

HOUSE OF ASSEMBLY

Thursday 24 July 1997

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

ECONOMIC AND FINANCE COMMITTEE: SPORTS PROMOTION, CULTURAL AND HEALTH ADVANCEMENT TRUST

Mr BECKER (Peake): I move:

That the twenty-first report of the committee on the management of grants funds by the South Australian Sports Promotion, Cultural and Health Advancement Trust be noted.

I bring before the House the twenty-first report of the Economic and Finance Committee on the management of grant funds by the South Australian Sports Promotion, Cultural and Health Advancement Trust. The trust is better known as Living Health (formerly Foundation SA). The inquiry into Living Health is a post-date to the committee's fifteenth report into the disbursement of grants by South Australian agencies. The Tobacco Products Control Act Amendment Act 1988 was introduced with the express intention of reducing the incidence of smoking in the community and, in particular, to deter young people from taking up the habit in the first place.

Under this legislation, Living Health was established and funding was provided for the following objectives: first, to facilitate tobacco replacement sponsorship to those organisations specifically affected by the Act's prohibition of tobacco advertising and promotion; and, secondly, to provide and support program grants in the areas of health, sport and recreation, and art.

It is the view of the committee that the trust has been unsuccessful in achieving its original objectives. In closely examining the management and disbursement of Living Health's income, it now becomes clear as to why Living Health has been unable to do so. After nearly nine years of operation, Living Health has received in excess of \$66 million in income from tobacco licence fees and other sources, but only a minor proportion of these funds has been allocated to health programs that are directly associated with anti-smoking.

The Economic and Finance Committee reports that only 6 per cent (approximately \$4 million) of the total income received by the trust over nine years to 30 June 1996 has been allocated to health programs that are directly associated with anti-smoking. During the same period, only 17 per cent (approximately \$11.4 million) of the total income was allocated to sporting clubs and organisations under tobacco sponsorship replacement.

Further examination of the distribution of the funds by Living Health indicates that the organisation has extended its activities beyond its intended charter or boundaries into numerous other areas and in some cases duplicated the efforts and responsibilities of similar service providers. It is the opinion of the committee that many of the activities supported by Living Health would be better addressed through the Government agencies which have direct responsibility in the program areas. For example, the trust has allocated grants to organisations such as the Adelaide Chamber Orchestra, the Adelaide String Quartet, the Red Shed Theatre Company and

Vital Statistics. These organisations received sizeable grants from the Department for the Arts in the 1994-95 and 1995-96 financial years.

Another example is the Down to Earth Food Nutrition Project recently sponsored by Living Health to the amount of \$600 000. The committee recognises that this program is an important one which requires the use of public moneys. More importantly, it is a program which more than likely will provide a direct public benefit. However, as this program is not related to reducing smoking, the committee believes that it is more appropriate that it be funded from the budgets allocated through the South Australian Health Commission and the results monitored by the same Government agency which ultimately has the responsibility for health in this State.

Whilst the committee accepts that one of Living Health's primary obligations, that is to provide tobacco replacement sponsorship, may now be redundant under the recent amendments to the Tobacco Products Regulation Act 1997, the committee considers that the remaining obligation to reduce smoking prevalence, particularly amongst young people, is still relevant and of vital concern. The South Australian smoking and health project's evaluation and research report paper No. 4 (1992-1995) showed that smoking prevalence amongst females and males aged 15 to 29 years had not declined significantly since 1987. These statistics indicate that the activities of Living Health have not been successful in terms of the significant reduction in tobacco consumption amongst young people. Living Health's inability to focus on and appropriately resource this obligation has led the committee to recommend that Living Health be disbanded.

The committee recommends that the Minister for Health take on the activities and responsibilities of the South Australian Sports Promotion, Cultural and Health Advancement Fund such that it is predominantly used to: support anti-smoking campaigns; sponsor health programs and projects that directly promote the prevention and early detection of illness and disease related to tobacco consumption; deliver an effective anti-smoking campaign to children in schools throughout South Australia; and assist in promoting an effective anti-smoking message to young South Australians through sporting, recreational and cultural activities. It must be made clear that this report represents the committee's objective not to remove committed funding from any existing recipient organisations of Living Health but, rather, for Government to have a more active and accountable role in the distribution of the South Australian Sports Promotion, Cultural and Health Advancement Fund.

I am very disappointed, but at the same time amazed, at the comments that have been attributed to some people who obviously have not read the report or bothered to contact me to find out exactly what the committee was endeavouring to do. It is very disappointing when members of Parliament criticise the report of a committee of the Parliament that is charged with the responsibility of greater accountability for Government. I am very disappointed at the slanderous comments made by Sandra Kanck on ABC Radio the other morning. The program interviewer apologised to me later that evening. He warned her that he doubted whether the comments that she was making were accurate. I accepted his genuineness; there is no delay button on that program.

I cannot understand why Ms Kanck should have made those comments—except that I was very critical of the Democrats' stand in relation to wanting to legalise marijuana when we were considering recently amendments to the

Tobacco Products Regulations Act. The Democrats support an anti-smoking campaign but then they want to legalise marijuana. It seems awfully hypocritical to me, and I make no bones about that statement. If Sandra Kanck wants to carry on like that publicly, there are legal processes that can easily be followed through. However, we as a committee believe very sincerely and genuinely that what we are doing is in the best interests of Parliament, the taxpayers and the State as a whole.

It must be made clear that this report represents the committee's objectives. In its investigations, the committee also found that the majority of sponsorship had been granted to large sporting organisations and peak associations, rather than to the individual or smaller organisations. It was found that the trust's policy to sponsor peak bodies had interfered with its objective to distribute funds widely throughout the community. In addition, allegations have been made to committee members that the support cost to recipient organisations could sometimes amount to up to 40 per cent of that grant in meeting contractual obligations set out by Living Health.

On examination of some of the sponsored organisation's contracts with Living Health, the potential for these costs to accrue becomes apparent. In the opinion of the committee, the trust's sponsorship deals with the South Australian National Football League and the South Australian Jockey Club involve costly and excessive contractual obligations. Among these contractual obligations, the South Australian National Football League contract required that the organisation provide the trust with 2 000 free passes per year to Football Park games, while the contract with the South Australian Jockey Club required Living Health to be provided with 200 general admission tickets to the Adelaide Cup Carnival.

Most members of Parliament in the metropolitan area received about 40 free tickets to the Adelaide Cup Carnival. I certainly did, and I handed them to constituents and people whom I thought would benefit from those tickets. I decided to go to the Adelaide Cup Carnival. I had not been for many years. I was aware that the staff were required to police the area as a smoke free zone. The staff were required to wear a T-shirt when serving the public. When I went out to the area in front of the grandstand, I was amazed to see a staff member there having a beer and a cigarette, while wearing a smoke-free T-shirt. Also, when I went out onto the balcony of the grandstand, I was amazed—

Ms Stevens interjecting:

Mr BECKER: In a 'Quit' T-shirt. Good luck to the person. They worked very hard in the bar. It was crowded, and they were entitled to a tea-break or a smoko. The other thing was that in the grandstand you could not get onto the balcony because everyone was out there having a cigarette. We must realise that 30 per cent of the adult population smoke, so it is extremely difficult to try to ban cigarette smoking at horse racing. Living Health oversteps the mark when it tries to tie people down to contracts that will be difficult to meet. The important aspect of horse racing is that, when you go into the jockeys' room, you notice that the jockeys cannot eat because they have to watch their weight and they cannot drink because of the weight problem, so they smoke. Let us get our priorities in order. Horse and harness racing are adult sports, and Living Health has an obligation to replace tobacco sponsorship, but some of the demands are laid down in contracts.

The South Australian National Football League is a different ball game. It does a wonderful job with juvenile football and in encouraging young people to participate in the sport. The South Australian National Football League has been a great success story, as has been the Australian Football League. I do not know how many members of Parliament have been guests of Living Health to attend AFL matches at Football Park. I was given an invitation to attend the match last Saturday night. I would love to have gone to see Port Power play, but as the report came out on the Friday afternoon I thought I had better not go. I declined some time before that.

We have also received T-shirts and so forth. They never seem to get my size right. There has been a strong campaign by Living Health. Even a newsletter was put out—volume 1—in February 1997. Since we started our inquiry we have made it lift its game, but I have not seen volume 2, and volume 1 finished at the end of May. Living Health has been doing many things since the inquiry started, and the committee is doing a service to the community.

The sports contracts raised an issue of which I was not fully aware. Many private companies also insist on contracts. I rang a friend of mine at Coca-Cola and he said that of course it insists on a contract. Coke has to protect its market and its market share. I am told that Gerard Industries, Clipsal, does not insist on a contract. If you are going to give a donation and support to sport, no strings should be attached. I hope this opens up a whole realm of questions about sports sponsorship nationally as we run up to the Olympics. I hope that private enterprise is not exploiting sport to further its own image. There is a fair warning in this report, and I urge all members to read it very carefully and to study the whole issue.

The committee was also concerned that allegations have been made against the trust that suggested it had negotiated sponsorship deals to the advantage of its board members and staff. In this regard the committee believes that the hospitality aspects of the sponsorship plan negotiated with the South Australian National Football League are inappropriate. In particular, the requirement with the South Australian National Football League to provide 30 admission tickets complete with parking on the league's grand final day at Football Park, with reserved seats, together with 30 invitations to the grand final luncheon, is seen by the committee as a totally unnecessary contract provision.

The committee also understands that in return for sponsorship the trust had initially required that the South Australian Jockey Club provide representatives of the trust with 10 to 12 invitations, including parking, to the Adelaide Cup Carnival. It appears that, in response to misunderstandings and concern about free tickets, on 12 November 1996, quite some many months after we started this inquiry, the trust withdrew its invitation requirement to this and many other events undertaken by sponsorship organisations. In fact, prior to that date we did ask questions in relation to various sponsorship arrangements, so it did react to that. While the committee accepts that attendance at some events by staff of the trust may be necessary to evaluate the sponsorship deal, requiring multiple invitations, it is considered to be unnecessary. In closing, I reiterate that the committee believes that current sponsorship committed to sporting, recreation and other bodies should be honoured.

The intention of the committee is not to remove funding allocations away from sponsorship bodies but rather to ensure that the money is distributed so that it is predominantly used

to assist in reducing smoking prevalence amongst all South Australians. As the Chairman of the committee I believe—and I assume that my fellow committee members also believe—that by consolidating the distribution of the grant funds within the three ministerial portfolios we can save approximately \$1 million plus. In the allocation of various funds, moneys are set aside to assist various programs. I want to congratulate and thank Penny DeBelle whose article appeared in the *Advertiser* in the past couple of days. Sam Bass drew my attention to it and said that at long last she got it right, and it is wonderful to know that people who have read the report support it. I urge the House to support the report also.

The Hon. FRANK BLEVINS (Giles): I support the tabling of the report and the remarks of the Chairman of the Economic and Finance Committee, the member for Peake. We are told—and it is absolutely true—that tobacco is the biggest single killer of Australians that is totally preventable. My approach to that has always been that information ought to be made available to adults pointing that out to them. After that, the decision is theirs; it is none of my business whether they choose to ignore that information, and it would be impertinent of me or anybody else to lecture them as to what their personal behaviour should be. The same cannot be said of children and children smoking; I think that is totally different.

Children are targeted. The tobacco companies have done that over the years very successfully. Children begin smoking whilst at school, and they will be filling the cancer wards, surgical wards and medical wards in future. I think that is quite tragic. It costs money to combat the incidence of smoking that has been taken up by children, but fortunately this is an area where there is no shortage of money. I am not sure how much is raised by tobacco taxes in this State, but my guess is that it is well over \$100 million a year, so there is no shortage of money raised by governments from cigarette smokers to deal with this problem.

The attempt to deal with it through the organisation Living Health I think has been a spectacular failure. Maybe one of the reasons it has failed is that it has not tried very hard. To have had \$60 million-odd to attack the problem and to have used 10 per cent in doing so is an absolute disgrace to that organisation. It is not as if this problem was going away. There is certainly no shortage of children taking up smoking, and the incidence of that is not declining. So, how it can justify spending money other than on this huge health problem I really have no idea. The fact that school children are smoking, that latest statistics show that there was an insignificant decline—if any—in school children smoking and that only less than \$8 000 was spent directly on education in schools is an absolute indictment on this organisation.

I make it clear that every member of the committee wants more of this Living Health money spent on anti-smoking education, targeted at those school children for them to quit and, more importantly, not to start smoking. There is no shortage of funds to do that, but apparently Living Health is putting these funds anywhere but in that direction. The money that is available to Living Health is nothing more than a slush fund for a few individuals to use pretty well as they wish. I would think that every member of this House at some time or other has received complaints about the way in which those funds are distributed. It really is a case, on occasions, of a certain few Ministers' and MPs' pet projects being funded.

Over the past 10 years I have had numerous complaints about the funding and the direction of the funding of Living Health. There is no doubt that when you ask people to stand up and complain about this they are scared. The member for Peake is quite right: they are frightened that, because they did not get a grant this time, if they speak up they will not get one next time. To suggest that there are no complaints about Living Health and the way in which it distributes its slush funds is absolutely wrong.

I agree completely with the AMA and the Anti-Cancer Foundation, for example, that the amount of money Living Health has put into attempting to reduce the incidence of smoking in South Australia has not been enough, and therefore quite legitimately the Economic and Finance Committee has made these recommendations. I can understand those Ministers who control these funds and use them as a private little add on slush fund for their areas not wanting to relinquish the control that they have over this \$10 million or so. As Treasurer, it was the first thing that I took into account when suggesting allocations for those departments. However, I appeal to the Government and the other 10 Ministers in the Government to take up this report that the Economic and Finance Committee has brought down to see whether we cannot do something significant with the vast amounts of money that are available to target these young people who are still taking up smoking in alarming numbers.

There is no suggestion that the arts, recreation and sport or health ought to be given a smaller slice of the cake. All we are saying is that those Ministers ought to have an obligation to spend that money themselves and not pass it on to unelected people to spend. The Government policy behind the spending of those funds ought to attack the problem of tobacco smoking amongst young children. I know that the Minister for the Arts, the Minister for Recreation and Sport and the Minister for Health can see that that occurs very easily. The fact that it has not occurred in the past, I believe, is an indictment on all Ministers of all Governments since this organisation was founded—and I am not excluding Labor Governments from that, obviously.

I know that some MPs have been critical of the committee's recommendations. Again, I understand that, because some MPs have a particular view on life and they like to see their pet projects funded to the exclusion of all others. I am not saying that they do not care about children and are prepared to fill the cancer wards of the future, but their priority today is to see that their pet project or their little area is resourced by this organisation, despite the fact that the amount of anti-smoking propaganda that comes with the money is negligible.

In relation to the question of making Football Park smoke free, I wonder about having to give hundreds of thousands of dollars in bribes for that to occur. I would have thought that a simple by-law, which costs nothing, would solve that problem, if it was deemed to be a problem. They keep trotting that out to me as some great success of Living Health, but I think it indicates just how ridiculous this organisation has become. I mean, if the Government or the managers of Football Park want Football Park to be smoke free, then, if that was required, it would take this Parliament a very short time to do so, and a few non-smoking notices. It does not require this kind of money. Talking about casting seed on stony ground, I would have thought that the people at Football Park were not really as amenable to the no-smoking message as perhaps our school children would be. So, I would rather see the \$400 000 or whatever being directed by

the Minister for Recreation and Sport to junior sport, junior football if necessary (I do not care which sport), to ensure that the message got home. As to the Democrats saying we are in the hands of the tobacco lobby, they really are silly; they are a bunch of self-righteous, sanctimonious hypocrites, and one of the great pleasures of leaving this place is that I will never have to deal with those characters again.

Mr Quirke interjecting:

The Hon. FRANK BLEVINS: No, I must admit I have avoided them like the plague. That is why I left the Legislative Council. People ask me, 'Why did you leave, Frank?' I tell them, 'Did you ever meet Ian Gilfillan? Did you know that in 1985 the Hon. Michael Elliott was coming in and wouldn't you have left?' They all agreed that it was a very sensible and rational thing to do. They really are nonsensical people.

Mr BUCKBY (Light): I support the Bill. The report placed before the Parliament is, I believe, an extremely important one and, as the members for Giles and Peake have both indicated, we have come under some criticism for the recommendations brought forward in this report, but I believe that the committee has acted as it is supposed to, that is, that it be a watch dog over the finances of this State. We looked at the Act and at Living Health which, we believed, was not conforming to the Act under which it operates in regard to replacing tobacco sponsorship and having a strong anti-smoking campaign. As both previous speakers have said, the tobacco sponsorship issue is now not so important, but we uncovered in our investigations how little money is now being spent on an anti-smoking campaign. I refer to the name change to Living Health. No longer do we see the 'Quit' banners around ovals or on placards but we see 'Living Health', but that message, to me, says nothing about anti-smoking whatsoever, and I am sure most people in the community would agree with that.

What is Living Health? We hope we are all healthy, but it does not tell us not to smoke, yet that is what the money from the tobacco tax is primarily supposed to be used for. In the committee's findings that was one area where we specifically felt that the Living Health Board has failed in its responsibilities. The report, as the member for Peake said, suggests the consolidation of funding to the Minister for Health and that he allocates an amount of funding towards the other two Ministers—the Minister for the Arts and the Minister for Recreation and Sport—to ensure that those organisations which currently receive funding from the tobacco products licensing tax continue to receive that funding. It is not the idea of the committee at all that funding to those bodies be withdrawn. Earlier in the week when the report was released, as the member for Giles has said, the Democrats in another place were coming out and suggesting all sorts of things were likely to flow from this, claiming that we had been in the arms of the tobacco industry and all sorts of ridiculous comments. That is not the case at all.

On the issue of young people smoking in schools, that is an area where they have failed sadly. It is well known that most tobacco advertising is aimed at young people. We only have to look at advertisements in periodicals, magazines and newspapers that portray the image of this young slender person either on a beach or next to a very expensive car—

Members interjecting:

Mr BUCKBY: Like the member for Playford, as he suggests, but the image is presented suggesting that this is what you will look like and this is the position you will be in

if you smoke. That is directed to those people who are able to be influenced at a young age yet the amount of money being spent on those young people in school programs is what I would call minimal. Only \$8 000 out of an \$11 million budget—

The Hon. Frank Blevins interjecting:

Mr BUCKBY:—as the member for Giles has just said—is an insult. There are ample opportunities and ample programs that could be directed to young people in schools to sell an anti-smoking message. Living Health has obviously decided not to pick that up, and I believe that it has failed in not doing so. The figures show that smoking has increased among 14-year-olds and 15-year-olds over the past three or four years and, obviously, it is an area that is not being attacked well enough.

On the matter of free tickets, particularly to the football, I have been twice offered football tickets.

Mr Quirke interjecting:

Mr BUCKBY: Confession time, as the member for Playford has just said. I have been twice offered football tickets, and on both occasions I have refused them, because I believe that these tickets should be offered to junior football clubs—to young juniors—who would benefit far more and who perhaps never get the opportunity to go to either a Crows or a Port Power game. If anyone is going to have tickets to the football, they should be offered to those junior football clubs so that the young people in question can be the guests of Living Health. I believe that the direction is totally wrong.

Those young people visiting Football Park, where there is no smoking, would be given the message, 'Smoking is not healthy for you. Come along to the football and we will give you a free day there, including a meal.' Those young people would come away thinking, 'Wasn't that terrific! I'm not going to take up smoking', or they would at least think about it before they did, bearing in mind the message they had received on that day.

I do not believe that tickets should be given to any politician in that area: I think it is totally wrong. I refused my tickets over the telephone as a matter of principle. That is my personal opinion: it is up to other members in this place to decide whether or not they accept them. I do not criticise them for doing that, but I chose not to.

The other benefit from the recommendations of the committee is that there would be a saving of approximately \$1 million by allocating funding from the tobacco tax through the Minister for Health and the other two relevant Ministers, providing more money to be spent on selling the anti-smoking campaign. As the member for Giles has correctly said, we should be targeting this at young people so that later on we do not end up with hospital wards full of people with emphysema.

I heard an interesting comment on radio this morning indicating that in Western Australia the Minister for Industrial Affairs will ban smoking in all work places. It is not going through Parliament: he has taken the decision on his own behalf. He considers that the effects of smoking are so bad and so unhealthy that he will ban it in all work places in Western Australia. I find that a very interesting recommendation and it will be interesting to see how it is implemented.

I believe that the committee has highlighted the fact that not enough money has been allocated by the Living Health board to an anti-smoking campaign, and I am pleased to say that all members of the committee supported this view. It was a unanimous view of the committee and one that we spent a great deal of time considering in coming to those recommen-

dations. I reiterate that I believe that not nearly enough is being spent on promoting anti-smoking in schools. It is the prime place to which we should be directing anti-smoking campaigns, targeting those young people at an age when they first take up smoking. In many instances, once they start it is very difficult to stop and get off the treadmill. That is where a lot of the money should be directed.

I have much pleasure in commending the committee on its proposals. Also I thank the members of staff who worked to put this excellent report together. If it is not the best report, it is one of the best that the committee has produced in the past four years, and I have much pleasure in supporting its adoption.

Mr QUIRKE (Playford): I do not know how you actually set up what I call colloquially a 'tart shop', but that is what this is. It is a tart shop. If you want to get a free tart, you go along to this organisation. I found out today that some MPs have managed to do fairly well out of it. The other day I was looking at the list of those who have done well. I found surprisingly that some of the supporters of this organisation had a number of registrations next to their name.

Unlike the member for Light, I never received the offer of any tickets to the football. When I questioned this aspect in the committee, I was told that in any case the soup was cold! I felt very sorry for him at that stage. I did suggest that we could have brought in the string quartet which is regularly on the list of organisations that are paid out of Living Health funds. It is possible that the string quartet could have come along and played for the three or four people from Living Health who were there trying to justify what I think is basically an ill-conceived concept. There are some ideas that you get late at night which you sensibly forget about over the cornflakes or allbran in the morning. This is one of those ideas. I will go into that a bit further in a minute.

I do not know why Living Health wanted to tell me that the soup was cold at the Port Power match, because I do know that they want to take the warm pies out of the tuck shop down there. A lot of organisations in this world want to tell you how to live your life. I do not have any problem with somebody going around saying this, that or the other. However, the next stage is that they will focus on what I describe as the working class culture and tell people there are no more Mars bars, etc. I am happy to say that I am a living example of the working class culture. In the last school at which I taught, for 10 years the home economics department failed at every staff meeting to ransack the canteen and take out all the foods the kids wanted and put in all the stuff they did not want, such as pygmy carrots and asbestos sandwiches which they deemed that I and others should eat.

Living Health is ill conceived for a number of reasons. First, it is functioning under the guise of promoting an anti-smoking campaign, but it has failed. It is not relevant and has done very little in the community in respect of anti-smoking. I agree basically with the committee—although not entirely, and I will come to that shortly—that what ought to happen is that all the money from tobacco taxes ought to go into consolidated revenue and that sufficient money, however much that is, ought to be paid to the Minister for Health to get on with the job.

The job is to stop members of the community from smoking, to get rid of smoking, and the Minister ought to get on with it. He does not need an organisation that goes out and bribes maybe 300 or 400 organisations which, they had the cheek to say earlier this week, would be very happy to come

and give evidence and say how pleased they are that they had received financial assistance. I could tell Living Health that I could bring in every organisation from the electorate of Playford that do not have anything, and they would admit to knowing that they will not get anything. That is how this organisation works.

I have no doubt that some of the people in this organisation can produce people who are very pleased with it. When I heard the comments of the Hon. Sandra Kanck, I thought, 'This figures!' It figures because this is an ill-conceived Democrat type show. This is the MFP that is not the MFP. The MFP looks after all of those nonsense things out there on one side, and this organisation looks after the rest—or most of the rest. I believe that the whole exercise is probably a waste of time.

I will not be here to see what, if any, legislation will come through, but I throw the challenge to those who will be here to do something about this. It is a group of middle-class individuals telling the world how they should live their lives, telling my constituents that they can pay through their tobacco taxes to support the activities, predominantly, of North Adelaide. They are not even happy with us eating our pies at Football Park: they want to come around and ruin that. And they tell us that the soup is cold. Well, I will heat the soup for them, if they wish. I will pay for my own ticket, but that is it.

I did receive a pile of tickets to the races—and most people who know me know that the last horse I put money on was Phar Lap. I am far too miserable to be a gambler. I have never gambled—that I am aware of—on anything in my life, except marriage. At the end of the day, I sent the tickets back—

The Hon. Frank Blevins: Eventually you backed a winner.

Mr QUIRKE: I did back a winner. I sent the tickets to the races back to this organisation. I really believe that the Government has to pick up this issue and sort it out. I do not know whether the Government really needs an organisation like this to tip money into all sorts of different funds of one kind or another. However, I believe that a much more efficient way of doing it could probably be found. To suggest that it be done under the guise of anti-smoking is really covered under the Fraud Act: it is fraud because, as I understand it, 94 per cent of the money has nothing whatsoever to do with anti-smoking.

I have not been a smoker for 20 years but, if I were a smoker now, I would resent paying money to this organisation so that it can work out which aspect of popular culture it wants to support. I believe it is one of those things that has been tried and has been proved to be wanting. I feel quite sorry for the staff, because they have to front up and keep a stiff upper lip for what is, basically, bad Government policy. We brought it in, this Government has kept it going, and I suspect that it will probably have a life yet of many years to come. But, at the end of the day, with all these millions of dollars that are being poured into it, I doubt the worth of the whole thing. The central issue of stopping people smoking—and, in particular, stopping young people smoking—has been shown to be an absolute failure.

This is probably the last report of the Economic and Finance Committee that I will have an opportunity to address in the House. I have enjoyed serving on the committee since 1992. I believe that this is one of the better reports, and I want to thank the Chairman for exploring this issue. I believe that he and one or two others—

An honourable member interjecting:

Mr QUIRKE: I was a very good Chairman. He and one or two others who pushed this issue deserve better than the references that were made by the Hon. Sandra Kanck. This is, beyond any doubt, one of the most significant reports for the Government, and I hope that it picks it up and runs with it. It is an idea that should have been buried at the Kellogg's Cornflakes stage. Instead, as I understand it, it has had about \$50 million so far, but at least—

The Hon. Frank Blevins: It's \$60 million-odd.

Mr QUIRKE: It is \$60 million-odd—and the 40 racing tickets that I sent back.

Mr Foley interjecting:

Mr BROKESHIRE (Mawson): I appreciate that the member for Hart does not want to hear me. I could say, 'Ditto', because day in and day out I have to listen to the rhetoric and rubbish from the member for Hart, particularly during Question Time. I will be reasonably brief. I have not seen the report, but I can speak on the general principles of Living Health. I do not know what other members have been doing in their electorate, but I would like to cite a few examples of the way in which Living Health has been beneficial for my electorate.

Mr Foley interjecting:

Mr BROKESHIRE: It is not about crawling: it is about putting a bit of balance back into the equation. I agree that the report is probably very accurate when it talks about an absolutely bloated bureaucracy that is grabbing more of the tax dollar than it should. However, I would like to suggest that this would not be the only such organisation. Bureaucratically, these organisations have been over resourced time and again through many Governments. It is interesting that, when the Liberal Government got into power and wanted to start to thin out some of this bureaucracy and to get the dollars out to where they count, members opposite were the first to complain and object.

I think the Opposition said recently that it believed that Public Service shedding had added to unemployment problems. The Opposition should also remember that Living Health, or Foundation SA as it was called when this organisation was started, was developed by the Labor Party. The Labor Party had many years in which to fix the problem through the Economic and Finance Committee, but it did not. I would like to put on the record a couple of great projects run by Living Health. The first is a smoke free project that is being run in the schools in my electorate by the Noarlunga Community Health Service. I ask members opposite to look at where some of the funding for these sorts of projects has come from and the education and health developments that have occurred for young people in primary schools in the southern region and then tell me whether that money was well spent.

Last night whilst reading some of my correspondence I came across a letter from a project officer who has been doing some work with me in vocational education and training, particularly with respect to occupational health and safety, at the Willunga High School. I was pleased to see that Living Health had just granted over \$16 000 to the next stage of that project. This project is not about reducing the number of people who smoke—I accept that—it is about living health. I suggest that, if money is being put in by the taxpayers to ensure that young people when they try to get into the work force are not faced with unemployment or WorkCover problems because they have been trained

properly through funding from Living Health, perhaps some of that money is being spent in the right area.

The only other thing that I would like to say in this respect is that it is interesting to note that, when specific amounts of money have been dedicated to a project, the Labor Party has wanted to set up a committee or organisations that are at arm's length from Ministers, because it does not believe that Ministers should have the right to run these sorts of projects. If members opposite want to thin out the bureaucracy and get dedicated taxpayer revenue into the community where it belongs, let that money and other amounts of money, perhaps part of the Gamblers Rehabilitation Fund, be spent by the Government of the day—

Mr Foley interjecting:

Mr BROKESHIRE: That's right; I am bipartisan.

Mr Foley interjecting:

Mr BROKESHIRE: I am not being political; I am simply stating the facts. If, instead of knocking, members opposite can show me that they can be bipartisan and fix up the mess that they created, we will see some real bipartisan stuff, not the sort of rubbish that we hear from the Leader of the Opposition who says that he gives bipartisan support to 80 per cent of legislation when that legislation is absolutely irrelevant. Members opposite expect the people of South Australia to buy their line. They might think that they will, but I say they will not.

Finally, we need to look at all areas to see that the dollars are being spent wisely. Members opposite knock the MFP and Foundation SA (now Living Health), programs which were implemented by a Labor Government. Whilst I agree that the report is a good and healthy report, because it has opened up the matter to a full review, the bottom line is that not everything that Living Health has done is bad and quite a few good projects have been put forward.

Mr BRINDAL (Unley): I rise to support all members of the committee. I point out to the member for Mawson that the committee is comprised of four Government members and three Opposition members and that the report was unanimous. I will not detain the House for long. I wish to say in my opening remarks that Mr Quirke said that this was the last report with which he would be associated. I would like to have it recorded that I have enjoyed working with Mr Quirke on the committee since 1992. He has been a valuable contributor, especially when he was Chairman, because single-handedly his fierce determination to expose errors which should be exposed helped us to win seats on these benches. He should be credited with that, because investigations under his chairmanship into matters such as executive salaries and payouts and a whole range of other issues were important for this Parliament to consider at that time. It was brave of him as a member of the then Government to take on those matters as Chairman of the committee.

The matter in question is not whether Living Health projects are good projects—many of them are—but the administration of the programs and the relevance of guidelines to 1997. Basically, I believe that, whilst there was complete unanimity amongst the members, that unanimity revolved around the fact that, although the guidelines technically are probably being met, they are not really relevant to 1997, that we need either new guidelines or a new structure. In considering that matter, the committee unanimously agreed that what would probably be the easiest and best solution was the creation of a new structure rather than redesigning the guidelines through legislation. That was all

it was about. We were not criticising many of the programs: no-one can, because many of them are good and, hopefully, future Ministers and a future administrative structure will keep on many of those programs. It was about efficiency in government and the right of a government to determine which programs it wants to fund, not to put them at arm's length and run them in a roundabout way so that the government could claim some of the credit but perhaps not control the process in the way it wished.

I will not detain the House any longer. I will sum up by saying that many years ago when the Hon. Tom Playford was Premier a special road safety fund was set up. When the Labor Party came to power it got rid of a lot of special purpose funds on the argument that the government has the right to govern and to apply money in whatever way it directs, that there should not be in every other cupboard a little hollow log for putting in road safety money here and school crossing money there. This report is basically in line with that. It does not knock the work of Living Health in so far as it has sponsored good programs, but it does say that there can and should be better administration of the application of this money.

I do not resile from the report of the committee. I think the committee did good work in this area. I hope the Government will consider the report. It has a perfect right to reject it if it so chooses, but this committee has produced good work, and that has been acknowledged in the press. I am pleased to be associated with the committee, and I am proud of the work that my colleagues and I have done on this report.

Ms STEVENS (Elizabeth): I read the report with interest, because I became aware of a number of issues that the report canvasses during the debate on the Tobacco Products Regulation Bill earlier this year. I note that the report picks up on a number of those matters as well as a number of others.

I support the recommendations of the report. I will refer to two aspects in detail and briefly go over other aspects. The most obvious reason for the need for a change in the way we are doing things is that, whilst tobacco smoking remains one of the major causes of death in this country and certainly one of the major causes of huge expense in our health system, and while we have this fund established and being administered for the purpose of reducing some of that cost, the outcomes show that smoking rates have not decreased significantly over the past 10 years. In fact, there has been a plateauing in the rate of smoking.

There is still a high prevalence of smoking amongst young people. The rate for males and females aged 15 to 29 years has not declined significantly since 1987, and in 1997 we know that 27 per cent of adults smoke and for children aged 15 years the percentage is 25 per cent. We still have an unacceptably high level of smoking in the community and this has remained so over the time that this organisation has been distributing \$66 million in an attempt to bring down the percentage. So, first, the outcomes are not there. We have to ask questions about why the smoking rate has not gone down more quickly.

Secondly, the committee graphically showed that the amount of money spent over this time on health programs directly associated with anti-smoking was in the vicinity of \$4 million out of \$66 million. Only 6 per cent of the total funding that Living Health has had since it is inception has been spent on health programs directly associated with anti-

smoking. This issue was also raised during the debate on the previous Bill.

I will restate what I said then, namely, currently per annum approximately \$600 000 is spent on programs designed to reduce smoking and this money comes from Living Health. This is about 40¢ per head of population in South Australia. Children in South Australia consume about 1 per cent of tobacco and contribute the same by way of licence fees and excise taxes. This amounts to several million dollars. Western Australia, the Northern Territory and Victoria spend considerably more than we do. California, which reduced smoking prevalence from 27 per cent in 1989 to 17 per cent in 1994, spends about \$3 per head. Those who know and have done research say that, in order to achieve changes of that magnitude, we need resources equivalent to \$3 per head, which would be about \$4.5 million per year and not \$600 000 per year.

Out of that fund we have to find that sort of money and directly target anti-smoking programs. That should be the prime consideration of that fund. I am very concerned that this has not happened and probably this is the reason for our not having impacted on the tobacco smoking rate, particularly amongst young people. During debate on the Tobacco Products Regulation Bill the Government agreed with Opposition requests that a special fund of \$2.5 million be set up from the increased taxes gained from the three-tier tar tax. The Government agreed that it would put the first \$2.5 million of that extra revenue towards education programs directed at young people. I am saying that it should not have to come from that source. That \$2.5 million should be coming from the Living Health budget. I agree with the committee's criticism in that respect.

It seems that Living Health has lost focus in terms of its prime role of reducing tobacco smoking. The outcomes show that, and evidence suggests that it is directly related to the amount of money that has not been spent directly on programs associated with anti-smoking. On those two counts alone, we need to look again at what is happening and what is being done. I note that the committee referred to duplication and overlap in programs and I agree with its comments. I also note its comments on the distribution of grants. I have heard from organisations and groups in the community that, because Living Health puts its money mostly through peak bodies, often it does not find its way out into the community and covering all the people who should be covered.

