Kaurna for her initiative in bringing it before the House. The member for Giles might want to sit there and interject and mutter away to the Deputy Leader, but I would hope he supports this too—

The Hon. Frank Blevins interjecting:

Mr MATTHEW: —after his disgraceful record as Minister for Correctional Services in this State. I would hope he has the integrity finally to stand up in here and support this legislation.

The Hon. Frank Blevins interjecting:

The ACTING SPEAKER (Mr Becker): Order! The member for Bright has the floor. If the member for Giles would like to speak, he may, but I would suggest that, if he wants to interject, he do it from his seat.

The Hon. Frank Blevins interjecting:

The ACTING SPEAKER: Then listen to the debate, please. The member for Bright.

Mr MATTHEW: Thank you for your protection, Mr Acting Speaker. I am particularly concerned about the number of members in this House from both sides who have seen fit to describe this Bill as the chemical castration Bill who appear to have derived their opinion of the Bill not from reading it or from reading the member for Kaurna's second reading speech but from the media—from the printed hysteria headlines of our daily media in this State, and from some of the electronic media who sought to interpret the Bill even before it had been drafted and put before this place. If they had confined their views of the Bill to that reporting, it is understandable that they may regard the Bill in that light.

However, I would have thought that members of this Parliament would take their duties seriously enough to at least read carefully Bills before this place. On reading this Bill, frankly, I find that it bears little resemblance to some of the hysterical media rumblings and reportings that we have noted. Far from being a Bill that, some media would claim, would bring about compulsory chemical castration of offenders—and some even forgot to insert the word 'chemical'—this is actually a Bill that would sensibly put in place a process whereby prisoners in some instances were compelled to undertake counselling for their problems; and, in other instances, they would have the opportunity of their own volition to put themselves forward for a program of chemical treatment. They could take advice before willingly putting themselves forward for a program and, under the terms of the Bill before us, have the option of opting out of that program without penalty if they believed that that chemical program was not as they expected or if they had another reservation.

Frankly, I think this goes a long way towards providing some sensible rehabilitation for sex offenders in this State. In the past three years, despite the mismanagement of incompetent Ministers such as the member for Giles when he was Correctional Services Minister, we have now started to embark upon a program of sensible rehabilitation of offenders. But this Bill takes that program further in what I believe is a very sensible, much needed next step.

At this time, the treatment of sex offenders is confined, in the main, to programs through SOTAP which are, essentially, implemented after an offender's incarceration and, more recently, through new programs introduced into the very successful privately managed prison at Mount Gambier. That particular program at this stage is in pilot form, and I will certainly look with interest, even though being no longer responsible for that portfolio, to see how well that program progresses at Mount Gambier.

The member for Kaurna's Bill goes that step further. It provides for mandatory counselling; it provides for counselling as a part of a bond and conditions of parole to a greater extent than is presently required; and it provides for optional chemical treatment of offenders should they so desire.

Mr Atkinson: Why can't that happen now?

The ACTING SPEAKER: Order! Interjections are out of order.

Mr MATTHEW: I am very pleased to see the member for Spence here. I know that the honourable member usually takes his legislative responsibility—

Mr Atkinson: I had a meeting with Scott Ashenden, who did not turn up at 10.30, so don't get smart with me.

The ACTING SPEAKER: Order!

Mr MATTHEW: I know he views his legislative responsibility a little more importantly than some of his colleagues do, and I hope that on this occasion he has read the Bill carefully. I know the member for Spence usually does—

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

The ACTING SPEAKER: Order!

Mr Atkinson interjecting:

The ACTING SPEAKER: Order! I draw the attention of the member for Spence to Standing Orders. He will not interject while the Acting Speaker is on his feet.

A quorum having been formed:

The ACTING SPEAKER: Order! I remind members that Standing Orders will be enforced strictly. The member for Bright.

Mr MATTHEW: Thank you, Mr Acting Speaker. I hope that the member for Spence and his colleagues and those on this side of the House take the trouble to read this Bill and do not base their vote on the media hysteria and misreporting. It is a commendable Bill. It moves rehabilitation in a sensible and correct direction in South Australia, and I look forward to seeing the sensible passage of this legislation through the House.

Mr MEIER secured the adjournment of the debate.

MULTIFUNCTION POLIS

Adjourned debate on motion of Mr Foley:

That the regulations under the MFP Development Act 1992 relating to land excluded from core site, gazetted on 17 October and laid on the table of this House on 22 October 1996, be disallowed.

(Continued from 13 February. Page 978.)

Mr LEWIS (Ridley): When I last spoke on this matter on 13 February, I drew the attention of the House to the fact that the member for Giles, who had just spoken before me, had been throwing stones while standing in a glass house by criticising Ministers for what he claimed was their arrogant disdain for the parliamentary process. Of course, I am fascinated by the interjections he is making now from the front bench, where he does not sit, out of his place, and with impunity. I am amazed that he is able to do that. He has clearly enjoyed favoured treatment over the years he has been here. He came here in 1985 and shortly after that as a

Minister he chose to ignore the conventions and Standing Orders of this Chamber and bring a stranger onto the floor of the Parliament. In spite of the fact that he was asked politely to have the stranger removed from the floor of the Parliament, he did not do so. The stranger was sitting next to him in the place where we now allow strangers to sit in a seat adjacent to the seat normally occupied by the Premier, and you would remember this, Mr Acting Speaker, I am sure.

Mr CLARKE: I rise on a point of order, Mr Acting Speaker, regarding relevance to the motion before the House.

The ACTING SPEAKER: I am waiting; the honourable member is leading up to it. What is the point?

Mr LEWIS: Far be it from me to pretend that I would be entitled to the same measure of latitude as the member for Giles was given in the attack which he made in general terms on (in his opinion) the disdain with which Ministers treat this place in the way in which they and Executive Government introduce regulations in the general case which they then reintroduce whenever those regulations are disallowed. In this case, it is the regulations under the MFP Development Act. The member for Giles was making the general point throughout his entire remarks that Ministers ought not to treat Parliament with disdain. On that point I agree with him. I did not hear him make any case, however, for the point he made: he did not make a case in argument that current Ministers were treating this Parliament with disdain.

However, I make the point, in response to the remarks of the member for Giles, that he treated this House and its Standing Orders with disdain when, shortly after his election as a Minister, he had me named and thrown out of this Chamber. He broke the Standing Order and treated us and this Chamber and its conventions with complete disdain. I said and did nothing disorderly on that occasion.

Mr CLARKE: I rise on a point of order concerning the relevance of this to the matter being debated before the House at the moment.

The ACTING SPEAKER: The point is noted. The member, whilst perhaps drawing a long bow, is making a point in relation to regulations.

Mr LEWIS: I assure the Hon. Deputy Leader and the member for Giles that the bow I am using is much shorter than that used by the member for Giles when he treated the Chamber with contempt and than that which he used when he raised arguments about the conduct of Ministers in this place, when he spoke just before me on this measure. He used this proposition as a means by which to attack the Government and the Ministers and the fashion in which the Government, he says, introduces legislation through subordinate legislation—that is, regulations or proclamation—to suit its own ends, without regard for the role and the sovereignty of the Parliament. I have said before, and I say again, that I agree that Ministers ought not to do that, but he did not give any instances of where that had happened with this Government, and the honourable member did not link his remarks to this question.

Mr De LAINE secured the adjournment of the debate.

SELECT COMMITTEE ON ORGANS FOR TRANSPLANTATION

Mr BASS (Florey): I move:

That the time for bringing up the select committee's report be extended until Thursday 20 March.

Motion carried.

SELECT COMMITTEE ON PETROL MULTI SITE FRANCHISING

Adjourned debate on motion of Mr Caudell:

That the report of the select committee be noted.

(Continued from 14 November. Page 570.)

The Hon. FRANK BLEVINS (Giles): I do not know what has got into members opposite today. Maybe they had a bad night or something—which is not unknown. All I have been doing today is minding my own business, and I have been subjected to an absolute torrent of abuse from the member for Ridley—which I do not mind, actually—and the member for Bright, and, given the circumstances of that honourable member, that is a bit rich. I should have thought that he had the decency to quietly moulder away on the back bench.

By and large, I agree with the recommendations in the select committee's report. Just go back in history a little: the issue that brought the select committee about was the question of multi site franchising, and that caused the member for Mitchell, who has been referred to in this place as the member for the MTA, some disquiet that Shell, for example, was to have about 20 of its petrol stations, in effect, run by the one franchisee. The MTA and the member for Mitchell thought that was undesirable. I could not see anything undesirable about it. What I consider undesirable is the present situation, where on more than the odd occasion it is reported to us that present franchisees of service stations do not always employ according to the award, exploit people in some way— whether they are young people or people who are not in a position to protect themselves. My understanding, particularly from interstate, is that the multi-site franchisees do the right thing, that is, pay award rates and all other entitlements. I support that, and I am pleased that the select committee also did so. I am not therefore quite sure where that left the member for Mitchell.

I must smile when people rail against the oil companies. I do it myself; I smile inwardly and think, 'Frank, you will never learn.' What we are complaining about is the oil companies' behaving as capitalists. What they do is what they are legally obliged to do, that is, to extract the maximum amount of profit from their investment for their shareholders. They do it with a ruthlessness which I am sure the shareholders applaud. When it hurts the consumer, as it certainly does in my home town, Whyalla, we squeal. But we should think a little more before we squeal and realise that what the oil companies are doing is taking what the market will bear, that is, extracting the maximum and doing it ruthlessly.

The ACTING SPEAKER: Order! There is too much audible conversation in the Chamber. The member for Giles has the floor.

The Hon. FRANK BLEVINS: I thought I had the oil companies, to some extent, beat in non-metropolitan South Australia by ensuring that the vast majority of the State's petrol resellers could not claim that freight was the reason for the difference in prices between metropolitan and country areas. I did that as part of a Government that, in effect, reduced the taxes on petrol outside the metropolitan area, to the extent that it is about 4½¢ a litre less, which more than covers the freight for 95 per cent of the population of South Australia. It was a good idea, but it failed. That additional 4½¢ tax, which the oil companies did not have to pay, went to fattening the margins: prices stayed very much where they

were and I wondered why everyone smiled, except the consumer, and thought that I was a great guy.

I have always worked on the basis that anyone who talks to me about petrol pricing or the policies of the oil companies, and so on, are lying and, if they are not lying, their message is absolutely so tainted with self-interest as to be of no value. I have always worked on that basis and I have never been disappointed.

The MTA has had a consistent policy of opposing discounting, and it goes back a long way. One of the reasons it advances for not having multi-site franchising is that it would end discounting. What hypocrisy! The MTA would have to be one of the most hypocritical and ineffectual lobby groups that I have ever come across—although, on a personal basis, Dick Flashman is well worth whatever money the MTA pays him. On a personal level, he is very good.

The MTA opposes discounting. For it to say that it wants multi-site franchising stopped because it may reduce discounting is hypocritical in the extreme. I remember in 1985 the MTA saying to the previous Government (of which I was a member) that, if it did not legislate to stop discounting, it would take political action and stand against members of the Government. And I was the one whom it singled out. The MTA was going to come to Whyalla and stand against me, on the basis that I would not legislate to stop discounting. I draw the attention of members to the *Australian* of 22 August 1985. There is another article in the Adelaide *News*—in fact, there are a number of such articles—but this article, which is headed 'Petrol men give Bannon ultimatum' states quite clearly:

> A spokesman for the retailers, Mr Ray Smith—

who was a leading light in the MTA at the time—

> said in Adelaide yesterday that a senior Minister, Mr Frank Blevins, who is trying to win the seat of Whyalla, might be a target for a campaign. 'There's an election coming up and we believe all politicians are vulnerable, especially in certain marginal areas,' he said.
>
> 'If we launch campaigns to embarrass these politicians it may make them realise that we are serious about our demands, and that our demands are genuine.' Mr Smith said that Mr Blevins was 'an ideal target'.

The article also states:

> The retailers have called on the Government to reintroduce price control by setting a minimum retail price and a maximum wholesale price with a 10 per cent margin to combat petrol discounting.

Twelve years later, the hypocrites of this organisation are trying to con us into stopping multi-site franchising in case it prevents discounting. What a load of nonsense! I have also been accused by the MTA—I have the letter here—of not being supportive of petrol resellers in their battles with the oil companies. I say this to petrol resellers: 'You went into it with your eyes open. If you didn't know that signing your name to a contract with an oil company was a recipe for misery, where have you been? If you want to sup with the oil companies, then, as the good book says, have a long spoon.' I am not sure whether it was the good book, but it sounds like that.

One other matter contained in the report of the select committee which I strongly support is the abolition of the Petroleum Products Retail Outlets Board under the Petroleum Products Regulation Act, which, in effect, gives the labour Minister the right to say 'Yea' or 'Nay' about where a petrol station may be opened. I put on the record that the then Minister of Labour and Industry (Hon. Graham Ingerson) behaved impeccably in his administration of this Act. I do not think he knocked back one request. The Act ought to be abolished. I would have abolished it, but everything that I sought to deregulate or abolish in here was opposed by members opposite. At that time, there would have been just another fight, and I probably would have lost.

Nevertheless, the select committee is right: it ought to be abolished and multi-site franchising ought to be introduced. I have no doubt that in 20 years my successors will still be railing against petrol prices when the real problem is the system that allows oil companies to maximise their profits at the expense of everyone else.

Mr MEIER secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION (INTOXICATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 November. Page 670.)

Mr LEWIS (Ridley): The interesting aspect of this legislation, which was introduced by the member for Spence, is that it seeks simply to remove from the statute books the defence which a citizen can claim that they were drunk or under the influence of a drug at the time they committed the offence with which they have been charged. It seems to me that in new section 5D(1) the guts of the legislation is set out, as follows:

> A person charged with an offence who was in a state of self-induced intoxication at the time of the alleged offence will be taken—
>
> (a) to have had the same perception and comprehension of surrounding circumstances as he or she would have had if sober. . .

Mr Atkinson interjecting:

Mr LEWIS: Yes, but the pity of it is that it does not cover the circumstances that arise where the drug was administered medically. Paragraph (b) provides that the consequences of the act, so far as those consequences would have been reasonably foreseeable by that person, are consequences they would have comprehended had they been sober. The unfortunate part is that we use the term 'sober' in the vernacular to mean intoxication from alcohol. There are other terms which would have covered the circumstances better. 'Diminished responsibility' is a term which occurs in the present law. A term ought to be used which enables us to understand that it applies to things other than alcohol.

Mr Atkinson: It does; it says that.

Mr LEWIS: 'Sober' does not in the vernacular. I have to disabuse the member for Spence. When used in conversation, the word 'sober' means someone who is not under the influence of alcohol: it does not mean someone who is not influenced by other drugs that modify—

Mr Atkinson: It says 'drug'; read it.

Mr LEWIS: I have read subsection (2). For the benefit of other members, let me explain it as I see it. It simply states that intoxication will have been self-induced if it results from the voluntary consumption of a drug. If, in his drafting, the member for Spence had not used the word 'sober', I would have been more committed in my support of his intention, because it would have made it easier to understand for people on the street. I will not use the term 'man on the street', because I know that there are some people in here who would then say that I do not have a politically correct mind-set—

The Hon. Frank Blevins: There is not one person in here at the moment who would have said that.

Mr LEWIS: I find not only the cerebral but also the physical meanderings of the member for Giles not the least disturbing. If it were not for the fact that he is disturbed I would comment further on it. Perhaps he is suffering the same affliction as the people to whom we refer in this legislation. He was one of the people who once invited me to take my medicine—

The ACTING SPEAKER (Mr Becker): Order! I ask the honourable member to refer to the Bill. We have had enough interjections this morning.

Mr LEWIS: A lot of this relates to the prescription of drugs that can lead to modification of a person's capacity to make rational judgments about their behaviour. If intoxication results from the consumption of a drug in accordance with the direction of a legally qualified medical practitioner—or so the legislation we are considering would have us believe—the intoxication will not be regarded as self-induced.

In subsection (1), why does the measure not use the words 'had not been intoxicated' rather than 'sober'? In any case, I support the sentiments which the member for Spence seeks to have incorporated in the law because in my judgment it is not legitimate for people who are so affected to go out onto the streets and, in contact with others, whether in their homes or elsewhere, injure or murder them, or get themselves behind the wheel of a motor car and drive that car in a fashion that results in the injury or death of someone else. I do not care about the person who is intoxicated, whether by alcohol or any other substance. I do not care about the welfare of such people; they personally do not care about themselves, anyway.

What I care about is the rest of the public: myself, other members in this place and all the people we represent. They have a right to be protected from self-indulgent, half-witted idiots of any sex or any age, of any racial origin or any religious belief, because in some instances the excuse is used that it is part of 'my culture' to do that. Addicts have made those excuses to me over the years that I have had contact with them, and that predates by a considerable period my election to this Chamber. I go back in that regard well over 30 years. It is not good enough for those people to claim that they were not in control of their actions.

It is interesting that, in the law as it relates to the use of motor vehicles, we explicitly exclude provisions of drunkenness. We have made that a serious offence; and, of course, this involves not only motor vehicles that use roads: it can be any vehicle that has a motor in it to move it along, and that includes boats. It is not a defence when a person is in control of such a vehicle—be it a car or a boat—and causes injury or damage to other people's property if the person in question was drunk or intoxicated by a drug at the time. Our law says that that person has acted criminally, whether or not someone's life or property has been damaged, by taking control of the vehicle.

Such people do not ride pushbikes, so I know that the member for Spence is not speaking about himself or any distorted behaviour in which he may engage from time to time. If they were to get on a pushbike whilst they were under the influence of an hallucinogenic drug, alcohol or the like, those people would fall off and injure themselves. They would be unlikely to sit on or balance the pushbike. Equally they would not be able to row: they would go round in circles getting nowhere. In fact, in that state they would probably wonder which side of the oar was forward.

I support the sentiments which the honourable member seeks to introduce into law. At the same time, I believe that, should the legislation reach Committee, there will need to be changes to the wording so that it is clearer to idiots who would otherwise indulge themselves and risk all of us in this way.

Mr MEIER secured the adjournment of the debate.

COMMUNITY PROTECTION BILL

Adjourned debate on second reading.

(Continued from 28 November. Page 674.)

Mr LEWIS (Ridley): This is another measure which I regard as being long overdue. The case of people who kill other people where they do so in an attempt to coerce the wider community into a course of action in which it would not otherwise engage is something which the Bill does not cover explicitly enough to the exclusion of some other crimes of violence that result in injury or death. We do need to have on the statute books a provision which enables us as a society to simply take the life of anyone who will not accept the right of other people to live peacefully and go about their business—their legitimate work or whatever it is they are choosing to do in life—where that activity in no way provoked the response at a personal level.

I believe that terrorists who murder anyone—someone unknown to them and who has done nothing to them—for the sake of getting the rest of the community to accede to their demands ought not to be tolerated in our midst. They are not humans; their values are not humane or reasonable. They are clearly not fit to be part of a civilised society, and they are people who cannot be trusted even when held in the highest possible security, in prison. They will always seek to murder, regardless, to get their own way. Terrorists guilty of killing other people ought to be put to death.

Equally, I believe that anyone who murders a policeman ought to be put to death, where that police officer is simply going about his or her duty and the perpetrator kills in order to prevent that officer from doing so. We have police in our society to protect us from criminal behaviour and its consequences. If people believe that the safe way for them to commit crimes and get away with it is to murder those people who have accepted the challenge and responsibility of enforcing the law—our Police Force—then they in turn indicate a complete lack of civilised value in society and ought to be put to death where there is incontrovertible evidence that they, in fact, murdered the police officer.

In circumstances where crimes of violence are committed against a person for the gratification of the perpetrator, such as rape, and where the rapist then becomes a murderer in an attempt to hide the crime, I believe that under our legal system it should be possible for the person concerned to be held to account by forfeiting his or her life, and leave it to the courts to decide whether that is an appropriate interpretation of the circumstances and then take that person's life.

For other murders it is clearly possible for rehabilitation to be undertaken. Psychiatrists know the distinction between the kinds of behaviour which result in murder (to which I have just been referring) and the kinds of behaviour where a person kills in hot blood, where he or she is out of control. Such people are capable of rehabilitation. Whilst the person dead cannot be brought back to life, society serves no useful purpose whatever in taking the life of the person who committed the murder, who had not rationally considered the consequences of what they were doing.

There is only one other point I wish to make and, again, it is relevant to the remarks I have just made on the previous measure where they are in context relevant to this. It ought not to be a defence of someone who is guilty as a terrorist of perpetrating murder, someone who is guilty of murdering a policeman in the course of the policeman doing his work or killing a judge because the judge gave judgment against them and they did not like it—and I put that in the same category—or somebody who is a rapist and murders their victim to try to hide their crime. It ought not to be a defence of any of those people that at the time they were under the influence of a drug, of any kind.

Mr Atkinson: Hear, hear! Support my Bill.

Mr LEWIS: The honourable member for Spence has heard my remarks on that matter. If we allow that defence, it then becomes legitimate for people to claim that they were under hypnosis, and whether the person they allege who hypnotised them knew that they were hypnotising them at the time is not material to their defence, just the fact that they then would be able to claim and get away with the claim that they were hypnotised, because the effect of hypnosis on the mind is the same as that of many drugs which diminish responsibility. In my judgment we cannot allow people under the influence of a drug that they have taken themselves at their own discretion without medical supervision to claim that it is a defence that they did not have control of what they were doing when they perpetrated the crime—taking the three broad categories of crime to which I have referred.

Notwithstanding the fact that the Bill is not as explicit as my commitment to the crime of murder, and the circumstances of such crimes in which I personally support the use of the death penalty, I nonetheless believe that we can achieve an outcome satisfactory for all of us by supporting this measure into Committee and amending the legislation in a fashion that does cover the circumstances to which I have just referred.

With those remarks, I observe and respect the research that has been done by the member for Lee in his determining to bring this measure before us. I commend him for the way in which he has consulted his community so thoroughly in coming to this conclusion about what they want and what they see as a major problem. I commend other members who have also done the same consultative research in their communities and who share his view about what the community wants us to do. I express my reservations about the extent to which the death penalty ought to be used and look forward to seeing the Bill as it comes out of Committee.

Mr MEIER secured the adjournment of the debate.

STATUTES AMENDMENT (SEXUAL OFFENCES) BILL

Adjourned debate on second reading.

(Continued from 28 November. Page 676.)

Mr BASS (Florey): I oppose this legislation, but let me say in opening that I understand the reasons for this Bill and I can understand the frustration on the part of the victims and the relatives of victims in rape cases and sex offence cases when it appears that the judge has been very lenient in relation to an offender who has been found guilty of what very often is a very serious offence that can really create a lot of problems for the victim. I agree that there needs to be some way of addressing the way that offenders are sentenced and that this problem needs to be addressed, but it should not be addressed with the implementation of minimum sentences.

It is funny how one's attitude changes over the years. Twenty years ago when I was a young copper I was all for convicting them, locking them up and throwing away the key. During my time in the early 1970s and early 1980s when I was in the bikie squad I probably investigated and secured convictions for some of the worst rapes that this State has ever known. I believe that for the people for whom I ensured that evidence was presented to the courts and on which the jury convicted them, in most cases the judges handed out an appropriate sentence.

There is a lot of difference between having a minimum or mandatory sentence in areas like speeding where you get a mandatory fine or an on the spot fine of $130. There is a lot of difference between a traffic or PCA offence with minimum fines and a criminal offence as serious as rape and some of the sexual offences. A lot is involved in a sexual offence. Probably the only people who really know what went on in any detail is the judge, the jury, the offender and the victim, and even the jury in many cases does not know the full extent of the story. Probably only the judge, the victim and the offender know the full story. At the end of the day the judge is the best person to make the decision on an appropriate sentence.

