HOUSE OF ASSEMBLY

Thursday 27 August 1998

The SPEAKER (Hon. J.K.G. Oswald) took the Chair at 10.30 a.m. and read prayers.

STATUTES AMENDMENT (MOTOR ACCIDENTS) BILL

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training): I move:

That the sitting of the House be continued during the conference with the Legislative Council on the Bill.

Motion carried.

SCHOOLS, PUBLIC

Adjourned debate on motion of Ms White:

That a select committee be established to inquire into the funding of public school operating costs, and in particular:

(a) The adequacy of Government operating grants paid to public schools;
(b) Those cost items which should be met by Government and those costs which should be met from other sources, including payments by parents;
(c) Those cost items which fall into the category of material and services charges; and
(d) Existing arrangements including the current regulation for compulsory fees, the existing levels of voluntary contributions and School Card allowances.

(Continued from 20 August. Page 1829.)

Mrs PENFOLD (Flinders): A few weeks ago I spoke against another motion from the same member that also requested a select committee to be established. I believe that neither of these select committees would serve any practical purpose other than the one I believe the member has suggested them for, and that is to waste Parliament's time and the time of the hard working members of the Education Department, to prevent everyone from getting on with the productive activities that need to be undertaken if we are to work as efficiently and as effectively as we must, if we are to provide the best education for our children within the financial constraints imposed upon us all by the previous bad management of the member's Party when last in Government. The last thing anyone needs is an expensive, time consuming exercise undertaken to try to score political points.

The department is already supporting the work required by the Cox Committee into Local School Management, which intends to analyse similar issues, and this proposal would just be duplicating effort. The Cox Committee ministerial working party has representatives from school councils, unions, pre-schools and departmental people, and is well equipped to undertake this inquiry. In addition, the enterprise agreement process is also in progress and is absorbing a significant amount of departmental time outside of normal everyday activities. Perhaps the member would like to take away even more funding from actually teaching our children to employ more department staff so that yet another report can be produced, because it is obvious that existing departmental staff cannot do it all and their core activities would otherwise have to suffer.

If the member really is interested in obtaining the information she is requesting I wonder whether she has bothered to check the existing reports. Comparisons between States in relation to expenditure per student are reported and commented on through the National Report on Schooling in Australia, issued each year. The latest report issued is for 1995-96. The report shows that South Australian per capita expenditure for both primary and secondary schools is above the national average expenditure per student for Government schools. Interestingly, it is above the State of New South Wales and also Victoria in both primary and secondary schools. The student-teacher ratio is also better than that for New South Wales Government schools.

In addition, the Productivity Commission also reports on various parameters as they relate to schools. I understand the Grants Commission issues comparisons which are normalised for each State's individual differences and which show that we are above the population average grant expenditure because we are a small State with a significant isolation factor. It would appear that South Australia fares very well when compared with other States' expenditure on education, which is just as well, because we do not have the resources—thanks to the former Labor Government—to increase it. Certainly, we do not wish to spend any of it on more reports by select committees, particularly when the information sought is readily available from a range of existing sources, as I have indicated.

It is just a waste of time and resources because the two select committees that the member for Taylor proposes would use up funds that could be used for reducing school fees that the member indicates are of such concern to her. As a member with 74 education institutions of one kind or another in my huge electorate I know for a fact that it has been under the Liberal Government that we have seen the expenditure needed to make our young people computer literate, to provide new science laboratories and home science centres to replace those that were being used when I was at school and to generally upgrade facilities that have fallen into disrepair under a Government that had no idea how to use taxpayers' funds prudently that have been entrusted to it. I believe there is nothing to be gained from such a select committee being established and I do not support the motion.

Ms STEVENS (Elizabeth): I am absolutely stunned to hear that contribution from the member for Flinders, bearing in mind that she happens to be a member representing a large slice of rural South Australia where we all know communities are really struggling and are certainly bearing the brunt of education policies—both Federal and State—in terms of access by country children to education. It was interesting that the member for Flinders hastily read her prepared speech and brought out all the statistics across the country about average expenditure of this and that and told us that, in having a select committee on this matter, we would simply be wasting time and money.

I think it is important that just occasionally we might spend time and stand back and consider just what is happening in our schools as a result of current Government policies. That is what this select committee would do. True, it is more than that. The select committee would look into funding of public schools, but we all know that what public schools and public education can achieve is related absolutely to resourcing and funding levels. When the Government starts cutting back on those things, which is what has been happening in recent times at both the Commonwealth and State levels, it makes serious inroads into the outcomes of public education for children. I want to speak about that and I particularly want

to speak about it in terms of schools in my electorate and also from my own experience as a principal in schools in low socioeconomic areas where people do not have a lot of money. First, I hope that we all believe—

The SPEAKER: Order! There is too much audible conversation both in the Chamber and in the gallery.

Ms STEVENS: I hope we would all believe—certainly that is the case on this side of the House—that it is a basic right of all children to have access to high quality education. We acknowledge and accept the right of parents to choose private education. However, we say there is absolutely a need for a strong public sector to cater for all children in our State and in our country. We have held this very dear and we have acknowledged that there are great benefits for the country and the nation in ensuring that everyone has access to education, and high quality education.

Over the years progressive policies in relation to public education have largely been brought in by Federal and State Labor Governments. I refer to the introduction of particular social justice programs: for instance, the disadvantaged schools program at Commonwealth level and the School Card allocation to State schools. However, in recent years, first with a State Liberal Government here and then with the Howard Liberal Government chiming in at Federal level, we have seen a retraction of Government funds and policy making in terms of education. It has been a part of this small government, user pays, every man for himself mentality, dressed up generally speaking as providing greater choice for individuals.

The problem with that sort of philosophy, which Liberal Governments espouse, is that choice is a policy which works for those who can afford to pay or for those who are located so they have a choice. Many in our communities are not in that situation, which means they may have to put up with a poorly resourced State school struggling to offer a viable and varied curriculum as their only option. This is what is happening in this State and other States with the introduction of Liberal Party policies of user pays, retraction of Government funds and small government.

Let us just consider the details of my colleague's motion. First, the motion refers to the adequacy of Government operating grants paid to public schools. We know that the Government has announced that, over the next three years, school operating grants will be frozen. In the face of schools with unprecedented demands on their budgets, the major grant from the Government will be frozen. It does well for us to remember that South Australian families generally are doing it tough. Perhaps not the families in the electorates of most—

Mr Brokenshire interjecting:

Ms STEVENS: The boy at the back again! We need to consider—

Mr BROKENSHIRE: I rise on a point of order, Mr Speaker. I realise that the member for Elizabeth is a very slow learner. However, I believe what she has done—

The SPEAKER: What is the point of order?

Mr BROKENSHIRE: I should be referred to as the member for Mawson and not the boy at the back.

The SPEAKER: Order! There is no point of order. However, I suggest to the honourable member that it is not the most appropriate remark.

Ms STEVENS: It is very important for us to consider—and I have raised this previously in this House—that over 40 per cent of South Australian families now earn less than 60 per cent of the average male weekly earnings. Most families in South Australia are doing it tough, and 40 per cent of them are doing it very tough. These are the people who are being affected by what is happening in our public schools. So, operating grants have been frozen.

The School Card was introduced by a Labor Government in South Australia as a way of giving extra money to those schools via students whose parents were on Government benefits of some sort. What did the Liberal Government do in its last term? First, it narrowed the criteria so that fewer people could obtain School Card; it then made it administratively more difficult for people to obtain it because they could no longer go through their schools but had to go through the DSS; and now, the School Card has been frozen.

The Commonwealth disadvantaged schools program has also been changed under the Federal Liberals. They have altered and constrained the areas in which schools can spend money. We know of Dr Kemp's *fait accompli* in terms of ensuring that there is a transfer of funds from the public sector to the private sector in relation to school enrolments across the country. So, at both State and Commonwealth levels, we have had a retraction of funds from Liberal Governments in regard to public education.

What has this done? The schools in my electorate are really struggling to cope with what they have to spend on their students, particularly in respect of technology. The DECS*tech* 2001 program is a huge burden on schools in my electorate. People need to understand that many Elizabeth schools charge only $100, $110 or $120, because they know their children's parents simply cannot afford any more. Yesterday, I was at a school that had already taken out its first loan for its first set of computers. It has now taken out a second loan for its second set of computers. Soon, it will have to look at upgrading the first lot of computers. The school sees it as a never ending battle. I am talking about a primary school, and it has $8 000 per year in bad debts, because it just cannot make it.

Not only technology but other curriculum areas also suffer; for example, in home economics and technical studies students have to pay for materials. Schools used to try to provide materials for their students for such subjects, but they can no longer afford to do that. We need to look at what is going on. We need to say, 'Let's stop and look at what is happening in our schools.' It concerns me when members opposite say, 'It's a waste of time. We don't need to know. We don't have to listen and find out what is really happening in our schools.' That is no way for any Government to run an education system. It certainly shows that it has no interest in ensuring that all students are able to develop their potential to the highest possible level.

Mr SCALZI (Hartley): If this motion had been proposed in 1990 and I had been in this House, I would have supported it, because that was before a Liberal Government was elected in 1993. I would have supported such a motion because at that time there was much that needed to be addressed. There is no doubt that, prior to 1993, schools did not receive appropriate funding. There was a backlog of maintenance, and those issues covered in the member for Taylor's motion were not being adequately addressed. Since 1993, those issues have been and still are being addressed. This Government is giving priority to maintaining a standard of education this State deserves. The motion is not as appropriate as it would have been before 1993.

The member for Taylor's motion assumes that this Government has not made education a priority. If members

look at schools within their own electorates, they will see that many of the issues are being addressed and are being given priority. I speak with first-hand knowledge of the schools in my electorate; for example, a week after the election in 1993, the Principal of the East Marden Primary School invited me to visit the school and, when I did, I saw a large backlog of maintenance work and inadequate facilities. There is no question that at that time schools had been let down.

Mr Venning: Falling down!

Mr SCALZI: As the member for Schubert says, they were falling down. One of the fundamental problems with this motion to inquire into the funding of public schools' operating costs in particular is the problem I have with the Opposition and my own education union: they fail to look at education in a holistic and comprehensive way. They forget to take into account that more than 25 per cent of students are in the non-public sector. We have a choice of education here: a viable public sector should go hand in hand with a viable private sector. People should have a choice. The mentality of 'us and them' on the part of certain groups within the education union, especially the leadership, is wrong, because 25 per cent of the teachers are also in the private sector. This motion continues the 'us and them' attitude, as if somehow there is a conspiracy between the State and Federal Governments to downgrade public schools and upgrade private schools.

Members interjecting:

Mr SCALZI: Look at the facts. That is the conspiracy that the Opposition and the leadership of the union are continually peddling. Members opposite should look at some of the statistics regarding Catholic schools. The standard of facilities in some of the primary schools in the Catholic sector—and I am sure that the member for Spence would agree—is no higher than that in the general public schools. You just have to go into some of the schools and look at the student ratios in the Catholic school sector. In Government primary schools there is a 17.4 student ratio; in secondary schools, 11.6, and a total of 15; and in Catholic schools, 20, 13.5 and 16.9 respectively. Putting funding into public schools on the basis that they have been neglected because funding has gone into the private sector is wrong. This is the argument that members of the Opposition and the leadership of the union put forward continually.

I was a proud teacher in the public school sector for more than 18 years, and I would suggest that I do have some knowledge of what went on. I taught in the public school sector because I believe in it, otherwise I would not have been there for so long, and I would not have taught in the Labor heartland for so long. There were some excellent programs in those areas. I will never forget the excellent library program that was introduced at the Ingle Farm High School when I was there; it was renowned statewide. We would have visitors from interstate to look at the programs at the Ingle Farm High School. There is no question that the State system should be supported and that there should be a basic standard of education that is accessible to all students in this State—no question. This Government has given a priority to that and to maintaining the standards. I have seen at first hand the evidence of the funds that have gone into the schools in my electorate since 1993; it is evident if you look at the building programs.

Mrs Geraghty interjecting:

Mr SCALZI: The member for Torrens talks about the schools that have closed in the electorate. There is no question. If we want to play statistics, we must recognise that more schools were closed prior to 1993. But the question is not whether schools were closed down then or now, because that is playing with statistics. Some politicians use statistics as a drunk uses a lamppost—not for illumination but for support. They are wobbling with their figures, because they did not address the problems of the 1980s and they came up with wobbly arguments.

I attend as many school council meetings as I can and I have a close relationship with parents in my area. They are seeing the benefits of this Government. Members can go to Newton, Hectorville, East Marden and Norwood Morialta High Schools and see the improvements taking place there. No doubt they are taking place throughout the State, but the Opposition will come up with statistics, like the drunk—wobbling them out. In reality, we are giving education a priority. If we had more funds, I would like a committee to investigate what happened to all the funds in the 1980s.

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

Mr KOUTSANTONIS (Peake): I will be very brief. It seems that the Government is afraid of transparency in government and afraid of scrutiny of its lack of policies. The member for Hartley brought up a very important point. When he became a member in 1993, the schools in his area were run down. Low and behold, once the Liberals were in government, the problem was fixed immediately, almost as if they were pork-barrelling. Of course, the schools that were closed were all in the northern, southern and western suburbs. I cannot think of one school that was closed in the Districts of Norwood, Bragg, Coles, Davenport or Fisher. The schools that were closed were in the Districts of Spence, Hanson and Peake. My old primary school—Netley Primary School—was closed down. A community had its guts ripped out by this Government.

Sturt Street Primary School was a great school, which was attended by many great South Australians, but this Government ripped it to pieces. It concerns me that the Government is afraid of scrutiny. What is there to hide? If the Government has nothing to hide or fear, the committee will show up nothing. The Government will embarrass us. It is afraid of a select committee because it knows its own inadequacies. It is afraid of the truth. The Minister for Local Government is shaking in his seat for fear that the select committee might be established, because he knows what it will discover: it will discover that this Government is inept in the area of education.

When our very good shadow Minister for Education, the member for Taylor, was quizzing the Minister for Education on the GST, he could not find his own answers. He did not know the answers regarding his own Party's policies in relation to education. He was humiliated. Yesterday, the Minister stated that the policy on education includes teaching kids how to shoot, but without guns. This is the calibre of the Liberal Party Government.

Members interjecting:

Mr KOUTSANTONIS: That is right. It is a conspiracy between the Minister—

Mr Atkinson interjecting:

Mr KOUTSANTONIS: It has been only two minutes. It is not as if it is a local government matter where we spend an entire session discussing the closure of a very small road: it is education. If this Government has nothing to fear by the setting up of a select committee, it should do the right thing, set up a select committee and prove to the shadow Minister

and the Opposition that the Government is fulfilling its responsibility in relation to education. But, unfortunately, the Government will not do that, because it is a failure. It is a minority Government, it is a failure and it has been rejected after one election.

The member for Hartley (a very nice fellow, indeed), who has spoken on this matter, will lose his seat at the next election. The member for Mawson will not be here. The member for Unley will be running for something like Ashford after the Liberal Party has finished with his preselection, because Unley will become far too good a seat for the member for Unley. I can see the member for Adelaide already licking his lips, looking south. Armitage for Unley: that is the rumour that I have heard. In keeping my word to be brief, I conclude by saying that, if the Government has nothing to hide, it should support the Opposition and establish this committee.

Mr BROKENSHIRE (Mawson): After hearing that diatribe—I would not call it a contribution—it reaffirms to me the importance of people getting out into the real world before they come into this place and having a few years to mature before they nominate themselves for election as members of this Parliament. Clearly, the member for Peake treats this place as nothing more than a circus. I would like to see the member for Peake start to be a little more serious about issues that affect young people and the future of South Australia—on that point, in fact, the member for Peake does need a good education. I, for one, was lucky enough to receive a very good public education but I must say, after spending a considerable amount of time in the schools in my electorate, working and supporting the teachers, the principals, the counsellors and the SSO officers, that the calibre and quality of education today, compared to when I was at school in the late 1960s and early 1970s, is far superior.

This motion to establish a select committee should be changed and, instead of seeking that a select committee 'be established to inquire into the funding of public school operating costs,' (setting out four points in particular), it should state that a select committee 'be established to inquire into the detrimental impact of 11 years of Labor, including the State Bank disaster and $8.5 billion thrown into the rubbish bin'—just as the Labor Party has done with the Hon. Terry Cameron, who has had the intestinal fortitude to put South Australia before a career as a Labor Party hack. The wording of the motion should be changed so that we have an opportunity to take a serious look at the possibilities for the future of this State and the implications for all young people, and also to ascertain why those of us who aspire to see a reinstated and reinvigorated State for all South Australians cannot do as much as we would like to because of the deplorable situation—

Members interjecting:

The SPEAKER: Order! The member for Mawson has the call.

Mr BROKENSHIRE: —that was inflicted on the people of South Australia over 11 tragic, sad, dark and desperate years of Labor. That is what this motion should be about—not talking about matters such as how we can support the AEU in its case for an enterprise bargaining agreement. That is really what the member for Taylor is on about: how much money the AEU will put into her campaign and that of the Labor Party at the next election. The member for Taylor—

The SPEAKER: Order!

Mr FOLEY: I rise on a point of order. Sir, the member for Mawson has imputed an improper motive to my colleague the member for Taylor as a reason behind her moving this motion. Indeed, he has alleged that she has done it for monetary gain. I ask that he withdraw that comment.

The SPEAKER: Order! The custom is that, if the honourable member concerned is in the House, it is up to him or her to raise that matter if he or she believes that they have been aggrieved. Does the member for Taylor have a point of order?

Ms WHITE: She does.

The SPEAKER: Will the member for Taylor indicate her grievance?

Ms WHITE: My point of order is that I take exception to the improper motive imputed to me by the member for Mawson. His allegation was that I moved a motion in this House to inquire into the funding of public school operating costs in order to gain electoral advantage through donations. He is alleging, in effect, corruption.

The SPEAKER: Order! The Chair is prepared to uphold any point of order where an improper motive is imputed to another member, and I would ask the member for Mawson to withdraw.

Mr BROKENSHIRE: In reference to the member for Taylor, I withdraw. The Labor Party would like the opportunity to reinforce the reasons why the AEU and the unions, generally, should put hard earned money from blue collar workers and *bona fide* teachers into paying for campaign posters, propaganda and trash which is not doing anything to address the real issues in this State.

One of the things that concerns not only me but also a large number of teachers and school counsellors in my electorate is the sort of stuff being put forward on issues such as school fees. In an ideal world, no-one would like to see any parent having to contribute to school fees. But, I have been around for 41 years, and in that time I have not seen an ideal world allowing for that sort of situation. During my early school years, my parents had to put away a couple of shillings a week over the Christmas period to pay the equivalent of school fees and charges for materials, so nothing has changed. In fact, today far more people are eligible for School Card than in the past, and much more money is spent on education than in the past. The DECS*tech* 2001 program, whereby one in every five children at school in South Australia will have a computer is a fantastic leap forward. We are now building training centres for principals; we are building schools of the future; and we are involving staff and councils in the general management and development of schools for those young people. They are all positive initiatives.

The fact that the Federal Government has put money into the private system is a positive move for the public system. Let us be realistic about it: if private schools were not contributing a lot of that money themselves—and those parents are still taxpayers—there would be a lot more pressure on school class sizes and more pressure on the public school system. Next to health, education is the second major receiver of money from the recurrent budget of this Liberal Government. We could get the debt down more quickly if we had more Opposition members like the Hon. Terry Cameron. Instead of members on the other side wanting to put Terry Cameron's office in the sick room, if they were to see what Terry Cameron is doing as an honourable statesman in South Australia, we would be further advanced in ensuring the ETSA sale and providing probably

another $500 million a year towards education for our young people.

That is what I and all members on this side aspire to: more money for education, health, human services, industry, trade and tourism. We aspire to all that and as a Parliament, in a bipartisan way, we can achieve that in the best interests of all South Australians, in particular our young people, if the Labor Party would stop playing Party politics, trying to put up smokescreens and making innuendoes in an effort to take the Government and the people of South Australia down the wrong path rather than in the direction of a better and more prosperous future for South Australians.

We should be supporting the teachers and those who employ young people; we should be encouraging vocational education and training opportunities; we should be doing all the things that we were duly elected to do, but there is one inhibiting factor, and that is the current Opposition's reluctance to do anything on a bipartisan basis. The Leader of the Opposition, Mr Rann, said before the last election that he wanted to work in a bipartisan way in the best interests of South Australia: he wanted to stop the dirty gutter tactics and get on with the job. Where is the evidence of that since he came back in as Leader of the Opposition?

The Parliament is being pulled further downhill and there has been no support on a bipartisan basis for any key issues. The member for Taylor is one of the few members on the other side who have a big future in her Party but, until such time as she and other members like her can get into their Caucus room and start to shake the Leader of the Opposition and a few of the other sheep on that side into recognising realistic opportunities and decision making for this State, we will not be able to achieve anything like we could otherwise achieve. This State is going forward slowly, better than it was under Labor, but we could go full steam ahead if we had a little more cooperation.

The fact is that we are about to hear a lot more nonsense. We are committed to giving all people, including young people, a future in this State. All we need is a little bit of bipartisanship and fewer of the Mickey Mouse games which call for these sorts of standing committees which only serve to waste time in this House. I ask members opposite to tell the people what they have done wrong in the past, to say that they are sorry and to pledge that they will work in a bipartisan way with the Olsen Government to restore South Australia and that they will put South Australia's future ahead of their own political games and ambitions.

Mr CONLON (Elder): One of the very interesting things that the member for Mawson said is that people should go out into the real world and get some experience before they come into this House to make contributions. We all know that the member for Mawson is a dairy farmer and, no doubt, his idea of the real world is out in the paddocks. Having heard what the member for Mawson said, it is clear to me that he did go out in the real world, that is, the cow paddock, got something stuck on him, brought it in here and offered it as his contribution in this debate. Let us be absolutely honest: when it comes to the people in this country who support free education and education for those in need, it has always been the Labor Party.

What you do not hear in these mealy-mouthed contributions is how two years ago with the election of a Federal Liberal Government one Mr Kemp set out on a campaign of unremitting hostility against public education. It has only been since the election of a Federal Liberal Government two years ago that students in Australia have been able to purchase university degrees. These are the reforms for free education that touched the Liberal Party. This is what the Federal Liberal Party did when it got control of the Federal Treasury benches. The Liberal Party made it possible for the idiot children of the rich to purchase university degrees. So, members opposite should not talk to us about their commitment to public education. Members opposite and their friends in Canberra have an unremitting hostility to it.

I will tell members opposite about their contribution in my electorate. The Government says that it closed South Road Primary, Marion High School and the primary school at Mitchell Park because of university trends. The Government probably has an argument because, when it closes a primary school in a particular area, people with young children do not want to live there and will not move in as the older generation moves out. Of course, they then move to the suburbs that the Liberal Party supports. So, do not come in here with the stuff you collect in your dairy paddocks, mate, and sell it as policy.

The Hon. M.K. BRINDAL (Minister for Local Government): I was led to wonder about the seriousness of the motion as presented by the Opposition when I heard the member for Peake's contribution: it reminded me very much of a fruit cake. The matter before the House is whether a select committee on education should be established. I remind the House that, under the ministry of the Hon. Susan Lenehan in what was a Labor Government, we in Opposition, with the concurrence of the then Independent Labor member, set up a select committee on education which never got past base one. The committee was chaired by the Hon. Ms Lenehan, who proceeded to obfuscate and not convene the committee on as many occasions as possible—

An honourable member: Who moved to set up the committee?

The Hon. M.K. BRINDAL: I did. I moved to set it up, and the Minister for Education kindly chaired it to see that it got nowhere.

Mr Atkinson interjecting:

The Hon. M.K. BRINDAL: I suggest that no Liberal Minister would waste their time on exercises in futility. The idea of having a select committee to look into education is reasonably important, but let us look at what the Opposition has produced. Is it proposed that this select committee look into the factors of education that should concern this Parliament? Will it look at aspects of education that build on base and crass political purpose? If this select committee were to look at profound issues such as curriculum choice and vocational opportunity—

Ms Stevens interjecting:

The Hon. M.K. BRINDAL: The member for Elizabeth, whose knowledge of education I do acknowledge, says that they are related. I agree with her that there is a loose connection, but I say to the member for Elizabeth that we need to look beyond the mere cost of schools and look at curriculum choice; retentions; teacher recruitment and training, in particular; methods of encouraging young people to enter the teaching force; and the ageing nature of our teaching force.

Those are serious matters which both sides of the House should be profoundly concerned with, because, whether we retain the Treasury benches in 10 years, or whether Labor sits there, there will be a crisis in education in terms of the age profile of our teaching force and our ability to recruit the right number of teachers. In his contribution, the member for Elder talked about Labor being the sole champion of free education.

I ask members opposite who have some knowledge of history to look back at the famous debates on State aid and see who came first and which of the political Parties most strongly supported the concept of assistance to private schools, because both Parties—

Mr Atkinson: The DLP did.

The Hon. M.K. BRINDAL: As I recall, the DLP was not part of the Labor Party at that stage.

Mr Clarke interjecting:

The Hon. M.K. BRINDAL: So, the DLP was the Liberal Movement of the ALP, was it? The fact is that under Prime Minister Gough Whitlam there was an interesting and innovative approach to tertiary education—and that was free education. Some of what Gough Whitlam instituted to this day still has a profound effect on this country. I do not care which side of politics you come from, that must be applauded.

Mr Hill: It's time!

The Hon. M.K. BRINDAL: No. I assure the member for Kaurna that it has never been quite that time for me, but I was not disappointed with some aspects of Gough Whitlam's Prime Ministership. On the serious issue that we are debating, the fact is that, under Labor, free tertiary education was introduced into our universities moving away, as the member for Elizabeth and others will know, from a Commonwealth scholarship type system where university placement was charged for but where the most able, such as the member for Kaurna and the member for Elizabeth who I am told both got a scholarship, were able to afford to go through university, sometimes not on a princely wage but they at least received enough to live comfortably.

An honourable member interjecting:

The Hon. M.K. BRINDAL: Yes, I did. Be that as it may, it was scrapped in favour of giving more people an opportunity to get into university. The member for Elizabeth, the member for Kaurna and other members of this Chamber know that, if we look at what has happened since then and at the results of the Whitlam experiment, the middle classes, who members opposite say are our only concern—and members opposite champion the less advantaged in our community—and the upper classes, if you define them in socioeconomic terms, are more strongly represented in our universities than they have been in the past.

So, I put to members opposite that the concept of free education was a very good initiative. However, I believe that it is an initiative which basically has failed and that it is time to revisit it. If this Parliament had the power, I would suggest that we do that. However, we are confronted with a rather poor motion from the shadow Minister for Education. I commend her for trying, but I think she should go back—and I am not saying this too stupidly—and look at aspects such as curriculum choice, teacher training and recruitment, the ongoing training of teachers, and the use of school facilities.

The use of school facilities is an important matter that should concern local government and State Government. We have millions of dollars worth of facilities which often sit idle for weeks of the year and are not used much at night. For example, in the member for Kaurna's electorate, if local government were not building community halls and libraries directly across the road from community facilities called schools, we could somehow achieve an interface where better facilities could be created for all the community.

Ms Stevens interjecting:

The Hon. M.K. BRINDAL: I heard the member for Elizabeth, and I acknowledge that The Parks was one such experiment. It was a good experiment. I do not know quite what went wrong, but I do not want to enter into that debate here.

Mr Clarke interjecting:

The Hon. M.K. BRINDAL: Yes, but it was—

Mr Clarke: You were the parliamentary secretary.

The Hon. M.K. BRINDAL: I am not sure whether I was. We must be sensible. As the member for Elizabeth said, I think other factors were involved. For some strange reason, the responsibility for that facility had moved from the Minister for Education, and the Education Department was paying huge rent for property that originally was in its ownership. I do not understand that issue, and I do not want to debate it fully here, but I think all members will acknowledge that some strange and historic things happened in respect of The Parks.

The other thing that I say to the member for Ross Smith is that The Parks was an experiment on such a grand scale that perhaps it would have been better—as I think the member for Kaurna alluded to in his own area—if local government and State Government could get together to provide joint basic facilities.

Mr Hill interjecting:

The Hon. M.K. BRINDAL: The member for Kaurna says, 'Joint library and joint gym'. I agree with him. In one sense, the trouble with The Parks was that it not only had a joint library and a joint gym but theatre facilities and so many other facilities that, in the end, it became difficult to maintain.

Mr Foley interjecting:

The Hon. M.K. BRINDAL: I am hearing a lot of agreement from members opposite for the sorts of propositions that I put forward. So, I say to members opposite: why not come up with a better motion that addresses some of the more profound issues in education instead of a motion—

Ms Stevens interjecting:

The Hon. M.K. BRINDAL: Yes, it does concern people, but so do many other aspects such as rates and taxes—

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

Ms WHITE (Taylor): After listening to the debate on this motion, I am incredibly saddened. I am disappointed that the member for Unley questions the seriousness of this motion, because this is a serious motion that I move relating to one of the most important issues facing public school education. This motion seeks to establish an inquiry into the funding of public school operating costs and, in particular, to determine once and for all what we mean by public schooling, which costs should be met by parents and which should be a core responsibility of government. The Government has avoided this issue. It has sought to use backdoor means to try to avoid—

An honourable member: Stop playing politics.

Ms WHITE: Perhaps you can't see sincerity when it hits you in the face. We have heard four or five disappointing speeches from members opposite, one of which was written by the Minister for Education and delivered by the member for Flinders. Unfortunately, she has little understanding of the real issues.

The member for Hartley said that, if this motion had been moved before 1993, he would have supported it. Now we have much higher public school fees. At some public schools, fees have increased by more than 30 per cent in the past two years, and that is a disgrace. The merging of what are Government and what are parental responsibilities is

becoming clouded. The Government is just closing its eyes towards what is happening in our schools, just hoping it will go away and hoping that everything will be all right.

I save most of my criticism for the three Independent members of the House who hold the balance of power and who could make up the numbers to carry this motion. I have asked each of those members to support the motion and, unfortunately, they will not. I have written to each of those members pointing out that the schools in their electorates support this motion and want this inquiry—indeed, they are screaming out for the inquiry. It is the schools in their electorates that are hurting equally, particularly rural schools. They are hurting and are facing increased costs, and those costs are being shifted onto parents. The costs are being shifted to their voters, but they have no concern about it. I asked the three Independent members whether they would speak on this motion. They hold the balance of power: they have the power in this Parliament to have this motion passed, but none of them would even speak on the motion.

The Minister would not contribute. He has not said one word, notwithstanding that this week he declared in Parliament that the school fees of children in public schools will be subject to a GST. This is what the motion is about—what it is fair for parents to pay, what is their responsibility and what is the Government's responsibility? That question has not been resolved and all those members opposite who will vote against the motion are perpetuating the situation.

As school fees rise, as attempts are made to make school fees compulsory so that parents must pay them, we are looking at a situation where, if a GST is imposed, public school parents will be taxed more on their school fees than will be parents of children at private schools. The Howard Government has ruled out a GST on tuition fees for private schools but has ruled in a GST on public school parents. That is the fact, as all members opposite know. It is a fact about which the Independent members should be concerned. South Australia has the highest public school fees in the country. The Government does not even know what schools are charging those fees for, yet we have heard not one word from the Minister or the Independents in support of their constituents, some of whom are hurting the most in this State.

The House divided on the motion:

AYES (19)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Clarke, R. D.
Conlon, P. F.	De Laine, M. R.
Foley, K. O.	Geraghty, R. K.
Hanna, K.	Hill, J. D.
Hurley, A. K.	Key, S. W.
Koutsantonis, T.	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
White, P. L. (teller)	

NOES (23)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Buckby, M. R.
Condous, S. G.	Evans, I. F.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L.	Kerin, R. G.
Kotz, D. C.	Lewis, I. P.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	Meier, E. J. (teller)
Olsen, J. W.	Penfold, E. M.
Scalzi, G.	Such, R. B.
Venning, I. H.	Williams, M. R.

NOES (cont.)

Wotton, D. C.

PAIR(S)

Ciccarello, V.	Brown, D. C.
Wright, M. J.	Ingerson, G. A.

Majority of 4 for the Noes.

Motion thus negatived.

CRIMINAL LAW (SENTENCING) (VICTIM IMPACT STATEMENTS) AMENDMENT BILL

The Legislative Council agreed to the Bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Page 1—After line 12 insert new clause as follows:

Commencement

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

No. 2. Page 1, lines 16 to 25 (clause 2)—Leave out subsections (1), (2) and (3) and insert new subsections as follows:

(1) A person who has suffered injury, loss or damage resulting from an indictable offence committed by another may furnish the trial court with a written personal statement (a 'victim impact statement') about the impact of that injury, loss or damage on the person and his or her family.

(2) A victim impact statement must comply with and be furnished in accordance with rules of court.

(3) The court, on convicting the defendant of the offence—

(a) will, if the person so requested when furnishing the statement, allow the person an opportunity to read the statement out to the court; and

(b) in any other case, will cause the statement to be read out to the court.

Consideration in Committee.

Amendment No. 1:

Mr ATKINSON: I move:

That the Legislative Council's amendment No. 1 be agreed to.

The Bill originated as a private member's Bill in this House. It gave the victims of crime the ability for the first time to make their victim impact statement orally to the court: that is, they could look the perpetrator of the crime, the person who had been convicted, in the eye and tell them the effect of the crime on them and their family. The purpose for which we supported this proposition was that we thought it would be therapeutic for some defendants who wished to avail themselves of this option. However, we also believed that it was a good way to convey the material to the court and that it ought to have evidential weight.