It is time to have another look. I agree with what the committee recommends: that there needs to be a substantial increase in expenditure on programs and campaigns concerned with reducing tobacco consumption. Clearly, we have to do better. As the member for Giles says, we have vast amounts of money at our disposal to do that. We need to do it effectively and get the results we are looking for. I support the committee's recommendation that the Minister for Health take on the responsibility of administering the money. I am not saying that the money should not be set aside, but we have to do it differently so that we can get the outcomes we want.

I am sorry that the Minister for Health does not appear to be here today. I have only seen his comments in the press. I understand that he supports the continuation of Living Health. I am not sure why he is concerned about being able to manage this fund himself. I presume that people are concerned that, if Ministers are dealing directly with each other, they will siphon off funds into all sorts of other areas. That is a cop out. The Minister for Health and those Ministers in

designing service agreements in terms of the expenditure of that money can be quite clear about how it is to be expended. I am not saying that the money should not be there or that arts and sports bodies should not have access to it but it needs to be targeted, and this is a better way of doing it. That is all I need to say. I thank the committee for its report and support the recommendations.

Mr FOLEY (Hart): Time is of the essence, as we have pressing other business. As a member of the Economic and Finance Committee, I support the report. It is an appropriate role of the Economic and Finance Committee to scrutinise. I take exception to the critics, you included, Sir, and those in the community and in Living Health. The Economic and Finance Committee's role is to scrutinise public finances. Our role as members of the legislature is to scrutinise public finances. It is a job that we have done in a prudent manner in the report. The chairman and members are to be congratulated, as are the staff, for the quality of their work. Whether one agrees with the views of the report is not the issue: the issue is that an appropriate review and scrutiny has been applied to substantial areas of Government funding. That is the role of the committee. It is not of politics as you, Sir, attempted to suggest in this Chamber today.

Mrs Kotz interjecting:

Mr FOLEY: The Minister can do her dockets and mind her business. The reality is that the Economic and Finance Committee undertook appropriate reviews of a substantial area of Government funding. That is the role of the committee. Whether people like or disagree with its findings, or whether there are a range of views among committee members, at the end of the day that is the role of the committee. Good work was done and people can now judge whether or not the recommendations should be implemented.

Mr BECKER (Peake): I thank all members for their contribution to the debate and trust that every member in the House will take the opportunity to read this report and ensure that those who are given the responsibility to make decisions in the future will also look at it and consider its ramifications. The committee and I as Chairman have always wanted to be fair and reasonable in our deliberations, and our role has been to ensure greater accountability to the public. When I first came into Parliament, a dear friend of mine who was a senior public servant asked how I getting on after I had been here six months. I said, 'There's no doubt about the Public Service; it runs the State.' He said, 'The piece of advice I can give you is that the Public Service will always outlive the politicians.' With the current insistence on value for money and greater accountability, I hope the politicians can give the lead in ensuring value for money with respect to the taxes we handle on behalf of the people.

I pay tribute to my staff—the secretary and research officer responsible for assisting us in this report—for their time, consideration and tolerance, and I commend them on putting together an excellent, precised report. That is what we are all about. We could have written pages and pages, but the emphasis nowadays is on short, sharp reports. I know the member for Florey is disappointed that he is not present this morning. He would have loved to speak on this debate, but he assures me that he will follow this issue.

The Hon. Frank Blevins interjecting:

Mr BECKER: Poor Sandra; I did earlier. When the Hon. Sandra Kanck gets the opportunity to read and study the report and when somebody explains it to her, we might get

a different point of view. I do not think the Hon. Michael Elliott exactly supports everything she has said. Again, I thank members and commend the motion to the House.

Motion carried.

GOVERNMENT FINANCIAL RESPONSIBILITY BILL

Mr FOLEY (Hart) obtained leave and introduced a Bill for an Act to improve Government financial responsibility and reporting and for other purposes. Read a first time.

Mr FOLEY: I move:

That this Bill be now read a second time.

This Bill provides the framework for financial responsibility and accountability under a future Labor Government. It will put South Australia at the leading edge of Government financial management. This legislation is the product of the lessons Labor has learnt as a result of both the failure of the State Bank of South Australia and the adjustment process which was necessary to deal with the financial loss. Unfortunately, it is clear from recent experience that the current Liberal Government has not learnt all those lessons. The dominant issue with our State finances over the past five years has been the effect of the State Bank failure on our debt. Both Labor and Liberal Governments have had to take serious action to deal with it. Net State debt has been stabilised and reduced, and the current Liberal Government saw it as appropriate to begin increasing outlays in real terms in 1996-97, with real growth in underlying current outlays of .4 per cent.

In his budget speech, the State Treasurer declared that he has achieved the objectives which were set out in his 1994 financial statement, which was intended to restore the State's finances. I challenged the accuracy of that declaration in my reply to the budget. But, regardless of the accounting contrivances collectively amounting to \$200 million which were used to make it appear that the Government had achieved an underlying surplus for the non-commercial sector when it had not, the situation is that the Government has declared that it has achieved the financial targets it set in 1994 and now has no publicly stated set of financial objectives. The last budget owes much more to politics and the approaching election than it does to any clear view about what should be the direction of our State's finances.

I said in my budget reply speech that the fact that a Government can still publish budget papers that claim a bogus underlying surplus demonstrated that it is time standards of Government financial accountability are set down in legislation. The Government Financial Responsibility Bill that I am introducing today deals with both these problems:

- it requires that the Government publish a financial strategy;
- it adopts accounting standards which have been determined by appropriate external authorities.

However, it goes further than that, and it will ensure the following:

- that there is a continuing focus by Government on the requirement to reduce State debt;
- that there is an annual cycle of public reporting by Government on the State budget;
- that there is a published assessment of the sustainability of current expenditure policies in the long term;

- that the State's true financial position is disclosed to the public within days of the issue of writs for a general election;
- and that there is a process available for independent and expert costing of the promises made by political Parties in an election campaign.

The first requirement of the legislation is that the Treasurer must prepare and publish a debt reduction strategy for Government after the commencement of the Act and within six months after each general election. The debt reduction strategy must include details of the amount and composition of State debt, together with comparable historical data for the previous 30 years, as well as projections for State debt at the end of the current and the next three succeeding financial years, prepared on the basis that these policies and activities of Government will not change significantly during those years. The debt reduction strategy must then set out details of the Government's strategies and strategic priorities to reduce net State debt.

The second requirement of the Bill is that the Treasurer will prepare and publicly release a financial strategy document which will set out the Government's long-term financial objectives within which shorter term financial policy will be framed. In particular:

- any financial targets which the Government has set;
- the specific strategic priorities required to achieve the Government's financial objectives;
- an explanation of how the financial strategy relates to the debt reduction strategy (this assumes the Government's financial objectives are broader than reduction of debt), such as funding particular standards of services and achieving a tax regime which is competitive with the other States;
- and details of any financial measures that are temporary, for example, to provide a temporary stimulation to some area of the economy, such as housing.

The third requirement of the Bill is for an annual cycle of budget reporting to standards which are mandatory. The first element is a requirement to present a financial outlook report as part of the State budget which must include:

- estimates of expenditure by programs for the previous budget year, the budget year, and forward estimates on a no policy change basis for the succeeding three financial years;
- estimates of revenue by type for the previous budget year, the budget year, and forward estimates on a no policy change basis for the succeeding three financial years;
- whole of Government financial estimates for the previous budget year, the budget year, and forward estimates for the next three financial years, where whole of Government includes the Government business enterprises;
- the economic forecasts on which the financial estimates and forward estimates are based;
- a discussion and quantification of the sensitivity of the financial estimates to variations from the economic forecast;
- the estimated deficit or surplus for the budget year for the Government sector, including major asset sales; the Government sector, excluding major asset sales; the whole of Government, including major asset sales; and the whole of Government, excluding major asset sales;
- details of the Government's capital works program, including a brief description of each project that is current or to be initiated in the budget year, together with the estimated total cost of the project; the expenditure on the

project to date; the estimated expenditure in the budget year; the estimated expenditure for each of the next three succeeding financial years; whether the project has been considered by the Public Works Committee; whether a contract has been signed for the project by the Government; and whether the Government has commenced physical work on the project, so that Parliament will be aware of whether the project has reached the point of commitment;

- estimates of net State debt at the end of the budget year and for the next three years on a no policy change basis;
- comparable historical data for the financial estimates for each of the previous 10 years; and
- a reconciliation of the budget estimates of expenditure and revenue, with the forward estimates published in the previous financial year, identifying differences attributable to: changes in policy; changes in economic conditions (relative to the previous economic forecasts); parameter changes (the physical characteristics affecting expenditure—such as the number of children in State funded education); and estimates variations (such as revisions to the cost of particular capital works).

The current Government's record of accountability in these areas has been poor. Recent sets of budget papers have provided less and less detail about budget measures, in particular the failure to disclose the extent and nature of cuts to programs necessary to achieve reduced spending targets. In short, services have been cut with no public disclosure.

In the same way, no information has been provided by the present Government on the tax concessions which have been lavished on a select group of large interstate and international companies as industry attraction incentives. This Bill deals with those specific deficiencies by requiring that in the financial outlook statement the Government disclose:

- a list of the measures contained in the budget and an estimate of the cost of each measure in the budget year and in each of the next three financial years; and,
- all tax concessions according to tax type that are expected to be provided during the budget year and their cost not only in the budget year but in the three succeeding years on a no policy change basis.

The Government will also be required to account properly for its assets and liabilities by providing:

- a balance sheet for the whole of Government;
- a list of liabilities, quantified where possible; and
- a statement of risks and uncertainties that may have a material effect on future financial outcomes, including contingent liabilities, publicly announced Government commitments which have not been included in the estimates, and negotiations which have not been finalised.

The Treasurer will be required to update all this information halfway through the budget year by publishing a mid-year review. After the end of the financial year the Treasurer will be required to publish a final budget outcome. This is particularly important now that budgets are brought down in May and can no longer include final budget outcome information.

The final budget outcome report will be required to provide an explanation of every departure from a budget estimate for each appropriation, program, source of revenue and tax, specifically identifying whether those departures were attributable to:

- changes in policy;
- changes in economic conditions;
- parameter changes;

- estimates variations;
- the bringing forward of programs or capital works; and,
- the slippage of programs or capital works.

As important as the information required is the integrity of that information. The financial outlook report, mid-year review and final budget outcome report must be based on a consistent set of identified reporting standards prepared by a professional body which is independent of the State Government. Any departure from those reporting standards must be disclosed. There must also be disclosure of any inconsistency in the reporting standards for the budget year with the current debt reduction strategy and the financial strategy document.

One of the critical issues which has never been part of any regular budget process is the question whether current programs and the present general level of Government spending are sustainable in the very long term. The Government Financial Responsibility Bill requires that the Government prepare an intergenerational report within two years of the commencement of the Act and at least every five years thereafter. I seek leave to have the remainder of my second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The intergenerational report must include:

- an assessment of the long term sustainability of current Government policies and programs over the 40 years following the release of the report;
- an analysis of the implications of demographic trends on the cost of programs;
- an actuary's estimate of the assets and total accrued liability of each public sector superannuation scheme at a date six months prior to the release of the report;
- an actuary's estimate of the assets and liabilities of each public sector superannuation scheme 40 years after publication of the intergenerational report;
- a summary and quantification of the liabilities and contingent liabilities of the Government including entities which are off budget;
- an assessment of the adequacy and state of repair of Government infrastructure and of the programs being undertaken to ensure that Government infrastructure remains adequate and in an appropriate state of repair;
- an estimate of the value of all fixed Government assets, together with appropriate depreciation schedules for those assets.

The final set of provisions in the Bill provide a mechanism for giving the public an independent assessment of the affordability of the promises which politicians make at election time.

The Under-Treasurer will be obliged by law to publicly release an election financial report within five working days of the issue of the writs for a general election.

The election financial report will contain:

- an update of the most recently released estimates from the latest financial outlook report or mid-year review;
- an explanation for any variation from a previous estimate, specifically identifying departures attributable to changes in policy, changes in economic conditions, parameter changes and estimates variations;
- details of the economic forecasts on which the update is based;
- details of any outstanding issue with a financial implication exceeding \$1 million so that the Government cannot avoid the intention of the Bill to make the State's financial position public by simply deferring costly and inevitable decisions;
- details of any variations from the most recently published statement of liabilities; and
- any other financial information which should in the opinion of the Under-Treasurer be available to Parties contesting the election.

The Premier and Treasurer will be required to provide the Under-Treasurer with the details of any Government decision with financial implications which might not otherwise be known to him within two working days after the issue of the writs. This is to avoid Ministers making financial commitments prior to the caretaker period and failing to disclose them until after the election.

The election financial report must be prepared according to the financial standards that apply to a State budget so that the information it contains is comparable.

The election financial report must be prepared by Treasury on a basis which is independent of the Government of the day according to the best professional judgment of Treasury officers and without political interference.

Political interference means a Minister or a person acting on the Minister's behalf issuing an instruction to a public servant, or a person making an offer or threat, or offering an inducement (expressly or implied), to a public servant with a view to influencing the public servant in the exercise of his or her professional judgment. The Under-Treasurer may make a determination excluding from an election financial report information concerning contingent liabilities or information connected with Government negotiations or decisions that have not been finalised if in the Under-Treasurer's view that exclusion is in the public interest. However given the sensitivity of such a determination the Auditor-General will be required to examine it and must report on its appropriateness in his annual report.

These provisions will ensure that political parties and the public have available an accurate assessment of the State's finances as soon as possible after a general election is called.

The Bill also provides a process for costing the election promises of political Parties.

Under these provisions the leader of any Party with parliamentary representation may request the Under-Treasurer to cost their publicly announced election promises. The request must:

- be in writing;
- state the purposes of the policy; and
- give sufficient details to allow the costing to be made.

The Under-Treasurer may request additional information to assist him in costing a policy.

The Under-Treasurer must advertise that he has received a request. The costing must be based on the best professional judgment of officers of Treasury. The process must be independent, political interference is prohibited.

If the Under-Treasurer is not given sufficient information, or has not been given sufficient time to prepare and publicly release a costing he must publicly release a statement to that effect before election day.

When the costing has been undertaken the Under-Treasurer must release it publicly.

The Government will no doubt raise a number of concerns about this process for costing election commitments.

The first is that it may result in unreasonable demands on Government resources. However it is entirely appropriate under Westminster conventions, indeed it is the responsibility of professional public servants to cost and evaluate the policies of all political parties during the caretaker period so that they can be ready to advise them should they win.

The second is that it makes public resources available to political parties other than those who presently enjoy the privileges of executive authority. There are longstanding precedents in other jurisdictions, in particular the Commonwealth, for the bureaucracy to cost Government and Opposition policies for public release during the election period. Removing one of the advantages of incumbency, the opportunity to abuse this process by not making available Treasury coatings of opponents policies when they would verify the proponents claims about costs or being able to cobble together dodgy coatings in Ministerial offices hugely exaggerating the cost of opposition policies, has to enhance the integrity of the political process.

The third is that it draws a senior public servant into the political debate. It does not. It requires a public servant to undertake a technical function in accordance with a procedure set out under a parliamentary statute according to his or her best professional judgment. In setting that procedure out in law it reduces the opportunity for, Government abuse of the process such as those I have just described. The requirements of the Bill make sure that those procedures are public and as transparent as they can be made.

The fourth is that a political Party may not want to have its policies costed independently by the Treasury. The procedures laid out in the Bill put that in the hands of the party proposing the policy. Of course in a democratic system there is nothing to stop anybody commenting on the potential cost of any party's policy.

There is obviously significant public benefit in providing accurate information on the cost of election commitments.

Mr MEIER secured the adjournment of the debate.

**ENVIRONMENT RESOURCES AND
DEVELOPMENT COMMITTEE: WASTE
MANAGEMENT**

Mr VENNING (Custance): I move:

That the twenty-fourth report of the committee on waste management practices in South Australia be noted.

The Environment, Resources and Development Committee was instructed to investigate and report on waste management practices in South Australia as there was great concern in the community about waste disposal: 44 submissions were received and 39 witnesses appeared before the committee. Evidence was heard over a period of more than 12 months and the committee travelled to Queensland to the National Conference on Waste Management. Landfills play a significant role in waste management in South Australia but the landfills servicing the metropolitan area are rapidly nearing the end of their operational lives and so the committee initially concentrated on the issue of landfills, particularly their location, design and operation.

It became apparent that current landfills cause problems for neighbouring communities. The committee visited four proposed landfill sites, including the Inkerman and Dublin sites, and the committee was also very cognisant of the activity at Cambrai which is still ongoing. The committee notes that the Environment Protection Authority is addressing the management of landfills and has released draft interim criteria for solid waste landfill depots. The committee recommends that no further landfills should be approved unless they conform to these criteria. The committee also recommends sufficient funding for the EPA to enable it to take a more active role in enforcing landfill licensing conditions.

The EPA waste strategy has committed the community to a target of a 50 per cent reduction in the total quantity of solid waste going into landfill by the year 2000. Therefore, ways of reducing waste need to be developed. The committee reviewed evidence about how this could be achieved, especially in the areas of recycling and waste generation. Recycling is a service demanded by the community and is offered in all metropolitan councils. The committee recommends that councils encourage recycling by providing a user-friendly service, but the inquiry discovered also a debate about the cost effectiveness of community-driven recycling and whether it should be pursued. This debate is also occurring in other States. As I said, the committee sent representatives to the National Waste Management Conference in Brisbane and this debate was to the forefront. One has to be cognisant of the fact always that the recycling part of the waste stream is only about 25 to 30 per cent. The rest of it is made up of building and green wastes. We must be cognisant of the fact that the highest cost—most of the money—involves chasing only a small portion of the waste stream. That is an interesting debate and it was active at the national conference.

In the area of waste generation the committee recommends that industries be encouraged to take responsibility for the products they produce and be encouraged to work together to standardise the containers and materials used. This standardisation should include a reduction in the type of plastics used or the adoption of a system which facilitates efficient automated or manual sorting. We see many containers, particularly like margarine containers, manufactured from

four or five types of plastics and we need to give guidance for uniformity to make recycling much easier and encourage manufacturers to come back to one or, at the most, two types of plastic. If they have to use a different type, they should make it a different shape so that it can be pulled out of the stream. The committee also recommends funding for the EPA to liaise with industry on full life cycle analysis of products.

The community needs the assistance of the EPA and local councils regarding the safe disposal of hazardous substances. The committee recommends education campaigns and more readily available disposal services. The committee also recommends the establishment of a secure hazardous waste repository for waste generated in South Australia. The committee commends the use of reusable containers for agricultural chemicals and recommends the expansion of the scheme to other manufacturers. We thought further encouragement was desirable for farmers to buy their chemicals in reusable and recyclable containers.

Another aspect of waste management is container deposit legislation, which has been very successful in South Australia in reducing litter. Improvements in the legislation to cover other major items present in the litter stream will ensure its continuing success. The question is raised why other States do not have similar legislation, and the committee recommends continuing dialogue with other States and Territories to encourage its introduction. This question was asked of me last week during the national ERD conference and I was happy to relate the success in South Australia. Certainly, most of the other States were very supportive and wondered why their Governments had not followed suit, although they may do so very begrudgingly.

This reference was very interesting and informative. As a result of the inquiry, the committee has made 34 recommendations and looks forward to a positive response to them. I congratulate the committee and, as its Chairman, I thank members for their cooperation and, more particularly, for the bipartisan and constructive way in which they have carried out their duties. I also wish to congratulate and thank our Secretary, Bill Sotiropoulos, and our new research officer, Mrs Heather Hill. It is an excellent report, compelling reading on a most important and relevant subject, and I commend the report to the House.

Ms HURLEY (Napier): In South Australia in the past we have had little better than unmonitored dumps with the gas being tapped off in some cases. In Adelaide, these dumps have been in the metropolitan area and their siting has been determined by the availability of land to the commercial or local government operators. It is now time to move into a new era of landfill management, and it was evident to me from the committee's investigations that current trends all point to the desirability of large landfill facilities being located out of city areas with extensive buffer zones around them.

The committee looked at the site of a proposed landfill at Medlow Road in my electorate. This landfill is proposed to fill a quarry located in a hills face zone area very close to prime residential and proposed residential land at Blakeview. Evidence from the Environment Protection Authority given to the committee was that above ground landfills are easier to monitor and that filling old quarries increases the variables and the risk of not detecting some of the important phenomena.

In my view, landfills such as Medlow Road should not be permitted. Medlow Road is not a suitable proposal because it is within the metropolitan area; too close to residential or

proposed residential areas; environmentally sensitive, being in a hilly area near water courses; inappropriately located in an old quarry; and too expensive in view of the economies of scale provided.

In terms of landfill sites and other areas, I learnt much on the committee and I commend the report.

Debate adjourned.

CONSTITUTION (CASUAL VACANCIES IN HOUSE OF ASSEMBLY) AMENDMENT BILL

Third reading.

Mr EVANS (Davenport): I move:

That this Bill be now read a third time.

The SPEAKER: As this is a Bill to amend the Constitution Act and provides for an alteration to the Constitution of the Parliament, its third reading is required to be carried by an absolute majority.

The House divided on the third reading:

AYES (26)

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

NOES (14)

Andrew, K. A.	Blevins, F. T.
Clarke, R. D. (teller)	Foley, K. O.
Geraghty, R. K.	Hurley, A. K.
Lewis, I. P.	Quirke, J. A.
Rann, M. D.	Rossi, J. P.
Scalzi, J.	Stevens, L.
Wade, D. E.	White, P. L.

Majority of 12 for the Ayes.

The SPEAKER: I declare the Bill to have been passed with the requisite absolute majority.

Third reading thus carried.

WEST BEACH CARAVAN PARK

Mr BECKER (Peake): I move:

That this House congratulates the board, management and staff of West Beach Trust as proprietors of the West Beach Caravan Park on their recent win in the Camping and Caravan Parks category of the 1997 Yellow Pages South Australian Tourism Awards.

This is the fourth occasion that the West Beach Trust, as the proprietor of the caravan and camping area, has won this prestigious award. It now entitles it to be listed in the Tourism Hall of Fame. It is a wonderful achievement by a local body, partly represented by local government and ministerial appointees to the board. Some years ago we were critical of the management affairs of the West Beach Trust as it endeavoured to establish itself as a recreation park in the

western suburbs. It is the residue of the land from the Adelaide Airport development. Since then, under new management and a change of trustees, we have seen the caravan park recognised for I do not know how many years as one of the finest caravan parks in Australia. We have also seen the construction and development of the Marineland village, and the incorporation into that area of certain benefits and facilities for people using the caravan and camping park.

Some years ago local motel owners and similar organisations were very critical of what was happening in that area. It is fair to say that some motel owners felt that the trust was using Government land to provide lower cost accommodation which would cut across the opportunities for motels, particularly in the Glenelg area. Through better promotion, management and sponsorship, everyone has been able to find their niche in the market. What has resulted is the original idea of the West Beach Trust—the Marineland village and caravan park—to provide accommodation for the average family, the average working person, to enjoy the amenities and facilities at a prestige location—West Beach.

West Beach is a good beach, even though I could never get previous Labor Governments to do something to protect what I have always considered the last true sand dunes in the metropolitan area, particularly in that location. However, the trust and Governments persisted, and we now have a facility where many people from interstate—workers on their annual leave—can afford to book accommodation at West Beach. Community, sporting and religious organisations also make large block bookings. The gradual development of this area has turned out to be a very valuable asset for tourism in this State.

On 2 July 1997, the West Beach Caravan Park was announced as the winner of the Yellow Pages South Australian Tourism Award in the category of camping and caravan parks. The West Beach Caravan Park has now won the tourism award for the past four years, from 1994 to 1997 inclusive. By winning the same category for three consecutive years, it has been received into the State's Tourism Hall of Fame. Hall of Fame winners are featured on an honour roll on display in the South Australian Tourism Commission.

The West Beach Caravan Park provides a range of accommodation for the sole camper through to luxury family cabins, and a 52 bed bunk house for special interest and bus groups. Families return year after year to stay during the Christmas holidays because they deem the park safe for their children. As I said, it is beautifully located and very well maintained, and it is a tribute to all those involved with this caravan park. The location of the park is important, with its proximity to Glenelg, the Adelaide central business district and public transport. The facilities of the park are continually being upgraded, with this year seeing additional cabins, roadworks and an extensively upgraded laundry and clothes drying area.

International visitor numbers have increased, and there has been an overall increase in occupancy rates higher than the national average. The licensed bistro cafe is increasingly popular with international visitors. The park is represented at national caravan and camping shows, holiday and travel shows and regional shows. Personnel work closely with the Glenelg Marketing Association in promoting West Beach as part of Glenelg. The West Beach Trust's other accommodation property, Marineland Holiday Village, which has been extensively upgraded, also entered this year's tourism awards and was selected to be a finalist.

I know of the caravan park's reputation from personal experience as a result of the World Lawn Bowls Championships, which were held at Lockleys in early 1996. I went interstate to Sydney and Brisbane to meet representatives of the various State bowling associations and suggested that, if any of their members wanted to attend the championships at Lockleys, they first consider accommodation at the West Beach Caravan Park. It is very interesting to note that, in 1996, South Australian patrons at the West Beach Caravan Park totalled 7 473. There are many metropolitan people who go down to have a week or two by the sea and stay at the West Beach Caravan Park. Every year, friends of mine from Plympton drive the few kilometres and take a holiday cabin—

Mr Venning interjecting:

Mr BECKER: You cannot plant crops down there! Every year these friends take a holiday cabin at the caravan park for their Christmas holidays. I have been married for 40 years this year, and they have been doing it all that time, ever since the caravan park has been opened. Interstate patrons total 9 825, and I know we are well supported by people from Broken Hill and particularly Western Victoria and other areas. There were a total of 2 303 overseas patrons. That is a significant contribution when one considers that people from overseas would prefer to stay there in a caravan park and are very complimentary of it. That makes a total of 19 601 persons. The adjacent Marineland Holiday Village had 2 716 local patrons and 3 110 interstate patrons, with 55 from overseas, for a total of 5 881. Overall, for the 1995-96 financial year, some 25 482 patrons stayed there.

The contribution being made to tourism, the employment opportunities that are being created, and the whole development is just a wonderful credit and tribute to the new General Manager, in particular. He is the driving force in many respects behind the revamped West Beach Trust. The new managers of the West Beach Caravan Park, as at 1 July 1997, and formerly the assistant managers, are Russell and Dawn Roberts. Before them were Tony and Fay Johnson. I pay tribute to those two families. A good caravan park and holiday camping area depends very much on the value and worth of its managers. So, to Mr and Mrs Roberts and to Mr and Mrs Johnson, our sincere congratulations on the wonderful job they have done over the past four years.

To Ron Shaddock and all his staff, to Julian Myles, the Chairman of the board, and the members of that board (which changes periodically) my heartiest congratulations. I hope that the trust will continue to receive high accolades not only within this State but nationally, and that the support they receive from interstate and overseas will continue. It is making a wonderful contribution to tourism in South Australia, particularly for that type of accommodation. Certainly, it helps us, in the area of West Beach—as the member for Morphett would know—with various sporting functions, of which we have quite a few at the Glenelg Baseball Club. Interstate and overseas baseball teams visit and stay in the area, and to have that facility so close, providing an excellent standard of accommodation for young people, is truly a great bonus. I understand that great demand will be placed on the facility in the run-up to the Sydney 2000 Olympic Games. I commend the resolution to the House.

Ms WHITE (Taylor): I want to make a few brief comments in support of this motion, in order to congratulate the board, management and staff of the West Beach Trust, as they are the proprietors of the West Beach Caravan Park, which recently won the camping and caravan parks category

of the 1996 Yellow Pages South Australian Tourism Awards. I had the fortune to attend those tourism awards, which included a great many categories (I believe approaching 30) of tourism operators in this State. All nominations were of a high quality and depicted the improving professionalism and innovation of tourist operators across this State.

The West Beach Caravan Park was a particularly important win. It is a previous award winner (I believe that it has won that same category for the past three years) and, as such, it will now enter the Tourism Hall of Fame, as it is called, in the tourism awards. The idea of the Hall of Fame is quite a hotly debated concept with regard to the awards. Award winners who have won several times are ineligible to nominate the following year but are congratulated and recognised in the appropriate way by becoming a Hall of Fame member. So, I was particularly pleased that the West Beach Caravan Park achieved that recognition. I would also like to mention the managers of the caravan park. It is a very well maintained and well kept facility. It is important, as a metropolitan caravan park, given its location within Adelaide city, and it deserved to be recognised as it was earlier this month.

So, I support the motion and, in so doing, pay tribute to the win by the West Beach Caravan Park and also to the many winners of categories within the tourism awards, all of whose nominations—and that includes not only the winners, but the nominees—were of a high standard and quality and deserving of recognition, as they were recognised at the tourism awards.

Mr OSWALD (Morphett): It gives me a great deal of pleasure to support this motion. I congratulate the member for Peake for bringing it before the House. The West Beach Trust joins my electorate; it is nestled between West Beach and Glenelg. It is one of the finest caravan parks and recreational areas not only in South Australia but throughout the country. I would like to draw the attention of the House to the efficiency of the board, the managers of the West Beach Trust and the general work force. To walk or drive through that area is a credit to everyone involved, because one sees how carefully the caravan park and the trust area has been laid out. The amount of thought and the detail that has gone into it to make it user friendly is a credit to the board, the staff and the managers on site.

It is a very safe park. People can reside there knowing that their children are safe in the caravan area. It adjoins a very safe beach, there is access across the sand dunes to the beach, and it is very close to Glenelg, with transport to the city. The quality of the accommodation is something which has to be seen to be believed. It covers everything from campers through to quite up-market accommodation in cabins and, once again, a lot of thought has gone into it.

To see the trust pick up four years of tourism awards is very pleasing and, through the Parliament and the means which are available to make a speech and have it incorporated in *Hansard*, I would like to join with the member for Peake and send congratulations to all of those concerned in what they have achieved. It is a credit to them, and they have really done something for South Australia in putting it on the map in their area of responsibility, namely, tourism. I believe that it is a particularly fine facility. Many years of work has gone into building it up to what it is, and it is a fine example of how well we do things in South Australia.

Mr VENNING (Custance): Before I begin my remarks, I want to take this opportunity of recognising you, Sir, in the Chair, as it may be your last day here. I want to pay tribute to your long and dedicated service to the Parliament. You served with my father, and he spoke very kindly of you. It must be quite a day. It is difficult, because you are not sure whether it is your last day or not. But, if it is, please take with you the good wishes of all us from the Parliament. You have served with great aplomb and distinction, and the people of your electorate have shown their appreciation to you by electing you with tremendous majorities, and you have made your seat safe for the Government. I hope the new Government member from your area is able to do the same.

I also want to take this opportunity to pay tribute to the member for Peake, who moved this motion, because he is another very long-serving member who has served with much distinction. Likewise, the member for Playford. We will miss him; he is a colourful member of this House. He has been a valuable member, and the Opposition will miss him, because he is a good spokesman. It could also be the last day for the member for Giles, and I want to pay tribute to him. Although I have not often agreed with him, he has been here for a long time and has been a very valuable member. If it is his last day, I want to congratulate him on his service.

I turn now to the motion. The West Beach Caravan Park is a fantastic facility. I congratulate its board of management on winning this magnificent award. I am aware of the fantastic improvement in this facility because I first became a client of the park 26 years ago, and I was a client every year until 1992. When my family was young we had a great time at this magnificent venue. In those years we saw many changes. First, we saw the introduction of en suites in the caravan park. At that time, Minister Murray Hill and I had a great dialogue in relation to the improvement of the park. The then managers were Mr Phil Bouvang and his wife Robin, whom the member for Peake would remember. They kept good discipline in the park in those days, and that was needed with children like mine.

The facilities today are excellent; they are equal to any in Australia and they are probably ranked very highly in the world. The park attracts visitors from all over Australia, which is great for South Australia. There are regular visitors from Broken Hill, Western Australia and Victoria and, as the member for Peake said, the park also has visitors from metropolitan Adelaide, some of them in sight of their own home, but they leave their hassles and chores at home and go there to enjoy the facilities and have a restful holiday. As the member for Peake said, it is convenient for people who play hockey on the adjoining fields, as my family did for many years, to stay cheaply in either the on-site vans or their own van or tent.

I have not been there since 1992 as my parliamentary duties have interfered but I bought a house 100 yards along the beach and I still walk through the park and I still own a caravan. I have very fond memories of the times that I enjoyed there. This magnificent park has on-site vans with en suites, and outdoor individual camping and group camping facilities as well as outdoor cooking facilities. It is well situated across the road from an excellent sporting venue. The most important thing of all is that it abuts a wonderful beach which could be touted as one of the best beaches in Australia. I have just returned from Brisbane, and there is nothing in that area which rivals this beach, which families enjoy for swimming in warm weather. I conclude by congratulating the current managers, Russell and Dawn Roberts, and the

previous managers, Mr and Mrs Tony Johnson. It is a magnificent facility and this award is well worth achieving.

Mr BECKER (Peake): I thank members for their support of this motion. This award bears testimony to the high regard which those who have been responsible for the maintenance and development of the caravan park have earned over the years. Of course, that has now culminated in its inclusion in the hall of fame. I commend the motion to the House.

Motion carried.

TEXTILE, CLOTHING AND FOOTWEAR INDUSTRY

Mr BROKENSHERE (Mawson): I move:

That this House supports the Premier in his efforts to argue the case against the Productivity Commission regarding the recommendation to reduce tariffs on textiles, clothing and footwear to 5 per cent by 2008 and condemns the commission's report.

It is frustrating for me and my colleagues to have to put up with these sorts of recommendations from the Productivity Commission on almost a monthly basis. Recently, we witnessed the titanic fight by Premier Olsen, who worked hard on behalf of all South Australians, particularly my constituents in the southern suburbs who provide for their family through jobs at Mitsubishi, Britax and all the other component companies as well as all the other businesses in the south that have benefited. The Premier travelled over on the red eye special weekend after weekend to lobby Ministers. He even represented the Victorian Government to make sure that that particular tariff recommendation was overturned by the Howard Government.

We just got that one out of the way and started to see a little bit of daylight, a chance to be able to concentrate on our main game as a Government of rebuilding South Australia and creating sustainable opportunities for South Australians, when out came another Productivity Commission report. We all know what has happened to the textile, clothing and footwear industry in Australia over the past 20 years. As much as I would like to, when I go into a shop today it is difficult to buy a piece of clothing that genuinely has been made in Australia. Clothing is made in Indonesia, China and parts of Asia, but you have to work hard to find something that is made in Australia. Recently, I bought a Glowave shirt. I thought that Glowave was an Australian company and that I would be guaranteed of buying an Australian manufactured shirt, but when I read the fine print I see that it is made in Indonesia, Sri Lanka or China.

There has been a mass exodus over the past couple of decades of various sorts of clothing, footwear and textile companies from Australia. South Australia has done itself proud with this industry over the years. The great icon for South Australia when it comes to textiles, clothing and footwear clearly is R.M. Williams. R.M. Williams has achieved an enormous amount of growth in the past 10 or 15 years. I suggest that things should be left as they are. I am not asking for a handout or further protection for these industries, but I suggest that, if we leave them as they are, many more jobs will be created in R.M. Williams and other textile, clothing and footwear companies.

