LEGISLATIVE COUNCIL

Thursday 18 February 1993

The PRESIDENT (Hon. G.L. Bruce) took the Chair at 2.15 p.m. and read prayers.

QUESTION TIME

SCHOOL VIOLENCE

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Attorney-General a question about violence in schools and a Children's Court decision.

Leave granted.

The Hon. R.I. LUCAS: I refer to an incident at Reynella East High School on 17 August last in which a student was the victim of a knife attack. The student sustained knife wound injuries to the stomach and the shoulder and, I am told, was hospitalised for several weeks.

Subsequently a youth appeared in the Children's Court charged with unlawful and malicious wounding of the first youth. The case was heard in the court on 25 and 26 January 1993 and on the latter date the magistrate, Mr K. Edgecombe, dismissed the case because he was not prepared to accept and act upon the evidence of the victim of the knife attack, and one of the witnesses that appeared before the court.

Concern has been expressed to my office at the magistrate's dismissal of the case, both by a parent of the victim and the investigating police officer. The victim's parents have subsequently lodged a complaint with the Police Complaints Authority regarding what they see as a lack of preparation by the prosecuting officer, and his failure to pursue certain lines of questioning. The parents, who say they still do not know the name of the police prosecutor, claim he spoke to their son only briefly before the start of the court case. The investigating police officer in this case has told my office he believes the magistrate was wrong in his decision to dismiss the case.

The police officer said the court case failed to determine whether the victim had actually received a knife wound to the shoulder. There was some suggestion that the injury may have been caused by a collision with a bag rack. Subsequently, the officer took some photographs of the injury to the department's senior pathologist for an assessment. The pathologist's opinion was that the shoulder injury was not consistent with a 'furniture wound' but was caused by a 'sharp object going in (the skin) at an irregular angle'.

My question to the Attorney-General is: has the Director of Public Prosecutions sought details of Mr Edgecombe's decision on this case, with a view to an appeal and, if not, will the Attorney-General ensure he does so and provide a report on whether or not there will be an appeal?

The Hon. C.J. SUMNER: I do not know whether the DPP has examined this case or not but I will certainly ask him. As the DPP is an independent authority—

The Hon. K.T. Griffin: Subject to policy.

The Hon. C.J. SUMNER: Whether there is any action that can be taken in relation to this matter is something that he would have to consider. Although there is, as the Hon. Mr Griffin says, a reserve power in the Attorney-General to direct the DPP, I have made it quite clear, and I made it clear in a ministerial statement I gave when the Office of the Director of Public Prosecutions was established, that that was a reserve power and could be used only in the most exceptional circumstances.

I do not know the facts of this case and I do not even know the details of the charge so it is a little difficult for me to comment on it. All I can do is say that I will have the matter examined and, if the DPP has an interest in it, then I will refer it to him and bring back a reply for the honourable member.

PARA DISTRICTS COURTHOUSE

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question about the new Para Districts courthouse.

Leave granted.

The Hon. K.T. GRIFFIN: A new courthouse comprising, as I understand it, eight courtrooms is being constructed for the Elizabeth Magistrates Court. Concern has been expressed to me that the royal arms will not be displayed in each court but, rather, the piping shrike or, as one correspondent has described it to me, the Murray magpie or Murray mudlark will take pride of place in each courtroom. It has been put to me that this downplays the independence of the court. I should say that I have some sympathy with that view. If the royal arms were displayed, it would reinforce the constitutional position that the courts dispense justice on behalf of the Crown independently of the Executive.

People who work in the Elizabeth courts have put to me two other factors. One is that a significant group of the court's clientele will look at the bird above the head of the magistrate and say, 'Oh no, not a Port Adelaide supporter!'

Members interjecting:

The Hon. K.T. GRIFFIN: I am being serious. That has been put to me quite seriously. The second is that those who are alienated from society make up a significant proportion of the court's clientele, and distrust the police. The South Australian police have the piping shrike as their emblem and display it prominently, not only in respect of their uniforms but also in various police stations. For the average defendant to see that same symbol dominating the front of the courtroom will, in the view of those who made representations to me, confirm his or her mistaken belief that the court is an extension of the police and not independent. My questions to the Attorney-General are as follows:

1. Will the piping shrike be the emblem displayed in each new courtroom in Elizabeth?

2. Will the Attorney-General indicate who made that decision and on what basis?

The Hon. C.J. SUMNER: It is not actually the piping shrike *simpliciter;* it is the piping shrike in the coat of arms for the State of South Australia, which have been approved by no less a body than the Royal College of

Heraldry, as I understand it, or some organisation that exists in the United Kingdom to decide which coats of arms people should have. Frankly I find that an anachronism, too. However, there is a very thick file in the Premier's Office on the topic, because the coat of arms was the subject of discussion by the honourable member when he was in Government, that is, whether or not we should have a new coat of arms, and there was considerable correspondence and, eventually, a decision was not made before his Government was defeated and this Government came into office and determined that, with some modifications, the coat of arms which had been in the process of being prepared by the Tonkin Government, should be adopted.