The member for Elder brings up several points in the paper that he delivered to members of Parliament and mentions the fact that training in the sentencing process in Australia is woefully inadequate. Indeed, it is woefully inadequate. It is one area in which all people involved in sentencing should have specialist training. The member for Elder states that in 1979 Justice Murphy observed, in making a statement in *Veen*, the 1979 case:

> This case illustrates the failure of the judicial system, at least the superior courts, to develop satisfactory principles and procedures in sentencing. It is neglected in legal education and in professional practice.

The member for Elder said that his research to date would indicate that the legal profession is still not trained in the principles of sentencing and that there appears to have been virtually no research by the legal fraternity in Australia on the four accepted aims of punishment, namely, to deter, to prevent, to rehabilitate and to exact retribution. He said that Australian judges are flying blind. I tend to agree with that statement, but do not believe that minimum sentences are the way to address that problem.

It is time we addressed the fact that being a magistrate or being a judge either in the Central District or Supreme Court is a position for which one needs a lot of training. You do not become a judge of the Supreme Court unless you have been a qualified lawyer, and a practising lawyer in most instances. Some people are qualified lawyers but never practise—they say a lot, but they do not know. At the end of the day, the lawyers who are appointed to the bench have served as a defence lawyer or a prosecutor. Rather than providing minimum sentences, it would be better if we ensured that the people making these decisions received training in relation to the principles and procedures of sentencing.

We need to ensure that there is rehabilitation. My attitude has changed drastically over the years. As I said, as a young policeman all I wanted to do was to lock them up, convict them and throw the key away, but that is not the answer. The answer is rehabilitation wherever possible, but rehabilitation should not end when an incarcerated offender, particularly in respect of sexual matters, finishes his sentence. After serving

the non-parole period of their sentence, an offender is released on parole, which can be two or three years. At best, the level of parole supervision is inadequate. A parolee may have a parole supervisor who rings up perhaps twice in the first year, if he is lucky. It may have changed in recent times but people on parole for these sorts of offences should continue to receive rehabilitation, and this is the best way to address some of these problems.

I understand the member for Elder's thrust and the public's dissatisfaction with the system. It needs addressing, but I do not believe it should be addressed with minimum sentences. The member for Elder claims that *nolle prosequis*, the withdrawal of a case during trial and the defendant being discharged, have dramatically increased since 1985. He also says that there are no definite reasons for this occurrence, but I suggest that the court system is such that the victims are often treated as offenders when they go to court and give evidence. A *nolle prosequi* often occurs because a victim does not want to give evidence in court. It can be a very harassing experience to give evidence in court and have a couple of smart criminal defence lawyers do their best to break down your story. I went through it several time as a police officer. I used to enjoy it, but I was not the victim but the police officer giving the evidence. In fact, for any good police officer, I believe the ultimate is giving evidence in court.

Therefore, I believe the withdrawal of cases has more to do with the treatment of the victim in court. This is another area that needs to be addressed. Victims are not offenders. They are victims, and it is time that the courts realised that and gave protection to these people when they give evidence, especially in respect of children and young girls. I understand what the member for Elder is trying to do. I compliment him for bringing this matter up, but I think he is trying to do it the wrong way.

Mr MEIER secured the adjournment of the debate.

SUMMARY OFFENCES (PROSTITUTION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 November. Page 678.)

Mr ATKINSON (Spence): I have studied the Bill carefully and would like to explain its workings to the House. The prostitution offence most commonly employed by the South Australian police is section 21 of the Summary Offences Act, which punishes a person of either sex who is found on premises frequented by reputed prostitutes and having no lawful excuse for being there. Although the maximum fine is division 9, currently $500, the average fine is about $50—less than half the expiation fee for a traffic offence. I have difficulty accepting the being on premises offence, because it punishes a person for being in the wrong place at the wrong time rather than any criminal conduct. Nevertheless, the South Australian police find it most effective in punishing brothel prostitution and deterring those who work in the brothel trade or patronise the brothel trade. The police defend section 21 with the same passion they defend the laws against consorting. The Bill adds a subsection (3) to section 21, as follows:

> A complaint for a first or subsequent offence against this section must be made in accordance with section 57A (Procedure enabling written plea of guilty) of the Summary Procedure Act.

This will mean that people charged with a breach of section 21 must be given the chance to plead guilty without appearing in court. The plea of guilty can be made by filling in a form, having it witnessed by a justice of the peace and posting it to a court registrar. I do not oppose this amendment, although I oppose the section as a whole for the reason I mentioned earlier.

Clause 4 of the Bill adds a subsection (3) to section 28 of the Act to overcome the court ruling that the offence of receiving money in a brothel does not include receiving payment by credit card. The new subsection would provide:

> For the purposes of this section, money will be taken to have been received if credit card or debit card facilities are used.

If our law is going to continue to have brothel offences, this amendment is logical. In most of the brothels I visited, there were strong security measures at the entrance, such as video monitoring, an intercom, and a two door system. In Adelaide, these systems are to keep both ugly mugs and police out of the brothel. A state-of-the-art security system has been installed at Stormy's in Waymouth Street. I visited Stormy's, along with the members for Hartley and Hanson, the Social Development Committee secretariat and the Hon. T.G. Cameron who, after meeting Stormy, chose to be conveyed to our destinations in her Mercedes Benz sports car rather than the humble conveyances arranged by the committee secretariat. The Presiding Officer of the Committee (Hon. Dr Bernice Pfitzner) chose not to accompany us, though she was in Adelaide that evening.

To obtain entry into Stormy's premises, I had first to press a button. The console operator on the first floor then asked my business via intercom. Once satisfied of my purpose, she released, by remote control, the security door and let me into a small vestibule between the security door and a second heavy door. The console operator then had a good look at me through Stormy's video monitoring system before releasing, by remote control, the lock on the second door. Members can imagine how the South Australian police fare with this system. As the member for Florey pointed out, a brothel manager can use a high tech security system to keep police at bay while he or she removes all evidence of child prostitution, unlawful drugs or stolen goods. The manager will open the door to the police only when good and ready. The member for Hanson proposes to add a subsection (2) to section 32 of the Act, as follows:

> Reasonable force may be used to break into or open any part of, or anything in or on, the premises in the exercise of a power conferred by this section.

Section 32 defines the authority of police to enter brothels, and this may be done only when the police suspect on reasonable grounds that the premises are a brothel.

Clause 1 of the schedule to the Bill amends the Crimes (Confiscation of Profits) Act 1986 so that the Act will apply not just to the offence of keeping and managing a brothel as it does now but to the offences of receiving money in a brothel and permitting premises to be used as a brothel. If we are to have the Crimes Confiscation of Profits Act apply to prostitution offences, I do not see on what principle this amendment could be resisted.

Clause 2 of the schedule stops what the member for Hanson no doubt suspects is or could be judicial subversion. It prevents a magistrate from using sections 15 or 16 of the Criminal Law (Sentencing) Act 1988 in sentencing for 1pages breaches of three sections of the Summary Offences Act 1953, namely, section 21, being on premises; section 28,

keeping and managing a brothel and receiving money in a brothel; and section 29, permitting premises to be used as a brothel.

Section 15 of the Criminal Law (Sentencing) Act authorises a magistrate to discharge a person convicted of an offence without penalty. The magistrate may do this if he finds the accused guilty but finds the offence trifling. He or she has the choice of discharging the accused without recording a conviction or recording a conviction without penalty. This may be done despite there being a minimum penalty. Section 16 of the Criminal Law (Sentencing) Act authorises a magistrate to impose a penalty without conviction.

I think the member for Hanson is making a mistake here. Sections 15 and 16 apply to a huge range of offences, some of them most serious. Some of the drink-driving offences incorporate minimum penalties that can be avoided by the magistrate, in an appropriate case, using these sections, yet the member for Hanson proposes to remove judicial discretion for being on premises offences that currently attract an average fine of only $50. I believe that the most important of all the prostitution offences is the prohibition on procuring a person to be a prostitute. This offence is contained in section 63 of the Criminal Law Consolidation Act.

The maximum penalty for this offence is seven years imprisonment; so it should be. Unless I am very much mistaken, sections 15 and 16 apply to the procuring offence with its maximum penalty of seven years imprisonment. The member for Hanson would not stop that, but he would stop their applying to being on premises offences for which the maximum penalty is a $500 fine and other offences for which the maximum penalties are divisions 7 and 8, namely, imprisonment for three months and imprisonment for six months. Either the member for Hanson must extend clause 2 of the schedule to the procuring offence or this clause cannot be taken seriously.

I can imagine many cases in which the application of sections 15 and 16 of the Criminal Law (Sentencing) Act to people guilty of an offence under section 21 of the Summary Offences Act would be both merciful and sensible. If the member for Hanson were to succumb to temptation and be found by police on premises without a reasonable excuse for the first time in a blameless life of 50 years, would it be appropriate for him to have a conviction recorded? Sir, I think not. Moreover, section 21 applies not just to being on premises frequented by reputed prostitutes: it applies also to being on premises frequented by persons without lawful means of support or persons of notoriously bad character.

Clause 6 of the Bill inserts into the Summary Offences Act new section 32A banning the advertising of prostitution. Prostitution is advertised in the *Yellow Pages* telephone directory, which is delivered to every dwelling in South Australia, on television after midnight, in interstate publications, such as the *Truth* and *People*, and in the *Advertiser's* Health and Fitness classified advertisements and companionship advertisements. Indeed, prostitution services were advertised on Bob Francis's radio 5AA *Nightline* program before midnight this week. I refer members to page 29 of today's *Advertiser*.

The member for Hanson goes to great lengths in clause 6 to try to forestall evasion of his ban, as he must. His clause bans prostitution advertisements in newspapers, magazines, directories, books, radio, television, films, videos, notices, signs, circulars, pamphlets, computers and microfilms. I think he has overlooked the possibility of advertising Stormy's by taking off from Parafield Airport in a light plane and releasing a vapour trail in the sky over Football Park during the Grand Final. Under new section 32A, police may issue written warnings to persons who are advertising prostitution, and these warnings may be probative evidence in a trial for breach of section 32A.

New subsection (6) reverses the onus of proof to try to pin responsibility for unlawful advertisements on persons whose premises or telephone numbers are mentioned in the advertisement.

New subsection (10) provides a defence to a publisher who did not intend to publish the ad in South Australia or that the material was not published intentionally or without reasonable care.

On balance, new section 32A is consistent with the rest of the Bill and ought to be given a chance. I listened most attentively to the member for Hanson's speech in introducing the Bill and I commend him on his reasoning, although, as members should know from the Social Development Committee report, we have significant differences about the rule of law in a non-confessional society. I propose to take the advice of the member for Unley and give this Bill a second reading.

Mr MEIER (Goyder): I support this Bill and compliment the member for Hanson for the work he has done over quite a period of time in researching the background information and finally bringing forward this Bill. Members would be well aware that the issue of prostitution has been before the House on several occasions in the last three years. We have also had a committee looking at the whole issue, seeking to determine what should be done in relation to legislation.

Members would be aware that, by and large, the Summary Offences Act has not been updated since 1953, and certainly things have changed a lot in this area since that time. It is a matter that has concerned many people. Certainly, one approach has been to free up some of the laws on prostitution. I have been very much against that move. Another approach has been to leave things as they are. Obviously, that has been the case for a long time now. A third option has been to seek to tighten up the Summary Offences Act, and that is what we are debating today.

The moral issue of prostitution has been much debated. Statistics have been put forward both supporting and opposing the concept of prostitution. I was very interested to hear, as the member for Hanson reported, a talkback program on 5AA one Sunday evening when a Dr Liv Finstad was introduced. Dr Finstad had been involved in prostitution research for a number of years and had written a book entitled *Back Streets, Prostitution, Money and Love*. What particularly interested me was that the research found that, even though all the prostitutes followed up said initially that they enjoyed their occupation, this was not the case. After researchers had formed a relationship of trust with the women, they discovered that the prostitutes hated what they were doing, and tried all sorts of physical and psychological mechanisms to distance themselves emotionally from their clients. I believe that that is a very important fact in this whole issue. It is not as though those who work in this trade seek to be in it: in fact, so often they are cajoled into it against their will, and many examples have been recorded overseas in particular indicating the tactics used. This Bill recognises that element and seeks to take action in that regard.

The situation in both Canberra and Victoria, where brothels are legalised, again highlights issues which tend to detract from any move to legalise prostitution in this State.

A former Chief Inspector indicated to me that he had done a study in Victoria and found that legalised prostitution was one ring of prostitution, and below that was illegal prostitution. I would say to anyone who suggests that we should seek to legalise prostitution that it will not work. You will simply create another tier of prostitution.

In the case of Canberra, another problem has been highlighted, again in relation to the Bill before us. One of the brothel madams reported that the police never came near the brothel and that all sorts of unsavoury things were going on about which she was unhappy. However, no action was being taken, because the brothels were legal. Again, that argument points to the fact that we need to do something in relation to the brothels that currently exist, and this Bill goes a long way towards achieving such a goal. I fully support the Bill, in particular, the extension of the term 'money', which will include credit cards, and section 32, under which police will be authorised to use reasonable force to enter suspected brothels. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

CARNEVALE

Mr CUMMINS (Norwood): I move:

That this House congratulates the coordinating Italian Committee, its President (Dr A. Cocchiaro) and all participating clubs and organisations for the very successful Carnevale and acknowledges the splendid contribution of the delegations from Lazio Region, Campania Region and the Salerno Province.

Mr Deputy Speaker, you may know—as I think everyone in Adelaide knew—that on 8 and 9 February 1997 the Carnevale was held at Rymill Park. The Carnevale has had previous venues, including the Norwood and Adelaide Ovals, but this is probably the best venue it has ever had, and I hope that it will continue to be used. Over the two days the attendance was 30 000 people, and the Carnevale parade attracted 4 000 to 5 000 people. So, based on attendance alone, the Carnevale was a fantastic success.

I particularly congratulate the clubs and organisations that took part in the Carnevale and also the delegations from the Lazio and Campania Regions and Salerno Province in Italy. I should also mention RAI International, a television station, because it also attended, and I will talk about that in a moment.

The Italian delegations sponsored various events at the Carnevale. One was the Mostra su Cinecittá, which was an extensive exhibition of European cinematography from the 1930s. They also sponsored the Mostra sull'artigianato artistico del Lazio, an exhibition of artisans' craft work in wood, marble and wrought iron at the Festival Centre. They also sponsored Napoli che ride, a variety comedy evening. I did not go to this one, because it was all in Italian and my Italian was not good enough for me to enjoy it. There was also a two-part program of eighteenth century Italian classical music, with the Adelaide Chamber Youth Orchestra. I also went to that, and it was superb. I also went to Due Voci (Two Voices). This was an evening of Neapolitan music. If anyone knows Neapolitan music, they will realise that it is pretty emotional, heavy sort of stuff, and it was a great night, particularly with a few drinks.

I mentioned earlier RAI International. It is very significant that RAI International was here, because it put together an 80 minute documentary on the Carnevale. In addition to featuring the Carnevale, RAI International will present South Australia as a tourist destination and focus on tourist spots throughout the State. However, of course, the main highlight—as it should be—will be Carnevale. It will also present interviews with known Italian businessmen and young and elderly Italians about their experience in coming to South Australia. This interview will promote Italian culture, the Carnevale and South Australia and talk about Italians living in South Australia.

This is significant because RAI International has an audience of 70 million viewers. So, Carnevale and South Australia will be featured before 70 million world viewers. It shows the significance of their attendance at the Carnevale. I congratulate those who arranged for them to come, I thank them for their attendance and I hope that they will return in the future. I hope, too, that the Government will sponsor the Carnevale as a major event to enable international television to attend the venue, because it is a great promotion for South Australia and for the Italian community living here.

The Carnevale parade, which attracted 4 000 to 5 000 people, went from Victoria Square to Rymill Park. There was a significant increase in the number of people attending that from previous years. If one knows anything about Italian Carnevale, one realises that the tradition is that one wears costumes and masks—and, in fact, there was an exhibition of traditional Venetian masks at Rymill Park. The workmanship is stunning in relation to these masks. Some of them are made of papier-mâché and decorated and some of them are made of ceramics: the quality is excellent. In Venice they have Carnevale every year; they also have the Venetian ball in Venice, and that would be something to go to if one ever had the opportunity. The spirit of Carnevale was fantastic, as was the parade and the colour of the costumes, and the enthusiasm of the participants was superb.

CIC is particularly to be congratulated for its involvement in Carnevale this year. There is no doubt at all that the Italian community in South Australia loves being involved in Carnevale, and it meant to lot to them, because Carnevale paraded their culture—and a very proud culture it is!

I would be remiss if I did not mention that 16 regional clubs and associations participated in the food marquees promoting their regions and club associations. Other regional clubs also participated in the arts and craft and cultural marquees, and a great deal of effort was put into creating the spirit by many of the clubs and organisations and their volunteers. These people put in their time for nothing (there is no profit in it for them), and the money goes back to their clubs and to CIC (Coordinating Italian Committee).

I will now deal with the importance of Carnevale, because some people say this is simply an event which features Italian culture and one generally has a good time. That is true about Carnevale: it is all those things. However, it is also significant in terms of the welfare of elderly Italians. Mr Deputy Speaker, you obviously know that most of the Italians came here in the 1950s, and about 26.2 per cent of Italians are now in their late 50s and early 70s. The proceeds from the Carnevale go to the Coordinating Italian Committee. Amongst other things, they look after the welfare of elderly Italian people. They have a welfare worker there—

The Hon. D.C. Wotton: Hear! Hear!

Mr CUMMINS: The Minister says, 'Hear! Hear!' He is to be congratulated for the funding that he has given to the Coordinating Italian Committee. Now that the Minister is in the House, I also congratulate him on the fact that for the first time in the history of this State aged care welfare will be funded over a three year period rather than a one year period. Previously, there was a major problem with funding for aged

care workers both for the Coordinating Italian Committee and the Greek Welfare Centre because they were only funded one year ahead, which meant that the welfare worker working within that community had no guarantee of employment.

When this Government came into office we were met with a crisis: the welfare worker was going to leave CIC because there was no guarantee of employment. At that stage the Minister intervened and promised funding, but since then—to his credit and the Government's credit—funding is now guaranteed over a block three year period. So, there is no crisis every 12 months of their running around searching for money.

Further, in relation to the issue of the ageing Italian community, the Commonwealth Law Reform Commission discussion paper No. 57 of April 1994 (page 22) states:

> The department has identified a number of groups of older people who may have needs that cannot be readily met within the mainstream funding framework. They may face barriers to getting service. The groups the department has identified are people from non-English speaking backgrounds.

The Aged Care Reform Strategy mid term review 1990-91 states that by the year 2001 older people from non-English speaking backgrounds will comprise approximately 25 per cent of people 60 years and over. So, there is a significant group of people who fundamentally do not get proper access to the things they need through mainstream funding and organisations. That has been recognised by the Minister and this Government by making grants to the organisations that truly represent their interests. This is significant and important to the Italian community because they tend to want to work through the organisations with which they are familiar and with which they feel safe and where the aged care worker within that organisation speaks their language, understands their customs and their needs.

In relation to the Carnevale, if one looks at the financial records of the Coordinating Italian Committee over the past few years, the significant fact is that about two thirds of its funding is raised by the Italian community and used for the welfare of elderly people and people in need in the Italian community. That is a great credit to the Coordinating Italian Committee—the volunteers, the staff and the President, Dr Antonio Cocchiaro—because we would be searching around for a long time to find an organisation that performs the role of Government but self funds itself to two-thirds. It seems to me that that is another reason why it makes pure economic sense for the Government to fund and continue to fund the Coordinating Italian Committee. I am sure that under this Government that will happen.

In relation to the future of the Carnevale, I hope that the Carnevale will remain at Rymill Park as an annual event, because there is no doubt that it is an ideal location. For example, it is associated with the Fringe; people know to look there for venues and functions; it is very close to the East End of Rundle Street; and it will naturally attract people from that region. My view is that the 30 000 people who attended over the two days (8 to 9 February 1997) will be dramatically increased in the years to follow, and with the participation of international television it is a fantastic promotion for the State of South Australia. For the Carnevale to stay at Rymill Park it will need the assistance and the cooperation of Adelaide City Council. I congratulate and thank it for its assistance and cooperation, both the members of council and the Mayor of Adelaide (Henry Ninio).

The only problem in relation to the Carnevale being held at Rymill Park is the shortage of parking spaces. I hope that the next time Carnevale is held the Adelaide City Council will make available more parking spaces, because I think the need will be greater. As I said, this Carnevale was so successful that there is no doubt whatsoever that attendances will increase. I also have no doubt that, because of the resounding success of this Carnevale, we will find ourselves in the happy position of welcoming delegations from other regions of Italy at the next Carnevale rather than just the delegations from the areas that I have mentioned.

I conclude by congratulating all the participating clubs and organisations. In particular, I thank the Lazio region, the Campania region and the Salerno region for their participation as well as RAY International. In particular, I congratulate Dr Tony Cocchiaro and his committee for the superb work they did on this year's Italian Carnevale.

Mr ATKINSON (Spence): I endorse the remarks of the member for Norwood. I, together with the member for Hartley and the Deputy Leader of the Parliamentary Labor Party, also attended Carnevale on the Sunday morning for the Italian language mass. The idea of Carnevale is to have a feast on the eve of Ash Wednesday which begins the season of Lent (the 'mean' season). The idea is to feast on meat which will be denied us from Ash Wednesday and to feast on other food and wine in anticipation of the deprivations of the season of Lent. I think Carnevale is a fine idea, and it is good to celebrate it in Australia. Of course, Carnevale was celebrated on the weekend rather than on Shrove Tuesday, the day before Ash Wednesday, which in English tradition is celebrated with the consumption of pancakes, which are denied us during Lent because they contain animal products, namely eggs.

The Monteverdi Choir sang at the mass—its singing was most accomplished and pleasant. Nuns assisted at the mass. In particular, a nun who was seated in front of me administered to the needs of the elderly and disabled. That lady did a particularly good job. There were a number of elderly and disabled people under her care, and the weather conditions were difficult. There had just been a heatwave in Adelaide. There was thick cloud cover on that Sunday morning, and it was threatening to rain on the people who were assembled for the open air mass. By some sort of a minor miracle, after a few spots the rain passed away and the mass was able to proceed.

One feature of Carnevale which impressed me was the bringing together of the disparate regions of Italy in one festival. This is one of the few festivals where Italians come together as a nation. As the member for Norwood pointed out, there were food stalls from nearly every province of Italy. It was difficult for me to decide where to have lunch, but I finally purchased my lunch from the Italian Lions Club and had a feed of Port Lincoln tuna after which I was entertained with a bottle of Italian beer at the Coordinating Italian Committee's tent.

I congratulate Dr Tony Cocchiaro for his efforts in bringing together Carnevale. His surgery is situated across Port Road from my electorate office. I know that the good doctor uses Barton Road, North Adelaide, to go from his home to his surgery and back. Indeed, his four-wheel drive vehicle is familiar to me from its traversing of that particular road. I congratulate Dr Cocchiaro and the Coordinating Italian Committee, and I thank the Italian community for its hospitality at Carnevale. May there be many more.

Mr SCALZI (Hartley): I, too, congratulate the Coordinating Italian Committee, its President (Dr Tony Cocchiaro), the participating organisations, the delegations from the Lazio Region, the Campania Region and the Province of Salerno and, indeed, everyone involved in the difficult task of organising the Carnevale. I agree with the members for Norwood and Spence that the Carnevale was very successful. There were some doubts about whether locating the Carnevale at Rymill Park would be as successful as that held at Adelaide Oval last year, but I agree with the member for Norwood that it was the best Carnevale we have had. As the member for Norwood said, RAI television in Italy televised the event, showing South Australia to over 70 million people. In addition, Dominic Minorchio from Ace TV is always at the various Italian functions.