I point out to members that not very long ago a magnificent footwear company, Clark Australia, which I am sure fitted out most of us in our primary school days and still fit us out today, decided to relocate from Victoria and to concentrate all its operations for shoe manufacture in South

Australia. I congratulate Clark for making that decision, which was not made lightly. That decision was made because in repositioning South Australia and creating opportunities for South Australians we have been able to keep down taxes and charges and reduce electricity tariffs, and we have seen a reduction in WorkCover, a stable work force, the implementation of a business plan for South Australia, and cheaper living and operating costs, and that is why Clark moved from Victoria. This was a great coup for South Australia.

However, suddenly the Productivity Commission and Bill Scales produce another report. I have condemned Bill Scales before, and I stand by that, because I have often asked whether he is really Australian when you see some of the comments in the reports that he brings down. I remind members that we have already had to fight for the protection of our wine industry in South Australia. As I said, we have just been through the great car tariff debate and we won that battle, but again our Premier will be taken out of the State on a regular basis, together with resources and efforts from the Government and senior bureaucrats, to fight and argue for some commonsense.

Speaking of commonsense, at 7.15 this morning I received a telephone call from a constituent, who rang me about a number of issues. This is a classic example of an average South Australian who is interested in South Australia and Australia, and his family and their future. He asked, 'Why do they continue to try to pull down opportunities for industries in Australia? Why do they continue to argue about this so-called level playing field? It's a nonsense. There's no such thing as a level playing field and there never will be.' I agree with him absolutely.

I agree that as we develop closer trading linkages and opportunities, particularly in the southern hemisphere, Asia and South-East Asia, Australia has to play its part, but there are only 18.5 million people in Australia. Some people, particularly those in the Productivity Commission, think that Australia is such a wealthy and established country that we do not need any tariff protection at all, that we can do it alone. We know that that is not the case. After all, Australia is only a couple of hundred years old. In real terms, when you consider Australia compared with a lot of our western world trading partners, it is still a babe in the woods, yet it has been asked to lead the way time and again.

I said to my constituent this morning that the 1970s will go down in the history books as being the decade of destroying the social fabric and the community spirit of Australia. The 1980s will go down as being the reckless financial years, spending above one's means, forgetting about tomorrow. I said to him that in the late 1980s and early 1990s Prime Minister Keating wanted to push hard with the APEC agreements, supported by some of my Liberal colleagues as well as Labor colleagues, I will add. I am prepared to accept that some Liberal people go that way and there are still members in the current Howard Government who believe there should be zero tariffs. That disappoints me a lot. Some are actually farmers, as I am.

I suggest that, as much as it may benefit my pocket to see zero tariffs, it will not benefit the people who work on the production line; and it will not benefit the 70 per cent of people in my community who are working their butts off by doing far more than the suggested 38 hour work and working overtime and who are already over-taxed. Every time they spend a few more hours on the hot foundry floor they drop into another tax bracket, and the Government grabs a lot of

it, but they are prepared to put up with that because at least they have an opportunity.

However, this report is about taking away that basic opportunity and right. As a farmer I say that we need balance. I want to see created a vibrant and growing food bowl. I agree with Prime Minister Howard's Asia supermarket concept. That provides some exciting opportunities, especially for South Australia and especially if, after today with Premier Olsen and the Chief Minister of the Northern Territory, Shane Stone, over there fighting for the Alice Springs to Darwin rail line, we benefit from those sorts of things. Australia needs a balance. South Australia in particular needs to broaden its base of economic opportunity. We are too narrow.

One of the reasons South Australia is so vulnerable today is simply the fact that we have agriculture—my passion, and an industry that is doing well for this State—a very small manufacturing base, some retail and commerce and a strong mining base, and that is about it. We have to broaden that base, but these productivity commissioners do not understand that this sort of thing narrows it down again. The way we are going, we will be importing more rather than exporting more.

Let us look at the quality—at the Australian product and the way it has positioned itself. We can buy a pair of R.M. Williams moleskins or boots or we can go to Target and places like that and buy a cotton shirt made in Australia, and then we can buy some of the shirts made overseas. I have done both and, unfortunately—

Mr Becker interjecting:

Mr BROKENSHIRE: Size is a problem, as the member for Peake says. When you buy this clothing, on the surface it looks cheap. You pick up these shirts and realise that you can get two shirts for \$35 or \$40 as opposed to one shirt made in Australia for \$40. If you wear the two shirts that you brought for \$45 and the one shirt made in Australia that you bought for \$45, you can see where your value is. Look at the collars, cuffs and all the things that are so important when you want to look pristine and professional as a business person. The bottom line is that the quality is in Australia. There is a limit to what will happen. If we continue to drive down this industry so that it has to cut more corners, we will also destroy the quality of products made by the textile, clothing and footwear companies. It is about time the Howard Government showed some real strength on this issue.

Mr Foley interjecting:

Mr BROKENSHIRE: I agree with the member for Hart that the Howard Government is part of Liberal Government. By and large it is doing a good job under extremely difficult circumstances. The member for Hart's former Federal Government under the Australian Labor Party, under that destructive Prime Minister Keating, drove the Productivity Commission. That Government choose Mr Bill Scales to head it up. I remind members of that. I understand what Mr Keating was driving at. He put this in place, but we now have a Liberal Government federally that can put a stop to all that right here and now. That is what the people of South Australia and Australia are saying to the Prime Minister. We have a big unemployment problem. Sure, it is not at a million as it was under the Keating-Hawke Governments, but it is still 850 000 people. That is not a small number but it is an important number.

We have industries here that are poised to grow. We have not yet seen micro reform under Keating or Howard. Howard has not had a lot of time to do it, but Keating and Hawke had time and did not do it. The Federal Government should be putting all its emphasis and energy into micro reform, getting

its house in order for the people of Australia and giving these industries a breath and a break to get on with it. Members can go through any factory in Australia; they can come down to Lonsdale and look at what is happening there. The workers, managers and owners have really increased their productivity and efficiency.

There has been a tripartisan agreement by all those parties recently, even with the union movement, to flex up, because they realise that they have to be more competitive and that they cannot stay back in the cotton wool, totally protected environment that will not take us anywhere. They are getting on with the job of reform and creating good product, but they need a bit of breathing space. There are so many other things that have to be addressed in this country at the moment, including debt reduction. One way we could save some money would be to get rid of the Productivity Commission altogether. I heard colleagues criticising me, possibly rightly or wrongly, for comments I made earlier. There are too many commissions and too many organisations are invented that eat into the recurrent budgets of Governments, State and Federal. We need to thin them out, make them lean, get them out of the road and allow the business sector, together with the workers, to get on with the job.

At the end of the day, the real productivity of South Australia and Australia will not for one minute come out of the Productivity Commission. Do not think that. The commissioners are in their cushy positions, on their big salaries, flying all around the country. The real productivity and opportunities for debt reduction, economic wealth and a sustainable future for every Australian and every young Australian is in giving industry and workers a fair go. They signal to me every day when I am door knocking and visiting that they are prepared to meet what they need to meet in the way of flexibility and harder input.

I say to the Federal Government, 'Enough is enough'. Do not say that South Australia had a win on the car tariffs so it should shut up and be quiet. That is a nonsense. South Australia needs extra support because it has extra problems. We are getting on with the job of rebuilding. We do not need the Productivity Commission interfering in that process.

Mr FOLEY (Hart): I do not disagree with the sentiment of the member for Mawson, but it is incumbent on me to rise following his contribution to help out the good member, the dairy farmer, on a few very important issues. The Productivity Commission that he has derided today is the same commission that now Premier Olsen brought in only 18 months ago to do a complete review of the State's electricity industry. So, we need to understand that, while it is fashionable to say, 'Let's get rid of the Industry Commission,' Premier Olsen (then Infrastructure Minister) relied upon the Industry Commission to provide his Government with advice on the restructuring and reform of the electricity industry.

The Government has not agreed to most of those major reforms, many of which were significantly rationalist and right wing in approach. The situation is particularly evident now, when we have a more moderate, Wet Infrastructure Minister, as against the more right wing Premier, who thought the Industry Commission was a good idea. I must say for the member for Mawson's edification that present Premier Olsen, when a Senator and aligned with the Dry faction within the Federal Parliament, was a very vocal critic of tariffs. Indeed, he is on the public record in the Senate as saying that we should bring down textile industry tariffs; that we cannot live behind protected walls.

Members interjecting:

Mr FOLEY: Members opposite ask, 'What does this all mean?' It means that only a few short years ago, then Senator Olsen, under the wing of the Dry faction of Liberal Party members of the Federal Parliament, supported a reduction. I know the Deputy Premier wishes he was still a Senator, but he is here now. The fact is that he was a strong believer in a reduction in textile tariffs. He is on the Senate record as advocating a significant reduction in protection for the textile industry.

An honourable member: At that time.

Mr FOLEY: Well, that was only a few years ago.

Members interjecting:

Mr FOLEY: Right; so, if it was a few years ago it does not matter any more? Are we now saying that because the State Bank collapse was only a few years ago it does not matter any more? Is that what you are saying? You want it one way for Premier Olsen on tariffs but another way for the State Bank. The member for Unley and the soon to be retired member for Kaurana and others are inconsistent and they cannot have it both ways. I know that economic debate is very difficult to follow for some members here who do not have the understanding of the debate as we on this side of the Parliament have, but we do know that the Labor Party has had a consistent policy on tariffs which Government members and their Leader have not had. It is very important and incumbent upon us on this side of the House to remind members opposite of the inconsistency of their Premier. Not only was he a supporter of a reduction in tariffs, but also, only 18 months ago, he was a lover of the Industry Commission. The funny thing was—

Members interjecting:

Mr FOLEY: He was a very strong supporter of the Industry Commission, because he paid the Industry Commission a couple of hundred thousand dollars to do a review of our electricity industry. But there is more to it: guess which Industry Commissioner the then Minister Olsen wanted for that inquiry? Commissioner Ray from Victoria—the very same commissioner who led the Industry Commission inquiry into the automotive industry. Premier Olsen thought Commissioner Ray was very good to rip apart our electricity industry but, when he gave a report on cars, he was no good. Again, there is inconsistency.

Mr Scalzi interjecting:

Mr FOLEY: The member for Hartley is muttering away over there. I know he is very nervous; he is not totally certain he is coming back in a month or two. I know he is feeling the heat, and I know that my good friend the member for Unley is also getting a bit nervous. It is that time when members are anxious about their futures. I think the member for Lee has simply given up, as he should. I know the member for Kaurana is in there fighting, but even the most optimistic of us would probably say she is fighting a losing battle. However, I hope she enjoys her last day in Parliament. The member for Norwood may wish to relish his last day in Parliament.

It is the last day as a Minister in this House for the Minister for the Environment and Natural Resources, so it is a very significant day. We know that my mate Stewie at the back, the member for Hanson, is also counting down his last few hours in this House. Of course, what we are talking about is involuntary retirement, unlike yourself, Mr Deputy Speaker, and the good member for Peake who will be taking voluntary retirement.

Many members are very anxious about issues such as textile tariffs, because their own political futures are swinging

in the breeze, so to speak. I say to the members for Norwood and Kaurna, 'Hang in there; enjoy your last few hours.' I suspect that the member for Norwood may make me eat humble pie in a few months time if he comes back in his normal style, so I am getting in first before he gives me a bucketing, because I know one is always coming. The textiles issue is very important.

The DEPUTY SPEAKER: The honourable member will relate his comments to the textile industry.

Mr FOLEY: There is direct relevance, which is the new-found support by members opposite for the workers. For the first few years in the Parliament, they did not care a hoot about the worker, because they were three or four years away from an election, but as we count down to a matter of weeks, if not months, there is a new-found concern about the textile workers, a large number of whom are in my electorate.

An honourable member interjecting:

Mr FOLEY: The dairy farmers do not. As somebody said to me before, it is a pity the seat of Mawson is not on a smaller margin—and that was a Liberal member, I might add. But I think the member for Mawson is coming back, so we have four more years of his contribution.

An honourable member: I wouldn't be sure of that at all.

Mr FOLEY: Maybe not. John McGuinness is working very hard down there.

Mrs Rosenberg interjecting:

Mr FOLEY: The member for Kaurna always has getting back onto the council to look forward to in her retirement. I notice that the former member for Lee has gone back to council. The textile industry in this State is very important.

Mr BRINDAL: I rise on a point of order, Sir, on relevance.

The DEPUTY SPEAKER: Yes; the relevance of the honourable member's remarks is pretty tenuous at this stage. The honourable member should return to the topic of the debate.

Mr FOLEY: Thank you, Sir. Particularly given that we have a very important audience in the gallery, I would ask all members to show decorum and a style that befits this Parliament.

Mr BRINDAL: I rise on a point of order, Sir. I thought it was not in order to refer to visitors.

The DEPUTY SPEAKER: Yes; it is inappropriate to refer to any members in the gallery. Today has been an exception, and the Chair finds it hard to enforce Standing Orders in those circumstances.

Mr FOLEY: Thank you, Sir. In my remaining 10 minutes—

Members interjecting:

Mr FOLEY: If members are wondering why I am going on, it is because Government members on my right are saying, 'Keep talking,' as the next speaker on the Notice Paper is the member for Mawson, and they want me to keep speaking in preference to him. The reality is that the textile industry in South Australia is extremely important.

Mr BECKER secured the adjournment of the debate.

CYPRUS

Mr CUMMINS (Norwood): I move:

That this House notes with sadness that 20 July 1997 marked the anniversary of the Turkish invasion and occupation of Cyprus and calls on Turkey to:

- (a) withdraw all its troops from Cyprus;
- (b) withdraw all illegal Anatolian settlers from the occupied areas;
- (c) reveal the fate of the 1619 missing persons;
- (d) urgently address the needs of the enclaved persons and, in particular, the immediate and safe return of the Greek Cypriot schoolteacher Eleni Foka back to her home and students in the occupied area;
- (e) demonstrate, with actions, goodwill and intentions (during the current face-to-face negotiations between President Clerides and Mr Denktash) its intention to resolve the Cypriot problem,

and further, this House calls upon the international community and Australia to reject any solution to the Cypriot problem which involves a bizonal-bicommunal federation.

This motion marks the twenty-third anniversary of the invasion of Cyprus on 20 July 1974 by armed Turkish soldiers. Members will know that the United Nations General Assembly, the Security Council and the European Community moved that the Turks should withdraw their troops. They are refusing to do that and, in fact, they have moved in thousands and thousands of Anatolian settlers to occupy the area, which is now 37 per cent of the northern area of Cyprus. The motion also deals with the fate of 1 619 missing persons. Mr Denktash, the leader of the so-called Turkish Republic of Northern Cyprus, has admitted that these people are missing and has admitted that they are dead but he will not say where their bodies are. The reason is obvious—he and the Turkish soldiers involved do not want to be subject to a War Crimes Tribunal.

As members also know, there are enclaved persons in Northern Cyprus. These people are not allowed the use of telephones and food is brought into them by the United Nations forces. If a boy over the age of 15 or a woman over the age of 16 leaves Northern Cyprus they are not allowed back. Fundamentally, this is a process of ethnic cleansing that has been going on in Cyprus since the invasion. Obviously, it is something that is not acceptable to a civilised community. President Clerides of Cyprus and Mr Denktash, representing the so-called Turkish Republic of Northern Cyprus, have been having meetings in New York at the present time. Those meetings have been adjourned to Switzerland. All along Mr Denktash has been trying to get a separate State in Northern Cyprus, talking about a bizonal, bicommunal federation. Fundamentally, this means a State which will break off and have its own separate foreign policy, and he is envisioning a situation where people in Southern Cyprus cannot go to the north and, if they do, they can stay there only during the day and cannot stay overnight.

Basically, the proposition he is putting before the United Nations is a racial cleansing sort of process whereby the Anatolian settlers stay in the north and no-one else can stay there. He is also putting forward a position that it should be a separate State incorporated into Turkey and, of course, this is completely unsatisfactory and unacceptable to any civilised community. I believe that Turkey should withdraw its troops and allow the Greek and Turkish Cypriots in Cyprus to sort out their own problems. When I was in Cyprus Lieutenant-Colonel Clissett of the UN Forces told me that, if Turkey withdrew its forces from Cyprus, he believed—this is a man who goes to these areas all the time—the Greek and Turkish Cypriots could resolve the problems themselves.

The motion also refers to Eleni Foka, a teacher, who is working in the enclaved areas in the village of Ayiatriada, looking after and teaching young children in the enclaved area. She left the area for health reasons but the Turks will not let her return to teach these children, they say, because she refused to take a Turkish Cypriot ID card, one might say with justification, seeing that the international community has held on numerous occasions that the occupation of Northern Cyprus is illegal. I might also say that the European Court of Human Rights in the case of *Loizidou v Turkey* held that a Cypriot citizen is entitled to their property in Northern Cyprus, thus making it illegal to do that.

I commend the motion to the House because the behaviour of the Turks in Cyprus has been barbaric, and the international community and all Parliaments throughout the world which believe in democracy should fight against the behaviour of the Turks.

Motion carried.

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

MULTICULTURALISM

A petition signed by 429 residents of South Australia requesting that the House affirm the policy of multiculturalism was presented by the Hon. J.W. Olsen.

Petition received.

LICENSED CLUBS

A petition signed by 83 residents of South Australia requesting that the House urge the Government to allow licensed clubs to sell liquor to a club member for consumption off the premises was presented by Mr Foley.

Petition received.

LANDFILL

A petition signed by 786 residents of South Australia requesting that the House urge the Government to reject any application to establish a landfill at Medlow Road, Uleybury or other site in the Playford council area was presented by Ms Hurley.

Petition received.

EMERGENCY RELIEF

A petition signed by 589 residents of South Australia requesting that the House urge the Government to allocate more resources to the northern suburbs, in particular financial counselling, emergency relief, quality housing, special education teachers, paediatric speech therapists and family support services was presented by Ms Stevens.

Petition received.

LIVING HEALTH

The Hon. M.H. ARMITAGE (Minister for Health): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.H. ARMITAGE: Earlier today, the Chairman of the Economic and Finance Committee moved that the report of the committee into the management of grant funds by the South Australian Sport Promotion, Cultural and Health Advancement Trust (formerly Foundation SA and now known as Living Health) be noted. I wish to make clear

that I do not propose at this time to respond formally to the report on behalf of the Government; rather, as a Minister and a member of the Parliament, I rise to raise concerns as to the way in which the committee has handled the information presented to it.

First, I submit that the committee has misrepresented the statutory obligations of the trust. A key theme of the report of the committee is put succinctly in the Presiding Member's foreword, as follows:

Although the committee accepts that one of the trust's primary obligations (ie to provide tobacco sponsorship) has now been made redundant under the Tobacco Products Control Act 1997, the remaining obligation to reduce smoking prevalence, particularly among young people, is still relevant. The trust's inability to focus on and appropriately resource this remaining obligation has led the committee to recommend that the trust be disbanded.

The report asserts 'as a primary objective' of the trust the objective of replacing tobacco sponsorship and—

Mr Quirke interjecting:

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

The Hon. M.H. ARMITAGE:—'secondly' to 'promote good health and health practices and the prevention and early detection of illness and disease related to tobacco consumption'. However, when one looks at the legislation (which this House would have assumed the committee would have done) neither the 1988 nor the 1997 legislation provide for tobacco sponsorship as an objective or a function. What the committee put forward in its report as the second objective is, in fact, under both Acts, the primary function below which other functions flow.

Secondly, I submit that the committee has misconstrued the health obligations of the trust. The committee persistently reads down the trust's functions. The primary function of the trust in the 1988 and the 1997 legislation is to 'promote good health and health practices and the prevention and early detection of illness and disease related to tobacco consumption'.

Mr Foley interjecting:

The SPEAKER: Order! I warn the member for Hart for the first time. Leave has been granted to the Minister. If members do not want it to continue, it is up to them to withdraw it. I will not tolerate any more interjections.

The Hon. M.H. ARMITAGE: The reason I did not come in this morning to debate it is that I am still not debating the report. I am talking about the handling by the committee of the information it receives. Secondly, I submit that the committee has misconstrued the health obligations of the trust. The committee persistently reads down the trust's functions.

Mr FOLEY: I rise on a point of order, Mr Speaker. The Minister for Health is impugning improper motives amongst the members of the Economic and Finance Committee and I ask you to rule that way accordingly.

The SPEAKER: The Chair is unable to hear either the Minister or the interjections because of the unruly conduct of the House.

The Hon. M.H. ARMITAGE: Thank you, Sir. The primary function of the trust in the 1988 and the 1997—

Mr FOLEY: I again rise on a point of order, Mr Speaker. The Minister is impugning improper motives to the Chair and the members of the Economic and Finance Committee.

The SPEAKER: Order! The Chair cannot uphold the point of order.

The Hon. M.H. ARMITAGE: The primary function of the trust in the 1988 and 1997 legislation is to 'promote good health and health practices and the prevention and early detection of illness and disease related to tobacco consumption'. The report of the committee states that, if other sources were to fund general health programs, this would allow the fund to be 'used for the purpose intended—to support programs that are solely dedicated to reducing smoking prevalence in the community'. The committee reiterates that point by way of footnote on page 16, which states:

The committee sees this as the trust's only obligation now that indefinite tobacco replacement sponsorship is no longer expected.

However, in its report the committee continually ignores the first leg of the function—'to promote good health and healthy practices'. The committee's reading is at odds with the second reading explanation of the 1988 Bill which states:

The trust has a charter to go wider than simply replacing lost tobacco sponsorship. It can fund any sporting, recreational or cultural event that has a nexus with health or that can deliver a health message through sponsorship.

Later, the 1988 second reading explanation states that additional funding will be available 'for the promotion of a healthy lifestyle through sport'. For the committee to criticise Living Health for engaging in activities other than anti-smoking programs is, therefore, to criticise the trust for pursuing all elements of its mandate.

The committee made great play of Living Health's use of sponsorship tickets to events. It is in this aspect that I consider that the committee has most seriously breached the standards this House may expect. The committee requested and received copies of sponsorship contracts, including a contract with the South Australian Jockey Club. The South Australian Jockey Club contract was included as an annexure to the report. However, the committee was also provided with a copy of a letter from Living Health addressed to each sponsored organisation and dated 12 November 1996. The letter made 'changes to the standard sponsorship contract' and specifically stated:

In response to misunderstandings and concern about 'free tickets' we would like to delete the clause in your contract which nominates a number of tickets.

Also received by the committee was a letter from the South Australian Jockey Club agreeing to the 'alterations outlined'.

Footnote 29 on page 19 of the report confirms that the letter was received one month before the report was tabled; in other words, the letter was received in ample time for the amendment to the contract to have been published. The committee published the original contract as an annexure, but the amending letter and response was not attached. Whilst the full contract with amendments was provided to the committee, the committee selectively released the documentation. I now lay on the table—

Mr FOLEY: I rise on a point of order, Mr Speaker. The Minister is again impugning improper motives to the members of the Economic and Finance Committee.

Members interjecting:

The SPEAKER: When the House comes to order, the Chair will—

Mr Foley interjecting:

The SPEAKER: Order! The member for Hart has raised a point of order, but it appears that he is not interested in hearing the ruling. The Minister should not reflect upon the committee. I would therefore suggest to him that he carefully

consider his comments. I would suggest that he not read the last paragraph of his prepared ministerial statement.

The Hon. M.H. ARMITAGE: I now lay on the table a copy of the amending letter and the response for members of the House to make their own assessment. In the report, the committee summarised the unamended sponsorship table and criticised it as though it were a current arrangement. The only conclusions are that the committee chose either to ignore or not to disclose the facts, or members of the committee did not read all the material submitted to it.

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: Because I am not debating the report. I consider—

Members interjecting:

The SPEAKER: Order! There are too many interjections.

The Hon. M.H. ARMITAGE: I consider that the House is entitled to expect that, if members want to utilise the prestige of the House to strengthen their cause, they should show the House the courtesy of presenting well argued reports which present all relevant facts fully and fairly. I do not consider that the Economic and Finance Committee has done either in this report.

The Hon. FRANK BLEVINS: I rise on a point of order, Sir. It is a clear reflection on the committee to say that we have not discharged our duties properly. I would ask the Minister for Health, who is a total and absolute coward for not coming in this morning and debating the matter here on the floor of the Parliament—

The SPEAKER: Order! This has gone far enough. The Minister cannot reflect on individual members or make unparliamentary comments. However, on this occasion, I cannot uphold the point of order. I ask the Minister to bring his ministerial statement to a conclusion.

The Hon. M.H. ARMITAGE: On my reading of the report to this point, I have not been moved from my strong personal support for Living Health. The Government will consider the committee's recommendations and report formally to the House in due course. It is to the detriment of the Parliament that all future reports of one of its committees must be considered with caution, as the committee's inattention—

The SPEAKER: Order! I ask the Minister not to proceed as I have read those comments and I consider them to be out of order. Therefore, leave is withdrawn. Are there any further ministerial statements?

Mr Foley interjecting:

The SPEAKER: Order! The member for Hart is warned for the second time. I suggest to members that, if they take things calmly, it will be more productive to everyone.

QUESTION TIME

MEMBER FOR McKILLOP

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Acting Premier. Why was the member for McKillop reinstated as a Minister in December last year when the President of the Liberal Party, Mr Martin Cameron, had warned the Premier against such action over what he claimed was the member for McKillop's clear conflict in the South-East land affair, and is this the reason for covering up the Anderson report?

The SPEAKER: Order! The last part of the question is purely comment.

The Hon. G.A. INGERSON: Since I am not involved in any personal discussions as they relate between members, I think this is the typical sleazebag question that comes from the Leader of the Opposition and therefore deserves no answer at all.

WATER INDUSTRY

Mr WADE (Elder): Will the Deputy Premier advise the House on the development in export potential of private companies working within the local water industry?

The Hon. G.A. INGERSON: I would like to put to the House some positive news that occurred yesterday when I had the pleasure of going out to Davo-Weldtite at Bolivar, a small company in the northern suburbs of Adelaide, which has entered into a licensing agreement with North West Water. The company specialises in sheet metal and stainless steel and has just been awarded a contract with a major water filtration supply firm, USA Filter Acumem. The company will supply quality filter fabrication under QA standards. This small company, with 35 employees, is benefiting from the water contract.

It is a very positive decision for this small company. It is perhaps worth millions of dollars in export value to it. It is a very interesting company. Because of its quality standards, it employs 35 people and has contracts with the Australian Submarine Corporation, Santos, Delhi Petroleum, BHP, BHS, ETSA, the Adelaide Brighton Cement Company, Bridgestone, Mitsubishi, GMH, Lurgi, NEO Thompson and ICAL. It is a very significant small company in the north of our city which is benefiting from this water contract.

It is very important that these sorts of projects which are very positive in our northern suburbs get the positive reaction that they deserve and not the continual knocking that comes from the Opposition when it looks at the water contract. Here is a small company that will significantly benefit from the North West Water contract. It is a very positive company doing a fantastic job in the water industry.

MEMBER FOR MCKILLOP

The Hon. M.D. RANN (Leader of the Opposition): Will the Acting Premier rule out the return of the former Finance Minister to the front bench under any circumstances in the next term of this Parliament if the Government is re-elected? On radio this morning the Premier said, 'Dale is no longer a Minister—

The Hon. S.J. BAKER: I rise on a point of order, Mr Speaker. The question cannot be put to the Deputy Premier. He has no responsibility in this matter and it should be ruled out of order.

Members interjecting:

The SPEAKER: Order! It will be a matter for the Deputy Premier to determine whether or not he wishes to answer the question.

The Hon. G.A. INGERSON: I reiterate the comment made by the Treasurer. It is not my responsibility, but clearly the Premier has indicated in a ministerial statement to this House the position as it relates to the member for McKillop. There is no change to that position.

AUSTRALIA-ASIA WATER CENTRE

Mr SCALZI (Hartley): Will the Minister for Infrastructure advise the House on the opening of the Australia-Asia

Water Centre and explain some of the impacts on the South Australian economy?

The Hon. G.A. INGERSON: Today there is a very important event occurring at the SA Water Centre, and that is the opening of the Australia-Asia Water Centre. Our guests include the Vice-Governor of West Java, who is coming to be part of this very important ceremony. The opening of the centre is part of the whole water industry contract. It is a very important continuation of the contract, and it sets up in Adelaide the first opportunity for everyone to sit down and see what will happen in the waste water and water industry.

An honourable member interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: This compares with the position of the Opposition. The other evening, during a discussion on *Lateline*, the member for Hart said that he believed the contract was a 15 year contract, a contract which he believed the Government would not be wanting to get out of, a contract which he believed, in looking at his comments from New Zealand, was with a very good company and would produce a good outcome for people in New Zealand. The member for Hart clearly believes that the contract is okay and that the company which is dealing with United Water is a good company which ought to be dealt with.

This is a totally different position from that stated by the Leader of the Opposition, who has said that what he believes we ought to do is get the QCs in as quickly as we possibly can and get rid of the contract. We have two absolutely opposite points of view, one put down by the pretending Leader and one put down by the descending Leader. We have a position where United Water is a very good company, as far as the member for Hart is concerned; and, as far as the Leader is concerned, he wants to get rid of it at all costs.

The contract that we have, which is developing tonight as another arm out of this Australian water centre, with the Asian involvement, shows that it is a very significant export opportunity. A \$24 million export opportunity has already occurred. As I said earlier, the Davo-Weldtite company is likely to get contracts in excess of millions of dollars. It is a real developing contract with real jobs for South Australia, and it is a contract that every South Australian should be very proud of.

PRIMARY INDUSTRIES MINISTER

Mr CLARKE (Deputy Leader of the Opposition): My question is directed to the Minister for Primary Industries. Given the declaration in the annual return lodged by Kerin Agencies with the Australian Securities Commission on 20 November 1996 that the company is a rural supplier, and the declaration in the return that the Minister is a beneficial shareholder, can the Minister explain his statement to the House that his interest in Kerin Agencies had been divested to a family trust? Yesterday, the Minister told the House that, although Kerin Agencies was 'a trading entity', he had complied with the rules of the Cabinet handbook by divesting his interests to a family trust conducted at arm's length. The latest annual return for Kerin Agencies lists the company's principal activities as being both a trustee and rural suppliers.

The SPEAKER: I point out to the Deputy Leader before calling the Minister for Primary Industries that he is not to impute an improper motive to any other member.

Members interjecting:

The SPEAKER: Order! I also point out to him the requirements in relation to Standing Order 120.

The Hon. R.G. KERIN: I do not know where to start. Perhaps I ought to say something along the lines of, 'I have done nothing wrong, Ralphie.' The text of the question is just rejigging what has already been explained. Perhaps the honourable member should talk to an accountant about what a trust is. The only thing that I will explain is that, when I say Kerin Agencies has been divested, it was not divested since I came into Parliament. It has always been run as a family trust, of which there are three trustees, of which I am not one. That is, I was a trustee when I was a director. I resigned as a director. I am no longer a director, so I am no longer a trustee, and it fits absolutely pin tight with what is in the code of conduct.

I will not be giving any more detail, because I have tried to explain and I have tried to get this message through, but each time what I have said has been misquoted back, picked up and taken right out of context. So, it has been misrepresented. Regarding giving detail and trying to answer questions as Ministers should perhaps try to do, I see why some of my more learned colleagues are so quick with some of their answers, because it only comes back to haunt you.

This is about muddying the waters by throwing two issues together. It is about throwing some mud in the hope that mud sticks. As with the attack on the member for Eyre last night, it is about getting a little bit going for the coming election campaign, as we have probably the two most marginal rural seats. The Deputy Leader is trying to construct an argument which is based very much on technicalities and making his judgments on what is in the handbook. The way in which this has been handled really does muddy things.

I point out that there are really two issues involved here. One is the code of conduct. As far as the code of conduct is concerned, the Deputy Leader can interpret it the way he wants. I have complied with the code of conduct. The former Premier and I talked this through at great length—and you can ask him about that—and it was explained to me what was required, and that is what has been done.

The conflict of interest point is a really long bow. If you look at what was in those two Cabinet submissions, how the hell you can call that a conflict of interest is absolutely unbelievable. I want to get it through to people. Perhaps the meaning of the words 'agricultural chemicals' escapes some people. My learned colleague alongside me, with the dog and cat Bill, would have had more conflict if he owned a dog or a cat—

The Hon. D.C. Wotton: I do.

The Hon. R.G. KERIN:—than I have in this instance.

The Hon. D.C. Wotton: I am next.

An honourable member interjecting:

The Hon. R.G. KERIN: That is right. Should the Minister for Education be allowed to have children at school, because he makes decisions on a daily basis which could benefit him? Should the Minister for Police or the Minister for Transport drive cars on our roads? And my advice to the Minister for Health—who has been the victim of a similar attack—is do not get sick, whatever happens.

I reiterate what I said yesterday. And the member for Hart—a very wise member—said that members should not impute improper motives to others. I believe that is what has happened in this case. The community response has been very interesting. I went to the SAFF dinner on Tuesday night and to a function at Payneham for a while last night, and I have been amazed at the number of people who have expressed not only support but also disgust, not just with this Opposition, not just with the Deputy Leader, but with the way that this

has been handled over the past couple of years in Australia, where people in Oppositions are not prepared to get on with the job of running their State and their country. The national interest has been put a long second to political interests. I do not appreciate this attack at all—and I am sure my family does not. I know that my parents are taking great offence at what is happening. But I will give no more detail, because this whole thing is just getting out of hand.

Members interjecting:

The SPEAKER: Order! The member for Custance.

PETROLEUM EXPLORATION

The Hon. H. ALLISON (Gordon): I hope that is the best answer, the member for Custance. Will the Treasurer and Minister for Mines advise the House which regions in South Australia are currently being investigated for their petroleum potential? I understand that last year oil and petroleum exploration increased very significantly in South Australia and that oil and gas producer Santos played a significant part in that expansion.

The Hon. S.J. BAKER: I note that exploration has increased, despite certain difficulties. I can only presume that exploration on the other side is increasing, because the Leader is out of the House again, and we must assume that he is exploring something. But, at least in terms of the people who are doing something to improve this State, it is useful to reflect on the increased exploration effort that is taking place against the background of the Wik decision which involves considerable uncertainties. No doubt there would have been greater exploration if that had not been hanging over our head. There is also a surprising lack of drilling equipment in South Australia. In fact, there is a strong demand for drilling equipment, which is not being serviced in this State, and people are having to wait for their rig.

Despite those difficulties, expenditure on exploration in South Australia has increased from \$59.8 million (\$49.5 million onshore and \$10.3 million offshore) in 1995 to \$86.2 million (\$83 million onshore and \$3.2 million offshore) in 1996. We expect that this year that will increase to \$87 million overall—a slight increase made under the cloud of native title. The main impetus for this increased exploration has obviously been the \$200 million three-year Santos program. We were drilling 20 wells in 1995, that increased to 47 in 1996, and we expect there to be a total of 59 in 1997.

Onshore exploration activity in South Australia compared with the total onshore effort in the rest of the nation increased from 26 per cent in 1995 to 39 per cent in 1996, and it is expected to be between 35 per cent and 45 per cent in 1997. If Canyon can contract an offshore rig, we expect our offshore exploration effort to be about \$10 million to \$12 million. Officers of MESA are currently explaining to potential explorers the value of two areas in this State: first, the western Eromanga Basin north-east of Oodnadatta, and offshore in the Duntroon Basin, west of Kangaroo Island. Three blocks in the Eromanga Basin will be made available, and they should receive greater prominence in the light of the promising new geochemical studies.