The present Government omitted from it a koala and a wombat, which were on the sides of the coat of arms as it was being prepared by the Tonkin Government. Nevertheless, we took up the coat of arms that was being prepared by the honourable member, deleted the koala and wombat and approved it, or sent it off to the body in London to approve it, as the State coat of arms. I am not sure why South Australia has to get the Royal College of Heraldry to approve its State coat of arms; nevertheless, that was the process undertaken by this Government following the work done by the Tonkin Government.

It seems to me that the State of South Australia could adopt whichever coat of arms it wishes to adopt, and perhaps that is something we need to examine at some time in the future. However, I make the point that the coat of arms which has now been put into new courtrooms to replace the imperial coat of arms is the South Australian coat of arms. It is not just the piping shrike on its own. In the coat of arms designed by the Tonkin Government—

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: You approved the design; you initiated the design—the piping shrike was right in the middle of the coat of arms. Of course, it is well known in a less formal context that the piping shrike is the emblem of South Australia. If the honourable member is concerned that people coming into the court will think that the magistrate supports Port Adelaide when he is giving his decisions because the piping shrike is behind him, he might as well go to the United States, see the eagle, which is the emblem of the United States of America, behind President Clinton and say to President Clinton that he is an Eagles supporter. It is bizarre, it is ridiculous. I have never heard a serious argument like that put in this Council previously. I am sure that there are teams called the Eagles in the United States in the basketball, baseball or football leagues, and because the poor President when he gives his press conference in the rose garden—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER:—of the White House has the United States emblem (the eagle) on the front of the podium for all to see, according to the populace of the United States President Clinton must be an Eagles supporter, whichever team that happens to be in the United States. I am surprised that the honourable member would put forward that argument as a serious proposition.

The second point made by the honourable member is that it downplays the independence of the court. That is absolute nonsense. This Government has done more to enhance the independence of the judiciary in this State than any previous Government by taking the magistrates out of the Public Service and by the proposal to establish an independent courts authority. To suggest that, because you use a State coat of arms—that is, an Australian coat of arms, Heaven forbid—in a court, that somehow or other you are reflecting on the independence of the court is, again, a nonsense.

Look at the Federal courts. The imperial coat of arms is not used in the Federal courts; it is the Australian coat of arms, and that is appropriate. The notion that we should in this day and age, after the Australia Acts were passed in 1986, still have the imperial coat of arms as the emblem of our courts I think is absurd, and would be seen to be absurd by the great majority of people in this State. The decision to replace the imperial coat of arms was taken by this Government. It is supported by the Chief Justice of the Supreme Court of South Australia.

The Hon. K.T. Griffin: And all the judges?

The Hon. C.J. SUMNER: I expect that it is not supported by all the judges, because I have had correspondence on the subject from the learned Justice Millhouse who is very upset at the replacement of the imperial coat of arms by the State coat of arms. In correspondence to me he has referred to the matter as 'creeping republicanism'. I suspect that republicanism is no longer creeping—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER:—and that republicanism will be upon us sooner than a lot of people think—and that is a good thing. The decision was taken by the Government. Obviously, the imperial coat of arms is still in a number of courts. In fact, when the Labor Party came to Government in 1982 the Sir Samuel Way building was being completed and the tapestries of the imperial coat of arms in those courts were being made on a voluntary basis by members of the community, so I did not feel that it was appropriate to stop that process and remove the imperial coat of arms.

However, subsequently, with new courts the decision has been taken that the imperial coat of arms should be replaced by the State coat of arms. That was an appropriate decision. It does not reflect on the independence of the court, and it certainly does not have the effect of the population who attend the court thinking that the magistrate or the judge has some football affiliation because the State coat of arms stands behind him or her.

OUTER HARBOR

The Hon. DIANA LAIDLAW: I seek leave to make an explanation before asking the Minister of Transport Development a question on the subject of the potential loss of business through Outer Harbor.

Leave granted.

The Hon. DIANA LAIDLAW: In the *Advertiser* today, Mr David Looker of the Australian National Line claims that shippers are seriously considering redirecting

their European cargoes through Melbourne. If this claim becomes reality—

The Hon. T. Crothers interjecting:

The Hon. DIANA LAIDLAW: You're better when you're asleep! If this claim becomes reality there will be major implications for the future viability of the Outer Harbor container terminal. ANL, together with the other 11 carriers in the consortium ANZEC, which trades between Australia and Europe, accounts for 15 per cent of the container trade through the terminal. Of course, no carrier is obliged to come to Adelaide, and I assume that the Minister also recognises that no shipper is obliged to use the port. They will do so only if the price is right.