In debate in another place, the Bill has been altered to appease the Attorney-General. As the Bill left this House, the victim could not be cross-examined on the oral victim impact statement. That has now been amended at the Attorney-General's instance to allow cross-examination of the victim if the oral victim impact statement is to have any weight. The Opposition accepts that because, indeed, the written victim impact statement can be the subject of cross-examination now, although it is rare.

Secondly, the Attorney's amendments have confined the oral victim impact statement to indictable offences. The Opposition is willing to go along with that also in order to achieve the principle in our legislation. However, the Opposition would not agree to the Attorney's proposition that the oral victim impact statement has no evidential weight. In fact, the Hon. R.D. Lawson went further and wanted an amendment to say that the victim impact statement was purely therapeutic in addition to having no evidential weight.

I am surprised that a member of the Government—nay, a Minister—could be so contemptuous of victims of crime in this State. It is disappointing that I understand the Government is still launching a rearguard action against the oral victim impact statement. I have to tell the Government that the oral victim impact statement is supported by the vast majority of South Australians who consider the matter. I hope the amendments are accepted and the Bill passes into law as swiftly as possible.

I should add that the Bill will now have to be proclaimed by the Government, because it requires rules of court before it comes into effect. I am somewhat distrustful of this Liberal Government's proclaiming private members' legislation: I would prefer it to come into effect on assent. However, because of our accepting, in the spirit of compromise, the Attorney-General's insistence that the judges be able to draft rules of court about the oral victim impact statement, its coming into effect will have to wait upon the Government's proclamation of the Bill. I urge the Committee to support the amendment and bring the Bill into effect.

Motion carried.

Amendment No. 2:

Mr ATKINSON: I move:

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

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

That the House of Assembly agrees with amendment No. 2 made by the Legislative Council with the following additional amendment:

After clause 2(3) insert:

(3a) A person who has furnished a court with a victim impact statement is not liable to be examined or cross-examined on the statement and the statement has no evidentiary weight.

Unless this amendment is made, there is a possibility of there being a large gap in the legislation and in the procedure to be adopted. The effect of the Bill, as it has come back from the Legislative Council, is that the victim will be able to read out a victim impact statement to the court. So be that. The Bill specifies that rules of court can be made about these statements and, therefore, a great many of the procedural steps will be managed in that way. So be that. However, the questions of whether the victim impact statement must be given on oath and what evidentiary impact it may have are questions of substantive law which cannot or should not be the subject of rules of court.

Rules of court are or should be essentially procedural in nature and, I contend, should definitely not be a substitute for the legislation of the Parliament. In this kind of case—and, indeed, I personally would say in all cases—the Parliament should tell the court what it means and what it wants. Indeed, there was considerable debate about this matter in another Chamber, so I will not repeat it all. The member for Spence on a number of previous occasions has suggested that Parliament should be definitive with the courts, but the point is that the Parliament should not leave this gap in its intentions. Indeed, by rejecting the amendment, the Parliament may well achieve the effect of telling the courts by implication that the intended effect is the opposite of the statement in the amendment.

I contend that on this matter—and a lot of other matters—the Parliament should be supreme. It should not allow the rules of court to determine substantive matters of law. It is our job as legislators to inform the Parliament what we, as elected representatives of the people, have decided regarding the way in which these matters should be determined. The procedures of this amendment will mean that the victim impact statement can still be read but the Parliament will be determining how the courts will proceed further. As to the contents of the provision itself, the idea that the victim should not be examined or cross-examined was in the member for Spence's original Bill. If that is so, it is clear law that the statement can have no evidentiary weight.

Mr Atkinson: I have changed my mind.

The Hon. M.H. ARMITAGE: The member for Spence says he has changed his mind. What a fantastic—

Ms Stevens interjecting:

The Hon. M.H. ARMITAGE: And the member for Elizabeth says, 'It is okay to change your mind.' In other words, when it suits members of the Labor Party Opposition, they are very happy to change their mind but, when it is for the good of South Australia in other matters, they will not even contemplate changing their mind, despite the weight of evidence. I would obviously contend in this case that the member for Spence has changed his mind because he has seen different evidence, and good luck—

An honourable member interjecting:

The Hon. M.H. ARMITAGE: I know exactly where the Chairman is. I would contend that the member for Spence has changed his mind because he has seen the weight of some evidence. Good luck to him! However, I would contend that if he believed in his first flush of enthusiasm that the victim should not be examined or cross-examined, I can see no reason for not allowing it to be the case even now. It is clear from the member for Spence's original Bill that the statement could have no evidentiary weight. The amendment seeks to make that clear on the face of the legislation so that people who read it will not have to look up law reports to find that out. It is as simple as that.

In fact, given that the member for Spence purports to be a great fan of Parliament, the machinations of Parliament and the supremacy of Parliament, I am quite surprised that he would feign that impression when for his own purposes he is quite willing to cede matters of substantive law from the Parliament's direction. I believe that that is an abrogation of our responsibility as members of Parliament. My amendment allows the intent of the victim impact statement still to be read, which was certainly the subject of debate earlier in this Chamber.

Mr ATKINSON: I oppose the amendment, as did every non-Liberal member of another place—and for good reason. The amendment that we just carried was the Attorney-General's amendment. I have done everything I can to seek a compromise on victim impact statements but in the subclause which the Minister now seeks to add the Liberal Party makes a last desperate attempt to cancel out the effect of the Bill altogether. I ask members to note the proposed new subclause:

A person who has furnished a court with a victim impact statement is not liable to be examined or cross-examined on the statement and—

wait for it—

the statement has no evidentiary weight.

So, what the Minister is trying to do is just cancel out the whole effect of the Bill. 'Yes,' the Minister says: the victim can address the court orally and give his or her victim impact statement, as he or she can give it in written form, and if it is in written form it will have evidential weight but, according to this amendment, if it is in oral form it will have no evidential weight. So, the victim is only doing it for therapy; it has no substantive effect. That is a travesty of victims' rights, and I oppose the amendment. I accept the Attorney's

argument—and this is where I have changed my mind—that if a victim impact statement is to have weight it must be subject to cross-examination.

A victim cannot go into court and just say anything about his or her condition or about the person who has been convicted. Very rarely will defence counsel use this right of cross-examination, but I agree with the Attorney; he has changed my mind. Yes, they should have it if the oral statement is to have evidential weight. If it is to have weight it must go with cross-examination. If it is not cross-examinable it has no evidential weight. I ask the Committee to choose the first option, reject the amendment and give the oral impact statement evidential weight. If you vote with the Minister you are voting to trash victims' rights.

Mr McEWEN: I speak against this amendment. This is actually a Clayton's amendment. Giving victim impact statements is not compulsory but should you choose to do so it must have some substance in law and, therefore, it must be open to due process and due scrutiny. This amendment turns the whole thing back on its head and achieves absolutely nothing. Once a victim chooses to make that evidence available to the court it must used in the court and must therefore be available for cross-examination. I cannot support this amendment.

Amendment negatived; motion carried.

EDUCATION (GOVERNMENT SCHOOL CLOSURES AND AMALGAMATIONS) AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 3 (clause 3)—After line 3 insert new paragraph as follows:

(ca) a person nominated by the Australian Education Union (SA Branch); and

No. 2. Page 3, lines 20 and 21 (clause 3)—Leave out subsection (8).

No. 3. Page 3, line 28 (clause 3)—Leave out 'call' and insert:

publish a notice of the proposed review in a newspaper circulating generally throughout the State, calling

No. 4. Page 3 (clause 3)—After line 29 insert new paragraph as follows:

obtain advice from experts in demographics and education as to the present and future use of those schools; and

Consideration in Committee.

Mrs MAYWALD: I move:

That the Legislative Council's amendments be disagreed to.

These amendments change a number of aspects of the amendment Bill as I proposed it. The first amendment nominates a person from the Australian Education Union to be on the committee of review. In the Committee debate last night the Hon. Mike Elliott referred to that person on the committee being a teacher. He believed that a teacher's perspective was necessary for the review process. I agree that that is important, but I also think that where several schools are involved it would be unfair to have a teacher representative from one school and not from all schools. The principal of each school is currently nominated on the review committee, as is the presiding member of each school council, as well as there being ministerial appointments and various other local government nominations. We do not want this committee to become unwieldy; it needs to be able to work. Whilst the Australian Education Union has a part to play in the review, one of the stakeholders being the teachers at the schools, I believe it is important that they are consulted and are asked to put in a submission to the review committee, but I believe it is totally unnecessary for a member of that union to be on the committee.

Amendment No. 2 removes the right of the presiding member to have a casting vote. This is also flawed, because, with the way the committee is to be established, it is not determined exactly how many members it will comprise any one time, and if there is a tied vote we would end up in a deadlock situation. It is only normal procedure that the presiding member have a casting vote in a committee environment. So, I also oppose that amendment.

Amendment No. 3 is where the Hon. Mike Elliott proposes that the review committee or the Minister must publish a notice of the proposed review in a newspaper circulating generally throughout the State. I believe that this is totally unnecessary, given that a school closure or a review of a cluster of schools is a highly emotive issue. The Bill as it currently stands calls for the Minister to write to the principal and the presiding member of the school council. It would take no time at all for the press to find out about that, and I do not see why we should be giving free advertising or paying the *Advertiser* for printing what it would run as a normal story, anyway. So, I also oppose that amendment.

In relation to the fourth amendment, the Hon. Mike Elliott has requested that we insert a new paragraph, namely:

obtain advice from experts in demographics and education as to the present and future use of those schools. . .

I believe that this amendment has some merit but it needs to be looked at a little further. In the event of a school being closed, with all the parents and teachers in agreement, the department may be forced to employ demographic and education experts when the decision has already been made by the community that the school should close. So, this matter needs to be looked at a little further. I disagree with all the amendments.

The Hon. M.R. BUCKBY: I also disagree with the amendments that have been put forward by the Hon. Mike Elliott, and I do so for reasons similar to those stated by the member for Chaffey. In relation to the first amendment (in terms of consulting with the Australian Education Union) I believe that this could be done, as the member for Chaffey said, by means of a submission from the Education Union so that its views on the closure of any particular school in that review group are known to the committee. I believe that that would get around the issue. I also disagree with the second and third amendments, and I reiterate the reasons given by the member for Chaffey. In relation to the second amendment, it would create a difficulty if there were a tied vote and the presiding member did not have a casting vote: that does not make sense. In all other committees of which I am aware (or certainly the majority of them), where a tied vote is recorded, the chairperson has a casting vote.

In relation to the third amendment, I see no advantage to anyone in circulating details in a State newspaper. The review is of interest to the local community, and I believe that the local community will be well notified by the representatives on that committee.

Likewise, in relation to the fourth amendment (obtaining advice from experts in demographics and education), as the member for Chaffey pointed out, in the case of a school where the parents agree with, or actually instigate, the closure of the school, this would lock us into hiring education and demographic experts where they are plainly not needed. It is not always the parents who have made that decision. For

example, there were only five students left at Corny Point Rural School and the school council voted 3:2 against the closure. The parents voted that way because they knew that the community would not want the school closed.

The Corny Point Rural School is a case where the school council voted against the closure of the school. That was done only because they realised that the local community was not in favour of closing the school, yet the school population had got down to only five students, which obviously was not good for the students in educational terms because of the limited opportunities available to them. So, the previous Minister closed the school. I suppose that that is an area where experts on demographics and education would have to be called in, because in that case the school council had voted against the closure of the school, with only five students. That case, where there was an obvious need to close the school, was different from the case where parents had voted for the school closure. So, I believe that some work needs to be done on this matter in terms of settling that amendment.

Ms WHITE: The Opposition supports the amendments made by the Upper House. When disagreeing with the first amendment, the member for Chaffey said that she believed that the Australian Education Union had a role to play in the review of school closures, yet she has moved in such a way as to deny that role. We certainly do not support the honourable member in that.

As to the comment by the Minister in relation to the last amendment which was made in the Upper House and which called for such reviews to obtain advice from experts in demographics and education as to the present and future use of those schools, why would you not do that? The Minister pointed out a case in which demographic and educational experts in his view did need to be called in, so I do not quite understand why he opposes that amendment. In summary, the Opposition supports the amendments of the Legislative Council.

Motion carried.

EDUCATION FEES

Adjourned debate on motion of Ms White:

That the regulations under the Education Act 1972 relating to material and services charges, made on 28 May 1998 and laid on the table of this House on 2 June 1998, be disallowed.

(Continued from 20 August. Page 1830.)

The DEPUTY SPEAKER: I indicate to the House that the regulations in this motion were disallowed in another place yesterday, so I rule that the motion no longer be proceeded with.

SOUTH AUSTRALIAN HEALTH COMMISSION (HEALTH SERVICES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 July. Page 1403.)

Ms THOMPSON (Reynell): Since this motion was moved on 9 July, unfortunately we have not had any contribution from the Government side on this matter yet this Bill proposes that we in South Australia at last establish some rights in relation to health care that are enjoyed by citizens of every other State and Territory in this country, as well as in the United Kingdom and New Zealand, among many other overseas countries.

The Bill proposes a charter of health care rights, both within the public and private sectors, and the opportunity for people who feel that they have not received proper service in the private sector to have that matter investigated by the Ombudsman. Patients or clients in public hospitals already have access to the complaints mechanism of the Ombudsman, and I believe that we are all familiar with the value of the Ombudsman as an expert, independent investigator looking into a situation where a citizen believes that something has gone wrong in the way they have been provided with services.

However, in the extremely personal area of health care, the citizens of this State do not have that ability if it is a service provided within the private sector. Sure, they have access to medical boards and physiotherapists boards and nurses boards, etc, but those boards are not about conciliating and resolving a dispute. The benefit of early intervention and the ability to work out a better way of doing something, or for an aggrieved person to feel that at least someone has listened to them, is of considerable benefit to both the health care system and individuals.

When one becomes a new member, a number of people bring out the problems which they have had for many years and which many previous members have not been able to resolve. In my case, two of the saddest problems referred to me involved people who had experiences with the medical system where they believed they had been hard done by. In both cases they were able to produce evidence from medical practitioners that agreed that they had been misdiagnosed or mistreated and that this had caused long-term consequences for them. However, due to the fact that both people had lost what most of us might see as a normal sense of perspective, they had no way of resolving their grievances. In fact, both of them appeared to have extremely sad lives where the wrong that had been done to them had taken over their life to the exclusion of just about everything else. Both of them had lost their families and I assume that both of them had lost their friends, because it is very difficult to deal with someone who is focused only on one evil done unto them.

The provision of a medical charter, which details people's entitlements and to which they can refer easily when they believe they are not getting the right treatment, is just one step in preventing such sad occurrences. It sets out rights and obligations for both clients and service providers, although the onus is clearly on the service providers. I think all members know that the history of health care has evolved massively in the past few years. The days when the doctor was God are gone for most people, but unfortunately not for all. We still have clients who believe that, if the doctor says something, it must be so. We still have doctors who are most affronted when a client suggests that they are not going to just go ahead and do whatever the doctor suggests and who believe they have some right and a say in the way their health treatment should proceed.

Today, we also have much more active roles for others in the health care system. In an ideal situation it is a team approach involving nurses, physiotherapists, dietitians, social workers and doctors, who provide an interdisciplinary approach to the care of someone who needs medical services at that time. So, when something goes wrong the simple answer of going to the medical board or the physiotherapists board does not always fit the bill in any case, because it has been a team approach which has not worked and which the person wants investigated and to have their rights considered.

The charter relates to the need for all providers of health care services, both professional and non-professional, to receive adequate recognition of the expertise that they have and the contribution that they make. It also provides for sensitivity to be shown to a person's needs, wishes, cultural values and religious beliefs in the provision of health care services. One of the issues in our complex and rich society is that people have different expectations of how health care will be provided and we should not be saying, 'Well, I am providing expert health care and if you do not like it you can lump it.' The ability for someone to recover from any incident depends not only on their feelings as a person but also on their medical treatment. Their desire to get well and their feeling of being cherished and comforted is part of patient care (as we are slowly recognising), and that includes recognition of their cultural values.

I am extremely disappointed that we will not be able to deal with this Bill in this session and that not one member opposite has seen fit to make a contribution on this important initiative. I never like to see South Australia being left behind. As the State that led the country for many years in social reform and in recognising the needs of individuals, it is doubly sad that South Australia is falling off the twig. However, I do hope that, as in other States, there will still be an opportunity in the very near future for a bipartisan approach on this important issue so that Government and Opposition together with community members can determine what model best suits South Australia.

We need to know what fits in with the institutions and structures we have already in relation to consumer rights and complaints so that the citizens of this State can also have an improved health care system because, as people who come from business tell us, if complaints are taken seriously it improves the system. The rights of customers to have their needs looked at, to have their complaints taken seriously, benefits not only the individual in having their views respected but the system in terms of allowing system improvements to develop. It is time that we recognised the needs of our citizens and our health care system in this way.

Ms WHITE (Taylor): I support this legislation, which is aimed at protecting the rights of health consumers. At some stage in our lives that will include every one of us, so we all have a very personal interest in this legislation. I became convinced of the need for such legislation after only a short time in Parliament, following my experience with constituents who had suffered horribly as a result of bad medical treatment and who had found that there was no effective recourse or justice in terms of having their grievances addressed. After lobbying the Government to introduce such recourse for the citizens of South Australia—and, I might say, accompanied by inaction on behalf of this Liberal Government which did nothing to address this obvious need for an independent health complaints unit—the Labor Party announced as policy at the last State election that it would introduce this legislation, and that is the Bill now before us.

I commend the shadow Minister on taking this positive step on behalf of the Labor Party, but, of course, it is not the first time the Labor Party has tried to introduce this change for the benefit of all health users in this State. I first began lobbying for an independent health complaints unit even before I was elected to Parliament when, as the State candidate for the seat of Wright, I came across a number of people who had suffered horribly at the hands of inappropriate medical practice and who had suffered even more in the aftermath of not having their complaints heard or justice provided. Not long after I was elected at the end of 1994 I became aware that more and more constituents in my electorate in the northern suburbs had had body parts removed wrongly. There were people who had been misdiagnosed and people who had caught serious infections in hospitals and who did not receive appropriate medical attention afterwards.

I might say that those infections came about because of inappropriate medical treatment. People have had eyes removed; people have had breasts removed; and people have had limbs removed because gangrene has set in after inappropriate medical practice. In my short time in Parliament I have heard some horrific stories. That must surely underline the necessity for all members of the House to support this Bill. As I said, it is not the first time that the Labor Party has tried to get the Government to act on this. On 15 November 1995 my colleague the shadow Minister moved to introduce something similar but, of course, it did not get the Government's support. The record shows that only the shadow Minister and me spoke at that time which, given the huge number of health complaints in this State, is a disgrace.

In conclusion, I understand that the Minister has given the shadow Minister an indication that over the recess work will proceed in a bipartisan manner to achieve this goal. I hope that is an undertaking which the Minister for Human Services will indeed stand by. In every other State there is a bipartisan approach to this. I warn the member for Elizabeth, the shadow Minister, to be very wary of the way in which the Minister for Human Services acts in this regard, because I read in today's paper of the way in which the Minister treated a move by one of my other colleagues, the member for Torrens, to regulate door-to-door sales involving children.

Clearly, what the member for Torrens thought would be a bipartisan approach to this matter turned into something else in the light of what I heard the Minister say on radio in a very non-partisan way in relation to her approach. I urge all members to support this very important Bill. A lot of people in South Australia are suffering as a result of medical misadministration, and they, too, have rights. Every State in Australia except South Australia has been able to get its act together in relation to this. I urge members to support the Bill.

Mr HAMILTON-SMITH secured the adjournment of the debate.

DOOR-TO-DOOR SALES (EMPLOYMENT OF CHILDREN) BILL

Adjourned debate on second reading.

(Continued from 2 July. Page 1261.)

Mr CLARKE (Ross Smith): I support the legislation proposed by my colleague the member for Torrens. In doing so, I take umbrage at the actions of the Minister for Human Services, the Hon. Dean Brown, in particular for the very partisan way in which he has plagiarised the work of the member for Torrens. No member of the Labor Party would object to the Government's picking up a good idea from our side of the House and running with it, particularly if it would bring about greater protection for our children. However, we take strong exception to the Minister's picking up this idea, running with it and then claiming total credit for it as an initiative of his department, him personally and the Government. The legislation proposed by the member for Torrens

deals with the very issues raised by the Minister in the press release that he issued today, in which he states:

> I have been told that some operators are driving children from the metropolitan area to country towns and dropping the children off in very unfamiliar surroundings to do their rounds.

Surprise, surprise! Obviously, the Minister has just caught up with the newspaper headlines of about four months ago when news of this issue first broke and it was being addressed at that time by the member for Torrens.

The legislation proposed by the member for Torrens has been before the House since 2 July, and the Minister has not yet spoken on the matter or arranged for any other Government member to do so. I would have thought that, if this issue was as urgent as the Minister says—and we say that it is—he should come into the House today or arrange for a Government representative to support the passage of this Bill quickly through both Houses of Parliament and not wait until another committee is set up by this Government to examine an issue about which we already know a lot and on which legislation has already been drafted.

This legislation could be enforced today, but the Minister, who is the greatest plagiarist since Helen Demidenko—all he need do is dye his hair blond to consummate the act—has gone about beating his breast saying that this must wait until his committee is established. This is an absolute nonsense. On ABC radio this morning when the Minister spoke about this issue, he could not even bring himself to have the good grace to mention the work of the member for Torrens in this area.

Even before the member for Torrens brought this issue before the House, when she had put the legislation into the community for feedback, not one Government department wanted to know about it. Not one Government department took the initiative to pull together the various threads to get these children protected at law. When the Ministry of Industrial Affairs was approached about this matter, we were told that it was beyond its jurisdiction. The Department for Family and Community Services said that this matter was too difficult to deal with under the Child Protection Act. The response to whether the fair trading legislation of the Attorney-General would cover it was that it was all too difficult and that it did not fall under that banner either.

The member for Torrens took the time and effort to have the legislation drafted and to consult with the relevant Government departments and interest groups to get this Bill before the House. But what do we hear from the Minister for Human Services? He cannot even utter the words 'the member for Torrens' and pass on some of the credit for the work that she has done on this matter. Even in relation to the protection of children, it is too much for this Minister and this Government to pay credit to a Labor member of Parliament for getting the ball rolling in this area.

I listened to the Minister for Human Services on the radio this morning when he said, 'We have some concerns about not stopping school children popping next door to their neighbour to sell a box of chocolates to raise funds.' The Minister has not even read this legislation. Clause 2, 'Interpretation', provides:

> 'Employ' means employ for fee or reward and includes engage as an agent.

This has nothing to do with scouts knocking on their next door neighbour's door to raise a few bob for their scout hall or with school children trying to raise a few bob by selling raffle tickets, chocolates or things of that nature: they are not doing it for a reward or fee, so they do not fall under this definition. The press release also states:

> Mr Brown said he would like to see children under 15 banned from door-to-door selling unless accompanied by an adult and for some appropriate form of supervision to be made compulsory under the Act.

What does he think this legislation of the member for Torrens provides? It does exactly what the Minister says he wants to do. The Minister states further:

> I have therefore asked the Department of Human Services to prepare a submission for me to take to Cabinet as a matter of urgency.

Where has the Minister been? This legislation has been on the table since 2 July. The publicity surrounding this appalling practice is well known to every member of this House. They even know about it in Sleepy Hollow. Every member of this House knew about these circumstances at least three to four months ago when there was a great deal of publicity on this matter. Only now does the Minister for Human Services deign to ask his department to prepare a report for him as a matter of urgency to be put before Cabinet and to go through the whole process, delaying laws, which we all agree ought to come into effect, by up to three months by the time we go through this whole procedure. Why? It is simply because the Minister wants to take personal credit rather than share the credit a little with the member for Torrens in a non-partisan way when it affects the welfare of our children.

As every member of this place knows, the member for Torrens is not doing this for the purpose of self-aggrandisement. She is happy to have this matter handled in a bipartisan way and for the Government to pick it up and run with it. I ask the Minister to have the good grace to recognise that fact and to deal with it appropriately. This is a disgraceful action by a conceited and vain Minister who has put the interests of the children of this State behind his own personal ego.

Ms STEVENS (Elizabeth): I want to make a few comments following the remarks of the member for Ross Smith, with which I wholeheartedly concur. I, too, heard the Minister for Human Services on the radio this morning. I was astounded that, during the 10 minutes in which he spoke about this new initiative, he did not once mention the member for Torrens, the work that she has done or the fact that she has a Bill before the House.

I commend my colleague the member for Torrens and congratulate her on this Bill, which the Government has not even had the good grace to have one speaker address. The member for Torrens has done a very thorough job. She followed the processes which we should all follow when we bring a Bill before the House. She knew there was a problem, she checked it out, she consulted widely, she got the Bill together and, as she has told us, she spent endless hours consulting with stakeholders, going through the minute details to ensure that she had it right, and informing the community. She did everything right, and she brought the Bill before this House. I was appalled and disappointed when I heard the Minister—

Mr Clarke interjecting:

Ms STEVENS: Perhaps not surprised. I think you are a better person if you can acknowledge that someone else had a good idea and work with that person to get a good result for the community of South Australia. I was disappointed to hear the Minister's remarks this morning and to read his press release which, as the member for Ross Smith said, did not once mention the member for Torrens.

Sitting in Opposition, we often have the Government telling us that we are continually knocking, that we are a policy free zone and that we have nothing to offer. However, the member for Torrens has had something to offer, and look how it has been received by the Government. On another matter, I hope to work with the Minister in a bipartisan manner: he said that he would do so and I hope he will. In an earlier conversation with the member for Torrens today, she told me that she was willing to talk and work with the Minister because she wanted a result for the people and the kids of South Australia, whom this Bill is all about. That is why she introduced her Bill. Certainly, the actions of the Minister leave a bad taste in the mouth when we see what was done with the excellent efforts of the member for Torrens. I hope we can do things a little better in the future.

Ms WHITE (Taylor): I wish to make a few quick comments in support of the Bill and to commend my colleague the member for Torrens for introducing it. Also, I have a few words of condemnation of the Minister for Human Services who, ever since the Bill has been on the table, has not been in the Chamber and has not once spoken in the debate. After listening to his plagiarism on the radio of the words of the member for Torrens, I believe that the Minister is not to be taken seriously, surely.

I want to raise a point that I do not believe has been stressed in the debate, that is, that many children going door to door are school children who are fund raising for their local schools in conditions that are really inappropriate. We have all had them knocking on our doors. As the Government shifts the costs of operating schools onto schools directly, schools can go only to parents by increasing fees and to fund raising, and that is causing an increase in door-to-door fund raising. This Bill is an important Bill which should be passed at this time, and I request that we deal with and pass it.

Mr MEIER secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION (INTOXICATION) AMENDMENT BILL

In Committee.

(Continued from 20 August. Page 1833.)

Clause 2 passed.

Clause 3.

Mr ATKINSON: I move:

Pages 1 and 2—This clause will be opposed. Insert in its place:

Insertion of part 8B

2. The following new part is inserted in the principal Act after section 269ZB:

PART 8B
INTOXICATION

Interpretation

269ZC. In this Part—

'consume'—a person consumes a drug if the person—

(a) ingests the drug; or

(b) inhales the drug; or

(c) injects the drug by self-administration or submits to injection of the drug by another; or

(d) uses or submits to the use of any other means of introducing the drug into the body.

'consciousness' includes—

(a) volition and self-control;

(b) the capacity to apprehend the nature and quality of one's acts and to foresee their consequences.

'criminal act' means an act done by a person (including an act done in a state of automatism resulting from intoxication) which would have constituted an offence (the correlative offence) if done by the person voluntarily, intentionally and with an apprehension of its consequences, so far as those consequences would have been foreseeable by the person if he or she had not been intoxicated;

'drug' means alcohol or any other substance that is capable (either alone or in combination with other substances) of suppressing, impairing or distorting consciousness.

'intoxication' means suppression, impairment or distortion of consciousness resulting from the consumption of a drug.

'medical practitioner' means a registered medical practitioner or registered dentist.

'therapeutic'—the consumption of a drug is to be regarded as therapeutic if—

(a) the drug is prescribed by, and consumed in accordance with the directions of, a medical practitioner; or

(b) the drug—

(i) is a drug of a kind available, without prescription, from registered pharmacists: and

(ii) is consumed for a purpose recommended by the manufacturer and in accordance with the manufacturer's instructions.

Self induced intoxication

269ZD. (1) Intoxication is to be regarded as self-induced if it results from nontherapeutic and voluntary consumption of a drug.

(2) Consumption of a drug is to be regarded as voluntary if the person who consumes the drug does so voluntarily and intentionally knowing that it is capable of causing intoxication.

(3) If a person voluntarily begins to consume a drug, and continues consumption after becoming intoxicated, the continued consumption is to be regarded as voluntary even though the person's consciousness may be then so impaired that the person is no longer—

(a) aware of the nature or intoxicating properties of the drug; or

(b) capable of forming an intention to consume it, or exercising self-control.

(4) If a person becomes intoxicated as a result of the combined effect of the therapeutic consumption of a drug and the non-therapeutic and voluntary consumption of the same or another drug, the intoxication is to be regarded as self-induced even though in part attributable to therapeutic consumption.

Self-induced intoxication in preparation for commission of offence

269ZE. A person who commits a criminal act in a state of self-induced intoxication is, despite any suppression, impairment or distortion of consciousness at the time of the criminal act, guilty of the correlative offence if the person consumed a drug with the intention of committing, and in preparation for the commission of, the criminal act

Exclusion of certain defences

269ZF. (1) A person who commits a criminal act in a state of self-induced intoxication is not entitled to the benefit of a defence to which this section applies if—

(a) the defence is based on a belief or state mind; and

(b) the person would not have held that belief, or been in that state of mind, if sober.

(2) This section applies to the following defences—

(a) self-defence, defence of another, or defence of property;

(b) provocation.

Causing harm through criminally irresponsible drug use

269ZG. (1) A person is guilty of the offence of causing harm through criminally irresponsible drug use if the person—

(a) causes injury, damage or loss to another (or property of another) by the commission of a criminal act while in a state of self-induced intoxication; and

(b) is not criminally responsible (apart from this section) for the criminal act because of intoxication.

(2) The maximum penalty for the offence of causing harm through criminally irresponsible drug use is as follows—

(a) if the criminal act is a homicide—imprisonment for 20 years;

(b) if the criminal act is non-consensual sexual intercourse—imprisonment for 15 years;

(c) in any other case—two-thirds of the maximum prescribed for the correlative offence or imprisonment for 10 years (whichever is the lesser).

(3) If—

(a) a person is tried for an offence involving injury, damage or loss to another (or property of another); and

(b) the court is satisfied that the defendant committed a criminal act causing the injury, damage or loss but is not satisfied that the defendant is criminally responsible (apart from this section) for the act because the defendant was, or may have been, intoxicated at the time of the act; and

(c) the court is satisfied—

(i) that the defendant was intoxicated and the intoxication was self induced; or

(ii) that, if the defendant was intoxicated, the intoxication was self induced,

the court may (on acquitting the defendant of the offence charged) find the defendant guilty of the offence of causing harm through criminally irresponsible drug use.

(4) For the purposes of this section, an act in the nature of a sexual assault will be taken (without proof of injury) to have injured the victim.

(5) This section does not apply in a case where death or bodily harm is caused by the driving of a motor vehicle.[1]

The Attorney-General objects to the current form of my Bill because, he says, it artificially attributes fault to the accused. Matthew Goode writes in his discussion paper 'Intoxication and Criminal Responsibility':

In short, intoxication goes to the very basis of criminal liability as a concept that underpins our legal tradition.

The Attorney argues that abolishing the drunk's defence is inconsistent with general principles of criminal responsibility. The Standing Committee of Attorneys-General does not agree with the Hon. K.T. Griffin. The committee instructed the Model Criminal Code Officers Committee to prepare draft legislation roughly on the principles of my Bill. The draft legislation says:

Evidence of self induced intoxication cannot be considered in determining whether conduct is voluntary.

Later:

Evidence of self induced intoxication cannot be considered . . . whether a fault element of basic intent existed.

I understand the Attorney-General's opposition to the principle of my Bill and also the opposition of the Bar Association's Mr Michael Abbott and the Law Society's Mr D.H. Peek. After all, the drunk's defence has been a good little earner for both Mr Abbott and Mr Peek over many years and their names appear in the leading cases where the drunk's defence has been used in the South Australian Supreme Court. But when this line of opposition goes as far as it does in Fisse's edition of *Howard's Criminal Law*, I think it is merely ill-mannered. Fisse says:

If the cannon of social defence were to override the need for proof of subjective blameworthiness in the context of self induced intoxication it is difficult to see why the same cannon should not also override the need for proof of subjective blameworthiness generally in the criminal law.

Neither the Opposition nor the Independents—I am sure neither the member for MacKillop nor I—intend to overturn the principle of fault in criminal law generally. Hence, what I am prepared to do is accept the Attorney's compromise offered in the discussion paper. The Attorney offers us attachment B, which proposes to introduce an offence known as 'Causing harm through criminally irresponsible drug use'. I support attachment B in Matthew Goode's discussion paper 'Intoxication and Criminal Responsibility'. I note also that Matthew Goode was the author of a discussion paper entitled 'Intoxication and Criminal Responsibility 1991' and he quotes the Attorney-General in that paper as follows:

Discussions are being held with a view to obtaining Commonwealth-State consensus on the general principles of the criminal law including those relating to the intoxicated offender.