Carnevale is not just an Italian function or an Italian celebration: it has become an integral part of South Australia. It is really an Adelaide Carnevale, and this is what makes it successful. In a way, the Carnevale tells us about the success of multiculturalism, and that is what it is all about: integrating all the various aspects of multiculturalism into our society. It was good that the committee saw fit to change the name of the event from the Italian Festival to the Carnevale. The major sponsors of the Adelaide Carnevale included Sensational Adelaide, Rennicks Hire, Alitalia, City of Adelaide, Fairmont Homes, 5ADFM, Coopers (a traditional South Australian firm), Maglieri Wines, Greenhill Galleries, Commonwealth Bank, Agostino Mitsubishi Motors, and so on.

That in itself tells us that the Carnevale incorporates more than just the Italian community: it is really the South Australian community that acknowledges its Italian heritage. The Carnevale has become an integral part of South Australia. I, like the member for Norwood, attended several of the Carnevale functions. I must congratulate Guido Coppola on the performance of the Monteverdi singers and the music he provided at the various functions.

Traditionally, Carnevale is held before Lent, and that aspect of it is also important. I agree with the member for Spence that attending mass on the Sunday was particularly important, as it was for many other members of the community. The member for Norwood has already referred to the important contribution that CIC makes to the elderly. We must not lose sight of the important community role that festivals such as this play in our community.

Mr Deputy Speaker, you would know that CIC is also involved with regional clubs of an Italian background, incorporating regional South Australians in the celebration of Carnevale. There are over 16 clubs and organisations, such as the Italian Lions (again, an excellent organisation which raises funds for charities) which perform important work in South Australia. I refer also to the Italian Golf Club. Indeed, a broad spectrum of organisations and clubs is involved in the celebration of Carnevale.

The member for Norwood mentioned the masks, the fine leather work and the ceramics. In reflecting on that, I believe that in future we should have some typically Australian masks for Carnevale. Instead of using European animals, if we had masks based on the koala, the kangaroo or the magpie, it would give the festival a particularly Australian flavour. If we could give it a particularly South Australian flavour, that would add to the uniqueness of Carnevale.

I was pleased with the choice of Rymill Park and I thought how picturesque it looked at night. We could put a couple of gondolas on the lake, and that would also add to the atmosphere of Carnevale. After the fine food, drink and dancing, one could take a ride in a gondola, and that would really add to the atmosphere of Carnevale. As I said, I look forward to an Australian and South Australian flavour being added to the festival. Competitions could be held within schools to select which type of masks the event should use. Last year there was the Carnevale ball and the parade, for which there were prizes for the best costume. Perhaps we could offer prizes for the best, most typically Australian or South Australian Carnevale. I look forward to that.

I congratulate all those involved because it was an excellent Carnevale. The location, Rymill Park, is great. It is the best Carnevale that has been held, and we should build on that and attract more acts from Italy. We should also look forward to the day when we send people overseas. Indeed, I believe that South Australian artists have participated in Italy in song festivals and at other events. The two-way traffic between the Australian community from an Italian background contributes to Italy and the Italian delegations which come here contribute to our society. After all, a grafted tree bears the best fruit, and we have seen the fruits of that grafting in all the different aspects of the South Australian community.

One of the first grafts was the German community, which extends back in South Australia to 1838, and we can all drink to the results of that grafting. It has not only helped us culturally with the Barossa festivals but it has been the foundation of the economic base of this State, given that we export 70 per cent of our wines. A little bit of Italian wine tradition is becoming evident with Steve Maglieri of Maglieri wines. So, multicultural festivals must be seen as an asset to this community. The celebration of Carnevale, the Schutzenfest, Glendi and other festivals is a very important part of South Australian culture. It gives me great pleasure to support the motion.

Mrs HALL secured the adjournment of the debate.

SURF LIFE SAVING SOUTH AUSTRALIA

Mrs ROSENBERG (Kaurna): I move:

That this House recognises the achievements of Surf Life Saving South Australia in winning the National Volunteer Involvement Program award received in Canberra on 6 December 1996 and expresses its appreciation for the service provided to this State and its support into the future.

I have a great deal of pleasure in moving this motion and congratulating Surf Life Saving South Australia on these achievements. My electorate has five very worthy surf life saving clubs along its shores served by a group of dedicated volunteers who put their time aside to serve the general community. I am often reminded of the words of Rhonda Cunningham from the Port Noarlunga Surf Life Saving Club. When she was asked to talk about the members of the Port Noarlunga club she described them as a strange breed, and she said:

We ask them to give up all their free time on weekends to patrol a beach, we ask them to give up week nights to train for march past or bronze medallions or the like, and then we ask them to pay for the privilege of membership and pay for the right to compete in competitions, but also pay for the uniform to enable them to compete and, to top it off, we ask them to fundraise to buy the equipment that they use to rescue the public in need. Yet with all this, the volunteers keep coming.

I have been very proud during my term as the member for Kaurna to be asked to be not only patron of several local

clubs but also one of the patrons of Surf Life Saving South Australia. It was an honour to be asked to be spokesperson for such an important volunteer group within South Australia and, equally, an honour to attend several carnivals each year. The feeling of immense pride that I feel when I watch a march past competition cannot be described: it must be experienced.

Our local club, Southport, won the Australian march past competition recently with a score of zero—no mistakes, no points deducted. That was a magnificent effort and happened because of the many hours of dedicated training put in by that team. It is true to say that, when I attend the annual dinners of my surf life saving clubs and listen to the awards for patrol hours, I begin to wonder when some of these members find time to sleep. The accumulated hours of service across the State is incredible and would cost millions of dollars for paid staff to do an equal job.

With changing community expectations and loss of serving spirit in some areas, it will always be a challenge for organisations such as Surf Life Saving to keep attracting juniors to move through the nippers and into the seniors. The seniors' example in the clubs is immensely important and all clubs that I have been associated with take this role very seriously. The State of South Australia is well served by excellent swimming, surfing and fishing beaches, resulting in total visitation by people aged over 15 years of approximately 6.3 million times a year.

As I mentioned before, the value to the State by volunteer work is in the order of $57 million in the 1995-96 season if it is based on risk management. Thus the service saves taxpayers money while providing an excellent, efficient service to the community by preventing the costs associated with death, not to mention the needless trauma caused to loved ones left behind. In 1995-96, Surf Life Saving South Australia clocked up 46 972 volunteer patrol hours which for paid staff would have cost the State over $700 000. This is based on a very conservative wage level and does not take into account rent, equipment and maintenance costs so, in reality, the figure is probably more in the vicinity of $1.5 million.

As I mentioned, there are five surf clubs in Kaurna and I am aware that there are moves to start up another at Maslin Beach in the electorate and elsewhere in the State at Port Lincoln. A recent audit of beach goers along the southern coast identified safety as an important plus for visitors to our beaches and it is the surf life savers who provide this safety net.

Since 1987 an education program has been running for school children to inform them of the dangers of the aquatic environment. Surf Life Saving South Australia is always improving and looking for ways to become more proficient and professional and has introduced the trauma counselling unit, patrol efficiency inspections and has introduced a paid lifeguard at Normanville Beach, in addition to the one at Glenelg, for a 7-day a week service from December through January. Each Minister of Recreation and Sport has been supportive of the ideals of surf lifesaving and has supported the funding agreement between the State Government and the peak body. The State Government funds one third of beach patrol operational costs and monies are allocated to the clubs which provide the patrols.

Surf Life Saving South Australia has an affiliation of 18 clubs throughout the State and in the 1995-96 season had 3 817 members and provided assistance in that year to 8 442 members of the public by saving 340 lives, taking preventative action on 7 387 occasions and administering 715 first-aid cases. As a mother of two mad keen surfers I am always happy when I know that they are heading off to a patrolled beach. I am not quite so keen when I find out that they have headed towards a non-patrolled area, and these previous results are part of that reason. The surf clubs patrol 22 beaches along our coastline using 4-wheel drive vehicles and inflatable rescue boats. The areas listed are North Haven, Semaphore, Grange, Henley, West Beach, Glenelg, Somerton, Brighton, Seacliff, Hallett Cove, Christies Beach, Port Noarlunga, South Port, Moana, Aldinga Bay, Whyalla, Chiton Rocks and Port Elliot.

As a Parliament we should be thankful to all those clubs for the tremendous job that they do for South Australia. Obviously under present resources patrols are concentrated in the most popular and heavily visited beaches. In 1995-96, 270 surf lifesavers completed the bronze medallion and the most up-to-date training technology and education is available to all participants. Some Surf Life Saving South Australia personnel are employees of the organisation, but as an aside can I say that for a paid staff member like Elaine Farmer, who is the General Manager, surf lifesaving is a disease and not a job. Elaine was recently recognised by the Port Adelaide Enfield Council as Australia Day citizen of the year for her outstanding service to surf lifesaving. She is dedicated to her work far beyond the paid salary required and I congratulate her most sincerely.

Quality assurance requires all volunteers to annually upgrade and maintain qualifications. Other services of Surf Life Saving South Australia undertaken by the patrolling members are preventative actions, rescues, resuscitation, first-aid, searches, patrol work, beach reports, development of professional services and public education. In the 1995-96 year the South Australian Government contributed $145 000 to Surf Life Saving South Australia, which equates to about $17 per member of the public aided by the surf lifesaver. I suggest that no Government paid employee or private employee would have done this job better. Without Surf Life Saving providing the service to the public, costs to South Australia would be enormous.

In 1994-95 Surf Life Saving South Australia won the State Tourism Award for the Glenelg Lifeguard Program. An amount of $20 000 has been spent towards an Australian beach safety and management plan. School surf safety programs are also conducted by the Education Department, because the key to preventing deaths is education, water safety and reduced loss of life because of awareness. The program is called SURF ED and educates children on how to save themselves and also to assist others in trouble, and it is actually taught on the beach. Surf Life Saving South Australia has established an emergency operations group making rescue services and resources accessible 24 hours a day to groups such as the police and SES. An additional development has been the signing of a memorandum of understanding between Surf Life Saving South Australia and St John's for provision of Surf Life Saving South Australia equipment facilities and manpower in an emergency situation. In the words of the General Manager's report:

> We continue to provide innovative and productive programs for our members to ensure that the bathing public of South Australia is protected by fit, accredited people dedicated to the safety of the public.

They do this job very well and thoroughly deserve the volunteer involvement program award.

Mr ATKINSON (Spence): I have listened carefully to the contribution by the member for Kaurna. I agree with it in its entirety and I commend her on bringing the motion before the House. I express the gratitude of the parliamentary Labor Party for the services provided by surf lifesavers in South Australia.

Motion carried.

OCEANIA SHOOTING CHAMPIONSHIPS

Adjourned debate on motion of Mr Bass:

That this House congratulates the participants of the successful Oceania Shooting Championships held in Adelaide between Friday 31 January and Saturday 8 February 1997 and particularly the South Australians who won medals and reached the minimum qualifying score for the 2000 Olympics selection and participation in future World Championships.

(Continued from 13 February. Page 979.)

Mr QUIRKE (Playford): I wish to be associated with this motion. We on this side of the House are happy to support the motion moved by the member for Florey. The championships took place several weeks ago in Adelaide and took a considerable amount of planning. There was large participation from countries in the Oceania region. We did extremely well as a country in most of the shooting disciplines that took place in that week. New Zealand and the United States did well, and other countries had participants who gained a great deal from these events.

It is interesting that we received very little or no media coverage for the Oceania Shooting Championships here in South Australia. That is surprising because a large number of people came to South Australia and made a significant injection into our local economy. I suppose the reason is that the media wish to down play anything that involves the sensible, correct and legitimate use of firearms in any sporting discipline. That is sad because a large number of people in South Australia get a great deal of fun from the recreational and safe use of firearms. People on a Saturday afternoon and Sunday participate in their local target shooting clubs. It involves not one or two people or several hundred but thousands upon thousands of people. People in our community, as well as some members of Parliament, are members of those clubs.

I do not want to go on at any great length today about this because I hope this motion will be carried with the support of all members. Suffice to say that those persons who have chosen to compete in these events are somewhat concerned about some of the publicity last year surrounding the aftermath of Port Arthur. Most of the participants not only in South Australia but in all of the other jurisdictions that participated in these events would have been among the first to condemn the terrible event last year in Port Arthur, but at the end of the day some of these people are excellent athletes at the shooting disciplines they take on. In some instances we saw qualifying scores for the Sydney Olympics in the year 2000. I commend those people and say that I am pleased that, even in the current climate and with the lack of support, particularly from the media, they are still out there as good law abiding citizens pursuing their legitimate rights. I commend the member for Florey for bringing this motion before the Chamber.

Mr LEWIS (Ridley): It is not my intention to repeat what has already been said, but I place on record my support for the proposition. It is important for us to recognise that as a society we all have our divergent talents and interests and that, where those interests and activities arising from the exercise of the talent and interest produce a happier and stronger society, they ought to be encouraged and supported. People who get themselves fit and strengthen their capacity to concentrate and maintain steady muscle control without tremor are indeed outstanding. To be a champion shooter takes greater skill than to be an outstanding world class cricket batsman. The ability to retain that performance is not just a matter of knowing you can do it—as Kieran Perkins did—and get in the pool and do it: it is a matter of maintaining a level of fitness in your body, particularly your shooting arm, which ensures that you can control the lay of the shot.

I was present at the shooting championships where the contests were first undertaken at Monarto. For most of the host clubs or organisations involved in the Monarto shooting, which went on several days before the shoot that was held out on the range on the northern Adelaide Plains, it resulted in some brilliant results for those participants. Indeed, as a patron of most of the clubs or organisations involved I was invited to present the trophies and was honoured and delighted to participate in that way. I met some thoroughly charming people amongst the ranks of those who were involved, whether they came from the United Kingdom or elsewhere in Oceania, including interstate Australia.

I enjoyed their company no more or no less than the company of any other sensible, intelligent people pursuing their recreational activity; there was great jocularity and, indeed, the English team were really great fun. In fact, the member of that team who managed to familiarise himself with the tricky wind conditions on the Monarto range for the big bore shot was a particularly entertaining character. I enjoyed conversation with him for some time and was impressed when he turned in the score he did that others had been unable to emulate because of the difficult wind on the day. Notwithstanding any of that, as the member for Playford has said, these people abide by our laws—I do too, and so do you, Sir. I believe it would be a good idea if a few more of us and a few journalists were to take an interest in the sort of activity involved in shooting clubs and see the kinds of people who participate.

I conclude by referring to the comments made this morning on Julia Lester's program on 5AN by a distressed young woman whose name I cannot recall right now. She pointed out that she could not understand why people were condemning what she had been doing and had continued to do lawfully and with great personal satisfaction, achieving outstanding results in the process. Why on earth such people should be vilified is beyond me. It is not guns which kill people: it is the stupidity of those who possess them—and there are other weapons that can be used equally stupidly. Crime will still be committed whether the criminals have access to firearms or not. As the member for Playford has pointed out, it is not a good idea to try to make people who have been abiding by the law and who continue to abide by the law feel as if they are in some way less than adequate citizens just because of their interest in things which have been whipped up by the media irrationally, emotively, without good purpose and without any consequence of benefit to society in the process.

I invite any journalist or any honourable member to accompany me any time to visit anyone of the several clubs of which I am a patron anywhere in my electorate or, for that matter, anywhere in South Australia, and I am sure the members for Florey and Playford would do likewise, so that

the fear they have of these people will be allayed: they will see that they are normal, reasonable humans. I commend the motion to the House.

Motion carried.

AUTOMOTIVE TARIFFS

Adjourned debate on motion of Mr Scalzi:

That this House commends the Premier for his support of the South Australian motor vehicle and component industry through his stand on tariffs; and urges all members of the Senate and the House of Representatives to reject the draft report of the Australian Productivity Commission.

(Continued from 13 February. Page 982.)

Mrs HALL (Coles): One of the most substantial debates that is now in full flight and will ultimately have an enormous effect on our State concerns the future of our car industry. This has been acknowledged by a number of speakers, and I congratulate in particular my colleagues Joe Scalzi (the member for Hartley), Julie Greig (the member for Reynell) and Lorraine Rosenberg (the member for Kaurna) who have recently spoken on this critical issue. I know how deeply and directly they care for their constituents and for their constituents' jobs. In this debate nothing could be more important than the direct employment of 17 000 South Australians in the automotive industry, which represents one-sixth of our State's manufacturing activity. As the Premier has reminded us on many occasions, that number of jobs is in addition to the 40 000 indirect jobs involved in this industry.

It is unthinkable that any Australian would recommend the removal of the residual tariffs on the importation of vehicles with the objective of destroying the Australian car industry. However, the recklessness of a number of advocates indicates that, with total disregard for the economies of South Australia and Victoria, they are willing to bet our future on the success or failure of their nonsensical rationalist economic theories. In taking this ideological view, they ignore the consequence of dismantling the Australian car manufacturer, which would load up Australia's already perilous balance of payments with another approximately $8 billion annually to pay for the import of cars now made here. It would create a cascade of unemployment through the badged manufacturers down to the line of the component manufacturers that would create great individual hardship and drag down the Australian economy. It would also destroy one of our essential bases of engineering skill. In addition, it would place the Australian consumer at the mercy and whim of the pricing policies of international manufacture.

It is easy for these ideologues to claim that a tariff free Australian industry will rise to the occasion and effectively compete without protection. How can they disregard the world scene when nearly every manufacturing country effectively protects its own car industry in one way or another? The United States, at the peak of world economies and so often campaigning for free trade, enforces voluntary export restraint on foreign car manufacturers. Malaysia, home of the Proton, now appearing on the Australian market, cocoons its manufacturer with a enormous tariff of 200 per cent. A chart provided by the Federal Chamber of Automotive Industry to the Productivity Commission shows tariff barriers to completely built-up imports (CBU) are as follows: Korea, 8 per cent; Taiwan, 30 per cent; Malaysia—and I have said, it is 200 per cent on the Proton—between 140 and 300 per cent, depending on value; Thailand, 100 per cent, and on Jeeps and station wagons, 200 per cent; Indonesia, between 200 and 300 per cent; the Philippines, 40 per cent; and Singapore, 45 per cent. These are in addition to a number of other non-tariff barriers.

There is no need to go further with worldwide examples to make a case for reciprocal action before we totally dismantle our own protection. These various factors illustrate well the need for the Federal Government's response to the Productivity Commission's report to take into account both the external and internal Australian economic scene, and the external tariff levels in other countries as they are now rather than what they might be in the future. The peg of the cost to the Australian consumer that is used to hang the attack on our remaining tariff protection would be a pretty useless argument if the loss of our industries swamped our balance of payments and drove tens of thousands of our work force out of employment. The South Australian Government's submission to the Industry Commission puts this matter clearly in the following extract:

It will not matter how productive and competitive the industry is if it cannot obtain access to the growing markets outside Australia. An Australian industry which depends solely on satisfying the small domestic market has no future because it cannot earn sufficient returns to encourage and sustain a new investment.

A further extract from the submission states:

In view of the economic and strategic significance of the automotive industry to Australia's manufacturing capability and to regional economies in Australia, it is imperative that Governments have a policy stance specifically directed toward its growth and development.

This approach is complemented by submissions by the industry itself. I note the following views of the Chief Executive of the Australian Chamber of Manufacturers, Mr Allen Hanberg, as reported in an article in the *Australian* on Tuesday:

'All four manufacturers are overseas owned [and] have no allegiance to Australia', he said. 'They could easily absorb the write-off of their Australian investments, which are relatively modest in a total corporate context, and could immediately supply their distribution networks from other plants. They already actively import from various sources now the [commission's] majority draft report is giving them the encouragement and rationale to move to 100 per cent imports.'

On the same day the *Advertiser* reported, under the heading 'Unions Bargain on Car Tariffs', a proposal from the car unions that 'requires tariffs to be frozen at 15 per cent in the year 2000 until all APEC countries reduce tariffs to 30 per cent'. The dismantling of Australian tariff barriers was essentially the work of the Federal Labor Government and I must add, in all fairness, basically with the support of the Coalition then in Opposition. However, there must be some tenderness in the Labor Party's position now as it rushes in to try to capitalise on this issue.

Nevertheless, the support of the Federal and State Opposition for Premier Olsen and the State Government's position with the advocacy of the car manufacturers is welcome. The manufacturers have just recently put their case in straightforward terms to the Productivity Commission. An article in yesterday's *Australian*, referring to Mr Komori, President of Toyota Australia, stated:

'Toyota's stark view is that no-one is likely to survive if the... recommendation is implemented', Mr Komori told the commission hearing in Melbourne 'the recommendations provide no encouragement for Toyota Japan or Toyota Australia to continue to commit the essential know-how and investment required to sustain viable manufacturing operations in Australia'.

Ford Australia's President, Mr David Morgan, told the commission:

> If I got down to 5 per cent we (Ford) would have to look at the level of investment we make in new models...we would probably have a lower level investment but I believe we would still be producing here.

Mr Morgan further said that Australia's trade deficit would blow out by $10 billion a year if domestic car manufacturers switched to imports.

Debate adjourned.

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

STATUTES AMENDMENT (SUPERANNUATION) BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

SOUTH AUSTRALIA CENTRAL

The Hon. DEAN BROWN (Minister for Information and Contract Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. DEAN BROWN: South Australia's high profile reputation in the information technology industry has received a further boost with my announcement today of a new centralised South Australian web page promoting South Australia through the Internet. The web page, to be known as South Australia Central, provides a coordinated entry point to South Australia for Internet users anywhere in the world.

South Australia Central brings together information about South Australia and the services available from Government, business and various community groups, particularly those involved in tourism-related or export-oriented activities and community groups. This new web site will mean that anyone, anywhere in the world, looking for information about our State will be able to find what they need from this one Internet entry point.

If I can give an example, having just launched this: people in New York are able to access information about the Flinders Ranges, find out what tours and travel are available, and actually book their accommodation and tours on the Internet, and pay for it there and then. Equally, you could be sitting in London and actually looking at what real estate is available in South Australia, either through the real estate display centre or through the *Advertiser's* classified advertisements. This initiative has local, national and international application.

South Australia Central is another vehicle being used by the Government to open up our State to the world. The information available on the web site will continually be updated to provide the best possible service to users. The South Australian Government is continuing to deliver on its commitment to ensure that South Australia is an information enabled society. South Australia Central now has a key role to play in that. I encourage businesses and community groups in South Australia to become involved in South Australia Central as a central access point for all South Australian services and information on the Internet. If individual companies wish, I ask them to actually contact Mr Rob Debelle at the Department of Information Technology Services (DITS), who will make available an entry point for their information on the Internet.

This initiative is a precursor to the Government's providing a further range of specific Internet services including, finally, electronic bill paying. It confirms that the Government's IT 2000 vision for South Australia is well and truly on track. For those members of the House of Assembly who are able to use a computer and access the Internet, the address where they can get that information is: WWW.SA Central.SA.GOV.AU.

QUESTION TIME

SCHOOL COMPUTERS

Mr FOLEY (Hart): Will the Minister for Information Technology and Contract Services advise what is the nature of the agreement between the Government and the three companies selected to supply computers to State schools; how were these prices negotiated; and why were two companies on the Government's preferred supplier list excluded from this deal? The Opposition has been informed that the Government's list of preferred suppliers of computers includes Protec, Lodin, Microbits, Fujitsu and IBM. The Government has announced that it will provide subsidies to schools to purchase up to 10 700 computers at fixed prices from Protec, Lodin and Microbits but has deliberately excluded Fujitsu and IBM.

The Hon. DEAN BROWN: As I indicated to the House yesterday, in September 1995 the Government went out to the computer industry and invited a range of companies to provide details for the supply of PCs (personal computers) to the Government. We went through a full tendering process, which was under the control at that stage of the Office of Information Technology (then to become the Department of Information Industries). It was then up to individual agencies to select whichever computers they desired out of the panel of five. It then became the responsibility of the Department of Education and Children's Services to do that.

Therefore, I will need to go to the Minister for Education to get the exact detail to answer this question, because it was his department, not the Department of Information Technology Services, that went through the process of selecting these companies and negotiating the service agreement with them. I will obtain that information from the Minister and bring back a reply to the House as soon as possible.