According to Mr Looker, Adelaide has always been a marginal port for ANL and other ANZEC carriers but, since 1 January this year, they all now see Adelaide as a less desirable place to do business. On 1 January the Department of Marine and Harbors introduced a new port pricing system based on each call made by a carrier to the terminal. While it will now be cheaper for carriers that visit only once in six months, it will be more expensive for carriers that make more calls in any six-month period. This pricing system, coupled with the new charges, seems to be at odds with the Government's professed—

The Hon. T. Crothers interjecting:

The Hon. DIANA LAIDLAW: I think you've been everywhere! This pricing system seems to be at odds with the Government's professed desire to increase business through the port by increasing the frequency of carriers visiting the port. Also, since the Government ousted Conaust as the operator of the Outer Harbor terminal and installed Sealand on 5 January, all carriers in the ANZEC consortium have lost a $30 rebate that they have long enjoyed on the open rate of $230 for lifting a container.

That rate was part negotiated because so many of the carriers within the ANZEC consortium are associated with P&O, and Conaust, as the former operator of the port of Outer Harbor, as it is the operator of ports across Australia, is owned by P&O. I ask the Minister:

1. Following the meeting this morning between representatives of the Australian National Line and the Department of Marine and Harbors' officers, can she confirm that ANZEC carriers will continue to visit Adelaide at the same rate as they did prior to the change in terminal operator and hopefully at an increased rate in the future, and that shippers will not be encouraged to redirect their European cargoes through Melbourne?

2. Can she confirm whether the rebate to ANZEC carriers for the lifting of cargoes was part of a contractual agreement negotiated many years ago to induce carriers to come to Adelaide following the establishment of the container terminal and, if so, was Sealand made aware of such arrangements when it agreed to become the operator of the port?

The Hon. BARBARA WIESE: There are a couple of things that I would like to make perfectly clear from the outset. One is that the negotiation that is currently taking place between ANL and Sealand is a strictly private commercial negotiation taking place between two companies. The Department of Marine and Harbors has no involvement in that negotiation. It is one of a number of negotiations that I understand are currently taking place between Sealand and shippers involved with the port of Adelaide, and it is not unusual, surprising or difficult to understand that such negotiations would be taking place.

Sealand is a new company to the port. It has just taken up its place as the manager of the container terminal in January of this year, and it is establishing its own business with shipping companies and others who use the port of Adelaide.

So, the negotiation that was referred to in this morning's paper is one of a number that are taking place. It is not my place (and I certainly would not want to do so) to comment upon the negotiating tactics that may be used by individual companies, and the nature of the negotiation is not my business. My only concern, and that of the Government, in this matter is that, whatever the charges are that relate to the port of Adelaide, they should not in any way detract from the aim that we, as a Government, have to make the port of Adelaide a competitive port.

As I understand it, Sealand, the company which has taken over the lease for the terminal, shares those views, and indeed it is in its commercial interests that charges for companies using the port should be as low as possible in order that the port of Adelaide can be a competitive port and so that Sealand's business interests can be furthered. So, one would hope that the outcome of the negotiations that are taking place currently with ANL and with other shipping consortia will lead to the sort of outcome that I have just referred to.

The meeting that took place this morning between an officer of the Department of Marine and Harbors and representatives of ANL was arranged to discuss completely different issues, and I have not yet received any report from that officer about the outcome of that meeting. However, I stress that that meeting was arranged for other purposes. It is purely coincidence that that meeting should have been taking place on the day that an article appeared in the *Advertiser*.

The Hon. Diana Laidlaw: Do you think that is coincidence?

The Hon. BARBARA WIESE: I have no idea. I have no idea whether the article was deigned to coincide with the meeting. What I can say is that from the Department of Marine and Harbors' perspective the two issues were and are completely unrelated, and the meeting that an officer of the department had with representatives of ANL was arranged to discuss other issues.

As to the rebate arrangement that the honourable member refers to, that, too, is a commercial arrangement that was reached between the previous lessor of the terminal and their customers. It was their business judgment as to how they wished to conduct their business arrangements.

Sealand will make its own business judgements as to how it reaches its arrangements with its own clients. However, I would like to comment about one point which was contained in this morning's newspaper article and which was in the form of speculation on the part of the reporter, that is, the comment which suggested that somehow or other the revision of the Department of Marine and Harbors' pricing policy which commenced last year may in some way have been tied up with the

current negotiations that Sealand is having with its customers.

I can say that that is not the case. Those matters are also totally unrelated. The deliberations of the Department of Marine and Harbors during the past 12 months with respect to pricing policy for the port were not in any way related to any negotiations that subsequently took place with Sealand as the successful lessor for the port. The first phase of the pricing policy came into being at the Port of Adelaide in July last year, the second phase in January.

What we hope for the Port of Adelaide is that, as it becomes more competitive, as the business grows and as the economies of scale provide opportunities, the Department of Marine and Harbors will be able to reduce port charges even further, thereby improving the competitiveness of the Port of Adelaide. I am quite sure that Sealand also shares the objective that is being pursued by the Government in this respect and, if successful, we will have a port that is able to attract much greater business in and out, which will be in the interests of not only the Port of Adelaide but also the whole of the State of South Australia.