That was seven years ago and it is time to act on this matter now. My amendments, picked up from the discussion paper in proposed section 269ZC, define 'consume', 'consciousness', 'criminal act', 'drug', 'intoxication', 'medical practitioner' and 'therapeutic'. It defines 'self induced intoxication' and says that intoxication is to be regarded as self induced if it results from non-therapeutic and voluntary consumption of a drug. Proposed section 269ZE prevents someone taking alcohol as Dutch courage in order to commit an offence. That is in accordance with the common law.

Proposed section 269ZF excludes the use of self induced intoxication for certain defences. One can exclude mistake of fact owing to self-induced intoxication where the belief is quite unreasonable owing to the ingestion of drugs or alcohol. So, the belief that the postie is a crazed killer, carrying a loaded kalashnikov when, in fact, he is carrying a cylindrical parcel does not justify butchering him if the accused is drunk. Similarly, the defence of provocation could not be made out for the drunken and mistaken belief that one's wife is in bed with the milkman, when instead she is lying there alone. The key part of the clause is proposed new section 269ZE, which creates the offence of causing harm through criminally irresponsible drug use. The relevant part provides:

(1) A person is guilty of the offence of causing harm through criminally irresponsible drug use if the person—

(a) causes injury, damage or loss to another (or property of another) by the commission of a criminal act while in a state of self-induced intoxication; and

(b) is not criminally responsible (apart from this section) for the criminal act because of intoxication.

It goes on to say:

(2) The maximum penalty for the offence of causing harm through criminally irresponsible drug use is as follows—

(a) if the criminal act is a homicide—imprisonment for 20 years;

(b) if the criminal act is non-consensual sexual intercourse—imprisonment for 15 years;

(c) in any other cases—two-thirds of the maximum prescribed for the correlative offence or imprisonment for 10 years (whichever is the lesser).

I thank the Attorney-General's staff and Mr Matthew Goode for preparing an excellent discussion paper, and I am willing to take up his suggestion. I commend it to the Committee.

The Hon. M.H. ARMITAGE: The Government opposes this amendment, and the reason it opposes it—

Mr Atkinson: We can't make you happy, can we?

The Hon. M.H. ARMITAGE: Yes, you can, actually. It is easy to keep us happy. The reason the Government opposes this series of amendments is that it is well known that we are on the tail end of a consultative period on this matter. It is fascinating to note that, in the time I have been either a member of the Opposition or a member of the Government, all members of the Labor Party have waxed lyrical about the values of community consultation. There has not been one occasion—other than this—where, if we have not consulted with the community, the Opposition has not attempted to beat us around the ears.

What the Opposition—particularly the member for Spence—is doing by moving this series of amendments, is saying, 'To hell with the community consultation.' Three models are being explored in the consultative period. Everybody knows that that consultative period is not yet closed, but the Opposition, fully recognising that each of the three models has pros and cons, is throwing away two of the

models to come up with one of them. This just indicates how volatile the situation is. The opportunity to change horses midstream—which the member for Spence has chosen to do—should be a bellwether of the community needing to be listened to on this set of amendments. For that reason—not necessarily because we disagree in concert with all the amendments but because there is a consultative period in relation to this and a series of other similar of models in train—we oppose the amendments.

Amendment carried; clause as amended passed.

Clause 4 negatived.

Title passed.

Mr ATKINSON (Spence): I move:

That this Bill be now read a third time.

I thank the House for its support.

Bill read a third time and passed.

TECHNICAL AND FURTHER EDUCATION ACT REGULATIONS

Adjourned debate on motion of Ms White:

That the principal regulations under the Technical and Further Education Act 1975, made on 28 August 1997 and laid on the table of this House on 2 December 1997, be disallowed.

(Continued from 28 May. Page 956.)

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training): My comments will be brief, given the time. The Government opposes this motion, because it is essential that regulations are in place for the operation of the TAFE system. Disallowance of the TAFE regulations will have a significant implication for the fundamental operation of the TAFE system, including:

- leaving no provision for lecturers to appeal to the Teachers Appeal Board against administrative acts or decisions;
- removing the framework for student disciplinary measures and the power to make rules to govern student conduct; and
- leaving institute councils with no defined role, membership structure or means of seeking appointment of members.

In July this year all Parties supported an amendment to the TAFE Act which was made necessary by an unexpected majority decision of the Full Bench of the Industrial Relations Court of South Australia. This amendment preserved the *status quo* by clarifying the simultaneous operation of the TAFE Act and the Industrial Employees Relations Act 1994. The principle of simultaneous operation of the two pieces of legislation is of relevance when considering the majority of the issues raised in relation to the disallowance motion. The inclusion of section 39AA in the TAFE Act after this disallowance motion was introduced should alleviate the concerns expressed at the time.

In regard to the specific regulations mentioned, regulation 66 dealing with the power of search was revoked on 16 July 1998, following a query raised by the Legislative Review Committee, and it was noted that that committee did not question the following matters. Regulation 8, the previous TAFE regulation 11 dealing with reclassification, did not specify the classification committee's role or how classification criteria were developed. Regulation 8 provides the same major essentials of reclassification in a manner similar to the previous regulation.

Regulation 12, the previous TAFE regulation 14, provided for the Minister to determine and specify recreation leave by administrative instruction at the same time as the DETAFE (Educational Staff) Interim Award contained reference to recreation leave entitlements. Regulation 14 (non-attendance days) did not appear in the previous regulations, but as they are a significant benefit they have now been embodied through regulation 14 in the same way as with recreation leave. Regulation 69 provides the mechanism for administrative instructions to be issued by clarifying that the Minister is the original authority and that the instructions relate to matters where administrative instructions may be contemplated by the regulations or as necessary or expedient in relation to exercising ministerial powers and functions emanating from the TAFE Act and regulations. Examples are:

- clarification of the qualification requirement contained in the award for the classification of educational manager (as agreed with the Australian Education Union);
- advice of processes to be followed in the event of competitive neutrality complaints being received at the institute level; and
- advice of processes to be followed in dealing with student and staff discrimination complaints.

This regulation clarifies longstanding previous regulation 13, which directed staff to comply with the regulations and administrative instructions. The recent amendment to the TAFE Act by the insertion of section 39AA preserves the *status quo* between the Act and the Industrial Employee Relations Act. These regulations do not detract from that principle and, because of that, the Government opposes this motion.

Ms WHITE (Taylor): I originally moved this motion as a holding measure. I signalled in my speech at that time the problems that the Labor Party had with certain regulations, primarily being regulations 8, 12, 14, 66 and 69. At that time the Minister had indicated to me that he understood the problem with regulation 66 and indicated that he might revoke it. My understanding at that time was that he would revoke all the regulations, have another look, go through another round of consultations and bring back new ones. In fact, the Minister did what only Ministers can do—members of this House cannot amend regulations—and revoked only regulation 66. So, the issues that the Labor Party had with all the other regulations still stand.

Although I do not have time to go through them all now, I indicate that the Minister threw in one little furphy when he said that revocation of these regulations would not allow teachers to proceed with appeals to the Teachers Appeal Board. This is the same Teachers Appeal Board that is the subject of a response from the Minister to my question without notice concerning why the board had not been meeting. So, this was a bit of a furphy about the Teachers Appeal Board; it has not been meeting. I ask members to vote with the Opposition to disallow these regulations. There are problems with them; they act to give the Minister considerable powers to issue administrative instructions dealing with employee and industrial matters rather than acting through TAFE Act.

The House divided on the motion:

AYES (19)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Clarke, R. D.
Conlon, P. F.	De Laine, M. R.
Foley, K. O.	Geraghty, R. K.

AYES (cont.)

Hanna, K.	Hill, J. D.
Hurley, A. K.	Key, S. W.
Koutsantonis, T.	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
White, P. L. (teller)	

NOES (22)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Buckby, M. R. (teller)
Condous, S. G.	Evans, I. F.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L.	Kerin, R. G.
Kotz, D. C.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
Meier, E. J.	Olsen, J. W.
Penfold, E. M.	Scalzi, G.
Such, R. B.	Venning, I. H.
Williams, M. R.	Wotton, D. C.

PAIR(S)

Ciccarello, V.	Ingerson, G. A.
Wright, M. J.	Lewis, I. P.

Majority of 3 for the Noes.

Motion thus negatived.

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

HALLETT COVE BEACH

A petition signed by 192 residents of South Australia requesting that the House urge the Government to include the Hallett Cove Beach on the Coast Protection Board's sand replenishment program was presented by the Hon. W.A. Matthew.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 181 to 195.

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. J.W. Olsen)—

Government Boards and Committees Information—30 June 1998

By the Minister for Multicultural Affairs (Hon. J.W. Olsen)—

Office of Multicultural and International Affairs—Report of Review, April 1997.

By the Minister for Human Services (Hon. Dean Brown)—

Development Act—

Barossa Council, Interim Report on the Operation of—Mount Pleasant (DC) Development Plan—Taunton Area Plan Amendment Report

City of Charles Sturt, Interim Report on the Operation of—Hindmarsh and Woodville (City) Development Plan Coastal Areas Plan Amendment.

OFFICE OF IMMIGRATION

The Hon. J.W. OLSEN (Minister for Multicultural Affairs): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. OLSEN: There is no doubt that the future of this State rests with its people and that the future of its people rests with the way in which we encourage a diverse range of cultures to live and work and invest in South Australia. Last October, I announced a review of the Office of Multicultural and International Affairs. The objective of the review was to examine the functions, management and operations of the office. The review also looked at how we, as a Government, approach the issue of immigration.

As a result of that review, we have looked carefully at how we can improve South Australia's approach to immigration to meet the social and economic needs of this State. The fact is that South Australia is not getting its fair share of the migrant intake. We are not getting the number of skilled and business migrants which we should. This country—and, indeed, this State—owes so much to our migrant population: they have created our past and are integral to our future.

Today I wish to announce that the Government will establish an Office of Immigration. The Office of Immigration will be established within the Department of Premier and Cabinet, and it will be charged with the task of coordinating immigration policy and strategy, with the intention of significantly increasing our intake. It will also be responsible for settlement support services, which was formerly part of the Immigration SA program. The former economic development and immigration activities of the Office of Multicultural and International Affairs, including its immigration promotion activity, will be strengthened by transferring them to the dedicated Office of Immigration. The Office of Immigration will develop strategies to support a positive immigration flow into the State and will support the immigration of skilled migrants to fill urgent gaps in our own South Australian skill base.

During the past financial year, 653 individual skilled migrants arrived in South Australia. This is a start, but it is not enough. South Australia has 8 per cent of Australia's population but we attract just under 4 per cent of all migrants. It is my intention to increase this figure significantly. The Government will ensure that strategies to encourage migrants to the State are not developed in isolation but are carefully planned in consultation with industry and the community organisations and charities which support migrants. The review also highlighted the importance of clear and unambiguous communication with prospective migrants, along with an understanding of differences of expectation which might exist. As a result, any material provided to migrants has now been carefully reviewed.

The Office of Immigration will be responsible for the promotion of South Australia as a migration destination, and promotional activities will be carefully monitored and more closely targeted to industry needs and take a different format from the past 'road show' approach. The review also suggests consultation with charities and other community groups on the settlement issues of migrants. This, too, will be implemented.

The Government will initiate further discussions with the Commonwealth about the issues faced by some migrants in relation to income support and access to housing and the respective Commonwealth and State responsibilities. As a matter of urgency, the Government will take up the issue of the provision of bond assistance and rent relief for migrants with no income who are subject to the two year waiting period for social welfare payments.

The Office of Multicultural and International Affairs

(OMIA), while part of the Department of Premier and Cabinet, will be structured in a way to allow it to focus on the whole of Government policy advice and coordination across Government of multicultural matters. OMIA will concentrate on its core business of advising Government on multicultural and ethnic affairs, promoting multiculturalism and a whole of Government approach to multicultural and ethnic affairs. Community relations will also remain an important component of OMIA's role. The valuable services provided by the Interpreting and Translating Centre will be maintained and will continue to be located in the Department of Premier and Cabinet.

I also wish to advise that the South Australian Multicultural and Ethnic Affairs Commission will be given a stronger charter and role, reporting directly to the Premier and with allocated staff and budget from the Department of Premier and Cabinet. The commission will be asked to develop a yearly business plan and will be integral in assisting the development of access and equity within Government. With the release of the review's report, the Government and the commission will also release the commission's report on the evaluation of the Government's access and equity strategy, 'Knowing your clients is good business.'

It is appropriate that this report be released at this time as part of the refocussed and revitalised role for the office and the commission. OMIA will be asked, as part of its refocussed role, to coordinate a response from across the Public Service to this report. The commission will work with OMIA and the Government's Senior Management Council for the development of appropriate responses to the commission's proposals. I have also appointed an adviser on multicultural and ethnic affairs, located in my office, to provide day-to-day liaison between my office, the Parliamentary Secretary and the commission to ensure that the commission has quick access to the staff at my office and me.

The grants program offered through the Council for International Trade and Commerce, South Australia, will be significantly strengthened by the re-establishment of a grants committee. The funding and management of this program will be transferred to the Department of Industry and Trade. This will ensure that the council and the country specific Chambers of Commerce will have better access to the resources and advisory structures of that portfolio.

Finally, as a result of the renewed focus for the South Australian Multicultural and Ethnic Affairs Commission and for the office, the Government recognises and values the support and important role played by the peak body of the ethnic community organisations, the Multicultural Communities Council. I wish to advise the House today that the Government is increasing its operating grant to the Multicultural Communities Council to assist it to more effectively carry out its role.

The Government will encourage its departments and agencies to make use of the assistance provided by the MCC when needing to consult with and understand the views of the ethnic communities. The structural changes will be implemented from 1 September, and staff and stakeholders will be able to comment on the process for implementation. Prior to implementing the changes, staff and their representative organisations, including the Public Service Association, will be provided with detailed briefings. It is important to note that there will be no overall reduction in the number of staff or in the level of resources allocated to the program areas concerned.

This review generated much interest from stakeholders and members of the public. Extensive consultation took place throughout the course of the review and, as Minister for Multicultural Affairs, I also received correspondence and representation about the ongoing role of the office. Since receiving the report from the Chief Executive of the Department of Premier and Cabinet, I have consulted with major stakeholders. We live in a society which comprises many diverse cultures, languages and customs and we have been enriched by this diversity. I believe that our diversity is one of our State's greatest assets and we must utilise these skills of all our citizens for the benefit of all.

QUESTION TIME

MOTOROLA

The Hon. M.D. RANN (Leader of the Opposition): Did the now Premier's 14 April 1994 letter to Motorola state:

> That subject to the confirmation of Motorola's selection of Adelaide as the long-term base for its Australian software centre, it is the intention of the South Australian Government, subject to normal commercial criteria, to appoint Motorola as the designated supplier of radio equipment for the SMCS emergency radio network project to be initiated within calendar 1994?

In September 1994, the now Premier told Parliament:

> Certainly, to my knowledge no formal or informal discussions or commitments have been given to Motorola.

The Hon. J.W. OLSEN: Yes, I did write to Motorola, as I have indicated clearly to the House on previous occasions. Let me take the House, step by step—

Mr Foley interjecting:

The Hon. J.W. OLSEN: I ask the member for Hart to at least allow me to answer uninterrupted the question that has been asked. In April, I wrote to Motorola—and I have indicated that to the House. In June, the Government signed an agreement, a contractually binding agreement with Motorola, and in September I answered a question from the Leader of the Opposition. The letter in April was superseded by the contractual commitment entered into on 23 June—and I remind the House of clause 17 of that agreement which provides:

> This agreement constituents the entire agreement of the parties in respect of the matters that have been dealt with and supersedes all prior agreements, understandings and negotiations in respect of the matter dealt with in this agreement.

Mr Foley: What does that mean?

The Hon. J.W. OLSEN: It means, clearly, that the member for Hart does not want to understand. It also means that, as at that point on 23 June, that agreement, a contractually binding signed agreement between the Government and Motorola, superseded all matters prior to that. I will take it one step further.

Members interjecting:

The SPEAKER: Order! The Premier is entitled to be heard in silence.

Members interjecting:

The SPEAKER: Order! The Leader of the Opposition will come to order and the member for Hart will come to order.

The Hon. J.W. OLSEN: Mr Speaker, I have asked the Opposition to allow me to answer uninterrupted. It is clear that it does not want a full explanation of this matter. I sought the Crown Solicitor's advice today—

Mr Foley: Today?

The Hon. J.W. OLSEN: Today. Let me quote to the House the advice of the Crown Solicitor, which I received today. I sought this advice on the agreement entered into on 23 June 1994 in an endeavour to clarify this position, in particular for the Opposition which had its questions answered but which did not like the answers to its questions and which has simply repeated the questions in this Parliament to try to put a different version to events. I will quote the Crown Solicitor's advice, remembering that I wrote the letter in April, the agreement was signed on 23 June, and I answered the question in September. The advice states:

> The terms of clause 17 are unequivocal. The agreement dealt with Government assistance and incentives to Motorola to establish the software development centre. All the State was obliged to provide was that which is contained in the agreement.

In other words, this agreement stands alone and it supersedes any formal or informal discussions prior to the signing of that agreement—and that is clearly the position.

Mr Foley: Is that what it says there?

The Hon. J.W. OLSEN: I have just quoted what it says. Let me go on to say, because I think it is important—

Members interjecting:

The SPEAKER: Order! The House would like to hear the reply from the Premier.

The Hon. J.W. OLSEN: I think it is important to take this one step further, because in the *Australian* today is a report of the 1996 agreement.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: There are two agreements, one in 1994—

Mr Foley: You did not tell us that yesterday.

The Hon. J.W. OLSEN: I have talked about the 1996 agreement previously in this House.

Mr Foley: When?

The Hon. J.W. OLSEN: The 1994 agreement relates to the software development centre and, in November 1996, after due process, an agreement was signed and that agreement—

An honourable member interjecting:

The Hon. J.W. OLSEN: Yes, a tender and a process—

Members interjecting:

The SPEAKER: Order! I caution the member for Hart and also the Leader for continually interjecting during the Premier's reply.

The Hon. J.W. OLSEN: They interject quite deliberately, Mr Speaker. The November 1996 agreement was referred to in the *Australian* today, and some extracts were selectively quoted. I do not know whether that was just a limited edition that was given to the journalist, but the Crown Solicitor's advice states:

> Well after the agreement of 23 June 1994, the State entered into another agreement—

This is nothing to do with the software development centre; it is a totally different subject. The agreement in June was for a software development centre, about which the question was asked, and the other was a radio contract. Totally different subjects.

The Hon. M.D. Rann interjecting:

The Hon. J.W. OLSEN: Well, there is none. The Crown Solicitor says that well after the agreement of 23 June 1994, that is, November 1996, the State entered into another agreement with Motorola. This subsequent agreement does not alter the effect of clause 17 of the agreement retrospectively. As at 23 June 1994, this agreement constituted the entire agreement between Motorola and the State. We have Crown Solicitor's advice, which I have read to the House. The Crown Solicitor's advice clearly indicates that at 23 June, when the contract was signed with Motorola, it superseded all negotiations prior to that event.

Mr Hill interjecting:

The Hon. J.W. OLSEN: The member for Kaurna interjects, 'What did the letter commit us to?' The Crown Solicitor says, 'Nothing.'

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: It is clear that there is no better advice upon which any Minister of the Crown can rely than that of the Crown Solicitor. The Crown Solicitor's advice is clear and specific: it says that a letter was written in April; in June a contract was signed; and, once that contract was signed in June with clause 17, that was the end of all commitments. As the member for Hart knows, the substance of that agreement went to the IDC in 1994—

Mr Foley: Without the side deal?

The Hon. J.W. OLSEN: There is no side deal. The Crown Solicitor supports the view that I have put before the House—

Mr Foley interjecting:

The SPEAKER: Order! I warn the member for Hart for continual interjection.

The Hon. J.W. OLSEN: Subsequent to that, I responded to a question from the Leader of the Opposition based on the agreement. The agreement specifically and clearly indicates that there are no other matters referred to in respect of support or incentives for the establishment of the software development centre.

The interjections from members opposite clearly indicate that they do not like the answer to the question, and they do not like the answer to the question because it clearly and specifically puts to rest the mischievous approach they have taken. I ask the Leader of the Opposition to do what his State Executive has suggested he ought do: stop playing the man and start looking at policy debates in this State. The Leader of the Opposition is interested in playing the man and the politics: he is not interested in building a new industry and new investment in this State.

We in this House have seen the Economic and Finance Committee used and abused by the member for Hart and the member for Elder. We have seen the theatrics and the circus. If they do not get their way, they rant and rave and put on a turn to intimidate people. More importantly, this circus and theatre is for the benefit of the media—and they get support occasionally. Despite all the theatre and the circus that members put forward, the thrust of this is that they cannot deny the Crown Solicitor's advice; it is clear.

Based on the Crown Solicitor's advice, I am absolutely certain and sure of the position I have detailed to this House as being clear and accurate. Over the last four years we have seen this Opposition question a whole range of outsourcing contracts. What is the objective? The objective is to say to any company that is considering coming to South Australia, 'Why would you come to South Australia? Look at what you have to go through?' EDS has a building with the capacity to take a couple of extra floors but, given the way the member for Hart is handling this matter in the Economic and Finance Committee, he will drive EDS to put those extra floors in another State of Australia where they are welcome. That is what the net effect is. What is the political gain for the Opposition? It is to drive investment away, to drive jobs away

from this State, for the State to fail and then to reap the political reward. That is what they are doing; that is what this objective is about. It is not about integrity or about reporting to this Parliament: it is about base politics.

Ask the Managing Director of EDS whether he will fly to this State and put up with this sort of nonsense when he is employing 600 or 800 people and wants to invest another couple of million dollars. Motorola might have the capacity to double its size—and it might be looking at that right now. What do you think might be Motorola's view to that when it has to put up with this sort of nonsense in this Parliament? If we are to go overseas to get private sector investment in this State and if we are to create jobs for our young people in the future in this State—the point that the Leader of the Opposition constantly carps about in this House—the only way to get those jobs is via new private sector capital investment. But members opposite do not want it, because they are about base political gain and about playing the man, not trying to rebuild the economy in this State that they destroyed.

INTERPRETING AND TRANSLATING CENTRE

Mr CONDOUS (Colton): Will the Premier inform the House of any recent advances—

Members interjecting:

The SPEAKER: Order! The Chair is having difficulty hearing the member for Colton.

Mr CONDOUS: —in ensuring that South Australians have access to quality interpreting and translating services?

The Hon. J.W. OLSEN: South Australians are fortunate that our top quality interpreting and translating services are readily available to them—and they do provide an outstanding service. The Interpreting and Translating Centre, a branch of the Office of Multicultural and International Affairs, provides excellent service in 80 languages and dialects. Recently, the centre achieved an Australian first: it became the only interpreting and translating centre in the country to achieve quality assurance certification. In doing so, it has set a new benchmark in the provision of such services, something for which it ought to be commended. For the past 14 months the ITC has worked hard to ensure that every aspect of its operations met the certification requirements.

In order to achieve this international standard, the centre had to demonstrate that its operations satisfied specified requirements set by quality assurance services at every stage from production through to servicing. This certification of the centre's quality management system guarantees improved management efficiency, internal communications, customer satisfaction and service quality. Thanks to the efforts of all the centre's staff members, South Australia now has the highest quality interpreting and translating service in the country. That is something of which this State ought to be proud. We ought to acknowledge the unit, what it has achieved, its benchmarking nationally and the service it provides.

During the 1997-98 financial year, the centre fulfilled 21 035 interpreting assignments, providing services to 22 693 non-English speaking customers in 73 languages. It also carried out 2 311 translating assignments, and a total of 1 283 173 words were translated in 58 languages. I ask the House to join with me in commending and congratulating the centre on its achievements.

MOTOROLA

Mr CONLON (Elder): My question is directed to the Premier. Does the contract of November 1996 signed with Motorola specifically refer to a letter signed by the now Premier in 1994 which designated Motorola as the equipment supplier for the whole of Government radio network subject to Motorola establishing its Australian software centre in Adelaide? Is it in there?

The Hon. J.W. OLSEN: In the recitals there is a reference to the letter. Why would it be in the recitals? The recitals are called the 'background to the contract'. It contains nothing new than has been detailed to this House. In establishing a contract, you put the recitals or the background upon which the contract is based. Let me repeat the Crown Solicitor's advice, because obviously the Opposition has prepared all its questions. I have put down the Crown Solicitor's advice but members of the Opposition are not quick enough to re-word their questions. So, we will have them all over again as they have been developed by the researchers, because the member for Elder's question is relevant to this part of the Crown Solicitor's advice today: well after the agreement of June 1994—2½ years later—another agreement was signed and this subsequent agreement does not alter the effect of clause 17 of the agreement retrospectively. Clause 17 states:

> This agreement constitutes the entire agreement of the parties in respect of the matters dealt with. . . and supersedes—

Mr Foley: It includes the letter—

The SPEAKER: Order! The Premier has the call.

The Hon. M.K. Brindal: They are being deliberately stupid.

The Hon. J.W. OLSEN: No, they are not being deliberately stupid: they are stopping the flow of the answer for the purposes of the media. That is why they are interjecting. We know what the Opposition's trick is, so I will go back and start again. The agreement signed in November 1996—2½ years after the software centre agreement—on a totally different subject from the software centre agreement, states, according to the Crown Solicitor:

> Well after the agreement of 23 June 1994 [on the software centre]—

and November 1996—2½ years later—related to the radio contract—

> the State entered into another agreement. . . This subsequent agreement [1996] does not alter the effect of clause 17 of the agreement retrospectively.

In other words, it stands. It continues:

> As at 23 June 1994 this agreement constituted the entire agreement between Motorola and the State.

That agreement has no reference to any deals other than those put before the IDC in 1994. I repeat: in April the letter, in June the agreement with clause 17, which states:

> This agreement constitutes the entire agreement. . . and supersedes all prior agreements, understandings and negotiations [etc.] in respect of the matters dealt with. . .

In other words, as at 23 June that agreement once signed between the Government and Motorola superseded everything that went before it. The Crown Solicitor says so, and I would far sooner take the Crown Solicitor's advice than the advice of any member opposite.

SEELEY INTERNATIONAL

Mr BROKENSHIRE (Mawson): My question is directed to the Premier. What is the Government doing to encourage manufacturing in our State?

Members interjecting:

Mr BROKENSHIRE: This is an important question. Next Monday I will have the pleasure of representing the Government at the opening of Seeley International's Lonsdale plant. Seeley is a proud South Australian company, a major Australian manufacturer of evaporative air-conditioning, which employs about 400 people. It has annual sales of more than $70 million and is another important contributor to the growth in the manufacturing and economic base of Adelaide's south—a commitment of this Government, not Labor.

Members interjecting:

The SPEAKER: Order! The honourable member is starting to comment.

The Hon. J.W. OLSEN: It is interesting to note that the Labor Party jests, derides and puts down Seeley International, which has been a major success story in manufacturing. Let it be noted that the members for Elder—

Mr Brokenshire interjecting:

The SPEAKER: Order! The member for Mawson will come to order.

The Hon. J.W. OLSEN: —Reynell, Mitchell, Kaurna and other members of the Labor Party, when a question was asked in the House today about Seeley International, did nothing but laugh, deride and put it down. Shame on you! Those manufacturing industries will well understand.

Mr FOLEY: On a point of order, Mr Speaker, the Premier has incorrectly stated what occurred. For the record, the Labor Party did not laugh as the Premier indicated.

The SPEAKER: Order! There is no point of order. The honourable member will resume his seat.

The Hon. J.W. OLSEN: I stand corrected to this point: the member for Hart did not laugh, but the members for Elder and Reynell did.

Ms THOMPSON: On a point of order, Mr Speaker, I did not laugh. My comment was—

The SPEAKER: Order! There is no point of order. The honourable member will resume her seat.

Members interjecting:

The SPEAKER: Order! The House will come to order. If members feel aggrieved, they have an opportunity at the end of Question Time to make a personal explanation.

The Hon. J.W. OLSEN: I am aware of this important occasion when the Governor will open Seeley's Lonsdale air-conditioning plant next week. I understand that the member for Mawson will attend those opening celebrations.

The Government is always willing to help companies to expand and develop in South Australia. In 1996, the Government provided assistance through the Industrial and Commercial Property Corporation to enable this proud South Australian based company to develop its plant at Lonsdale. That enabled the company to purchase a factory that is now spearheading moves into 67 international markets. Frank Seeley, the founder of this company, and his employees are to be congratulated for their efforts. To break into a manufacturing operation and move into 67 markets throughout the world is an outstanding performance.

Since its small beginnings in 1972, I understand that Seeley International has now become Australia's largest manufacturer of evaporative air-conditioners. South Australia is a clever State, and the Government is committed to creating a vibrant business environment where companies such as Seeley can do better business. Of course, fundamental reform of the taxation system in this country to remove wholesale sales tax on the cost will help this company to become established in more than 67 international markets.

Seeley is an excellent example of a manufacturer that has identified its strengths and it is capitalising on those advantages. As a result, Seeley has tripled in size over the past five years, and it is committed to value adding and vertical integration. Seeley's Lonsdale operation has a high degree of such integration which, I am told, has enabled it to respond quickly in a marketplace which is not only seasonal but in which changing weather conditions can cause a high level of volatility and demand. Control over its manufacturing process gives Seeley a clear competitive advantage in that it can respond much more quickly to opportunities that arise in the marketplace.

For South Australia, and the south of Adelaide in particular, this means important investment and employment opportunities. The member for Mawson, the member for Fisher, the member for Bright and people such as Julie Greig have championed the cause of the south over the past four years. The sort of work that was undertaken by those people with an absolute commitment to the local community and employment—

The Hon. Dean Brown: The further we go south, the better it gets.

The Hon. J.W. OLSEN: The further we go south, the better it gets, I am told. That is true, because it was through the work of people such as Julie Greig and the members whom I mentioned that in 1996 the Government put in the support which enabled Seeley to expand its manufacturing operations at Lonsdale. So, let it be understood by the people of the south that this Government has responded to their need for a manufacturing plant in their locality so that it can expand in the future.

The Lonsdale plant currently employs more than 100 people, increasing to about 250 during the peak season. Seeley expects the plant to employ more than 300 people when it reaches its full capacity in the year 2001. That is a good growth path for the company. The company advises me that its Lonsdale plant has been developed with two strategic objectives: to provide additional capacity for Seeley's expanding markets throughout the world; and to establish a world class manufacturing plant for the company's plastic based products, which will enable it to remain competitive with its Australian and overseas competitors.

As a result of the acquisition of the Lonsdale plant in 1996, the company has focused on plastic based products including a plastic injection moulding assembly and the support of tooling and maintenance services. This year, the turnover of the company is expected to be $70 million. The State Government is working closely with such businesses to identify areas of potential development, ways in which to facilitate investment and where it can help companies to create new markets overseas.

The Howard Liberal Government's policy direction on fundamental taxation reform will be a great shot in the arm, enabling companies such as Seeley to expand even further into the international market. With a State Government that is supportive and a Federal Government putting in place the right policy options, companies such as Seeley will be able to expand and therefore employ more people in the south.

MOTOROLA

Mr CONLON (Elder): My question is directed to the Minister for Human Services. Before the Minister as the then Premier signed a contract with Motorola in 1996 for the supply of radio equipment, did he request or receive advice as to why this contract was to be let without tenders being called and did he sign the contract because of advice that a letter signed by the now Premier in 1994 established a contractual right for Motorola to become the designated supplier?

The SPEAKER: Order! The Minister will answer the question in accordance with his ministerial responsibility.

The Hon. DEAN BROWN: I was about to point out that I am the Minister for Human Services and I have responsibility for that portfolio. I do not answer questions relating to a previous role, and all members understand that fully.

Members interjecting:

The SPEAKER: Order! The member for Heysen.

Members interjecting:

The SPEAKER: Order! The House will come to order! The member for Heysen has the call.

TOURISM, ADELAIDE HILLS

The Hon. D.C. WOTTON (Heysen): Will the Premier in his capacity as the Minister for Tourism give further consideration to the need to make the Adelaide Hills a separate tourism region in its own right rather than just being part of the Adelaide region, as is currently the case, bearing in mind the significant contribution that tourism in this area makes to the State's economy generally? Further, will the Premier provide details of a meeting called for next Tuesday to discuss the many complex issues relating to further development in the Mount Lofty Ranges and, in particular, the relationship between that further development and the future of tourism in the Adelaide Hills?

The Hon. J.W. OLSEN: Like the member for Heysen, I have a close interest in activities in electorates in the near Hills area. The member for Heysen rightly points out the unique character of the Adelaide Hills in terms of tourism opportunities and potential for growth in the future. In addition, the honourable member clearly underscores the importance of the water catchment area of the Adelaide Hills and its importance to the State and the city itself regarding the provision of water. Therefore, strategies need to be put in place expanding on the commercial service industries in the Adelaide Hills, building on the outstanding and unique tourism opportunities and experiences of the Adelaide Hills, whilst at the same time ensuring that we protect the resource that supplies Adelaide with its water. It involves a complex set of policies covering a range of portfolios which are important to get right, first, for the expansion of tourism and, secondly, for the protection of that water resource and the environment.

I note that the Federal Government is running television commercials where, through the National Heritage Trust, there is funding to South Australia to ensure the planting of a range of trees and for water courses to be fenced off for protection purposes. I welcome the Federal Liberal Government's support for the environment and conservation measures, and I commend those volunteer groups currently working through the Adelaide Hills and a range of other organisations in following through and putting those measures in place, because it is a significant and important step forward. This Government's approach and performance since 1993 in implementing environment and conservation policy initiatives out perform most other States in Australia. That is something of which the Government can be rightly proud.