In 1993, BHP also found some encouraging traces in its operations in the Duntroon Basin, and two areas of the Duntroon Basin will be sought actively for exploration effort during this year. Hopefully, by November this year we will have a new exploration effort. So, despite the difficulties, we

can be pleased with the progress being made to secure the oil and gas future of this State.

FAMILY AND COMMUNITY SERVICES, ALTERNATIVE CARE SERVICES

Ms STEVENS (Elizabeth): Why did the Minister for Family and Community Services approve the recommendation of the tender selection panel to grant two contracts for alternative care (including foster care and respite care) but, after meeting the tenderers and against Crown Law advice, revoke that approval and reject the recommendation?

The Hon. D.C. WOTTON: I do not think it is necessary for me to go into the detail of why I made my decision. I made the right decision. At first I thought it would be appropriate to have two different tenderers, one in the north and one in the south. I took advice on that matter and I also took advice from Crown Law regarding what action I should take. It was suggested that I should speak with both tenderers. I did so, and on that basis I made my decision.

RAIL REFORM TRANSITION PROGRAM

Mrs PENFOLD (Flinders): Will the Minister Assisting for Regional Development and Small Business explain to the House what are the major benefits for regional South Australia emanating from today's announcement by the Commonwealth on the South Australian component of the rail reform transition program?

The Hon. R.G. KERIN: Mr Speaker, you and the member for Flinders will be reasonably happy with some of the news announced by the Commonwealth today. Funding for five key projects in the Spencer Gulf region of the State has been announced today—and I welcome that funding. These projects are part of the first round of expenditure in the rail reform transition program announced today by the Federal Government following recommendations from the South Australian advisory committee, which was chaired very well by the Minister for Transport, the Hon. Diana Laidlaw.

The five projects in the Spencer Gulf region, which form part of the first round, are: \$1 million for aquaculture development in the Upper Spencer Gulf; \$1.275 million to help attract the development of a container manufacturing facility at Port Pirie; the upgrade of the Port Lincoln airport; \$40 000 to expand the Peterborough horticulture complex—I am sure that the Deputy Leader will welcome that; and a major funding boost to upgrade the Pichi Richi tourist rail track. I congratulate Minister Laidlaw and the South Australian team for the excellent way in which they lobbied, enabling us to secure funding for these vital projects.

The aquaculture project is one with which I am very familiar. It will provide long-term sustainable jobs for the region, particularly at Port Augusta. This industry is highly labour-intensive with good economic returns for the region and the State, and the project will assist significantly the development of aquaculture. I have had a number of talks with the Port Augusta City Council Mayor (Joy Baluch) and Chief Executive (Ian McSporrán) about the long-term commercial and tourism benefits of this project, which is for the whole region.

We hope that in time the kingfish hatchery will allow us to stock the north of the gulf with yellow tail kingfish for sport fishing, and that should have a major tourism spin-off for the cities of Port Augusta, Whyalla and Port Pirie. Some others and I have had numerous talks with the Port Pirie

Regional Development Board about the proposed container manufacturing facility at Port Pirie, and I will continue to work with them to take that idea to the next level. This grant is available until October to give the board some extra bargaining power to try to get this long-awaited project over the line. It has been difficult, but this initiative, together with State and local government support, will allow the board to test whether there is an investor out there who can be attracted by this extra incentive.

The upgrade of the Port Lincoln runway will be a key to boosting exports of seafood and primary produce from the Eyre Peninsula. Once again, it will help our aquaculture industry and regional development in that area. The new funding for the Peterborough horticulture centre adds to existing Government grants from my colleague the Minister for Employment, Training and Further Education. It is designed to help develop new industries and employment opportunities in the Mid North. This project has tremendous local support. Many young people in the town are involved, and I know that you, Mr Speaker, will welcome the extra funding.

A couple of other projects were announced today: first, assistance for the upgrading of the Barossa tourist train, which both the member for Culance and the member for Light will welcome; and, secondly, funding for an employment and training program with Steel Road Pty Ltd. Today's announcement allocates \$4 million of the available funding, and I look forward to more positive announcements being made as additional projects are further developed and considered by the Commonwealth for funding from within this package.

LOTTERIES COMMISSION AGENCY

Mr CLARKE (Deputy Leader of the Opposition): Was the Treasurer lobbied either verbally or in writing by the Minister for Local Government to award a Lotteries Commission agency to the supermarket located within the Fairview Park Shopping Town; and, if so, when was the first occasion that the Minister lobbied the Treasurer?

The Hon. S.J. BAKER: I do not know what the honourable member is talking about.

Members interjecting:

The SPEAKER: Order!

HOSPITALS, PUBLIC

Mr ROSSI (Lee): Will the Minister for Health inform the House of any independent measures of community confidence in South Australia's public hospitals?

The Hon. M.H. ARMITAGE: This is a very timely question, because research into the State hospitals system has been conducted for the Australian Medical Association, and the findings of that research were released nationally earlier this week during Family Doctor Week. Members of the public were asked to comment on the public hospital system as they saw it, and those findings were then collated and reported on. Everyone would be aware that members of the AMA are very active lobbyists and they have the ability to gain wide publicity for their views regarding health systems, practices, governments and a variety of other issues. Just this week, after findings of the research conducted by Roy Morgan Research were released, various State branches of the AMA, particularly the New South Wales branch, used the results to be critical of a number of State Governments. In

South Australia the research painted a completely different story from other States.

Indeed, Mr Gary Morgan from Roy Morgan Research told a local radio station recently—I think Monday—that in South Australia the image is different from the rest of Australia. The findings of the research showed that 56 per cent of people in metropolitan Adelaide and 73.5 per cent of those in country South Australia believe that the public hospital in their system could cope with the current demand for services; in all, more than 64 per cent of people surveyed in South Australia had faith in their hospital system, in complete contradistinction with the other States where the national average was 40 per cent support—24 per cent below the South Australian rate.

Although such polling can be problematic, as has been identified before, given numbers and questions asked and so on, it does show that an independent umpire has found that the majority of South Australians believe that their local public hospital system can provide the services they need. When you consider that the State's hospital system is Australia's most efficient, that it is delivering record numbers of services and is currently in the midst of a massive redevelopment program following years of neglect by the previous Government, it indicates that South Australians' trust in their health system is well founded.

HINDMARSH SOCCER STADIUM

Ms WHITE (Taylor): Will the Minister for Recreation and Sport advise why the cost of the Hindmarsh soccer stadium upgrade has blown out from \$8.1 million in August 1996 to \$24 million in the 1997-98 budget? The Public Works Committee reported to Parliament in August 1996 that the \$8.1 million upgrade to the soccer stadium would ensure that FIFA requirements for hosting a preliminary round of the Sydney 2000 soccer competition would be met. On the front page of yesterday's *Weekly Times Messenger* the Public Works Committee Chairman is quoted as saying on 21 July 1997:

It's more than raised my eyebrows if a second stage is the case, particularly as we had assurance that the original project would be accepted by the Sydney Organising Committee for the Olympic Games.

The Hon. E.S. ASHENDEN: Here we go again: the Opposition trying to throw mud at something which this Government has done very well indeed, namely, to be able to attract a round of the Olympic soccer and a quarter final to South Australia. Again the member is showing her absolute ignorance in terms of the work being done at the soccer stadium. If she had bothered to do any homework at all, she would know full well that from December last year, once the announcement was made that we would have the round of Olympic soccer in South Australia, we would obviously be involved in additional expense. I will speak as slowly as I can for the honourable member—

Members interjecting:

The SPEAKER: Order! Members know that they are not at school putting up their hands or waving 'Goodbye' to their friends at the railway station. The member for Hart and the Deputy Leader will cease forthwith or they will not see out the day. The Chair is not bothered which it is.

The Hon. E.S. ASHENDEN: The honourable member is completely overlooking that there are two aspects to this. There is first the rebuilding of the grandstand. The work being done there will cost between \$8 million and \$9 million.

Half is being paid for by the soccer clubs and the federation and the Government is putting in half. At the same time, when we were negotiating and discussing with SOCOG as to whether this State would be able to have a round of Olympic soccer, which is a huge feather in the State's cap, it was found that we needed to undertake additional work at the stadium, and that is exactly what the second amount of money is all about.

This is a major project and because of that a Cabinet subcommittee has now been established, chaired by the Deputy Premier and comprising as members the Attorney-General and the Minister for State Development, so that we can ensure that all of this is put together well and this State will be very successful in attracting not only soccer to this State but also everything that goes with it. It is about time the Opposition got out of the gutter and acknowledged that this Government has done a lot of work for this State and that in getting soccer played here we will put South Australia on the international television map and bring a lot of visitors to this State. Instead of getting out there and knocking it, one would have thought that they might get behind us and work with us to ensure that it is a success.

MEAT INDUSTRY

Mr BECKER (Peake): Will the Minister for Primary Industries outline to the House what action is being taken to improve the situation of the meat industry in South Australia? I understand that the Minister has held a number of talks with the meat industry to discuss a number of vital issues concerning Australian quarantine inspection service charges.

The Hon. R.G. KERIN: I am surprised to get that question from the member for Peake, who has been a great supporter of primary industry. He has taken enormous interest in the citrus industry, particularly since he bought a bag of oranges with a rotten one in it. He wanted me to sack the Citrus Board. This may be one of the honourable member's last questions, and he raises an important question for South Australia's livestock producers and indeed the whole meat industry in this State. The issue of AQIS charges has been raised with me by not only the meat processors but also meat producers and across the board in primary industries.

I wrote to my Federal counterpart, John Anderson, and I will speak to him about it tonight. The Premier also wrote to the Prime Minister expressing concern about the huge increases and the possible effects this will have on the local meat industry. The timing and scale of these charges is leading to widespread criticism from the red meat industry. These cost increases do not add further value to Australian red meat. The service is already there and the market already recognises quality assurance in its price.

The beef industry has been particularly depressed in recent years and, if our industry is to reach international best practice, all aspects including inspection must operate at best practice as well. This is the area at which we have asked the Federal Government to look. Minister Anderson is visiting the United States next week to talk about the inspection protocols we need. Industry will accept cost recovery only if AQIS is efficient, and that is yet to happen. We have been doing pro-active things to try to assist the livestock industry through what have been rough times, and several recent programs have been introduced to assist the industry.

At the wool and meat section meeting of SAFF on Monday I announced a new lice strategy. Training grants to boost South Australia's farm productivity have been well

accepted by the livestock industry, with several training programs introduced and SAFF playing an active role. We established an industry development board for meat. We have put up money, as has the Minister for Education and Children's Services, for meat hygiene training. We put in a lot of money to help fund a training package in HACCP as the basis of quality assurance in the local meat processing industry. The Pig and Poultry Production Institute is operating extremely effectively, and a new product development program is in place for the lamb industry of South Australia to enhance the opportunities for that industry to grow.

We need to get all sectors of the meat industry working together. That includes industrial relations in the processing sector and within AQIS, and we hope that the Federal Government can persuade AQIS to get its act together and bring down the charges to our exporters.

KICKSTART

Ms WHITE (Taylor): Given that the review of Kickstart has now been completed, will the Minister for Employment, Training and Further Education give an assurance that funding for the program will be continued beyond the end of this calendar year? The Opposition has been advised that organisations have been given Kickstart funding only to the end of December 1997 and are uncertain regarding the future of this scheme.

The Hon. D.C. KOTZ: I believe I answered this question once before. Kickstart has indeed been given funding through to the end of the year. The review for Kickstart has not yet been completed. When it has I will be quite happy to answer the honourable member's question.

KANGAROO ISLAND

Mrs PENFOLD (Flinders): Will the Minister for Tourism outline what support the Government has given to improve tourism on Kangaroo Island in the past 3½ years and explain how this compares with the investment provided by the former Labor Government? In the past week there has been much debate in the media about the Kangaroo Island ferry service and tourism infrastructure on the island.

The SPEAKER: The Minister for Tourism—briefly.

The Hon. E.S. ASHENDEN: Thank you, Mr Speaker. I am always very brief; you know that. I thank the honourable member for her question and acknowledge the interest that she shows in her electorate. It is interesting to hear the babbling brook on the other side of the House, because he well knows that when Labor was in power it provided absolutely no assistance to Kangaroo Island. For example, when we took over, the state of the south coast road alone was an absolute indictment on the previous Government and its complete lack of interest in and support for the tourist industry on Kangaroo Island.

In contrast to that, let me enumerate what this Government has spent on assisting tourism on Kangaroo Island in just the past two financial years. We have provided direct funding to Tourism Kangaroo Island of \$312 000, and we have spent \$12 million on the south coast road, \$380 000 on the Seal Bay road and \$200 000 on the Penneshaw Tourist Information Centre. We have spent \$250 000 on the Ozone Hotel support, \$105 000 on a study into the accommodation requirements on Kangaroo Island, \$15 000 on the Penguin Centre and \$200 000 on the revamping at Seal Bay (as my

colleague would know); and we provided \$200 000 to assist the fast ferry in its operations.

An honourable member interjecting:

The Hon. E.S. ASHENDEN: Not to mention the koalas. From that, it is obvious that this Government has put a tremendous amount of money and support into Kangaroo Island. The vast majority of those involved in tourism on the island are very appreciative of what this Government has done, which is in stark contrast to what was done by the previous Government. Some concerns have been expressed and of course we will address them. But let me make clear that, despite the fact that claims have been made that tourism is down on the island at the moment, *Sealink* has just announced that it has carried 16 per cent more passengers in June and the first half of July this year compared with the same period last year.

In other words, more people are using that service now than used it 12 months ago. We have been advised by the two operators of the airlines to Kangaroo Island that the numbers of passengers are up. In other words, the work and support that this Government has provided to Kangaroo Island is not only being appreciated by people over there but is also leading very much indeed to increased tourism business and therefore increased support for the economy on that island.

HOUSING TRUST, ROSEWOOD

Mrs GERAGHTY (Torrens): Will the Treasurer state what is the amount required as a deposit for a Housing Trust tenant on a fixed income who wishes to take advantage of buying a property as part of the Rosewood run-out? My electorate office has been contacted by a person who is a Housing Trust tenant on a fixed income and who was advised by the Rosewood Sales and Information Centre that he required a deposit of more than \$6 000. My inquiries to the sales centre resulted in three differing pieces of advice as to the amount required, ranging from \$1 300 to above \$6 000. Calculations on the basis of that advice that a tenant on a fixed income is required to pay a \$6 000 deposit (even though there was an eligibility to the non-repayable loan grant) show that the tenant would have paid \$63 000 for a \$57 000 home. It was most confusing to the tenant.

The SPEAKER: Order! The honourable member is now commenting.

The Hon. S.J. BAKER: If the honourable member wishes to give me the details I am sure I can get a more considered answer than I could give across the floor today. Certainly, some income and deposit capacities are taken into account. It may well be that the fixed income is not sufficient to cover the loan repayments and therefore they might be asked for a larger deposit, but that would be mere speculation. I am happy to give a full reply to the honourable member as soon as she provides the details. I am not aware of the fixed income, the value of the property or the discussions that have already taken place. If the honourable member gives me the details I will be more than happy to provide the answers. As the honourable member would be well aware, we are encouraging home ownership. If any anomalies have arisen we will sort them out.

MILLENNIUM BUG

Mrs HALL (Coles): Will the Minister for Industrial Affairs advise the House what the Government is doing to address the potential difficulties of the 'millennium bug'?

The Hon. DEAN BROWN: The year 2000 will present a real problem, and people should appreciate that it will affect most of us, not just the IT specialists. Virtually every piece of equipment that contains an older computer chip will be affected by the year 2000 bug. The South Australian Government appointed a full-time year 2000 coordinator in the middle of last year, and we were the first State Government in Australia to do so. We have set up a South Australian web site for the year 2000 to deal with some of the issues and direct people where to get help. Again, we are acknowledged as the first State Government in Australia to do so. We have set up industry briefings on the year 2000 problem, and bodies such as the Centre for Manufacturing, the Employers' Chamber and industry groups have been briefed.

Again, we stress the point that it is a problem not just for Government but for virtually every organisation out there. Most organisations have bought computer software that was developed before the problem of the year 2000 was recognised; and many people even in their homes would have clocks or other pieces of domestic equipment that again will not be able to accommodate the year 2000.

An honourable member interjecting:

The Hon. DEAN BROWN: It could possibly be; it depends on the age of the microwave. In addition, we have set down a requirement that all Government agencies must have dealt with the issues by the end of 1999. It would appear that South Australia was aware of the year 2000 problem sooner than the other States of Australia. We have put a strategy in place and we will hear more about it over the next 12 to 18 months. This State is being prepared for the year 2000 problem and the bug that exists in most computer equipment.

CIRCUS ACCIDENT

Mrs GERAGHTY (Torrens): Will the Minister for Industrial Affairs indicate when he will provide the information, offered on 1 July, on the status of the report into the circus accident at Cleve? Information given to the Opposition indicates that the report was completed some time ago. As I indicated, on 1 July the Minister stated that he would ascertain how close to completion the report was and when it was likely to be made public.

The Hon. DEAN BROWN: Because there is a possibility of prosecution arising from the investigation, it is inappropriate for the Government to report publicly until a final decision is made as to whether a prosecution should proceed. If a prosecution is likely to proceed, the matter will be taken up in the courts and not through any other report.

YOUTH, HOME DETENTION

Mrs ROSENBERG (Kaurna): My question is directed to the Minister for Family and Community Services. Will the State Government continue with its trial program of home detention for juvenile offenders? The juvenile home detention program commenced in October last year. I understand the Minister has just received an independent report evaluating its first six months of operation.

The Hon. D.C. WOTTON: I thank the member for Kurna for her question and for the interest that she continues to show in matters relating to young people in this State. The Government takes the whole issue of keeping juvenile offenders in secure care very seriously. I am sure all of us would prefer to do everything we can to keep these young

offenders out of detention centres, if that is possible, but we realise that there are cases where young people, regrettably for their own sake and for the rest of the community, need to be placed in detention centres. We need to be ready, willing and able to deter young offenders from embarking on a life of crime, and strenuous efforts need to be taken to rehabilitate juvenile offenders for their own sake, for their family's sake and for the good of the taxpayers of South Australia and the entire community.

The cost of keeping an individual locked up for many years is enormous, both in human and financial terms. Therefore, it makes good sense to evaluate alternatives to detention, and that is what this Government is doing. Regrettably, I might say that the previous Labor Government did very little in this area. It was certainly aware of the problem, because the former member for Elizabeth wrote to the then Treasurer in early 1993 expressing concern about overcrowding in youth detention centres. However, the Labor Government's lack of response in this area is well recognised. It was left to this Government to start up the home detention scheme as an alternative to the costly and near capacity secure care facilities.

As the member for Kurna suggested, I have received an independent report on the first six months operation of the home detention scheme. The report is generally positive about the benefits of home detention. It makes some suggestions for improvement, and I will be considering those suggestions carefully. This Government will not neglect the issue of alternatives to detention for young offenders. In contrast to the previous Labor Government, we are mindful of our obligation to these young people, their families, taxpayers and the South Australian community.

In conclusion, this morning I had the opportunity personally to observe a very innovative program relating to young people out at Hallett Cove. I was pleased to receive the support of the member for Bright with this program. These are youngsters on detention orders, and it was good to see the positive way in which they were responding to a problem that has existed in that area for many years where, regrettably over a long period, a number of cars have been burnt and thrown over the cliffs at Hallett Cove. These young people are working, through team programs, to improve their own skills, and it was very encouraging to see these young people out working. We have received a report, and it is positive. It contains some suggestions, and I shall be pleased to look at them in terms of how the home detention program can be improved in South Australia.

KICKSTART

Ms WHITE (Taylor): Why did the Minister for Employment, Training and Further Education tell this House today that the review of Kickstart had not been completed? The Opposition has a copy of a letter signed by the Minister on 25 June 1997, as follows:

A review of the Kickstart model of operation was initiated in January 1997. The review has been completed.

An honourable member: Will you take it on notice?

The Hon. D.C. KOTZ: No, I will not take it on notice. The answer still stands: the review at this stage has not been completed to the point where any recommendations have been picked up or taken under consideration by me. Until they are, the review is not complete.

HOUSING TRUST RENTS

Mr BUCKBY (Light): Will the Minister for Housing advise the House of the progress being made to implement market rents for full rent paying tenants of the Housing Trust?

The Hon. S.J. BAKER: As all members would recognise, as a result of the Commonwealth-State Housing Agreement and the insistence by the Federal Government on market rents being the process whereby rents are set for public housing tenants, a number of people were required to pay higher rents. All those who have a capacity to pay full rent were advised, in April 1996, as a result of those agreements, of the new market rates that were to apply. Of the 57 486 rent paying tenants in the Housing Trust at the end of June, some 47 102 are on rental rebate and, therefore, are not affected. Of the remaining 10 384 tenants, some 7 216 were paying full rent, and those tenants were deemed to be able to pay full rent under the arrangement. There is no increase affected by market rents. There were—

The SPEAKER: Order! I draw to the attention of those in the media gallery the requirements of the agreement which are not being complied with. I direct that they be complied with or they will be required to leave. Warnings have already been given this week. I suggest that those people make themselves familiar with the undertakings before they proceed any further.

The Hon. S.J. BAKER: The 3 168 tenants who were not paying full market rent but had a capacity to pay the full market rent were advised in April 1996 of the changes, and it is pleasing to note that by September some 2 574 of them will have reached their required rent. Some 295 tenants will meet the full rent market requirements in March 1998. I am pleased that the transition has been smooth, and I am sure that tenants will recognise the attempts the Government has made to ensure that everyone gets a fair go in the public housing sector.

LOTTERIES COMMISSION AGENCY

Mr CLARKE (Deputy Leader of the Opposition): My question is directed to the Treasurer. What rights of appeal exist for small businesses that have an agency of the Lotteries Commission against summary decisions by the commission to withdraw a businesses licence? The Opposition has been contacted by the owners of the Fairview Park deli within the Fairview Park Shopping Town. The deli was granted a Lotteries Commission licence on 3 January 1997 at a cost of \$2 939. The deli was informed by the Lotteries Commission Chief Executive Officer on 15 February that its licence would be cancelled immediately. The holders of the deli licence were told of a failure to comply with the terms of the agreement with the Lotteries Commission. Two days later on 17 February the Lotteries Commission installed facilities in the supermarket in the same shopping centre owned by Mr Jim Lappas—

The SPEAKER: Order! I believe the instruction I gave has been breached regarding television cameras not complying with the rules. The Chair will have to consider what further action it will take. If there are any further breaches, the cameras will be removed forthwith and without further warning.

The Hon. S.J. BAKER: In answer to the question, a number of processes are in train. Ultimately, the board is responsible for reviewing all decisions taken by the Chief

Executive Officer. A process is in train. As the honourable member would reflect, another question was asked in the House about lower performing lotteries agencies, so a process is in train to assess the performance of lotteries.

Mr Clarke interjecting:

The Hon. S.J. BAKER: I can only assume that some serious breach was involved in the process and I hope, if that is the case, we are not reflecting on the people concerned. I will seek information on that matter. The normal circumstance is that a number of notices of requirement are sent. However, if there is a serious anomaly or a serious breach, action is taken sooner rather than later. A number of agencies are no longer operating on behalf of the Lotteries Commission as a result of lower level performances. I am sure that all members of the House would be aware of a number of requirements that have been placed on the lotteries because it has been costing the Lotteries Commission more to have those agencies than they are returning. I am happy to have the matter looked into; I would presume that some serious breach took place given the time frame involved.

LOCAL GOVERNMENT AMALGAMATIONS

Mr ANDREW (Chaffey): Will the Minister for Local Government bring the House up to date with local government reform in South Australia? When this Government took office in December 1993, there were 118 local government areas in this State. I am particularly interested, as I am sure other members of the House are, in the progress that has been made to reduce that number.

The Hon. E.S. ASHENDEN: I thank the member for his question and congratulate him on the work both he and this Government have done to facilitate a bridge between Loxton and Berri.

Mr Clarke interjecting:

The SPEAKER: Order! The Deputy Leader is warned for the second time.

The Hon. E.S. ASHENDEN: I am delighted to be able to answer the question of the honourable member. Unlike the mob opposite who promised all sorts of things in terms of local government reform and did absolutely nothing, this Government has reduced the number of councils from 118 to 69, with every one of those amalgamations occurring voluntarily. There has been media publicity over the past few days about some areas expressing concern that they may be compelled to amalgamate. I remind the House that the Act in relation to this matter makes it quite clear that neither the Government nor the Local Government Boundary Reform Board has the power to bring about compulsory amalgamation. At the same time, I remind the House that all amalgamations which have occurred to date have been voluntary.

Where the board has determined that it would be in the interests of the ratepayers, in other words, savings could be made and passed on to the ratepayers, the board will investigate that matter; it will make a report; it will undertake public consultation; it will talk with the councils concerned; and then, if the board believes it is in the interests of the ratepayers, it could make a recommendation that the council should further consider an amalgamation.

Even if we get to that stage and the amalgamation still does not proceed, the councils have every right to conduct a poll amongst the ratepayers—the '40-50' as it is called. Provided that 40 per cent of the ratepayers vote and 50 per cent or more indicate that they do not want the amalgamation to proceed, it will not. I emphasise to the

House and to those concerned that this so-called power is not there. Amalgamations to date have been voluntary. Any future amalgamations, if they are not voluntary, would be the result of the ratepayers saying that is what they want to occur. It is totally democratic. I make the point that almost 50 per cent of the councils now in place were there four years ago, and for that the Government is to be commended.

Members interjecting:

The SPEAKER: Order! The first person to leave and to be waving goodbye will be the member for Hart.

The Hon. E.S. Ashenden interjecting:

The SPEAKER: Order! That includes the Minister.

GRIEVANCE DEBATE

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

Mr CONDOUS (Colton): I would like to address a very important issue in my electorate, and that is the telephone tower that has been recently erected at Fulham Gardens. Like thieves in the night, at 3 a.m. and accompanied by a dozen police officers, a group of builders broke the community picket line to erect a telephone tower. These telecommunications carriers have lost the respect of the community because, instead of consulting and working with the community, they have become a law unto themselves and flagrantly disregard any person or any family living in close proximity to where they choose to erect telephone towers.

They do not even show respect for the council in whose area they are erecting the towers. In this case, it did not notify the Charles Sturt council in order to have a building inspector on site to inspect the footings and the steel mesh to check that they were in appropriate position for the erection of the tower. In fact, it was only 12 hours from the time they poured concrete to the time they erected the tower—which means that the tower went up on green concrete.

Another matter of grave concern is that this tower is the largest ever erected in any metropolitan area in the whole of Australia. It looks like a light tower at a football ground; it is 33 metres high and only 20 metres from the closest house. Vodafone may feel it is exempted from planning approval under the laws passed in Federal Parliament by the previous Labor Government. However, I believe that Vodafone may find itself with a greater problem which, at this stage, has not been tested in a court of law but which quite easily may cost it many millions of dollars. I refer to the risk of adverse effects on the health of local residents, and health is defined as not only 'in the advent of disease' but also 'in the effect of physical, mental and psychological well-being of the community'

Already, as a result of the stress and agitation in the community over the past 18 months, quite a number of people in my community are suffering marked degrees of anxiety and stress, high blood pressure and diabetes, and these conditions can be substantiated by medical practitioners providing medical certificates which detail the change in health problems since the announcement was made of the erection of a telephone tower of that magnitude. If Vodafone goes ahead and connects this tower, there may be a single

action court case in which the mental and psychological causes and effects on the community may mean that people, through proper medical evidence, can lay claim for tens of millions of dollars for stress and mental-related illnesses.

I urge every member of Parliament to look at the tower at Fulham Gardens. The only other tower of the same size, I am told, is at Roxby Downs in outback South Australia. Vodafone has treated the people of Fulham Gardens with total disdain and disrespect. Rather than erect an ordinary tower, it has erected a monstrosity, and the board members of that company should hang their heads in shame. Members must believe me that the mental cruelty that these people have had to endure and are enduring lays claim to a court case worthy of testing.

I fear that, unless this project is terminated immediately, the focus on Fulham Gardens may become Australia-wide not only because of the tower but because of the court decision that may focus in overriding the decisions made by the Federal Telecommunications Minister under the previous Labor Government. I will summarise—

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

The Hon. M.D. RANN (Leader of the Opposition): The Premier and the Attorney-General appear to be attempting to stop the system of justice in this State by suppressing the Anderson report, which was meant to be made public, and that was stipulated in the terms of reference in the letter of appointment of Mr Anderson. I was given information by senior Liberals about wrong potential and allegations of wrongdoing, and I put up and shut up by giving that material to the Anti-Corruption Branch and to Mr Anderson QC. Because the Government has decided to suppress a document in its own political interest, I will now read from my summary of a statement of evidence to the Anderson inquiry:

At 6.30 am on 28 November, 1996, I was phoned by a prominent South Australian Liberal who gave me information about the water deal which he said was handled improperly. Indeed, he said the tender process had serious irregularities and—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —when I asked this person whether he thought the tender had been fixed he replied 'Yes'. We talked generally about politics. My informant told me that Dale Baker was a prime mover in Dean Brown's demise, but said that Mr Baker was unlikely—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —to be reappointed to the Ministry straight away. He said that he thought there would be a delay in appointing both Dale Baker and Joan Hall to the Ministry until after the State election. I asked why, and I was told that key people knew why Dean Brown sacked Dale Baker and that these reasons would become public.

I was told that the new Premier was likely to call an early election in March 1997, and that appointing Dale Baker would lead to these reasons becoming public. I asked why Dale was sacked and was told that he was dismissed and had his commission withdrawn as a Minister because he persistently disobeyed and disregarded Ministerial Code of Conduct provisions and conflict of interest regulations. I asked in what way. I was told [by the senior Liberal] that Mr Baker in contravention of the Premier's Cabinet Code of Conduct—

Members interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: On a point of order, Mr Speaker—

The Hon. M.D. RANN: —was directly involved in business dealings. The Code of Conduct allowed—

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

The Hon. S.J. BAKER: I understand that there are two cases of crossover here. The member has a case in the courts, as far as I am aware—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: I understand there is a case in the court which reflects on statements that were being made.

The Hon. M.D. Rann: This is my transcript.

The SPEAKER: Order!

The Hon. S.J. BAKER: I am simply raising—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: —the question, whatever the source may be, whether this would be perceived as contempt of court.

The SPEAKER: I want an assurance from the Leader of the Opposition that the material which he is quoting from is not a matter before the courts.

The Hon. M.D. RANN: Absolutely, Sir. An absolute assurance.

The SPEAKER: Then I accept the assurance.

The Hon. M.D. RANN: It continues:

I was told that Mr Baker in contravention of the Premier's Cabinet Code of Conduct was directly involved in business dealings. The Code of Conduct allowed Ministers to maintain shareholdings, but prevented them from being directly involved in business dealings. I was told that it was okay for an MP who was a farmer to maintain an interest in the family farm, but that a Minister could not be directly involved in the day-to-day dealings of a business, and could not be involved in business undertakings where there was a possible conflict of interest with the person's ministerial portfolio responsibilities.

Subsequently, I was given a brief summation of allegations that Dale Baker as a Minister bid for part of a property that was also the subject of a bid from his department. The name Ian Leopold was mentioned and so was that of an Elders agent. On this day I was given a brief five minute summary [by the Liberal concerned] along the lines of the allegations that have surfaced in Parliament about diary entries and so on. I was promised documents in relation to this and was told there was another scandal involving land at Beachport.

In respect to Leopold, I was told that Dale Baker was directly involved in negotiations, then made a submission signed by someone in his company and then later arranged for a friend to make a submission. I was also told that a public servant went to see Dean Brown to inform him of Dale Baker's activities because they believed that it was wrong and contravened the guidelines. I was told that another reason for Dale Baker's dismissal was that on ministerial trips overseas that he travelled through Hong Kong where he stayed, at Government expense, and conducted business dealings involving the selling of shares and unit trusts interests to Chinese businessmen. I was told that lunches and receptions—

An honourable member interjecting:

The Hon. M.D. RANN: This is what I told in evidence. If you want to dispute it, ring Mr Anderson or the police—

An honourable member interjecting:

The SPEAKER: The member is out of order.

The Hon. M.D. RANN:—and they can substantiate it. It continues:

I was told that the public servant went to the former Premier to say that he had been instructed to 'sign off' on the accounts, even though the public servant had queried that they were for private purposes. I was told that lunches and receptions paid for by the taxpayer were conducted at the Peninsula Hotel even though these lunches and receptions involved Dale Baker's private interests. I was

told that Dale Baker had a friendship with the Marketing Manager of the Peninsula Hotel who helped with his private dealings there. Mr Baker also had a relationship with Cathay Pacific.

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

The Hon. G.A. INGERSON (Deputy Premier): I find this sort of stuff that has been tabled here today quite incredible when in fact—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Leader has had his say.

The Hon. G.A. INGERSON: —this evidence has clearly been put before the Anderson inquiry and it was what the Anderson report was all about. Clearly, the Government, and the Premier in particular, has made a specific decision in relation to it.

I would like to take up an issue which the Leader has been running around about almost since I have been the Minister for Police, and that is this ACB inquiry. Even yesterday in this House, the Leader of the Opposition said that he still had not been contacted by the ACB. I would like to put it on the public record so that everyone can see the sort of person we are dealing with in terms of how things are related to the public.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. M.D. Rann interjecting:

The SPEAKER: I warn the Leader for the second time.

The Hon. G.A. INGERSON: I want to put the issues as the facts are.

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: Mr Speaker, back on—

The Hon. M.D. Rann interjecting:

The SPEAKER: I warn the Leader for the last time.

The Hon. G.A. INGERSON: Back on 5 December 1996, the Leader made some accusations in this place about his dealings with the NCA and asked for an inquiry to be made. The NCA made the decision that it was an ACB inquiry, not an NCA inquiry, and actually expressed that comment to the Leader, and the Leader—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: Just hang on, because the truth will be put down so that all of South Australia will be able to know what really did happen. It is about time—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: What in fact happened was that the Acting Deputy Commissioner formally advised me in January that, following the ACB inquiries, no evidence of corrupt or criminal activity was found, and the DPP has endorsed that there was no basis on which to launch any prosecution. To get to that stage, all the witnesses that the Leader of the Opposition gave to the NCA were interviewed. Every single witness was interviewed.

The Hon. M.D. Rann: That is not true.

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: I will get to Commissioner Hyde in a minute, because his comments are very interesting as well. What happened after that is that the previous Commissioner wrote to the Leader of the Opposition and set out what in fact had happened with the ACB inquiry. As part of that letter, he said to the Leader of the Opposition that, if

there are any further issues that you would like to have inquired into, just come and tell us. I think the date today is 24 July, and we still have not had any further inquiry on that issue by the Leader of the Opposition.

The Hon. M.D. Rann interjecting:

The Hon. G.A. INGERSON: The previous Commissioner wrote it—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I will name the Leader if he makes one further interjection.

The Hon. G.A. INGERSON: As a follow-on from that, in April of this year, the Leader spoke to new Commissioner Hyde. In fact, on 12 February he wrote—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I name the Leader of the Opposition. Does the Leader of the Opposition wish to be heard in explanation or apology?