LAKE BONNEY

The Hon. M.J. ELLIOTT:: I seek leave to make a brief explanation before asking the Minister representing the Minister of Environment and Land Management a question in relation to Lake Bonney.

Leave granted.

The Hon. M.J. ELLIOTT:: The question I am asking is about Lake Bonney in the South-East, near the coast, not far from Millicent. Over my years in Parliament I have asked a number of questions about Lake Bonney, generally expressing concern about its state. I am pleased to report that at long last Lake Bonney is beginning to recover. The paper mill has now moved away from chlorine bleaching to peroxide bleaching and further changes are about to take place that will help the lake further. I am told by people in the South-East that the lake is showing signs of recovery; that AOX levels are down to 50 per cent, indicating a drop in the oxygen consuming organic material in the water, reducing the risk of anaerobic conditions; and that microfauna levels are increasing in number and variety of species, suggesting that the water is starting to improve in quality.

I have been told that another release of water from the lake to the sea is being planned. This is something that has happened on a number of occasions; as the water level in the lake rises the water has been released out to sea. This has caused concern in the past because of the level of contamination in the lake water. I am told that the cost of the release has been put at about $60 000. Fishermen who make their living along the coast immediately adjacent to the Lake Bonney outfall have passed on to me their nervousness about news of a release. Although the water's condition is improving, it is still polluted to a degree which causes them concern, because there may be damage to fish, particularly lobster stocks. They would prefer the water to remain contained in the lake until its condition improves. Failing that, any discharge would need to be during the months of June and July, when there is maximum turbulence along the coast and dispersion would be fastest.

One of the major reasons given for draining Lake Bonney in the past has been to allow the use of pasture land along its edges. I understand that two properties bordering on the lake have recently changed hands and it has been suggested to me that if the new owners were offered compensation for the loss of pasture land—if the water remains in the lake—it might be cheaper than the cost of having to release water from the lake. The adjacent marine environment would be spared the discharge of polluted water. Natural seepage from the lake to the sea would continue to occur, with the soil acting as a filter. A large volume of water in the lake basin has a diluting effect on the contaminants, creating a better environment for the recovery of microfauna, the precursor to a healthier lake.

I am also informed that for the first time in a long time an ibis colony is establishing at the lake. At present, with the water level at 2.1 metres, this colony is on an isthmus in the lake but, if the water level were lowered much further there would be severe predation. On the other hand, if the lake level rose another 20 centimetres, the colony would be on an island and therefore safe. The re-establishment of wildlife in the area is not only a sign that the lake's health is improving but will also assist the process. My questions to the Minister are:

1. What plans exist for a discharge from Lake Bonney?

2. What consideration is being given to allowing the lake level to remain high?

3. Has the possibility of compensating the farmers rather than draining the lake been considered?

4. If a release of water is deemed necessary will the wishes of the fishing industry, for a June or July discharge, be considered?

The Hon. ANNE LEVY: I will refer that series of questions to my colleague in another place and bring back a reply.

STATE BANK

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Attorney-General, as Leader of the Government in the Council, a question about the State Bank of South Australia.

Leave granted.

The Hon. L.H. DAVIS: The Prime Minister's $600 million package to South Australia if the State Government sells the State Bank of South Australia highlights the importance of banking in the South Australian economy and raises the question as to which bank or financial institution would bid for the State Bank if indeed it was to be sold over the next 12 months. For decades South Australia has had a bank headquartered in this State—the Bank of Adelaide, the State Bank of South Australia and the Savings Bank of South Australia. If the State Bank is sold as a going concern to an interstate bank or to an overseas based bank, South Australia would face the prospect of being the only State capital in Australia without a retail bank headquarters. Queensland has the Metway Bank and the Bank of Queensland. Western Australia has the R&I Bank and Challenge Bank. Melbourne has the National Australia Bank, the

ANZ Bank and the Bank of Melbourne. Sydney has the Commonwealth Bank, Westpac, St George and Advance. As one can see, every other mainland capital has at least two banks headquartered in those cities. Hobart has the Tasmania Bank. Quite clearly a bank headquartered in South Australia offers employment opportunities simply not available in a branch office setting—opportunities in technology, treasury operations, financial administration and marketing.

Current market shares in South Australia amongst major banks, as set out in the *Financial Review* this morning, suggest that the State Bank has 40 per cent of deposits and 40 per cent of home lending, the Co-operative Building Society Group has 14 per cent of total deposits and 18 per cent of home lending, followed by the Commonwealth Bank with 15 per cent total deposits. ANZ, following its acquisition of the Bank of Adelaide over a decade ago, has 13 per cent of deposits. National Australia Bank with 9 per cent and Westpac with 8 per cent have the smallest shares. The National Bank has been by far the best performed of the major banks in Australia, steering clear of major financial difficulties. However, National Bank is currently preoccupied with its current $1 billion acquisition of the Bank of New Zealand, and in recent days there has been persistent speculation that the National Bank may require the ANZ Banking Group for a cost of over $4 billion.