On 2 September a meeting, convened between representatives from key agencies and stakeholders with an interest in development in the Mount Lofty Ranges, will consider these complex issues and create a policy matrix that meets the needs of development and conservation and establishes the right formula for the future. The member for Heysen, as I understand it, with his knowledge and experience as a Minister in this area and as a local member, has been invited to participate in those discussions. We ought not underestimate the importance of the outcome of those deliberations, because the policies that evolve from it will look after our children in terms of the environment they inherit in the future. That is what is at stake.

As I am reminded, we do not inherit the land from our forebears: we are simply custodians of the land for our children, and the way in which we protect our environment and look after the land as we pass it on is how we will be judged at the end of our working career and lifetime. I thank the honourable member for his question and commend him for the environment and conservation initiatives he has put in place over an extended period in two Governments. I look forward to the outcome of these deliberations which will be important for South Australia's future.

MOTOROLA

Mr CONLON (Elder): Can the Minister for Information Services confirm that the then Premier Dean Brown signed a contract in 1996 with Motorola for the supply of radio equipment without tenders being called, upon advice that a letter signed by the now Premier in 1994 established a contractual right for Motorola to become the designated supplier?

The Hon. W.A. MATTHEW: We are seeing today an attempt by the Opposition to derail an important Government contract. At this time the Government is involved in sensitive negotiations with Telstra as the preferred bidder for the supply of the Government radio network contract. We are hopeful that that contract, which is in its detailed stages of negotiation, will be signed some time within the next eight weeks. When it is signed the Government will be in a position to deliver what the Labor Government failed to deliver after the Ash Wednesday bushfires—a reliable and complete Government radio network communication system so that our emergency services, police and all users of Government radio can have a reliable system. I would have thought that was a pretty important end result.

At the same time, we have an Opposition that is attempting to muddy the name of a reputable international company in Motorola, a company that already has established 230 jobs in South Australia in its software centre. The company has indicated to the Government in the first instance that it would be establishing 300 jobs. Prior to this debacle in this House it indicated verbally that it might be going well beyond the 300 jobs. That is what is being risked through this debacle in this House. What is being risked is the number of jobs being expanded to 300 and beyond 300. If Motorola pulls out of going beyond 300 jobs, let every member of the Opposition understand that the responsibility will firmly rest on their shoulders, and we will remind Opposition members of it time and again.

At the same time, we have seen in this House the Opposition attempt to undermine EDS and its contract with the South Australian Government and the results that contract has delivered. The Opposition is trying to muddy the waters by bringing into account that organisation's tenure of the building. The Premier mentioned in earlier answers to the House that EDS had four floors and was considering two more floors. As recently as today EDS has indicated to my office that one of those two further floors will be taken up, taking the number to five floors in the new building being constructed. I can see that the member for Hart is not smiling about that result.

REGIONAL DEVELOPMENT

Mr VENNING (Schubert): Will the Deputy Premier update the House on the progress being made in setting up the Regional Development Task Force aimed at improving employment opportunities in some of the State's regional centres?

The Hon. R.G. KERIN: On Monday evening the Regional Development Task Force set up by the Premier met for the first time. The task force was a proactive response by the Premier to a request from the Provincial Cities Association, which presented the Premier with an analysis commissioned by the association and undertaken by the South Australian Centre for Economic Studies. The analysis consisted of three reports involving a statistical analysis and an examination of the cities' opinions and of future options and strategies. The Provincial Cities Association, which includes Port Lincoln, Whyalla, Port Augusta, Murray Bridge and Mount Gambier, called on the Premier to establish the Regional Development Task Force, which is what he has done. One of the terms of reference was to devise a regional rejuvenation program to make the cities and regions more attractive to the capital investment needed to create the industries and the flow-on jobs.

The cities also requested of the Premier that the Northern Spencer Gulf be given the first priority. That was made clear by all mayors when the Premier and I met with them recently. In the northern cities, mechanisation of heavy industries and resource processing have led to great efficiencies but at an enormous cost to those communities in terms of jobs. The future of those cities needs to be a priority both for the task force and for State and Federal Governments in order to make the difference for country people that we should be able to achieve. The task force has a broad charter and, whilst these cities are to be given the initial priority for attention, it is definitely charged with the development of strategies for regional development throughout the State. Challenges vary greatly, as do the opportunities for regional development in South Australia.

In my own area, for instance, I refer to opportunities involving aquaculture and the more intensive forms of agriculture, including horticulture and viticulture, while opportunities involving regions generally include food processing, mining, mineral processing, tourism and manufacturing; and, where improved telecommunications and technology can lead to opportunities, the service industries also have a big role to play.

The task force will also raise with the Government the matter of what it sees as barriers to those industries reaching their full potential. It involves a vast range of opportunities, and the task force is very keen to assist in meeting those challenges. The members of the task force are: John Bastion, Chair (he is the former Managing Director of Solar Optical); Professor Cliff Walsh, who is well known to members; Joy Baluch, who, as members would know, is the Mayor of Port Augusta; Dennis Mutton, who is the Chief Executive of PISA; John Frogley, from Industry and Trade; and our own member for Flinders, Liz Penfold. I look forward to the contribution this task force can make for regional development within the State. Certainly, the Premier's announcement was very widely welcomed in regional South Australia—with one notable exception—and, with input from all areas of the State, I am sure that the task force can, with Government backing, make a difference for country people.

MOTOROLA

Mr CONLON (Elder): Will the Premier table all the Crown Law advice for both the 1994 and 1996 Motorola contracts?

The Hon. J.W. OLSEN: As is the custom and tradition of this House, no.

OUTBACK AREAS COMMUNITY DEVELOPMENT TRUST

The Hon. G.M. GUNN (Stuart): I understand that there is to be a review of the Outback Areas Community Development Trust. Could the Minister for Local Government advise me of the reasons for the review and indicate when it is likely to be completed?

The Hon. M.K. BRINDAL: I acknowledge the valuable work done by the members for Stuart, Frome and Flinders and others whose areas touch the unincorporated areas of this State. The honourable member will be aware of the valuable services offered by elected members of councils in this State, and he may be aware also that the Outback Areas Community Development Trust has been doing an excellent job of serving the needs of the community in the remote areas of the State for over 20 years. In that time, it has provided grants to those communities and has developed electricity generating plants, water supply systems, sceptic tank effluent drainage schemes and other community facilities. In addition, the trust is responsible for dog registration in the unincorporated areas. However—

Ms Breuer: People in unincorporated areas don't get a vote on council amalgamations.

The Hon. M.K. BRINDAL: It is interesting to hear that interjection from the member for Giles. I would like to hear what she thinks on the matter. Everybody else out there has contacted me on that matter except the local member. Half the Liberal Party, the Legislative Council and adjacent members have contacted us about the incorporation of unincorporated areas. The only one who has been very silent is the honourable member who now raises her voice in this House, and I look forward to hearing from her in the near future.

The SPEAKER: Order! Interjections are out of order. The Minister will come back to the question.

The Hon. M.K. BRINDAL: A number of impacts and issues have arisen over the past couple of years which have suggested that it is timely to undertake this first major review. Those impacts and issues include—

Members interjecting:

The Hon. M.K. BRINDAL: I know that members opposite traditionally have no interest at all in the rural areas of this State or in people who are not congregated in the

western suburbs. However, this is an important question for people for whom local government services cannot be applied. I suggest that, if they listened, they might learn something. As I said, those impacts and issues include: the transfer of responsibility for 11 electricity undertakings to the Office of Energy; increased community demand for other infrastructure services; a review of the funding methodology of the Local Government Grants Commission, from which the Outback Areas Lands Trust obtains most of its funds; rapid changes to and community expectations of telecommunications and information technology systems; examination of some council potential boundaries extensions into the unincorporated areas, as was reported in the *Advertiser* this morning; and recent reforms to local government.

A review panel of five people has been appointed, therefore, to undertake a review of the trust, with the objective of strengthening the trust's capacity to adequately serve the interests of the communities in the unincorporated areas of this State. The range of matters that will be considered by the review panel include: the history of the trust and assessment of its performance over the past 20 years; its financial position; an examination of the existing and potential impacts of the trust on the remote communities; and service option delivery for the future for those remote communities. In addition, the review panel is to ensure appropriate consultation with communities in the area. So, I am not expecting a speedy report: it will probably take six months or so before I am able to report to the Parliament on this matter. I am expecting the initial stages of the review to be completed in about—

Members interjecting:

The SPEAKER: Order! The Minister will ignore interjections.

The Hon. M.K. BRINDAL: In December of this year. The membership of the five person panel for the review of the Outback Areas Community Development Trust will consist of the Hon. Peter Dunn as Chairperson; Kathy Fargher, Secretary of the Blinman Progress Association; Paul McInerney, CEO of the Northern Areas Council; Penny Moore, Manager, Strategy and Policy of the Adelaide Hills Council; and Bill Cossey, Deputy CEO of the Department of Industry and Trade. I commend to the House those five people as having a unique blend of expertise and experience. In particular—

Mr CLARKE: I rise on a point of order, Mr Speaker. This matter could be subject to a ministerial statement. We have had the master time waster for the Government consume five minutes of Question Time.

The SPEAKER: Order! The honourable member has made his point. I uphold the point of order. Standing Order 98 does not allow me to require the Minister to wind up his remarks. Provided he gives facts to the House and does not debate the subject, I am powerless in this respect. However, I point out that there is the opportunity for ministerial statements to be made.

The Hon. M.K. BRINDAL: I will follow your advice, Sir, and wind up briefly. It is the Opposition, not my side, that was urging me to go on for another 13 minutes. In conclusion, the members of the trust have a great deal of expertise, are highly regarded by people in those areas, I am sure will conduct this review with absolute efficiency and integrity and will report well to this Parliament on a matter that has long served the interests of the people of outback areas very well.

MOTOROLA

The Hon. M.D. RANN (Leader of the Opposition): Is the Premier concerned about the unauthorised release to the media of the contents of his 1994 letter to Motorola and the 1996 contract between Motorola and the Government? Is he aware of the source of these leaks, and what action has he taken in relation to them? Is it a Minister leaking against you?

The Hon. J.W. OLSEN: They struck out today in Question Time, so what do you do to resurrect it for the benefit and the interest of the media? You bring in this bit of side play; you go off at a tangent. Because the Crown Solicitor has knocked them out of their Question Time today, they get their fertile minds working—'What can we do to go off at a tangent? How can we get some media interest back into this issue? How do we keep it alive?' These are the tactics of the Opposition. To those in the gallery, this is the Opposition in South Australia. It is so bereft of policy ideas, any initiative for South Australia or any plans for the future of this State, that all the Leader of the Opposition can ask is an inane stupid question such as that. I do not care, and the reason I do not care is that it is not relevant. It has no import because, as of 27 August this year, the Crown Solicitor has put paid to the fishing expedition of the Opposition Leader.

Members interjecting:

The SPEAKER: Order! The House will come to order.

PORK INDUSTRY

The Hon. G.M. GUNN (Stuart): Will the Minister for Environment and Heritage inform the House of action which will be taken by the State Government to alleviate some of the cost burdens facing the State's struggling pork industry? For several months now South Australia's pig farmers have faced significant hardships and traditionally have had to pay a range of operating fees and costs. I am sure the House is interested in the response.

The Hon. D.C. KOTZ: I know that members on the other side of the Chamber will be quite comfortable with this subject. The production costs for the State's pork producers have been higher than their income for most of this year, and this has been very devastating for a large number of piggery operations. In the lead-up to Christmas pork prices normally rise, which gives producers some extra income which can help to support them through lean times. However, in the period prior to Christmas 1997 prices for these producers did not rise. Nationally, domestic pork consumption has fallen from some 20.2 kilograms per capita in 1994-95 to 18.8 kilograms per capita in 1996-97 as a result of very strong, tight competition from other meats.

Unlike most other Australian agricultural industries, the pig industry focuses almost wholly on its domestic market. The Federal Coalition Government is also looking at further measures to assist this industry on top of its $10 million national pork industry development program which it established last year to help improve its international competitiveness and encourage a shift from a domestic to an export focus. It has been estimated that piggeries in South Australia have been losing from approximately $1 500 a week to $90 000 a week, depending on the size of the operation. Currently 32 piggeries are licensed under the Environment Protection—

Members interjecting:

The Hon. D.C. KOTZ: If you listen long enough, you

will hear the answer to your amazing question. Currently 32 piggeries in South Australia are licensed under the Environment Protection Act 1993. I am pleased to inform all members that I have today authorised the Environment Protection Authority to waive the licence fees paid by piggeries licensed under the Environment Protection Act. This waiver will apply for at least one year and will go in a very small way toward reducing the financial burden on a struggling South Australian industry. The decision to waive these fees is strongly supported by the South Australian Farmers Federation and by my colleague the Minister for Primary Industries, Natural Resources and Regional Development, the Hon. Rob Kerin. It is quite obvious—

Members interjecting:

The SPEAKER: Order! The House will come to order. It is the last 7 minutes of Question Time for the session. I would say that members on both sides have had a pretty fair go this week. I would ask them to remain silent while the Minister completes her answer.

The Hon. D.C. KOTZ: It is obvious from the reaction on the other side of the House that members opposite have absolutely no interest not only in economic development within this State but also in a struggling rural industry that needs and is getting support from this Government. The pig industry at the moment is facing hardship, which has been very severe this year. This is but a small way in which this State Government will help to alleviate the financial—

Mr Foley interjecting:

The SPEAKER: Order! I warn the member for Hart for the second time for deliberately disrupting the House and flouting the Chair.

The Hon. D.C. KOTZ: Regardless of the comments from the Opposition, which are outrageous in terms of supporting rural industries, this small measure we are taking here today will alleviate what has been a financial burden on individual South Australian piggeries.

Mr Brokenshire interjecting:

The SPEAKER: Order! The member for Mawson will come to order.

SHOPPING HOURS

Ms KEY (Hanson): I direct my question to the Premier. When will the Government release its review of shopping hours and put an end to the uncertainty which small business is facing? Is the release of the review being withheld until after the Federal election because of concerns over negative reaction by small business? Over five months ago the Premier announced a review—

Members interjecting:

The SPEAKER: Order on my right. The Chair cannot hear the explanation to the question.

Ms KEY: Over five months ago the Premier announced a review into shopping hours and said that the Minister responsible would take six weeks to hold discussions with all interested parties and lobby groups. The Opposition has been contacted by small business owners who are distressed by the fact that they have been advised that major supermarkets are preparing to open to 10 p.m. on weeknights from next month.

The Hon. M.H. ARMITAGE: As all members of the House would know, the matter of shop trading hours is particularly complex. The reason it is particularly complex is that since time immemorial Governments have cobbled together short-term, piecemeal solutions, mainly to appease particular interest groups. The response to the Premier's call for input in relation to this matter was overwhelming. We received hundreds of responses, and it is fair to say that large numbers of those came from groups that would be regarded as natural constituents of members opposite, because they are members of unions.

As the Minister responsible I have had long, protracted, detailed discussions with all sides of the spectrum in the argument in relation to shop trading hours. It has been particularly interesting that people have indicated a real passion about their cause. What I have said in relation to shop trading hours when I have been discussing the matter with the various protagonists is that I believe that whatever solution the Government comes up with is unlikely to please everybody. That will not be a surprise to anybody in this House. But I do take note that in the past the Opposition has rigorously opposed any extension to shop trading hours.

Mr Koutsantonis: Hear, hear!

The Hon. M.H. ARMITAGE: The member for Peake says, 'Hear, hear.' We can only suppose that, unless the member for Peake and other members opposite have an experience such as Saul's on the road to Damascus, their reaction to any potential change which the Government might make will be to stick their head in the sand and say, 'No'. They are the dilemmas and difficulties facing us on this issue, because many people have being saying the Government ought to expand shop trading hours. I equally acknowledge that many people say that the Government ought not to expand shop trading hours. I emphasise to the House that, if anyone is saying that people are already gearing up for a 10 p.m. closing time, that is clearly the wrong thing for them to be doing, because the decision has not yet been made. It is as simple as that.

Members interjecting:

The Hon. M.H. ARMITAGE: That has nothing to do with the Federal election whatsoever. I also identify to members that, in my other portfolio as the Minister Assisting the Premier for Information Economy, I am very aware of the fact that the information economy—an area in which South Australia is doing very well, despite the harping from members opposite—and the use of the Internet and shopping malls and the world wide web, and so on, unless members opposite remove the blinkers, shortly will make any shop trading hours a mockery. I am sure that members opposite have purchased things on the web. If they have not, they are way behind the times and they are dragging the chain.

Mr Foley: Not on Sundays.

The Hon. M.H. ARMITAGE: The member for Hart, unfortunately, has led with the chin, because if you shop on the net you shop 24 hours a day—

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: No. For argument's sake, let us suppose that the member for Hart wants to buy a record or a CD from Amazon.com. Being the good Labor Party member that he is, he does not want to do it outside normal shop trading hours in South Australia. The fact that it is 3 a.m. in Seattle, or wherever, means that—

Members interjecting:

The Hon. M.H. ARMITAGE: That is right. And that is the opportunity that we are missing. If we are not absolutely aware of the fact that the information economy means that people from around the world can shop 24 hours a day in South Australia, and so create export opportunities, South Australian business will miss the boat. Having said all that, the answer is that we will bring back a report in due course.

ROAD SAFETY

The Hon. DEAN BROWN (Minister for Human Services): I lay on the table a ministerial statement relating to road safety management arrangements made in another place by the Minister for Transport and Urban Planning.

MEMBERS' TRAVEL

The SPEAKER: I lay on the table the Summary of Members' Travel for the House of Assembly for 1997-98.

MEMBER'S EXPLANATION

Ms THOMPSON (Reynell): I seek leave to make a personal explanation.

Leave granted.

Members interjecting:

The SPEAKER: Order! The House has granted leave for the honourable member to make a personal explanation. The House will hear it in silence.

Ms THOMPSON: During the Premier's remarks on the great contribution made by Sealy International to the south and to this State, I claim that he misrepresented me, in that he indicated that I was laughing about the importance of the manufacturing industry in this State. I was, in fact, expressing my surprise that, despite the fact that Sealy is a major firm in my electorate, the normal courtesy of inviting the local member to such an important event was not extended to me, nor, indeed—

The SPEAKER: The member is now starting to debate the issue. She has leave to make a personal explanation only.

Ms THOMPSON: The point is that I was not laughing; I was merely commenting on an issue.

GRIEVANCE DEBATE

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

Ms BREUER (Giles): I was interested to hear the comments today from the Deputy Premier about the new task force for regional South Australia and its role to look at increased opportunities for employment in regional South Australia. I suggest that one of the matters the task force should look at is the decline in Public Service figures in the regional towns in South Australia. I want to talk today particularly about the situation in Whyalla regarding ETSA—the sale of which has caused much heartache and much discussion in this Parliament over the past few months. I have heard a number of disturbing reports of the situation in Whyalla and the way in which ETSA is operating there. I believe that this is an example of what is happening in country regions, with the cuts to the Public Service and particularly the running down of ETSA in those areas.

I point out that this is in no way a reflection on the workers based in Whyalla, who I believe are under extreme pressure to operate, with very long working hours and huge workloads, because of the restrictions that are being placed on them by their reduced resources. I believe that this is being carried out in pursuit of savings, and I believe that it is a deliberate attempt to run down services to enable privatisation of those services. The ETSA work force in Whyalla has been reduced: it is now operating with three linesmen, where there were originally 12. There are no stores kept in Whyalla: they have to be ordered in whenever anything is required. Their trucks, which are essential for their work, have been downgraded, and maintenance work on local plant and equipment is non-existent because of the workload of the workers there.

The conditions are shocking and particularly unsafe. There are no tools to do jobs (or very few tools to do jobs). They are not replaced and they have to do their best with what they have. Because no maintenance has been done on assets for six years, a lot of work is not being done. I repeat that it is unsafe. The organisation has been relocated to Port Augusta: therefore, it is losing local knowledge and jobs are not being organised properly. Adequate safety equipment is not even being provided for these workers. They are not being trained—there is no such thing as training any more—and there is not enough time to do it, even if it were allowed.

Despite the lack of human resources, tools, equipment, and so on, the responsibility is still being dumped in the Whyalla area for things that go wrong. There are two people on call, and they are told that there will be back-up from Port Augusta. Adelaide people may not realise that Port Augusta is a minimum of 40 minutes away, probably 50 minutes away, in one of those large trucks. So, if there is an emergency and the police and the fire brigade are involved, there is a minimum wait of 50 minutes before the Port Augusta unit arrives. Otherwise, people rely on the two people who are based locally. They are the only two people who are available constantly, so they are called out at weekends and at night. This causes wear and tear on their family and on their personal situation, and the stress on these people is incredible.

This is having a direct result on local contractors in Whyalla. I have been visited by a number of local contractors—of which there are about 20 operating in Whyalla. This run down in service is having a major impact on their business. All their jobs have to be faxed to Port Augusta, and I believe that very shortly they will go to Adelaide to be allocated. Service is now available to these contractors only on Mondays and Thursdays: on any other day they have to pay considerable additional fees to get ETSA to come out. Often jobs are cancelled. Whyalla has had an incredible amount of rain in recent months, which is unusual for this time of the year, and many jobs have been cancelled on the day because of the weather.

Another thing that is happening is that workers will arrive at a job and find that they have the wrong equipment or that there is a lack of equipment and the job is cancelled and put off for a number of weeks. This is directly affecting these local contractors. They are frustrated by what is happening and they are losing money and losing face with customers as a result of what is happening. It is very difficult to explain that it is not their fault but the fault of ETSA. The ETSA workers are feeling bad about the situation and are having major trouble in trying to overcome these odds, against all odds.

This Government supposedly supports small business. These contractors are losing a great deal of money over the way the situation is operating. I believe what is happening in Whyalla is an appalling situation and it must be rectified.

Mr BROKENSHIRE (Mawson): I am pleased that the Opposition is showing some interest in my grievance contribution, because I raise a very important matter—the matter of commitment and appreciation of small business

within my electorate. I particularly want to highlight the enormous positive changes that are occurring in the McLaren Vale area when it comes to capitalising on what is happening with both the wine industry and tourism/hospitality. There has been a real upsurge in growth in the alfresco coffee and boutique bakery opportunities within the small businesses of McLaren Vale, together with specialised fruit processing places, such as one that I will open on Saturday for Peter and Helen Bennett, who I congratulate immensely on their initiative.

They have begun a home activity whereby they produce very healthy preservative-free, colour-free dehydrated fruit rolls not only for schools but for anyone interested in healthy and safe quality food opportunities. I know that the business has been growing at quite a rapid rate because of acceptance of their product and I am delighted that they have been able to come out of the home activity area into their own small business in McLaren Vale in part of the light industrial commercial precinct. I wish them all the best. I am always proud of anyone who is prepared to put their money and energy where their mouth is and to get on with the job of creating economic opportunities for South Australia.

I also congratulate someone whom I have known for a very long time. This person used to be my accountant but went into what was McLaren Vale Fruit Packers, now Mitre 10 Hardware, which has expanded into IAMA. IAMA is an exciting opportunity for South Australia when it comes to producing rural services and supplies. The Government for the past five years has been encouraging and supporting the commitment by viticulturalists, horticulturalists and farmers throughout the Willunga Basin, Onkaparinga Hills and Fleurieu Peninsula. The commitment to develop an IAMA store in McLaren Vale, adjacent to Mitre 10 Hardware, will increase economic opportunities, and good services and commodity provisions will be provided to those who are committed to developing the food industry in our region.

I also congratulate those people who are planting more vineyards as well as those looking to diversify into the olive industry. Currently, $120 million of olive product is imported into this country. South Australia is well positioned to capitalise on this industry, because in our national parks—in fact on our road verges in many areas—olive trees are seen as a pest plant if they are not controlled and managed. But the good news is that olive trees grow naturally in our Mediterranean areas—and, of course, the most Mediterranean area in the whole of South Australia is the Willunga Basin and Fleurieu Peninsula. We already have two olive oil processing plants in the Willunga Basin as a result of diversification and the commitment and interest in growing olives in the region, and there is the commitment of PIRSA to provide a dedicated officer to help with that growth. The Israelis who have come to Australia have shown a real commitment to bringing out the very best root stock for olive plants. The City of Onkaparinga, the Council of Alexandrina, the District Council of Yankalilla and the District Council of Victor Harbor are committed to supporting people who are prepared to develop this magnificent opportunity.

The wine industry is the flagship of our region: there is no doubt about that. As the local member, I have a duty to encourage and support opportunities outside what is primarily a monoculture in our basin at present, that is, the wine industry, and I foresee exciting opportunities for the olive industry. According to advice from the Willunga reusers group, stage 1 of the recycled water project is on track and will be completed by March-April next year. These small businesses make up economic opportunities and real jobs in my electorate. On behalf of my electorate, I thank all the small businesses which are prepared to risk capital to grow our region. It is exciting; a lot is happening; youth unemployment is dropping; and I am sure there is a better future ahead.

The Hon. M.D. RANN (Leader of the Opposition): Today, I want to talk about a group of white shoe businessmen in Adelaide who do not have the courage of their political convictions. Several weeks ago, full page advertisements were placed in newspapers which supported the sale of ETSA but which did so in a way that attacked me and my children personally. Personal attacks never convince anyone to change their mind, and when I am attacked personally it makes me even more determined to do exactly the opposite of what my opponents want.

What amused me was the cowardice of those involved in the placement of these ads. The ads had little to do with the sale of ETSA and everything to do with the campaign by Liberal 'wets' to get their candidate, Charlie Winter, into the Liberal presidency. That is why, rather than those involved putting their names to the advertisements, Nigel Winter authorised them saying he did so 'on behalf of a number of concerned South Australians'.

The law firm whose address was used in the adverts publicly moved to distance itself from the tacky nature of the ads. Tony Johnson, Chairman of Johnson Winter & Slattery, wrote advising me that the advertisements were prepared and placed without any involvement on the part of his firm. Mr Johnson said that Winter did not have authority to make any statements or issue any advertisements on behalf of the firm. Johnson advised me that Winter had announced his retirement as a partner of the law firm to pursue his political and professional interests.

Johnson's letter was only partly correct because the advertisements were prepared by Johnson Winter & Slattery staff with the assistance of Christopher Pyne, the Federal MP for Sturt who was running Winter's campaign for the Liberal presidency. Winter was leaving the firm because the firm was aware that he was the subject of disquiet about his ethical and professional conduct as a lawyer. He was about to be a major and costly embarrassment to the firm, and that is why the Attorney-General asked him to drop out of the race for the Liberal presidency, and that is why he lost the contest. Then I was given a list of names of some of the people involved. I telephoned the first name, Jim Jarvis, the former Lord Mayor of Adelaide. He did not seem to want to 'fess up' but then admitted that he was 'peripherally' involved; he wrote the ad, 'Be a man Mr Rann and change your vote', but he was not 'man' enough to put his name on the ads.

The next name, Michael Brock, from the well-known real estate firm, had been put to me. I telephoned him and he said:

> Let me tell you and you can write this down and I will go on record as saying this and I can look you into the face until I die and the answers are correct: I have put absolutely no money whatsoever in any political campaign and won't be.'

So, we obviously have to accept Mr Brock's word. Then, of course, Barry Fitzpatrick of Adelaide Bank and Universal Wine Bar fame entered the frame. I was particularly amused by his statement that if South Australian politicians were 'in senior management in the private sector their shareholders would have removed them from their positions because they are incapable of making proper decisions'.

In regard to ETSA, I am more than happy to test his views with ETSA shareholders—the public of South Australia—in

an election. After all, the overwhelming majority of South Australians voted at the last election in favour of Parties that pledged not to sell ETSA. However, in respect of the private sector his comments left me concerned about what happens in banking. If the directors of a bank convened an extraordinary general meeting of shareholders and undertook that certain assets of the bank would not be sold, and then immediately sold those assets, I am sure even Barry Fitzpatrick would agree that the directors would receive more than a hostile response from shareholders.

The reaction from the Australian Securities Commission would be even more serious if it was then discovered that the directors deliberately did not reveal their extensive plans to sell those assets before the shareholders meeting in which they pledged to do the opposite. The directors would be in gaol. To do so wilfully would involve misleading and deceptive conduct by directors and would be a major breach of corporations law. I am sure Mr Fitzpatrick or his bank would never act in such a way, but I would be interested to know whether Mr Fitzpatrick agrees with my interpretation of Australian company law in regard to the duties of directors of his bank. He certainly has more than 500 000 reasons a year to do so. Mr Fitzpatrick has had a particularly taxing time lately, but I do not recall Mr Fitzpatrick—or, indeed, any of the SA business people involved—making similar statements to the media in 1997 attacking the Olsen Government when it pledged never to sell ETSA.

But, last night I received the telephone call which I had been expecting and which explained why there was a veil of secrecy about the money behind the campaign. The informer contended that, in fact, it was Rob Gerard, alias Catch Tim, who was the key to the funding—and, of course, Rob is currently seeking higher honours. We will expect him to deny his involvement in this campaign, but, then he did back in 1994, although he was caught out later.

Mr VENNING (Schubert): During the break, the business of the State will continue. First, I wish to highlight that South Australian Cooperative Bulk Handling Limited will be making decisions vital to both its future and the future of South Australia, some as a result of legislation passed in this House last week. I declare, again, my interest in the matter as a farmer and a member of the company.

I was pleased to hear that the company will convene meetings across the State in the next month where many issues involving the future of the company will be publicly discussed and debated. Also, in the period from 9 to 29 September, the company will elect a new board. The election will require the election of six new grower-director members to the Board, representing three zones across the State—the western, central and eastern zones—and there must be at least one from each zone. I do not think it is a good idea to have a series of meetings during this process, but it will provide a good opportunity for grievances to be aired both prior to and during the process.

As a member of Parliament, I am aware of several issues that concern the farming industry and communities. First, in relation to the legislation passed last week, I remind the House that I was not in favour of it; nevertheless, it is now a fact of life. All the stakeholders are now keen to know what the future holds, particularly after the public comments of many people involved. I quoted one of those press articles during the debate last week in terms of concerns raised by the Chief Executive, Mr John Murray. By any interpretation, the future is uncertain as to the direction of our much respected company.

Other concerns include opposition to initiatives by the company to move away from its core business, that is, handling and storing grain. Right or wrong, I am told that there are further concerns, especially in relation to the company's decision at this time to move into wine storage. It was curious that I had not heard anything since this matter was brought up at the last annual general meeting where it was hotly debated and pushed through by the use of proxy votes. I am told that land was purchased in April this year in the Ebenzer area, which, of course, is in my electorate, and that approximately $340 000 was paid for 97 acres, which the neighbours tell me was approximately three times its broad acre value. Now I am told that the company will have difficulty getting approval for this development on that site. I hope that it will be addressed at the next round of meetings.

I was also curious to hear last week that, apparently, the company had purchased the land and operations of Pea and Grain Operations at Two Wells, in particular its grain splitting operations. A figure was quoted to me as the buying price—and I will not quote it here—but the asking price was apparently more than $1 million. I wonder what the company had in mind in this regard? Why did it buy the splitting operation? Is this value adding, or is it taking on another problem?

There is concern about the company's losses, particularly some time ago, with its computer operations. The company incurred losses—that is undisputed—but to what extent? What has the company done to remedy the problem, and is the problem ongoing? I would like this speculation laid to rest once and for all. I was always curious about why the company had to purchase the old Esquire Motel alongside its silos at Wallaroo and then demolish it. I know there were environmental problems with the noise and dust, but the motel was built long after the silo was built there. I believe the company had an existing use advantage that it overlooked. I do not believe the company had to buy it and knock it over. It was a little soft.

As the company's mode of operation changes, members are concerned about the future ownership of the company and, in particular, the relationship they have with the company via their tolls versus the grain charges they pay. Members are concerned that, to build new infrastructure, charges are rising and tolls are being used less. Is this a deliberate change of policy, and what is the strategy? I stand to be corrected, but is this lessening the opportunity for growers to increase their stake in the company and still pay the money via the increased charges? I hope the round of meetings will address various industrial issues such as hours of operation of the company; hopefully, the flexibility will continue, to allow it to be open longer on good reaping days. I wish the new board all the best, and hopefully the right people will be elected.

In conclusion, I inform the House of the ill health of someone known to many members, that is, Mr Rod Abel, who is seriously ill in Gumeracha Hospital. I remind members that Mr Abel is the man who was destroyed by the previous Labor Government and its sabotage of Marineland and his company Tribond. Some people involved in that are in this House today, and they know what happened. I hope they are compassionate enough to feel for him today, and join the current Government in wishing him and his family well.

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

Mrs GERAGHTY (Torrens): I express my disappointment with the hypocrisy of this Government, in particular the Minister for Human Services, Dean Brown. Earlier today, my colleagues spoke on this issue; but I just want to put a few words on the record. Yesterday, I was actually publicly kind to the Minister, because I believed he was a man of integrity and had a genuine interest in the welfare of children in this State. Today, I believe I was wrong and that the Minister is interested only in political point scoring. Yesterday, I sat in this Chamber next to the Minister and spoke to him about my door-to-door sales Bill which would have put in place protective procedures for children who are at risk. I asked the Minister what the Government's intentions were. He told me that he believed this Bill would be better dealt with under the Child Protection Act. For the record, my intentions were that, however we did it, we should make a law that clearly puts in place safeguards for children who sell door to door.

So, I accepted the Minister's word and agreed to work with him in a bipartisan way towards that very end, something which many other members on this side of the House have done previously. I spoke to the Minister about the measures and safeguards that were needed, such as using the police security check system to ensure that those who supervise children are proper and fit persons. I spoke to the Minister about the times that children work and about the need for the supervisor to make regular contact with the children. I spoke to the Minister about children being at risk because they were too young to do this type of work. We talked about the minimum age of 15 years and about children being taken to the country.