The Hon. M.D. RANN: I withdraw my comments and apologise profusely, Sir, on this last day of Parliament—considering what you know we earlier decided in terms of Question Time to assist the fair progress of this Parliament.

The SPEAKER: Order! Can I say to the Leader that the Chair does not want to have a fight with anyone, so I will accept it. Not one further interjection, or you are out.

The Hon. G.A. INGERSON: On 12 February, Mr Rann wrote to the new Commissioner raising similar concerns and, on 2 April 1997, the Police Commissioner met Mr Rann. Following those discussions, it was understood that Mr Rann's concerns in relation to all the NCA and ACB issues were cleared up.

The public of South Australia needs to know that the Leader of the Opposition has a big difficulty with telling the people of South Australia what the real truth is. Two Commissioners now, in public statements, have said that he has not bothered to follow through and, when he did follow through to Commissioner Hyde, there were no further issues in relation to the NCA inquiry.

Mr ATKINSON (Spence): I continue with the evidence of the Leader of the Opposition to the Anderson inquiry:

I was also told that the morning that Mr Baker had offered money—

Mr EVANS: I rise on a point of order, Mr Speaker. I seek clarification. I understand that you cannot read a speech, and I just make the point that the member for Spence was not in the room when the Leader gave evidence. He was not at the Anderson inquiry when the Leader gave evidence. The only way he can give us the evidence now is by fully reading the statement.

The SPEAKER: Order! As part of a member's speech, he is entitled to quote from documents and there is a practice in this House that members do refer to very copious notes.

Mr ATKINSON: I continue:

I was also told that the morning that Mr Baker had offered money in terms of a campaign donation of around \$20 000 to each member of Parliament to change their vote from Dean Brown to John Olsen. He was in fact acting as a conduit for money coming from business sources in the South-East. Following this call Dale Baker was appointed to the Ministry (he told me that he was not a candidate), and I received more calls from my Liberal Party source—

Mr BRINDAL: I rise on a point of order, Sir.

The DEPUTY SPEAKER: There is a point of order.

Mr BRINDAL: The member for Spence clearly read that members of this side of the House had been offered an

inducement of \$20 000 to change a vote. I believe that is impugning improper motives and is out of order.

The DEPUTY SPEAKER: The member for Spence is sailing very close to the wind. He did not refer to a specific member but, by not doing so, he is impugning all members, and Standing Orders prevent a member from impugning other members of Parliament. I ask the honourable member to be very careful about his allegations.

Mr ATKINSON: It continues:

I left for overseas on 22 December for the United Kingdom and Hong Kong. The day before I left the source contacted me and promised me documents upon my return in January. In early January while I was in Hong Kong I had a phone call from one of my staff telling me that the source had rung him and that Dale Baker was about to arrive in Hong Kong using his parliamentary travel allowance.

I was told that his submission to the Speaker of the House of Assembly designated that he was using his parliamentary travel allowance for mining and wine purposes. It was alleged that while he was the Minister of Mines he no longer had ministerial responsibility for the wine industry and that the wine component of the taxpayer-funded trip was for personal gain—in other words in just a couple of weeks of being appointed to the Ministry, Dale Baker was again defying the Code of Conduct rules. It was suggested that I check that he was staying at the Peninsula Hotel. I did so and it was confirmed [to me] that he was arriving two days later. I returned to South Australia and eventually I was again contacted and suggested that I meet at the home of another senior Liberal (Wednesday 15 January). I arrived at 8.30 p.m. at this person's house and was told not to park my vehicle near the house. I was met by the person I was told that I would meet, and I was given this file on material relating to Dale Baker which includes material already released in Parliament and another document relating to the Woakwine Vineyard that we were told to investigate.

I was again briefed about the Hong Kong dealings and told that we should pursue this matter in Parliament. This was the real reason why Dean Brown sacked Dale Baker. I was told that Dale commissioned work by SARDI into the same species of flowers that he grew and exported. I was told that the departmental officer concerned made a file note about this, that this material had not been publicly released but had been commissioned for the Minister's private benefit. This has subsequently been denied by the Minister for Agriculture.

I had intended asking questions relating to the information about Dale Baker in the second week of Parliament sitting in February. The tenor of my questions would have focused on the Ministerial Code of Conduct and conflict of interest allegations. However, the Democrat Leader, Mike Elliott, obviously had been given the same or similar material (although I am told from a different source) and had contacted the police Anti-Corruption Branch.

Since that time we have received more information. A member of Parliament has phoned my office, as has another person interstate, with allegations concerning Dale's promotion of his flower export business while on overseas delegations as a Minister. The interstate person, on 27 February, 1997, sent a member of my staff further information in relation to Dale Baker's possible involvement regarding his flower farm business. This person also gave the names of two officers of the Department of Primary Industries who, this person believed, may have information in relation to Dale Baker's flower dealing and in particular, his trips to Hong Kong.

Following the completion of the police investigation of this matter, a police officer rang my office to advise me that the police had not investigated the Hong Kong business fully, but were aware of the existence of a woman who had been at the Peninsula Hotel. The officer also said that they had not handed any material over to your inquiry but would wait for an official approach before doing so.

Signed 'Mike Rann.'

Mr ANDREW (Chaffey): This Sunday will indeed be a historic and momentous day in the Riverland, with the official opening of the Berri bridge by the Premier and the Minister for Transport. That day will mark, in both ceremony and celebration, and in \$18 million of solid infrastructure, the years of hard work of many people in finally achieving the linking of the Berri and Loxton communities.

Members would be only too well aware of the times when I have used this place, whether it be in the speeches I have presented in the Chamber or in a private member's motion, in the corridors or in the offices—particularly the offices of Ministers—to ensure that the building of the Berri bridge would take place as soon as possible. It has been my number one priority for infrastructure provision in my electorate since being elected, and I am extremely proud and pleased, on behalf of my electorate, to have led the intensive campaign for this bridge over the past 3½ years. I have on a number of occasions put on the record here the case for and the progress of the project as well as the benefits.

I will briefly summarise those benefits. They include cost savings by eliminating the need for the two ferries currently operating at Berri, which it is in the order of \$1 million; support for an increase in growth in the Riverland region, as independent studies, including a Federal Government study, show that the Riverland will be one of the most significant growth areas in regional Australia in the next few years; major cost savings to the Riverland industry in agriculture and horticulture due to increased efficiency; improved access for emergency vehicles and services; safer and quicker travel across the river for all the community; and improved business competitiveness for everyone in the Riverland region.

Unquestionably, the Berri bridge represents an impressive example of this Liberal State Government's determination and commitment to provide the required infrastructure, to facilitate economic growth and thereby to deliver more jobs to that region of the State. Also, by eliminating wasted time and reducing costs, we will further boost the Riverland's economy and contribute to the growth of South Australia.

I formally thank those who have been involved and made it possible. It was not a simple and easy achievement. When this Government came to power with a black hole of greater than \$3 billion of inherited debt, the construction of any public infrastructure facility would have to be justified on its credibility, on the strength of argument and on the strength of its economic and/or social value, not on a political decision. I knew the case I was putting on behalf of the community to my colleagues in the Government Party room and to the Ministers would have to stack up and, thankfully, it did, and it was able to compete favourably against other infrastructure projects for this State.

I thank the whole Riverland community who over many years contributed untiring lobbying and I believe has provided a solid cornerstone for the ongoing case. I particularly thank the current and previous mayors of the Berri and Loxton areas, the local government bodies and my predecessor, the Hon. Peter Arnold, who did all he could physically to make this happen, and I recognise the role of the Gerard community, the Aboriginal Lands Trust, the Riverland Development Corporation and Built Environs. I also wish to thank my Liberal parliamentary colleagues, including the Ministers whom I badgered for many months after I came into this place, for their support and assistance; I express special appreciation to the former Premier (Hon. Dean Brown), the Minister for Transport (Hon. Di Laidlaw) and the now Premier and former Minister for Infrastructure (Hon. John Olsen) who were all pivotal in being receptive to our representations and in finally supporting the project.

The achievement of the Berri bridge highlights some fundamental features: first, the value of community resolve, cooperation and focused priorities; and, secondly, the value of being part of a Liberal Government team. The success of the Berri bridge is a clear reflection of my personal mission

as the representative of the people of the region to ensure that the Riverland continues to be the best place in South Australia to live not only for the quality of its services and facilities and job opportunities but also for its strength of community spirit and cooperation. The people of the Riverland and I are proud of this great and worthy project, one which we look forward to enjoying, appreciating and reaping the rewards of for many years to come.

Mrs GERAGHTY (Torrens): I wish to raise an issue regarding the Deposit 5000 scheme which concerns me. This is the State Government one-off grant which was made available to assist home buyers in purchasing their first home. The scheme ceased suddenly on 27 June this year, disadvantaging some of its participants. One of my constituents found that, on the basis of her income, she would be eligible to receive a grant of \$3 500 under the Deposit 5000 scheme. On the basis of this advice, my constituent found that it was within her grasp to enter into a contractual agreement with a builder. She paid a deposit of \$500 on the land and a further \$1 200 to the builder.

The next stage was for her to secure formal approval from the credit union with which she had entered into negotiations for the total loan required to build the house. The credit union told her that it could only approve the loan once the appropriate soil tests had been conducted. In the first instance, the property was owned by the Housing Trust and still occupied. The builder told my constituent that the soil test could only be carried out provided the tenants who occupied the premises had moved out. When my constituent signed for the land she was told by the Housing Trust that the tenants would be transferred within four months. My constituent approached the Housing Trust three times from 17 May to ascertain when the tenants would move out of the dwelling, but she was never given a firm date.

Consequently, when the Government suddenly ceased the Deposit 5000 scheme late on 27 June, my constituent was informed that she had missed out on the \$3 500 towards her house. As she had signed for the house on 17 May 1997 and as delays in processing the property transaction occurred because of delays within the Housing Trust, surely she has a case for receiving due compensation to the amount of \$3 500, which was the eligible grant from the Deposit 5000 scheme. My constituent is now faced with the proposition of losing her \$500 deposit on the land and the \$1 200 she paid to the builder. She does not have the capital to replace the loss of the \$3 500 grant from the Deposit 5000 scheme.

I also raise the point that concern has been expressed about the processes used to close down Deposit 5000. My constituent told me—and I believe she may have already written to the Treasurer—that her builder received notification on 26 June 1997 to attend a lunchtime meeting, at which he was informed that the money for the Deposit 5000 scheme would soon run out. At 6 p.m. on that day he received a fax to say that funding for the scheme had ceased. My constituent said that an article that appeared in the *Advertiser* after the Deposit 5000 scheme ceased stated that builders had been kept informed. She is adamant that this was certainly not the position in her case. A briefing at lunchtime on 26 June 1997 stating that funding would soon run out and a fax received at 6 p.m. on that day could hardly be considered as keeping the builder informed, as we are talking about a matter of about five hours.

The effect of ceasing the Deposit 5000 scheme is nothing short of disastrous for my constituent. It seems that her dream

of building her own home has been dashed by a department that could not get its act together. My constituent has been left a victim of this shoddy process, having possibly lost her savings as well as her dream of home ownership. She is not the only one who has raised this issue with me: in another case, which I will bring to the attention of the Treasurer, all the contracts had been agreed to and signed, the bank was waiting to be notified, but the lodgement of the forms was too late even though the constituent had signed them before the scheme ran out. So, quite a few people who took the opportunity to participate in the Deposit 5000 scheme have been financially disadvantaged by it. It provided a great opportunity for them to be able to purchase a home, and I am really concerned about this matter.

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

PARTNERSHIP (LIMITED PARTNERSHIPS) AMENDMENT BILL

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

COOPERATIVES BILL

The Legislative Council intimidated that it had agreed to the House of Assembly's amendment.

EQUAL OPPORTUNITY (SEXUAL HARASSMENT) AMENDMENT BILL

The Legislative Council requested a conference, at which it would be represented by five managers, in respect of certain amendments.

The House of Assembly agreed to a conference, to be held in the Plaza Room at 6 p.m. today, at which it would be represented by Messrs Atkinson, S.J. Baker and Oswald, Ms Stevens and Mr Wade.

MOTOR VEHICLES (FARM IMPLEMENTS AND MACHINES) AMENDMENT BILL

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

INDUSTRIAL AND EMPLOYEE RELATIONS (REGISTERED ASSOCIATIONS) AMENDMENT BILL

Returned from the Legislative Council without amendment.

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

A quorum having been formed:

SECOND-HAND VEHICLE DEALERS (COMPENSATION FUND) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 22 July. Page 1931.)

The Hon. FRANK BLEVINS (Giles): Of course, I will be voting for the Bill as it comes into this place. In reading

Hansard from another place I was surprised to see that an amendment had been carried which, in effect, negated the decision of the court when the consumers in this case took the issue to court. To briefly recap, the issue arose out of a case of an auctioneer who sold some vehicles, got the money and apparently decamped overseas with the money and did not pay out the people who had entrusted the cars to him to sell. Those people took the case to the court to get compensation from the motor vehicles compensation fund and the court found that it was perfectly appropriate that they get such.

It was argued that that was not the intention. We know what we say about intention. It was found that the law was on the side of the consumer and that the consumer was entitled to draw on that fund. I know that the Motor Traders Association made representations to the Attorney-General that there ought to be retrospective legislation to prevent the law being carried out as it had been determined by the court. The Attorney-General in his wisdom or otherwise suggested that he would not be a party to retrospective legislation that adversely affected the rights of individuals. He had an objection in principle to retrospective legislation, whilst conceding that on some occasions it was necessary. From my experience with the Attorney-General, the occasions when he has deemed that the principle of retrospectivity is legitimate is when he wants it, but when it suits him the argument is changed.

However, the Bill that came before the House was what was wanted not by the Motor Traders Association but by the Attorney-General. He won the day. The effect will be that the people who went to court to establish a claim on the fund will get their money. I understand that one or more of them have already been paid from the fund. I am not sure what happens if the amendment carried in the Upper House is carried here or whether the principle of that amendment is subsequently conceded by the Government—the Attorney-General—in a conference of managers. It seems to follow that the persons who have already been paid from the fund for vehicles sold and not paid for in good faith—have been compensated for from the fund—will have to be pursued in the courts to have that money taken off them. I find the whole thing bizarre, and it is quite extraordinary that we should have got ourselves into this position.

The Hon. S.J. Baker: It was your Bill.

The Hon. FRANK BLEVINS: It was not our Bill; it was the Attorney-General's Bill.

The Hon. S.J. Baker: No, it relied on your legislation.

The Hon. FRANK BLEVINS: Absolutely—legislation which I understood went through the Upper House when the present Attorney-General was there as Leader of the Opposition. He is now professing to be the senior law officer of this State, but he never said, 'Hang on, this will apply to auctions.' I was there and I have a good memory. I cannot remember the present Attorney-General saying that this had anything to do with auctions. The assumption was made—it turned out to be incorrect—by both sides of the Parliament plus the Democrats (whoever was there then) that it did not apply to auctioneers. In hindsight we were all wrong: the court said that it does apply to auctioneers, and the court has gone ahead and compensation has been paid to people.

Again from reading *Hansard* I understand that there is no problem with the amount of compensation being claimed, and there is in the fund something of the order of double the amount required, so it is not a case of bankrupting the fund. My preference would have been for the legislation not to be brought in at all. I would like to have seen, with auctioneers

who sold the car and got the money and who decamped with that money, that the fund would pay compensation. This can be done simply by a levy on any auctioneer who sells a vehicle. I would double the levy required to pay back into the fund the money that one could argue the auctioneers owed the fund, because the clients of the auctioneers have been covered all these years. They did not know it and neither did we, but they have been. The coverage and insurance has been there, and the auctioneers owe the premiums covering all those years. That is what we should have done.

We should say, 'Fair enough, the courts have determined it; let's rule it off from there, start afresh and make the auctioneers liable to pay into the fund. It will be a few dollars on each car [and rightly so], and there will be some security for the consumer.' That would have been my preferred course of action. I would be happy to support that, and nobody could have argued against it. I do not see that the Motor Traders Association would have argued against it, and I am sure that Consumer Affairs would have been happy with it. It would have been an ideal course of action to take. Instead, what are we left with? Frankly, we are left with a mess: a position where people have applied to the court and have been paid the compensation that the court said was rightly theirs.

As the Bill comes before the House now apparently we are about to say that they are no longer entitled to that and that we will pursue them—the poor consumer who has already lost once—through the courts for the money that has been paid out. I will not be around when that consumer finds out about this. I do not know on whose door that consumer will knock, but they will not find me, because I will be fishing up in Whyalla. I do not know the consumer, but it always happens this way to Governments. The consumer is usually either a single mum with three or four children or someone in dire circumstances and, when the bailiffs are moving in to take their furniture to get back the \$15 000, I do not want to be around. Half of this Parliament will not be around either. The other half will be here prodding them in the back to tell their story, but I will be nowhere in sight.

However, the Legislative Council in its wisdom has so decided (and we have to honour the wisdom of the Council and not make disparaging remarks about any of its decisions), and for those reasons I indicate that as far as I know the Opposition will support the Bill as is—is that right?

Mr Atkinson: That is correct.

The Hon. FRANK BLEVINS: I am advised that the Opposition will support the Bill. I think the only reason that that is the position is that the member for Spence was not here to hear me outline the case for the Bill.

Mr ATKINSON (Spence): I thank the member for Giles for his gallant support of the Opposition's position on this Bill. I am only sorry that I was not here at the outset to instruct him that we support the Bill in the form in which it comes from another place. So, there is really no need for a conference on this, unless the Government insists. We take the view that the Second-Hand Vehicles Compensation Fund was set up to compensate those people who deal with licensed second-hand motor vehicle dealers. It was never contemplated that the benefit of the fund should be taken by people who deal with auction houses, much less that advantage of the fund should be taken by a Government instrumentality that deals with the compensation fund. One of the biggest claims currently out against the compensation fund is from ETSA, and we think it highly undesirable that ETSA should be able to recover—

The Hon. Frank Blevins interjecting:

Mr ATKINSON: The member for Giles interjects that I should move an amendment, and indeed that is just what I will be doing. I have circulated an amendment to that effect. Given that nobody who dealt with Kearns had any legitimate expectation that they would be able to claim against the fund, the Labor Opposition believes that the law ought to be put back into the state that every stakeholder—every person concerned in this law—believed it to be when it was first passed. So, we will support the Bill in the form in which it comes from another place. However, we understand that the Liberal Party is quite happy for the Second-Hand Vehicles Compensation Fund to be raided, not just by the people who lost to Kearns and not just by Government instrumentalities but by others as well. It is remarkable how people can be ungrateful in politics. The Treasurer will know the reference I am making there when I refer to the Liberal Party's ungratefulness to one of its largest single donors at the last State election.

If, however, the Government insists on amending the Bill in the form in which it comes from another place, the Opposition might be willing to forgo retrospectivity of this measure for a tightening up of the definition of 'dealer' in the Act. We think it most undesirable that the customers of dealers who are not licensed should be able to access the fund—and those customers will still be able to do that, even after the passage of the Bill in the form in which the Government would like it. With those remarks, I indicate the Opposition's support for the Bill in the form in which it comes from another place.

Mr BROKENSHERE (Mawson): In supporting this Bill today I would say that I have had representation from a number of my constituents who happen to be second-hand vehicle dealers. Quite frankly, I see it as unfortunate that this Bill even has to be debated in the Parliament today. It got back to legal interpretation. From correspondence I have had I know that everything possible was done to defend the existing Bill when it came to this claim. I certainly feel for those second-hand vehicle dealers, just as I do for other people who pay money into trust funds when it is only ever a very small percentage of people who step over the line and default, as in the Kearns situation. On my reading of this, it is pretty clear that what happened was a gross case of fraudulence and now, unfortunately, many people have to pay and wear the consequences.

I am very much in sympathy with those second-hand vehicle dealers, the absolute majority of whom do a very good job and create many jobs in the south and generally, from car detailing right up. The legislation was passed by the Parliament. Even if the initial Bill was drafted by a Labor Government, the fact is that it is a parliamentary measure that was introduced with the best intentions—for Parliament to protect the consumer.

It seems that (and I am sure that in future years we will see even more of this), almost on a daily basis now, whenever a Bill is before any Parliament in Australia (and indeed in other countries, but I can speak only of Australian Bills), it goes to court, another grey area is introduced and we have to bring the legislation before Parliament to make amendments in order to protect the majority of the people. Frankly, that is what this is all about.

I appreciate the correspondence that I received from the Attorney-General on behalf of my car dealers. I believe that his officers did everything they could to look after the

second-hand vehicle dealers, and now this is the only way around it. This Parliament must look after second-hand vehicle dealers, just as we do all other industries and support them where we can. I recall in this place not very long ago a derogatory and unfair comment from the Leader of the Opposition (which I thought was a sad indictment on him) to our Premier. He said across the Chamber, 'You're only a car dealer.' Here was the Leader of the Opposition knocking car dealers—honest, reputable people who create jobs right around South Australia.

The Minister for Regional Development on duty in the House right now knows only too well the good work that second-hand vehicle dealers do in his electorate through Port Pirie and other areas. I have them in the south—in McLaren Vale and Morphett Vale—and they create many jobs. What is more, they understand how to support jobs. Members of this industry support jobs and their community. I have seen them sponsoring football clubs, netball clubs, surf life saving clubs and schools, helping out wherever they can to reinject vigour and health into the economy. So, for the Leader of the Opposition to say that our Premier was 'only' a second-hand car dealer is a slur on all second-hand vehicle dealers, and I hope they remember it.

When we first came into this Parliament we had a different Leader of the Opposition: we had a very honourable Leader, the Hon. Lynn Arnold. When his Party was in Government, he was one of the better Primary Industries Ministers—but not as good as the one we have now. Whilst I often support and commend what the member for Giles has done, when I recall the member for Giles as the Minister for Primary Industries, particularly what he said about us on the Torrens when as farmers we had a march, I would have to say that the Hon. Lynn Arnold had a better handle on agriculture and farmers than the member for Giles ever had.

Not only did the Hon. Lynn Arnold have a good handle on agriculture but he also had an honourable and committed approach to the betterment of South Australia. He was a senior Cabinet Minister, as was the current Leader (Hon. Mike Rann), in the debacle when all the financial troubles in South Australia started to happen. But, when he was Leader of the Opposition, the Hon. Lynn Arnold worked with the Government. He hit us when we made mistakes. We are only human, and I have said on occasions in this House and in my electorate that we have made mistakes and we have to do better here or there, because we are only human, trying to do a difficult job in pulling the State out of bankruptcy.

I often hear the current Leader of the Opposition say that there is bipartisan support for about 80 per cent of the Government's legislation. That was the same when the Hon. Lynn Arnold was the Leader of the Opposition. The difference is that the Bills that the Hon. Lynn Arnold supported as Leader were fundamental to the recovery of South Australia, not just the 80 per cent that the current Leader of the Opposition talks about—the nuts and bolts stuff that is irrelevant. The current Leader opposes much of the very important reform legislation that is brought before this House now.

I feel sorry for the car dealers. I was pleased for car dealers to see in June this year that we had record new car sales since about 1989. Car dealers have done it tough, just like other areas over the past six years because of the ineptitude of Labor. One reason why some second-hand vehicle dealers have done it tough in the past six or eight months is that the Leader of the Opposition was not bipartisan like the Hon. Lynn Arnold and was not prepared to help us fix the mess that he was responsible for creating. The

Leader of the Opposition started saying that we were going to have an election in December last year. Members know as well as I do what that does to second-hand vehicle sales and the whole economy. The minute you start to run an announcement weekend after weekend that we will have an election, you start to undermine the business confidence that was being rebuilt.

Second-hand vehicle dealers should remember that at the next election. Interestingly, I am owed \$100 at this time by the Leader of the Opposition. True, I am not a gambling or betting person because I saw my grandfathers go from riches to rags through gambling, and I oppose gambling and am not committed to poker machines and the like. However, I did have a bet with the Leader of the Opposition in February at the multicultural festival in front of a witness. I had the bet for one reason only: I was sick and tired of picking up the *Sunday Mail* and seeing another reinvented political announcement by the Leader of the Opposition that everyone should get excited because there was going to be an election within the next couple of weeks. This was six or seven months ago. I said to the Leader, 'Put your money where your mouth is.'

The Hon. M.D. Rann: I did.

Mr BROKENSHIRE: Where is my money? Where is my \$100?

The Hon. M.D. Rann: Before April.

Mr BROKENSHIRE: The Leader is twisting and turning, but I will get the \$100 because he owes it to me or, maybe I will not, because perhaps once again the Leader of the Opposition will not honour a commitment. This issue is important to second-hand vehicle dealers because the \$100 might have gone into a raffle and the person who won some of that money might have bought a car, so it is relevant to the debate. With a senior media witness to hand, I said to the Leader of the Opposition, 'Put your money where your mouth is.' The Leader said, 'I bet \$100 that John Olsen calls an election in April.' We were about to shake hands, palm to palm, but the Leader got nervous and started knocking at the knees and said, 'Hang on a minute, April or the first week in May.' That is what the Leader of the Opposition said. I said, 'Put it here—\$100.' What happened? There was no election in the first, second, third or fourth week of April and there was no election in the first week of May. It is nearly the end of July—

Mr ATKINSON: Mr Deputy Speaker, I rise on a point of order. The member for Mawson's utterances do not seem to pertain to the Bill.

The DEPUTY SPEAKER: The Chair was of the opinion that we were close to examining the gaming laws of this State but for reasons other than the member's intentions. I suggest that the honourable member return to the subject matter, which is second-hand vehicle dealers and not the bankrupt betting fields.

Mr BROKENSHIRE: Thank you for your advice, Mr Deputy Speaker. Had I received this \$100 from the Leader of the Opposition, it might have meant that someone in the south bought another car from a second-hand vehicle dealer. To finish off, it is July and I still have not received my money from the Leader, yet the Leader of the Opposition is again saying that there will be an election. What I want to say is relevant not only to secondhand vehicle dealers but to every South Australian. Everyone should look at the bottom line; they should look at where we have come from as a State; they should look at who caused the problems; they should look at where we are up to now; and they should look at

where the real honesty and integrity is. It is in this Government; it is certainly not in the Leader of the Opposition. The best thing that can happen for South Australia when we do have an election which, as Premier John Olsen has said, will be before Christmas, is that South Australians see the current Leader of the Opposition for what he is. I suggest that relates very much to the Kearn's scenario—and I say no more on that.

Finally, if I ever get the payment that the Leader of the Opposition knows he owes me, I will have a great deal of pleasure in giving it to people in need, probably people in need as a result of his senior Cabinet Ministry, which destroyed South Australia. I support this Bill and I hope in future that we will not see a situation whereby further people suffer impediment because of interpretations by the courts in respect of an Act of the South Australian Parliament.

The Hon. S.J. BAKER (Treasurer): I thank members for their contributions. The member for Giles put the case very succinctly for the Government in his contribution. He said—

Members interjecting:

The Hon. S.J. BAKER: No. He clearly said—

Members interjecting:

The Hon. S.J. BAKER: I do not know because I have not lost \$3 billion. If the Deputy Leader wants to reflect on his performance as Treasurer, I think I am a fair way in front at this stage. As to the Bill, the member for Giles, whilst he waxed lyrical about including auctioneers under the general scheme—and that has some problems associated with it—said it would be unconscionable, for example, if some poor constituent had their pram and child dragged away, but that is exactly what the Opposition wishes to achieve by making the Bill retrospective. Having had a lecture from the member for Spence on this issue and then seeing his actions on this Bill, the emperor has no clothes.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: Yes. I ask members to reflect on his more recent contributions on retrospectivity and retroactivity.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: Yes, indeed. Clearly, the way the Parliament has dealt with these matters traditionally is that, irrespective of the court findings, unless the matter is taken to appeal and then that follows its course, if the matter is still upheld, the legal judgments are acted upon. It is then for the law to be fixed beyond that point. On numerous occasions it has cost the State large sums. What has been recognised at least in my memory of this Parliament relates to having had a legal judgment—if there are others who form part of that legal judgment, then not only does that person receive the benefit of the judgment but all the others who have lined up behind get benefit also.

Traditionally, that is the way the law has been dealt with in this Parliament. It comes as somewhat of a surprise, and I am concerned that we want to change the rules. This was one of the great strengths of the Parliament. The Attorney and I have had discussions on a number of occasions about this matter when I have said, 'Look, someone is getting off who should not be getting off because the law is not prescriptive enough or it has been interpreted differently by the courts.' We have seen a number of occasions where a person has been guilty of a serious offence, yet an anomaly in the law has allowed that person to get off. We have not gone back and

said that we will now make that person guilty because the law had an anomaly in it.

It is suggested here that, every time the courts give a determination that interprets the law differently to what Parliament intended, we should go back and make that person guilty again. The member for Spence has had training in the law, and I trust that he would not repudiate the principles in the amendments inserted in the other place. I cannot understand the member for Spence. I thought he was the spokesperson for the Party, but he has obviously been done over on this issue because I cannot believe that he would have said that retrospectivity was an important facet of the Bill.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: The member for Spence says he has been done over—as always. I am somewhat surprised and concerned, and I suppose if we were not in an election environment we would have seen a much saner approach to this Bill than we are seeing today.

The Bill is not in an acceptable form as it comes from another place. There are serious issues in terms of breaching what I think are very high standards of this Parliament and, even on occasions when I have got really upset—and it happened during the 1980s when legal judgments were given which were inconsistent with what the Parliament had determined—I was told that that is life, that we cannot go back in time to try to change the law because the law has been interpreted. I think that this would set an extraordinarily bad precedent if, indeed, the amendments that pertain to retrospectivity manage to survive.

The other issue is a matter of justice. If the amendments on retrospectivity did survive this Parliament—which I trust they never will: I do not think they will—and they were successful, then what happens to those people who have had judgment given for them? I guess that the scene that the member for Giles paints is probably realistic. Having received the award, having spent money pursuing what they thought was appropriate and to have their money taken away while bearing the full costs is the risk they take in legal proceedings.

The other issue that the member for Giles raised was whether we should say that fair is fair, that we have been done by the courts, and let us now include all auctioneers in the process. The honourable member would well recognise that the auctioneer plays a different role from the dealer in this process. Normally, the car is assigned to a dealer and the dealer sells it off. That is not the process in terms of the auctioneer. He is a transitory agent for the processing of a sale. Again, different principles are involved and I cannot understand why the member for Giles would suggest that is an alternative approach. The Government is not happy with the Bill in its current form, and I will be moving amendments. I will address the suggestions of the member for Spence at the time.

Bill read a second time.

In committee.

Clause 1 passed.

Clause 2.

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

Page 2, lines 14 and 15—Leave out clause 2.

This is the amended clause. We wish to restore the original provision.

Mr ATKINSON: The Opposition hopes that we can bargain later over this clause with a view to getting a far better definition of 'dealer' in the Act. We think references

to 'dealer' in the Act ought always to be references to a licensed dealer. Alas, the Government does not include that in its Bill. I am not sure why, because the Kearns problem could arise in the future even though the Government says that this Bill is designed to stop its arising in the future. It could arise if a backyarder, who was not licensed, sold six or more vehicles in a year and owed money to customers; after the passage of the Government's Bill—the Bill in the form in which the Government has introduced it to the House—customers could access the fund. We would not have improved very much from where we were. The Opposition wants to fix this problem once and for all. We think we can do that by the Government's accepting our amendments to clause 3, perhaps (who knows) in exchange for our agreement to deleting clause 2.

The CHAIRMAN: As to the commencement, the honourable member is doing a little plea bargaining—

Mr ATKINSON: You are correct, Sir; I am out of order and I shall resume my seat.

The Hon. S.J. BAKER: Under the next clause, I will debate the issues raised by the member for Spence. The start-up date of 30 November 1995 is not acceptable to the Government.

Amendment carried; clause as amended passed.

Clause 3.

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

Page 2, lines 3 to 5 (inclusive)—Leave out these lines and insert: if—

- (iii) the sale was made after the commencement of the Second-hand Vehicle Dealers (Compensation Fund) Amendment Act 1997; and
- (iv) the auctioneer who conducted the auction or negotiated such a sale (as the case may be) was acting as an agent only and was selling the vehicle on behalf of another person who was not a licensed dealer.

We are intent on ensuring that the new Bill reflects the understanding of the Parliament as it was originally—that we are dealing with dealers and not auctioneers unless they have a dealing component or are involved in dealing. That is a fine point in law.

The member for Spence makes a very valid point. Obviously, the Attorney-General will have to look at this in a serious fashion in terms of what is a dealer. The intent of the way in which the member for Spence is approaching it would create a new set of anomalies which, I think, the honourable member would reflect upon. I make the point that, under the licensing system, if a person is found guilty of some major offence, the licence is taken away forthwith. However, if that person does not pay the required fee, the licence is suspended until such time as the licence fee is paid, so that person is no longer a licensed dealer. So, talking about a licensed dealer creates a new set of anomalies, because they could and would hold themselves out to be a licensed dealer until such time as a whole range of processes were put in train.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: We do thank the member for Spence for his contribution, because there is some concern about when a dealer is a dealer and when do people believe that they are dealing with a dealer in good faith. They are the issues which were raised by the member for Spence and upon which we should all reflect. There is a level of imperfection in the Bill which has been recognised. How will it be fixed? The Attorney-General will go back to the motor traders regarding some way in which we can say clearly to the

people, 'If you believe that you are dealing with a licensed dealer, then you should also believe there is protection.'

Mr Atkinson interjecting:

The Hon. S.J. BAKER: That is right, on reasonable grounds. It is my understanding that the honourable member's amendment does not actually get us across the line and could create more anomalies than exist today. I thank the member for Spence for his effort to clearly explain where he thinks some improvement could take place. The area of the improvement is clarified: the means of getting that improvement remains subject to negotiations. In terms of our restoring the clause—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: In terms of the principles being restored to where they were when they entered the Upper House, this amendment achieves that end.

Mr ATKINSON: I will not move my amendment, given the Treasurer's remarks. If the Government is prepared in good faith to attempt to redefine 'dealer' so that the customers of a secondhand vehicle dealer who has never been a licensed dealer cannot obtain access to the fund, the Opposition is happy with that result and looks forward to discussions on the matter.

The CHAIRMAN: The honourable member is not intending to move any of his amendments?

Mr ATKINSON: That is correct, Sir.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

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

A quorum having been formed:

SELECT COMMITTEE ON ORGANS FOR TRANSPLANTATION

Adjourned debate on motion of Hon. M.H. Armitage:

That the report of the committee be noted.

(Continued from 10 July. Page 1882.)

Motion carried.

HOUSING TRUST WATER RATES

Adjourned debate on motion of Ms Hurley:

That the regulations under the South Australian Housing Trust Act 1936 relating to water rates, gazetted on 1 August and laid on the table of this House on 1 October 1996, be disallowed.

(Continued from 13 February. Page 976.)

The House divided on the motion:

AYES (9)

Atkinson, M. J.	Blevins, F. T.
Clarke, R. D.	Foley, K. O.
Geraghty, R. K.	Hurley, A. K. (teller)
Quirke, J. A.	Stevens, L.
White, P. L.	

NOES (31)

Allison, H.	Andrew, K. A.
Armitage, M. H.	Baker, D. S.
Baker, S. J.	Becker, H.
Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
Caudell, C. J.	Condous, S. G.
Cummins, J. G.	Evans, I. F.