Given ANZ's existing share of the market in South Australia, if National did acquire ANZ it would be unlikely to have an interest in the State Bank of South Australia. The Commonwealth Bank took over the State Bank of Victoria in what was, in effect, a shotgun marriage, following the highly publicised debacle of the State Bank of Victoria and Tricontinental. However, not surprisingly, many Victorians who had banked with the State Bank of Victoria preferred to remain with a Melbourne based bank, and banking circles suggest that the Commonwealth Bank lost almost 2 per cent of market share in Victoria as clients switched mainly to the National Bank or to the Bank of Melbourne. That experience may well make the Commonwealth Bank think twice about undertaking a similar exercise in South Australia.

One of the best performed regional financial institutions in South Australia over the last few years has been the Co-operative Building Society. Its share price has doubled over the last two years and its asset base has also doubled to around $2 billion, with its effective takeover of the Hindmarsh Building Society. Its bad and doubtful debts are minimal. The Co-operative Building Society Group is much smaller than the State Bank of South Australia but it is feasible that an amalgamation of their operations could be achieved over a period of time. It could be argued, based on the lessons of history and the precedents existing in other States, that a bank headquartered in South Australia would be preferable to a takeover of the State Bank from an interstate or foreign bank. My questions to the Attorney-General are:

1. Has the Government set down any guidelines for the sale of the State Bank of South Australia?

2. Will the Government seriously consider the prospect of the Co-op Building Society being involved in the acquisition of the State Bank of South Australia given that a locally based bank provides vital economic stimulus, employment and direction to the local community?

The Hon. C.J. SUMNER: I thank the honourable member for his questions. These are all matters that will need to be taken into account when considering this issue and we certainly will do so.

WORKCOVER

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Labour, a question about WorkCover.

Leave granted.

The Hon. J.F. STEFANI: On 15 January 1993, WorkCover sent a letter to members of Parliament advising them that following the passage of legislation late last year WorkCover had been able to reduce levy rates payable by employers. The letter which I received stated the following:

Employers are now being advised of—

1. A 10 per cent reduction to their industry levy rates to apply from 1 January 1993 to 30 June 1993.

WorkCover also forwarded a sample package which included a circular letter to employers titled 'Levy Reduction'. The opening paragraph of the circular letter to employers stated that, because of the recent passage of important reforms to the WorkCover Act, the WorkCover Board had decided to reduce industry levy rates by 10 per cent from 1 January 1993. When examining the application of the revised levy rate calculation adopted by WorkCover, I have discovered that employers on a maximum penalty rate of, say, 50 per cent will effectively receive only an industry levy rate reduction of much less than 10 per cent as indicated and published by all information circulated by WorkCover. This means, that an employer with a payroll of $750 000 could be paying approximately $1 500 more in levy rates over a six month period. Likewise, employers on a maximum bonus rate of, say, 30 per cent are receiving a greater reduction to the industry levy rate which applies to their particular industry.

The misleading way in which the Government has published this long overdue levy reduction is now causing enormous concern and confusion to many employers who are now seeking a correction to the way in which WorkCover has applied the 10 per cent decrease for industry levy rates. My questions to the Minister are:

1. Can the Minister explain how this blatant misinformation has been allowed to be circulated throughout South Australia and to all employer organisations?

2. Will the Minister give an immediate undertaking that the correct 10 per cent reduction will be granted to all industry levy rates as indicated by the Government and by all documents circulated by WorkCover, and the appropriate adjustments made to the calculations of levy rates?

3. Will the Minister give an undertaking that this will not affect the review of the levy rates promised to be undertaken in April 1993?

The Hon. C.J. SUMNER: I will refer the questions to my colleague and bring back a reply.

PRISONER, DRUGS

The Hon. J.C. IRWIN: I seek leave to make an explanation before asking the Attorney-General, representing the Minister of Correctional Services, a question about drugs in prison.

Leave granted.

The Hon. J.C. IRWIN: Today's and yesterday's *Advertiser* highlighted in articles the problem of drug abuse in our prisons in South Australia. This matter is not new and has been continually highlighted by the Opposition and the Democrats. I can recall spirited questioning of the Minister of Correctional Services over at least the past four years in Estimates Committees. Figures from the Hon. Mr Gregory show that the incidence of drugs and drug implement abuse rose from 227 cases in 1990-91 to 566 in 1991-92, which is more than double.

The Hon. Frank Blevins, when he was Minister, reported to Estimates Committee A in September last year that, to 30 June 1992, 141 urine samples had been tested. This is but one method of drug detection. One hundred and eleven or 79 per cent had indicated the presence of a drug. Testing is undertaken on suspicion only, giving a very limited interpretation of what is available to the detection of drugs in prisons. Only 141 samples were tested, out of a daily prison population of around 1 000 which equates to 350 000 on an annual basis. That is 141 only. Even out of that pathetic sample, up to 30 June 1992, 79 per cent of those tests were positive and that should have indicated strong measures were needed.