During that conversation I gained the impression that the Minister had not read the Bill, and I actually said so to one of my colleagues later in the evening. But it did not matter, because I really believed that he genuinely cared and that he intended to work with me in a bipartisan way to achieve a protective Bill to safeguard children. Well, I was fooled—duped you might say—because all he wanted to do was grandstand.

I read the Minister's press release of today. I heard him on radio this morning regurgitate my words—the very words I said to him in this Chamber—and take credit for a great deal of the work undertaken by me, people such as Leon Byner, many others and, in particular, the Employee Ombudsman, Gary Collis, who has a genuine interest in this Bill and who gave a lot of his private time to help me and others to ensure that the Bill afforded real protection to children at risk. Basically, I believed the Minister's words that he genuinely cared and that we could work together, but never again. For the record, I did not say that I would withdraw this Bill: I said that the Bill would fall from the Notice Paper because the Government would not support it and we would not be able to deal with it. I said that I would support the Government on any amendments to keep the intent of the Bill if there was a way of doing it—and I stand by that statement. But I said that, if I was unhappy with the amendments put to the House, I would reintroduce this Bill in the next session—and I will.

It is a shame that the Government and the Minister chose to play a game with such an important issue—the welfare of our children. This Bill has sat on the Notice Paper since 2 July, and the Government has done nothing. It has taken some 10 years to get such a Bill before this House. We have had 10 years of children being at risk and now, suddenly, Minister Brown is concerned, but not concerned enough to deal with this Bill here and now or to make any amendment that he sees fit to ensure the safety of children: he wants to play games with it. As the member for Ross Smith said, the Bill has taken all groups into consideration and defines clearly that it is about children who sell door-to-door for a private-for-profit company. It does not include the scouts.

The Minister's press release announcing this 'new' initiative was put out today and he claimed credit for it. It is a sham and a disgrace—and it is only so that Minister Brown can claim that he is a good guy and that he cares. Well, after today I have no faith in him, his word or his so-called genuine intentions. Today, the member for Hartley referred to members' needing a lamp post to lean on. Well, Dean Brown is the perfect example of that. He needs something to lean on to prop him up. The Minister uses other people's hard work and genuine concern to that end. It is a cheap, trashy and wussy way to do it.

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

The Hon. G.M. GUNN (Stuart): I am pleased to debunk one or two negative concerns about the Government's attitude in relation to the future of the people of South Australia. The House has been sitting for weeks, yet the Opposition has not provided any alternative strategy or suggestion to help investment or to reduce debt. It is the role of Government and members of Parliament to make correct and responsible decisions, not short-term populist decisions which do nothing for the welfare of the people of this State. We have seen an appalling attitude from members opposite, with their negative and carping criticisms, and I refer particularly to the member for Kaurna, who seems—

Mr Hill interjecting:

The Hon. G.M. GUNN: I am delighted that the member for Kaurna is here; he seems to be an agent for the Conservation Council, particularly the radical sections of that organisation. He proved earlier this session that he has a dislike for the pastoral industry. He has even had the effrontery to go on radio and accuse me of being the leader of a right wing group within the Liberal Party.

Mr Hill interjecting:

The Hon. G.M. GUNN: I will deal with you and your mate Bob Francis in a minute and tell you what I think about him. The honourable member went on radio and said all sorts of things about how bad the legislation was, and he accused me of being the leader of some right wing faction within the Liberal Party that is responsible for this legislation. Anyone who knows me knows that I am a man of moderate views. I have always thought that I am someone who represents a balanced point of view. I own up to supporting the interests of the pastoral industry because it is good for South Australia: it plays an important part in the economy, and we should encourage and assist it whenever possible. In the light of the attitude of the Conservation Council and those other fifth column groups that want to sabotage South Australia, I give no credence—

Mr Hill interjecting:

The Hon. G.M. GUNN: You can go and tell them. I understand that they are not keen on me, anyway. I have had a few wins over them recently and they have a few more defeats coming yet. They will get the stick taken to them, because we will not allow those elements to stand in the way of progress and the interests of the people of South Australia.

We want more mining and responsible development in this State. The last thing we want is those people who are allergic to water and who want to live in a tent by candlelight—that is their attitude—dictating policy. When you turn on the

television set and see those people at Kakadu, it makes you wonder what Australia is coming to. If you offered them a job they would be insulted. That is the last thing they would want, because they are bludging off the hard work and sweat of the average Australian.

I know that members are not supposed to comment on interjections—and I do not normally do that—but I am interested in a comment about a second rate talkback program which the member for Spence seems to be a regular part of. From time to time, the member for Spence goes on that program and most uncharitable, inaccurate and quite scurrilous things have been said about me. On the few occasions on which I have been in Adelaide in the evening when the House has not been in session, I have tried to get onto that program, but they do not practise even-handedness because it has been impossible.

Mr Atkinson: All you have to do is ring up.

The Hon. G.M. GUNN: And they will not put you through. I say to Mr Francis and his producers that, if they want to run with the honourable member and want it to be a forum for him, they should not expect the rest of us to take them seriously. Why not invite a few others to participate? When you telephone them they will not put you through, particularly when you want to respond to some of the irrelevant nonsense you have heard. Fortunately, that program does not go out to my electorate and most people do not take it seriously, anyway. I normally do not take it seriously—

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

MINISTER'S REMARKS

Mr HILL (Kaurna): I seek leave to make a personal explanation.

Leave granted.

Mr HILL: Last night during the adjournment debate the Minister for Environment and Heritage made three claims about me which I believe misled the House. I will read what she said and explain. The Minister said:

> . . . I point out to the member for Kaurna that the word is 'euthanased' and not 'euthanised'. . .

Later, the Minister said that I discussed something in a very illiterate manner. She then said:

> I thought I had already proved that with the member for Kaurna's mispronunciation of 'euthanased' as 'euthanised'.

I refer to page 731 of the *Macquarie Dictionary* where two words are listed under 'euthanasia': 'euthanase' and 'euthanise'. The past tense of 'euthanase' is 'euthanased'; and the past tense of 'euthanise' is 'euthanised'—both words mean 'subject to euthanasia'.

The Hon. I.F. EVANS (Minister for Police, Correctional Services and Emergency Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. I.F. EVANS: Yesterday, during Question Time, with reference to a question from the member for Wright I made a statement to the effect that I had been told that the attendants had received information regarding a question previously asked by the honourable member. It has been confirmed with me today by a representative of the attendants that that is not the case, that they cannot confirm that they ever received the information from the member for Wright. It appears that I may have incorrectly stated the position yesterday, and for that I apologise to both the House and the attendants.

STATUTES AMENDMENT (MOTOR ACCIDENTS) BILL

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

As to Amendments Nos 1 to 4:

That the Legislative Council no longer insists on its disagreement.

As to Amendment No. 5:

That the House of Assembly amends its amendment by leaving out all the words after 'Leave out section 124AC'

and the Legislative Council agrees thereto.

As to Amendment No. 6:

That the House of Assembly amends its amendment by inserting after subclause (3):

(4) The insurer must, after acquiring the vehicle, allow inspection and, if necessary, testing, of the vehicle, on reasonable terms and conditions, by—

(a) any person who is or may become a party to proceedings in respect of death or bodily injure caused by or arising out of the use of the vehicle; or

(b) any person who otherwise has a proper interest in inspecting the vehicle; or

(c) any agent of a person referred to in paragraph (a) or (b).

and the Legislative Council agrees thereto.

As to Amendments Nos 7 to 10:

That the Legislative Council no longer insists on its disagreement.

As to Amendment No. 11:

That the House of Assembly amends its amendment by inserting after 'paragraph (a)' the words 'and substitute:

(a) require that, for the purposes of this section, the regulations made for the purposes of section 32 of the Workers Rehabilitation and Compensation Act 1986 be read subject to modifications specified in the notice;'

and the Legislative Council agrees thereto.

As to Amendment No. 12:

That the Legislative Council no longer insists on its disagreement and the House of Assembly makes the following additional amendment:

Clause 9, page 4, lines 2 to 12—Leave out subsection (3) and insert:

(3) The Minister must, before issuing a notice under subsection (2)(a) or a notice varying or revoking such a notice, consult with professional associations representing the providers of services to which the notice relates.

and the Legislative Council agrees thereto.

As to Amendment No. 13:

That the Legislative Council no longer insists on its disagreement and the House of Assembly makes the following additional amendment:

Clause 9, page 4—After new subsection (4b) insert:

(4c) Proceedings may not be commenced under subsection (4b)(a) in relation to a charge for a prescribed service for which there is not a prescribed limit and to which a prescribed scale does not apply if, prior to the injured person being charged for the service, the insurer agreed to the amount of the charge.

(4d) Proceedings may not be commenced under subsection (4b) unless the insurer has—

(a) first given the service provider notice that the insurer claims the charge to be excessive or the services to be inappropriate or unnecessary, as the case may be, and of the reasons for the claim; and

(b) allowed at least 30 days from the giving of the notice for the service provider and any professional association or other person acting on

behalf of the service provider to respond to the claim and consult with the insurer; and

(c) given due consideration to any response to the claim and proposals for settlement of the matter made by or on behalf of the service provider; and

(d) given the service provider notice of the result of the insurer's consideration of the matter and allowed a further period of 30 days to elapse from the giving of that notice for any further consultations if requested by the service provider.

and the Legislative Council agrees thereto.

As to Amendment No. 14:

That the House of Assembly amends its amendment by inserting after 'subsections (6), (7) and (8)' the words 'and substitute:

(6) Proceedings may not be commenced under subsection (4b) or for an offence against subsection (5) in respect of prescribed services provided in relation to bodily injury caused by or arising out of the use of a motor vehicle unless liability to damages (whether being the whole or part only of the amount claimed) in respect of that injury has been accepted by or established against an insured person or the insurer.

(7) Proceedings for an offence against subsection (5) may be commenced at any time within 12 months after—

(a) liability to damages (whether being the whole or part only of the amount claimed) has been accepted or established as referred to in subsection (6); or

(b) receipt by the insurer of an account for payment of the charge to which the proceedings relate,

whichever is the later.

(8) In proceedings for an offence against subsection (5) it is a defence if the defendant proves that, at the time the defendant charged for the services, the defendant, having made reasonable inquiries, had reason to believe that neither an insured person nor the insurer has or might have any liability to damages in respect of the injury.'

and the Legislative Council agrees thereto.

As to Amendment No. 15:

That the Legislative Council no longer insists on its disagreement.

As to Amendments Nos 16 and 17:

That the House of Assembly no longer insists on its amendments.

As to Amendment No. 18:

That the Legislative Council no longer insists on its disagreement.

As to Amendments Nos 19 to 21:

That the House of Assembly no longer insists on its amendments.

Consideration in Committee of the recommendations of the conference.

The Hon. M.R. BUCKBY: I move:

That the recommendations of the conference be agreed to.

This Bill, which was introduced on 4 June 1998, contains amendments to the Motor Vehicles Act 1959 and the Wrongs Act 1936 regarding aspects of the compulsory third party bodily injury insurance scheme. The Bill was aimed at reducing pressure on third party bodily injury insurance premiums by containing the increase in the cost of claims. The Third Party Premiums Committee had shortly before that date forwarded a determination to the Minister for Transport and Urban Planning which provided that as from 1 July 1998 the premium for third party bodily injury insurance for class 1 vehicles should be increased from $225 to $254 (an increase of 12.9 per cent).

In recognition of community desires for cost pressures to be controlled and in the expectation that Parliament would be prepared to approve the majority of the measures contained in the Bill, the Treasurer issued a direction to the Board of the Motor Accident Commission that, for the time being, the premium for class 1 vehicles should be increased to only $243 (an increase of 8 per cent). Unfortunately, the Labor Party and the Australian Democrats have combined to substantially defeat the Government's intention and eliminated measures which would have contributed two-thirds of the projected savings. As a consequence, the Government is left with no choice but to announce a further increase of 3.1 per cent (compared to June 1998) or $7 for a class 1 vehicle, taking that premium to $250, with a proportional increase being required for all other vehicle classes—for example, $56 for a metropolitan taxi, $19 for a heavy goods carrying vehicle, and $34 for a large school bus in the metropolitan area.

This action by the Labor Party and the Australian Democrats will result in higher premiums not only this year but also in future years. The most significant measure, which would have generated savings of $10 million per annum, was defeated by the Opposition, the Australian Democrats and the Anti-Pokies Independent, the Hon. Nick Xenophon. This measure was designed to require an increase in the extent of injury sustained before pain and suffering awards could be made. The current provision requires a seven day significant impairment period which would often be assessed on the basis of a doctor's certificate. Those members opposite and on the cross benches felt it was more important to protect the entitlements of people with minor injuries than to control the rate of increase in third party premiums. They felt it was more important that a person suffering bruising, abrasions or headaches for only a week and with no long-term problem should receive cash payments from the CTP Fund.

They felt it was necessary to protect precedents such as that set in the *King v Degugliemo* case where compensation of $2 000 was awarded for a 1987 accident where there were some symptoms of stiffness and soreness in a neck for a relatively short period and, in any event, for no more than three or four months. They ignored tests interstate requiring a 12 month impairment period before any pain and suffering awards are made in NSW, an impairment level of at least 30 per cent in Victoria, or a minimum award of $10 000 before any money is paid in Western Australia. They felt that the cost and expense of legal argument to justify relatively small payments for very minor injuries was warranted and, as a consequence, all motorists in South Australia will have to pay higher premiums.

Another issue involves awards for loss of earning capacity. The Government proposed to restrict payments of substantial damages for future economic loss in those cases where the degree of probability of financial loss occurring is slight or remote. The Government's proposal was identical to a provision in the New South Wales Motor Accidents Act 1988. The rejection of the Government's proposal leaves the CTP Fund exposed to awards of substantial damages even where financial loss is unlikely to occur. Thus in *Nicoloulias v Milanese* the Supreme Court awarded $15 000 for future loss of earning capacity to a woman, notwithstanding that she was able to perform all of her work duties without much discomfort. The court held that the chance of the woman's losing any money as a result of her neck injury was 'relatively remote'. MAC advises that between 1994 and 1998 there has been an increase in the number of future loss of earning capacity claims of 30 per cent and the aggregate value has increased by 60 per cent over this period.

Another issue is that of motorists who cause accidents and injury through reckless indifference. Often this arises through

driving with a blood alcohol content over what is generally accepted as the very dangerous level of .15 per cent. Under the current law, these people can be required to pay to the CTP Fund any damages paid out as a result of any such accidents caused by them. This is a long-standing arrangement, the effect of which is to say that those who do not care about the consequences of their actions should pay for the costs incurred rather than having the motoring community bear those costs.

A number of individuals find themselves in these circumstances through their own irresponsibility and then become entitled to a separate award of damages. The Government proposed that these irresponsible people should have the separate damages payable to them automatically reduced by the amount owed to the CTP Fund as a result of their recklessness or drunken driving. For reasons which I am unable to comprehend, the Opposition and those on the cross benches were not able to understand the common logic of this proposal. What they are saying is that the motorists of South Australia have to pay compensation bills created by the reckless indifference or drunken driving of certain irresponsible individuals and then, if those individuals become hurt and entitled to compensation, the motoring public have to pay compensation directly to those people again. This seems closely akin to the old saying of 'Heads I win, tails you lose'.

Right now, SGIC has four recovery actions under way for a total of $80 000, and the failure to pass these amendments means that these sums will potentially be more difficult to recover. Failure to recover simply results in higher premium costs to South Australia's motoring public.

'Loss of consortium' is a legal term which describes the condition experienced by the partner of an injured person who is no longer able to render sexual services or, on some occasions, companionship. Awards for this type of damage have increased in number by 100 per cent from 1994 to 1998 and, over the same period, by 140 per cent in value. The Government was advised that, in comparison with pain and suffering payments which are awarded on a points scale, there is no such limit on payments made for loss of consortium. It was also advised that in New South Wales, Western Australia, Tasmania and the ACT, loss of consortium is not compensable. The Government felt that elimination of this form of compensation was inequitable but continuation of potentially unlimited payments was also inequitable and proposed to place a limit on the amounts payable.

The Opposition and those on the crossbenches opposed the Government's proposal altogether. They were not even prepared to consider a compromise in any way. They claimed that this proposal was mean. Although the amounts involved are not currently large, they believe the motoring public should continue to pay the rapidly escalating costs of awards in this category, together with the costs of all the legal argument and other evidence necessary to establish such claims.

Nervous shock is a recognised psychiatric condition for which compensation is payable by the CTP Fund. The Government had no intention of eliminating payments of this nature but there are signs that creative lawyers are seeking to expand the scope of this type of compensation. The Government proposed a measure which would have clearly defined the bounds of this type of compensation but its proposal was rejected.

The most significant measures which achieved successful passage included compulsory reductions for drunk drivers and their passengers, compulsory reductions for people who decide to ride outside the passenger compartment of a vehicle or choose not to wear a seat belt or helmet, capping of damages for future economic loss at $2 million and measures to control medical costs and overservicing. The compulsory reduction for alcohol will be a minimum of 50 per cent for drivers with a blood alcohol reading of .15 per cent or more and at least 25 per cent for drivers over .8 per cent but under .15 per cent. Passengers who choose to travel with drunk drivers where they know or should have known that the driver was over the limit will lose 50 per cent of their benefits if the driver is found to have a .15 per cent blood alcohol content or higher, and 25 per cent if the driver is at least .8 per cent but less than .15 per cent blood alcohol content.

Failure to wear a seat belt in a motor vehicle, a helmet on a cycle or motorcycle or to ride in the passenger compartment of a motor vehicle will result in an automatic reduction of 25 per cent of benefits. The Government considers these to be important measures which will reduce the obligation of the CTP Fund to pay compensation to people who choose to break the law and knowingly place themselves at greater risk of having an accident or receiving more severe injuries. These amendments are in line with other road safety measures, and I have asked the Motor Accident Commission to take measures to advise the public of these changes.

Throughout the debate, the Government has stated repeatedly that it was flexible on the way in which savings could be achieved. Aside from minor changes to certain of the measures which were passed, there was minimal sign of compromise on behalf of those in the Opposition and those on the cross benches. In respect of pain and suffering, it is interesting to note that the RAA wrote to me and indicated that a three month serious and significant impairment period would, in their opinion, represent a reasonable balance between those injured on roads and the cost of premiums which have to be paid by motorists on l.3 million vehicles.

Those opposite and on the crossbenches refused to budge one inch on this major issue, despite the responsible compromise proposed by the RAA. In conclusion, when legislation was originally introduced, the Government recognised that it involved a difficult balance between fair and equitable compensation for those injured on South Australia's roads and affordable premiums for motorists. The Government believed that the package proposed represented such a compromise, but it also recognised that there can be shades of grey in determining a proper balance. Therefore, it expected compromise and reasonable debate. In any event, the Labor Party and the Australian Democrats have determined that maintaining benefits is far more important than controlling premium costs. By overturning two-thirds by value of aggregate savings proposals, they must, therefore, bear the responsibility for the extent of the premium increase the Government has had to announce today.

Mr FOLEY: I will now respond in some detail to the Minister's comments. I point out that, whilst I am responding to the member for Light, I am addressing the Treasurer in another place. I will start from the position I always adopt when I talk about Bills of a complex nature involving the Treasurer—it is a great pity and a frustration of this House of Parliament that the Treasurer does not reside in this Chamber but in another place. That has occurred because no other Minister on the Government benches in this Chamber is sufficiently competent to handle the Treasury portfolio. I am speaking through the Minister for Education to the Treasurer, who no doubt will read my comments if he has nothing more important to do—and I suspect he does.

We entered the conference with the proper attitude—to sit down with the Government and construct legislation that we in the Opposition were satisfied was both fair and just and, indeed, delivered savings to the Government where we thought appropriate. The Government—and it has every right to do this—obviously went into the conference hopeful of achieving savings. It was quite apparent to us that fairness, equity and justice were not a high priority for the Government in this Bill, and it was left to the Labor Party to address the issues of fairness and justice, as is normally the case in this Parliament. That is obviously the role of the Labor Party.

It is a very defining moment as we go through each piece of legislation and substitute the Government's mean proposals with a dose of fairness and justice, and that is what we did in this process. As we work through some of the issues we negotiated, I point out that I was somewhat taken aback by the Treasurer's comment that the Labor Party was more worried about people with injuries than we were about delivering savings to the scheme. Certainly, that was the implied message in what the Treasurer said. I stand here guilty of having people's injuries as an issue of priority as distinct from the cost of the scheme.

At the end of the day, this is a compulsory third party scheme. It is a scheme for which the whole community pays and receives a benefit, if they are unfortunate enough to require such a benefit. I hope that none of us in this Chamber is ever in need of calling on the compulsory third party scheme. However, the chances are that somebody in this Chamber will need it one day and, when they do, I am sure they will be thankful that we have a comprehensive third party scheme.

Mr Clarke interjecting:

Mr FOLEY: That's a good point. I would have thought of all members of this place who would be—

The Hon. M.R. Buckby interjecting:

Mr FOLEY: You haven't? Have you applied for some?

The Hon. M.R. Buckby: No.

Mr FOLEY: There you go. The Minister said that he didn't get any compensation for pain and suffering when he had his accident.

The Hon. M.R. Buckby: I didn't want it.

Mr FOLEY: Given the Minister's salary of $150 000 to $200 000 I can understand why he did not want it. However, for somebody in my electorate who is on unemployment benefits, those few hundred dollars could make all the difference. As I have often said in this place, I am prepared to stand here, as are my colleagues, to attack injustice and defend the right of all South Australians to get fair treatment from this Government. It would be fair to say that this process of working through the Motor Accident Commission Bill was an experience for me as the shadow Treasurer.

I am happy to put on the record that, when I first looked at this Bill and had my first thoughts about it, they were somewhat different from those I had at the end of the process. I learnt a fair bit about something about which I did not know a lot about—the complex nature of compulsory third party schemes. Luckily, I still have three years to go—maybe a little less—before I am Treasurer of this State. The learning curve I am on means that I will walk down many roads and learn many complex things which hopefully will skill me to the task of being Treasurer in three years.

It is fair to say that one of the processes was the real side of something such as a compulsory third party scheme because, as a Treasurer, you cannot look at matters such as this purely in the light of dollars and savings. Indeed, there is another element to it. To those colleagues who persuaded me that I needed to better understand some of these issues, I say to them that that is what good Party processes are all about: one can listen to the contributions of others and have his or her views swayed by input from Caucus members. As I said, whilst I was looking at this matter more in a dollar and cents fashion to begin with, as the process unfolded it became clear that I simply could not do that with such an important piece of Government policy.

One issue we agreed on was the clause relating to recovery. Much was made about the ability of the Motor Accident Commission to be able to recover outstanding payments from insured people who had not met their obligations, should they be unfortunate enough to have a separate accident. My views on that were swayed over time as I listened to further argument, debate and discussion. The Government further amended that clause and, at the end of the day, it was obvious to us that the Government already has that mechanism. The Motor Accident Commission has a mechanism to recover that money through the courts.

This amendment was about circumventing the courts and having a fast track approach. Through this Bill the Government hoped to save about $16 million to $18 million, or perhaps a little less than that. The expected saving from this provision is $100 000. All parties other than the Government felt that it was not appropriate to amend the Bill in that respect. Given that the Government already had a method of recovery through the courts, it was felt that that was sufficient.

The big contentious issue—and it was a contentious issue from the outset—was the issue of the six month rule as it related to economic loss. The Opposition took a fundamental stance on that, that is, that we were opposed to any changes whatsoever. The Government wanted a six month period before claims could be made, which was expected to save $10 million. Once I had heard the arguments from my side it was clear that there was an issue I had not properly looked at. Upon looking at that and considering it further, I concur with the views of my colleagues that this feature of the scheme is a necessary benefit that we should not set about limiting.

I hark back to the Minister's contribution, and I say this: when you have a lot of money, you do not have to worry about the same sorts of things as when you do not have a lot of money. It is a bit like the GST debate at present. There has to be one political Party in this Parliament that cares about the ordinary people who do not have much in life. The more you hear from members of this Government and the Federal Liberal Party—those people who have a lot in life—the more you realise that they do not have a great deal of concern for those people on low and fixed incomes who do not have a lot in life. However, we in the Labor Party unashamedly do.

The Labor Party took a firm position on that. I understand the Democrats in another place have moved an amendment to provide for three weeks. Clearly six months was an ambit, because within a very short time people were talking about four, three and two months; and at the conference we were given a sliding scale of various options. But we stood firm on that because people had not had the opportunity to consider this issue themselves. You would not need to be a genius to work out what they would have said if the wider community had been asked whether they would prefer to keep that provision in the legislation and pay (as my colleague the member for Ross Smith first pointed out) about 22¢ a week or to pay an extra 20¢, 30¢ or 40¢ on their policy.

At this point I want to spend a little time attacking the Government—for want of a better word; I suppose there is no better word for it—over this nonsense of its having ultimate concern for the poor old vehicle user in this State. The Government is saying that one of the reasons it wants to rein in the cost of the scheme is that people cannot afford the premiums and that we must give a little financial relief to the ordinary motorist in this State. I would have been prepared to accept some of that line of argument. I would have been prepared to accept with a degree of trust what the Treasurer said on that, on the ground that he believed what he was saying.

This is from a Government that was about to increase premiums by 9 per cent anyway. We were talking about a further 3.9 per cent increase by a Government that had not increased third party premiums for the past two or three years. But this concern for the ordinary motorist was on the back of one of the highest taxing budgets this State had seen for decades. In particular, it was the poor old motorist who was getting slugged. We should remember that the cost of a driver's licence rose by $10; stamp duty on registrations increased by $15; and, of course, there is the issue we are debating in this Parliament as I speak—an emergency services levy on mobile capital. Those costs alone result in a minimum of $30 or $40 in extra costs for a person who owns a motor vehicle.

Mr Koutsantonis interjecting:

Mr FOLEY: Yes; what about taxi drivers? The poor old taxi driver is being slugged $900. The Treasurer tries to tell us that he does not want to increase Motor Accident Commission premiums because the drivers are paying too much. He is right, because he has just taxed the poor old driver to the hilt and thought, 'Oh, gee, I'd better try to reduce some of the burden if that is at all possible.' Well, I can tell him what is more important to the Labor Party than filling the coffers of his Treasury with the last State budget and the money he is raking in from stamp duty increases, licence fees and the forthcoming emergency services levy—and that is an adequate, proper, well funded insurance scheme.

Let us not hear any of this nonsense from the Treasurer that this is about trying to look after the poor old driver: it is more to do with his exposed position in respect of the taxes he has already levied on motorists through the other policy areas that he has been able to influence. I will say this, because if I do not he will certainly say it: I acknowledge that it is a pity that former governments, my own Labor Government included, did not show a little more concern for the financial liquidity of the Motor Accident Commission when it was the old SGIC, but we have already paid the price for those mistakes.

Some of the other issues involved related to repossession of a vehicle, and we supported the Government in that respect. We have also supported the Government's wide ranging reforms in the area of the prescribed limit of alcohol and the reduction in benefits to drivers who have been drinking. We have also supported the Government's measures in respect of motorbike helmets and seat belts. Those measures alone total some $5.5 million, so for the Treasurer to say that the Labor Party was not prepared to give the Government any savings at all is quite wrong. We gave the Government at least one-third of what it was after. We know that to begin with it was an ambit claim so, if we discounted the original ambit savings target, the Government probably achieved half to three quarters of what it truthfully expected. I think that is a pretty fair outcome, and the Government should be pleased with it.

Mr Koutsantonis interjecting:

Mr FOLEY: No, the Government did not mention this tax in its election campaign, but there is not much that it did mention in its election campaign that it has done since. Other measures relate to fees for medical practitioners and physiotherapists. The new method for determining fees is that WorkCover rates for payments to doctors and physiotherapists will be applied. It is fair to say that I found that lobbying exercise quite interesting. I give credit to the representatives of the Australian Medical Association. Whilst there were one or two moments where I was quite forthright in my views on that organisation, they were very professional in the way they conducted themselves. They certainly made sure their views were known to the Labor Party, and they were able to negotiate a position with the Government that met their needs. I must say that in this process I was interested to be made aware of some of the issues involved with medical rates of pay in respect of WorkCover and the Motor Accident Commission. There might be some room there for WorkCover to look at how it structures its payments.

The physiotherapists were very concerned about what this Bill meant to them. They felt that they were the poor cousins of the AMA when it came to their treatment by the Government—from WorkCover and the Motor Accident Commission. I think they had a legitimate point to make on that. I do wish they had made that point known to me a little earlier, but that is the concern of their organisational arrangements. I was not aware of their position until the conference proper. They arranged some amendments through Democrat members in another place which I simply could not accept, because they involved preparing a duplicate piece of bureaucracy in the administration of the Motor Accident Commission, and that was really just not on. Having said that, clearly they had a legitimate concern which I was sufficiently concerned about.

We were able to negotiate with the Government that they would receive 12 months market rate for their fees as against the fee they currently get, which is approximately 15 per cent below market rate. The Government has agreed to honour the payment of market rates for physiotherapists for the next 12 months. In that time we hope (and we will be keeping on the Government's back on this) that WorkCover will be put under some pressure to negotiate a fairer and more equitable fee structure for physiotherapists and give them equal weight to their views as it gives to medical practitioners, who I think in anyone's assessment seem to do pretty well out of the WorkCover scheme compared with the physiotherapists.

The Treasurer will be making a statement in another place in which he will give his Government's commitment to the 12 month arrangement for full fee payment to be made, and he will be writing to the Minister responsible for WorkCover requesting that the Minister commence work as soon as possible to review the payment scale for physiotherapists with a view to reaching an agreement with physiotherapists, within the next 12 months, with which they are comfortable.

I will be talking to my colleague the member for Hanson to discuss this issue to ensure that she is apprised of it and can keep pressure on WorkCover, and I expect that this issue will now become a matter for the Parliamentary Committee on Occupational Health and Safety, of which my colleague is a member, along with others. I do not believe that the final resolution to the matter was completely what the physiotherapists wanted, because there was some debate and discussion

during the conference, but I felt that, in the totality of all the other arrangements, it was a fair outcome. It certainly gives the physiotherapists a lot more than they have had in recent times, and it gives them a window of opportunity to resolve that issue. As I said, the Treasurer has been put on trust but, as we have come to expect of this Government, the trust of the Government is not sufficient: we will also be keeping a watchful eye on it.

There were one or two other matters that we resolved but, in the end, as I said, the Government has at least one-third of its original claim. We all knew that there was, in large part, a degree of ambit in that claim. If one looks at the real expectations of the Government from behind closed doors, one sees that we have given the Government one-half to two-thirds of what it wanted. That is a fair outcome. But, at the end of the day, the Labor Party was not prepared to do what this Government so enjoys doing, and that is hurting ordinary people: it was hurting those in the community less able to make a difference. The Government was more concerned about the financial bottom line of Government and not about putting a bit of heart into it.

As a future Treasurer, I found it a sobering experience to watch this process, because it is important for a Treasurer of this State not only to be concerned about the bottom line but also to have a bit of heart, a bit of social justice and a bit of compassion when it comes to balancing both the financial needs of the State and the care of our community. Opposition members hope that the Labor Party is elected to govern in the next election. As someone who hopes to be in that Cabinet, I am of the view that for quite some time we have needed a Government in the State that puts the care of its citizens first, ahead of the financial and Party agenda of this Liberal Government, and I say—

An honourable member interjecting:

The ACTING CHAIRMAN (The Hon. G.M. Gunn): Order! Interjections are out of order.

Mr FOLEY: Thank you for your protection, Sir, from the member for Waite—the sort of bloke who probably enjoys plucking the wings off butterflies.

Members interjecting:

The ACTING CHAIRMAN: Order! I do not think those comments are relevant.

Mr FOLEY: It was said in jest.

The ACTING CHAIRMAN: I do not believe that they are relevant.

Mr FOLEY: I withdraw those remarks. He would not enjoy it: he is a softie.

Members interjecting:

Mr FOLEY: Who dares wins. It was totally inappropriate for me to attempt such jest with the member for Waite: he is a good member.

Members interjecting:

Mr FOLEY: The kindergarten cop. I have probably said near enough, but then again—

Mr Clarke interjecting:

Mr FOLEY: Fancy Ralph Clarke having a crack at me for going on. Give me a break!

The ACTING CHAIRMAN: I am sure that the honourable member does not want the protection of the Chair, though, does he?

Mr FOLEY: No, I am quite able to respond to the interjections of my colleague the member for Ross Smith, even before he makes them.

Mr Clarke: You obviously learnt a lot at this conference. You have spoken longer than you did on the second reading—

Mr FOLEY: As I said to the member for Ross Smith, and to others in the Chamber, it was a learning experience for me, and to be a good member of Parliament one has to be able to learn: one must not have a firm, entrenched position and not be able to learn from the wisdom of others. During this process I learnt from the wisdom of my colleagues about issues to do with compulsory third party that I never would have thought of.

It was quite an experience to sit on a committee with so many qualified lawyers. They were extremely useful contributors to the discussion and it was a good experience: I learnt quite a bit. And it was good, because the lawyers came from different Parties, different groupings and different positions, but on this issue they were at one. It was great to see these adversaries coming together. I could only sit there at the conference and be overwhelmed by the sight of three lawyers from three different political philosophies all coming together as one and reaching a consensus which left me with very little option but to be persuaded. That was, in itself, yet again a learning experience, which I am much the richer for. I suspect that I have said enough on this clause, but I am happy during this debate to share with the Committee more of my thoughts and views on this Bill.