However, I stress the fact that any Government agency could legitimately go to any of the five suppliers on the list and select from them. I believe I answered yesterday one of the key questions that the honourable member has now raised, which is: why go to three and not the five? As I understand it, the three had agreed to put together an identical machine-computer—and therefore the same computer would be in all the schools, and the benefit of that would flow to South Australians in terms of putting together these computer components in South Australia and creating 40 jobs here. I would have thought that the honourable member would congratulate us for creating jobs and benefits for South Australian companies. However, I stress the fact that the exact detail of the process was the responsibility of the Minister for Education in another place, and I will obtain that information.

SMALL BUSINESS

Mr ROSSI (Lee): Can the Premier explain how small business in South Australia is responding to recent initiatives to stimulate economic development in the State?

The Hon. J.W. OLSEN: Small business clearly is the lifeblood of the economy of South Australia, the major employer of South Australians; and, indeed, it is small business which has been doing it tough for an extended period. They, of all people, want a rejuvenated economy and a capacity to be able to expand and grow. That is why this Government has reduced the cost of electricity to small businesses by something like 34 per cent in the course of the past few years.

Greater retained earnings in those small business operations will give them an improved capacity to install plant and equipment to modernise their production techniques and to employ more young South Australians. That dovetails with the policy in terms of our youth employment strategy which was released just before Christmas. Under that policy, we are absorbing some of the costs of operating small businesses in South Australia, particularly if they want to employ a school leaver from last year or someone who has been unemployed for more than two months.

As I have mentioned during Question Time this week, there are some encouraging signs. Further indication of that can be seen in the small business index. It has not been reported to date, but it is encouraging. It shows that there is strong expectation of an increase in the work force. In fact, South Australia ranks ahead of every State in the expectation by small businesses of being able to add to employment during the current February to April quarter. That means that South Australia ranks among the highest in Australia—higher than Victoria, Queensland and New South Wales in expectations and prospects for small businesses, as they see it.

That is where some policies are beginning to work. They are not only reducing the cost of operation by electricity but they are reducing the cost of employing people and underpinning economic recovery by giving encouragement to the housing market in South Australia. First home buyers are being given the opportunity to purchase. As I have mentioned, there is no greater generator in the economy than that because, if you are purchasing a house, a whole range of goods and services are also purchased to underpin it. That radiates out, like dropping a stone into a pond, to other sectors of the economy linking other people to that rejuvenation.

Only a fortnight ago, I visited the southern regions and met a number of people at their expo. A number of small business people indicated to me that they were seeing the first signs of improving prospects with an increased inquiry rate. As the Housing Industry Association has indicated, a 57 per cent increase during the month of January in building approvals must augur well for the next three to six months in South Australia. The Deposit 5000 scheme has been very successful with almost 900 people having already qualified under that scheme. That is nearly 1 000 people who will purchase a home who otherwise would not have had the opportunity to do so. All in all, the signs are encouraging. We have much more to do to rebuild and reinvigorate the economy of South Australia. The only impediment is members opposite who do not want confidence in South Australia to pick up. the Opposition—

The Hon. M.D. Rann interjecting:

The Hon. J.W. OLSEN: I can tell you what the Leader of the Opposition wants to do. He wants to wrap up South Australia in a nappy and rock it to sleep. That is what he wants to do for South Australia. The Leader of the Opposition might want to do that for base political reasons, but that is not good enough for this Government. We will pursue policies unperturbed by the sideshow of members opposite to ensure that we reinvigorate, rejuvenate and rebuild the economy of South Australia. In that process, as these statistics work their way through the economy, as small businesses start to pick up and employ more, we will prove—

Ms Stevens interjecting:

The Hon. J.W. OLSEN: Yes. I can tell the member for Elizabeth that we will see this happen, because the way in which building approvals will work for the economy during the next three to six months will demonstrate clearly that we are on the road to recovery and to fixing up and managing your debt.

Mr Clarke interjecting:

The SPEAKER: Order! If the Deputy Leader could contain himself, I will call his Leader.

SCHOOL COMPUTERS

The Hon. M.D. RANN (Leader of the Opposition): Will the Minister for Information and Contract Services assure the House that the deal under which three preferred suppliers will supply schools this year with up to 10 700 computers at fixed prices does not contravene sections 45 and 45A of the Trade Practices Act?

Members interjecting:

The Hon. M.D. RANN: Just wait for it. We know how good you are at tenders as well as stabbing people in the back.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: The Government has selected three companies from a list of five preferred tenderers to supply eight computer configurations to schools at fixed prices. The Opposition has received complaints alleging that three preferred suppliers colluded to offer identical prices and that local suppliers can supply equivalent or better computers and warranties at lower prices. One large metropolitan—

Members interjecting:

The Hon. M.D. RANN: Mr Speaker, it seems the Brown faction is trying to protect him from the Olsen faction.

The SPEAKER: Order! The Leader should just explain his question, or leave will be withdrawn.

The Hon. M.D. RANN: One large metropolitan high school obtained comparable units for less than $1 000 per unit by ordering in quantity, and this school has decided to forgo the subsidy as it is cheaper to go without the subsidy.

The Hon. DEAN BROWN: If that is the case, I ask those companies why they did not win the tender originally when the Government tendered this back in 1995. That is the obvious question.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: Well, that was 18 months ago but, in fact, the panel had a fixed term to it. The Government went out through a tender process which was approved by the Supply and Tender Board and with which there was direct consultation. That is very important, because any major supplier of computers to the Government must be approved by that body. So it was involved in the original—and I stress

'original'—panel tender in 1995, which was a term tender. If these companies had equipment that could match the specifications and could be supplied for $1 000, why did they not tender when it went out to tender? That is the real question. Why have they come along after the tender and put it in?

Members interjecting:

The Hon. DEAN BROWN: I do not believe that any company would supply the type of equipment, together with services for three years and warranties, and meet the appropriate standard (AS9000) for maintenance for $1 000. If it did, we would have accepted that tender as part of the panel. The fact is that it went out to a panel tender and we selected the five best bids under that panel tender

WATER AND SEWERAGE RATES

Mr MATTHEW (Bright): Will the Minister for Infrastructure clarify the facts in relation to water and sewerage rates paid by Adelaide residents? Yesterday, Australian Democrats Senator Meg Lees issued a statement claiming that Adelaide residents paid approximately four times as much per capita for water and sewerage rates than do residents of any other city.

The Hon. G.A. INGERSON: Yesterday, Senator Meg Lees claimed that Adelaide residents were paying four times the price, and this is totally misleading and horribly embarrassing for the Senator. Using the figures tabled by the Commonwealth Grants Commission, Ms Lees has claimed that per capita Melbourne pays $28, Sydney $19, Perth $14 and Adelaide $107. These figures are completely false. They suggest that they provide the indication of all costs to consumers. These figures have nothing to do with the cost of water at all. It is a pity that the Senator did not bother to read the Grants Commission report which states that the figures represent the net impact on State budgets of trading enterprises providing metropolitan water, sewerage and drainage. The table used by Senator Lees as the basis for making her claim does not refer at all to water prices. However, it does show that SA Water makes the greatest contribution to the State budget per capita from its metropolitan water and sewerage operations of all other States. It is the most efficient organisation in Australia. That is what this report shows.

The interesting thing is that Senator Lees did not bother to quote the figures for the Northern Territory, the Australian Capital Territory or Tasmania, because those figures show, according to this report, minus $16 for the Northern Territory, minus $1.60 for the ACT and minus $2.56 for Tasmania. Using her rationale, she is suggesting that the water authorities in those capital cities are paying their customers to drink water. That is the nonsense she is speaking. She is saying that in the Northern Territory, the Australian Capital Territory and Tasmania the Governments are paying people to drink the water. That shows how nonsensical the whole exercise is.

The facts are as follows: according to SA Water's 1996-97 figures, the cost for Sydney is $541; for Adelaide, $543; for Melbourne, $583; and for Perth, $585. These figures are based on 250 kilolitres of water per year, which is the average use of any household and the average residential property sewerage charge across Australia in those cities. It clearly slows that Adelaide has the third lowest price of the four capital cities. The figure for Brisbane is unfortunately not available in the short term, but the figure for South Australia is the third last at $2 higher than Victoria, $40 lower than Melbourne and $43 lower than Perth.

It is absolute nonsense to suggest that South Australia is doing it. Is Senator Lees, along with the shadow Minister for Infrastructure, the member for Hart, saying that we ought to be running down our infrastructure, having low quality water and having the poor services that we had under Labor? In the last two full years of Labor, we had a $70 million loss—

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: Under three years of Liberal Government, we have had a $199 million turnaround and $100 million contribution to the budget.

Mr Foley interjecting:

The Hon. G.A. INGERSON: It is right. The honourable member can shake his head but, if he listened carefully, he would hear that I said that, in the last two full years under Labor, there was a $70 million loss as far as the Labor Party was concerned. This Government has turned around the water contribution by $170 million in that period. We are now contributing to the budget instead of wasting it, as did the previous Government.

Members interjecting:

The SPEAKER: Order! The member for Hart is a retiring member: I do not want him disrupted by interjections.

EDS BUILDING

Mr FOLEY (Hart): Has the Premier been exploring options to break or change the 14 October 1996 agreement for the EDS building on North Terrace which was signed between the former Premier and builders Hansen Yuncken and which commits the Government to a 15 year lease for the full 11 storey office building, and has the Premier been advised as to what extent the Government would be liable for compensation to the builder if it was either to break or to change the agreement? The Opposition has a copy of a letter from the former Premier to Hansen Yuncken on 14 October 1996.

The Hon. J.W. Olsen: That is pretty old; it has—

Mr FOLEY: It has been out—

Members interjecting:

The SPEAKER: Order! The member for Hart.

Mr FOLEY: The Premier is right: it has been out for some time. The Opposition has a copy of a letter from the former Premier to Hansen Yuncken dated 14 October 1996 and tabled previously in this Parliament from leaked sources within the Liberal Party outlining the agreement by which the Government has agreed to take on a 15 year lease for the whole of the North Terrace building and sublet part of the building to EDS. Four days later on 18 October Hansen Yuncken signed an agreement in Perth to purchase the site on North Terrace.

The Hon. J.W. OLSEN: In this place we have a Standing Order that provides that repetition is out of order. Over the past couple of years we have had from the member for Hart repeated questions on the subject of water, and now it looks as if we are to have repeated questions on the EDS contract. It does not matter how many times the question is asked, you are going to get the same answer. Obviously, the member for Hart has not been watching television in recent times or listening to radio or reading newspapers, because this question has been asked *ad nauseam* by the media in press conferences that I have had over the past three or four weeks. The answer to the member for Hart in the Chamber is the same answer that has been given to the media every day for

the past three or four weeks, that is, this matter is receiving Cabinet consideration.

STATE TAXATION OFFICE

Dr SUCH (Fisher): Will the Treasurer indicate what action the Government has taken to reduce costs and improve customer service at the State Taxation Office?

The Hon. S.J. BAKER: I am pleased to report that the State Taxation Office does provide a good service; it is an efficient and effective office. In the latest list of its achievements, including improved compliance, is the introduction of the Taxation Information Money by Electronic Return (TIMBER) system, which is the first of its type in Australia. The system was under trial between October and December 1996 and worked exceptionally well. It allows banks, conveyancers and solicitors to do the stamping of documents and the paying of conveyance transactions by electronic means. They can have their documents through electronic means and they can also pay fees by direct debit to their bank accounts. This is something new to this State but, importantly, it allows us to provide this service on a much wider front.

In terms of where TIMBER is today, it offers a number of advantages which are well recognised by the industry and which I hope will be well recognised by this House. The benefits of TIMBER include:

· convenience of self assessment on 38 instruments;
· automated calculation of stamp duty and Lands Title Office fees;
· payments of stamp duty and Lands Title Office fees;
· secure electronic lodgment of data to the State Taxation Office;
· no cheques—all payments made by direct debit;
· increased efficiencies over settlement times;
· minimal attendance at the State Taxation Office.

In fact, instruments can be assessed, queries answered, money paid and documents stamped, and no-one has to expend any shoe leather in the process. We see this as quite a breakthrough. It means we can do things far more efficiently and effectively than we have ever done before. It has ramifications for some exciting developments in all forms of revenue collection which, I am sure, will be appreciated by members of this House.

I pay tribute to the Taxation Office because this has been an in-house development. TIMBER works exceptionally well and I am sure it will be picked up by other jurisdictions interstate because it offers so much scope for efficiencies and prompt payment. It will be a major development which can extend itself into a whole range of other areas. I congratulate the State Taxation Office on this initiative.

FINANCE MINISTER

Mr CLARKE (Deputy Leader of the Opposition): My question is directed to the Premier. What are the terms of reference of the independent inquiry by Mr T.R. Anderson QC into the allegations about the conduct of the member for MacKillop?

The Hon. J.W. OLSEN: The Deputy full well knows that the Crown Solicitor has commissioned the services of Mr Anderson.

UNEMPLOYMENT

Mr MEIER (Goyder): Mr Speaker—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! Standing Order 137 will release someone in a minute. The member for Goyder has the call.

Members interjecting:

The SPEAKER: Order!

Mr MEIER: My question is directed to the Minister for Employment, Training and Further Education. What is the State Government doing to help overcome unemployment in regional areas?

The Hon. D.C. KOTZ: I acknowledge the honourable member's tireless efforts particularly in regard to job creation which he has assisted in his electorate. The Government is aware of the problems faced by country communities in attracting youth and holding them at home due to the lack of real career prospects in their local areas. The member for Goyder recently joined me in launching the $300 000 State Government employment initiative Regional Job Exchange, which we opened in Kadina on Yorke Peninsula and at Blyth in the Mid North.

The program is part of the State Government's $30 million youth employment strategy announced by the Premier late last year. Three job exchanges, each receiving $100 000 from the State Government, will be set up this year, as members have heard: one in the Copper Triangle and another in the Mid North, and the next will be in the Riverland. These exchanges will actively seek out businesses in their regions and determine the labour needs. There will be a focus on addressing seasonal shortages of labour during peak periods.

The job exchange also will seek out unemployed or casually employed people who are looking for work and match them to suitable employers. The beauty of this program is that the employers do not need to worry about paperwork—such as WorkCover, employee forms, payroll procedures or guaranteeing minimum hours when employing casual staff—which has always been an extreme consideration for employers and which has prevented regional employers from taking on casual staff in the past. Under this scheme they simply pay a negotiated fee to the job exchange and it takes care of the rest. The people registered with the job exchange will have the opportunity to obtain paid work and valuable experience in many different areas which will greatly improve their long-term opportunities for employment. The job exchange will target 400 casual workers and unemployed people over the next two years, including 200 young people aged between 15 and 25 years.

Another way the Government is assisting regional areas is through the recently announced Community at Work initiative, whereby the State Government will provide grants of up to $20 000 to community projects which increase employment opportunities by improving business performance. I am pleased to advise the House that already we have received 47 applications for funding for a range of projects and that 60 per cent of these will take place in the regional areas of our State. This Government remains committed to providing real jobs for people in regional areas and to ensuring that our vital rural communities continue to have a strong and productive future.

FINANCE MINISTER

Mr CLARKE (Deputy Leader of the Opposition): Has the Minister for Industrial Affairs now been interviewed by the police Anti-Corruption Branch—

Members interjecting:

The SPEAKER: Order!

Mr CLARKE: —in relation to its investigation into allegations about the conduct of the member for MacKillop; and, if so, has he told them why he dismissed the honourable member from his Cabinet in December 1995? The Leader of the Opposition met with the head of the police Anti-Corruption Branch—

Members interjecting:

The SPEAKER: Order!

Mr CLARKE: —late yesterday afternoon and provided Commander—

The Hon. G.A. INGERSON: I rise on a point of order, Mr Speaker. The Minister for Industrial Affairs is not responsible for police actions.

Members interjecting:

The SPEAKER: Order! I do not want any further interjections. It is entirely up to the Minister whether he responds and to which part of the question he responds. Obviously he will not respond to those areas that do not come within his portfolio and will allow the appropriate Minister to do so. Has the Deputy Leader of the Opposition completed his explanation?

Mr CLARKE: Yes, Sir.

The Hon. DEAN BROWN: The answer to the question is 'Yes', and I have no further comment to make at all.

MURRAY RIVER IRRIGATION

Mr LEWIS (Ridley): My question is directed to the Minister for the Environment and Natural Resources. What steps are being taken to make more water available for irrigators in our part of the Murray Valley, and what arrangements are being set up through negotiation with upstream States for the possible transfer of extra water into South Australia to further develop our wine and horticulture and freshwater aquaculture industries?

The Hon. D.C. WOTTON: I know that this matter is of particular interest to my colleagues who have electorates that rely very heavily on the Murray River for irrigation purposes, and for all South Australians who rely on the Murray in so many different ways. I am happy to inform the House of a landmark agreement which has resulted in the first interstate trade of water allocation into South Australia. This interstate trade agreement represents one of the biggest steps forward in the provision of water for this State over and above our allocation. This interstate trade is made even more vital by the recent landmark decision by the Murray-Darling Basin Ministerial Council to place a cap on the amount of water that can be taken in each State from the Murray. As I have reported previously to the House, I consider that to be one of the most important steps to be taken by the Murray-Darling Ministerial Council and the commission since the commission was first established. The cap means that each State, and particularly South Australia, will be guaranteed a minimum flow of water down the Murray, which is good news in the fight against the build-up of silt, salinity and blue-green algae.

There are limits to the amount of water which can be used by irrigators within the basin. As a result, South Australia has been negotiating for growers to be able to buy in supplementary water from unused and underutilised allocations interstate. The first milestone reached followed negotiations with a property owner in the Murrumbidgee irrigation area in New South Wales to sell 400 megalitres of water on a one-year trial basis to a vegetable grower near Mannum. All going well, this will act as a precursor to permanent trade between irrigators along the Murray in the three States.

It is worth noting that South Australia was the first State to introduce trade in water allocations within the State back in the early 1980s. Since that time, more than 10 per cent of the total water allocations along the Murray have been traded. This has resulted in a massive growth in the agricultural output from the local Murray region. Travellers through the Riverland region will have noticed the vast areas of new plantings of a range of irrigated horticultural crops. Properties capable of generating a higher return have been able to purchase water allocations from within this State and build up irrigated plantings. The boom in wine grape plantings is very obvious, but there has also been a dramatic expansion in vegetable plantings, citrus and stone fruits.

In conclusion, I make the point that this new trading regime not only ensures that we will be able to keep sufficient environmental flows in the Murray, which is vitally important, but also we will be able to supplement our economic water allocation and further develop the potential for horticulture, export and employment opportunities along the length of the Murray River.

PEST CONTROL OPERATORS

Ms HURLEY (Napier): Will the Minister for Health explain the actions of the South Australian Health Commission, who, as has been alleged in a telephone conversation with lawyers representing Lawlors Pest Control Pty Ltd, confirm that pest control operators Global Pest Control and A1 Advance Pest Management were not licensed by the commission and that, rather than taking enforcement action or imposing a penalty against the operators, the commission intends to remedy the situation by issuing the relevant licences to Global and A1? The Opposition has a copy of a letter dated 22 February 1997 from the lawyers acting for Lawlors Pest Control Pty Ltd, addressed to Dr Kerry Kirke outlining the allegations to which I have referred.

The Hon. M.H. ARMITAGE: I am not sure of the letter to which the honourable member refers but, as I have indicated previously, the simple fact is that whether a pest control company, for instance, has sprayed enough chemical is a matter of occupational licensing rather than a matter for the Health Commission. That has been discussed with the Minister for Consumer Affairs, the Minister for Housing and myself as Minister for Health.

As I am unaware of the specific matter to which the honourable member refers, I will obviously get a report on it. The Health Commission is responsible if too much chemical is sprayed. If not enough is sprayed, that is a matter for occupational licensing, and that is the direction that we are exploring.

ORGAN DONATION

Mr LEGGETT (Hanson): Will the Minister for Health advise the House as to any indicators which show the impact the organ donation agency is having on the rate of organ donations in South Australia?

The Hon. M.H. ARMITAGE: I thank the honourable member for his question about a particularly important issue for people around Australia, but certainly within South Australia, as this State is now leading the nation in its innovative approach to promoting organ donation. In 1996

the Government established the organ donation agency to adapt and apply the Spanish model of organ donation and procurement to South Australia following a select committee, and I thank all the members of the select committee of the Lower House.

The agency became operational in July 1996 and, very interestingly, the first set of comparable data is now available. These figures show, first and most importantly, an increase in organ donors. In the first six months of 1996, prior to the organ donation agency being operative, there were eight organ donors. In the second six months of 1996, there were 20 organ donors. The figures also show an increase in the number of actual organs retrieved for donation. Compared with 1995, 1996 saw a 21 per cent increase in the number of organs utilised up to 137, and all this adds up to an increase in the organ donation rate.

In 1996, our organ donation rate increased from 15 donors per million to 17 donors per million, the national average being 11 donors per million, and that is appalling. Accordingly, there is a lot of interest in other States in what we are doing. The head of the organ donation agency, Professor Geoffrey Dahlenberg, is visiting Melbourne this weekend to assist Victoria to explore the application of the model in that State. We have confirmed our position as the national leaders in organ donation, which will obviously have huge flow-on effects for people around Australia.

Our leadership role has been recognised in the recent decision to establish the national headquarters of the national organ donation centre, called Australians Donate, in Adelaide. It is important for a number of reasons that we do share our experience with other States and Territories, not only because of the thousands of people waiting for organ donation whose lives will be improved dramatically by the receipt of such organ donation: if the Australian national rate, which is 11 donors per million, were increased to South Australia's 1996 rate, the savings to the health budget over five years, from the organs retrieved from 1996 donors alone, would be $27 million.

So, the lives of hundreds and thousands of people around Australia can be improved by organ donation. I assure those who are waiting—and their families and friends—that, through the organ donation agency, this Government is working hard to encourage organ donation so that their needs will be met.

PEST CONTROL OPERATORS

Ms HURLEY (Napier): My question is again directed to the Minister for Health. What action is the Government taking now in relation to improper practices which it is alleged are taking place in sections of the pest control industry involving unlicensed operators? The Opposition has a copy of a letter from Lawlors Pest Control Pty Ltd to the South Australian Health Commission in which it is alleged that on 6 February this year the company Global Pest Control treated a new house in steady rain. It is alleged that the operator was spraying into trenches which were already partly filled with water and that there were pools of water between, with runoff occurring.

The letter further alleges that the operator from Global Pest Control said that to compensate for the rain he had doubled the strength of the termiticide. Industry sources have confirmed that this is an illegal operation, as it is in direct contravention of the label instructions for the dispensing of the termiticide as directed by the National Registration Authority and, therefore, a health risk, I would have thought.

The Hon. M.H. ARMITAGE: That clearly demonstrates the exact point of what I have been saying. If there is an increase to a level that is outside the parameters, that is a health matter and, obviously, the Health Commission is looking at it. If it is a matter that is underneath the required termiticide level, that is a matter for occupational health licensing. Obviously, the Health Commission, through the Public and Environmental Health section, is doing everything that is required of it under the present legislation, just as it was doing under the previous Labor Administration. The Government is moving to make sure that people who use inadequate supplies suffer an occupational licensing penalty.

YOUTH PROGRAMS

Mr BASS (Florey): Will the Minister for Infrastructure advise the House of the latest youth initiatives being undertaken by police in the northern suburbs and also briefly outline other youth initiatives being undertaken by the South Australian Police?

The Hon. G.A. INGERSON: Similar to the processes that have occurred in the southern suburbs, the police are working with a whole range of community organisations in the northern suburbs to make sure that when youth disturbances take place we set in train a whole range of issues. First, we need to make sure that the issue of control and staying within the law is observed. Secondly, it is important that we work with these young people to see whether we can help them to change some of their ways and look at some of the reasons that have caused their actions. That is happening with community groups in the northern areas.