Today's *Advertiser* indicated that the prison officers union, the Public Service Association, represented by Ms Jan McMahon, said:

> Drugs are at the core of our safety dispute. I believe there are large quantities of drugs in South Australian prisons. The impression I get from officers is that there is a lot more drugs inside prison than there is outside.

In September 1992 Minister Blevins told the Estimates Committee:

> In the eight years I have been in this job, I do not think we have had an example of prison officers being involved with drugs in the prison itself.

It is remarkable that five months later we are being told by the PSA and others that at least 10 prison officers are under police investigation. To compound the matter the PSA advised all members yesterday in reference to Minister Gregory's recent ministerial statement:

> In respect of his comments regarding contact visits, it is well known that contact visits are the chief source of drugs entering prisons. The prevention of entry at visits must be a priority to maintain health and safety standards. A dedicated, highly trained unit, that is, the DCS Dog Squad, should be used for this purpose along with other real measures.

This statement is obviously based on considerable advice received from prison officers. In November 1992 Minister Gregory said in relation to matters raised by the Hon. Mr Gilfillan:

> However, the vast majority of drugs detected are in extremely small quantities and in a number of cases are only referred to as a trace.

One month later, in December last year, we had a report of a heroin death by overdose at Mobilong. This is not an isolated case over recent years. In fact, at the very time Minister Gregory was answering the Hon. Ian Gilfillan in November last year, former Minister Blevins was telling the Estimates Committee that he did not think there was one example of prison officers being involved with drugs in prison. Members may not know one other fact; that is, that for every day a prisoner is locked in his cell his sentence is reduced by four days. The present dispute with prison officers about working conditions, which includes drugs, has now seen prisoners locked in their cells for six days, with no end in sight. My questions to the Minister are:

1. When will the Minister of Correctional Services instigate a full public inquiry into the supply and distribution of drugs in South Australia?

2. How many urine samples were taken and tested between 1 July 1992 and 31 December 1992, and what percentage of those samples proved positive?

The Hon. C.J. SUMNER: I will refer the questions to my colleague in another place and bring back a reply.

SCHIZOPHRENIA FELLOWSHIP

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister of Transport Development, representing the Minister of Health, Family and Community Services, a question about the Schizophrenia Fellowship of South Australia.

Leave granted.

The Hon. BERNICE PFITZNER: The Schizophrenia Fellowship of Australia is another small self help organisation with a small salaried staff and a large voluntary component that is under threat of closure due to lack of Government funds. The Schizophrenia Fellowship has seven part-time staff and a host of voluntary workers. They provide hands on service to people suffering from the psychotic condition of schizophrenia, as well as support to the family. The service includes information concerning the illness, counselling to clients or patients, education support groups, etc. It provides service to approximately 460 individual people, which means thousands of repeat counselling sessions. It operates from two activity centres, one at Kent Town and the other at Morphett Vale.

It had a State Government grant of approximately $30 000 and a Federal grant of approximately $80 000. However, these grants are not recurring and, to date, it has no further funds to carry on. It has signalled that it will have to close. With the trend of relocating disabled people from institutions into the community, for example, from Hillcrest, this type of organisation would provide the community network needed for these mentally disabled people. The former CEO of the South Australian Mental Health Commission (Mr Meldrum) and the present CEO (Mr Beltchev) have both requested that it try to carry on. However, with the best of intentions the group cannot carry on unless funds are available. It will need at least $100 000 annually. My questions to the Minister are as follows:

1. Why is the Minister not recommending strong support for these types of organisations, as they form an essential part in the devolution of mentally disabled people from institutions to the community?

2. Will the Minister be providing further sufficient State funds to the Schizophrenia Fellowship of South Australia? If not, why not?

3. If the Federal Government will not provide its part of the funds, will the State increase its contribution to this most excellent facility?

The Hon. BARBARA WIESE: I will refer the question to my colleague in another place and bring back a reply.

EXPRESS

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister of Transport Development a question about work practices on the motor vessel *Express.*

Leave granted.

The Hon. PETER DUNN: South Australia is unique in that it has a number of outloading ports, for instance, Port Adelaide, Ardrossan, Port Giles, Wallaroo, Port Pirie, Port Lincoln and Thevenard. No other State has that many. They are mostly shallow coastal ports not connected by railway, therefore the transfer of grain, in particular, or bulk commodities is very difficult, other than by sea, but there is a need to shift grain from these now very shallow ports. Because of the change in requirements of shippers to larger ships, our shallow ports cannot take them. So, we really have only two ports that can take large bulk carriers, that is, Port Giles and Port Lincoln.