Mr HANNA: To begin with, I point out that not only am I President of the Society of Labour Lawyers but I have on my Register of Interests 'legal practice'. Indeed, unless a majority of the voters of the electorate of Mitchell persuade me otherwise, I look forward to returning to legal practice in a few years.

An honourable member interjecting:

Mr HANNA: I hope you heard the proviso. Incidentally, I point out that the Society of Labour Lawyers is quite separate and distinct from the Labor Party—indeed, we have a different spelling to distinguish us from the Labor Party—and many of the members of that society from time to time have views very different from those put forward by the Labor Party. However, on this issue, I am glad to say that the outcome of the conference between the parties represents something that fair-minded lawyers, as well as other members of the community, can live with.

I missed the opportunity to speak in the very brief Committee stage after the second reading of the Bill, but I was reassured at the time that many parties were getting together, from the different political Parties represented in Parliament and from those who know something of these issues from practice in the field, to sort out what would be a fair outcome before the legislation came back to this place. I am glad to see that the bulk of the proposals put forward by the Government have been knocked out.

When the Minister accuses us of caring more for people with injuries than for the financial health and the statistics of the compulsory third party scheme, I concur with the shadow Treasurer that we are only too proud to put people's rights ahead of the purely financial considerations which led to this Bill being put forward. I do not know whether the proposals were from Treasury officials or Motor Accident Commission management, but they must have come from someone with political imperatives overriding any sense of empathy and compassion for those thousands of South Australians every year who are injured in motor vehicle accidents. At the end of the day, although the Bill was horrific when it was first introduced, we have an outcome which represents some

reform, not necessarily progressive but bearable, in my opinion.

The shadow Treasurer said something about the role of lawyers in debates in relation to workers' compensation, damages compensation for pain and suffering and other injuries resulting from motor vehicle accidents, criminal injuries compensation, and so on. The fact is that, along with a few other groups in society—probably like hardworking MPs, social workers and medical professionals—plaintiff lawyers, those who deal with personal injury cases and cases involving other similar sorts of afflictions, are in a very good position to see the suffering first hand when people are faced with losing their livelihood, losing parts of their body or losing their good health permanently. As a result of measures such as those which the Government wanted to introduce in this case, they can be left with almost nothing as recompense for the pain and suffering inflicted by others.

Those of us who paid any attention at law school know that lawyers are steeped in centuries of tradition where judges have said that, for a harm that is done, there should be a fair compensation from someone. Whether it be a private individual or through a Government regulated regime as we have in respect of motor vehicle accidents, that principle of personal justice is the golden thread that runs through our common law. In this century, we have seen people's rights in that regard progressively eroded. In workers' compensation, in road accident damages and in many other areas, for economic rationalist reasons, Governments have progressively chipped away at the due rights of people who are harmed or injured in these cases. It is easy to take away: it is not so easy to create or maintain a comprehensive regime so that people can be justly compensated for harm done to them by others, whether through negligence, criminal actions or carelessness in the workplace. Lawyers have that background of personal justice, which is at the heart of the common law, and that is why legislation such as this, when it was first introduced, is so offensive to us—to decent lawyers at least.

I want to raise two issues in relation to the reforms that are left on the table after the conference between the Houses, the first being the ability of the insurance company to compulsorily acquire vehicles involved in road accidents. I understand that the original provision put forward by the Government has been modified somewhat, presumably to achieve greater fairness in respect of the value of a motor vehicle which is compulsorily acquired, but I have a critical question about the fairness of compulsorily acquiring vehicles, namely, what compensation is there for someone who relies on the vehicle for their livelihood?

A typical example might be a truck driver. Bear in mind that we are talking about someone whose vehicle might be involved in an accident, but, nonetheless, that owner or driver might have contributed nothing to the cause of the accident. So, we have a situation where an innocent person, on anyone's judgment, is faced with their vehicle, possibly the means of their livelihood, being acquired by the insurance company for the purpose of investigating an accident. I do not think that is fair. Does the Minister concede that is not fair and, if so, what will the Government do about it?

Secondly, in relation to the provision reducing damages for injured people who are found with alcohol in their blood, I suggest that there will be many scenarios as a result of the passage of this reform where, again, innocent people will have their benefits drastically cut. One can easily imagine the situation where a person has a couple of drinks, wisely thinks it would be better not to drive home from the pub that evening and so goes with a friend who they believe is sober enough to drive without breaking any laws; if that vehicle is involved in an accident and those people are injured, the well-meaning passenger who was trying to be responsible can have their damages cut. So, they are effectively being punished for trying to do the right thing. That is the case, is it not? Does the Minister think that is a fair thing? I hope that the Minister can address those questions and I hope that he will have the honesty and perspicacity to see that those injustices will arise.

Mr CLARKE: Much of what I would have liked to say has already been said by the member for Mitchell and, to a lesser extent, the member for Hart. The legislation is much better the way it has come through: it is not as good as I would have liked but, in all the circumstances, it is considerably fairer than when the Government first introduced the legislation.

I also take up the point about lawyers. A number of people—and I have been one—from time to time jocularly have referred to the legal profession as 'padding out their own nest'. I do not actually believe it. Occasionally, in jest I might say something along those lines, but I have found that the legal profession, both in the trade union movement and in this place, by and large does a very honourable task. Even when on the other side, they do their job to the best of their ability representing the interests of their clients.

I know that the member for Stuart, in the case of the native title legislation which was brought in here during the last Parliament, attacked a number of lawyers, along the lines of accusations that they were seeking to 'feather their own nest', and the member for Bragg, when he was the Minister for Industrial Relations—

Mr Hanna interjecting:

Mr CLARKE: Lawyers in shiny suits; that is right. As the member for Mitchell has pointed out, plaintiff lawyers, in particular, are acutely aware of the injuries that are done to people and how their rights have been eroded over time through the legislation of Governments of all political persuasions in their attempt to reduce pay-outs to persons who are injured, whether at work, in motor vehicle accidents or the like. With respect to compulsory third party insurance, we must remember that it is compulsory for all vehicle owners. All of us who drive motor vehicles expose ourselves to risk of injury, and for those who are injured we should not say that we cannot afford to pay the premiums; that we will just outlaw certain common law rights that those people have previously enjoyed; that we will keep the cost down by denying a hand full of people what would otherwise be their legal right; that we will make them bear the whole cost of the compulsory third party system; and that we will make them bear the cost by denying them their lawful rights with respect to damages, rather than increase premiums—if necessary—by sharing the burden across the whole community.

I endorse the comments made by the member for Mitchell in that regard, and I do not believe that we should engage in lawyer bashing because, until such time that one needs a lawyer, one cannot understand how important they can be. I can speak from bitter experience, both in a past life as a union official and even today. Mind you, they can go easier on their bills. But, nonetheless, it is a very worthwhile profession, one which some members in this place and in another are only too quick to kick to death in terms of accusing lawyers of wanting only to pursue their financial interests rather than those of the community as a whole.

In conclusion, it was pleasing to hear the member for Hart speak of his learning experience and of his acquisition of a

social conscience, rather than being another person in a grey suit as shadow Treasurer. The Treasurer himself should learn from the member for Hart, who is big enough to admit that he learnt many new things as a result of this experience. The member for Hart has been able to put to one side his monetary interests in these matters and allow his natural social conscience to come to the fore. I hope that the Minister also would be able to shed his grey suit and take on the mantle of a statesman as the member for Hart has done in terms of finding a social conscience on this issue.

The Hon. M.R. BUCKBY: The member for Mitchell asked a couple of questions earlier on in his contribution when I did not have an adviser with me. I wonder whether the honourable member can repeat those questions for me.

Mr HANNA: In relation to the compulsory acquisition of vehicles by the insurer, I suggest to the Minister that unfairness can arise where that vehicle is the owner's or driver's means of earning a livelihood. It may well be a situation where the vehicle concerned is involved in an accident but where the owner or driver has nothing to do with the cause of the accident. Basically, we are left with an innocent citizen whose vehicle, which happens to be involved in an accident—perhaps it is rear-ended, or whatever—is therefore taken away. It is one thing to compensate for the value of the vehicle but it is another for such people to lose their livelihood, especially in the case of a truck driver or courier driver where the vehicle may still be very driveable. In that situation I see this provision as being extremely unfair to the person who has lost the means of earning a livelihood.

Secondly, in relation to the provision of a prescribed percentage reduction in damages paid in a case involving somebody who has the requisite level of alcohol in their blood at the time of the accident, I suggest to the Minister that there will also be many scenarios as a result of the operation of that provision where, essentially, innocent people will be penalised—not just innocent people but people who are trying to do the right thing. I put the scenario of people who have had three or four drinks at the pub after work, who know that they may be over the limit and who ask a friend to drive them home. Their friend might appear to be quite sober and able to drive legitimately, yet when they have the accident that passenger who has tried to do the right thing may find that the damages they receive as a result of being injured are drastically reduced. I suggest that that is unfair. What will the Government do about that?

The Hon. M.R. BUCKBY: In answer to the member for Mitchell's first question about compulsory acquisition, the main purpose of that is to cover the situation where there is extremely serious damage to the vehicle such that it is unroadworthy. For instance, the small business person, courier, truck driver or the person who relies on the vehicle to get to work would not be able to drive it because it is totally unroadworthy: that is where the compulsory acquisition applies. In some cases, just a seat belt or a particular part of the motor vehicle might be required, and this measure will come into play where only a particular part would need to be utilised. It therefore becomes fairly theoretical in terms of that fairness issue, but the main driving point here is that, where the vehicle is completely written off, so to speak, and the person concerned cannot use it, it can be compulsorily acquired.

In answer to the member for Mitchell's second question, the percentage reduction applies only where the person ought to have been or was aware that the person with whom they were travelling was intoxicated. For instance, it puts the onus back on the passenger to ask, 'Is this person with whom I am getting into the car capable of driving the car and, if not, should I get into the car with him (or her)?' The onus comes back onto the passenger to make that judgment as to whether they are getting into the car with a person who is capable of driving the car.

In his question the member for Mitchell referred to the person who had had three or four drinks and who was doing the right thing by approaching a friend who he thought was capable of driving a car. I guess the onus comes back onto that person to ask the other person how many drinks they have had and to assess for himself or herself whether they believe the person in question is a safe person with whom to travel in the vehicle. Obviously, it is a matter for that person to decide. That is the existing law, and this amendment does not change that law. The person involved must make the decision. The onus is on that person as to whether or not the driver of the vehicle is capable of driving and is not over-intoxicated.

Motion carried.

Mr HAMILTON-SMITH: Mr Speaker, I draw your attention to the state of the House.

The SPEAKER: Order! A quorum is present.

Mr HANNA: I rise on a point of order, Mr Speaker. Is there any penalty under Standing Orders for calling attention to the state of the House when a quorum is present?

The SPEAKER: Technically, the honourable member has a point.

Mr HAMILTON-SMITH: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

EDUCATION POLICY

Adjourned debate on motion of Ms White:

That a select committee be established to consider and report on the following matters of importance to primary and secondary education in South Australia:

(a) the financial and operational impacts on school and learning of the introduction of information technology to South Australian Government schools including the EDSAS and DECS*tech* 2001 Technology Programs;
(b) issues relating to the provision of education to country students and the disadvantages they face;
(c) the effects of school closures on the provision of education to school communities;
(d) the fall in retention rates to year 12 and the related issues of the recognition of vocational education within the South Australian Certificate of Education and the transition of students from school to employment; and
(e) any other related matter;

and that the minutes of proceedings and evidence to the 1996 Legislative Council Select Committee on Pre-school, Primary and Secondary Education in South Australia be requested for referral to the committee.

(Continued from 23 July. Page 1551.)

The House divided on the motion:

AYES (17)

Atkinson, M. J.	Bedford, F. E.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Key, S. W.
Koutsantonis, T.	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
White, P. L. (teller)	

NOES (22)

Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
Condous, S. G.	Evans, I. F.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L.	Kerin, R. G.
Kotz, D. C.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
Meier, E. J. (teller)	Olsen, J. W.
Penfold, E. M.	Scalzi, G.
Such, R. B.	Venning, I. H.
Williams, M. R.	Wotton, D. C.

PAIR(S)

Breuer, L. R.	Armitage, M. H.
Ciccarello, V.	Ingerson, G. A.
Wright, M. J.	Lewis, I. P.

Majority of 5 for the Noes.

Motion thus negatived.

The SPEAKER: I point out to the House that we have another nine votes to get through. Provided no member leaves the Chamber, and with the concurrence of the House, we could dispense with the ringing of the bells if further divisions are required. However, if any member leaves the Chamber, we will have to ring the bells if a division is required.

CORRECTIONAL SERVICES (VICTIM PROTECTION) AMENDMENT BILL

(Second reading debate adjourned on 19 February. Page 408.)

The House divided on the second reading:

The SPEAKER: As no member has left the Chamber, and with the concurrence of the House, we will dispense with the ringing of the bells.

Mr MEIER: Mr Speaker, I rise on a point of order. Although we have followed your direction and no member has left the Chamber, the three members who were paired for the previous division have now returned to the House, so I believe a different situation applies.

The SPEAKER: I have no option but to ring the bells.

The bells having been rung:

AYES (18)

Atkinson, M. J. (teller)	Bedford, F. E.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Key, S. W.	Koutsantonis, T.
Rankine, J. M.	Rann, M. D.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	White, P. L.

NOES (22)

Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
Condous, S. G.	Evans, I. F.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L.	Kerin, R. G.
Kotz, D. C.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
Meier, E. J. (teller)	Olsen, J. W.
Penfold, E. M.	Scalzi, G.
Such, R. B.	Venning, I. H.
Williams, M. R.	Wotton, D. C.

PAIR(S)

Breuer, L. R.	Armitage, M. H.
Ciccarello, V.	Ingerson, G. A.
Wright, M. J.	Lewis, I. P.

Majority of 4 for the Noes.

Second reading thus negatived.

EDUCATION FUNDING

Adjourned debate on motion of Ms White:

That this House expresses concern that South Australia's public school and TAFE systems will suffer unprecedented budget cuts over the next three years and censures the Minister for Education, Children's Services and Training for failing to protect the future of education and training in this State and for accepting the Government's cuts to his portfolio which far exceed those in other departments.

(Continued from 20 August. Page 1840.)

Motion negatived.

BANKS, COUNTRY

Adjourned debate on motion of Mr Venning:

That this House condemns the major banks for the closure of many branches in country regions with no consideration for the impact on local communities,

which Mr Clarke has moved to amend by inserting after the words 'country regions' the words 'and the State and Federal Liberal Governments for their neglect of rural and regional sector jobs both State and Federal lost to regional South Australia.'

(Continued from 6 August. Page 1708.)

The House divided on the amendment:

AYES (17)

Atkinson, M. J.	Bedford, F. E.
Clarke, R. D. (teller)	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Hanna, K.	Hill, J. D.
Hurley, A. K.	Key, S. W.
Koutsantonis, T.	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
White, P. L.	

NOES (21)

Brindal, M. K.	Brokenshire, R. L.
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Kerin, R. G.	Kotz, D. C.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	Meier, E. J. (teller)
Olsen, J. W.	Penfold, E. M.
Scalzi, G.	Such, R. B.
Venning, I. H.	Williams, M. R.
Wotton, D. C.	

PAIR(S)

Breuer, L. R.	Armitage, M. H.
Ciccarello, V.	Brown, D. C.
Geraghty, R. K.	Ingerson, G. A.
Wright, M. J.	Lewis, I. P.

Majority of 4 for the Noes.

Amendment thus negatived.

The House divided on the motion:

AYES (18)

Brindal, M. K.	Brokenshire, R. L.
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Kerin, R. G.	Kotz, D. C.
Matthew, W. A.	Meier, E. J.
Olsen, J. W.	Penfold, E. M.
Scalzi, G.	Such, R. B.
Venning, I. H. (teller)	Wotton, D. C.

NOES (20)

Atkinson, M. J.	Bedford, F. E.
Clarke, R. D. (teller)	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Hanna, K.	Hill, J. D.
Hurley, A. K.	Key, S. W.
Koutsantonis, T.	Maywald, K. A.
McEwen, R. J.	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
White, P. L.	Williams, M. R.

PAIR(S)

Armitage, M. H.	Breuer, L. R.
Brown, D. C.	Ciccarello, V.
Ingerson, G. A.	Geraghty, R. K.
Lewis, I. P.	Wright, M. J.

Majority of 2 for the Noes.

Motion thus negatived.

CHILD CARE

Adjourned debate on motion of Ms White:

That this House—

(a) condemns the Federal Government for cutting nearly $1 billion from child care after three budgets;

(b) notes that this has forced an increase in fees for child care, closure of 14 South Australian child-care centres, the loss of an estimated 200 child-care workers and has threatened the viability of many other child-care services;

(c) expresses concern that as a result of the cuts, child care is no longer affordable for many families, that working parents have been disadvantaged and in some cases have to forgo employment and study; and

(d) calls on the Federal Government to reinstate adequate funding to child care in South Australia.

which Ms Thompson has moved to amend by leaving out the word 'fourteen' and inserting in lieu thereof the word 'fifteen'.

(Continued from 2 July. Page 1265.)

Amendment negatived.

The House divided on the motion:

AYES (17)

Atkinson, M. J.	Bedford, F. E.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Hanna, K.	Hill, J. D.
Hurley, A. K.	Key, S. W.
Koutsantonis, T.	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
White, P. L. (teller)	

NOES (21)

Brindal, M. K.	Brokenshire, R. L.
Buckby, M. R.	Condous, S. G.

NOES (cont.)

Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Kerin, R. G.	Kotz, D. C.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	Meier, E. J. (teller)
Olsen, J. W.	Penfold, E. M.
Scalzi, G.	Such, R. B.
Venning, I. H.	Williams, M. R.
Wotton, D. C.	

PAIR(S)

Breuer, L. R.	Armitage, M. H.
Ciccarello, V.	Brown, D. C.
Geraghty, R. K.	Ingerson, G. A.
Wright, M. J.	Lewis, I. P.

Majority of 4 for the Noes.

Motion thus negatived.

OLDER AUSTRALIANS

Adjourned debate on motion of Ms Stevens:

That this House condemns the Federal Government for its harsh and unconscionable treatment of older Australians through:

(a) changes to the pharmaceutical benefits scheme that will make vital medicines more expensive;

(b) changes to aged care arrangements resulting in a $12 fee per day for accommodation and increased daily fees for nursing home residents and an increase of $5.50 per week in fees for hostel residents;

(c) scrapping the quality dental scheme; and

(d) introduction of a user pays component for recipients of services from the Home and Community Care program.

(Continued from 4 June. Page 1123.)

The House divided on the motion:

AYES (17)

Atkinson, M. J.	Bedford, F. E.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Hanna, K.	Hill, J. D.
Hurley, A. K.	Key, S. W.
Koutsantonis, T.	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L. (teller)	Thompson, M. G.
White, P. L.	

NOES (21)

Brindal, M. K.	Brokenshire, R. L.
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Kerin, R. G.	Kotz, D. C.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	Meier, E. J. (teller)
Olsen, J. W.	Penfold, E. M.
Scalzi, G.	Such, R. B.
Venning, I. H.	Williams, M. R.
Wotton, D. C.	

PAIR(S)

Breuer, L. R.	Armitage, M. H.
Ciccarello, V.	Brown, D. C.
Geraghty, R. K.	Ingerson, G. A.
Wright, M. J.	Lewis, I. P.

Majority of 4 for the Noes.

Motion thus negatived.

GRAND JUNCTION ROAD

Adjourned debate on motion of Mr De Laine:

That this House—

(a) opposes the Government's proposal to establish a 12 hour per day clearway on Grand Junction Road between South and Port Roads;

(b) opposes the Government's decision to allow A-Double road trains to operate on Grand Junction Road between South and Port Roads;

(c) calls on the Government to put a freeze on both proposals until a thorough assessment is made of the whole situation; and

(d) calls on the Government to investigate other options for sea cargo to be transported to the Port River in line with its 1997 election promise,

which Mr Venning has moved to amend by leaving out all words after the word 'House' and inserting in lieu thereof the following:

(a) notes that the proposal by Transport SA to establish a 12 hour per day clearway on Grand Junction road between South and Port Roads has been referred to the Corporations of Charles Sturt and Port Adelaide for consideration and public consultation;

(b) notes that the proposal is based on Australian Standard 1742—1989, Part II, which provides that, where one way traffic volumes exceed 800 vehicles per hour, the installation of the clearway is recommended to achieve two clear travelling lanes;

(c) notes that the proposal is related to the decision to allow A-Double Road Trains to operate on Grand Junction Road between South and Port Roads;

(d) recognises that A-Double Road Train access to the Northern Adelaide metropolitan area from 1 March 1998 has been restricted to operators accredited under the TruckSafe or similar alternative scheme; and

(e) acknowledges that the A-Double Road Train access initiative will generate transport savings of more than $4 million a year to the South Australian community and enable producers of farm and manufactured goods to be more competitive and exports to be transported more efficiently.

(Continued from 6 August. Page 1713.)

The House divided on the amendment:

AYES (21)

Brindal, M. K.	Brokenshire, R. L.
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Kerin, R. G.	Kotz, D. C.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	Meier, E. J. (teller)
Olsen, J. W.	Penfold, E. M.
Scalzi, G.	Such, R. B.
Venning, I. H.	Williams, M. R.
Wotton, D. C.	

NOES (17)

Atkinson, M. J.	Bedford, F. E.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R. (teller)	Foley, K. O.
Hanna, K.	Hill, J. D.
Hurley, A. K.	Key, S. W.
Koutsantonis, T.	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
White, P. L.	

PAIR(S)

Armitage, M. H.	Breuer, L. R.
Brown, D. C.	Ciccarello, V.
Ingerson, G. A.	Geraghty, R. K.
Lewis, I. P.	Wright, M. J.

Majority of 4 for the Ayes.

Amendment thus carried; motion as amended carried.

EUROPEAN WASPS

Adjourned debate on motion of Hon. D.C.Wotton:

That this House commends the Government on its decision to maintain funding to assist in the control of European wasps and also its commitment to further research issues relating to their eradication and urges the Government not to support the imposition on property owners of a removal fee for wasp nests as this could discourage people from reporting the presence of wasps and would therefore be to the detriment of the program,

which the Hon. M.K. Brindal had moved to amend by deleting all words after and including the words 'and urges the Government'.

(Continued from 23 July. Page 1557.)

Amendment carried; motion as amended carried.

WATERFRONT REFORM

Adjourned debate on motion of Mr Clarke:

That this House condemns the Federal Liberal Government and the National Farmers Federation for their provocative approach to waterfront reforms in Australia, and in particular:

(a) their support for current and past serving members of the Australian Defence Forces to participate in an ill fated overseas strike breaking training exercise;

(b) their support for the conspiracy entered into between Patrick Stevedores and the National Farmers Federation front company to establish a union busting stevedoring company at Webb Dock, Victoria;

and calls on the Federal Government and the National Farmers Federation to recognise that just and fairly negotiated settlements between management, unions and the workers involved can achieve more in terms of productivity and improved labour relations,

which Mr Meier had moved to amend by leaving out all words after 'House' and inserting in lieu thereof:

(a) recognises the need for waterfront reform in Australia;

(b) urges all the parties involved in waterfront reform to work to ensure its success; and

(c) commends all those involved in the reform that has been achieved, thus far, at the Port of Adelaide.

(Continued from 6 August. Page 1721.)

The House divided on the amendment:

AYES (21)

Brindal, M. K.	Brokenshire, R. L.
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Kerin, R. G.	Kotz, D. C.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	Meier, E. J. (teller)
Olsen, J. W.	Penfold, E. M.
Scalzi, G.	Such, R. B.
Venning, I. H.	Williams, M. R.
Wotton, D. C.	

NOES (17)

Atkinson, M. J.	Bedford, F. E.
Clarke, R. D. (teller)	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Hanna, K.	Hill, J. D.
Hurley, A. K.	Key, S. W.
Koutsantonis, T.	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
White, P. L.	

PAIR(S)

Armitage, M. H.	Breuer, L. R.
Brown, D. C.	Ciccarello, V.
Ingerson, G. A.	Geraghty, R. K.
Lewis, I. P.	Wright, M. J.

Majority of 4 for the Ayes.

Amendment thus carried.

The House divided on the motion as amended:

AYES (21)

Brindal, M. K.	Brokenshire, R. L.
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Kerin, R. G.	Kotz, D. C.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	Meier, E. J. (teller)
Olsen, J. W.	Penfold, E. M.
Scalzi, G.	Such, R. B.
Venning, I. H.	Williams, M. R.
Wotton, D. C.	

NOES (17)

Atkinson, M. J.	Bedford, F. E.
Clarke, R. D. (teller)	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Hanna, K.	Hill, J. D.
Hurley, A. K.	Key, S. W.
Koutsantonis, T.	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
White, P. L.	

PAIR(S)

Armitage, M. H.	Breuer, L. R.
Brown, D. C.	Ciccarello, V.
Ingerson, G. A.	Geraghty, R. K.
Lewis, I. P.	Wright, M. J.

Majority of 4 for the Ayes.

Motion as amended thus carried.

POLICE (COMPLAINTS AND DISCIPLINARY PROCEEDINGS) (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council, in lieu of its amendment No. 1 to which the House of Assembly had disagreed, made the alternative amendment indicated by the following schedule, to which alternative amendment the Legislative Council desires the concurrence of the House of Assembly:

Page 1, line 21 (clause 4)—After 'amended' insert:

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

(2a) The Commissioner or person representing the Commissioner in proceedings before the Tribunal must, at the commencement of the proceedings, indicate to the Tribunal which of the following categories of punishment the Commissioner considers would, on the facts then known to the Commissioner, most likely be appropriate if the Tribunal finds the member guilty of the breach of discipline:

(a) category A—termination or suspension of the member's appointment or reduction in the member's rank for an indefinite period;

(b) category B—transfer of the member (without reduction in rank for an indefinite period), reduction of the member's remuneration, reduction in the member's seniority or imposition of a fine;

(c) category C—withdrawal of specified rights or privileges, a recorded or unrecorded reprimand, counselling, education or training or action of a kind prescribed by regulation.;

Consideration in Committee.

The Hon. I.F. EVANS: I move:

That the alternative amendment made by the Legislative Council be agreed to.

Members will recall that there were three amendments, two of which the Committee has accepted previously. The third amendment relates to the onus of proof provisions, and the proposed amendment basically places a requirement on the Commissioner, or a person representing the Commissioner, to nominate certain categories of possible discipline for someone who finds themself charged with an offence. It requires the Commissioner, or a person representing the Commissioner in the proceedings before the tribunal, to nominate the category of possible outcomes, as far as the Commissioner is concerned, on the evidence put before the Commissioner. I recommend that the Committee accept that amendment.

Mr CONLON: The Opposition will support the amendment, but I want to make a few points. Those in the Committee might be forgiven for thinking that this amendment is not all that different from the one that was before us a week ago, which we urged the Government to support. In fact, the Attorney-General—

Members interjecting:

Mr CONLON: Do not blame the Minister. I understand that the Attorney-General had the most difficulty with this. So, he took it away and, after a week and a half of assiduous and studious work, he added the words, 'on the facts then known to the Commissioner'—a revelation I say it is not. The Attorney-General has held this up unnecessarily. It is now 10 minutes to 6—

Mr Atkinson: He has been under a bit of pressure.

Mr CONLON: He has taken nearly two weeks to provide us with an extra seven words. I am grateful that he is in the Legislative Council because, at this rate, if he were in private practice, he would have starved to death by now.

The Hon. I.F. EVANS: In fairness to the Attorney-General, this is important, because it refers to the fact that the Commissioner has to put a position to the tribunal based on the evidence before the Commissioner. So, if something comes up in proceedings before the tribunal that is different from what the Commissioner originally was aware of, he therefore has an opportunity, I suppose, to look at the different categories as a result of that.

Motion carried.

POLLUTION OF WATERS BY OIL AND NOXIOUS SUBSTANCES (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. R.G. KERIN (Deputy Premier): I move:

That this Bill be now read a second time.

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

Leave granted.

Australia is a signatory to the International Convention for the Prevention of Pollution from Ships ('MARPOL') and Australian States are expected to implement MARPOL resolutions once ratified. South Australia has, to date, met its obligations through the *Pollution of Waters by Oil and Noxious Substances Act 1987* and the regulations made under that Act. This legislation currently implements

Annexes I and II of MARPOL, which deal with pollution by oil and pollution by noxious liquid substances carried in bulk, respectively.

Annex III of MARPOL, which relates to the disposal of harmful substances carried by sea in packaged form, and Annex V of MARPOL, which regulates the disposal of garbage, have now also been ratified and we need to ensure that the requirements of those Annexes are reflected in South Australian legislation.

The purpose of this Bill is therefore to amend the *Pollution of Waters by Oil and Noxious Substances Act 1987* to implement, in South Australia, the requirements contained in Annexes III and V of MARPOL.

Given that these Annexes extend the scope of the Act to include harmful substances carried by sea in packaged form and garbage, it is considered appropriate that the short title of the Act also be changed to better reflect this additional content. It may be noted that there are further Annexes of MARPOL (dealing with sewage and the management of ballast water) yet to be ratified, so that the content of the Act may be extended even further in the future. In light of these considerations it was thought appropriate to rename the Act the *Protection of Marine Waters (Prevention of Pollution from Ships) Act*.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of long title

Clause 4: Amendment of s. 1—Short title

These clauses make consequential amendments to the long title and short title of the principal Act.

Clause 5: Amendment of s. 3—Interpretation

This clause amends the definitions of 'the 1973 Convention' and 'the 1978 Protocol' to reflect the proposed implementation of Annexes III and V.

Clause 6: Repeal of s. 10

This clause repeals section 10 of the principal Act which deals with reporting of incidents involving oil or an oily mixture. It is proposed that reporting requirements for all the types of pollution covered by the measure be dealt with in one general provision (see clause 25A discussed below).

Clause 7: Amendment of s. 10A

This clause makes consequential amendments to section 10A to remove the references in that provision to section 10.

Clause 8: Repeal of s. 20

This clause repeals section 20 which, like current section 10, deals with reporting requirements in relation to certain substances.

Clause 9: Insertion of Parts 3AA and 3AAB

This clause inserts new Parts 3AA and 3AAB into the principal Act as follows:

PART 3AA

PREVENTION OF POLLUTION BY PACKAGED HARMFUL SUBSTANCES

This Part implements Annex III of MARPOL and terms used in this Part have the same meaning as in that Annex (unless the contrary intention appears). The proposed new Part provides that, if a discharge of a harmful substance carried as cargo in packaged form occurs from a ship into State waters, the master and the owner of the ship are each guilty of an offence punishable by a fine of $50 000 (for a natural person) or $250 000 (for a body corporate). The provision then goes on to outline, in accordance with Annex III, circumstances that would constitute a defence to such a charge.

It may be noted that, whilst Annex III only applies to discharges that occur due to jettisoning of the relevant substances, proposed Part 3AA would apply to any discharge.

PART 3AAB

PREVENTION OF POLLUTION BY GARBAGE

This Part implements Annex V of MARPOL and terms used in this Part have the same meaning as in that Annex (unless the contrary intention appears). The Part provides that if an intentional or unintentional disposal of garbage occurs from a ship into State waters, the master and the owner of the ship are each guilty of an offence punishable by a fine of $50 000 (for a natural person) or $250 000 (for a body corporate). As in the other proposed new Part, there are various defences specified in keeping with the requirements of MARPOL.

Clause 10: Amendment of s. 25—Interpretation

This clause amends section 25 of the principal Act to include some of the terms used in the proposed new Parts.

Clause 11: Insertion of Division 1A

This clause inserts a new Division in Part 4 of the principal Act as follows:

DIVISION 1A—REPORTING REQUIREMENTS

25A. Duty to report certain incidents

Proposed clause 25A provides for the reporting of 'prescribed incidents' in relation to a ship in State waters. A prescribed incident is defined to include most discharges or probable discharges—

- of oil or an oily mixture (currently covered by section 10);
- of a liquid substance or a mixture containing a liquid substance, carried as cargo or part cargo in bulk (currently covered by section 20);
- of a harmful substance carried as cargo in packaged form (not currently dealt with in the principal Act).

The obligation to report such an incident falls, at first instance, on the master of the ship, who is liable to a penalty of $50 000 for failing to report. If the master is unable to report the incident, the obligation to report falls on the owner, charterer, manager or operator of the ship who is liable to a fine of $50 000 (in the case of a natural person) or a fine of $250 000 (in the case of a body corporate).

Proposed clause 25A retains the defences currently available under sections 10 and 20 of the principal Act.

Clause 12: Amendment of s. 28—Removal and prevention of pollution

This clause amends section 28 so that the provision applies to the types of pollution described in proposed new Parts 3AA and 3AAB.

Clause 13: Amendment of s. 29—Recovery of costs

This clause makes consequential amendments to section 29 of the principal Act so that it refers to a 'disposal' (which is the term used in proposed part 3AAB) as well as a 'discharge'.

Clause 14: Amendment of s. 32A—Recovery of damages

This clause amends section 32A(1) so that it refers to 'disposal' as well as 'discharge' and to correct an error. The definition of 'appropriate person' in subsection (2) is also amended so that it includes a reference to proposed new Parts 3AA and 3AAB.

Clause 15: Amendment of s. 33—Powers of inspectors

This clause makes consequential amendments to section 33 of the principal Act so that it refers to a 'disposal' as well as a 'discharge'.

Clause 16: Amendment of schedule 1

This clause provides for the insertion of the text of the MARPOL Annexes III and V into schedule 1 of the principal Act.

Clause 17: Further amendments of principal Act

This clause provides for the amendments contained in schedule 2.