In the south exactly the same thing has occurred. Unfortunately, what is happening at the moment is that there seems to be a prevalence of groups in the northern areas of our city that want to take on groups in the south. In fact, there seems to be a changeover of issues almost weekly, where one week there is a bit of a break-out in the south and the week after there is one in the north. The police are working with a whole range of community groups to try to sort out the problem and get us back to a situation where there is reasonable behaviour within the community. Most importantly, though, is the long-term ability of the police to work with the community to help these young people solve their problems.

QUEEN ELIZABETH HOSPITAL

Ms STEVENS (Elizabeth): Does the Minister for Health acknowledge the concerns of the Chairman of the Queen Elizabeth Hospital Medical Staff Society expressed in the February edition of the society's newsletter? In the editorial of the February edition of the newsletter the Chairman, Dr Chris Rowe, says:

> Pessimism over the future of the Queen Elizabeth Hospital persists throughout the medical community and is causing difficulties in the recruitment of staff at all levels.

The editorial further states:

> After 2½ years we are yet to see a basic statement of requirements, let alone resolution of the fundamental questions of the form and extent of privatisation.

The Hon. M.H. ARMITAGE: I am sorry if Dr Rowe is pessimistic about the future of the Queen Elizabeth Hospital, because the Government is not. We have been very strongly in favour of the Queen Elizabeth Hospital since we came to

Government. The member for Elizabeth may or may not remember that, faced with the debt which her Party created, the Government asked for an independent audit, which gave a number of recommendations in the health area. One of those recommendations was that the Queen Elizabeth Hospital should be made into a cottage hospital. I know that had been the Labor Party's plan for the Queen Elizabeth Hospital for some time. It had not done it, but that was the fact of the matter; that was its plan. We rejected that plan.

We wanted to maintain the Queen Elizabeth Hospital as a major teaching tertiary referral centre in South Australia, in the metropolitan area. We have done that. We established a new cardiac investigation laboratory not long ago. The member for Elizabeth was not there, but she may be interested to know that Professor John Horowitz, who is a leading figure in cardiology in Australia, in responding on behalf of the staff, said that it was a fabulous day for the Queen Elizabeth Hospital and that it was the first indication of support from the Government in a decade.

I understand that Dr Rowe is attempting to make time to meet me, and I very much look forward to meeting with him, because I will be able to go through all this again. I believe that Dr Rowe is in receipt of all of this information from the past—I would be surprised if he was not, because it has been around in the hospital for a long time. However, I assure Dr Rowe, and I assure the people in the western suburbs who are in any doubt about the future of the Queen Elizabeth Hospital, that it has a rosy, glowing future under this Government. There is absolutely no doubt that under this Government the hospital will be where it should have been, but where it was not, after a decade of Labor Party neglect.

WOMADELAIDE

Mr CONDOUS (Colton): Will the Minister for Tourism inform the House how the State's tourism industry will be affected by the Womadelaide music festival to be held this weekend and give an indication of the number of interstate and overseas visitors expected to attend the event?

The Hon. E.S. ASHENDEN: Womadelaide will have a very positive effect indeed on the tourism industry in South Australia. This year's Womadelaide festival is predicted to have sales well in excess of any previous year, which will result in considerable money spin-offs for the tourism industry here. It is expected, for example, that there will be more than 5 000 interstate visitors purely and simply because of Womadelaide. Half of those visitors are expected to be here for at least five nights. The target for the event is to achieve sales goals for those attending of between 60 000 and 65 000, which is, I am sure we would all agree, a substantial number. One of the impressive things about the figures is that in 1992 only three out of 10 of those attending purchased weekend passes. This year it will be eight out of 10. In other words, people are indicating that they do not want to go just once, they want to go a number of times, and that is proof positive of the way in which this function is being received in Adelaide.

The South Australian tourism centres, Venture Holidays and Advanced Tours have all indicated very strong interstate ticket and package sales, and Qantas has, because of its 50 per cent discounts, very large numbers of bookings for interstate tourists to come to Adelaide. In a survey, past visitors for the Womadelaide festival indicated that they had never before visited Adelaide and that they were coming to Adelaide because of the festival. In other words, a large number of interstate visitors are coming to Adelaide for the first time specifically for the festival, but they are indicating that they will stay for at least five nights. They will have the opportunity to realise just what a great place Adelaide is and what a great State South Australia is. Given the way that this is growing and the way that its fame is spreading, I have no doubt that in future years there will be even bigger and better spin-offs for the Adelaide tourism industry.

PARKS HIGH SCHOOL

Mr De LAINE (Price): Has the Premier honoured his promise to review The Parks High School closure; when will the Premier give me an answer on its future; and will the Premier give an assurance that this matter is fully dealt with before any announcement is made in relation to the suggested sports institute at The Parks? Following a meeting with a delegation I led from The Parks High School community prior to Christmas, the Premier gave an undertaking that he would review the decision to close the high school and let me know the outcome. I am still waiting for an answer.

The Hon. J.W. OLSEN: I indicated to the honourable member that the matter would be reviewed. It is being reviewed, and it is being given consideration.

SOUTH AUSTRALIA CENTRAL

Ms GREIG (Reynell): Will the Minister for Information and Contract Services advise the House of the benefits for South Australians resulting from today's launch of the South Australia Central Internet site?

The Hon. DEAN BROWN: I will enlarge on what I said in my ministerial statement. I appreciate the fact that the member for Reynell is one of those who use the Internet and will therefore benefit significantly by the launch of South Australia Central. I stress the fact that this is regarded as the best Internet site of all the States of Australia.

The Hon. M.D. Rann: Of the world?

The Hon. DEAN BROWN: No, of any of the Australian States, but it is regarded as one of the best designed sites that you can find anywhere in the world. I stress that the important thing is that so much information will be available about South Australia, particularly in areas such as tourism, people in other countries who are thinking of travelling to Australia will now be able to obtain detailed information about tourist attractions in South Australia, accommodation and package tours, and actually book their accommodation and pay for it.

Ms Stevens interjecting:

The SPEAKER: Order! The member for Elizabeth has had a fair go.

The Hon. DEAN BROWN: The South Australian Government has encouraged and given some assistance to the wine industry to put information about South Australia's wines onto the South Australia Central site so that the wine regions of South Australia can be identified, as well as the companies involved, the different varieties of wine, and information about wine and tourism. The wines available from each company will be listed and, if those companies wish to participate, people will be able to buy wine through the Internet. Again, this is part of making sure that the South Australian community has available the best technology to market itself to the world. The CD-ROM—

The Hon. M.D. Rann interjecting:

The Hon. DEAN BROWN: The full text of what I said today in my press release about South Australia Central is

available on the Internet. I also stress that information on doing business with South Australia—it lists all the competitive advantages of this State—is now available on the Internet. So that detailed information which is contained in large books which highlight the competitiveness of South Australia is there for the rest of the world to see. It shows that South Australia, as part of its IT 2000 vision, is doing a better job than the other States of Australia, and through that is attracting additional jobs.

The real benefit from this is that much of the information that is put onto the Internet will be done in South Australia by companies that have now developed in the general area of the Ngapartji Multi-Media Centre. I will relate to the House what one of the largest international IT companies said to me earlier this week—it may even have been said to the shadow Minister opposite—and that is that the Ngapartji Multi-Media Centre is by far the best of any it has seen in Australia, and it is one of the best centres it has seen in the whole of the world.

WILPENA RESORT

Ms WHITE (Taylor): My question is directed to the Minister for Tourism. How much will taxpayers pay for the provision of ETSA supplied power to the Wilpena Resort upgrade site, and has the Government considered the use of solar power instead?

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: As the Minister responsible for the supply of this service to the Wilpena area, I can say that there are two options available: first, to run the traditional overhead electrical system and, secondly, to use solar power. We are looking at the use of solar power to determine whether that is the best option. If we believe that it is not the best option, we will use traditional power.

HOUSING TRUST TENANTS

Mr WADE (Elder): Will the Treasurer advise the House of what arrangements are in place to assist Housing Trust tenants to pay their rent and other charges? A number of tenants who are in receipt of Social Security benefits have come to me to seek assistance with reorganising their financial position. Also, some elderly people have sought my help, because they find it difficult, and at times inconvenient, to get out and about to pay their accounts.

The Hon. S.J. BAKER: I am pleased to report that the easy-pay system was introduced by the Housing Trust on 1 May 1996 through an agreement with the Department of Social Security. Housing Trust tenants or those acting on their behalf can now pay bills simply through electronic funds transfer. For example, payments are debited to the pension or unemployment benefit and credited to the account of the South Australian Housing Trust. This system has been taken up with a great deal of enthusiasm, and we are delighted with the initiative taken by my colleague. To date, some 20 000 customers use the easy-pay system with about $1.72 million worth of transactions every fortnight. The savings are considerable not only to the customers but also to the trust itself. We estimate that, over the period of a year, with the change in transactions base as a result of this new system there will be a saving of about $520 000, which is the cost of running the current system.

As the member for Elder quite rightly points out, this system has two advantages: those people who are not very mobile will not have to pay their account at the office, and those who have financial difficulties or who are always getting themselves into strife will be able to budget far better. Much of the debt of the South Australian Housing Trust is created by people who receive their unemployment benefit or Social Security cheque, spend a lot of it and fail to meet their commitments on the shelter side, that is, they fail to pay the landlord (the Housing Trust) the appropriate amount of rent. Through this process, not only will we help those who are less mobile and make it convenient for everyone concerned but also we will assist people with their budgeting. So, it is an important step for the trust. We are currently looking at ways and means to bring the remainder of the trust's clients, who are also linked with the Department of Social Security, onto the same scheme. I inform the House that the bad debt situation will improve as will convenience at the same time. So, this system is a great initiative of the Housing Trust.

HOUSING TRUST PROPERTIES

Mrs GERAGHTY (Torrens): Has the Minister for Housing and Urban Development been approached by or given authority to telecommunications companies to enter Housing Trust properties and install or use Housing Trust infrastructure to lay pay TV communications cabling? Constituents have approached me concerning claims by telecommunications companies of being given authority to enter Housing Trust properties. One constituent was told by the representative of a particular company that it did not matter whether or not the tenant wanted pay TV.

The SPEAKER: Order! I draw the attention of the media to the rules governing the televising of proceedings and insist that they be adhered to. Those responsible know what I am referring to.

Mrs GERAGHTY: One constituent was told by the representative of a particular company that it did not matter whether or not the tenant wanted pay TV, that the company had authority from the Housing Trust to install the cabling overhead or to dig up the garden if required. My subsequent inquiries have shown that Housing Trust officials are unaware of any arrangements with telecommunications companies.

The Hon. S.J. BAKER: It is news to me. I have never heard of those authorities being given and I am not sure that they would be given anyway. In terms of cabling outside the property, the first issue is whether the cable goes past the house and the second is whether the cable goes into the house. I am informed by the cabling companies, and I presume this would be for—

The Hon. G.A. INGERSON: I rise on a point of order, Mr Speaker. I bring attention to the fact that one particular TV company is ignoring your instructions.

The SPEAKER: The Chair has reminded those organisations of their requirements. The Chair does not want to have to raise the matter again. I do not want to have to resort to the penalties imposed by my predecessor, Speaker Peterson, but I will have no hesitation in doing so if the rules are in any way flouted.

The Hon. S.J. BAKER: Sir, with all those interruptions, the best way to answer the question is to say that I have not heard of an approach being made to the Housing Trust and I have not been informed about such matters. If the honour-

able member has any specific detail that I can use to follow up the matter, I will certainly do so.

GRIEVANCE DEBATE

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

Mr MATTHEW (Bright): I refer to the Public Service Association's attack on private management in this State, the successful private management of the Mount Gambier Prison and prisoner and young offender transport, and the negative, carping, unsuccessful attacks by the Labor Party in this State. It is a matter of public record and a matter of the record of this Parliament that I attempted to introduce a Bill to effect private management of prisons and prisoner transport in South Australia. It is also a matter of public record that, while that Bill was passed in this House, it was rejected in another place principally for political reasons.

Mr Foley interjecting:

Mr MATTHEW: The member for Hart may well say that he frustrated my Bill and he knows that it was his negative, foolish actions that stymied that Bill. I give him credit for that; I give him credit for being negative; and I give him credit for stymieing it. But he was not successful in stopping private management. It is also a matter of public record that I used administrative procedures to bring about the private management of Mount Gambier Prison.

It is also a matter of public record that as Minister for Correctional Services I used similar administrative procedures in relation to prisoner and young offender transport. The Labor Party did not like it, the Australian Democrats did not like it and the Public Service Association did not like it. They continually reminded me of that. They continually carped in the respective Upper and Lower Houses about it, and the Public Service Association continually put out its magazines bucketing the decision, most recently in February this year when it stated:

> The Supreme Court has heard the case presented on behalf of the PSA concerning the Mount Gambier Prison and the outsourcing of prisoner transport functions to the private company, Group 4. The basis of our case was that the Correctional Services Act does not provide for private individuals to hold prisoners in custody and that, in fact, it must be officers employed under our Act who do so.

It continued:

> Our legal advice has been that the then Minister exceeded his authority by awarding the contracts to private individuals without changing legislation to provide for this.

I am absolutely delighted at the decision last Friday of the Full Bench of the Supreme Court—three judges who have said that the Public Service Association is wrong. In saying that, they also said that the Labor Party is wrong and the Australian Democrats are wrong. It is a decision that now stands in the public record. What is more, the Public Service Association has wasted its members' money. It has to foot the costs for the legal action and that means its members have to. That is further bad news for the Labor Party, because this year is an election year and the PSA has just a little less money now to tip into the Labor Party coffers, as it will have to spend its members' money on legal costs incurred in unsuccessful legal action to tackle the sensible administrative decision that was made during my time as Minister.

Private management can now continue unhindered and the message for other companies that wish to bid for future private management opportunities in South Australia—and there will be more such opportunities—is that they can do so. It does not matter what the Labor Party does or what the Democrats do, the business opportunities will be here in South Australia.

The results also are a matter of public record. Private management has forced the Government sector to become more competitive to stay there. I have no problem with Government employees managing prisons provided that they can do it efficiently, thoroughly and in a cost competitive way in comparison with the private sector. If they can bring down their costs to the level that the private sector is able to deliver and at the standard of service delivery that the private sector has been able to achieve, I have no problem with their staying there, but the cost of keeping someone in prison has dropped significantly under this Government—by more than 27 per cent—and that is something of which I am proud from my time as Minister and of which all Government members are proud. We said before the election that we would do it: the Labor Party tried to block it, the union tried to block it and the Democrats tried to block it, but all three failed.

The Hon. M.D. RANN (Leader of the Opposition): I am pleased to hear today that the Minister for Industrial Affairs has been interviewed by the Anti-Corruption Branch. Any inquiry at any level that did not include asking the former Premier why he dismissed the member for MacKillop from the Cabinet would not have been a legitimate inquiry and I know that the police are conducting legitimate inquiries.

However, I am concerned about the Premier's response regarding the terms of reference for the Anderson inquiry. I have been asked by the Attorney-General to provide information to that inquiry—and I am willing to do so—but how can you give evidence to an inquiry when you do not know the terms of reference and when the terms of reference have not been made available to this Parliament or to the public of this State?

Certainly, last week I wrote to the Attorney-General, the Hon. Trevor Griffin, in reply to a letter from him telling him of my willingness to give information to inquiries, and on Friday I wrote to the head of the Anti-Corruption Branch, Commander Phil Cornish, and also to Mr Anderson QC expressing my willingness to give them documents and provide them with information given to me and my staff by three senior Liberals in this State.

Yesterday, I was interviewed, along with my staff member, for an hour by Commander Cornish and also by a detective sergeant. Certainly, I provided documents to the ACB, including documents not yet released in the Parliament and including information not previously revealed in the Parliament. Members must remember that this matter was raised in the Upper House by the Hon. Mike Elliott and, of course, we have asked a series of questions.

I was first given information at 6.30 a.m. on 28 November 1997. I was telephoned by a prominent South Australian Liberal who gave me information about what he believed were serious breaches of the code of conduct and also conflicts of interest by the member for MacKillop and explained that that was why the member for MacKillop would not be returned to the Cabinet until after a State election. It was interesting that I was told that Mr Baker was in contravention of the Premier's Cabinet code of conduct and was directly involved in business dealings.

Mr BRINDAL: Mr Acting Speaker, I rise on a point of order. This is obviously a matter of police inquiry and it has been the custom in this House that members do not raise matters which are the subject of legitimate police inquiry. I ask whether this is a legitimate matter for the Leader of the Opposition to pursue.

The ACTING SPEAKER (Mr Bass): I do not accept the point of order.

The Hon. M.D. RANN: Thank you, Sir. I was given information and documents in a succession of phone calls from two senior Liberals about the South-East deal involving Mr Leopold, and a member of my staff who was interviewed by the ACB was given information by a third senior liberal. The fact is that it was not just about the South-East deal.

Members interjecting:

The ACTING SPEAKER: Order!

Members interjecting:

The Hon. M.D. RANN: Why don't you ask them to own up?

Members interjecting:

The ACTING SPEAKER: Order! I will name someone in a minute if that occurs again. The Leader of the Opposition has the call.

The Hon. M.D. RANN: Thank you, Sir. The information was not just about the South-East deals. I was told by the senior Liberal that another reason for Dale Baker's dismissal was that on ministerial trips overseas he travelled through Hong Kong, where he stayed at Government expense and conducted private business.

Members interjecting:

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

The Hon. M.D. RANN: I have given that information to the ACB.

The ACTING SPEAKER: Order! The Leader of the Opposition.

Mr CUMMINS: I take a point of order, Sir, under Standing Order 127: the Leader of the Opposition is imputing improper motives and also casting personal reflections on another member of this House—all hearsay, I might add.

Members interjecting:

The ACTING SPEAKER: Order!

The Hon. M.D. RANN: Sir—

The ACTING SPEAKER: Order! The Leader of the Opposition will please take his seat.

The Hon. M.D. RANN: This is clearly a tactic to stop it coming out. That is what it is all about.

Members interjecting:

The ACTING SPEAKER: Order! If the Leader does not take his seat—

Mr Cummins: Slime bag of the first order.

The ACTING SPEAKER: Order! If it is a delaying tactic, you are contributing to it by getting involved in arguments across the floor. I remind the Leader of the Opposition about Standing Order 127 but, as the Leader's time has expired, I now call—

The Hon. M.D. RANN: On a point of order, Sir, I know that you, Mr Acting Speaker—

The ACTING SPEAKER: What is your point of order?

The Hon. M.D. RANN:—are a former police officer and would therefore understand—

The ACTING SPEAKER: What is your point of order?

The Hon. M.D. RANN:—that we have just seen—

The ACTING SPEAKER: Order! What is your point of order?

The Hon. M.D. RANN:—an attempt—

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

The Hon. M.D. RANN:—to stop me.

The ACTING SPEAKER: The Leader of the Opposition will take his seat.

The Hon. M.D. RANN: They know what I know and they know who was responsible for providing this material.

The ACTING SPEAKER: Order!

Members interjecting:

Mr Cummins: Sleaze bag.

The ACTING SPEAKER: Order!

Members interjecting:

The ACTING SPEAKER: Order!

Mr Clarke: How many times before you name one of them?

The Hon. M.D. Rann: What would it take?

The ACTING SPEAKER: Order! The member for Norwood will withdraw the comment he made.

Mr CUMMINS: Which one, Mr Acting Speaker? There were so many I have forgotten.

The ACTING SPEAKER: Order! If the honourable member does not withdraw, he will be named.

Mr CUMMINS: The description was probably accurate enough.

The ACTING SPEAKER: Will you withdraw?

Mr CUMMINS: I withdraw.

The Hon. M.D. RANN: Sir, he said that, 'Although the description was accurate, I withdraw.'

Mr Cummins: I didn't say that at all.

Members interjecting:

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

Mr CLARKE: On a point of order, Sir, the member for Norwood clearly defied your ruling in that he qualified his withdrawal and there is no provision for it.

The ACTING SPEAKER: Order! The member for Norwood withdrew the statement. The Deputy Premier.

The Hon. G.A. INGERSON (Deputy Premier): We were tipped off today about the greatest grandstand of all time. What happened? No names—nothing other than continuing sleaze.

Members interjecting:

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

The Hon. M.D. RANN: We gave the information to the police, which is more than you did and more than the Premier did.

Members interjecting:

The ACTING SPEAKER: Order! The Leader of the Opposition.

Members interjecting:

The Hon. M.D. RANN: That's right. And you had to apologise to Parliament, didn't you? You got caught out. What a bunch of phonies.

Members interjecting:

The ACTING SPEAKER: Order! I remind members that, notwithstanding that I am Acting Speaker, I know the Standing Orders and I can tell members now that, if I stand in the seat and one person opens their mouth again, I will name him or her, and that is not an idle threat.

The Hon. G.A. INGERSON: What about the prince of phonies? There could not have been a better person to get up and talk about fabrication than the Leader of the Opposition.

The Hon. M.D. Rann: I have given my documents to the police—

The Hon. G.A. INGERSON: The Leader of the Opposition in this House keeps playing games with everybody to ensure that the media come in and hear the circus of the day. What does he put on the record today? Nothing more than that which everybody in the community already knows is being investigated. The Leader of the Opposition knows full well that a full and thorough investigation is being carried out by the ACB into this whole area and, when the ACB finishes, it will go to the DPP and have it checked out to see whether there is a need for prosecution. He knows that, but what has he done today? He has gone around all the circles of the media and drummed this up as the greatest piece of theatre of all time.

What has he done? No names—nothing, just innuendo again. He puts on the record that he has some senior Liberals. Why does he not name them? Why does he not come out, stop all this nonsense and do something? Clearly, all we have is grandstanding. We saw it in Question Time. First, the Deputy Leader of the Opposition gets up and asks a spurious question and then the Leader gets up and asks another question.

The Hon. M.D. Rann: He got a 'Yes.'

The Hon. G.A. INGERSON: Of course he got a 'Yes', but how many others were involved in the whole inquiry? I do not know how many are involved because I have not been informed, but what I do know as Minister for Police is that the Commissioner has told me that there will be a full and thorough investigation into the whole issue. That is where it ought to begin. When we get to that stage, there will be a full public report to this Parliament of what the ACB has to say instead of this grandstanding so that the media of the day can see the Leader grandstanding again over the usual fabrications he goes on with. He is the prince of phonies. What do we get? We get grandstanding hour upon hour, day upon day and week upon week, just to spread the thing out. Why does he not do the right thing by the community and this Parliament and name them instead of grandstanding?

The Hon. M.D. Rann interjecting:

The ACTING SPEAKER: Order!

Members interjecting:

The ACTING SPEAKER: Order!

The Hon. G.A. Ingerson: Grub No.1.

Mr CLARKE: On a point of order, Sir, the Deputy Premier clearly was heard to describe the Leader of the Opposition as grub No.1. It is an unparliamentary term. I ask that you, Sir, uphold that ruling, otherwise we will abide by your ruling in spade loads.

The ACTING SPEAKER: Order!

Mr Cummins: You are No.2.

The ACTING SPEAKER: Order! Due to the noise, I did not hear what the Deputy Premier said. If he did make a comment, I ask him to withdraw it.

The Hon. G.A. INGERSON: I did make the comment and I withdraw it, because it is too high a rating for the grub.

Mr CLARKE: On a point of order, Sir, I got three days from this place for exactly the same type of comment that the Deputy Premier made with respect to this matter.

The ACTING SPEAKER: Order! You have made your point of order. I ask the Deputy Leader to withdraw the second comment and make no further comment.

The Hon. G.A. INGERSON: I withdraw.

The ACTING SPEAKER: Thank you.