NOES (cont.)

Greig, J. M.	Hall, J. L.
Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Leggett, S. R.
Lewis, I. P.	Matthew, W. A.
Meier, E. J. (teller)	Oswald, J. K. G.
Penfold, E. M.	Rosenberg, L. F.
Rossi, J. P.	Scalzi, G.
Venning, I. H.	Wade, D. E.
Wotton, D. C.	

Majority of 22 for the Noes.

Motion thus negated.

**SOCIAL DEVELOPMENT COMMITTEE:
PROSTITUTION**

Adjourned debate on motion of Mr Leggett:

That the final report of the Social Development Committee inquiry into prostitution be noted,

which Mr Brindal had moved to amend by inserting after the word 'noted' the words 'and in particular, that all members of the committee agree on the need for change in the current laws, however, given the divergent views of the committee and those expressed in the debates in the Chamber during this session, this House resolves to encourage further community consultation and commends it to the early attention of the forty-ninth Parliament.'

(Continued from 14 November. Page 568.)

Amendment carried; motion as amended carried.

UNIVERSITY OF SOUTH AUSTRALIA

Adjourned debate on motion of Ms White:

That this House acknowledges the important educational opportunities provided by the University of South Australia campuses at Whyalla and Underdale to country and western suburbs students and strongly opposes any plan to close or diminish learning opportunities at those campuses.

(Continued from 6 March. Page 1206.)

Motion carried.

**LOCAL GOVERNMENT (MISCELLANEOUS)
AMENDMENT BILL**

Returned from the Legislative Council with amendments.

**EQUAL OPPORTUNITY (SEXUAL HARASSMENT)
AMENDMENT BILL**

The Hon. G.A. INGERSON (Deputy Premier): I move:

That the sitting of the House be not suspended during the conference.

Motion carried.

**LOCAL GOVERNMENT (MISCELLANEOUS)
AMENDMENT BILL**

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1, line 13 (clause 2)—Leave out 'section' and insert 'sections 11(c) and'.

No. 2. Page 1, line 15 (clause 2)—Leave out 'Section' and insert 'Sections 11(c) and'.

No. 3. Page 2, line 38 (clause 10)—Leave out 'member of the Australian Institute of Valuers and Land Economists; and insert 'person who is able to act as a land valuer under the Land Valuers Act 1994.

No. 4. Page 3, lines 3 and 4 (clause 11)—Leave out 'a member of the Australian Institute of Valuers and Land Economists' and insert 'able to act as a land valuer under the Land Valuers Act 1994'.

No. 5. Page 3 (clause 11)—After line 5 insert new paragraph as follows:

(c) by striking out from paragraph (c) of subsection (3) 'the owner of the land' and substituting 'the principal ratepayer in respect of the land'.

No. 6. Page 5, lines 8 to 10 (clause 14)—Leave out section 201 and insert new section as follows:

Application of Subordinate Legislation Act to rules

201. (1) Subject to subsection (2), Part 2 of the Subordinate Legislation Act 1978, other than section 10AA, applies to the rules of a controlling authority under this part.

(2) The Subordinate Legislation Act 1978 does not apply to the rules of—

(a) a controlling authority prescribed by the regulations; or
(b) a controlling authority of a class prescribed by the regulations.

The Hon. E.S. ASHENDEN: I move:

That the Legislative Council's amendments be agreed to.

The Government accepts the amendments which have been moved in another place. First, I wish to thank the Opposition, particularly the shadow Minister, for her cooperation and help in bringing to a successful conclusion what has been for her and her Party a fairly difficult matter. As members may or may not be aware, the Bill as it went from here to the Legislative Council had the support of the Local Government Association, but the honourable member was quite concerned about matters that had been raised with her particularly by some councils that were worried about the impact it might have if the board were to continue. As I said, I appreciate the way in which the honourable member has worked with both the Local Government Association and the Government to ensure the successful passage of this Bill.

Most of the amendments made in the other place were moved by the Government to tighten up some areas, but one was moved by the Hon. Paul Holloway. Although the Local Government Association and the Government would have preferred the amendment that was put forward by the Attorney-General, we accept the amendment moved by the Hon. Paul Holloway in another place. Discussions with the Local Government Association revealed that it would have preferred the original amendment from the Government, but it has accepted the Hon. Paul Holloway's amendment. I know the Hon. Paul Holloway in another place has agreed to put forward some assurances on behalf of the Opposition, and I have indicated to the Local Government Association that as Minister I will place on the record some assurances that the association is seeking in relation to the amendment that has been moved by the Hon. Paul Holloway, and I do so now.

I give my assurance that as Minister I will seek prescription of regional local government authorities with an advocacy and representative role as a class of controlling authorities whose rules will be exempt from the Subordinate Legislation Act; and as Minister I also give the assurance that I will seek progression without delay of other regulations concerning controlling authorities to which the subordinate legislation is not to apply in consultation with the Local Government Association, including prescription of the rules of section 199, continuing authorities as a class. With these assurances, I again indicate to the Committee that the Government supports the amendments moved in another place.

Ms HURLEY: As the Minister mentioned, the Opposition was particularly concerned about some amalgamation proposals emanating from the Local Government Reform

Board. There were a series of discussions between ourselves, the reform board and the Minister about that. Lucindale, Robe and Lacepede councils—particularly Lucindale and Robe—were concerned about the possibility of a board-initiated amalgamation. I understand that they are still not entirely happy with the outcome, but there seems to be a widening of the possibilities for Lucindale and Robe to perhaps include Wattle Range and Naracoorte.

They are nevertheless not entirely comforted that their views will be properly taken into consideration, but I have had extensive discussions with both the Chairman and the Executive Officer of the Local Government Reform Board, both of whom have assured me that they will work with the councils concerned and will ensure that the council's views have the maximum possible consideration and that no amalgamation will be entered into unless there is significant advantage for both councils concerned. I hope that those assurances are fulfilled because this issue is very important to country councils. They are very concerned about the levels of employment and whether or not the offices remain open in their town and therefore that employment is maintained in their town.

The Opposition has no wish to hold up the Bill's going through on the basis of these concerns. Even though we understand the concerns, we are disappointed that the deadline is so close that we were not able to reach proper resolution of those proposals and were not able to know which way they were going before we had to vote on the Bill. I can only trust in the assurances of the Minister and the Local Government Reform Board.

On the issue of the Subordinate Legislation Act and the section 200 bodies, I am pleased that the Minister has accepted the resolution put forward by the Hon. Paul Holloway in another place. It is a very sensible amendment, which gives those extra checks and balances and which means that those bodies will not put in place rules and regulations that are not entirely lawful. Parliamentary scrutiny should be swift, efficient and not hold up the functioning of those authorities in any way.

Much of the debate about section 200 authorities would not have been necessary if the review of the Local Government Act as a whole had been expedited by the Government. It should be dealt with in the context of the total review. We have seen towards the end of this session amendment Bills being introduced which should have been part of the total review of the Local Government Act that we have been promised. I would like to have seen all these debates in the full context of the debate on the Local Government Act. Nevertheless, it is important that many provisions contained in this amendment Bill go through at this time, and the Opposition is pleased to cooperate with that.

Motion carried.

[Sitting suspended from 5.6 to 10.40 p.m.]

APPROPRIATION BILL

Returned from the Legislative Council without amendment.

ELECTRICITY (VEGETATION CLEARANCE) AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

- No. 1. Page 1 (Clause 3)—After line 18 insert new paragraphs as follow:
- '(ab) by striking out the definition of "powerline" and substituting the following definition:
 - "powerline" means—
 - (a) a set of cables for the transmission or distribution of electricity and their supporting or protective structures and equipment; and
 - (b) associated equipment for the transmission or distribution of electricity, but does not include a telecommunications cable or associated equipment;
 - (c) by inserting in the definition of "principles of vegetation clearance" ", as modified by a vegetation clearance scheme" after "powerlines".
- No. 2. Page 3, lines 11 to 13 (clause 6)—Leave out 'require the electricity entity to inspect and clear vegetation more frequently than is required under the principles of vegetation clearance or otherwise'.
- No. 3. Page 3, line 22 (clause 6)—Before 'powerlines' insert 'specified public'.
- No. 4. Page 3, lines 23 and 24 (clause 6)—Leave out paragraph (d) and insert new paragraph as follows:
- '(d) it may modify the regulations dealing with the clearance of vegetation from, or the planting or nurturing of vegetation near, public and private powerlines subject to the scheme;'
- No. 5. Page 3, lines 33 and 34 (clause 6)—Leave out proposed subsection (3).
- No. 6. Page 4, line 21 (clause 6)—Insert 'under this Division' after 'dispute'.
- No. 7. Page 5, lines 23 to 25 (clause 6)—Leave out paragraph (b) and insert new paragraph as follows:
- '(b) in a case where the Technical Regulator is satisfied that it is appropriate to do so in view of significant and persistent failure by the council or the electricity entity to carry out properly, or at all, vegetation clearance work in relation to the powerlines after the commencement of this section and the reasons for the failure.'
- No. 8. Page 5, lines 26 to 28 (clause 6)—Leave out subsection (3) and insert new subsection as follows:
- '(3) The Technical Regulator may confer a duty on a council in accordance with subsection (2) only in respect of particular powerlines in respect of which the Technical Regulator is satisfied the conferral of the duty is justified.'
- No. 9. Page 5 (clause 6)—After line 28 insert new subsection as follows:
- '(3a) If the Technical Regulator proposes to confer on a council a duty to keep vegetation clear of public powerlines in circumstances in which there has been failure by the electricity entity to carry out properly, or at all, vegetation clearance work in relation to those powerlines, the Technical Regulator must consider whether the council should be given an indemnity for any liability arising from the entity's failure or whether the conferral of the duty should be postponed for a period designed to allow any necessary work to be carried out.'
- No. 10. Page 5, line 33 (clause 6)—Insert 'future' after 'different'.
- No. 11. Page 6 (clause 6)—After line 14 insert new paragraph as follows:
- '(fa) recognised electrical safety standards;'
- No. 12. Page 7, lines 15 to 17 (clause 6)—Leave out subparagraph (ii) and insert new subparagraph as follows:
- '(ii) the Technical Regulator orders the public to be excluded from attendance in accordance with subsection (4a); and'
- No. 13. Page 7, lines 18 to 20 (clause 6)—Leave out paragraph (b) and insert new paragraph as follows:

- (b) the parties may not be represented in the proceedings by lawyers except by leave of the Technical Regulator.'
- No. 14. Page 7 (clause 6)—After line 20 insert new subsection as follows:
'(4a) The Technical Regulator may order the public to be excluded from attendance at proceedings in order—
- (a) to consider in confidence information that has commercial value to a person or relates to the commercial or financial affairs of a person (the Technical Regulator being satisfied that it is reasonably foreseeable that public disclosure of the information could cause significant damage to a person or the interests of a person or confer an unfair commercial or financial advantage on a person); or
- (b) to ensure that the Technical Regulator does not—
- (i) breach any law, order or direction of a court or tribunal constituted by law, or other legal obligation or duty; or
- (ii) unreasonably expose himself or herself to any legal process or liability.'
- No. 15. Page 7, line 22 (clause 6)—Leave out 'conducted in private' and insert 'during any period when the public is excluded from attendance'.
- No. 16. Page 9, line 22 (clause 6)—After 'material' insert the following:
'in order—
- (a) to consider in confidence information that has commercial value to a person or relates to the commercial or financial affairs of a person (the Technical Regulator being satisfied that it is reasonably foreseeable that public disclosure of the information could cause significant damage to a person or the interests of a person or confer an unfair commercial or financial advantage on a person); or
- (b) to ensure that the Technical Regulator does not—
- (i) breach any law, order or direction of a court or tribunal constituted by law, or other legal obligation or duty; or
- (ii) unreasonably expose himself or herself to any legal process or liability.'

Consideration in Committee.

Amendment No. 1:

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

That the House of Assembly disagrees with the Legislative Council's amendment No. 1 and makes the following alternative amendment in lieu thereof:

Clause 3, page 1, after line 18—Insert new paragraph as follows:

(ab) by striking out the definition of 'powerline' and substituting the following definition:
'powerline' means—

(a) a set of cables for the transmission or distribution of electricity and their supporting or protective structures and equipment; and

(b) associated equipment for the transmission or distribution of electricity,

but does not include a telecommunications cable or associated equipment;;

The Legislative Council's amendment was found to be wanting to the extent that it did what the Council desired. Basically, the Council wanted to exclude telecommunications from powerlines, but it did not believe that the definition of a powerline specifically did that. The Government agrees with the amendment, even though it believes that it is unnecessary. Clearly, the amendment does specify that powerlines do not include telecommunications cable or associated equipment.

Motion carried.

Amendment No. 2:

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

That the Legislative Council's amendment No. 2 be disagreed to.

This was one of the most significant amendments related to the standards of vegetation clearance below powerlines.

There was considerable debate on that matter, and the Legislative Council relented on that matter on the clear understanding that you cannot change national standards, and it was better for agreement to be reached on the timing of the trimming rather than the issue of whether the standards should be changed. We believe that the Legislative Council's amendment is inappropriate. We have an understanding that that will be acceptable.

Motion carried.

Amendment No. 3:

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

That the Legislative Council's amendment No. 3 be agreed to.

The amendment improves the legislation.

Motion carried.

Amendments Nos 4 and 5:

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

That the Legislative Council's amendments Nos 4 and 5 be disagreed to.

These amendments deal with the vegetation clearance standards and, for the reasons I have already specified, they are unacceptable to the Government.

Motion carried.

Amendment No. 6:

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

That the Legislative Council's amendment No. 6 be agreed to.

This amendment is technical and is not necessary, but we certainly do not oppose it.

Motion carried.

Amendment No. 7:

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

That the House of Assembly disagrees with the Legislative Council's amendment No. 7 and makes the following alternative amendment in lieu thereof:

Clause 6, page 5, lines 23 to 25—Leave out paragraph (b) and insert:

(b) in a case where the Technical Regulator is satisfied that it is appropriate to do so in view of significant failure by the council or the electricity entity to carry out properly, or at all, vegetation clearance work in relation to powerlines in the area and in view of the reasons for the failure.

The Government agrees in principle with the thinking behind the amendment that comes from another place, but there have been some changes to the amendment to satisfy drafting.

Motion carried

Amendment No. 8:

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

That the House of Assembly disagrees with the Legislative Council's amendment No. 8 and makes the following alternative amendment in lieu thereof:

Clause 6, page 5, lines 26 to 28—Leave out proposed subsection (3) and insert:

(3) The Technical Regulator may confer a duty on a council in accordance with subsection (2) only in respect of particular powerlines in respect of which the Technical Regulator is satisfied the conferral of the duty is appropriate.

A similar situation prevails with this amendment. We agree in principle with some of the proposed change, but the House of Assembly's alternative amendment provides better drafting.

Motion carried.

Amendments Nos 9 and 10:

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

That the Legislative Council's amendments Nos 9 and 10 be agreed to.

Motion carried.

Amendment No. 11:

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

That the Legislative Council's amendment No. 11 be disagreed to.

This amendment revolves around the issue of standards of vegetation clearance and, from memory, the matter that was dealt with was electricity standards, which is irrelevant.

Motion carried.

Amendment Nos. 12 to 16:

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

That the Legislative Council's amendments Nos 12 to 16 be agreed to.

Ms HURLEY: When this Bill left this House, we understood that there had been some agreement reached about the Bill and, subsequently, some other issues were raised in the other place about clarification of the thrust of the legislation. The Opposition supports any measures which make the intent of the legislation clear. I understand that the amendments in the other place sought to do that, and with some success. I expect that the legislation will go through—certainly, the Opposition does not want to do anything that will cause the process to collapse. We simply hope that amendments are made which will clarify the situation and that the new procedures that are set up will be successful.

Motion carried.

RACING (MISCELLANEOUS) AMENDMENT BILL

Returned from the Legislative Council without amendment.

NATIONAL WINE CENTRE BILL

The Legislative Council intimated that it did not insist on its amendment to which the House of Assembly had disagreed and that it agreed to the alternative amendment made by the House of Assembly to the words reinstated by the said disagreement.

**SECOND-HAND VEHICLE DEALERS
(COMPENSATION FUND) AMENDMENT BILL**

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

Consideration in Committee.

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

That the House of Assembly insist on its amendments.

I am sorry that the member for Spence is not here to sit through another diatribe on retrospective and retroactive legislation. Suffice to say that the Labor Party and Democrat amendments destroy the rule of law that this House has honoured since its inception. It is a blatant breach of some of the highest principles under which this Parliament has operated. The principles are important. We will insist on those amendments and I understand the matter will be sorted out in conference.

Motion carried.

**EQUAL OPPORTUNITY (SEXUAL HARASSMENT)
AMENDMENT BILL**

The following recommendations of the conference were reported to the House:

As to Amendment No. 1:

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 2:

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 3:

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 4:

That the House of Assembly do not further insist on its amendment but makes the following alternative and additional amendment in lieu thereof:

'Page 2, lines 27 to 36 and page 3, lines 1 to 22 (clause 4)—Leave out paragraphs (a) to (g) and insert new paragraphs as follows:

- " (a) the Commissioner must refer the complaint to the appropriate authority;
- (b) if the appropriate authority is of the opinion that dealing with the complaint under this Act could impinge on judicial independence or parliamentary privilege, as the case may be, the appropriate authority will investigate and may deal with the matter in such manner as the appropriate authority thinks fit;
- (c) on the appropriate authority giving the Commissioner written notice that a complaint is to be dealt with under paragraph (b)—
- (i) no further action can be taken under any other provision of this Act on the complaint; and
- (ii) the Commissioner must give the complainant and the respondent written notice that the complaint will be dealt with by the appropriate authority;
- (d) on the appropriate authority giving the Commissioner written notice that a complaint will not be dealt with under paragraph (b), the Commissioner may proceed to deal with the complaint under this Act;
- (e) a notice must be given under paragraph (c) or (d) by the appropriate authority no later than one month after the referral of a complaint to the appropriate authority;
- (f) the Commissioner may at the request of the appropriate authority
- (i) assist the authority in investigating a complaint that is to be dealt with under paragraph (b); or
- (ii) attempt to resolve the subject matter of such a complaint by conciliation;
- (g) if the Commissioner is to act under paragraph (f), the appropriate authority must give the complainant and the respondent written notice that the Commissioner is to so act;
- (h) if the Commissioner attempts to resolve the subject matter of a complaint by conciliation but is not successful in that attempt, the Commissioner may make recommendations to the appropriate authority regarding resolution of the matter;
- (i) if, after investigating a complaint under paragraph (b), the appropriate authority considers that the complaint can be dealt with under the Act without impinging on judicial independence or parliamentary privilege (as the case may be), the appropriate authority must remit the complaint to the Commissioner, and, in that case, the Commissioner may proceed to deal with the complaint under the Act;
- (j) if a complaint is remitted to the Commissioner under paragraph (i), the Commissioner must give the complainant and respondent written notice that the complaint is to be dealt with by the Commissioner;
- (k) the appropriate authority must give the complainant and the Commissioner written notice of the manner in which the appropriate authority has dealt with a complaint under paragraph (b)."
- Page 3 (clause 4)—After line 34 insert new subsections as follows:
- '(5a) The Minister must, as soon as practicable after the second anniversary of the commencement of this section, cause an examination to be made of the operation of this section and prepare and complete a report of the results of that examination within six months after the second anniversary of that commencement.
- (5b) The Minister must, within 12 sitting days after the

report is completed, cause copies of the report to be laid before each House of Parliament.'

And that the Legislative Council agrees thereto.

As to Amendment No. 5:

That the Legislative Council do not further insist on its disagreement thereto.

Additional Amendment:

That the House of Assembly makes the following further amendment to the Bill:

New clause, page 1—After line 13 insert new clause as follows:

'Commencement

1A. This Act will come into operation on a day to be fixed by proclamation.'

And that the Legislative Council agrees thereto.

Consideration in Committee of the recommendations of the conference.

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

That the recommendations of the conference be agreed to.

I congratulate all members on their contributions both to the debate and to the proceedings of the conference. This matter has been outstanding for some time and it would have been a great shame if this Parliament had not reached a resolution on it.

The matter of who should be included in the law governing sexual harassment has been the subject of some debate, given that since the law was enacted there has been an assumption that members of Parliament, the judiciary and local council members have been exempt from it. The issue concerned not only whether members of Parliament were exempt but whether relationships between members of Parliament, the judiciary, local government members and the staff of those respective jurisdictions were exempt, and there was an assumption that the law did not cover such situations.

The matter was debated fully in both Houses. The major area of disagreement revolved around, first, the jurisdiction for hearing complaints and, secondly, whether members of Parliament, members of the judiciary and members of council should, in fact, subject themselves to an outside authority in terms of the hearing of sexual harassment complaints. As I said, that matter was the subject of vigorous debate in both Houses and in the conference. The conference resolved that if there are issues of sexual harassment between members of Parliament, the judiciary or a council then the law should not apply. The reasons for that have been clearly articulated in this Chamber and in the other place.

Certainly, there was agreement that there must be a mechanism for dealing with sexual harassment complaints involving members of Parliament, the judiciary or a council where staff are concerned. The conference disagreed with the suggestion of members being covered by sexual harassment laws but did agree that a protocol should be put in place for handling such other complaints. The issue of privilege and judicial independence was a matter of some conjecture. Recommended procedures have now been agreed by the conference which I believe makes the issue of how to handle such cases far easier to adjudicate.

Basically, the conference agreed that the Presiding Officers of the Parliament or, in the case of the judiciary, the Chief Justice would have the first right to look at such cases, but there was a capacity to call for assistance from the Commissioner for Equal Opportunity; or, if it was deemed that the matter did not impinge on privilege, for example, then the complaint could be referred to the Commissioner for adjudication. Wisdom did prevail under those circumstances and I believe that we now have what should be a workable system. Of course, the Attorney-General has also undertaken,

and indeed suggested, that there must be a process of review so that if the laws are not working we can come back to the Parliament.

I believe that the difficult circumstances of not wishing the jurisdiction of the Parliament to be in any way interfered with by an outside authority—which was a major issue to be dealt with by the conference—can now be handled in an effective fashion without taking away from that essential privilege given to the Parliament. People who feel distressed about sexual harassment situations can now have those cases dealt with appropriately.

I was delighted with the outcome of the conference and I thank the members of the Opposition for the thought they put into the process, because I believe that we will have a very acceptable measure once the Bill is implemented.

Ms STEVENS: The Opposition agrees with the changes as outlined, very clearly, by the Treasurer. The Opposition would have preferred its original version, but the Attorney-General indicated that he would pull the Bill unless his general approach was agreed to. The Opposition thought that some progress—and this certainly is some progress—was better than none. I must say that we were also very pleased with the willingness of the Attorney-General and other members in the conference to consider some other issues which clarified the process and, certainly, introduced review of the process after two years. We believe that is at least one way that we can look at how things are going and, if need be, review the situation.

As the Treasurer mentioned, the issue of sexual harassment between MPs, between judicial officers and between council members has been lost as far as we are concerned. That is not now covered. I am a little disappointed, but I understand the reasons for it. However, that is the way it has ended up. The Opposition is also very pleased that the Attorney-General has agreed that clear policies and procedures will be put in place for all people concerned with this Bill, so that staff in this building and MPs will be aware of what sexual harassment means, the nature of sexual harassment and the policies and procedures in place for the resolution of any issues involving sexual harassment. It has also agreed to look at the issues in respect of staff in electorate offices so that they are also aware of the issues in relation to them.

I conclude by thanking the Attorney for his willingness to be reasonable, to listen and to take on board members' suggestions, and I thank the other members who were involved in the conference. We are a lot better off than we were before this Bill was passed in this Chamber.

Motion carried.

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

A quorum having been formed:

The Hon. G.A. INGERSON (Deputy Premier): I move:

That Standing Orders be so far suspended as to enable the House to sit beyond midnight.

Motion carried.

SECOND-HAND VEHICLE DEALERS (COMPENSATION FUND) AMENDMENT BILL

The Legislative Council requested a conference, at which it would be represented by five managers, on the House of Assembly's amendments to which it had disagreed.

The House of Assembly agreed to a conference, to be held in the Plaza Room at midnight, at which it would be represented by Messrs Atkinson, S.J. Baker, Caudell, Quirke and Scalzi.

The Hon. G.A. INGERSON (Deputy Premier): I move:

That the sitting of the House be not suspended during the conference.

Motion carried.

**INDUSTRIAL AND EMPLOYEE RELATIONS
(HARMONISATION) AMENDMENT BILL**

Returned from the Legislative Council with the following amendments:

- No. 1. Page 1, lines 24 to 27 (clause 3)—Leave out proposed subparagraph (ii) and the footnote and insert—
"ii) ensuring industrial fairness; and":
- No. 2. Page 2, lines 15 to 20 (clause 4)—Leave out paragraph (c) and insert new paragraph (c) as follows:
'(c) by inserting after the definition of "industrial dispute" the following definitions:
'industrial fairness" means fair and reasonable conduct between employer and employee that achieves a reasonable balance between managerial powers and discretions on the one hand, and the interest of employees on the other;
Examples—
The following are examples of conduct that is contrary to the principles of industrial fairness—
· Conduct involving nepotism or patronage;
· Conduct that is arbitrary or capricious;
· Conduct involving unlawful or unjustifiable discrimination.
'industrial instrument" means
(a) an award or enterprise agreement under this Act; or
(b) an award or certified agreement (but not an Australian workplace agreement) under the Commonwealth Act;'
- No. 3. Page 2, lines 22 and 23 (clause 4)—Leave out the definition of "taxi" and insert—
"taxi" means a vehicle—
(a) licensed or exempted from the requirement to be licensed under Part 6 (Taxis) of the Passenger Transport Act 1994; and
(b) with seating accommodation for not more than 12 passengers; and
(c) used predominantly for the transport of passengers rather than the transport of goods or other freight;'
- No. 4. Page 3 (clause 7)—After line 5 insert new paragraph as follows:
"(ab) by inserting after the first dot point in subsection (1)(a)(ii) the following:
· if the agreement supersedes an earlier enterprise agreement, to identify the differences in the terms of the agreements; and;"
- No. 5. Page 3, lines 16 to 21 (clause 8)—Leave out the clause.
- No. 6. Page 3, lines 35 and 36 and page 4, lines 1 to 17 (clause 10)—Leave out the clause.
- No. 7. Page 4, lines 18 to 36 and page 5, lines 1 to 3 (clause 11)—Leave out the clause.
- No. 8. Page 5, lines 22 to 25 (clause 13)—Leave out definition of "remuneration".
- No. 9. Page 5, lines 30 and 31 (clause 13)—Leave out "(to be calculated in accordance with the regulations) exceeds a rate fixed in the regulations" and insert "exceeds \$66 200 (indexed) or more a year".
- No. 10. Page 6, lines 1 to 15 (clause 13)—Leave out all words in these lines and insert the following:
"(a) employees serving a period of probation or a qualifying period providing that the period is

- determined in advance, is reasonable having regard to the nature and circumstances of the employment and conforms to any relevant statutory limitation—or if there is no such limitation, does not exceed 3 months; or
- (b) employees engaged on a casual basis for a short period except where—
(i) the employee has been engaged by the employer on a series of occasions extending over a period of at least six months; and
(ii) the employee has, or would have had, a reasonable expectation of regular employment by the employer; or
- (c) employees whose terms and conditions of employment are governed by special arrangements giving rights of review of, or appeal against, decisions to dismiss from employment at least as favourable as the provisions of this Part; or
- (d) employees in relation to whom the application of this Part or the specified provisions of this Part causes or would cause substantial difficulties because of—
(i) their conditions of employment; or
(ii) the size or nature of the undertakings in which they are employed;
- (e) employees of any other class.
- (3) To the extent that a regulation under subsection (2) is inconsistent with the Termination of Employment Convention it is invalid.
- (4) A regulation under subsection (2) cannot take effect unless it has been laid before both Houses of Parliament and—
(a) no motion for disallowance is moved within the time for such a motion; or
(b) every motion for disallowance of the regulation has been defeated or withdrawn, or has lapsed."
- No. 11. Page 7, lines 33 to 35 (clause 13)—Leave out subsection (2) and insert new subsection as follows:
"(2) A dismissal is harsh, unjust or unreasonable if the Commission, having regard to—
(a) the circumstances surrounding the dismissal (including—if relevant—the nature and quality of the employee's work); and
(b) the rules and procedures for termination of employment prescribed by or under schedule 8; and
(c) any other relevant factors, is satisfied that the employer contravened the principles of industrial fairness in dismissing the employee."
- No. 12. Page 8, lines 13 and 14 (clause 13)—Leave out paragraph (a) and insert new paragraph as follows—
"(a) industrial fairness:"
- No. 13. Page 8, lines 32 to 37 and page 9, lines 1 to 6 (clause 13)—Leave out subsection (4) and insert new subsection as follows:
"(4) The Commission must not order compensation exceeding 6 months' remuneration at the rate applicable to the dismissed employee immediately before the dismissal took effect, or \$33 100 (indexed), whichever is the greater."
- No. 14. Page 9, lines 7 and 8 (clause 13)—Leave out subsection (5) and insert new subsection as follows:
"(5) An order for the payment of a monetary amount under this section may provide for payment by instalments if—
(a) the Commission is satisfied that exceptional circumstances exist justifying the making of the order; and
(b) in so far as the order compensates loss of remuneration—the instalments of compensation are at least as favourable to the employee as the payments of remuneration (to which the order relates) would have been if the employment had continued."
- No. 15. Page 9, line 37 (clause 14)—Leave out "A person acts for a prohibited reason if the person discriminates against another" and insert "An employer acts for a prohibited reason if the employer discriminates against another person".
- No. 16. Page 11 (clause 14)—After line 12 insert new subsection as follows:

- "(2) A provision of a contract of employment, or an associated undertaking, to become or remain, or not to become or remain, a member of an association is void."
- No. 17. Page 11, line 14 (clause 14)—Leave out "A person must not" and insert "An employer must not".
- No. 18. Page 12, lines 8 to 22 (clause 14)—Leave out proposed new section 116C.
- No. 19. Page 12, lines 23 to 33 and page 13, lines 1 to 6 (clause 14)—Leave out new section 117 and insert the following: "Prohibition of discrimination in supply of goods or services
117. (1) A person who carries on a business involving the supply of goods or services must not discriminate against an employer by refusing to supply goods or services, or in the terms on which goods or services are supplied, on the ground that the employer's employees are, or are not, members of an association.
Maximum penalty: \$20 000."
- (2) A person must not, on the ground that an employer's employees are, or are not, members of an association—
- (a) attempt to induce a person who carries on a business involving the supply of goods or services to discriminate against an employer by refusing to supply goods or services, or in the terms on which goods or services are supplied; or
- (b) attempt to prevent a person who carries on a business involving the supply of goods or services from supplying goods or services to the employer.
Maximum penalty: \$20 000."
- No. 20. Page 13, lines 7 to 13 (clause 14)—Leave out new section 118.
- No. 21. Page 13, lines 14 to 21 (clause 15)—Leave out the clause.
- No. 22. Page 13, lines 22 to 36 (clause 16)—Leave out the clause.
- No. 23. Page 14, lines 1 to 10 (clause 17)—Leave out the clause.
- No. 24. Page 14, lines 27 to 36 and page 15, lines 1 to 11 (clause 20)—Leave out the clause.

Consideration in Committee.

The Hon. DEAN BROWN: I move:

That the Legislative Council's amendments be disagreed to.

Mr CLARKE: I am happy with the amendments put forward by another place.

Motion carried.

LONG SERVICE LEAVE (MISCELLANEOUS) AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

- No. 1. Page 2, lines 32 to 37 and page 3, lines 1 to 4—Leave out subclause 4 and insert new subclause as follows:
"(4) Despite the preceding provisions of this section, an employer and a worker may agree on—
- (a) the deferral of long service leave;
- (b) the taking of long service leave in separate periods;
- (c) the granting and taking of long service leave on less than 60 days notice;
- (d) the taking of long service leave in anticipation of the entitlement to the leave accruing to the worker."
- No. 2. Page 3 lines 7 to 10 (clause 7)—Leave out all words in these lines.
- No. 3. Page 3, lines 21 to 38 (clause 8)—Leave out the clause.

Consideration in Committee.

The Hon. DEAN BROWN: I move:

That the Legislative Council's amendments be agreed to.

These amendments effectively remove the requirement for an enterprise agreement to specify certain things about the taking of long service leave—in particular, the type of notice required and the number of long service leave breaks that may be taken. What this amendment effectively does is take it from an enterprise agreement down to an individual agreement. The Government is willing to accept that, which

means that the whole purpose of this Act, which is to allow the cashing out of long service leave, still stands. That is what the Government set out to achieve. Whilst we would have preferred our original Bill, this does not alter the substance of the Bill in any significant way. Therefore, we will accept the amendments, and I would urge the Committee to do so.

I appreciate that this Parliament has now brought about a significant change in long service leave provisions, now allowing, with the agreement of both the employer and the employee or worker, long service leave to be cashed out, in part or in whole, and I believe that a large number of workers in the State will benefit greatly from this move. This will be very popular for those who can reach an agreement, because it means that if, for example, the family car breaks down some long service leave can be cashed to meet the cost of repairs. If someone has a relative who is ill overseas, a member of the family can obtain some cash and some leave to visit that relative, who may be sick or dying. It is something for which I have pushed for a long time, having been a keen supporter of this provision for many years, and I am delighted to now see it in place. I thank the Parliament for the support it has given in getting this measure through.

Mr CLARKE: The numbers are clearly with the Government, so I will not belabour the point for very long. The Opposition is disappointed that the Democrats did not see their way clear to supporting the Labor Party's opposition to the principle of cashing out long service leave. Whilst it may be superficially attractive to some groups of workers, what they have to understand is that it undermines the very principle of why long service leave was adopted in the first place, and what may happen over time for individuals is that the cashing out of long service leave will erode the benefit. Also, the impact it will have on overtime may be significant, depending on how strong the demand for cashing out is.

It will affect employment levels in this State, because employers will no longer need to replace workers on long service leave, whether they be employed on a casual or part-time basis, because as we all know in terms of staffing complements—whether they be in the Police Force or anywhere else—the employer takes into account so many weeks annual leave, so many weeks sick leave and so many weeks long service leave over a period, and staffs accordingly. This will just be another incentive to restrict employment opportunities in this State, which is the last thing that we need.

Finally, as to the position of the Democrats and the Government, I am particularly critical of the Democrats. I know where the Liberal Party stands on these issues. It is fairly straight up and down: if it is something for the workers, they do not want to give it. I do not agree with it but I can understand the Liberal Party's position. But the Democrats try to pretend they are friends of the workers. It amazes me. A proposal was put forward in another place with respect to the introduction of long service leave pay-outs for long service leave for workers who are retrenched or made redundant after five years' service, whereas at the moment they are only entitled to the benefit on termination of employment, whether they resign or are terminated by the employer, after seven years of service. It would have been a real advance for workers rather than this superficial advance put forward by the Government and happily embraced by the Democrats.