SCHEDULE 1

Annexes to be Inserted in Schedule 1 of Principal Act

This schedule sets out Annexes III and V of MARPOL.

SCHEDULE 2

Further Amendments of Principal Act

This schedule provides for various statute law revision amendments to the principal Act.

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

A quorum having been formed.

The Hon. R.G. KERIN (Deputy Premier): I move:

That Standing Orders be so far suspended as to enable the Bill to pass through its remaining stages without delay.

Motion carried.

Mr ATKINSON (Spence): The Bill gives effect to the Commonwealth of Australia's adherence to MARPOL, the international convention for the prevention of pollution from ships. The Act gives expression to Annexes I—

The SPEAKER: Order! There is too much audible conversation on my right. Members will either resume their seat or move out of the Chamber. The member for Spence.

Mr ATKINSON: The Act gives expression to—

Members interjecting:

The SPEAKER: Order! The Chair does not expect to be totally ignored. Members will either leave the Chamber or cease talking to allow the business to commence. The member for Spence.

Mr ATKINSON: The Act gives expression to Annexes I and II of MARPOL in South Australian law. These annexes deal with pollution by oil and pollution by noxious liquids carried in bulk. Now that Annexes III and V of MARPOL have been ratified by the Commonwealth, the Bill seeks to incorporate their principles into State law. Annex III is about harmful substances carried at sea in packages and Annex V is about the disposal of garbage. With Annexes III and V included in the Act, its short title changes to 'Protection of Marine Waters (Prevention of Pollution from Ships) Act'.

It is marvellous now to receive the Minister's second reading explanation: I am, of course, a speed reader and will respond to it immediately. Annexes to follow, not in this Bill but in another Bill presumably, deal with sewage and the management of ballast water. The Bill provides penalties of $50 000 for a person and $250 000 for a corporation for the discharge of a harmful substance carried as cargo in packaged form if that occurs in State waters. The people likely to be punished are the master or owner of the ship.

Annex III sets out the circumstances that would make out a defence to the charge. Under Annex V of MARPOL, incorporated in the Act by clause 9 of the Bill, an intentional or unintentional disposal of garbage from a ship into State waters renders the master and the owner liable for a $50 000 fine, or $250 000 for a corporation. Clause 11 contains a reporting requirement, and there are punishments for failure to report a prescribed incident, which includes discharges of oil or an oily mixture, discharge of a liquid substance or discharge of a harmful substance carried as cargo in packaged form. If there is a failure to report by the master of the ship, he may be fined a maximum penalty of $50 000. Again, there are defences to the charge defined in the clause. Finally, in schedule 2 there is a set of statute law revision amendments. I am afraid that I do not have those before me but, if they include the usual statute law revision of removing 'shall' from an Act and inserting in lieu thereof 'will', or if they include non-sexist language, I will as always oppose them.

The Hon. R.G. KERIN (Deputy Premier): I thank the member for Spence for his excellent contribution and for not working Barton Road into this Bill as well.

Bill read a second time.

In Committee.

Progress reported; Committee to sit again.

NATIONAL PARKS AND WILDLIFE (BOOKMARK BIOSPHERE TRUST) AMENDMENT BILL

Returned from the Legislative Council without amendment.

[Sitting suspended from 6.5 to 11.56 p.m.]

SITTINGS AND BUSINESS

The Hon. R.G. KERIN (Deputy Premier): I move:

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

Motion carried.

POLLUTION OF WATERS BY OIL AND NOXIOUS SUBSTANCES (MISCELLANEOUS) AMENDMENT BILL

In Committee

Clauses 1 to 4 passed.

Clause 5.

Mr ATKINSON: I understand that this legislation is pursuant to an international convention. Can the Deputy Premier inform the Committee whether it is a convention under the auspices of the United Nations or whether it is a bilateral treaty?

The Hon. R.G. KERIN: I am not the Minister responsible for other States. I think that the Federal Government is responsible for that answer.

Mr ATKINSON: Assuming that the Commonwealth has incurred an obligation under international law to enact this legislation, is the Parliament of South Australia required at law to enact it? Are we compelled to do so by the Commonwealth or are we addressing this Bill out of the goodness of our hearts? What are the requirements of compliance with the international treaty? Is the State of South Australia obliged to enact this legislation and, if so, within what time frame is it obliged to enact it?

The Hon. R.G. KERIN: I am surprised that the honourable member did not work Barton Road into the question. As he knows, Australia is a signatory to the International Convention for the Prevention of Pollution from Ships (MARPOL) and Australian States are expected to implement MARPOL resolutions once they are ratified. To date, this State has met those obligations and has done the right thing. I would not think that the honourable member would question that.

Mr ATKINSON: How many States and Territories have complied with this international convention to date?

The Hon. R.G. KERIN: Once again, I am not responsible for the other States. I will take that question on notice.

Mr HANNA: For the sake of completeness, I believe that the Deputy Premier should have advised the shadow Attorney of the TEOH legislation which was passed by this Parliament about two years ago and which stated quite clearly to the people of South Australia that not only was there no obligation for us to enact domestic legislation in response to international treaties of this nature but also that South Australian citizens have no right to expect that they incur rights as a result of those treaties being signed at the national level. I thought the Deputy Premier would have pointed that out.

Clause passed.

Clauses 6.

Mr FOLEY: As somebody who has significant waterways in my electorate—

Members interjecting:

Mr FOLEY: I have the Port River in my electorate.

Members interjecting:

Mr FOLEY: Members may joke, but the Port River is very important to my electorate. It is a significant waterway. Clause 6 repeals section 10 of the principal Act. Will the Deputy Premier describe to the Committee the details of the section that is being repealed so that we can understand what we are repealing?

The Hon. R.G. KERIN: There are lots of Bill files here: rather than waste the time of the Committee at this late hour, the member for Hart should go and get a Bill file and read it.

Mr FOLEY: I can certainly do that. I point out that the member for Davenport is out of his seat, and I suspect that the Deputy Premier would be struggling to answer any question if it were not for the member for Davenport—

Members interjecting:

Mr FOLEY: Did I say that? But, quite seriously, it is a very important section. I will not stand here tonight and accept that a whole section of an Act will be repealed without knowing what it is that is being repealed. Can the Deputy Premier advise the Committee what we are repealing tonight? The Deputy Premier is the second most senior member of Executive Government in this State, and he is managing this Bill. I believe it is eminently appropriate that we should be given an answer—particularly given that I have in my electorate the most significant waterway (polluted waterway, at that, I might add) that this Act will cover. Before I go home tonight, and before I confront my electors tomorrow morning at 8.30, I want to be able to understand what we are repealing.

The Hon. R.G. KERIN: I realise that the honourable member has one of the most significant waterways, and one of the most insignificant football teams, in the State. If he wants to wait, I will get the Bill file and read out clause 10 to him. Is that what he requires?

Mr FOLEY: No, I will accept that answer.

Clause passed.

Clauses 7 and 8 passed.

Clause 9.

Mr ATKINSON: The Bill introduces quite heavy fines for people who are guilty of discharging harmful substances into State waters, but I notice that the maximum fine is set in terms of absolute dollars: the fine is for a person $50 000, and for a corporation $250 000. Until quite recently, it was expected that in legislation we would specify divisional penalties under the Acts Interpretation Act, and the purpose of that was to make sure that penalties were consistent over the whole range of statutes. Moreover, divisional penalties could be adjusted by the Government using regulations to take account of the consumer price index. Can the Deputy Premier explain to the Committee why, instead of expressing the penalties in terms of divisional fines or divisional imprisonment, an absolute dollar figure has been used in this instance?

The Hon. R.G. KERIN: I believe that the fines as outlined here—as the Minister for Environment and Heritage will no doubt acknowledge—indicate this Government's commitment to good environmental practices, and that is why we have done it this way.

Mr ATKINSON: That is an entirely unsatisfactory explanation and simply does not address the question. We are told that this legislation is enacted pursuant to the International Convention for the Prevention of Pollution from Ships, which is described by the acronym MARPOL. In English, that does not seem to be the correct acronym. I was wondering whether perhaps it was a French acronym, and whether the Deputy Premier could render it for the Committee.

The CHAIRMAN: That clause 6 stand as printed—

Mr ATKINSON: I have a question, Sir.

The CHAIRMAN: I believe that the member for Spence has already had three questions.

Mr ATKINSON: No, two, Sir. You are a very bad referee. You always give them an extra tackle and us one less.

The CHAIRMAN: Order! The member for Spence! I will be counting very carefully from now on.

Mr ATKINSON: This is my third—

The CHAIRMAN: This is definitely your third.

Mr ATKINSON: In debates that I have been having on criminal justice issues in this House, particularly debates with the Attorney-General, the Attorney-General places some emphasis on the need for charges of a criminal nature to prove fault in a defendant, in particular to prove intention and recklessness. If the Deputy Premier has been following the drunks debate—as I am sure he has—he will know that the Attorney-General, on behalf of the Government, is a great supporter of the drunks defence on the ground that mere intoxication taking away one's intention should be sufficient to negative criminal liability.

Clause 9 of the Bill seems to create an offence of strict liability so that, if a ship discharges a harmful substance into State waters, the master of the ship is found guilty without any requirement on the prosecution to prove that he intended to discharge the substance into State waters or that he was negligent in so doing. In fact, there is no fault element in the offence at all. Could the Deputy Premier reconcile this strict liability offence with the position of the Attorney-General's requiring fault elements in criminal charges?

The Hon. R.G. KERIN: The member for Spence has very conveniently drifted into another debate. This is about looking after our waterways, seas, fisheries, environment, and whatever else, and his differences of opinion with the Attorney-General should be taken up in another forum. It was very interesting to hear him refer to his debates in this place with the Attorney-General because I understand that the Attorney-General is actually in the other place.

Clause passed.

Clauses 10 to 14 passed.

Clause 15.

Mr ATKINSON: Why in clause 15 is it necessary to insert the word 'disposal' as well as 'discharge'. What is the difference?

The Hon. R.G. KERIN: I realise the member for Spence has legal training, but we in the real world would realise that 'discharge' is probably something pumped out whereas 'disposal' may be something thrown over the side.

Members interjecting:

The CHAIRMAN: Order.

Mr CLARKE: The member for Spence has seized my imagination.

An honourable member interjecting:

Mr CLARKE: Exactly. I do not think it is good enough for the Deputy Premier to say that he frankly does not know the difference between 'or disposal' and 'after discharge'. The shadow Attorney-General has asked a sensible question to try to find out from the Government the difference between the two, and the Committee is entitled to be told. It is the Government's legislation: not ours. We ask the questions, and I suggest to the Minister that, if the Minister for Environment and Heritage is going to give advice, be very careful of the hemlock in the draught that he will drink, because it will not do him any good. I suggest to the Minister that he own up and say that he knows absolutely nothing about the Bill—for which he will be forgiven because nobody else does in this place. However, the Minister is in charge of the Bill and he happens to be here after midnight.

The Hon. R.G. KERIN: I can confidently say that I know a lot more about the Bill than the member for Ross Smith.

Clause passed.

Remaining clauses (16 and 17) passed.

Schedule 1.

Mr ATKINSON: The first schedule sets out annexes III and V of MARPOL, an acronym which the Deputy Premier has singularly been unable to explain to the Committee. Will the Deputy Premier explain whether this lift directly from an international treaty has the force of law by virtue of being

incorporated in schedule 1, or does it have the force of law only to the extent that it is reproduced in clauses 1 to 17?

The Hon. R.G. KERIN: This is obviously a typical lawyer's question. I do not think it makes a lot of difference to the debate. We are committed to these treaties. If the member for Spence really wants to pursue this, he should do so with the Minister.

Mr CLARKE: I was interested in the Minister's reference to the various treaties to which this Government is committed. I was wondering whether the Minister could give a detailed explanation of the significance of those treaties and the implications to which this Government is committing the State of South Australia.

The Hon. R.G. KERIN: Yes.

Mr CLARKE: I asked quite a specific question. It was he, the Deputy Premier, who referred to the treaties now binding South Australia as a result of this legislation enacted by his Government of which he is the second most senior Cabinet officer. What are the details of those treaties that are binding on the State of South Australia? It is no good for the Deputy Premier to simply say 'Yes.' That does not explain to the Committee what those treaties say and what obligations are binding on the State. I would like to know the details with respect to that matter, and I would expect that as a Deputy Premier of this State he can give a very succinct and accurate rendition of what are our treaty obligations as he mentioned in an earlier answer to a question.

The Hon. R.G. KERIN: The member for Ross Smith referred to me not answering the question. If the honourable member refers to *Hansard* he will find that he asked whether or not I could answer the question, and I said 'Yes.' Without going into great detail and boring the Committee, we could make those treaties available to the honourable member. It is a very late hour, and I cannot see the point in boring the Committee with some detail which is not particularly relevant to the debate.

Mr CLARKE: I take particular exception to that because, while it may be a late hour, in the last Parliament we sat later. The Deputy Premier said that he can explain the relationship between those treaties and the obligations that imposes on the State of South Australia. We are dealing with that legislation here tonight—not tomorrow. Presumably, the Bill will be passed, but the Committee is entitled to know what it is voting on. We are entitled to know from the second most senior officer of the Government what this State is being committed to as a result of this legislation.

I, for one, am perfectly entitled to ask for a full explanation of the obligations that will be imposed on the State by this legislation, and I am entitled to an answer. If the Minister does not know—I do not hold the Minister personally culpable—I will not demand his resignation, but he can at least say, 'I haven't got the foggiest idea', in which case he will be forgiven for being honest. If he does know about it, let him explain it to us.

Mr Koutsantonis: Resign!

The Hon. R.G. KERIN: Resignation crossed my mind for a while, but the member for Ross Smith let me off the hook a little by opening the door for a confession to be made. I repeat that Australia is a signatory to the International Convention for the Prevention of Pollution from Ships (MARPOL), and Australian States are expected to implement its resolutions, once ratified.

Members interjecting:

The CHAIRMAN: Order!

The Hon. R.G. KERIN: South Australia as a good member of the federation is doing the right thing. Once again, I will offer the member for Ross Smith a full briefing at another time.

Mr ATKINSON: The Bill deals with Annex III and Annex V of MARPOL, which are reproduced in schedule 1. I am informed that annexes to follow deal with sewage and the management of ballast water. What is the timetable for dealing with the discharge of sewage and ballast water, and how does MARPOL deal with those matters?

The Hon. R.G. KERIN: This is important detail, the sort of detail to which the Government is totally committed. I will endeavour to obtain an answer for the honourable member.

Mr KOUTSANTONIS: I also have a major waterway running through my electorate. Regulation 7 (Exceptions) of schedule 1 provides:

> Jettisoning of harmful substances carried in packaged form shall be prohibited, except where necessary for the purpose of securing the safety of the ship or saving life at sea.

Does this mean that in South Australian waters ships can jettison nuclear waste or harmful hazardous substances into our waterways if the captain deems it appropriate to save a life?

The Hon. R.G. KERIN: In a word, no.

Mr CLARKE: The member for Peake has made a rather pertinent point. How can the Minister say that, given the wording in the schedule? If a ship's captain were faced with that invidious position, how can the Minister say he could not jettison nuclear waste into our waterways to save the ship? Where are the words in this legislation that give force to the answer given to the member for Peake?

The Hon. R.G. KERIN: I think they are testing your patience, Mr Chairman. The member for Ross Smith uses the word 'could'. What we are talking about is what is or is not legal. A lot of things could happen, but what is legal and what is allowed to happen is a different matter.

Mr KOUTSANTONIS: I put the following hypothetical situation. Let us say that a vessel such as *Pop-eye* was carrying nuclear waste on the Torrens and the captain decided to jettison that nuclear waste to save lives because he feared contamination of the vessel. What criteria would the captain apply?

Members interjecting:

Mr KOUTSANTONIS: You are looking like a penguin tonight. Be very careful sitting close to the honourable member.

Members interjecting:

Mr KOUTSANTONIS: The Minister for Environment. You might get whacked.

Members interjecting:

The CHAIRMAN: Order! The Chair is finding it difficult to hear the member for Peake.

Mr KOUTSANTONIS: Thank you for your protection, Sir. If the captain jettisoned nuclear waste because of contamination of the ship to save lives, would there be an investigation afterwards? How would that investigation be conducted? Who would conduct it?

The Hon. R.G. KERIN: The member for Peake in his opening statement said it was a hypothetical question. That is a hypothetical question.

Mr FOLEY: I want to put on record that I am a bit distressed tonight. Although this may be deemed a matter of comical enjoyment by the member for MacKillop—

Members interjecting:

Mr FOLEY: Just a little deal between us. It is all right. I am distressed because a significant waterway goes through my electorate and I am a little disappointed that the Deputy Premier, the second most important member of the Executive Government, has absolutely no idea. What is more, he has no adviser here and I would have thought such an important piece of legislation could have been dealt with more easily and quickly if the Deputy Premier had availed himself of the resources of a senior adviser. If the Deputy Premier wants to come into the Parliament and treat legislation seriously, he should do so with some assistance to allow the Opposition to scrutinise the legislation properly. As I said earlier, I have a significant waterway in my electorate and I would have hoped that the Government would take this matter a little more seriously than it has tonight. On behalf of my electorate, I can but register my disappointment.

Mr CLARKE: Sir—

The CHAIRMAN: The member for Ross Smith has made a contribution on three occasions on this schedule.

Mr CLARKE: Does that include regulation 8?

The CHAIRMAN: On this schedule, it does.

Mr HANNA: I want to voice my concern in addition to that of the member for Peake about the Minister's answers in respect of regulation 7 under the schedule. Quite clearly, where a captain is faced with the awful situation of having to jettison prohibited substances, save lives or save the ship, clearly what is lawful is the jettisoning of the harmful substances in order to save lives, even though it may present a danger to the ecology or to other human life, the very danger that the general prohibition is there to prevent. I am disappointed that the Minister has given answers which are absolutely contrary to what is spelt out in black and white in the regulation, and I hope that he or the responsible Minister, if there is one, will correct that mistake.

Mr ATKINSON: Why was it necessary to change the name of the parent Act to the Protection of Marine Waters (Prevention of Pollution from Ships) Act from its current title?

The Hon. R.G. KERIN: To make it more relevant to the regulations that sit underneath the Bill.

Mr KOUTSANTONIS: Regulation 8(4) states:

> Nothing in this regulation shall be construed to limit the rights and obligations of a party carrying out control over operational requirements specifically provided for in the present convention.

What is the present convention?

Mr Foley interjecting:

The Hon. R.G. KERIN: The member for Hart just had a shot about taking things seriously. Some of his members ought to have a good listen to what he said. In relation to regulation 8(4), the present convention refers to the international convention for the prevention of pollution from ships.

Schedule passed.

Schedule 2.

Mr ATKINSON: Schedule 2 is described in the clause notes as providing for various statute law revision amendments to the principal Act. I have had a look at those statute law revisions, and in particular at the amendment of section 26(1) of the principal Act. It is not clear to me that striking out the words 'penalty: $200 000' and substituting 'maximum penalty: $200 000' changes anything. Would the Deputy Premier explain to me how this statute law revision actually changes anything of substance in the parent Act?

The Hon. R.G. KERIN: In typical fashion, the member for Spence is being extremely pedantic. He is the master of grammar and righteousness in this place. He well knows the answer to his own question. This Government is about good government and regulation. To question little changes such as that does not reflect a lot of credit on the member for Spence.

Mr ATKINSON: If it is necessary to change section 26(1) of the parent Act from a penalty of $200 000 to a maximum penalty of $200 000, does that mean that, until such time as the Bill is proclaimed, ships' masters may be liable, upon being convicted of an unauthorised discharge into South Australian waters, of a fixed penalty of $200 000? Is that to say that, under the existing parent Act, the penalty must be $200 000? It is a fixed penalty with no ability for the judiciary to have any discretion about awarding a lower penalty. Is that the reason why it is necessary to amend by the schedule the penalty to a maximum penalty of $200 000, allowing a lower penalty? Is that the purpose of the change?

The Hon. R.G. KERIN: The member for Spence has given a brilliant answer to his own question.

Schedule passed.

Title.

Mr ATKINSON: I understand the parent Act currently has a different title. The parent Act is called the Pollution of Waters by Oil and Noxious Substances Act. It is now to be changed to the Protection of Marine Waters (Prevention of Pollution from Ships) Act. Given that the principal purpose of the Bill, as I understand it, is about oil and noxious substances—and further incorporation of annexes of the MARPOL Convention will deal with sewage and the management of ballast water—will the Deputy Premier explain to the Committee the need for this name change? It is quite insufficient to say that it makes it more relevant. I would like have some textual analysis to show why this new name is better than the old name.

Members interjecting:

The CHAIRMAN: Order!

The Hon. R.G. KERIN: For the benefit of the member for Spence, as with a lot of things this Government does, we are about outcomes and not so much about actions. Outcomes are the important thing. What we are about is the protection of waters, and that is why we have changed the name of the Act to reflect the outcome of what we are trying to do.

Title passed.

The Hon. R.G. KERIN (Deputy Premier): I move:

That this Bill be now read a third time.

Mr ATKINSON (Spence): I am somewhat surprised that the Deputy Premier has not thanked the Opposition for its compliance in allowing him to introduce this Bill without the normal period of notice. The Opposition was most accommodating on this Bill by allowing the Deputy Premier to introduce it into the House without the normal period of grace during which the Opposition could study the Bill and come up with its questions. As a result, because the Opposition had access to the text of the Bill only after the dinner adjournment tonight, we have been unable to launch the normal rigorous cross-examination that we would of a Minister on a Bill such as this. I am somewhat disappointed that the Deputy Premier has not thanked the Opposition for its indulgence and forbearance on this matter.

Bill read a third time and passed.

LOCAL GOVERNMENT FINANCE AUTHORITY (BOARD MEMBERSHIP) AMENDMENT BILL

Returned from the Legislative Council without amendment.

SOUTHERN STATE SUPERANNUATION (MERGER OF SCHEMES) AMENDMENT BILL

Returned from the Legislative Council without amendment.

PASTORAL LAND MANAGEMENT AND CONSERVATION (BOARD PROCEDURES, RENT, ETC.) AMENDMENT BILL

The Legislative Council agreed to the Bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Page 2—After line 12 insert new clause as follows:
Insertion of s.18A

3A. The following section is inserted in Division 2 of Part 3 of the principal Act after section 18:

Annual report

18A. (1) The board must, no later than 30 September in each year, furnish the Minister with a report of its operations during the preceding financial year.

(2) The Minister must, within 12 sitting days of receiving a report, have copies of it laid before both Houses of Parliament.

No. 2. Page 4, lines 24 and 25 (clause 5)—Leave out paragraph (b) and insert new paragraph as follows:

(b) by striking out from subsection (3) 'A lessee who is dissatisfied with the decision of a licensed valuer on a review under subsection (2)' and substituting 'If a lessee or the Valuer-General is dissatisfied with the decision of a land valuer on a review under subsection (2), he or she';

No. 3. Page 6, line 1 (Schedule)—Leave out all words in this line.

Consideration in Committee.

The Hon. D.C. KOTZ: I move:

That the Legislative Council's amendments be agreed to.

Motion carried.

STATUTES AMENDMENT (MOTOR ACCIDENTS) BILL

The Legislative Council, having considered the recommendations of the conference, agreed to the same.

SUBORDINATE LEGISLATION (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

[Sitting suspended from 12.42 to 2.10 a.m.]

SITTINGS AND BUSINESS

The Hon. R.G. KERIN (Deputy Premier): I have to inform the House that we are still waiting on the other place, but we are expecting a message soon. I think that this is, therefore, a good opportunity for us to thank those who have helped us during the session, which we are about to finish this morning. I would like to thank the members of the House for their cooperation.

Mr CONLON: On a point of order, Mr Speaker: is it appropriate to be dressed like an amateur golfer when—

The SPEAKER: Order! There is no point of order. We are moving into an important aspect of the closing part of the session.

The Hon. R.G. KERIN: I think it is important that we thank everyone involved. The past couple of weeks in particular have been extremely difficult. I would like to thank the Deputy Leader for her cooperation. There has been a lot of legislation to get through. It looked like being a very difficult couple of weeks and I think that through cooperation we were able to get people home for dinner—not tonight, of course, but a lot of other nights. I would like to thank the ALP and the Independents for the cooperation that was forthcoming in that regard.

I would like to make special mention of the member for Price, the Opposition Whip. I think that the member for Price and the member for Goyder, as the Whips, have done an excellent job in making sure that things in the House operate well.

To *Hansard* and the people who operate the microphones, thank you very much. It is a very important task. Sometimes some of the contributions in this House are not what you would call ready to go on the permanent record and *Hansard* tidies them up, particularly the speeches of members on the other side. Our attendants have done a terrific job as always, whether that was delivering papers, getting us drinks or looking after temperamental members, and are ably led by the Clerk and his very capable Deputy, David. We thank them for everything they have done for us. We are not the easiest people in the world to get along with—some of us are but others are more difficult—and the attendants in this place do an extremely good job during not only the sittings but during other periods as well.

After looking down at my build in my golfing jumper, I can see that the catering staff obviously do a fantastic job. I thank the staff in the dining room and the refreshment room for their efforts. For the common members who like fatty foods, the Blue Room does a fantastic job. Bridie and the staff down there look after us extremely well.

I thank everyone who has helped us out during the past session. I thank all members for their cooperation. I also thank the staff of members for the assistance they have given us. We are all looking forward to a good break. It has been a long session with a few frustrations, and I thank everyone for their cooperation in getting through it.

Ms HURLEY (Deputy Leader of the Opposition): I always feel under prepared for these sorts of things. I tend to fade after midnight. I note that some other members get rather more jovial and seem to brighten up as the night goes on, for some strange reason. That which might prepare me better for these speeches might make driving all the way home to Smithfield a little dangerous, so I will have to remain under prepared.

It is my pleasure to give thanks from the Opposition side and, indeed, to the Deputy Premier for the cooperation on his side. I would particularly like to thank the Speaker, who has been tolerant and patient. Indeed, from the Opposition side, it can be said that we have great respect for his decisions and the way that he has used his position in this Parliament. I would also like to thank the Deputy Speaker and Chairman of Committees, who shows his tolerance with a touch of humour at all times, in spite of rowdy interjections occasionally.

We also obviously have benefited from the advice of the Clerk, the Deputy Clerk and the officers of the House, and I thank them very much. We have also benefited from the good editing skills of *Hansard*. I would also like to thank the Library staff, on whom those of us in Opposition rely heavily. Parliamentary Counsel have been very busy this session and have had to cope with a welter of legislation at the last moment. However, they have always managed to accommodate our often rushed need for amendments, and we thank Parliamentary Counsel. I would also like to thank the attendants and all the other parliamentary staff, including the caretakers, the travel officer and all those other people who help us do our job properly.

As the Deputy Premier mentioned, the catering staff keep us going on nights like this, and we thank them very much for their efforts. I would also like to thank the members of the media who assist us in highlighting the odd error or inconsistency in the Government's position. We look forward to this break, even though we expect to be fairly busy with the Federal election, and we look forward to our return later in the year.

Mr CLARKE (Ross Smith): I would like to join the Deputy Leader and the Deputy Premier in thanking all those members of the Public Service who work in this place and who make it tolerable and protect the public from what we get up to in this place and allow the function of Government to occur. I also thank the workings of the Upper House—particularly those members of the Legislative Council who have so assiduously devoted themselves to their task over the past several weeks that we have been in session to ensure that there would not be a backlog of legislation or a last minute panic so that we would not be forced to sit late in the last hours of the last day of Parliament to pass important legislation! It is a tribute to their efficiency and diligence that on one day they can finish at 3.38 in the afternoon but still have us sitting here at 2.20 in the morning because of their diligence (or lack thereof) in making sure that the passage of legislation occurs with the utmost efficiency.

They have brought credit to themselves to the extent that all of us are now of the unanimous view that that Chamber should be abolished—and the sooner the better, I would say. I believe I would have the support of every member of this Chamber, here and now—

An honourable member interjecting:

Mr CLARKE: Absolutely! Let us make it retrospective and make sure that they have to pay back the wages they have falsely put out their hand and received each month, claiming to be diligent in the pursuit of their duties. But I would not seek to impute improper motives to the other Chamber. I conclude by saying that you have been an excellent Speaker, Sir, despite the fact that you threw me out in a most unjust fashion. But I would not reflect on your ruling, Sir, because at the end of the day your rulings are supreme. Therefore, I have no choice but to agree with your ruling that I should have been chucked out on that occasion. However, by and large you have been very good, patient and tolerant in your place, despite being a member—

Members interjecting:

Mr CLARKE: If the penguin opposite is not careful the head honcho will whack him right between the eyes, because she sits in front of him. Nonetheless, Mr Speaker, you have carried out your duties of office with great dignity and forbearance, despite all the provocation from the member for Mawson and other members to the right of you. The Chairman of Committees has also been an exceptionally diligent Chairman—and I say 'Chairman' because he is a man—in the performance of his duties, as have all the administrative staff and *Hansard*. How they turn a sow's ear into a silk purse with our ramblings, God knows, but they do, and they are to be commended for it, as are all other members of the Public Service who work in this place, who frankly get on with the job and ignore us—as they should—for the betterment of the State.

Members interjecting:

The SPEAKER: Order!

The Hon. M.K. BRINDAL (Minister for Local Government): I am overwhelmed: I have never been applauded in this Chamber before I spoke—nor after, for that matter. It is traditional to thank everyone associated with this place, and that has been done. Of course, we should acknowledge that in the processes of this place good Government could not occur if it were not for both sides of the Chamber. While at times there might be some heartfelt disagreement, I believe that everyone in this place tries to work for the betterment of South Australia. I thank the Opposition for its attempts at making a contribution during the session—

Members interjecting:

The Hon. M.K. BRINDAL: I was. I was giving you the benefit of acknowledging that you attempted to understand some of the very complex legislation that we introduced, and I would particularly like to thank my colleagues on this side of the House for understanding the very complex legislation that we introduced, and the Ministers for the intelligent way in which they handled all the complex pieces of legislation which they introduced.Mr Speaker, I hope that you have a very pleasant break, because I know that when you return the Opposition will be as trying as ever. But we will assist you, as always, in the good order and diligent pursuit of good Government in this House.

The SPEAKER: First, I would like to thank the staff. One thing I learnt when I became Chairman of the JPSC is that there really is a very large and dedicated staff within the parliamentary complex who work very hard behind the scenes to ensure that Parliament functions smoothly. The accounts division across the road is one of our unsung heroes, I suppose, because it keeps the pays flowing. The catering staff does a fabulous job, *Hansard* is there in the wee hours of the morning, and the library is there ready to assist. The attendants, both in the Chamber and those around the building, work for our benefit, right through to the staff who answer the phones.

I also thank members for their cooperation over the past year. It has been an interesting experience being Speaker after sitting on the benches for 19 years and trying on everything that one can think of. I suppose that most things that get chucked up to me are tactics that, some time or another, I have tried to get away with but was usually clobbered. I thank members for their cooperation and, on their behalf, I thank the staff for what they have done for us over the past year. I wish you all an enjoyable recess and look forward to resuming just prior to Christmas.

EMERGENCY SERVICES FUNDING BILL

The Legislative Council agreed to the Bill with the suggested amendments indicated by the following schedule,

to which suggested amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1 Page 2 (clause 3)—After line 27 insert new paragraph as follows:

(ba) in relation to land dedicated by or under any other Act being land that has not been granted in fee simple but which is under the care, control and management of a Minister, body or other person—the Minister, body or other person;

No. 2 Page 3, line 3 (clause 3)—Leave out 'Part' and insert:

Act

No. 3 Page 3, after line 11—Insert new Part as follows:

PART 1A
THE EMERGENCY SERVICES FUNDING ADVISORY COMMITTEE

The Emergency Services Funding Advisory Committee

3A. (1) The Emergency Services Funding Advisory Committee is established.

(2) The Committee consists of six members appointed by the Governor of whom—

(a) three have been nominated by the Minister; and

(b) one has been nominated by the Local Government Association of South Australia; and

(c) one has been nominated by the South Australian Farmers Federation Incorporated; and

(d) one has been nominated jointly by the Property Council of Australia Limited and the Real Estate Institute of South Australia Incorporated.

(3) The Governor will designate one of the members to preside at meetings of the Committee.

(4) A member of the Committee will be appointed for a term of office, not exceeding three years, specified in the instrument of appointment and, on completion of the term of appointment, will be eligible for reappointment.

(5) The Governor must remove a member of the Committee at the request of the person or body or bodies who nominated the member.

(6) A person or body may request the Governor to remove a member of the Committee appointed on his, her or its nomination on any ground that the person or body considers sufficient.

(7) The office of a member of the Committee becomes vacant if the member—

(a) dies; or

(b) completes a term of office and is not reappointed; or

(c) resigns by written notice to the Minister; or

(d) is removed from office by the Governor under subsection (5).

(8) On the occurrence of a vacancy in the membership of the Committee a person will be appointed in accordance with this section to the vacant office but the validity of acts and proceedings of the Committee is not affected by the existence of a vacancy or vacancies in its membership.

(9) A meeting of the Committee will be chaired by the member appointed to preside, or, in the absence of that member, a member chosen by those present.

(10) A quorum of the Committee consists of four members of the Committee.

(11) A decision carried by a majority of the votes of the members present at a meeting of the Committee is a decision of the Committee.

(12) Each member present at a meeting of the Committee is entitled to one vote on any matter arising for decision at that meeting.

(13) The function of the Committee is to consult and advise the Minister under section 9.

(14) A member of the Committee is entitled to such fees and allowances as may be determined by the Governor.

No. 4 Page 6, line 21 (clause 7)—Leave out 'the council in whose area the land is situated' and insert:

the Valuer-General

No. 5 Page 6, lines 23 to 25 (clause 7)—Leave out subclause (3).