Mr LEWIS (Ridley): During recent days I have been drawing the attention of the House to the way in which it might be possible for us to generate hundreds of millions of dollars worth of additional income from export enterprises in South Australia, falling into three categories. The first is the export of goods, whether they are from primary industries or manufacturing industries, including in those primary industries whether they are rural or mining. I have emphasised the benefits that can come from rural industries and from an increase in the manufacturing industries. Secondly, I have drawn attention to the way in which we might do better than we are currently doing in attracting tourists here. The third large category of income we can get is from overseas students. I seek leave to have inserted in *Hansard* two tables of a purely statistical nature showing the number of students coming to Australia and to South Australia from East Asia and other overseas countries.

Leave granted.

East Asian Overseas Students

	Australia					South Australia	
Country	1989	1991	1993	1995	Change 1989-95 Per cent	1995	Nat. Per cent
Japan	2 190	2 841	3 937	4 711	115	221	4.7
Korea	1 900	2 991	3 781	5 981	215	178	3.0
China	11 416	10 393	4 565	2 931	-74	88	3.0
Taiwan	937	1 954	2 749	3 924	319	91	2.3
Hong Kong	3 946	8 338	11 533	12 143	208	545	4.5
Thailand	1 664	1 470	2 343	3 533	112	91	2.6
Singapore	1 468	2 871	6 356	9 475	545	236	2.5
Malaysia	3 365	6 735	9 456	11 121	230	993	8.9
Indonesia	2 158	3 548	5 578	8 585	298	380	4.4
Vietnam	-	38	135	881	2218	72	8.2
Total East Asia*	29 044	41 179	50 433	63 285	118	2 895	4.6
Total All Countries	32 198	47 882	63 013	80 722	150	4 068	5.0

Source: DEET.
*Selected East Asia (Excludes Philippines and Brunei)

Other Overseas Students

	Australia				South Australia	
Country	1989	1991	1993	1995	1995	Nat. Per cent
UK	169	347	517	754	88	11.7
US	103	819	1 517	1 505	100	6.6
Germany	49	233	255	231	17	7.4
Pakistan	265	578	382	404	15	3.7
CIS (ex USSR)	-	-	-	137	11	8.0
Total All Countries	32 198	47 882	63 013	80 722	4 068	5.0

Source: DEET.

Mr LEWIS: I have pointed out to the House, in the course of my remarks yesterday, that we have a poor performance in attracting our share of overseas students to South Australia. Overseas students each spend in the order of $20 000 a year, not only to pay their education fees but also to pay for their accommodation, books and to live whilst they are here. All we have to do to get an extra $1 million is bring in another 50 students. The total number of students coming into Australia during the last year for which we have statistics is 80 722, which is an improvement of 150 per cent from 1989 to 1995, yet in South Australia we have managed to get only 4 000 students, which is 5 per cent of the national total. It is an abysmal performance by comparison with the way in which other States have been performing, and we need to do something about that.

I want to commend the work that has been done at the University of South Australia. I am disappointed that Adelaide University has not risen to the same challenge as in the case of the University of South Australia, which has just concluded an agreement with the Chong Bok National University, one of 10 national universities in South Korea recognised for its centres of excellence. It is important that we appreciate the great benefits that can come from this source: as I have just pointed out to honourable members, 50 extra students equal an additional $1 million. If we get 5 000 students, that is $100 million. That is a lot of money and yet we are doing nothing, it seems to me, by anything like the amount we could do.

An honourable member: What's the multiplier effect?

Mr LEWIS: It is enormous: it is 2.8:1 in multiplication times because of the additional jobs generated. It is invaluable export income. We have the infrastructure: all we have to do is bring the people here and their fees payment will further contribute to the development of better facilities for South Australians trying to get a university education. Overseas students will be paying in no small measure for an improvement in the levels of lecturing and infrastructure facilities that are available to our own students. We have nothing to lose. It is not keeping South Australian students out of schools, TAFE colleges or universities: it is providing a much better economic base for us and a much better institution for them, and it further enhances growth in the economy because, when those students go home, they remember South Australia, they buy goods from South Australian firms and they correspond with professionals in South Australia. We win—they win; it is a win:win situation and we are doing too little about it.

I commend the efforts being made but there are too few of them at this time. We need to review our present policy, because this is an easy way to get hundreds of millions of dollars extra into our economy. I will have more information on the record about that in the near future and I hope the Government heeds the point about the necessity to build up our share of the national overseas student intake.

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

Ms HURLEY (Napier): I wish to continue the remarks I was making yesterday about the proposal to put a landfill in a quarry in Medlow Road in my electorate. As I was saying yesterday, I believe that larger waste management facilities are the only way to ensure proper waste management, including recycling and proper treatment of domestic waste. The organisation involved in the Medlow Road proposal, the Northern Adelaide Waste Management Authority (NAWMA), is involved in kerbside recycling in the northern area and does an excellent job. Its aim is to reduce the amount of domestic waste going to landfill and also to recycle as much as possible. NAWMA should be aware of current trends in waste management and the requirement to minimise the amount of waste going to landfill, yet NAWMA is continuing to propose that the quarry should be used as a landfill in spite of the fact that metropolitan waste in the area should be diminishing.

In order to fill up the quarry, NAWMA is proposing, I understand, that construction waste should be included in the quarry. Concerns have been raised about proper controls on toxic waste in the dump. As I said last time, I do not believe that such a small landfill facility is appropriate at this end of the century. I query the economies of scale involved in having a number of small dumps dotted around the metropolitan area and believe that larger dumps are the only possible way to go. Secondly, I query the ability of smaller dumps to safeguard environmental considerations properly within their cost constraints; and, thirdly, I query the long-term financial viability of this project. It is an expensive exercise, first, in pursuing the application and in the process paying rent on the quarry and keeping it available; and, secondly, as to the viability of providing the proper infrastructure for that landfill facility.

The quarry is on an unsealed road which will have to be sealed. It will need infrastructure such as liners to ensure that leachate does not get through to the underground water system. It will need other major infrastructure like fire-fighting facilities, fencing to control litter and other facilities. Also, proper management will need to be provided for the control of any landfill facility that eventually operates.

I believe that, if NAWMA were to operate over a relatively small area of the northern suburbs, it would not have the financial resources and the return would not be there for it to assure my electorate and the area in general that those proper safeguards would be in place. In light of these considerations

I have indicated my opposition to the siting of that landfill facility. I do not believe it is appropriate in terms of the overall management of waste in this State, and I believe that many of these small dump proposals operating all around the place—I believe that there are at least two in the Gawler area—are not at all what we should be looking at.

A number of resident groups are in opposition to these dumps, and many people are spending their time and energy in counteracting these proposals from large waste management firms. The Government has a big role to play in getting these people together and creating a properly planned strategy now so that we do not have people running all over Adelaide and expending their money and energy in getting together petitions and pointing out to so-called technical experts the problems for locals concerning these dumps. It is now up to the Government to call a moratorium on these sorts of things and to get the Environment Protection Authority to designate suitable sites in and around the metropolitan area for larger dumps.

Mrs HALL (Coles): I rise to put the record straight. I have been maligned, and I deeply resent it. Yesterday the Hon. Mike Elliott made a series of claims based on questions which he asked and which he then answered, and found me guilty. The claims and inferences he made were utterly false and untrue, not bad for the Leader of a Party—the Australian Democrats—which has the cheek to campaign with the political slogan 'Keep the bastards honest'. Mr Elliott obviously is willing to peddle any vindictive rumour dropped into his ear by a disaffected zealot.

Mr Elliott's questions and assertions were as follows: that the Tourism Commission paid for a trip that I made to North America a couple of years ago; that the alleged payment should not have been made; was the Minister involved?; what was the cost?; where did I go?; that a departmental report should be available; that I should have used my travel allowance; and that I should be accountable.

The facts are that in January 1995 I did represent the then Minister for Tourism, Graham Ingerson, at the Australia Day promotion, Focus on South Australia, in Denver, Colorado. It was one of the places I visited during a parliamentary study tour in January and February 1995. The promotional activities in Denver centred around the main event called 'Slices of Oz—A South Australian Extravaganza', which was organised by the Australian-American Chamber of Commerce, Rocky Mountain Region.

The event and promotional activities were supported financially by the South Australian Tourism Commission and money was paid direct to the organisers in Denver. In addition to this support, a number of South Australian and Australian companies participated in the Focus on South Australia event which, among other things, included a reception featuring our magnificent wine and food products. Not one cent was paid to me—I repeat that: not one cent was paid to me—or on my behalf for my travel expenses or accommodation from the South Australian Tourism Commission budget. All my expenses were paid from my parliamentary travel allowance—I repeat that: all my expenses were paid from my parliamentary travel allowance—and from my own pocket.

All members would know, even Democrat Legislative Councillors, that a report is required from any member who uses their parliamentary travel allowance—and my report is available in the Library. In addition, I have referred to this study trip in speeches in this Parliament. Yesterday was a sad day for the Democrats—a Party that parades itself in a cloak of probity—when its Leader, without a word to me about the facts, asked questions implying impropriety on my part.

Mr Elliott will apparently tread on and besmirch anyone's reputation and not let the facts get in the way. However, yesterday was also a sad day personally for Mr Elliott, because his action was politically illiterate and abysmally incompetent. The facts about my travel were extensively detailed in my official report, to which I have already referred. I therefore have to assume that not only is the Leader of the Democrats unable to bring himself to check the facts but that he is unwilling to read the relevant material that is available to members in the Library.

I also suggest he lacks another quality: not only is he too thick to ask and too lazy to read but I believe that he will not, because of a sense of embarrassment, apologise for implications that would leave him at considerable risk if he made them outside the Parliament. Too many hours are wasted in this Parliament on useless mud-slinging. It is time the public washed the Democrats right out of the hair of the South Australian Parliament. There is only one guess about what people will say about the Leader of the Democrats: a Leader who says one thing and does another is at best uninformed and at worst a hypocrite.

ST JOHN (DISCHARGE OF TRUSTS) BILL

Received from the Legislative Council and read a first time.

The Hon. S.J. BAKER (Treasurer): 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 seeks to release St. John Ambulance Australia from trusts associated with property held by it. Part 3 of the *Ambulance Services Act 1992* authorises the Minister and the Priory in Australia of the Grand Priory of the Most Venerable Order of St. John of Jerusalem ("the Priory") to form an association for the purpose of carrying on the business of providing ambulance services. An association has been formed and incorporated under the name SA St. John Ambulance Service Inc. ("the Ambulance Service") The Ambulance Service now operates the ambulance service formerly operated by the Priory through its State Council—the St. John Ambulance Australia—South Australia Incorporated ("St. John").

Properties currently occupied by the Ambulance Service are owned by, or leased to St. John. Much of the property held by St. John is vested in St. John as a trustee of a charitable trust. The joint venture agreement provides that St. John will continue to administer, as trustee, the real property which is the subject of the charitable trust. St. John administers this property in accordance with decisions jointly made by the Ambulance Service and St. John. The Ambulance Service and St. John are seeking to rationalise properties between the two organisations.

Discussions held between St. John and the Ambulance Service have identified a number of properties that will have the ownership transferred to the Ambulance Service. Some other properties will be retained by St. John with the Ambulance Service continuing occupancy until relocated to other properties.

A difficulty arises because much of the property is held by St. John as trustee. A number of these properties involve charitable trusts involving public interests which extend beyond St. John. For example, property may have been purchased with contributions from St. John, the Government and others. In other cases, land may have been specifically donated by private individuals.

In order to deal with the properties, consideration would need to be given to the rights of parties who may have an interest in the

properties by reason of financial contributions. To obtain the precise terms of the trust, it would be necessary to inspect all documents and correspondence and the terms of all advertisements or public statements soliciting donations. It would be an enormous task to use the processes of the courts to identify the trusts and then to obtain authority to modify those terms to meet the circumstances of each case.

The possible outcomes of proceeding judicially would lead to uncertainties and delay, and there would be no guarantee that overall fairness of the result on a State wide basis could be achieved. The practical way to effect a rationalisation of the properties would be by legislation.

This Bill provides a means of discharging or replacing charitable trusts affecting property held by a St. John association. Clause 2 defines St. John association to mean the Priory, St. John or St. John Nominee (SA) Pty Ltd. This is included to ensure that all relevant property falls within the legislation.

Clause 3 provides for the preparation of a Scheme covering land in the State that is, or may be, subject to a charitable trust of which a St. John association is the trustee. The Scheme may provide for the transfer of ownership of the land and should set out the terms of any replacement trust. The Attorney-General is responsible for approving the Scheme with or without amendment. Before approving the Scheme, the Attorney-General may consult with any persons, who in the Attorney-General's opinion, have a proper interest in the matter.

On publication of a Scheme in the *Gazette*, land subject to the Scheme is discharged from all charitable trusts. Depending on the terms of the Scheme, a replacement trust could be imposed or the Scheme could operate as a conveyance of land to a nominated person. The Bill also provides a mechanism for registration of transfers effected under the Scheme.

Clause 5 of the Bill provides that the Attorney-General may require from a person who may benefit from the Scheme an undertaking to pay the costs of investigating and evaluating the Scheme.

This Bill is an important measure as it will facilitate the rationalisation of properties between St. John and the Ambulance Service.

I commend this Bill to honourable members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Interpretation

This clause provides that where land is used in the Bill it includes an estate or interest in land and that St. John association means the Priory in Australia of the Grand Priory of the Most Venerable Order of the Hospital of St. John of Jerusalem or St. John Ambulance Australia—South Australia Incorporated or St. John Nominees (SA) Pty Ltd.

The clause also provides that if land is dedicated for use by a St. John association for a particular purpose specified in the instrument of dedication, the St. John association is taken to be a trustee holding the land for the specified purpose.

Clause 3: Preparation of Scheme

This clause provides for the preparation of a Scheme by a St. John association to be submitted to the Attorney-General covering any land in the State that is, or may be, subject to a charitable trust of which a St. John association is the trustee. It also allows the Minister to request a St. John association to prepare and submit a Scheme. A Scheme prepared under this Bill must indicate in relation to land to which the Scheme applies whether there is to be a transfer of ownership under the Scheme and if the land, or part of the land, is to be subject to a charitable trust after the Scheme takes effect, must set out the terms of the trust and state whether the trust is to affect the whole or a part of the land and, if it is to affect part only of the land, specify the part of the land to which it is to apply. The Attorney-General, after consulting with any persons who in the Attorney-General's opinion, have a proper interest in the matter, may approve the Scheme without amendment or, with the agreement of the association, amend the Scheme and approve the amended Scheme. On approval of the Scheme, notice of the approval, setting out the terms of the Scheme, must be published in the *Gazette*.

The clause provides that no liability attaches to St. John, the Attorney-General or a person who has been assigned responsibilities in relation to the Scheme by St. John or the Attorney-General for an act or omission in good faith in anticipation of, or related to, the preparation, investigation, evaluation or approval of a Scheme.

Clause 4: Effect of Scheme

On publication of notice of approval of a Scheme in the *Gazette* the land subject to the Scheme is discharged from all charitable trusts to which it was formerly subject and if the Scheme indicates that the land, or a specified part of the land, is to be subject to a charitable trust, a charitable trust arises on the terms stated in the Scheme and, if the Scheme indicates that specified land is to be transferred to a specified person, the Scheme operates as a conveyance of the land to the nominated transferee.

If a person to whom land is transferred under a Scheme applies for registration of the transfer in a form approved by the Registrar-General, submits with the application the Scheme and any other document that the Registrar-General may reasonably require and pays the appropriate fee the Registrar-General must register the transfer of the land under the *Real Property Act 1886* or the *Registration of Deeds Act 1935*.

Clause 5: Costs

The costs provision of the proposed Bill provides that before investigating a Scheme the Attorney-General may require from a person who may benefit from the Scheme an undertaking to pay the costs of investigating and evaluating the Scheme. Costs payable under such an undertaking may be recovered as a debt due to the Crown.

Mr CLARKE secured the adjournment of the debate.

ASSOCIATIONS INCORPORATION (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. S.J. BAKER (Treasurer): 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 make amendments to the *Associations Incorporation Act 1985* that have been shown to be necessary during the course of administering this Act. The Act was last amended in 1992.

The principal Act was enacted and the 1992 amendments were made on the basis that, where appropriate, company law provisions should be applied to incorporated associations. This policy is reflected in these amendments in relation to the procedures for winding up of associations and a provision that will enable incorporated associations to enter voluntary administration with a view to executing a deed of arrangement with creditors. Voluntary administration is a form of external administration that was made available to companies about three years ago, but which has not previously been an option for associations experiencing financial difficulties.

In applying the Corporations Law winding up provisions there will be changes to the extent to which they are applied. The Act will continue to apply the Corporations Law procedural requirements for the conduct of an administration of the affairs of an association during the course of winding up. They include the duties and powers of a liquidator and in the main relate to paying claims of creditors, recovering assets, realising assets and distributing the surplus. These provisions of the Corporations Law will continue to apply as if contained in the Act. However, the obligations that arise for members of the committee of management and where relevant those that apply to other officers of an association, will be set out in the Act and not by reference to applied provisions of the Corporations Law.

An example is the requirement to provide a report as to affairs on the assets and liabilities of an association in a court winding up. The manner and form of accounting to be given to the liquidator will be dealt with in the Act and Regulations.

The principal purpose of amendments of this nature are to assist those who become subject to the requirements and their professional advisers.

A number of offence provisions which operate in winding up or insolvency will also now be contained in the Act. They include conduct of failing to deliver up property to a liquidator, an administrator or other person as set out in the amendments.

The offence commonly described as 'incurring debts not likely to be paid', or as now and more recently operates in the Corporations Law, 'the duty to prevent insolvent trading', is one such offence

provided in the amendments. The elements of that offence and sanctions against those involved are modelled on provisions contained in other corporate law, suitably modified to recognise the nature and activities of incorporated associations.

Consistent with the approach of setting out in the Act the offence provisions that apply to officers of associations, the making of false entries and the falsification of books, which is an offence not restricted in its operation to winding up or insolvency, will also be contained in the Act.

Many of the amendments will clarify existing requirements of the Act, simplify administrative practices or simplify aspects involved in administering the Act.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 3—Interpretation

This clause amends section 3 of the Act by substituting a new definition of 'financial year'.

Clause 4: Amendment of s. 6—Inspection of documents

This clause amends section 6 of the Act (which deals with the public inspection of documents) to allow the Commission to prevent disclosure of a person's residential address at the request of that person.

Clause 5: Amendment of s. 23A—Contents of rules of an incorporated association

This clause amends section 23A of the principal Act by striking out subsection (1)*(c)*(iv).

Clause 6: Amendment of s. 24—Alteration of rules

This clause amends section 24(3)*(b)* of the principal Act by deleting the reference to a member of the committee of the association.

Clause 7: Insertion of s. 24A

This clause inserts a new section 24A into the principal Act providing a procedure for the Court to order a variation of the rules of an association if satisfied that—

- the rules unduly limit the conduct of the association's affairs; and
- the variation is consistent with the objects of the association, will not prejudice any member of the association and is justified in the circumstances of the particular case.

Clause 8: Amendment of heading

This clause amends the heading to Division 2 of Part 4 to make it clear that the Division only applies to prescribed associations.

Clause 9: Amendment of s. 35—Accounts to be kept

This clause makes various minor changes to the wording of section 35 of the principal Act to clarify the intent of that section.

Clause 10: Amendment of s. 37—Provisions relating to auditors acting under this Division

This clause amends section 37 of the principal Act by deleting subsection (3)*(d)*. Subsection (4) is also amended to make it clear that it only refers to prescribed associations.

Clause 11: Insertion of heading

This clause inserts a new heading in Part 5 of the principal Act.

Clause 12: Insertion of s. 40B

This clause inserts a new section 40B into the principal Act applying certain parts of the *Corporations Law*, relating to voluntary administration, to incorporated associations.

Clause 13: Amendment of s. 41—Winding up of incorporated association

This clause amends section 41 of the principal Act to update the list of provisions in the *Corporations Law* that apply to incorporated associations.

Clause 14: Substitution of s. 41B

This clause replaces current section 41B of the principal Act with new sections as follows:

- Section 41B—Reports to be submitted to liquidator
  This proposed section provides for reports to be submitted to the liquidator (by the members of the committee of an association and any officer or former officer who has received a notice from the liquidator) when an incorporated association is wound up by the Supreme Court. The provision is modelled on section 475 of the *Corporations Law*.
- Section 41C—Declaration of solvency
  This proposed section provides for a voluntary declaration of solvency to be made by a majority of the members of the committee where a voluntary winding up is proposed. This provision is modelled on section 494 of the *Corporations Law*.
- Section 41D—Disclosure to creditors on voluntary winding up
  This proposed section provides a procedure for disclosure to creditors where a voluntary winding up is proposed. The provision is modelled on the relevant parts of section 495 of the *Corporations Law*.
- Section 41E—Penalty for contravention of applied provisions
  This proposed section provides that a person who contravenes or fails to comply with a provision of the *Corporations Law* applied under this Part is guilty of an offence punishable by a fine of $5000 or imprisonment for 1 year.

Clause 15: Insertion of s. 43A

This clause inserts a new section 43A into the principal Act allowing an application for deregistration of an association to be lodged with the Commission where the association has surplus assets not exceeding a value of $5000 or such other amount as may be prescribed. An application must be accompanied by—

- a declaration stating that the association has no liabilities and is not a party to any legal proceedings; and
- a statement setting out the proposed manner of distributing the association's surplus assets (or, where distribution has already occurred, setting out the basis on which that distribution was made); and
- the prescribed fee and other material prescribed or required by the Commission.

Where there are no valid rules governing the manner of distribution of surplus assets, the section provides for the manner of distribution to be approved by the Commission (having regard to the objects of the association and any relevant provisions of the rules of the association). This will principally be of assistance where the association no longer has an active membership and is therefore unable to pass new rules governing distribution.

Before an association is deregistered under the provision, the Commission will publish a notice setting out particulars of the application and inviting members of the public to make written submissions to the Commission in relation to the application. An association will not be deregistered under the provision unless the Commission is satisfied that the manner of distribution of surplus assets is or was consistent with the requirements of the Act in relation to distribution of assets upon winding up or with an approval of the Commission and that no member of the public will suffer undue hardship as a result of deregistration.

Following approval of an application, a notice will be published by the Commission advising members of the public of the deregistration and, at this time, the association named in the notice will be taken to be dissolved.

Clause 16: Insertion of Division

This clause inserts a new division specifying certain offences relating to an incorporated association that is being or has been wound up; has had a provisional liquidator appointed; is or has been under administration; has executed a deed of arrangement or is defunct or unable to pay its debts. The provisions inserted are as follows:

DIVISION 2—OFFENCES

49AA. Interpretation and application

This provision specifies when this division applies to an incorporated association and defines certain terms used in the division.

49AB. Non-disclosure

This provision provides an offence of non-disclosure in similar terms to section 590 of the *Corporations Law*.

49AC. Failure to keep proper records

This provision provides an offence of failing to keep proper records under section 39C in similar terms to section 591 of the *Corporations Law*.

49AD. Incurring debts not likely to be paid

This provision provides an offence of incurring debts that are not likely to be paid in similar terms to section 592 of the *Corporations Law*.

49AE. Powers of court

This provision provides the court with power to order that a person convicted of an offence under section 49AD is personally responsible for payment of a debt. This corresponds to section 593 of the *Corporations Law*.

49AF. Frauds by officers

This provision provides various fraud offences in similar terms to section 596 of the *Corporations Law*.

Clause 17: Insertion of s. 53A

This clause inserts a new section 53A into the principal Act providing a procedure for reservation of a name (for up to three months) of a proposed incorporated association prior to the making of an application for incorporation.

Clause 18: Insertion of ss. 58 and 58A

This clause inserts two new sections into the principal Act as follows:

58. Falsification of books

This provision provides an offence for falsification of books in terms similar to section 1307 of the *Corporations Law*.

58A. General defence

This clause provides that it is a defence to a charge under the Act if the defendant proves that the offence was not committed intentionally and did not result from a failure to take reasonable care.