To transfer the grain from the shallower ports to Port Giles and Port Lincoln, the Wheat Board, particularly, has hired the motor vessel *Express,* which is a self unloading bulk carrier. The cost is many thousands and, in some cases, millions of dollars. The problem that has arisen in the past is that when the motor vessel has been used to transfer grain from Thevenard to Port Lincoln, for instance, the vessel can be loaded in Thevenard during daylight hours and travel to Port Lincoln but, because of industrial regulations in Port Lincoln, it cannot be unloaded in the evening or at nighttime.

So, it sits there, creating demurrage, idly sitting in the bay when it ought to be unloading, and it costs quite a lot more to the bulk handling company and the Wheat Board to transfer the grain because this boat sits idle. The boat has been used for a couple of years, but I understand that last year it was used less because of the cost. I understand some negotiation has taken place as to the work practices at our ports, so that they can be used for longer periods. My question to the Minister is: will the Minister confirm or deny that the agreement to load and unload the motor vessel *Express* will be carried out on a 24 hour basis at any ports in South Australia?

The Hon. BARBARA WIESE: This issue is tied up with negotiations that have been under way for a long time between representatives of shipping organisations, the maritime trade unions and the Australian Government. They form part of the stage 2 negotiations for reform of Australia's waterfront. I am aware that the owners of M.V. *Express* (Howard Smiths) would very much like to be able to operate that ship and others that they own on a 24 hour basis. However, until the industrial issues can be resolved—and they are tied up in a much broader negotiation that is currently under way—there is not likely to be a decision.

I understand that part of the reason for the delay in agreements being reached may well be related to the pause in activity that is probably taking place in a whole range of areas in Australia at the moment with the Federal election pending because, as I understand it, the Federal Labor Government and the Liberal Opposition have rather different views as to where our future lies with respect to domestic shipping arrangements and with industrial relations issues, in particular, and it would certainly not be appropriate for the Federal Labor Government to make or implement decisions at this time when we are in the middle of an election campaign.

So, there are a number of matters that are not likely to be resolved—and this is part of those broader negotiations—until after the Federal election outcome is known. I understand, though, that the issue is not simply one that will be dependent on negotiation between the trade union movement and the shipping companies in this respect, because I understand that the Australian Wheat Board may also have a rather different view on the matter from the shipping companies.

I think that, to some extent, their interests are different, and associated costs for the Australian Wheat Board as opposed to shipping companies may well be increased as a result of the move to 24 hour operations. However, those matters aside, once the broader negotiations on stage 2 of waterfront reform have reached a conclusion, my understanding is that specific negotiations relating to the matter to which the honourable member refers and the operations of M.V. *Express* will soon be resolved.

The Hon. PETER DUNN: I ask a supplementary question: will the Minister confirm or deny that there has been agreement? I think that some members of the community want to know whether the grain can be shifted. As I understand it, the Wheat Board has already made some sales, and grain needs to be shifted. Will the farming community have to put up the cost, because they are the ones who eventually pay? Does the Minister know whether or not there has been an agreement?

The Hon. BARBARA WIESE: I thought I made it fairly clear that there can be no agreement on this issue until the broader issues relating to stage 2 of waterfront reform have been agreed by the various parties. Those matters have not been resolved; therefore, this matter relating to 24 hour operation at ports around Australia cannot be resolved, either. So, my understanding is that there is no agreement and there will not be any resolution of that matter until the broader issues have been resolved.

WORKCOVER

The Hon. K.T. GRIFFIN: I understand that the Attorney-General has an answer to a question I asked yesterday on WorkCover claims. If it is the same as the copy that was handed to me by a ministerial officer for the Minister of Labour Relations and Occupational Health and Safety at 12.45 p.m. today, I want to say right from the start that I think it is offensive and evasive. Nevertheless, I ask the Attorney-General to let

me have the answer that he has, and I would be happy for him to incorporate it.

The Hon. C.J. SUMNER: Regrettably, I think it is probably the same answer which the honourable member has and which I have only just read, but in the interests of providing swift information to the Council I seek leave to have the reply inserted in *Hansard* without my reading it.

Leave granted.

The Minister of Labour Relations and Occupational Health and Safety has provided the following responses:

2(a) The information believed to be requested in provided below.

(b) The delay in responding was due to:

(i) the question being nonsensical

(ii) the questions inadvertently not being sent to WorkCover until 17 February.

(c) The question seeks information on 'the number of claims at 19 November 1992 made but not determined by WorkCover'. The parliamentary debate makes it clear that the question relates to Section 43, not new claims.

There is no such thing as a Section 43 claim. A Section 43 entitlement falls due once the disability has stabilised, and when a doctor certifies that a permanent disability (loss of full efficient use of the faculty) exists. This entitlement is actioned either by the case manager on receipt of a doctor's report or when a worker seeks a determination having provided medical evidence that the condition has stabilised.

As such, it is not possible to answer the restated question. There are always a number of potential Section 43 determinations at various stages of progress. In November 1992, there were always about 40 to 50 claims with the Section 43 officer for checking and approval. These were processed at their normal rate.

A flood of Section 102 appeals arrived in November and December from lawyers, seeking determinations. Many of these were not correct, in that the injury had not stabilised. Accordingly, Section 43 eligibility did not exist.