This is not the first, and I doubt it will be the last, time I will be disappointed by the actions of the Democrats on industrial matters and, after four years, I am somewhat inured

to their flip flopping around the place on particular issues. I trust that when it comes to the Industrial and Employee Relations (Harmonisation) Bill with their very own amendments which will be discussed in conference tomorrow they will have a bit more spine in them, and actually stand up for those amendments, than they have shown with regard to the long service leave amendments. The Opposition opposes the motion.

Motion carried.

**ENFIELD GENERAL CEMETERY
(ADMINISTRATION OF WEST TERRACE
CEMETERY) AMENDMENT BILL**

Returned from the Legislative Council with amendments.

**STATUTES REPEAL AND AMENDMENT
(DEVELOPMENT) (ENVIRONMENTAL IMPACT
STATEMENTS) AMENDMENT BILL**

Returned from the Legislative Council without amendment.

**ELECTRICITY (VEGETATION CLEARANCE)
AMENDMENT BILL**

The Legislative Council intimated that it did not insist on its amendments Nos 1, 2, 4, 5, 7, 8 and 11 to which the House of Assembly had disagreed and had agreed to the amendments made by the House of Assembly to amendments Nos 1, 7 and 8 without amendment.

**NON-METROPOLITAN RAILWAYS (TRANSFER)
BILL**

The Legislative Council intimated that it agreed to the amendment made by the House of Assembly without amendment.

RAILWAYS (OPERATIONS AND ACCESS) BILL

The Legislative Council intimated that it had agreed to the amendment made by the House of Assembly without amendment.

**INDUSTRIAL AND EMPLOYEE RELATIONS
(HARMONISATION) AMENDMENT BILL**

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

The Hon. DEAN BROWN: I move:

That the disagreement to the Legislative Council's amendments be insisted on.

Mr CLARKE: On this occasion, reluctantly, I agree with the amendments put forward by the Democrats and passionately support the other place.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs Atkinson, Brown and Clarke, Mrs Penfold and Mr Wade.

Later:

A message was received from the Legislative Council agreeing to a conference, to be held in the Plaza Room at 9 a.m. on Friday 25 July.

The Hon. DEAN BROWN (Minister for Industrial Affairs): I move:

That the sitting of the House be not suspended during the conference.

[Sitting suspended from 1.52 a.m. to 2 p.m.]

**SECOND-HAND VEHICLE DEALERS
(COMPENSATION FUND) AMENDMENT BILL**

At 3.5 p.m. the following recommendation of the conference was reported to the House:

That the Legislative Council no longer insist on its disagreement to the House of Assembly's amendments.

Consideration in Committee of the recommendation of the conference.

The Hon. S.J. BAKER: The effect of the recommendation of the conference is that the Bill returns to the form in which it originally entered the other place. In relation to the amendments proposed by the Legislative Council—namely, by the Australian Democrats and the ALP—to put some retrospectivity—or retroactivity—into the legislation, those amendments will no longer prevail.

I am pleased that the conference reached a sane result. I believe that, if the amendments had survived, it would have been a blot on this Parliament. Indeed, I am assured that the Attorney would not have proceeded with the Bill and, therefore, we would have had the situation that the law, as determined by the courts, would be the prevailing rule of law, irrespective of the original wishes of the Parliament. So, from the Government's point of view, that issue is now put beyond doubt (and we are pleased with that result) without taking the matter back to 1995 and, therefore, excluding this particular case. There has been an undertaking, as a result of the representations by the member for Spence, that the Attorney will be reviewing, in conjunction with the Motor Traders Association and the dealers, a more effective means of policing this area, so that we have more certainty in relation to backyard dealers.

So, I am pleased with the outcome of the conference. I am pleased with the fact that further work will be done to protect the citizens of this State, but it is important to note that we have not, on the spur of the moment, attempted to amend the legislation in a way that may have done more harm than good. So, I congratulate the conference on its wisdom and particularly acknowledge the help of the member for Playford.

Mr ATKINSON: For many years now licensed motor vehicle dealers in South Australia have had to pay into a fund in order to compensate customers of theirs who are unable to get warranties fulfilled owing to a motor vehicle business failing, or unable to get the motor vehicle or the purchase price back owing to the company failing. It is only licensed motor vehicle dealers who pay into the fund, and that fund has grown to about \$1.2 million in total. There will be some big calls on that fund, and one call about which secondhand motor vehicle dealers are rightly upset is the call from customers of Kearns Motor Auctions who lost their money when Kearns failed. Kearns Motor Auctions did not pay into the fund. It was an auctioneer and not a licensed secondhand motor vehicle dealer. So, Kearns paid nothing in, yet its customers will take a very hefty sum out—something like \$500 000—and part of that will be taken by the Government instrumentality ETSA, which dealt with Kearns.

Mr Brindal interjecting:

Mr ATKINSON: What a completely stupid utterance from the member for Unley. It has me thinking of something entirely different now. So, secondhand motor vehicle dealers are upset about their fund being raided by people they believe have no entitlement to have access to the fund. I think when Parliament passed the provision for the compensation fund, as it did in the schedules to the Act, it really did not turn its mind to this situation. So, it is no surprise, just looking at the plain words of the schedule to the Act, that the courts were able to say that people who had bought vehicles from Kearns were able to have access to the funds; but, even worse than that, the customers of people who buy from backyarders—people who sell one car at a time from their home and who are licensed—can also have access to the fund and have had access to it.

So, the Opposition wanted to achieve two things with this Bill. It wanted to make the Bill retroactive: we do not resile from that because we believe it was never contemplated that the customers of auctioneers who were not licensed motor vehicle dealers could have access to the fund. We were supported in that by the Motor Traders Association. The second thing we wanted to achieve is to amend the schedule to insert the words 'ostensibly licensed' in front of 'dealers', so that customers of backyarders would not also have access to the fund.

Mr Brindal: Why 'ostensibly licensed'?

Mr ATKINSON: If we had added 'licensed' before 'dealers' we would have run into trouble, as the Treasurer pointed out in the debate, because many licensed dealers lose their licence through breaching the provisions of the Act, yet continue to trade and continue to have their LVD number on their advertisements and displayed at their business. So, a person who wanted to buy a motor vehicle could go to one of these dealers who had just lost his licence owing to breaches of the Act, trade with that dealer and then, when the dealer went belly up, lose his money and not have access to the fund. The Opposition took the view that in those circumstances the customer should have access to the fund. We wanted to insert the words 'ostensibly licensed' before 'dealer' or 'dealers' when it appeared in the schedule because we wanted the customers of those dealers to have access to the fund.

If a customer were to answer an advertisement in the classified section of the *Advertiser* for a used car and go to a backyard in Ottoway and deal with a backyarder and if that customer subsequently lost his money, we believe he should not have access to the fund, because that dealer was not licensed or ostensibly licensed.

The Government refused to accept our amendments. It refused to accept our retroactive amendment because it believed that it was bad legislative practice. The Opposition accepts that, but we hoped to use that amendment to chisel out of the Government a solution to the problem of backyard dealers. The Attorney-General said that he was not willing to legislate on the run: well, I reckon he or his advisers had about 12 hours last night to consider our suggested amendment of simply placing the words 'ostensibly licensed' in front of 'dealer' or 'dealers'.

The Hon. S.J. Baker interjecting:

Mr ATKINSON: The Treasurer says that it was a last minute suggestion. It was always our intention, and it was a sensible suggestion. I think ultimately, after six or 12 months of thinking about it, that is what the Government will do, but it is something for the future. The Opposition will follow up on this to ensure that the Government fulfils its undertaking

to do something about backyard dealers. With those comments, the Opposition acquiesces to the Bill in its current form.

Motion carried.

PAPERS TABLED

The following papers were laid on the table:

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

Dog and Cat Management Board—Report, 1995-96
Border Groundwaters Agreement Review Committee—Annual Report, 1995-96

MATTER OF PRIVILEGE

Mr ATKINSON (Spence): Mr Speaker, I rise on a matter of privilege. For some months now, in its parliamentary reports the *Advertiser* has been running a column entitled 'They said it', where it quotes utterances, including interjections, made in the House. This morning, I noticed that it ran this interjection:

'This is your tart shop'—Labor MP Mr John Quirke to the Health Minister, Dr Armitage, over his defence of the Living Health organisation

And under that, the article continues:

'It is your personal slush fund'—Labor MP Mr Michael Atkinson, also to Dr Armitage.

The trouble with some of the quotations in the 'They said it' column is that many of them do not end up in *Hansard*.

Mr Buckby interjecting:

Mr ATKINSON: The member for Light interjects and says that sometimes they get it wrong. They may, but on this occasion I think they got it right. But often the quotes do not end up in *Hansard* and, quite properly, they do not end up in *Hansard* because they are interjections to which the person who is in order does not respond.

The Hon. G.A. Ingerson interjecting:

Mr ATKINSON: No, the Deputy Premier is wrong: I could not get sued over this nor could any of us. But the *Advertiser* is placed at risk in publishing these interjections that do not appear in *Hansard* because they do not attract the absolute privilege of Parliament. Mr Speaker, I seek your ruling on whether they attract absolute privilege, qualified privilege or any privilege at all.

The SPEAKER: The official record of the House of Assembly is *Hansard*. Any comments which are contained in *Hansard* attract privilege. Comments which are used and which do not appear in *Hansard* do not attract privilege, and people who publish them should be aware of that.

ENFIELD GENERAL CEMETERY (ADMINISTRATION OF WEST TERRACE CEMETERY) AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments.

No. 1. Page 1, line 23 (clause 4)—Leave out "nine" and insert "ten".
No. 2. Page 1, lines 24 and 25 (clause 4)—Leave out paragraph (a) and insert new paragraph as follows:

"(a) five members appointed on the nomination of the Minister (one of whom is to be a person with extensive knowledge of the historical significance of cemeteries);

No. 3. Page 2 (clause 6)—After line 16 insert new subsection as follows:

- “(3) The Minister is to designate one of the persons nominated by the Minister as the chairperson.
- No. 4. Page 2, line 26 (clause 6)—Leave out “Five” and insert “Six”.
- No. 5. Page 3 (clause 7)—After line 17 insert new subsections as follow:
- “(3) The trust must, in accordance with this section—
- (a) prepare plans of management for West Terrace Cemetery; and
 - (b) present the plans at public meetings convened by the trust.
- (4) The plans of management must be prepared and presented as follows:
- (a) the first plan must cover a five year period and be prepared and presented within 12 months after the commencement of this section;
 - (b) subsequent plans must cover subsequent five year periods and each plan must be prepared and presented at least six months before it is to take effect.
- (5) A plan of management must take into account the historical significance of the cemetery and establish policies relating to the following matters:
- (a) retention or removal of existing headstones;
 - (b) reuse of burial sites;
 - (c) the scale and character of new memorials or monuments;
 - (d) planting and nurturing of vegetation in the cemetery.
- (6) In preparing a plan of management the trust must consult with the State Heritage Branch of the Department of Environment and Natural Resources and other persons who, in the opinion of the trust, have a particular interest in management of the West Terrace Cemetery.
- (7) The trust must, at least two weeks before the date of a public meeting to be convened under this section, publish a notice of the date, time, place and purpose of that meeting in a newspaper circulating generally throughout the State.
- (8) The trust may revise and update a plan of management at any time.
- (9) The trust must keep a copy of the current plan of management available for inspection by members of the public, without charge and during normal office hours, at a place determined by the Minister.

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

That the Legislative Council's amendments be agreed to.

The Upper House has deemed fit to make five amendments to the Bill. Basically, the five amendments belong in two categories. One category is that within the legislation it should be clearly designated that at least one representative on the board shall have experience and knowledge of matters of history together with some understanding and knowledge of the historical significance of cemeteries. The second category deals with a requirement for the preparation of plans appropriate to the future of the cemetery and, indeed, enhancement of the historical aspects and improvement of the aesthetic quality of the West Terrace Cemetery.

The Government is in a very accommodating mood. It was my clear intention as Minister to have someone on the board with experience and knowledge of cemeteries and, hopefully, some knowledge of West Terrace Cemetery or a cemetery of some similar importance. I understand that the West Terrace Cemetery in itself is quite unique in Australia and that it is one of the historical treasures of Australia. It would have been my clear intention to have someone on the board with sufficient knowledge and passion for the cemetery.

As far as the demand for a five-year plan is concerned, I inform the Committee that that is already under way. So, some effort is now being made to develop a plan for the future enhancement of the West Terrace Cemetery. On both matters I can say that the Government did have it in hand. We did not necessarily believe it important to have those matters inserted in the Bill, but we are happy to accommodate them.

I must add that with a number of other Bills I have handled I have insisted that we lay down general parameters under which board members should be appointed. There has been a consistent belief on my behalf that we have not attracted some of the best people to our boards, simply because there has been no direction within the Act as to the qualities being sought from those boards.

In regard to this amendment that was suggested by the Australian Democrats and, obviously, supported by the Australian Labor Party, it does remind me that on this occasion I should have set down the broad parameters of expertise that the Government and I expect to see on the board. Perhaps when the Act is next amended we can specify those qualities in the legislation so that inappropriate people are not appointed to the board because they do not have any of the necessary or requisite skills to perform to the level that we expect. With those few words, I am happy to accept the amendments from another place.

Ms HURLEY: These amendments indicate the sensitivity of feeling about the West Terrace Cemetery and the interest in maintaining that cemetery's heritage burial sites. The amendments clarify the intent of the Bill. As the Minister points out, much of it was already under way, but I do not believe that it hurts to have spelt out clearly in the legislation the Government's intent regarding the West Terrace Cemetery. I think it improves the Bill and adds to it the interest of the Government and the people of South Australia in preserving and managing the West Terrace Cemetery in the most appropriate way.

Mr LEWIS: The Government is being very accommodating and everyone is being very helpful to each other in this context. This is not a growth industry from which people can expect to make large profits. So, as the Treasurer points out, there is no-one who is much interested in being an expert on cemeteries or who is very excited about them.

An honourable member interjecting:

Mr LEWIS: No. I, personally, do not want to see the inside of a cemetery on a client basis for some time yet. I wish to put on the record my dismay at the way in which the law relating to cemeteries has changed. I hope that the people whom we put in charge of the various cemeteries take account of the fact that the law as it stands (25 years for a lease) is not a reflection of what people feel. Cemeteries are sacred sites to many of us. Some of this State's pioneers, who arrived here in the late 1830s or the 1840s, were buried in cemeteries administered by the Enfield General Cemetery Trust at Payneham and possibly elsewhere, and I resent very much that their headstones that were made by family members were simply torn down. The graves were removed and destroyed and the headstones were trashed and turned into gravel for pathways just because the trust felt that it could get away with it.

The pity of it is that some of these were graves of my forebears, and we did not know this was happening until it was too late. If other members had shared that experience with me, they would feel as hurt as I do that the law allowed the trust to get away with that. If nothing else, I therefore beg the members of these boards not to destroy graves for the purpose of re-using burial sites without first making exhaustive attempts to contact the descendants of the people who are interred in those sites, given that the extent of a lease is now only 25 years.

I particularly request that they do not trash the graves of this State's pioneers who were buried in the early days of the colony. The significant contributions of these pioneers

towards the development of this State and its industries are preserved in the written record. I am sure that during the course of the next century relatives from the country of origin of these migrants, who became pioneers of significance, would be pleased to visit these grave sites. We could, therefore, destroy an element of interest that would help generate tourism if we look at it in straight-out mercenary terms.

I am happy to note that this measure can be passed without undue delay, without naming anyone or anything else. I simply wish that, in future, an observation of the sensitivities and sensibilities of the rest of the general population will be taken into consideration before reuse of burial sites is determined.

Motion carried.

EQUAL OPPORTUNITY (SEXUAL HARASSMENT) AMENDMENT BILL

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

[Sitting suspended from 3.35 to 5.40 p.m.]

SITTINGS AND BUSINESS

The Hon. G.A. INGERSON (Deputy Premier): I move:

That the House at its rising adjourn until Tuesday 26 August at 2 p.m.

At this time of the session we take the opportunity, as a Government, to thank members for the way they have participated in the debates, particularly Government members for the forthright, detailed and excellent skills they have used in debating the various measures and, on occasion, the spirit of support that has come from the Opposition. As we all know, the Opposition is here to create interesting debates—sometimes it does and sometimes it does not—but we thank members opposite for the thought that they have put into the debates even though it has sometimes been misguided.

I would like to place on the record my appreciation of the support that the Government has had from the Clerk and his staff in the House, and the advice that they have given to the Government to enable us to make sure that the workings of the House can continue to be of the highest level.

Mr Atkinson: Advice to all members, surely!

The Hon. G.A. INGERSON: Let me finish. You are always the same: you always jump in and do not let anybody finish their sentence. As I said, I note the advice and support that the Clerk and the staff have given to the Government. Obviously they have given that advice and support, on occasions, to the Opposition also. It is a pity that members opposite do not take more notice of it. I would also like to place on the record the Government's thanks to the administrative staff of the Parliament, in particular the attendants, who spend a lot of time supporting us and helping make this House function.

One of the groups that helps us more than any other is the *Hansard* staff. On behalf of the Government I would like to thank the *Hansard* staff for their excellent reporting. Obviously members' speeches are very well presented in the House because the way they appear in *Hansard* reflects that excellence! The *Hansard* staff are a vital part of the operation of the Parliament. They do an excellent job in making sure that the transcripts are available to members as soon as is

practicable after their speeches, and we thank them for their support.

The catering staff are also very important. There are many times during heated debates when a good meal and a good red soothes things and enables us later to get on with the business of the House. The library staff are critical to the research needs of members in this place, and I thank them very much for their support also.

Behind the scenes, a group of people has been working in this place for the past three years, namely, the builders and the people involved in the renovations of Parliament House. They have done an absolutely fantastic job of taking into account all our needs, working around us and enabling us to continue while these renovations took place. I would like to put on record our thanks for the effort they have made. Given the work that has been done in only three years and the facilities we now have, they have done a fantastic job in renovating the building.

On behalf of the Government, I express our appreciation of the support of the families of all members of Parliament, from both sides of politics. Most members of Parliament, possibly unlike members of the public, know of the tremendous pressure put on our families. I know that all members of Parliament at times wish they were just ordinary people without those pressures. We would like to place on record our thanks to everyone who has been patient with us as members of Parliament, particularly our families.

I would also like to thank all the ministerial staff who have supported us as a Government and the staff of members of Parliament who have done a tremendous job in making sure that we are all here to put forward what I think is an excellent public image overall for our Parliament. On occasion, one or two issues are reported totally out of proportion by the daily newspapers, but we all understand that newspapers have to be sold. I thank the staff of all the Ministers and the members.

Finally, I would like to thank you, Mr Speaker, for your unbiased support as Speaker and for your role in the running of this House. While that may be treated as a flippant comment by some members, behind the scenes a lot of work is done by the Speaker, in conjunction with the Clerk and other administrative staff in this House. We often have a different view on how the House is handled, but I place on record the Government's support for your efforts. During the break and before we come back for the next session of Parliament, I hope that all members will get on with the job of representing their electorate, and I look forward to seeing members back here when the next session begins.

Mr CLARKE (Deputy Leader of the Opposition): It is always a pleasure at the end of a session to be able to get up on behalf of the Opposition and say a few words of thanks.

Mr Brindal interjecting:

Mr CLARKE: I am usually a statesman at this time of the session. Don't tempt me, member for Unley. What I would like to do, in no particular order, is, first, record the Opposition's thanks to the *Hansard* reporters. I agree with the Deputy Premier: they work under a lot of pressure and for many hours which are dictated by Government and Opposition strategies and the like, and they do a magnificent job. I thank the Clerks of the Parliament and the administrative staff who ensure that the legislation we pass makes sense when it is exchanged between Houses and when it is finally promulgated. I thank them for being able to work out what we have done at times late at night.

I also thank Parliamentary Counsel, who work extraordinarily long and difficult hours. They have to come to grips—quite often at short notice—with concise legal verbiage and draft legislation such that it can stand the test of the courts. I often marvel at the way in which they can perform their task. I would also like to thank the library staff who help many of us, particularly those on the Opposition side who do not have the good fortune of being in Government and having Government and departmental resources, to research a lot of the material we require. In particular—

An honourable member interjecting:

Mr CLARKE: I am not alleging anything improper. Obviously, Government Ministers are entitled to use their departments to obtain information in relation to their legislation. I thank the catering and refreshment staff for not having poisoned us over the past 3½ years. Many of them could do that to us—deservedly so and with absolute justification, given the clientele they have had to serve in this place.

Members interjecting:

Mr CLARKE: I am sure they have been tempted. I thank our switchboard attendant, who often keeps us in touch with our constituents, no matter how hard we try to dodge them. I also thank the police officer, who regularly attends this place and ensures that we are not attacked by our constituents. To our caretakers and cleaners, who clean up our rubbish: if only we were as good at that, the State would be in a better state than it is now. To the workers, as the Deputy Premier pointed out, who have refurbished this magnificent building over the past four years, I extend my gratitude for the professional way in which they have done their job. When I first entered this Parliament nearly four years ago I walked along some threadbare carpets and into dreadful looking ministerial offices. I do not know how the Opposition of those days put up with the conditions that it did for all those years, but I comfort myself in the knowledge that it no doubt deserved it.

When I look at the way the building has been refurbished, rather than being embarrassed to bring in a visitor from a developed nation to our Parliament as it was, our Parliament in its current state is something to be proud of, and I thank the workers for that. Although I could be wrong, I am working on the basis that this may be our last sitting day between now and the next election, so it would be remiss of me if I did not use this occasion to thank some members we know are retiring, including the father of the House, the member for Peake, Heini Becker.

If the member for Peake does not come back in September, I offer all the very best wishes from the Opposition to him and his family in his retirement. I am sure that, after 27 years in this place, he will be only too keen to get out and enjoy life, and he will thoroughly deserve it. I also mention the Hon. Frank Blevins, the member for Giles, who has had a long and distinguished career in this Parliament and in the parliamentary Labor Party, serving in many senior ministerial portfolios, and rising to the position of Treasurer and Deputy Premier in the last Labor Government. I for one (and all members of the Labor Party in our Caucus) will miss the sage advice that he has given to us on a number of occasions.

The Hon. Frank Blevins interjecting:

Mr CLARKE: Occasionally we did. That was excellent. I know that I speak on behalf of all members of the Opposition, and of many members of the Government, if not all, when I say that we will certainly miss the Hon. Frank Blevins being in the House. I am going through members in terms of

seniority, in one sense, although he is equal with the member for Gordon, whom I have not forgotten. We will miss Frank's leaving at Question Time on a Thursday afternoon, precisely when a Minister gets up to answer one of the most grovelling Dorothy Dixers that has ever been put on record—usually by the member for Mawson. We will miss Frank's incisive and very quick witted interjections across the Chamber.

I would also like to pass on my thanks and those of the Opposition to the Deputy Speaker, the member for Gordon. He will be retiring, if we have an election as anticipated, in October this year. On behalf of the Opposition, I extend to the member for Gordon and his family all the very best in his well deserved retirement. We tried on numerous occasions to toss him out—

The Hon. M.D. Rann interjecting: He tossed me out!

Mr CLARKE: As the Leader points out, it was the Deputy Speaker who tossed out the Leader. Despite our best efforts to get rid of him over 22 years, unfortunately Harold proved far too good a local member and stayed right to the very end. Deservedly, he had the title of king of Mount Gambier. So, we dip our lid to him: he beat us over 22 years. But with his loss we reckon our chances of winning back the seat of Gordon have increased immeasurably.

I also pay tribute to the member for Playford because, if this is the last occasion that we meet before the election, he will be going on to greater and loftier heights. He will be gracing the red leather in Canberra. I well recall the speech that he gave at the Joint Sitting of the Parliament to elect the Hon. Paul Holloway to the Legislative Council. There were a number of speeches congratulating Paul Holloway on his election. As members would know, he was formerly the member for Mitchell in this House between 1989 and 1993. I remember the comments of the member for Playford when he said—and I am paraphrasing—'Paul, I always said that we would look after you if you were to lose your seat. You can't do better than go into the Legislative Council. It is manna from heaven.'

Now, I am sure, a similar compliment can be paid to the member for Playford who will be gracing the red leather benches of the Senate in Canberra and distinguishing himself on behalf of the State of South Australia as a representative of the Australian Labor Party. We wish both him and his family all the very best and thank him for all the work that he has done in this House as the member for Playford. I do not know whether Living Health will thank him, or whether the MFP will be particularly sad to see him leave the House, but no doubt many of us will be sorry to see him go.

An honourable member interjecting:

Mr CLARKE: John Trainer, likewise, sends his best wishes! I would like to thank all members in this place and, in particular, their families for putting up with them and me. As the Deputy Premier pointed out, it is an extremely onerous task and puts a lot of strain on all of us personally, and they ought to be thanked.

Also, I thank members of the Government for their contributions. From time to time we have a very testy relationship with them, usually because they are wrong and we are right, but it is all part of democracy and the normal cut and thrust. To those members who will not be with us after the next fiesta, as the Hon. Trevor Crothers calls the State election, I wish them and their families well in their future endeavours. Putting Party politics aside, there is a lot of strain when running for a seat in Parliament, particularly a marginal seat. You put your best effort forward, but there must always be a winner and a loser. We learnt that in 1993 to the cost of

many of our members. Often it might not have anything to do with your own personal performance or the work you do on behalf of your own constituency. But that is just the ebb and flow of politics. I wish those members all the very best.

In conclusion, Sir, how could I forget you in my list of people to thank? In the nearly four years that I have been a member of this place, I would like to thank you for giving me seven days off with pay. I have appreciated it greatly. It restored my faith in human kind and increased my popularity vote at the Kilburn footy club considerably at being ousted from this place on a few occasions.

Mr Foley: How many, Ralph?

Mr CLARKE: Only five occasions. Mr Speaker, you have a difficult task to perform. You do it in your own style which, arguably, would be different from the way either the member for Spence or I would carry it out. We would dispense justice in a different way from you, but I will be doing my very best in the intervening period when I visit the fair cities of Port Augusta and elsewhere in your electorate to ensure that you have a long and restful career back on your farm.

The Hon. G.A. INGERSON (Deputy Premier): I move:

That the sitting of the House be extended beyond 6 p.m.
Motion carried.

Mr BECKER (Peake): Some 27 years ago, when I was elected to this House at the 1973 election, I never thought I would ever have the chance to make this speech and realise that 27 years is a hell of a long time in one person's life to serve his State, if you believe so strongly in your State. Having been re-elected eight times, I know what the pressure is and what is really required.

In 27 years in this place, 20 years was spent in Opposition, and if that is ever a testing period for your patience, Ralph, that is it and I hope that no-one ever has to do what I had to do. I am grateful that I have delivered to my Party the opportunity to have my seat changed so many times to create the seats of Morphett, Colton, Hanson and Peake. It has been a hard battle when you consider that I won by 135 votes in 1970 on a budget of \$840. Today, you need about \$80 000 to contest a seat, so it is interesting to note how times have changed. There was a scare in 1985 when my majority, which had grown steadily, suddenly slipped back to 199; now it is back to a reasonable size.

You achieve that only by working and representing the people who have faith in you to carry out the job that they would like you to do, and I have always put my people before any personal ambitions. I can only hope that each and every member who remains after the next State election will always remember the people who support them and seek their advice and assistance, irrespective of whom they vote for or their political ideals. That is what we are here for. We are here to help the constituency and we are here to do something for our State, because it is a wonderful place. It is a great State and I believe strongly that we have the opportunity to go forward as we have never done before in the history of the State.

I pay tribute to the other members who are retiring. We represent about 80 years in the political history of South Australia and, if we add your contribution, Mr Speaker, we have about 107 years of service to the people of South Australia. The member for Gordon worked hard to build up a seat in a rural area. What he has achieved and how he went about it is a wonderful tribute to him, and it has been a great lesson to all of us.

I have always respected and admired the member for Giles. He made the transition from another place to this Chamber, and I often wonder why he bothered, but I have enjoyed his wonderful sense of humour and I have appreciated his wide experience and advice on the Economic and Finance Committee.

Going back over my parliamentary career, the only thing that really stands out is the accountability of Government. I was out to achieve a better deal for taxpayers and better value for the taxpayers' money. I remember when in 1970 I found that the Government was not putting its surplus moneys on the short-term money market overnight, so I put the suggestion to the then Under Treasurer and a few weeks later I asked the Treasurer (Don Dunstan) why we were not doing so and he said, 'The bastard has a spy in Treasury.' He was furious to think that I would question the Government after he had received a memo making such a suggestion. That has saved millions of dollars for the taxpayers, so never fear accepting an increase in your salary because your salary was covered way back in the 1970s by placing money on the short-term money market.

I must also mention the efforts of the Public Accounts Committee and the Economic and Finance Committee, on which you, Mr Speaker, and I commenced service in 1977, and you know the difficulties we had dealing with the Hospitals Department, ironically, and the report that was released. Unfortunately, one of the young witnesses was a Dr McCoy, and I will say no more than that.

In terms of the accountability of Parliament and the role of the Auditor-General, it has been great to see how South Australia has led Australasia. Our advice was sought from the Papua New Guinea Government to establish a public accounts committee, and it still seeks our advice at the biennial conferences: we have an extremely good relationship with Papua New Guinea. New Zealand has always had a close affinity with South Australia, as have all the other States and, of course, we also assisted Queensland.

One other person I helped considerably in relation to the Public Accounts Committee was Laurie Brereton. I will never forget Laurie. After spending a few days with us and finding out what, how and why we did it, he said, 'I have to go back to see Wran. Which department would you look at? Would it be education or health?' I said, 'If I were you, Laurie, I would go back and look at health.' He did that and, the next thing, Wran made him the Minister for Health. I do not know whether that was a good or bad thing for Laurie's career. Laurie made a fair fist of that and I bet he is much happier in the Federal Parliament.

I have met a lot of people during my short period in the history of this Parliament and, looking at the board, about 106 people have passed through Parliament since the Speaker and I were elected, as well as many staff. The first people who come to my mind are the attendants. The first day I walked into the place someone met me at the front door and said, 'What do you want? Where are you going?' I said, 'I have to meet a chap by the name of Stan Evans.' He said, 'Who are you?' I told him who I was and he said, 'Have you just been elected?' I said, 'Well, I am not too sure yet; we have not declared the poll. I have to attend a meeting.' That was my first introduction.

The attendants have been wonderful. They have been a great help, a great assistance and, if you want a shoulder to cry on, occasionally, or someone in whom to confide, they are pretty good listeners and have been wonderful to me. I

thank them all for their help, advice, guidance and the odd little joke over the years.

The role of *Hansard*, of course, is very difficult. Steele Hall told me from day one, 'Do not ever bother to correct your speeches because *Hansard* will write them better than you ever will make them.' I have followed that advice ever since. Mind you, I get into trouble if I start quoting financial figures. Public servants always pick them up and throw them back at me. I thank *Hansard* for being very patient and tolerant. They are wonderful people who have assisted me during the past 27 years.

I thank the catering, library and accounting staff, and the many people who serve Parliament House behind the scenes. I thank the clerks who have provided wonderful help, assistance and guidance. Members would never survive without their wise counsel on many occasions. I certainly appreciate what they have done for me over that period.

I have been very fortunate and blessed with a very good Party and electorate committee. Some people have followed me from branch to branch as the electorate has changed. A few original members of my electorate committee who asked me to stand still remain. They pleaded with my wife to get me to stand. I make it very clear: I stood in 1970 because I believed that someone should stand. We never, ever thought we would win the seat. It was never my ambition to be a politician, and look what happened. I was quite happy working for the Bank of Adelaide: I was happy to follow an industrial relations career in the banking industry. I do not know to this day whether I took the wrong step.

It has been enjoyable. I have enjoyed it. I made it possible to enjoy it but, at the same time, I always adopted the philosophy of assisting other people less fortunate than I, and that has been the wonderful reward. I am grateful to Dale Baker, the then Leader of the Opposition, who said, 'Becker, it is time you retired. I will give you a job: you can represent me on the bipartisan committee for the Commonwealth Games bid.

Members interjecting:

Mr BECKER: I had to put that in. It was the greatest experience of all time.

Members interjecting:

Mr BECKER: I am not frightened to admit that there were 10 trips around the world. We went to some of the most beautiful spots in the world. You unfold the history of the Olympic Games and the Commonwealth Games movement, because the Olympic Games and the Commonwealth Games delegates were, in most cases, similar and they met in some of the most beautiful cities in the world. When we brought the Commonwealth Games delegates to Adelaide, they all agreed that Adelaide is the most beautiful city in Australia. It would have been a gem of a place to hold the Commonwealth Games. Unfortunately, that was not to be.

During my involvement with the Commonwealth Games schools were being closed. I collected through my electorate office some 30 tonnes of school books from their libraries, with the assistance of many members and former members of this House, friends of mine and members of the West Beach Rotary Club. We culled these books to ensure that they were clean and had no writing in them and shipped them, at the request of the Minister for Education, to Zimbabwe and Mauritius. These were English books, some 12 tonnes, and I am grateful to Qantas, Air Zimbabwe and Air Mauritius, which participated in that project.

That was part of the Olympic Games bid. No other city has ever done it. It was a great bid and we were unfortunate

that we did not win it. We helped Sydney win that bid, and I am staggered to learn that Sydney won by one vote, but that is another story—a different issue. It was a pleasure to serve and be involved and to help everybody in that respect.

Whether or not this is the last day of the current Parliament, I have enjoyed my 27 years experience and the knowledge I have gained of this State. As for my family, no-one outside this place will ever know what being a member of Parliament involves in this respect, with the attention placed on members—and all of us get it at some time—and the demands made by people in the electorate. We have had nuisance telephone calls, with people used calling at 2 or 3 o'clock in the morning, and sometimes quite abusive telephone calls.

When we formed the Epilepsy Association in 1979 one couple, both husband and wife, had epilepsy. They would telephone me at 3 or 4 o'clock in the morning. The wife would go into her bathroom and I would counsel her the best way I could, but on the extension telephone would be her husband, who would chip in. I would be trying to adjudicate on a husband and wife argument at that hour of the morning and, although it was intolerable at times, it gave me an opportunity to appreciate the problems and the difficulties on the other side of life and to appreciate what life is all about in voter land. A lot of lonely people are going through difficult times, and I urge members never to forget about those people. Remember the people, the ordinary people, because we owe them a very bright and prosperous future. I am grateful to have had the opportunity to serve.

The Hon. FRANK BLEVINS (Giles): I thank honourable members for their kind words. It would not be totally fair to say that those kind words have been a long time coming, but I know that members have been thinking about it for a long time and they were meant sincerely. I came into this Parliament, in the Upper House, in 1975, which was a very traumatic thing for me. I was from the country and we are somewhat naive compared with the city slickers. That was the election at which the LM was elected. We had LM people sitting on the cross benches and we had the DeGaris and the Cameron forces carrying on something awful. We had no peace, with both sides getting into our ears. There was a terrible carry-on, but eventually peace was declared and debts were taken over—around \$20 000 is the figure that sticks in my mind for some reason—and if that had occurred these days I think I would have been eligible for counselling; it was such a traumatic time. Had it been a fairy-tale, they would all have lived happily ever after. It may well be in the end. I thank members on both sides of the House—

An honourable member interjecting:

The Hon. FRANK BLEVINS: I do not have to do that. I thank members on both sides for their kindness over the years. I particularly thank the Parliament House staff, who also have been very kind. Although it is unfair to single out anybody, I have to single out *Hansard*. They have the capacity to make a silk purse out of some pretty unpromising material, and I know I have always been a challenge for them. I would particularly like to thank my wife and family. I have been a country member for 22 years, and they have paid a price. Whilst country members enjoy the job they do—and we would still do it well if they did not pay us; that is how much we enjoy it—somebody has paid a price for that. Our families have paid a price for that; there is no doubt about that. To my wife and family, thanks for everything.