Clause 19: Amendment of s. 63—Evidentiary provision

This clause amends section 63 of the principal Act to provide evidentiary presumptions (where a certificate is issued by the Commission) relating to the name of an incorporated association, winding up of an incorporated association and amalgamation of an incorporated association.

Clause 20: Repeal of schedule

This clause repeals the schedule of the principal Act which is now obsolete.

Clause 21: Further amendments

This clause provides for the principal Act to be further amended as set out in the schedule.

SCHEDULE

Further Amendments of Principal Act

The schedule amends the penalty provisions contained in the principal Act to remove references to divisional penalties.

Mr CLARKE secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION (SELF DEFENCE) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. S.J. BAKER (Treasurer): 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.

Until 1991, the law in relation to self-defence in South Australia was the common law of self-defence. That law required that a person defending his or her person or property exercise reasonable judgement and use reasonable force. The deceptive simplicity of the common law is summed up in the following quotation:

> 'The question to be asked in the end is quite simple. It is whether the accused believed upon reasonable grounds that it was necessary in self-defence to do what he did. If he had that belief and there were reasonable grounds for it, or if the jury is left in reasonable doubt about the matter, then he is entitled to an acquittal'.

So said the High Court in 1987 (*Zecevic* (1987) 162 CLR 645 at 661). But it was not quite so simple as it appeared. Indeed, in that very case, the High Court overturned its own decisions over the past 30 years on excessive self-defence on the basis that, although the principle was right, the law was so complicated that it was not possible to explain it to a jury.

In late 1989, concerns began to emerge in this State that victims of crime had been treated as criminals for taking reasonable measures to protect themselves. In the event, this turned out not to be the case. However, in response to petitions with thousands of signatures, in July 1990 Parliament approved the establishment of a Parliamentary Select Committee on self-defence and related issues. The Select Committee presented its Final Report to Parliament on December 13, 1990. The Report contained a number of recommendations including:

- that the law in relation to self-defence and defence of property be codified and placed in the *Criminal Law Consolidation Act*;
- that the justification for the use of force by a person acting in self-defence or defence of property be assessed on the basis of the facts as the person genuinely believed them to be rather than, as under the common law, as the person reasonably believed them to be; and
- that the partial defence of excessive self-defence be codified.

The result of this process was the *Criminal Law Consolidation (Self-Defence) Amendment Act, 1991*, which codified the law on self-defence and excessive self-defence and inserted it as s. 15 of the *Criminal Law Consolidation Act*. This was a provision unique to South Australia.

This statutory version of the law appeared to have operated in a satisfactory manner until the decision of the South Australian Court of Criminal Appeal in *Gillman* (1994) 62 SASR 460. In that case, the Court of Criminal Appeal stated that it found s. 15 far too complicated and impossible to explain to a jury. Since that time, two Chief Justices and the Judges of the Supreme Court and the Director of Public Prosecutions have called on the Government to amend the legislation as soon as possible. The basis for that call is that the combination of the burden of proof beyond reasonable doubt and the absolutely subjective nature of the test placed an impossible burden on the Crown.

In the more recent case of *Foreman* earlier this year, the trial judge, Mr Justice Lander, discussed the meaning of the existing s. 15 of the *Criminal Law Consolidation Act* with counsel for the prosecution, Ms Ann Vanstone QC, and defence counsel, Mr Michael David QC (as he then was), in the absence of the jury. It is obvious from the transcript that all parties were having difficulty with that part of the section dealing with excessive force being used in self-defence. At one point the judge, in what appeared to be a mood of frustration, said in relation to s. 15: 'It is a shocking section'.

It is quite clear that the law on self-defence must be changed. If that is not done, prosecutions which ought to succeed on any reasonable assessment of the facts will fail and unwarranted acquittals will ensue. Trial judges will continue to struggle to explain the difficulties and juries will struggle to understand them. There will be more appeals and the complexity of the law will cause expense which should be avoided. Therefore, a major objective of this Bill is to identify the complexities, and remove or simplify them without creating prejudice to generally law-abiding citizens who, in unforeseen circumstances, may have to use force to defend themselves and their property.

An overriding consideration in this proposal to clarify the law is a desire to ensure that generally law abiding citizens are not prejudiced. Ultimately, it will remain the prerogative of the jury to determine whether or not to agree with a defence of self-defence but, while this the case, it is nevertheless important to make the law as intelligible as possible to ordinary citizens.

The major *substantive* change from current law in s. 15 is that, for an acquittal, the force used by the person in self-defence must be objectively reasonable on the facts as he or she believed them to be, rather than, as s. 15 currently states, it suffices if the person genuinely believes that the force used was reasonable in all of the circumstances.

This change, on a balanced assessment of its practical effect, should not cause any concern. It does not put South Australia law back to the unsatisfactory common law position from which all parties agreed to move in 1991. It brings South Australian law into line with that of all other Australian jurisdictions and with the law in the United Kingdom and Canada. Further, it is in accordance with the recommendations of the Model Criminal Code Officers Committee (a body which has reported to the Standing Committee of Attorneys-General on, among other matters, the general principles of the criminal law), the English Law Commission, the Canadian Law Reform Commission and the English Criminal Law Revision Committee. In this Bill, the use of force to defend oneself or one's property requires the jury to assess the situation on the facts as the defendant genuinely believed them to be. If, on the basis of the defendant's genuine belief, the force used was "over the top" then it would not be acceptable.

The principle behind requiring at least some form of proportional response has been expressed in the following way:

> 'Self-defence is founded on the principle that it is right and proper to use force, even deadly force, in certain situations. The source of the right is a comparison of the competing interests of the aggressor and the defender, as modified by the important fact that the aggressor is the one party responsible for the fight. This theory of the defence appears to be a straightforward application of the principle of lesser evils. . . The required balancing of interests of the defender against those of the aggressor is expressed in the unquestioned assumption that defensive force must be reasonable and proportionate to the threat. Though deadly force might be necessary to avert a minor assault. . . it is clearly disproportionate to the threat and therefore impermissible'. (Fletcher, *Rethinking Criminal Law* (1978) at 857-858).

Professor Glanville Williams explained the principle at work in the following way:

'. . . if the only way a weakling can avoid being slapped in the face is to use a gun, he must submit to being slapped. . . . the use of the gun may be 'necessary' to avoid the apprehended evil of being slapped, but it is disproportionate to that evil, and therefore unlawful. . . . The proportionality rule is based on the view that there are some insults and hurts that one must suffer rather than use extreme force, if the choice is between suffering the hurt and using the extreme force. The rule involves the community standard of reasonableness'. (*Textbook of Criminal Law* (1978) at 456)

I propose to provide members with two examples to give some air of reality to what might otherwise seem an unduly theoretical or political exercise. The facts that I am about to recite are real. The first comes from a case called *Oatridge* (1992) 94 Cr App R 367. I will explain why I have chosen this example in a moment.

Gail and Tony began a relationship in 1988 and started to live together in 1990. The relationship was a stormy one from the very beginning. Tony was diabetic and, while reasonable when sober, drank too much and failed on those occasions to keep his blood sugar under control. He then became abusive and violent. There was ample evidence that on such occasions he struck Gail and grasped her around the neck. On October 14, 1990, he went out and came home very drunk. Gail had also been out with friends and was not sober. They quarrelled and she stabbed him in the chest with a knife. He died as a result.

According to Gail, Tony was generally violent towards her, pulling and grabbing her and trying to strangle her. She stabbed him because he was choking her. She said "I couldn't breathe tidily.". He kept saying "I'm going to kill you, you [expletive deleted]". He would not let go, she panicked and stabbed him. A medical examination of Gail showed a reddened line on the left side of her neck consistent with a necklace being pulled and broken, but she displayed none of the classical symptoms of a serious attempt at strangulation. She was tried for murder and argued that she acted in self-defence.

This was an English case. Under the law which this Bill seeks to enact, she was convicted of manslaughter by a jury. That necessarily means that the jury did not accept her argument of self-defence. On appeal, the conviction was overturned because the trial judge did not direct the jury that the response of the accused to the attack had to be assessed on the facts as she *believed* them to be. That factor will remain the law under this Bill. The result under the law that South Australia has at the moment cannot be predicted. All would depend on whether the jury could come to the conclusion that the Crown had proved beyond a reasonable doubt that Gail did not honestly believe that the stabbing was both necessary and reasonable for her own defence.

I have picked this example for a number of reasons. First, it represents the reality of the kinds of situations with which this Bill deals as well as the examples based on home invasion which have attracted a much higher level of publicity. The violence is between people who know each other, both are affected by alcohol, there is only one side to the story because one of the participants is dead—and the evidence is not all one way. Second, place yourself in the position of trying to assess the evidence. Under current South Australian law, the Crown has to prove beyond a reasonable doubt, that, whatever the real facts, Gail did not honestly believe that what she did was necessary for her own defence. How is the prosecution ever going to be able to do that? Under the Bill, the task of the prosecution is to prove beyond a reasonable doubt that, on the facts as she believed them to be, what Gail did was *either* not necessary in her own defence *or* that her response was not reasonably proportionate to the threat that she believed to exist.

However Honourable members feel about this debate and this area of law, I ask that they remember this example. This is a part of the reality of self defence as it works (or does not work) in the courts year after year. Home invasions are real, but they are rare by comparison to the sad reality of drunken violence between those who know each other well. That is why this Government—and this Parliament—have rightly placed an emphasis on the prevention and punishment of domestic violence.

My second example is *Gillman* (1994) 76 A Crim R 553. The deceased was beaten to death with an iron bar, having been hit by a minimum of seven blows to the head. A number of witnesses, passing in motor vehicles, saw the deceased and the accused having a fight in the street at about 6.00 am. Some of the witnesses' evidence suggested that the deceased was attacking the accused with some sort of stick or like weapon. The accused presented at Casualty at the Royal Adelaide Hospital some 15 minutes later. He was drunk and had some minor injuries. The accused said that he was attacked by the deceased with an iron bar, that he had wrestled the iron bar from the deceased and hit him one or twice.

Here too is the reality of violent crime, this time a different kind of reality from the last example. If we leave aside domestic violence for a moment, the next large category of violence in our society is between males, usually drunken and usually in public. Think about the ambiguities in this example. The deceased is beaten violently about the head with an iron bar and killed. The person who did at least some of the beating was drunk and can remember only hitting out in self defence once or twice. If the truth be told, he cannot recall much more. He thinks that others may have been involved in the attack on him—but none of the witnesses saw any of that. His own injuries were not serious. There was no obvious motive for any of this violence. The accused did not give evidence.

What are we as a hypothetical jury to make of this? Let us suppose that we accept that the Crown cannot prove beyond a reasonable doubt that the deceased attacked the accused with an iron bar. Let us accept that the accused honestly acted in self defence. Now the question is—under current law, can the Crown prove beyond a reasonable doubt that, drunk and confused as he was, the accused did not *honestly* believe that lethal force—a dozen blows to the head with an iron bar—was the right thing to do? Or would your answer be different—and perhaps better—if the question was whether the Crown could prove beyond a reasonable doubt that it was unreasonable on those facts for the accused to beat the deceased to death with an iron bar? Which question makes you more comfortable about acceptable social standards? How many times do you think that this kind of scene is played out in courts annually? My answer is that I think that the force used must be reasonably proportionate to the threat as the accused genuinely believed it to be—and that is what this Bill is designed to achieve.

I wish to make only one more observation. In the debate which has occurred in relation to what the Government was proposing to do in relation to self-defence laws, two cases have been used most frequently. The first is the case of Kingsley Foreman who was tried for murder and acquitted by a jury. He was in a service station when a youth with what appeared to be a firearm robbed the cashier, turned and fled, although he appeared to turn as he reached the door. The jury made the decision in this case and this proposed law would not preclude a jury from making the same decision. The second case involves the 80 year old man, previously the victim of a break in, in a wheelchair at night, who shot a young burglar. The DPP decided that it was not an appropriate case to prosecute. Self-defence played a part in that decision. Again, the proposed law is not likely to provide a basis for any different outcome. It is not sensible to try to distinguish in law between "home invasion" situations and others. Any attempt to define, in a principled and comprehensive manner, what constitutes a "home" and what constitutes "invasion" for these purposes is doomed to fail. In addition, people in this situation are really motivated by a mixture of defensive motives, for both person and property. Insofar as it is possible to distinguish these motives, the Bill attempts the task. In the end, though, the 80 year old believed that his personal safety was at stake and that is precisely what the general principle seeks to address.

The formulation of this Bill has involved consultation with, in particular, the Judges of the Supreme Court. They, and the Chief Judge, Chief Magistrate, Director of Public Prosecutions and the Bar Association, have supported the general principles involved. The law has to be explained to a jury in terms which a jury can understand and apply. In the end it is the jury which has to make the decision and that is as it should be. The jury represents the community and makes decisions for and on behalf of the community.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Substitution of s. 15

This clause repeals current section 15 of the principal Act and substitutes two new sections as follows:

15. Acts directed at the defence of life, bodily integrity or liberty

This proposed section provides a defence to a charge of an offence where—

- the defendant genuinely believed the conduct in question was necessary and reasonable for a defensive purpose (ie. self defence, defence of another or prevention or termination of unlawful imprisonment); and

- the conduct was, in the circumstances as the defendant perceived them to be, proportionate to the threat that the defendant genuinely believed to exist.

The proposed section also provides that a charge of murder will be reduced to manslaughter if the defendant genuinely believed the conduct in question was necessary and reasonable for a defensive purpose even though excessive force was used.

A person will not be taken to be acting for a defensive purpose within this section if he or she resists a person purporting to exercise a power of arrest or other law enforcement power or resists a person who is responding to an unlawful act (against person or property) committed by the person or to which the person is a party, unless the person genuinely believes on reasonable grounds that the other person was acting unlawfully.

15A. Defence of property, etc.

This proposed section provides that it is a defence to a charge of an offence if—

- the defendant genuinely believed the conduct in question was necessary and reasonable to protect property, to prevent or terminate criminal trespass (defined in proposed subclause (3)) or to make or assist in a lawful arrest; and
- the conduct was, in the circumstances as the defendant perceived them to be, proportionate to the threat that the defendant genuinely believed to exist.

If the conduct in question resulted in death, the defence is only available if the defendant did not intended to cause death and did not act recklessly realising that death could result.

This section, like proposed section 15, provides a partial defence to a charge of murder (reducing the charge to manslaughter) where the defendant genuinely believed the conduct in question to be necessary and reasonable for a purpose specified in the section and did not intend to cause death but used excessive force.

In addition, both sections specify that once the defence is raised the Crown has the burden of excluding it beyond a reasonable doubt.

Mr ATKINSON secured the adjournment of the debate.

GAS BILL

Adjourned debate on second reading.

(Continued from 5 February. Page 865.)

Mr Venning: Your swan song!

Mr QUIRKE (Playford): It is funny that the member for Custance says that this contribution is my swan song. I suspect, at least in terms of my shadow portfolio for now, that it may be—but he may know of factors that are beyond my control—because I understand that this is the last piece of legislation I have to deal with in my former role, and I will do so. So, I guess it is my swan song. It is not all over until the fat lady sings, but I am not a lady and I am not going to sing.

This Bill picks up where the electricity legislation left off last year. The downstream impact of competition policy has meant that we have had to look at a lot of things differently. Electricity has been regulated in a very different manner than it used to be. Instead of being responsible for everything from the licensing of electrical contractors all the way down, ETSA transferred that function to a section of the Department of Mines and Energy. This Bill does the same sort of thing: it seeks to clearly delineate during the next so many years where we will be going with a whole range of things in terms of gas connection.

This Bill contains a number of provisions which are very similar to the electricity Bill of 1996. I must say that it is a relief that it does not require vegetation clearance, because it will probably have a much speedier passage than was possible with the legislation on vegetation clearance. The problem is that for many years the South Australian Gas Company has been responsible for what regulation existed in the marketplace and the reticulation system and the connections therein.

This Bill seeks to set down a whole new pattern for these things to be administered. The regulator will be a Government agency that will deal with these questions. Everyone connected with this—the South Australian Gas Company, the Federated Gas Employees Industrial Union, the LPG contractors, the people responsible for the storage of LPG, the user groups and a number of other interested bodies—will no doubt have considerable input into the regulation question and, with these things, continuing regulation, and I will return to that in a moment.

In essence, what we will see in the future is the industry and its various elements come together and determine a composite set of regulations which, first, will govern the appliances to be connected to the reticulation system; and, secondly, it will cover those persons who are fit and competent to connect those appliances to the reticulation system. It will also cover, albeit by regulation further down the track, the question of what is a competent connection to the reticulation system and that which is not, with rates of inspection and various things to ensure the safety of householders and commercial premises here in South Australia.

This Bill seeks to set in place a regime which will allow the industry to get on with its job but, at the same time, ensuring the consumers and those who connect the various appliances to the reticulation system that that is done in accordance with all the necessary regulations and safety conditions that must apply. There are a number of other provisions in this fairly thick Bill. I notice that the Minister has some amendments on file, so I will raise some issues now but I may deal with others in the Committee stage.

First, I am a little concerned about the pricing mechanism and how that will be determined. My understanding, and that of my Caucus, is that the Minister is the ultimate price regulator. If that is not the case, I would like that fleshed out for me, either in the Minister's second reading response or during Committee. I would like to know how that whole process of price monitoring will occur.

The second issue—and the Labor Caucus considered this an important matter—relates to allowing the Government to bring in a Bill such as this as a vehicle principally for regulation. I take the view that, when dealing with these technicalities, the appropriate place for the fine print detail is in the regulations. I also believe that these things change from time to time in response to certain conditions, such that bringing a major Bill through Parliament every time you want to change the regulations is very difficult.

The Government that has flouted the disallowance process in the other place on several occasions. We want to make it fairly clear that we believe generally in cooperation with the Government, particularly on issues of public safety such as this. However, that is not greatly helped when a disallowance motion is voted on in the Legislative Council and the next day the Minister brings back exactly the same regulation saying, 'You can like it or lump it. You do not have the numbers and there is nothing you can do about it.' We had that episode with respect to not only the fishing legislation but also the water allowance for Housing Trust properties. My Caucus recognises that there is a new Minister for Housing, and we hope that the sins of the former Minister will not be repeated by the new Minister. We hope that, if we do manage to convince the other place of the logic of a

certain case for disallowance, we will not have the same matters reinstated the next day with a complete disregard for the parliamentary process.

I lay all these remarks on the table because, even though we could be here in this Chamber debating this Bill until whenever, we all know what the result will be. However, further up the corridor there are some people who are fairly concerned about legislation by regulation. I suspect that a majority of members in the other place—and it may be only a slight majority—have a similar view. I guess the old adage of what comes around goes around is about to happen with respect to this measure.

My Caucus takes the view very strongly that this Government needs to give some very strong commitment about regulations before we will allow a vehicle like this, which predominantly deals with regulations, to go through. When this Bill reaches the Upper House, we may ask the Minister to roll up with his amendments and the regulations and attach them to the Bill. We do not want to be that unreasonable. However, we do reject having our noses rubbed in it from time to time, particularly when some Ministers go into the bar next door and point out that that is what they have just done. Ultimately, at the end of the day, we get a bit dark about that.

There are a couple of other issues, but I do not want to keep us here too long. One is the question of the Gas Company's rights of immunity for the failure of supply. My understanding is that it is a slightly more narrow immunity than that which applies to ETSA. In fact, I have been asked to raise that question on the basis that the gas industry would like to see a similar set of provisions to those affecting ETSA. I accept the Government's case at this stage that there is a difference between the two industries, but that is something we may pursue further in the other place.

It may be pursued by the Hon. Paul Holloway who has taken on my role in this area and who, I am sure, will pay a lot of attention to this issue in the Legislative Council. The one thing the Hon. Paul Holloway is good at is detail, frustratingly so, and I imagine he will go through this and have a very clear and close look at it.

Mr Atkinson: He would have made a very good Chairman of the Economic and Finance Committee!

Mr QUIRKE: Sadly he never got there, despite your attempts and everything else. Certainly he will pick up that and other issues. The one good thing about this legislation is that, for the first time, we are seeing an attempt to sort out the problems of LPG. Some five or six years ago, maybe a bit longer, the SAGASCO facility at Dry Creek raised a problem or two. In fact, all the valve and safety equipment attached to the very large gas tanks that are still at Dry Creek were designed to Australian standards. However, there has been a problem about where LPG regulations should come in. What we see in this measure and what we will see, I trust, in the regulations to follow from this is an attempt to bring in the best set of safety standards in respect of what is a very volatile and explosive fuel.

In his second reading response or during the Committee stage, I ask the Minister to indicate whether there will be a change in the regulations in respect of car connections for LPG. In my experience over the past seven years a number of people have come to my office and complained about poor LPG conversions, about very bad connections and about problems with safety in respect of LPG. We all know that a certain number of vehicles use LPG. There are a number of other appliances that use this fuel and, in almost every instance, everything is fine. However, as I understand it, through this Bill we will see much greater control and attention to detail in respect of the whole question of LPG.

I understand that that is also true for those persons who may not be connecting to the reticulated gas system in South Australia but, for whatever reason, where there is no reticulated system, where they connect up to LPG facilities—bottles and so forth—in areas where the gas network has not yet been extended and probably never will be. I understand from this Bill and from when the regulations come into operation that those appliances that will be connected to LPG for home heating and hot water will all be appropriately tagged and designated in accordance with this Act, and that the only persons who will be eligible for connection will be those who are appropriately and properly qualified to carry out those particular tasks.

Finally, there is the question of consultation. Obviously, the question of detailed regulation is a process that will follow parallel with the passage of this legislation. That will require a great deal of consultation. I am grateful to the Minister who, when I raised this with his advisers the other day, supplied me with information on the consultation that has occurred so far. I hope that that is ongoing consultation, particularly in respect of the people who have to operate the system—the gas fitters and the various contractors out there who will be licensed under this legislation to install the various gas appliances, infrastructure and all of the associated equipment.

Mr VENNING (Custance): Before I speak in favour of this Bill I want to genuinely compliment the former shadow Minister, the member for Playford. It is with some sadness that we note that he is on the backbench today, and it is a position which I do not think he should be in, because the Labor Party does not have anyone of any calibre to fill his shoes. I am speaking with a fair bit of sincerity, because the gentleman has ability. I want to thank him for his cooperation with the Minister of Mines and Energy and also with the previous Minister, the member for MacKillop, because that cooperation has been welcomed and appreciated over the years and allowed much to be achieved. We may have just heard his last speech to this House. So, we will miss him, but the Labor Party, I am sure, will miss him more, because whether or not it is prepared to admit it, or whether it even realises it, he is going to leave a big hole. The nub of the problem is that the Labor Party chose the wrong person for Deputy Leader, and I am sure now that—

The DEPUTY SPEAKER: The member will address the Bill in due course.

Mr VENNING: I am getting around to it now, Sir. The member for Playford will go off to Canberra, and I think that he will probably have the last laugh. I rise in support of this simple and very sensible Bill. Any Bill that increases the safety of Australian consumers purchasing household gas appliances gets my vote. We all know that gas can be an extremely dangerous product to deal with, but it is sometimes easy to become very complacent. Gas, unlike electricity, is hard to detect: it is colourless and can be odourless, and ignition can occur a long way from the source of a leak or the occurrence of the gas. It is pleasing to note that the introduction of these common safety standards at the point of sale or hire will prevent the sale of substandard gas products, especially those that are imported and not suitable for Australian conditions. I can remember many years ago as a student at an Adelaide secondary school a frightening experience I had with gas.

Mr Atkinson: Which school was that?