No. 6 Page 7, lines 10 and 11 (clause 8)—Leave out 'a council or'

No. 7 Page 8, lines 8 to 11 (clause 9)—Leave out subclauses (4) and (5) and insert:

(4) The Minister must, before making a recommendation to the Governor under subsection (l) determine—

(a) the amount that, in the Minister's opinion, needs to be raised by means of the levy under this Division to fund emergency services in the relevant financial year; and

(b) the amounts to be expended in that financial year for various kinds of emergency services and the other purposes referred to in section 27(4); and

(c) as far as practicable, the extent to which the various parts of the State will benefit from the application of that amount.

(5) Before making a recommendation to the Governor under subsection (1) as to the amount of the levy and the values of the area factors and the land use factors to be included in the notice published under that subsection and before making the determinations under subsection (4) the Minister must consult and consider the advice (which must be in writing) of the Emergency Services Funding Advisory Committee.

(5a) A notice published under subsection (1) must—

(a) include a statement of the amount determined by the Minister under subsection (4)(a); and

(b) Include a description of the method used in determining that amount; and

(c) where the Minister did not follow the advice of the Emergency Services Funding Advisory Committee referred to in subsection (5) in making one or more of the determinations under subsection (4) or in his or her recommendation to the Governor as to the amount of the levy or the values of the area factors or the land use factors—include the advice or that part of the advice of the Committee referred to in subsection (5) that relates to the matter or matters on which the Committee's advice was not followed and the Minister's reasons for not following the advice.

(5b) The Minister must, as soon as practicable after the publication of a notice under subsection (1), cause a copy of the notice and the Committee's advice referred to in subsection (5) to be laid before both Houses of Parliament.

No. 8 Page 8, line 26 (clause 10)—Leave out '10 per cent' and insert:

11 per cent

No. 9 Page 8, line 27 (clause 10)—Leave out 'section 9(4)' and insert:

section 9(4)(a)

No. 10 Page 9 (clause 10)—After line 4 insert:

(5) This section expires on 30 June 2002.

No. 11 Page 12, line 24 (clause 19)—Leave out 'one year' and insert:

two years

No. 12 Page 19, line 27 (clause 31)—Leave out 'section 220' and insert:

section 1O9X

No. 13 Page 19—After line 27 insert new clause as follows:

Remission of levies by regulation

31A. (1) The Governor may, on the recommendation of the Minister, make regulations for the remission of one or both of the levies imposed under this Act for the benefit of—

(a) persons who are entitled to pensions, benefits, allowances or other payments under the *Social Security Act 1991* of the Commonwealth;

(b) charitable organisations;

(c) persons who are suffering financial hardship.

(2) The Minister must in each year, before making a recommendation to the Governor as to the levies to be declared under this Act, consider whether he or she should make a recommendation to the Governor under subsection (1) as to the making or varying of regulations under this section.

No. 14 Page 21 (Schedule 2)—After line 2 insert Heading as follows:

Amendment of other Acts

No. 15 Page 21 (Schedule 2)—After line 22 insert Heading as follows:

Transitional Provisions

No. 16 Page 21 (Schedule 2)—After line 37 insert new clauses as follow:

The Emergency Services Funding Transitional Advisory Committee

5. (1) The Emergency Services Funding Transitional Advisory Committee is established.

(2) The Committee consists of six members appointed by the Minister of whom three have been nominated by the Local Government Association of South Australia.

(3) The Minister will designate one of the members to preside at meetings of the Committee.

(4) The term of office of members of the Committee is until the dissolution of the committee (see subclause (15)).

(5) The Minister—

(a) may remove a member of the Committee who was not appointed on the nomination of the Local Government Association of South Australia on any ground that the Minister considers sufficient;

(b) must remove a member of the Committee appointed on the nomination of the Local Government Association of South Australia if requested to do so by the association.

(6) The Local Government Association of South Australia may request the Minister to remove a member of the Committee appointed on its nomination on any ground that the association considers sufficient.

(7) The office of a member of the Committee becomes vacant if the member—

(a) dies; or

(b) resigns by written notice to the Minister; or

(c) is removed from office by the Minister under subclause (5).

(8) On the occurrence of a vacancy in the membership of the Committee, a person will be appointed in accordance with this clause to the vacant office, but the validity of acts and proceedings of the Committee is not affected by the existence of a vacancy or vacancies in its membership.

(9) A meeting of the Committee will be chaired by the member appointed to preside, or, in the absence of that member, a member chosen by those present.

(10) A quorum of the Committee consists of four members of the Committee.

(11) A decision carried by a majority of the votes of the members present at a meeting of the Committee is a decision of the Committee.

(12) Each member present at a meeting of the Committee is entitled to one vote on any matter arising for decision at that meeting and. if the votes are equal, the person chairing the meeting is entitled to a second or casting vote.

(13) The functions of the Committee are—

(a) to advise the Minister, at his or her request, on questions and arrangements relating to the transition from the previous method of funding emergency services to the funding of those services by means of levies under this Act; and

(b) such other functions as are determined by the Minister or are prescribed by regulation.

(14) A member of the Committee is entitled to such fees and allowances as may be determined by the Governor.

(15) The Committee is dissolved at the expiration of 30 June 2001.

Crown to be taken to be owner of certain land

6. (1) The following provisions apply in relation to land referred to in subclause (2) during the period from the commencement of this Act up to and including 30 June 2001:

(a) the Crown will be taken to be the owner of the land for the purposes of this Act; and

(b) section 10(1) relates to the land as though it were referred to in subsection (2) of that section

(2) Subclause (1) applies to land if—

(a) the land is under the care, control and management of a council; and

(b) the land is—

(i) dedicated land within the meaning of the *Crown Lands Act 1929* that has not been granted in fee simple; or

(ii) dedicated land within the meaning of the *Crown Lands Act 1929* that has been granted in fee simple in trust for the purposes for which the land was dedicated; or

(iii) land comprising—

· park lands; or

· a cemetery; or

· a coastal reserve; or

· a road reserve; and

(c) the land—

(i) is not used predominantly by the council for its operations; or

(ii) is not subject to one or more leases or licences granted by the council to another person for a rent or fee (except a nominal rent or fee) the term (or the aggregate of the terms) of which exceeds six months in any period of 12 months.

(3) In this clause—

'coastal reserve' means land reserved or set apart for any purpose if any part of the land is within 50 metres of the sea at high water.

'park lands' means—

(a) public parks and park lands including the park lands in the area of the Corporation of the City of Adelaide; and

(b) all other land declared or set apart as a park or reserve for the use and enjoyment of the public.

Consideration in Committee.

The Hon. I.F. EVANS: I move:

That the suggested amendments be agreed to.

A number of amendments were suggested by the Legislative Council. Members will note that the contribution by the Government would be increased from 10 per cent to 11 per cent and capped at 30 June 2002. There was a lot of debate about whether it should be 20 per cent or 12.5 per cent but eventually it was agreed at 11 per cent, which we believe is appropriate. It increases the Government's contribution by about $1 million, but we will wear that. Two committees will be established, the first being a transitional committee proposed by the Local Government Association and, as a result of negotiation, that has been included. Secondly, an advisory committee will advise the Minister of the day on various matters in relation to funding. Finally, there are a number of amendments in relation to Crown land, which take into account coastal and road reserves and about which the Local Government Association raised concerns, so we have clarified some of the definitions in that regard.

Mr CONLON: It is sad that on this last night of sitting, when people do not take things as seriously as they should, we are presented with the Bill. The amendments of the Legislative Council should not be agreed to, because they do not treat this issue seriously. Let us go back to the beginning. The Government wanted to introduce a new system of funding for emergency services to make it fairer. The Government said it was not fair that those who insured paid for emergency services, so it extended the obligation to pay to all taxpayers of South Australia. It shifted its obligation.

Under the former system of funding, the Government paid 30 per cent of emergency services funding. The Minister shakes his head but he has not been prepared to argue this point at any time. Prior to this time, the Government paid some 30 per cent of emergency services funding in South Australia. As a result of this amendment, which was agreed to because of the vanity of the Attorney-General and the Democrats, it will now pay 11 per cent, not 30 per cent. So, the Government tonight will get its dirty deal—

The Hon. M.K. Brindal interjecting:

Mr CONLON: I'm sorry, the butler has interjected.

Mr Clarke: And a very poor butler he is, too.

Mr CONLON: The matter is of a small ambit. The Government a short time ago was paying 30 per cent of emergency services funding in South Australia. It will now pay 11 per cent.

Members interjecting:

Mr CONLON: Yes, and they negotiated very well.

The Hon. I.F. Evans interjecting:

The CHAIRMAN: Order!

Mr CONLON: We offered the Government a good deal, but the Government, through the vanity of the Attorney-General, declined to accept it. He has now imposed a very poor regime on South Australia. As I understand it, the decisions of the Government of South Australia will be made by some sort of unrepresentative advisory committee rather than by the Parliament. However, there is good reason why the Government agreed to that: because it managed to shift about 19 per cent of the 30 per cent that it used to pay for emergency services onto the suffering public of South Australia. So, what we have here is a very dirty little deal by the Government. It has taken its mugging of the South Australian public at the last budget and extended it a little.

The Hon. M.K. Brindal interjecting:

Mr CONLON: I shall not go any further because the butler has another function to go to. He must have another place to serve tonight, and I do not want to keep him from it. I just hope that the junior Minister for Local Government has declared on his register of interests his pursuits as a butler at certain functions.

Mr Clarke: Would you pay him an award wage?

The CHAIRMAN: Order!

Mr CONLON: This rather grubby, shady little deal shifts a large percentage of the responsibility for emergency services funding in South Australia from the Government to the public. It will not tell them; it will not come clean on it. We know—

Mr Atkinson interjecting:

Mr CONLON: If we had done it, it would have been principled and responsible, but the way they have done it is grubby and underhanded. I urge the Committee to oppose this grubby, underhanded deal.

The Hon. I.F. EVANS: The advisory committee that has been set up only advises and cannot decide anything.

Members interjecting:

The Hon. I.F. EVANS: The members can advise but they cannot force the Minister.

Members interjecting:

The Hon. I.F. EVANS: The other option was to adopt the Economic and Finance Committee model, which gave that committee the power to overturn the levy. Members will recall some of the problems that have occurred with the water levies, and we did not want to revisit that matter.

In relation to the honourable member's remark about this being a grubby deal, I make the point that it is not a grubby deal. Over the past eight or nine hours we have negotiated with various Independent members and the other Parties and we have come up with an appropriate deal through negotiation, and that is quite a proper process.

Motion carried.

JOINT COMMITTEE ON TRANSPORT SAFETY

The Hon. R.G. KERIN (Deputy Premier): I move:

That the committee have leave to sit during the recess.

Motion carried.

ADJOURNMENT

At 2.43 a.m. the House adjourned until Tuesday 22 September at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday, 25 August 1998

QUESTIONS ON NOTICE

MARTIAL ARTS

148. **Mr SNELLING:** Does legislation exist which regulates the teaching of martial arts and ensures the safety of students who are exposed to the dangers of tuition provided by unqualified persons and organisations and, if not, why not?

The Hon. J.W. OLSEN: There are a number of sports which are identified under the martial arts title. These include Aikido, Judo, Ju-Jitsu, Karate, Kung Fu, Tai Chi, Taekwondo and others. There are also many splinter groups originating from these organisations which operate commercially and have little or no connection with their state or national peak body, if one exists.

The accreditation of instructors in each discipline of martial arts is the responsibility of the recognised peak body and the Australian Coaching Council.

No legislation currently exists to regulate martial arts in the same way that there is no legislation for the conduct of football or netball contests. The Department for Consumer Affairs does have a role in handling complaints against instructors and organisations, especially where the groups are operating as a business.

WOOD FIRES

158. **Mr HILL:**

1. When will the Government amend the Environment Protection Act to cover the use of wood heaters?

2. What process of public consultation will occur before any amendments are introduced?

3. How many complaints regarding wood fires have been received by the EPA in 1997-98 and how were they resolved?

The Hon. D.C. KOTZ:

1. Local Councils are currently trialing criteria which were developed as a result of a 1996 workshop; until the results of the trial are known, any requirement to amend the Act will not be determined.

2. Should an amendment be determined, the consultation processes described in the Environment Protection Act 1993 will be followed.

3. Of the inquiries the EPA has received the anecdotal evidence suggests that there is less negative comments being generated as a result of wood fires.

NATIONAL TRUST

159. **Mr HILL:**

1. Why is there no National Trust representative on the State Heritage Authority and on what occasions in the past has there not been a National Trust representative on the authority?

2. On how many occasions since becoming Minister has the Minister met representatives of the National Trust?

3. On how many occasions have representatives of the National Trust sought meetings with the Minister?

The Hon. D.C. KOTZ:

1. There is currently no member of the National Trust on the State Heritage Authority. This circumstance arose as a single vacancy for the balance of the term (till December 1998) was filled recently by a well qualified applicant whom was not a National Trust member.

2. My understanding is to date, no formal request has been received. As Minister, I would certainly consider any written request for a meeting with representatives from the National Trust.

3. Refer to Question 2.

POWER STATIONS

164. **Mr HILL:**

1. Which power stations do not comply with today' environmental standards due to their age and outdated technology and what damage to the environment is being caused as a result?

2. Has the EPA taken any action in relation to power stations not meeting standards and, if not, why not?

The Hon. D.C. KOTZ:

1. The environmental issues relating to power station operation fall into the categories of noise, air pollution, and where cooling water is used, effects of warm water discharge into waterways or the marine environment. With two exceptions, South Australia's power stations were designed and built over ten years ago and their performance reflects the requirements of legislation at that time, with some degree of forecasting the likely requirements of the future. In all respects, the installations were constructed on the premise that the potential for environmental harm should be minimised. That remains the key principle of the Environment Protection Act, 1993 (the Act) administered by the Environment Protection Authority (the Authority) which is an independent statutory authority.

The power stations at Torrens Island, Port Augusta (Northern Power Station and Playford 'B'), Mount Gambier and Osborne as well as the peak demand gas turbines at Mintaro, Snuggery, Dry Creek and Port Lincoln hold licences under the above Act, and are therefore subject to operating conditions imposed on those licences.

The Environment Protection (Industrial Noise) Policy, 1994 is a non-mandatory policy, in that compliance action is triggered by a complaint about the noise source. Compliance is enforced after a measurement proves that the noise exceeds the Policy criteria at the point of complaint. South Australia's power stations meet the relevant noise criteria through a combination of attenuation measures and adequate separation from noise-sensitive land uses such as residential areas.

Discharge of warm water into the gulfs from the major facilities, Northern Power Station and Torrens Island Power Station, has been the subject of extensive and detailed research over the years to ascertain the effect on marine ecosystems. The criteria currently adopted in South Australia are the national Ambient Water Quality Guidelines recommended by the Australian and New Zealand Environmental and Conservation Committee (ANZECC). In accordance with the Environment Protection (Marine) Policy, 1994 and its predecessor, the Marine Environment Protection Act, these criteria will become mandatory on 26 March 2001. The owners of the State's power stations have implemented Environment Improvement Programs to ensure they will comply with the criteria, and on the basis of monitoring information supplied to the Authority, both Torrens Island and Northern Power stations already comply.

Whilst there is evidence of some change in the dominant species of marine life near the warm water outlet pipe of Torrens Island no environmental harm has been noted in the adjacent Barker Inlet marine conservation reserve. Moreover, this slight increase in temperature appears to have improved the role of the area as a nursery for fish, to the benefit of the fishing industry.

In terms of air quality requirements, two aspects are relevant; ambient concentrations and discharge limits. Ambient concentrations account for the total exposure to a pollutant from all sources, and are therefore the principal target for air quality management. By contrast, discharge limits are applied to individual processes and combined with operating conditions and chimney heights to ensure that the ambient targets will not be exceeded. In the past, ambient air quality goals were recommended by national bodies such as the National Health and Medical Research Council (NHMRC). The most recent standards relating to ambient air quality are specified in the National Environment Protection Measure (NEPM) for Ambient Air Quality which was agreed upon by the National Environment Protection Council (NEPC) on 26 June 1998.

That NEPM sets ambient standards for carbon monoxide, lead, ozone, sulphur dioxide, respirable solid particles and nitrogen dioxide. The latter three are relevant to the operation of power stations in South Australia. Based upon ambient measurements or computer dispersion modelling of their discharges none of the power stations operating in South Australia cause exceedence of the ambient standards in the NEPM. In that respect no serious or material environmental harm has resulted from their operation.

Northern Power Station and Torrens Island both readily comply with the relevant discharge limits in the Environment Protection (Air Quality) Policy, 1994, which adopted nationally recommended limits endorsed by the NHMRC. Those limits represent Best Available Technology for a range of industries.

Playford 'B' Power Station and the Mount Gambier facility cannot comply with the new emission limit for solid particles without expensive improvement in their dust control equipment. In the case of Port Augusta, the ambient air quality in the region has been studied for decades. The ambient air quality meets the NHMRC

goals, and is also likely to comply with the recently set standards in the Ambient Air NEPM, which requires slightly different measurement techniques. The Environment Protection Authority has concluded upon close examination that the potential for environmental harm from Playford 'B' station emissions is minimal. The station is used only in emergencies when other generating facilities fail or for short peak demand periods in the summer, nevertheless the Authority continues close surveillance on its operation.

Gas turbine generators can generate power quickly from a cold start, hence their use as peak and emergency demand stations. Their disadvantage is that the high combustion temperature intrinsically creates more nitrogen oxides than conventional power stations. Technology to reduce the emission is complex and expensive, even on the newest machines available from Europe.

The gas turbines operating at Mintaro, Dry Creek, and Snuggery and even the new turbine at Port Lincoln cannot completely comply with the very stringent discharge limit in the Policy for nitrogen oxides when operated at full load, despite readily complying with the previous limit set in regulations under the Clean Air Act, 1984. It should be noted that despite its nomination by the NHMRC, the limit for nitrogen oxides has not been applied to any of the equivalent generation of power stations in other States, whose different regulatory regimes allow the continued operation of their facilities at their original design.

The degree of non-compliance with the discharge concentration has been limited to less than 100 hours per year, and for that time, if operating at full capacity, exceeded the new limit for nitrogen dioxide by only 75 milligrams per cubic meter. As a measure of the stringency of the new level the actual emission is less than 50 per cent of the statutory limit at the time it was installed.

When these power stations were planned, their specifications were for the best practicable technology of the time, and a condition of approval included a design maximum ground level concentration for air pollutants of 60 per cent of the current ambient goal as a safety factor for the future. This condition has meant that despite the inability to achieve strict compliance with the latest discharge limits at no time have they created breaches of the relevant ambient air quality goals or standards.

2. In the course of its administration of the Environment Protection Act, 1993 the authority issues authorisations in the form of licences for the operation of power stations. As they were operating prior to the date of effect of the Act the authority was obliged to issue licences under the transitional provisions of the legislation.

Where necessary the authority has issued specific authorisations to allow the power stations to continue to operate and meet the electricity demands of the State subject to implementation of formal Environmental Improvement Programs (EIP). These instruments are a powerful yet flexible tool provided for under the Act to achieve compliance with both the intent and the letter of the Act. In all of its deliberations, the authority is required to have regard to environmental, social, economic and equity considerations to ensure that the objects of the Act are properly pursued. In all cases the underlying consideration is the minimisation of environmental harm.

Those authorisations issued to the power stations include, as appropriate, conditions designed to reduce, measure and evaluate the potential for environmental harm resulting from their operation. The approach is consistent with that applied to other industries of significance which hold licences under the Act. Programs to reduce potential for harm are not restricted to the expensive refitting of controls on processes not designed for them, but may be operational in nature. For example in 1997 the Snuggery gas turbine unit complied completely by limiting operation to less than 70 per cent of maximum rating when it was used.

One factor which must be considered in the application of the terms of EIPs is that disruption of electrical supply is likely to result in unacceptable emissions from other facilities such as oil refineries, foundries and smelters when they lose power to their processes. The authority is required to take the most appropriate course of action to produce the best environmental result. That may dictate delaying or modifying the application of a standard set elsewhere and intended for new, state of the art technologies required to enhance or restore a badly degraded environment. Just as the motor vehicles already in use are not required to be refitted with new engines, control systems and safety equipment to comply with 1998 international standards, the application of such new standards to existing operations is inappropriate and may conflict with the stated objects of the South Australian Environment Protection Act, 1993.

The authority has shown its commitment to not only the maintenance of South Australia's environment but to its improvement, while recognising that activities which impact upon land, air and water resources are necessary to provide the quality of life expected by the community. To that end, the Authority will continue to pursue a course of minimising environmental harm through application of appropriate standards.

SUSTAINABLE ENERGY AGENCY

168. **Mr HILL:**

1. When will the Government establish a sustainable energy agency?

2. What will its initial budget be and how long will it be funded by Government?

The Hon. M.R. BUCKBY:

1. The Premier's media release dated 30 June 1998 foreshadowed the creation of a sustainable energy agency. Key functions of the body were to include the promotion of energy efficiency and new technologies for renewable energy such as wind and solar power, and assisting in the development of cost-effective demand management strategies.

As an independent statutory body, the agency requires legislation to give effect to its role and function. The Government has therefore introduced the Sustainable Energy Bill in order to establish the South Australian Sustainable Energy Authority. The broad purpose of this body is to promote energy efficiency, including assisting in the promotion of sustainable energy technology, and in the reduction of energy demand and greenhouse gas emissions in order to encourage better environmental outcomes.

Specifically, the Bill provides for functions which include:

- the investigation and promotion of the development, commercialisation and use of sustainable energy technology;
- the provision of information, education, training, funding and other assistance to persons engaged in the development, commercialisation, promotion and use of sustainable energy technology;
- the provision of advice to other persons on matters relating to the development, commercialisation, promotion and use of sustainable energy technology; and
- the accreditation of schemes for the generation of energy from sustainable sources.

Following the passage of this Bill, it will be possible for the agency to become formally established and to commence operation with full legislative backing.

2. The Authority will initially be funded by Government. However, it might be expected that the authority would, over time, become self-funding to some extent. The three-year corporate planning timeframe contemplated in the Bill provides the framework for its activities, and the backdrop against which the funding arrangements would be set. The initial budget of the authority will be commensurate with its role and function.

TRANSADELAIDE, LONSDALE EMPLOYEES

178. **Mr HILL:**

1. What percentage of the work performed by Lonsdale TransAdelaide is carried out by part-time workers and is this amount in breach of current industrial agreements?

2. What means are employed to monitor the level of part-time employment?

The Hon. DEAN BROWN: It is assumed that the Member for Kaurna is referring to bus operators covered by the TransAdelaide Lonsdale Bus Certified Agreement 1998.

1. The TransAdelaide Lonsdale Bus Certified Agreement 1998, provides as follows—

'Work will be arranged so that rostered work for part-time operators does not exceed thirty percent (30 per cent) of the rostered work for Lonsdale Depot, provided that the Lonsdale Depot Consultative Committee may vary this ratio as it continues to monitor the mix of full-time and part-time operators required for the efficient operation of Lonsdale Depot'.

Rostered work comprises all known work at the time the roster is prepared and includes all rostered work Monday to Saturday and voluntary overtime work which may include Sunday work, chartered work, tour work and special events services and time worked to cover absenteeism on a daily basis.

After the roster is posted it is possible that the Depot may pick up 'extra work'; for example, extra chartered work, tour work and special events services brought on at short notice. In order that the operator be paid and costs assigned to the general ledger, it is necessary for the 'extra work' to be entered in the Depot's rostering

system. However, the parties to the Agreement have agreed that the work itself is not considered to be part of the rostered work for the Depot.

On no occasion has the rostered work for part-time operators exceeded the agreement provision of 30 per cent.

2. TransAdelaide's rosters are designed using a computerised system known as AUSTRICS. AUSTRICS is a world recognised leader in the provision of scheduling and timetabling systems. The system has input safeguards to ensure normal rostered work is allocated within the specified requirements of the Agreement.

179. **Mr HILL:**

1. How many buses operate out of the TransAdelaide Depot at Lonsdale and what is the age of each of the buses?

2. How does the average age of Lonsdale vehicles compare with vehicles in operation in other Adelaide bus depots?

3. How many wheel chair access vehicles operate out of Lonsdale?

The Hon. DEAN BROWN:

1. TransAdelaide operates 75 buses out of its Lonsdale Depot. The fleet comprises—

1	B59 Volvo	Age 20 years
16	B58 Volvo—Articulated	Age 18 years
5	B10M Volvo—Articulated	Age 16 years
15	B10M Volvo—Express	Age 16 years
35	B58 Volvo—Express	Age 18 years
3	MAN HOCL 11.190 (Midi)	Age 2 years

2. The average age of the Lonsdale fleet is 16.85 years. The average age of TransAdelaide's total fleet is 12.06 years. The Lonsdale fleet is mainly made up of Volvo B58 and Volvo B10M buses as they were the most suitable bus at the time of purchase to operate safely in the hills environment at the high speeds required. Subject to a new bus lease agreement with Transport SA, these buses (being the B58s) are scheduled for replacement within 3 years, at the current delivery capacity.

3. Three wheelchair accessible buses operate out of Lonsdale Depot—the three MAN HOCL 11.190 Midi buses.

GREENHOUSE GASES

181-195. **Mr HILL** In relation to each agency under Cabinet Ministers' portfolios:

(a) What in units and dollars was the consumption of electricity and gas in 1996-97 and 1997-98;

(b) What targets does the agency have for 1997-98;

(c) What strategy (including budget) does the agency have in place to comply with the Government's commitment to reach greenhouse gas targets as outlined in the Government publication 'Energy Action'; and

(d) What mechanism is in place to monitor the progress of the strategy?

The Hon. R.G. KERIN: The 'Energy Action' publication referred to in Questions on Notice Nos 181-195 details the Government's greenhouse gas targets program, which was launched jointly by the Minister for Environment, Heritage and Aboriginal Affairs and the Minister for Primary Industries, Natural Resources and Regional Development on 28 April this year.

The program involves setting greenhouse gas reduction targets for all Government departments. It does not cover the activities of Optima Energy, ETSA Corporation, SA Water Corporation and TransAdelaide.

The program is being coordinated by the Department of Primary Industries and Resources (PIRSA) through the Office of Energy Policy. In answer to the specific questions asked:

1. Figures for 1997-98 will not be available until mid August. Figures for 1996-97 are as follows:

Department/Minister/s	Cost ($)	Electricity Kilowatt hours	Gas Cost ($)	Megajoules
Admin & Information Services Minister for Government Enterprises Minister of Administrative Services Minister for Information Services	857,238	8,038,727	nil	nil
Education, Training & Employment Minister for Educn & Chlns Services Minister for Youth Minister for Employment	10,196,832	81,972,619	1,468,216	185,311,145
Human Services Minister for Human Services Minister for Disability Services Minister for the Ageing	10,449,493	121,658,322	3,804,974	834,836,088
Industry and Trade Minister for Industry, Trade & Tourism Minister for Local Government Minister for Rec and Sport	84,943	658,477	nil	nil
Environment, Heritage and Aboriginal Affairs Minister for Environment, Heritage and Aboriginal Affairs	312,183	450,179	nil	nil
Transport, Urban Planning and the Arts Minister of Transport and Urban Planning Minister for the Arts Minister for Status of Women)	7,814,827	38,285,141	974,885	202,100,170
Justice Department Attorney-General Minister for Police, Correctional Services and Emergency Services	2,948,173	29,582,580	543,874	87,035,861
Treasury and Finance Treasurer	116,480	950,672	nil	nil
Primary Industries & Resources Deputy Premier, Minister for Primary Industries, Natural Resources and Regional Development	541,762	4,084,640	180,586	41,003,318
Premier and Cabinet Premier	314,495	1,683,680	11,794	1,386,380

2. The Office of Energy Policy in consultation with all government agencies has set preliminary targets. These are outlined in Attachment 1 and are subject to final approval from each agency.

It should be recognised that significant work is being undertaken by the Office of Energy Policy to ensure that all Government Agencies are taking a responsible approach to energy usage.

The setting of Energy saving targets for every Government agency is a complex and involved task of significant magnitude. The Office of Energy Policy is revisiting each agency to obtain approval of the preliminary target figures. Through this process the final figures and targets should ensure that every agency site within Government is represented and the appropriate targets set for the relevant department.

3. The strategy to reach targets is based on raising awareness of

energy use within all agencies. It is currently being developed by the Office of Energy Policy and involves:

- Each agency developing a formal energy policy;
- Energy management being fully integrated into management structures with clear delegation and responsibility for energy consumption;
- Formal and informal channels of communication being set up to maintain communications within agencies;
- Establishing a comprehensive system, monitor consumption, identify faults, quantify savings and provide budget forecasting within agencies;
- A marketing strategy to promote energy efficiency and performance of energy management within agencies;
- Evaluation and appraisal of all cost effective energy initiatives or possibilities for investment in new and refurbished buildings.

The strategy is being implemented within existing budget resources and only cost effective capital improvements, where the savings in energy cover implementation costs, will be considered.

4. The Office of Energy Policy will provide regular updates on the program, including provision of quarterly energy reports to all agencies.

Details on energy consumption and greenhouse gas reduction targets for individual departments is available if required.

Attachment 1

Greenhouse Gas Savings Targets

The proposed targeted reductions (still to be confirmed with agencies) are for the two year period ending 30 June 2000.

Department	Electricity (Kilowatt hours)	Gas (Megajoules)	CO_2 (Tonnes)	Savings ($)
Admin & Info. Services	568,000	nil	2,250	61,000
Education, Training & Employment	4,041,000	8,840,800	3,720	
572,000				
Human Services	5,830,000	40,790,000	6,900	680,000
Industry & Trade	66,000	nil	50	8,500
Environment, Heritage & Aboriginal Affairs	245,000	nil	196	31,000
Transport, Urban Planning & the Arts	815,000	105,264	660	95,000
Justice 1,673,000	3,145,000	1,500	231,000	
Treasury & Finance	95,000	nil	76	11,600
Primary Industries & Resources	320,000	nil	255	35,000
Premier & Cabinet**	62,000	nil	50	8,000

N.B. Table does not include ETSA Corporation, Optima Energy, SA Water Corp and TransAdelaide

** targets for Parliament House have not yet been set.

HINDMARSH SOCCER STADIUM

197. **Ms THOMPSON:** What employment outcomes both ongoing and during construction are expected from the Government's proposed expenditure of at least $27 million on the upgrading of the Hindmarsh Soccer Stadium and on what evidence are these expectations based?

The Hon. J.W. OLSEN: I have been advised by the Department for Industry, Trade and Tourism of the following.

As the member for Reynell is aware the Hindmarsh Stadium Stage 1 project was completed in December 1997 at a cost of $9.26 million. The employment created as a result of that project was 523 comprising 61 jobs for consultants and their staff and 462 jobs in the construction industry and service suppliers. Hansen Yuncken, the construction manager for Stage 1, prepared these figures.

The predicted number of jobs created as a result of letting the contract for the construction of the Hindmarsh Stadium Stage 2 project is anticipated to be in the order of 67 jobs for consultants and 250 in the construction industry and service suppliers. These figures, prepared by the quantity surveyors for the Stage 2 project, were based on industry projections for a project of this nature.

Currently the number of casual staff employed between the SA Soccer Federation and the two national league teams for matches at the Hindmarsh Stadium ranges from 130 to 160 depending on the expected attendance.

The projection of ongoing jobs created as a result of the Hindmarsh Stadium redevelopment is 75 casual jobs comprising mainly of catering (33), security and front-of-house attendants (20), car parking attendants (15) and cleaning (6). It is envisaged that a further two full time jobs will be created for a stadium manager and marketing manager. These figures are based on industry projections for such a facility.

Corrigendum:

Page 1817—From line 48 in column 1 to line 28 in column 2—Delete amendment to clause 9 and insert the following:

Page 3—

After line 29—Insert new definition as follows:

'prescribed limit', in relation to prescribed services, means the limit prescribed for the prescribed services for the purposes of section 32 of the Workers Rehabilitation and Compensation Act 1986;

Line 31—Leave out 'for the prescribed services by regulation under subsection (2)' and substitute:

for the prescribed services for the purposes of section 32 of the Workers Rehabilitation and Compensation Act 1986

Line 34—Leave out 'a regulation' and substitute:

notice

Line 36—Leave out 'Governor may, by regulation' and substitute:

Minister may, by notice in the *Gazette*

Lines 37 and 38—Leave out paragraph (a).

Page 4—

After line 1—Insert new paragraph as follows:

(c) vary or revoke a notice under this subsection.

After line 16—Insert new subsections as follows:

(4a) For the purposes of this section, a charge for prescribed services is excessive if—

(a) the charge exceeds the prescribed limit or the charge allowed for the prescribed services under the prescribed scale; or

(b) in the case of prescribed services for which there is not a prescribed limit and to which a prescribed scale does not apply—the charge exceeds an amount that the Magistrates Court considers reasonable for the provision of the services.

(4b) The Magistrates Court may, on application by the insurer—

(a) where an injured person has been charged an excessive amount for prescribed services—reduce the charge by the amount of the excess and, if the charge has been paid to the service provider, order the service provider to pay the amount of the excess to the insurer; or

(b) where an injured person has received prescribed services that the Court considers were, in the circumstances of the case, inappropriate or unnecessary—disallow the charge for the services and, if the charge has been paid to the service provider, order the service provider to pay the amount of the charge to the insurer.

Lines 22 to 29—Leave out subsections (6), (7) and (8).

Lines 30 to 38 and page 5, lines l to 4—Leave out new section 127B.