Without the ALP and my union I would never have arrived here. Without that ALP endorsement I could have tried for 1 000 years and never got within 400 kilometres of the door. Without the ALP, I would never have made it as a member of Parliament. Above all, the people of Whyalla are the people to be thanked. I arrived in Whyalla in 1965 as a 26-year-old seaman. Within 10 years, they decided that I had the potential to be a statesman, and they sent me here to represent them, although I am not sure whether I totally fulfilled their expectations. I just do not have the words to express my thanks to a group of people such as the people in Whyalla who have consistently supported me.

There is no greater honour than to be elected to this place by one's peers, regardless of the position. Whether one is elected as a Minister or Deputy Premier is secondary given that it was your peers—the people among whom you live—who have sent you there. Very few people have that honour, and it is an enormous honour indeed. I have always felt very honoured and grateful, and every member of Parliament has the right to feel enormously proud for having that privilege.

I have no words of wisdom for anybody. Everybody in this place is quite capable of working out their own destiny very well indeed without any lecturing from me. If I had to say anything at all, I would say that you really have to get lucky; you have to be in the right place at the right time. If we are all perfectly honest, a lot of it has to do with being in the right place at the right time. If I were to give anybody any advice, I would say, 'Be in the right place at the right time. Above all, keep a sensible perspective and enjoy it.' After all, if it is not enjoyable, what is the point? You also have to be a team player, and that does not necessarily mean being entirely on your own side.

I had the great privilege of having three private members' Bills pass through the Parliament, certain provisions in those measures being quite controversial at the time. Although I had the privilege of having my name on them, without the support of the Leader, the member for Playford, the Deputy Premier, the members for Fisher, Peake, Eyre and MacKillop, and the Hons Murray Hill, Diana Laidlaw and Rob Lucas, those Bills would have got nowhere. All the public servants with whom I have worked have been superb. I will do exactly the wrong thing and single out two of them, who are the best two public servants with whom I have worked—Maxine Menadue and Peter Emery. They were just outstanding people. I have archives which I trot out from time to time, but there is one I put away a long time ago from Voltaire, as follows:

Think neither about death nor about the malice of the living. Fools work for kings: wise men take pleasure in sweet retirement.

Mr QUIRKE (Playford): I guess that this will be my last speech in here. I do not know how long we will go today and whether or not I will be back here on 30 September, but I do not think that even this Government would be silly enough to come back to this place in September or October this year. I could well be wrong on that: it may be silly enough to do that, in which case I will have the opportunity to say a few other things. But my guess is that this is the last sitting day before an election in which I will not be a contestant. For the 7½ years that I have been in this place I would like to endorse all the thank-yous that have been made by others to all the people who work in this building. There is no doubt that they render a great service to all members of Parliament.

Every one of us has stories about how well this building ticks over. In fact, on a few occasions I have overheard

people saying how well it would tick over if there were no members here at all, and how the place works a lot better when we are not sitting. The Deputy Leader paraphrased some remarks that I made over Paul Holloway's elevation to the red leather—and I use the word 'elevation' these days. The precise comments were:

Every time I go up to look at the Legislative Council I get a religious experience. I believe in life after death: more money and no constituents.

That remark got me into a bit of trouble up there. Someone, I do not know who, said 'We'll fix you', and all the rest of it. I guess I am being fixed, because I am going over to another piece of red leather. In fact, I think it is real leather over there as opposed to what we have here in South Australia. I am mindful of what the member for Giles said in respect of why he came down here, and that was to get away from the Democrats. After thinking about that remark since yesterday, I realise that I am going to a far worse brew in Canberra, because the Democrats are the more sensible ones. A few of those in Canberra ought to be dressed up in jester suits. However, I believe that it will be an interesting experience.

In many respects this is a bizarre job. It is a job, and we must say that. To some of us it may be more of a calling than it is to others but, at the end of the day, it is a job. I have seen very few members here who do not go out and work very hard for their individual constituencies. Whether they be Opposition members, Government members, Ministers or very senior Ministers, very few people are not out in their electorate offices on a Friday. The member for Peake (about whom I will say more later) and others make themselves available to their constituents right through the night, over weekends and at any stage. I have sat in here for some 7½ years, and I have listened to many tales of woe and many representations by members of Parliament, those who sat in the last Parliament with me and those who are here now, and I realise that in many respects there are more hard working members in this occupation than I have found anywhere else in my life.

I think most, if not all members here, try their very hardest for their constituents. There are some casualties that result from being in here. Not everything is constituency work. One of my favourite television programs before I came in here—because most people who know me well know that I am a televisionaholic—was *Yes Minister*. However, I must confess that I cannot watch that program any more. If I go home and put on *Yes Minister* (it used to be on at 6 o'clock and, while I was shadow Minister, I got most members home by 6 o'clock when we dealt with Bills for which I was responsible), I cannot watch it because, as soon as it comes on, I have seen it all. I remember the present Minister for Health and what he did to us with the hospital with no patients. Every time that episode comes on, I cannot handle it!

Then I remember the theatre tickets. I think the member for Peake will also recall the Economic and Finance Committee atrocity—according to the Arts community—that we committed a couple of years ago when we suggested that at least half of the seats at the theatre ought to be paid for. I am sorry to open up a wound that is only 24 hours old, but I have been told that, if it were not for the tart shop that I described yesterday, many of these organisations would have died years ago. I was told that last night by a member, and I kept a straight face and a dry eye.

There are many things that I will remember, and I have made a short list of organisations that I would like to be remembered by. The first one is the multifunction polis. I

must say that it really did take the cake in my 7½ years here. When the MFP was first announced, I thought there was something wrong with me. I thought I was of limited ability because I could not quite perceive this great city of the future down there. I kept these comments fairly well to myself, until 11 November 1992 when, as the new chair of the Economic and Finance Committee, I had to go up to Dazzeland in the Myer centre and meet the multifunction polis people who had hired the whole floor just underneath the Dazzeland train and all that sort of stuff that we take our kids to.

The members of the committee had to walk only 100 yards up the street. The MFP had flown in a bloke from London who had a lot of coloured drawings. It was very impressive. We were also shown coloured slides. It went on for two hours. The basic thrust was to show us that they were going to do things down in Gillman that would impress us. They were going to build houses from material that was to be reclaimed from Bolivar and mixed with cement. I wish they had gone ahead with it, because if they had we would not have had any problems with Bolivar this year.

I remember the MFP people telling us what other miracles they had in store for us, including the fact that we no longer had to worry about mosquitoes breeding in the duck ponds that were constructed in the wetlands. I was told at a committee meeting that they had a miracle biological method of eliminating mosquitoes. I was impressed by that. I thought about it and said, 'You mean a fish?' They got together in a huddle and finally said, 'Yes, it is a fish.' The MFP has been associated with a sad litany of woes, and I am sure that it is pleased that I will not be attending too many more Economic and Finance Committee hearings. However, my advice is that someone else will take over my role and give the MFP a hard time.

One of the regrets that I have in this place is that the Health Commission has not been significantly reformed. I throw that out really as a challenge to legislators in here. It is about time that the Health Commission sorted out all of its inefficiencies from one end to the other. Some people will say that I do not know what I am talking about and that it is in fact a very efficient organisation. I have had experience with it at every level and I think that it is probably one of the least satisfactory arms of government.

I could make a number of comments about people here. It is interesting that three of the four people who are voluntarily retiring are all from another country: we are all Poms. I do not know who is replacing whom and what their nationality is, but I suggest that multicultural Australia is alive and well in this Chamber, and there is no clearer evidence of the fact that immigration in this country has worked well than what we see in front of us now and what we will see in the future. There is no doubt that the Hanson comments are patently untrue and, in here, we can see clear evidence of that.

Unless anyone objects, it would be appropriate to refer to the member for Peake by his first name. Heini, we all think a lot of you. When I first met you, I did not know what was up with you. I thought that you had a toothache because you used to wander around, grizzling at everything, but eventually you came around. I have learnt a lot from you. You and Stan Evans taught me a lot in the last Parliament. Stan showed me that a Whip can be sane, and you also showed me quite clearly—

An honourable member interjecting:

Mr QUIRKE: I am just saying that Stan Evans showed me that a Whip could be sane and could carry out the duties with sanity.

Mr Foley: There were two Whips.

Mr QUIRKE: Don't worry, I will get to him in a minute. You do not have to remind me about Trainer, Kevin. I might employ him as a food taster. Heini has given distinguished service. Any marginal member who wants to know how to run a marginal campaign, despite all the spin doctors that our political Parties employ and bring in from one State to the next, should have a cup of tea with Stan Evans and Heini Becker. They would learn some real old tricks. Heini said that he had been the victim of eight campaigns and on three or four of those occasions everyone gave him up, but he did very well.

Another member who is leaving is the member for Gordon, and I have a great deal of respect for him. Harold is a decent, honest gentleman who has raised the tone of many debates in here. Even when we all have gone down into the gutter, Harold has done it with style. He is one of those fellows whom we will miss because he has done a great job. He was Chairman of Committees for the three years that I was a shadow Minister, we worked pretty well through most things and he was very good in educating me on the correct procedure for moving what were sometimes quite complex amendments.

I also want to mention the member for Giles, who has the respect of everyone in this place. When I sat in cobweb corner, the only joy I got in Question Time every day was when a member of the Liberal Party asked Frank a question. I got no other joy, certainly after the State Bank situation came out. In fact, I would think, 'Oh dear', but when someone asked Frank a question I would know from the way in which he buttoned his coat that the guy would get it, and he never let me down. He did a great job. Frank would probably be one of the best examples of a person who has mastered the parliamentary domain.

Again, I say that that is a clear example of a meritocracy in Australia that is alive and well. Frank thanked the ALP and his union. I would also suggest that, in many countries, it would not be possible for someone who did not have a tertiary education to get through to show their obvious talents. We have a great society and Frank is a clear example of that. I know that Frank is somewhat worried about what he will do with his time in the future. I had some discussions with him the other day about this and, in fact, Frank is one of those people who will need to keep busy in his retirement. I suggested to him that he might like to buy a pet parrot, or something. He could put it in a cage, train it and spend a bit of time with it.

I want to reveal to the House tonight that the member for Spence also breeds parrots. I do not think members knew that. I was surprised to hear that, too. The member for Spence keeps three birds in a cage and those birds, like the honourable member, are very religious. When I visited the honourable member's house his three birds were going through the rosary beads, and they obviously were a good example of rubbing things off. The member for Giles was impressed by this but he was not interested in the religious side of breeding parrots: he just thought that it would be a good idea to do it. He went to the pet shop and bought a parrot.

He bought a cage and all the rest of it, but the only problem was that when he took the bird home someone had got to it first and it was saying all sorts of unmentionable things. The parrot was yelling out, 'I'm a whore; I'm a

whore', which shocked everyone, including the member for Giles. The honourable member wondered about this, so he returned to the pet store owner who said, 'You have to train it properly.' The member for Giles decided that if he put his bird in with the three birds owned by the member for Spence then, perhaps, some of the rosary beads would rub off. Of course, as soon as Frank's bird opened its mouth, one of the other birds put the rosary beads down and said, 'My prayers have been answered.' The bird said, 'I don't know what you boys want to do but we don't need the rosary beads any more.'

I promised that I would say something more about Trainer but, really, I have gone on far too long. Members want to have their tea and I want to go home. I think I said enough the other day. I am still sort of tasting my food a bit. I was wrong with respect to one aspect of what I said the other day: the gentleman must have been a very good Speaker because every time some other Speaker appeared on the television—whether it was in the Federal Parliament or here, whether it was our present Speaker or the last Speaker—the next day they would get advice from Mr Trainer on how they were wrong.

In fact, I knew a few of these blokes and the Speaker of the Federal Parliament would telephone me and ask, 'Who is this bloke, Trainer?' I intend to send him some of the comments of the past week or so. I do not want to say any more about Mr Trainer. I have said enough. I do not want to give him another opportunity to have a go in the *Advertiser*, although I must say I did enjoy that. The thought of my sitting on one those narrow benches next to Senator Colston worries me somewhat—not that he will rub off but I do not think there will be room for the two of us.

Last but not least, I say to my wife and family, who have agreed to this transfer, that I am very grateful. They have supported me all the way. I was surprised by that, because it took me six weeks to ask my wife. I waited until after Christmas dinner a couple of years ago and I thought by then she would agree to anything after she had had all the relatives around. She was quite supportive of the shift. It will obviously be a great stress for her and for our young family, but we will make the most of it.

I thank members for their forbearance, and I am sorry if, in passing, I did not mention all of you. I will miss all of you, some more than others, and I probably will come back from time to time because, no matter what I say about the food here, it is much worse over there, and it is a lot more expensive. See you around.

The Hon. M.D. RANN (Leader of the Opposition): Briefly I thank all of the staff for their outstanding efforts. I will not go through the whole list because each time somebody sends me a note saying I have left off the library, the research people or somebody else. I thank all staff for the outstanding way they have done their job over the past four years with the refurbishment of this Parliament, which has substantially lifted facilities and standards here, but also put a lot of stress on the staff, particularly with people being located in corridors, and so on. Thanks to all the parliamentary staff in all their guises. I thank you, Mr Speaker, for your forbearance. You, Sir, did not throw me out over the past four years. That was left to the member for Gordon, but I will come to him later.

I also pay tribute to Heini Becker for his outstanding work in the past 12 years since I have been in Parliament. He comes out with some very pressing, pertinent points that he

was prepared to take to his and other Parties. He will be sadly missed as someone who was prepared to take a tilt at orthodoxy. I pay tribute to the work that he did on the Commonwealth Games bid. Kym Mayes constantly reaffirmed the vital importance of bipartisanship and the work Heini did for a bid which was the best bid but which, for a variety of dodgy reasons, was not successful. I thank him for his outstanding work in the area of disabilities in this State, which was not mentioned before but which deserves to be mentioned.

I thank John Quirke and offer my best wishes for the Senate. He has referred for many years to Upper Houses and these people devoid of constituents. We know that he will regard the whole State as his constituency and doorknocking will not stop today or when the election is over. He will be out there in the far west of the State and down in the South-East, knocking on doors and drumming up support for the Party in the Senate, servicing the sub-branches and remembering his colleagues in the Lower House who perhaps do not have the same international view that the Senate needs to have to do its job for Australia.

I do not hold it against Harold Allison for being the first person to throw out a Leader of the Opposition since the Depression. I regard him as the fairest Chairperson of Committees I have seen, particularly during the Estimates when he goes out of his way to be fair. He could be a model for others. I will not go further as I do not want to get into any trouble under these difficult circumstances, but there are people in this State and around this nation who could look to him for leadership in terms of fairness.

The funniest and best evidence I ever heard before the Public Works Committee was Harold Allison's commitment and contribution on the Finger Point episode, particularly in regard to his long yearly swim along the end of the effluent pipe. I will not go into details, but it brought the house down. Harold will be remembered as Joe Cocker's cousin. When that was announced back in 1980 there was considerable amusement from the public, but Joe and Harold at the airport were a sight to be seen. Joe did not have quite the same sobriety as the member for Gordon on that day, but the honourable member retires with best wishes and 'a little help from your friends'.

To the member for Giles, on our side—and both sides—of the House, we will miss Frank. He is our wisest counsel and wise counsels are very rare. Most of us think it has been a huge waste that Frank Blevins has been at the Stratford end of the benches, but he is someone from whom daily I seek advice and I have valued his contribution, commitment and decency. He has held virtually every portfolio in the ministry. Whenever anything went wrong Frank was sent in to fix it. He has also been someone who has been prepared to prick pomposity and humbug, in the Public Service, in this place and also in the wider community. Parliaments need those kinds of people. We will miss you, Frank.

The SPEAKER: On behalf of the staff and those people who ensure that the Parliament runs effectively, I thank members for their kind comments. They are appreciated, and I know the people to whom members have referred provide these services because they believe in the institution. I wish all members who are retiring of their own free will the very best. I sincerely hope that those who desire to return for the forty-ninth Parliament will be able to do so. The member for Peake and I came into this place a long time ago. The years may have affected us slightly, but the challenges are still

there. I have enjoyed a longstanding friendship with the member for Peake and his family, and I wish him well.

I would like to thank the member for Gordon for his support and assistance during the past 3½ years. He has been a very capable, loyal and hard-working Deputy Speaker. I wish the member for Giles well. As he is one of my neighbours, I made sure that he had a very good office on the second floor so that, in that way, he would not cause me any trouble. The member for Playford is getting elevated to a higher realm. I wish him well in the Senate in Canberra, and I am sure that from time to time we will come in contact with one another when I show him parts of his electorate that need attention.

The Deputy Leader has been one of my most interesting charges during the past 3½ years. I give him full marks for trying to test the Speaker. I have probably given him as much publicity as anyone in this House. I thank all members for their support. It has been a great honour and privilege to serve in this position, and I look forward to the forty-ninth Parliament.

Motion carried.

ROADS (OPENING AND CLOSING) (PARLIAMENTARY DISALLOWANCE OF CLOSURES) AMENDMENT BILL

Received from the Legislative Council with a message drawing the attention of the House of Assembly to clause 12, printed in erased type, which clause, being a money clause, cannot originate in the Legislative Council but which is deemed necessary to the Bill. Read a first time.

SECOND-HAND VEHICLE DEALERS (COMPENSATION FUND) AMENDMENT BILL

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

CONSTITUTION (PARLIAMENTARY TERMS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

FAIR TRADING (UNCONSCIONABLE CONDUCT) AMENDMENT BILL

Received from the Legislative Council and read a first time.

INDUSTRIAL AND EMPLOYEE RELATIONS (HARMONISATION) AMENDMENT BILL

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

At 6.50 p.m. the following recommendations of the conference were reported to the House:

As to Amendment No. 1—That the Legislative Council no longer insist on this amendment but make instead the following amendment to the Bill:

Clause 3, page 1, lines 24 to 27—Leave out proposed subparagraph (ii) and the footnote and insert:

(ii) ensuring industrial fair play; and

And that the House of Assembly agree.

As to Amendment No. 2—That the Legislative Council no longer insist on this amendment but make instead the following amendment to the Bill:

Clause 4, page 2, lines 15 to 20—Leave out paragraph (c) and insert:

(c) by inserting after the definition of "industrial dispute" the following definition:

"industrial instrument" means—

- (a) an award or enterprise agreement under this Act; or
- (b) an award or certified agreement (but not an Australian workplace agreement) under the Commonwealth Act;

And that the House of Assembly agree.

As to Amendments Nos 3, 4, 5, 6, 7 and 8—That the House of Assembly no longer insist on its disagreement to these amendments.

As to Amendment No. 9—That the Legislative Council no longer insist on this amendment but make instead the following amendment to the Bill:

Clause 13, page 5, lines 30 and 31—Leave out "(to be calculated in accordance with the regulations) exceeds a rate fixed in the regulations" and insert "is \$66 200 (indexed) or more a year".

And that the House of Assembly agree.

As to Amendment No. 10—That the Legislative Council no longer insist on this amendment but make instead the following amendment to the Bill:

Clause 13, page 6, lines 1 to 15—Leave out all words on these lines and insert:

- (a) employees serving a period of probation or a qualifying period provided that the period—
 - (i) is determined in advance; and
 - (ii) is reasonable having regard to the nature and circumstances of the employment; and
 - (iii) does not exceed 12 months; or
- (b) employees engaged on a casual basis for a short period except where—
 - (i) the employee has been engaged by the employer on a regular and systematic basis extending over a period of at least nine months; and
 - (ii) the employee has, or would have had, a reasonable expectation of continuing employment by the employer; or
- (c) employees whose terms and conditions of employment are governed by special arrangements giving rights of review of, or appeal against, decisions to dismiss from employment which, when considered as a whole, provide protection that is at least as favourable to the employees as the protection given under this Part; or
- (d) employees in relation to whom the application of this Part or the specified provisions of this Part causes or would cause substantial difficulties because of—
 - (i) their conditions of employment; or
 - (ii) the size or nature of the undertakings in which they are employed; or
- (e) employees of any other class.

(3) To the extent that a regulation under subsection (2)(c), (d) or (e) is inconsistent with the *Termination of Employment Convention* it is invalid.

(4) If a contract provides for employment for a specified period or for a specified task, this Part does not apply to the termination of the employment at the end of the specified period, or on completion of the specified task.

And that the House of Assembly agree.

As to Amendment No. 11—That the Legislative Council no longer insist on this amendment but make instead the following amendment to the Bill:

Clause 13, page 7, lines 33 to 35 Leave out subsection (2) and insert new subsection as follows:

- (2) In deciding whether a dismissal was harsh, unjust or unreasonable, the Commission must have regard to—
 - (a) the *Termination of Employment Convention*; and
 - (b) the rules and procedures for termination of employment prescribed by or under Schedule 8.

And that the House of Assembly agree.

As to Amendment No. 12—That the Legislative Council no longer insist on this amendment but make instead the following amendment to the Bill:

Clause 13, page 8, lines 11 to 20 Leave out subsection (2).

And that the House of Assembly agree.

As to Amendments Nos 13, 14, 15 and 16—That the House of Assembly no longer insist on its disagreement to these amendments.

As to Amendment No. 17—That the Legislative Council no longer insist on this amendment but make instead the following amendment to the Bill:

Clause 14, page 11, lines 13 to 24—Leave out proposed new section 116A and insert:

General offences against the principle of freedom of association

116A. A person must not—

- (a) require another to become, or remain, a member of an association; or
- (b) prevent another from becoming or remaining a member of an association of which the other person is, in accordance with the rules of the association, entitled to be a member; or
- (c) induce another to enter into a contract or undertaking not to become or remain a member of an association.

Maximum penalty: \$20 000.

And that the House of Assembly agree.

As to Amendment No. 18—That the House of Assembly no longer insist on its disagreement to this amendment.

As to Amendment No. 19—That the Legislative Council no longer insist on this amendment but make instead the following amendment to the Bill:

Clause 14, page 12, line 23 to page 13, line 6—Leave out proposed new section 117 and insert:

Prohibition of discrimination in supply or purchase of goods or services

117. (1) A person who carries on a business involving the supply or purchase of goods or services must not discriminate against an employer by refusing to supply or purchase goods or services, or in the terms on which goods or services are supplied or purchased, on the ground that the employer's employees are, or are not, members of an association.

Maximum penalty: \$20 000.

(2) A person must not, on the ground that an employer's employees are, or are not, members of an association—

- (a) attempt to induce a person who carries on a business involving the supply or purchase of goods or services to discriminate against an employer by refusing to supply or purchase goods or services, or in the terms on which goods or services are supplied or purchased; or
- (b) attempt to prevent a person who carries on a business involving the supply or purchase of goods or services from supplying or purchasing goods or services to or from the employer.

Maximum penalty: \$20 000.

(3) This section does not prevent an association from discriminating between members and non-members of the association.

And that the House of Assembly agree.

As to Amendment No. 20—That the Legislative Council no longer insist on this amendment.

As to Amendments Nos 21, 22, 23 and 24—That the House of Assembly no longer insist on its disagreement to these amendments.

Consequential Amendments:

Clause 7, page 3, after line 11—Insert new paragraph as follows:

(bb) by inserting after subsection (1) the following subsections:

- (1a) The agreement of employees to be bound by a proposed enterprise agreement may be indicated by ballot or in some other way.
- (1b) If a ballot of employees is taken—
 - (a) the Commission must be satisfied that—
 - (i) all employees were given a reasonable opportunity to participate in the ballot; and
 - (ii) the ballot was conducted in accordance with the rules for the conduct of ballots (if any) laid down by regulation; and
 - (iii) a majority of the employees casting valid votes at the ballot voted in favour of the proposal; and
 - (b) if the Commission is so satisfied, it will be presumed that a majority of the total number of the employees (including those who did not vote at the ballot) is in favour of the proposal.

Consideration in Committee of the recommendations of the conference.

The Hon. DEAN BROWN (Minister for Industrial Affairs): I congratulate you, Mr Chairman, on taking the Chair for perhaps the last time. I move:

That the recommendations of the conference be agreed to.

In so doing, I wish briefly to explain what has been achieved in the conference. Basically, there were five key areas in the Bill. The first, which related to unfair dismissals, will be passed with amendments as proposed at the conference. The second area, which deals with freedom of association, will be passed with some minor amendment. The third area, which relates to allowing unincorporated bodies such as partnerships and sole traders to have access to AWAs (Australian workplace agreements), was defeated at the conference. As a result of that, those unincorporated bodies will now need to access any enterprise agreement through the State legislation which, I might add, is working very well. However, the Government would have preferred that, because they are small organisations, they had access to AWAs where the process is simpler than under the State legislation.

The fourth part of the Bill related to ballots for enterprise agreements. That has been passed with a minor amendment. The fifth area related to taxes, and that part of the Bill has been agreed to, also with a minor amendment. So, the conference agreed to four of the five parts of the Bill with minor amendments. The AWA part was defeated. I would like to thank those who have been involved in working through the detail of this today. It has been a rather long day. In particular, I appreciate the support given in the conference by the Deputy Leader of the Opposition and the Hon. Michael Elliott from the other place. The Government is pleased that we have achieved a further significant step towards harmonisation between the State and Federal legislation.

We already have legislation that best harmonises with the Federal legislation, because the Federal Act is based largely on the State Act. We have also taken a further step towards protecting the rights of the individual, towards protecting in a very reasonable way the rights of people in terms of unfair dismissals but, at the same time, encouraging the opportunity for small businesses, particularly, to take on younger, inexperienced workers for up to 12 months in a probationary capacity without the risk of an unfair dismissal claim against them. I have dealt with the other matters, so I urge the Committee to support the amendments and the outcome of the conference.

Mr CLARKE: The Opposition will support the recommendations arising from the conference. I will not take up the time of the Committee for very long. I simply put on record that, like all compromises that come back before the Parliament after a conference between both Houses, neither side got entirely what they wanted, which is not a bad statement for a continual bicameral system of Government in South Australia. From the Opposition's point of view, its major fears concerning the undermining of unfair dismissal laws for an increasing number of South Australian workers have been thwarted as a result of the negotiations with the Government. There has been some relaxation in some areas but by nowhere near as much as the Government had originally intended through its original Bill.

Whilst I am not entirely satisfied with the final settlement, as I indicated, the Opposition has to recognise the reality of the numbers upstairs. It is not entirely in the hands of the Labor Party to influence events, so one has to go for best endeavours. I would say that on best endeavours we have done an exceptionally good job over the past 24 hours. In

terms of workplace agreements, we were opposed absolutely to having individual contracts extended into the State jurisdiction in terms of unincorporated bodies. We have been successful in ensuring that that does not form part of our existing State industrial legislation. We have retained the integrity of our award system and our enterprise bargaining system supervised by an independent industrial relations commission applying out in the open and transparently the no disadvantage tests that apply under our Act, unlike the Federal system whereby such agreements can be entered into and certified—rubber stamped in the dark—by the Employee Advocate without any rationale or reasons being given.

The Labor Party is not happy with the amendments made in respect of freedom of association. Again, we recognise that we did not have the numbers in another place with respect to that issue. We see it as another bit of union baiting, but I will not go into the debate or its merits at this juncture. I merely say that the trade union movement continues to thrive, albeit in reduced numbers due to structural change, but it will always be around and it will come back in greater force. I would hope that the Minister's departmental inspectors pay as much attention to inspecting safe working conditions as they do to inspecting signs on fences directing that people have to have union tickets before they can go through the gates. I hope the inspectors go through the gate and into the factories to ensure that they are a safe working place.

In terms of the other amendments that have been agreed to by the conference of managers, they certainly all accord with what the Labor Party desired. All in all, we would say that, given our initial position on this legislation in this place

originally, we have come a long way forward and, while not totally satisfied, we are reasonably content with the outcome. I also add to the comments of the Minister in expressing my appreciation for the manner in which the negotiations took place between the participants; namely, the Minister's staff and obviously all members of the conference, but particularly the Hon. Mike Elliott, the Hon. Ron Roberts and the Minister. It was done with a high degree of harmony. Each of us had firm, fixed positions on particular issues but, at the end of the day, they were resolved and worked out without acrimony and with a fair bit of class, if I might say. Some other Ministers, without naming any, might do well to emulate such a sterling effort. I will not name the Treasurer—I am sorry—as one who might learn from his former boss. Without any further ado, the Opposition is prepared to support the motion.

Motion carried.

[Sitting suspended from 7 to 7.35 p.m.]

IRRIGATION (TRANSFER OF SURPLUS WATER) AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

At 7.36 p.m. the House adjourned until Tuesday 26 August at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 22 July 1997

QUESTIONS ON NOTICE

POLICE, VEHICLE MAINTENANCE

98. **Mr CLARKE:**

1. What tender procedures were employed for the outsourcing of the SA Police maintenance work which used to be performed at the Novar Gardens workshop?

2. Did the first successful tenderer inspect the vehicles which were the subject of the tender?

3. What was the average cost of maintenance for police vehicles prior to the outsourcing and what has it been in each of the years since?

4. Is SA Police completely satisfied with the standard of maintenance work provided under the new arrangements?

The Hon. G.A. INGERSON:

1. The tender procedures for the contracting out of the repair and maintenance of SA Police Department (SAPOL) vehicles involved a public call for registration of interest through Supply SA. The overall process and tender outcome were scrutinised by Supply SA. Crown Law provided legal advice during the process.

2. SAPOL offered tenderers the opportunity to undertake an inspection of the fleet. It is not appropriate to release details relating to any specific tenderer.

3. The actual payments to the maintenance contractor under the contract are subject to commercial confidentiality. However, savings in excess of \$1 million per annum and net sale proceeds of \$3.5 million have resulted from the contracting out of SAPOL workshop activities and the closure of the Novar Gardens property.

4. SAPOL is satisfied with the maintenance work provided under the new arrangements.

WEST BEACH BOAT RAMP

105. **Mr ATKINSON:** When will the Government give Baulderstone Hornibrook Pty Ltd permission to start work on its proposed West Beach boat ramp?

The Hon. D.C. WOTTON: The MFP Projects Board envisages an 18 month development program for the West Beach boat ramp. The first four months of that program will involve design and documentation for the project, as well as securing the necessary approvals to enable work to proceed. Work is already under way on design activities with a view to all approvals being in place by September 1997.

ADELAIDE FESTIVAL SYMBOL

107. **Mr ATKINSON:** Has the Minister examined whether it is appropriate for the symbol of the 1997 Adelaide Festival of Arts to be a Byzantine icon of the Mother of God holding the infant Jesus but with the infant erased and an accordion replacing Him and, if not, why not?

The Hon. DEAN BROWN: The Minister for the Arts advises that she was presented with the outline of the poster and the highlights of the Festival program for 1998, prior to the public release of the material.

At that time, and upon subsequent examination, the Minister considers the poster image to be appropriate for promotion of the Festival because:

- the image is computer generated, not an image from an actual icon of the Virgin Mary or any other saint;
- the image draws on the theme of the sacred and profane which links many aspects of the program.

The Minister noted also that there is a long tradition in western culture of the incorporation of references to sacred images in art of all kinds, particularly the visual arts and music. Indeed, it may be argued that the mediums of painting and sculpture in particular only developed as a means of portrayal of religious imagery. This tradition continues to inform many works of art being created in Australia to this day.

Equally, there is a long tradition in the iconography of Christian religious art for the incorporation of profane images within works of art created specifically for devotional purposes. In this regard, one need only think of many of the great Italian altar pieces of the Renaissance and Baroque, or indeed some of the Baroque icons of the Russian Orthodox church. Also, images of religious figures playing musical instruments are numerous, most obviously those of Saint Cecilia within the Roman Catholic tradition, just as many musical instruments continue to this day to be decorated with sacred images.

It is in this context that the Adelaide Festival Board resolved to use an obviously religious image for what is clearly a secular purpose. The Board has also assured the Minister that it was certainly not the intention of the Festival to cause any offence to any individuals or religious groups within our community.

The Adelaide Festival has for many years presented outstanding examples of art from all traditions sacred and secular, from all continents in the world. I hope you will convey to those ethnic communities which contacted you that the Adelaide Festival will continue to uphold its long established tradition for presenting art of all types, of the highest international standards, in a manner which respects the traditions of the many cultures represented.

Yes—the image has been examined.

PARENT EASY GUIDE

120. **Mr ATKINSON:** Has the Minister fulfilled his undertaking to the House on 23 October 1996 that he would amend the Parenting SA sheet Discipline with Love which omitted mention of parents' common-law right to smack their children for wilful disobedience as part of reasonable chastisement and which included smacking in the sequent 'whipping, punching, beating and belting'?

The Hon. D.C. WOTTON: Discussions with the Office for Families and Children at the time resulted in agreement that the current print run of 30,000 sheets of this particular Parent Easy Guide continue to be distributed and modifications be made to the wording when stocks were exhausted and reprints required.

The amended version came off the press on 12 June 1997 and is available for distribution as stocks are replenished. The original version will still be in the community until stands are emptied.

The amended version mentions:

- the South Australian 'common law' which permits physical punishment as long as it is 'reasonable' and 'moderate'
- that physical punishment is only one form of discipline
- what research tells us
- the definition of physical punishment . . . this provides a range of actions which causes pain and hitting is one of these. It is important to provide definitions for both 'discipline' and 'physical punishment' as there is ongoing questioning by parents when these words are raised.

Behaviours such as 'whipping, punching, beating and belting' are too frequently reported as child abuse to the Department. We have therefore kept these references in the PEG.

There is no reference to child abuse in this PEG as the aim is to provide parents with a positive approach to discipline with helpful ideas. To address the issue "when physical punishment becomes child abuse" requires careful and more lengthy explanation than can be included in this PEG which already has had to be shortened.

If child abuse is seen as an important topic, it can be incorporated into the next 15 new topics which are to be produced in the first half of the 1997-98 year from the Commonwealth offer of one-off funds to South Australia for Best Practice Parenting Education Initiatives.

WARHOLA FORMULA

122. **Mr ATKINSON:** Has consideration been given to including variables other than age, such as the prevalence of economic disadvantage, illness and disability, in the Warhola formula used by the Officer for the Ageing to rank the needs of Adelaide's regions for planning home and community care funding and, if not, why not?

The Hon. D.C. WOTTON: The Warhola Formula is no longer used by the Home and Community Care Program as an aid in the allocation of funding.

The Formula was not constructed on such a basis and endeavoured to give a generic indicator of need for home and community care services in an aged population in a relatively homogeneous community.

The HACC Program now uses the ABS 'Survey of Ageing, Disability and Carers' 1993 extrapolated down to an SLA level for South Australia. This data is used by the Commonwealth Department of Health and Family Services and other States in the distribution of its aged, disability and other funding.

However this data is only an indicator and is subject to qualitative advice that comes from many sources including:

- the Ministerial Advisory Board,
- the Home and Community Care Ministerial Advisory Committee,
- discussion and consultation with peak bodies, funded organisations, consumer groups, consumers, etc,
- the work of the Office For The Ageing project staff particularly within the regions.

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