Mr VENNING: I choose not to disclose that. The school had a front oval with a grandstand and inside they had a gas hot water service. We went there for showers, but often some of the schoolboys used to indulge in a smoke or two in the grandstand. On this occasion we went there for a legitimate reason—to shower after sport—and the hot water service was not running. One of my colleagues struck a match—I do not know for what reason he had a match—and not only did the hot water service explode but it blew the ceiling out of the grandstand. It is a miracle that nobody was injured, apart from a few singed hairs and bruises. I have always been very cautious and suspicious of gas hot water services since. I know that they have come a long way since those days, but I have that memory of gas and how deadly it can be.

Mr CLARKE: You were preserved.

Mr VENNING: I was preserved to live another day, to serve my country and State at this level. As a nation we are used to a high standard of goods and use them in good faith, trusting that they will be safe. However, it could well be that we are misguided in that trust when it comes to inferior imports—and we are seeing a lot of those today. Establishing common safety standards for gas appliances throughout Australia at the point of sale obviously makes good sense.

This Bill is in accordance with the August 1995 Australian and New Zealand Minerals and Energy Council (ANZMEC) decision to implement common safety regulations arranged for domestic gas appliances. The South Australian Government has agreed to give effect to this ANZMEC agreement by ensuring that gas appliances using either LPG or natural gas are tested, approved and marked to meet the requirements of the nationally recognised gas appliance standards. The benefits of the Bill are common safety standards at the point of sale or hire, to prevent the sale of substandard gas products, particularly those that are imported, and to protect the consumer against purchasing a substandard gas appliance, which the gas fitter will refuse to connect to the gas supply system. The Bill also provides for a technical regulator— the Department of Mines and Energy of South Australia. Today is my last act as the parliamentary secretary to the Minister for Mines and Energy—

Mr Atkinson: Have you been demoted?

Mr VENNING: I no longer hold the position. The member for Spence knows that I have now risen to higher office. I am very privileged to be in that office, but I am very pleased with the grounding and the experience I gained under the Minister for Mines and Energy as his secretary. We worked very well as a team. I know the Minister was frustrated at times, but I certainly enjoyed my time with him. So, the Department of Mines and Energy of South Australia is the technical regulator and will monitor and ensure compliance with safety and technical standards on a similar basis to that provided for in the ETSA legislation. It will also ensure that the cost of Government regulations for gas safety and technical standards monitoring is borne by industry through the provision of an operator licence fee.

That brings me to my next point, which the member for Playford also raised: I hope that the Minister will explain the pricing system shortly. I want to know whether the pricing system is under ministerial control, whether it is subject to CPI increases, and whether there is an independent or industry umpire. I also wonder whether this Bill will assist with the regulation of LPG conversions in motor vehicles, especially older vehicles, because some horrific accidents have occurred.

Finally, in my last swipe at the member for Playford, I point out that the honourable member whinged about the disallowance of regulations in the other place. I believe that, again, the member for Playford had his tongue in his cheek, something for which he is well renowned. What is wrong with the Government using its huge mandate, and therefore its numbers, to keep control of the agenda and not give it to a very minor Party in the other place? I do not care what happens if they want to interfere and disallow certain regulations. I cannot see why, under the same rules, as a Government we cannot reinstate that regulation, as we did in the two instances to which the honourable member referred. I very much support this Bill, and I recommend it to the House.

The Hon. FRANK BLEVINS (Giles): I support the Bill generally. I join with the former shadow Minister, the member for Playford, in suggesting that this measure, with a few queries, appears to be sensible. Like most other Bills in this area and in the area of mines and energy, it has been properly worked up by, in my view, a very competent and responsive department. My query concerns the regulation making or enabling provision in this Bill. As has been said by the member for Playford, I believe that the Parliament will no longer cop a regulation making provision in the Bill. I agree that it is unfortunate that it is this Bill and that this Minister is involved, because until now he has not been an offender. We now have Ministers of this Parliament who, when the Parliament has knocked out regulations, bring them back instantly and say—and this is the bit that gets up everyone's nose—'No matter how many times the Parliament says "No", I will say "Yes".'

The member for Custance, together with the Minister for Tourism and the Minister for Primary Industries, is grinning and giggling and believes that that is a proper thing to do. I say again that, for very good reasons, the Parliament kept to itself the right to have a veto over regulations. If a Minister who has been there for only five minutes and who does not have either the experience of or the feel for Parliament wants to flout the wishes of the Parliament, the Parliament will retaliate—and rightly so. I say to the Minister for Energy that he is also the Minister for Housing and Urban Development. I am pleased about that, because the Minister for Energy has knowledge of and a feel for the Parliament.

The issue that was before Parliament earlier today involved the disallowance of these regulations under Orders of the Day: Private Members Bills/Committees/Regulations: No. 1. That was re-gazetted by the former Minister for Housing and Urban Development after the Parliament said 'No.' If that attitude is persisted with, there is no question that, if the regulations are required—and I understand they are already travelling with this Bill in a draft form—in my opinion, the Parliament will attach them as a schedule to the Act. No-one on this side has any problem with a regulation making provision—it is eminently sensible—but we will not wear Ministers sitting on the other side laughing at the Parliament. They do not understand what they are doing. They do not have the wit to go away, think it through and re-gazette the regulation, if they wish, on the basis that they will sort out something else and advise the Parliament accordingly. That is the way to do it.

The provision to which I referred earlier (Orders of the Day: Private Members Bills/Committees/Regulations No. 1) represents a few hundred dollars in the Housing Trust area. The Parliament will knock it out again. The Treasurer has

more brains than the previous Minister for Housing and Urban Development. I am sure that by one means or another he can get the amount of money that he feels is required to properly run the Housing Trust and all the associated operations of the Housing Trust, including the delivery of water and so on. I am pleased that this Minister will deal with this problem. It can be solved easily. No-one on this side wants to be awkward in the slightest but, when the Parliament says, 'No', members on this side—and I assure the House, the Democrats even more so—will not wear Ministers sitting there sneering and laughing at the Parliament.

I stress that, if this occurs in the Upper House, it will mean absolutely no delay whatsoever to the regulations coming in. There is no way that they will be delayed. As soon as the regulations are ready, we will be happy to have them incorporated in the Act. There is no suggestion of any delay. If the Government wants to make any changes, depending on how urgent they are, the Opposition will assist, as it does regarding anything else of an urgent nature. This is not an attempt in any way to interfere with or delay the regulations, but we will make the point constantly that the Parliament is not here to be sneered and laughed at by Ministers who know no better.

As I have said, I am pleased that this Minister will take this matter on board, because he has a feel for the Parliament and understands the issues involved. It is a pity in a way that this Minister is not still the Deputy Premier, because, one would think, he would have had a bit more clout to pull into line some of these characters with their half-baked ideas and lack of any real understanding of what is going on, and quietly tell them what day of the week it is, how to behave—that is all it requires—and to get a little bit smart and they will get the things they require through in another way until things calm down.

I know that this Minister can do it, but whether he is allowed to is another question. I do not know about the factions in the Liberal Party: they have lost me. I have no idea to which faction the former Minister for Housing and Urban Development or the former Minister for Primary Industries belong. I do not know whether they were part of the team that knifed the Minister at the table. What I am saying is: please Minister, sort this out. It can be done quickly, we will cooperate, and no-one will be difficult. At this stage, we wish the Bill well.

The Hon. S.J. BAKER (Treasurer): I thank members for their contribution to the debate. I would like to make a number of comments about various matters that have been raised and explain the position of the Government so that there is no misunderstanding about some of the issues. As members would recognise, the Minister is effectively the pricing regulator at the moment. When the new competition market comes into place (and we expect that to be early in 1998), an independent pricing regulator appointed under agreed terms of reference shall perform the role of independently assessing gas prices for franchise customers. That person will not play any role at all in terms of what is negotiated between businesses and Boral. It will be the franchise customers, the non-contestable customers, those left paying the bills at whatever price is set for the various gas usages, and basically they will be households. That is the situation that we are looking at today. I am still effectively the pricing regulator, but that role will cease early in 1998.

I am unaware who takes responsibility in terms of LPG car connections. The member for Playford would recognise that, when we fill our gas bottles, usually the parking attendant available at the time or the person behind the counter uses a screwdriver to turn on the gas from one of the large cylinders, probably about 200 kilograms in total weight. I understand that there is no regulation relating to that activity, except that it shall be safe, a match shall not be put near the cylinder and other various common sense rules shall apply. I am not aware that any person operating a gas cylinder must have special training.

I understand that the Dangerous Goods Act covers the handling of major LPG supplies. However, at the bottom end of the market, I am not aware of any regulation in terms of training people to operate a gas cylinder to provide gas for items such as barbecues. As far as car connections are concerned, I suspect the same prevails, but I will obtain information for the honourable member. I do not believe that there are any controls on the issuing of LPG gas for car gas cylinders at present, and this Bill does not cover it.

In terms of consultation, the member for Playford pointed out that we have consulted widely and I congratulate the Office of Energy Policy for the amount of work it has done on not only this Bill but also the Electricity Bill. We have consulted with the Gas Company, Boral Energy, Santos, Tenneco, ETSA, the SA Gas & Electricity Users Group, the Consumers Association of South Australia, the Australian LPG Association, Mobil, Elgas, the Plumbers and Gasfitters Advisory Panel, the Gas Appliance Association and several local and country gasfitters-installers, and from the union movement we have been in contact with Mr Russel Wortley from the Federal Gas Employees Industrial Union. Not only was information supplied but there was follow-up as well. Officers of my department have put considerable effort into consultation to ensure that we get it as right as we can. I can assure the member for Playford that there will be no lack of consultation on the regulations.

In terms of the issue of a Bill for regulation, the point has been made by the members for Playford and Giles that somehow the Parliament's determination has been flouted by the Government as a result of the process of reintroduction of the same regulation after it has been disallowed by the Parliament. I remind the member for Giles that that was standard practice when he was in government—

The Hon. Frank Blevins interjecting:

The Hon. S.J. BAKER: The member for Giles would recognise a number of occasions when a Government had made a policy decision, a regulation was disallowed, mainly in the Upper House—or always in the Upper House—and it was reintroduced the following day.

The Hon. Frank Blevins interjecting:

The Hon. S.J. BAKER: I am saying reintroduced the next day. I would like to refer to the issue, because it is important and it relates to the water charges for Housing Trust tenants. The Government is currently in some considerable difficulty in relation to the supply of public housing in this State. That level of difficulty comes from a number of fronts, but mainly on the Federal level. The Federal Government determined last year—but I think it is now changing its stance—that the capital support program for the supply of public housing shall cease and be replaced by a rental support program consistent with operations in the private sector. That is currently being contested but we do not have sufficient funds to build any houses beyond 30 June this year, simply because we have only a half year's funding for the 1997-98 year.

In terms of the issues that the Federal Government has placed on the States in trying to reach some determination on

this matter that will not leave the States without a public housing capacity, a number of items have been put on the table. It is said that there must be greater equity between the private and public sectors in terms of the conditions under which people can obtain reasonable shelter, and that means that the safety net of 25 per cent of income being spent on Housing Trust rental will be retained. They have not gone any further than that, but they are saying, with that broad parameter overriding any other decisions, that there will still have to be significant initiatives on behalf of the State Governments if they wish to avoid the change that is being proposed, namely, to take away capital funding from the housing program. As members of the former Government would recognise, without that capital program we do not build any houses unless we borrow and put ourselves further into debt.

We are fortunate in this State that we have the most comprehensive public housing stock of that in any State in Australia. We are not in the same situation as New South Wales, Victoria and Queensland, where almost the total stock is used for persons in extreme need. We do have some flexibility and capacity within this State. The issue then gets down to what are contestable items and, in relation to advantages or disadvantages that relate to the private or public sectors, I can assure the member for Giles that I would have grave difficulty explaining to anyone why people who do use excess water do not pay for that water, irrespective of whether they are in public or private situations.

The Hon. Frank Blevins interjecting:

The Hon. S.J. BAKER: The member for Giles is not quite correct, despite the fact that he is interjecting out of his seat. We have a number of dwellings in the Housing Trust stock which simply belong to a common system and they are mainly in multiple units, so it is impossible to assess those units and how much water they use.

The Hon. Frank Blevins interjecting:

The Hon. S.J. BAKER: The member for Giles should clearly understand that the average consumption of those multiple units, where there is not a separate metering, is well below the limit of 125 kilolitres consumption per year. The average is around 108 kilolitres per year and the cost of, or even bothering about, the installation of meters to bring those people into a paying process does not make economic sense. We would catch very few people in the process. The same relates to the private sector.

However, I assure the member for Giles that if property renters use excess water in the private sector they pay the bill, just as they are required to do in the Housing Trust. I take issue with the point made by the member for Giles. In terms of that limitation—everything above 125 kilolitres—it has been the determination of the Government that this should prevail.

The Hon. Frank Blevins interjecting:

The Hon. S.J. BAKER: Hold on for a second. If that money is not paid, there are two ramifications: first, there is less money for meeting public housing needs, which is clear; and, secondly, the issues on which the Federal Government suggests that State Governments are feather bedding the public housing system will also come back to haunt us. For two very relevant and pertinent reasons, South Australia is being fair and equitable in terms of its excess water charges, whether one is in the public or private sector, and provides for a consistent policy. As I said to the member for Giles, the issue is one involving policy on which the Government has made a determination. We have to continue to insist on that policy. Nobody wants to put—

The Hon. Frank Blevins interjecting:

The Hon. S.J. BAKER: The member for Giles—

The DEPUTY SPEAKER: Order! The member for Giles seems to have completely side-tracked the Minister onto water instead of the subject of the Bill.

The Hon. S.J. BAKER: The member for Giles should clearly understand that there are good and just reasons for those changes being made and for the resultant situation when the Legislative Council repudiated the regulation. On issues of importance the former Government did the same thing. The member for Giles as a member of the former Government cannot have his cake and eat it too. I understand the politics of the situation but ask members to reflect upon our responsibility as a Government to provide an even policy in relation to excess water charging, which is exactly what we are doing. I must disappoint the member for Giles on this occasion.

The Hon. Frank Blevins: You try to get a regulation-making provision in your Bills from now on.

The Hon. S.J. BAKER: In terms of the suggestion made by the members for Giles and Playford, reflecting upon the incorporation of all regulations in the Bills, obviously the Parliament can make up its mind on those issues. I can frankly explain to the member for Giles that, should he proceed with that course, he knows the outcome: the whole system becomes totally unworkable. I will not suffer—

The Hon. Frank Blevins: Who has done it?

The Hon. S.J. BAKER: Who has done it?

The Hon. Frank Blevins: You have done it.

The Hon. S.J. BAKER: I would not have suggested that I had done it. I put up a competent Bill that allows changes to take place between a monopoly and now a competitive marketing situation, which I hope is consistent with the beliefs of everyone in this place. For the system to work effectively we need a Bill that sets general standards and has regulations to provide for the component parts of that system. The member for Giles can reflect on the large range of regulations that will be necessary.

If the honourable member is opposed in principle to regulation and believes that they should all be put in the Bill, every time we have an urgent need to promulgate a regulation to stop a rort or for safety purposes, do we have to wait six months or a year until the Parliament gets around to passing it? If so, the member for Giles has set aside everything he has learnt in the Parliament over the many years he has been here. I will not get involved in a long debate on the value or otherwise of regulations, but clearly, if members opposite can get the support of the Democrats to proceed on the basis that all regulations are put within legislation, the whole system breaks down and becomes unworkable.

The Hon. Frank Blevins interjecting:

The Hon. S.J. BAKER: No, we do not deal with blackmail in this place.

The Hon. Frank Blevins interjecting:

The Hon. S.J. BAKER: We deal with the debate on its merits, and the merits of the debate are that if the ALP says that it insists upon the regulations being placed in the Bill then the whole parliamentary and legislative process breaks down. If that is what the member for Giles is suggesting is the new platform for the ALP, he should go outside and convince the electorate of the worth of that. As I have explained fairly extensively, the capacity for the Government of the day to be able to operate a system efficiently and effectively means that

the regulatory process has to be flexible enough to accommodate a rapidly changing world.

As to the degree of support being given to the Bill, I appreciate members' contributions. I am concerned about the stance being taken and about how members wish to deal with the Bill. However, that is for another debate in the other place and it will be dealt with there. The Bill as it stands is competent, appropriate and meets the needs of the changing marketplace as we see it today.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Interpretation.'

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

Page 2, line 17—After 'licence' insert 'has been granted or'.

The purpose of the amendment is to avoid the potential unnecessary overlap of the Petroleum Act of 1940. It is a technical amendment.

Amendment carried.

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

Page 2, line 25—After 'normal' insert 'pipeline transportation and'.

The purpose of this amendment is to clarify the intent of the legislation that LPG is within the scope of the Act when in gaseous or vapour form.

Amendment carried; clause as amended passed.

Clauses 5 to 10 passed.

Clause 11—'Obligation to preserve confidentiality.'

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

Page 5, after line 18—Insert subclause as follows:

(1a) Subsection (1) does not apply to the disclosure of information between persons engaged in the administration of this Act (including the Pricing Regulator and persons assisting the Pricing Regulator).

The amendment is to allow for natural flows of information without breaking the general confidentiality provisions that prevail. We do not want to get into a technical problem when dealing with such matters as pricing.

Amendment carried; clause as amended passed.

Clauses 12 to 17 passed.

Clause 18—'Obligation to preserve confidentiality.'

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

Page 7, after line 4—Insert subclause as follows:

(1a) Subsection (1) does not apply to the disclosure of information between persons engaged in the administration of this Act (including the Technical Regulator and the persons assisting the Technical Regulator).

This amendment is similar to the previous amendment, allowing the flow of information to the Technical Regulator.

Amendment carried; clause as amended passed.

Clauses 19 to 23 passed.

Clause 24—'Licence fees and returns.'

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

Page 10, line 11—After 'five per cent' insert ', or such lesser percentage as the Minister may fix from time to time,'.

We are entering a competitive marketplace and there are issues about pricing and, if alternative supplies enter the marketplace, about the extent to which this licence fee can be imposed at the current rate. There is a level of flexibility. It does say a lesser fee, should it be so determined.

Amendment carried.

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

Page 10, line 14—Leave out 'Registrar' and insert 'Regulator'.

This corrects a typographical error.

Amendment carried; clause as amended passed.

Clause 25 passed.

Clause 26—'Licences authorising retailing.'

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

Page 11, line 32—Leave out 'within a specified area' and insert 'from a specified distribution system'.

Amendment carried; clause as amended passed.

Remaining clauses (27 to 95) and schedule passed.

Long title.

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

Page 1—Leave out '; to amend the Local Government Act 1934'.

This is a drafting correction: the Local Government Act no longer applies.

Amendment carried; long title as amended passed.

The Hon. S.J. BAKER (Treasurer): I move:

That this Bill be now read a third time.

The Hon. FRANK BLEVINS (Giles): I support the third reading but I am very disappointed at the preliminary attitude of the Minister. I say 'preliminary' because the issue of the regulation provision being in the Bill is one that ought to be rethought by the Minister. I would gently urge the Minister to have another look at the issue. No-one on this side of the Parliament is spoiling for a fight. In his response to the second reading the Minister essentially said that the Government is above the Parliament.

The Hon. S.J. BAKER: Mr Speaker, I rise on a point of order. This is the third reading of the Bill. The member is entitled to look at the outcome of the Bill but he is not allowed to talk about other matters, and this happens to be another matter.

The Hon. Frank Blevins: I'm not talking about other matters.

The Hon. S.J. BAKER: We are talking about the outcome of the Bill.

The Hon. Frank Blevins: Yes, the regulation-making provision of the Bill, and I made it very clear.

The SPEAKER: Order! The member for Giles is aware of Standing Orders and I am sure he wishes to comply with them.

The Hon. FRANK BLEVINS: Exactly, Sir. As I said, I am supporting the third reading and making the point that, as the Bill came out of Committee, there are regulation-making provisions.

The Hon. S.J. Baker interjecting:

The Hon. FRANK BLEVINS: I have already said that. This is repetition; I have already said that and I have expressed—and I am entitled to express—my disappointment that those regulation-making provisions are in the Bill: that is how it left the Committee. As I started to outline, during the second reading debate the Minister said clearly that the Government will not comply with the wishes of the Parliament and, if the Parliament makes any attempt to enforce its wishes, the Government will see that as blackmail. Let me tell the Minister this: a few wars were fought over these principles some time ago, and it was established quite properly that the Parliament's will has to prevail.

Mr Atkinson interjecting:

The Hon. FRANK BLEVINS: I do not see anything regrettable about that. I can only say that if the Parliament is not to keep its veto within the subordinate legislation provisions, then what the Government objects to and what it ought to do is come in and attempt to amend the Act, but the Act gives the Parliament—either House—a veto. All I am saying to the Government—I am imploring the Government—is to have a look at this attitude of saying—as the Minister said during debate on the Bill—that it will prevail and what the Parliament says does not matter and, if the

Parliament attempts to do anything about it, it will be considered to be blackmail. I repeat: no-one on this side is looking for a fight. All we are looking for is some sensible behaviour by the Government, and this Minister, as I said during the second reading, is the one who I would have thought would enlighten his colleagues on the necessity to comply with the wishes of the Parliament.

Although the regulation provision is in the Bill, I still support it: I think it is an excellent Bill. There are a few parliamentary steps to go which may improve the Bill even more so that Parliament can maintain control over all aspects of it, even though the Government tells us that certain aspects of it will be taken out of the control of the Parliament which, I believe, is contrary to the subordinate legislation.

Bill read a third time and passed.

ADJOURNMENT

At 4.48 p.m. the House adjourned until Tuesday 4 March at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 25 February 1997

QUESTIONS ON NOTICE

VICTIMS OF CRIME

28. **Mr ATKINSON:** Given that nearly $2 million less was paid out in victims-of-crime compensation in the year 1995-96 compared with the previous year, will the Government reconsider its opposition to the amendments proposed to the Criminal Injuries Compensation Act earlier this year based on the recommendations of the Legislative Review Committee?

The Hon. S.J. BAKER: No. The Government does not intend to reconsider its position on amendments to the Criminal Injuries Compensation Act based on the recommendations of the Legislative Review Committee.

Compensation payments from the fund have increased markedly from $1.1 million in 1989 to $13.6 million in 1994-95 and $11.7 million in 1995-96. Despite the decrease in amount in 1995-96, the number of claims for the year increased.

The decrease in payments in 1995-96 is likely to be attributable to the amendments introduced by the former Labor Government in 1993. The amendments introduced a scale of 0-50 for payments for general damages, where 50 is reserved for the very worst case.

Of the $11.7 million paid out in compensation in 1995-1996, $9.6 million was payable from the Consolidated Account.

MID WEST REVIEW

32. **Mr ATKINSON:**

1. During term two 1996 were members of the Mid West Cluster Review Group other than the school principals invited to attend any deliberations and did they attend any deliberations?

2. Were there any official meetings of the Group in the first half of 1996 and, if so, how many and are there any minutes of these meetings?

3. When the Group researched all possibilities in 1996 and tested them against the terms of reference how were the school council representatives and the Institute of Teachers representative involved in this?

The Hon. D.C. KOTZ:

1. Parent representatives democratically elected by the school councils of the Mid West Cluster were involved in the process of developing a range of options for consideration. The South Australian Institute of Teachers' nominee had transferred out of the Central West district at the end of 1995 and a new SAIT representative was appointed during Term 2, when the cluster review group was finalising the options to be presented for community consultation and preparing the paper which was used in consultations.

2. There were three official meetings of the cluster review group during the first half of 1996. This, and subsequent meetings, involved 'without prejudice' discussions about the alternatives subsequently listed in the consultation paper. Detailed minutes of all meetings were not always kept since the Mid West Cluster Review Group considered that minutes of meetings which explored such delicate issues might be misconstrued if they were to be taken out of context by individuals/groups.

3. To test possibilities against the terms of reference, School Council representatives, and later the South Australian Institute of Teachers' representative, participated in cluster group discussions or were briefed by the District Superintendent of Education about these discussions. The discussions focused on the positives and negatives of each possibility, their plausibility, and compliance and non-compliance with the terms of reference.