3. The same comment applies as for Question 2. It is assumed the Hon Member seeks information on Section 43 payments, not new claims.

(a) The answer to this question is partly provided above. It is not possible to report how many Section 43 'claims' were received between 19 November and 10 December, as there is no such thing. However, as a guide, the Corporation received 267 applications in November under Section 102, the great majority of which related to Section 43 lump sums. As indicated, it is then necessary to determine if the injury has stabilised and what percentage loss has occurred. If no medical reports exist, on this matter, this information has to be obtained from a medical expert, often involving a delay of 3 or 4 months.

It is not possible to determine how many of these Section 102 requests had the necessary information available. They are all processed by independent Review Officers, not subject to direction from the Corporation.

(b) The number of Section 43 lump sums processed in 1992/3 were as follows:

April 1992	245
May 1992	253
June 1992	297
July 1992	280
August 1992	256
September 1992	270
October 1992	235
November 1992	234
December 1992	127
January 1993	137

In the period 19 November to 10 December, 150 Section 43 payments were made.

There are two factors which resulted in the reduction in numbers paid in December and January. First, there has been a Supreme Court appeal by a worker on the Section 43 amendments, which has had the impact of stopping processing of a large number of payments whilst the legislation is clarified.

Secondly, an administrative policy was introduced in December 1992 to pay lump sum amounts 6 weeks after the determination is advised to the worker. This gives the worker the opportunity to accept the determination, or if not satisfied, to submit a Review application.

All the above numbers relate to claims with a date of injury prior to the date of proclamation of the amended Act. It would not be reasonable for an injury in December or January to have stabilised sufficiently for a Section 43 payment to be made.'

MULTICULTURAL MANAGEMENT PLANS

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier and Minister of Multicultural and Ethnic Affairs, a question about the Government's commitment to multicultural management plans.

Leave granted.

The Hon. J.F. STEFANI: In December 1989, legislative changes were enacted to the South Australian Multicultural and Ethnic Affairs Commission Act to reflect more closely the changing nature of ethnic affairs in South Australia. The Act, which was supported by the Liberal Opposition, placed certain obligations on Government departments to collaborate with the commission in formulating and implementing appropriate multicultural policies adapting services to the needs of the ethnic groups in the South Australian community.

In line with the 1989 changes to the Act, I am informed that on 7 January 1991 Cabinet approved a requirement that every State Government agency should develop a three year multicultural management commitment plan in accordance with their corporate planning and review process. In addition, agencies were required to provide annual progress reports to the commission on the implementation of their plans. My questions are:

1. How many Government agencies have prepared a three year multicultural management commitment plan?

2. Will the Minister advise the names of the agencies which have provided an annual progress report to the commission on the implementation of their plan?

3. Will the Minister seek an explanation from agencies which have not developed a three year multicultural management commitment plan and make such explanations available to Parliament?

The Hon. C.J. SUMNER: I will refer those questions to my colleague in another place and bring back a reply.

GOLDEN GROVE PRIMARY SCHOOL

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Minister representing the

Minister of Education, Employment and Training a question about the Golden Grove Primary School.

Leave granted.

The Hon. R.I. LUCAS: A number of constituents have contacted my office concerning the new Golden Grove Primary School. The school was formerly located on the site of Keithcot Farm Primary School but has now moved to its present site near the Golden Way where a $3.6 million school is being constructed in three stages. According to budget papers the first two stages of the school are to comprise eight general learning areas, an administration/resource centre, hard play areas, oval, canteen and shelter and canteen.

However, the concern being voiced about the new school is that it presently contains two large timber-framed transportable classrooms, one of which is to be totally refurbished, and two 'tinnies' which have asbestos cement products on the inside. My office has been supplied with some photographs of the interiors of these portable classrooms, and certainly it appears the classrooms have seen better days. The photographs reveal gaping holes in wall joints, ripped vinyl tiles, holes in the walls near electrical power points, and so on.

What concerns parents is that they have been unable to find out if these buildings are merely a stop gap measure until the school is finally completed or whether the transportable classrooms will be a permanent fixture at the school. Given that Golden Grove Primary School is the third primary school in this major housing development, and that student population projections should have been refined, given experience gained from the huge influx in student numbers that accompanied the opening of two earlier primary schools in the Golden Grove development, one would expect that the Education Department's demographic planners would have got their projections right for this school. My questions to the Minister, therefore, are:

1. Will the Minister outline whether transportable classrooms will be only a temporary measure at the new Golden Grove Primary School and, if so, over what time frame?

2. If transportable classrooms have been included as part of the permanent landscape at the primary school, will the Minister explain the reasons for this, given that the department has in recent years made much publicity of its practice of building schools in which some of the properties can later be sold off as residential dwellings?

3. Will the Minister give parents an assurance that the asbestos products in the transportable classrooms pose no threat to students, and that procedures are in train to rectify structural and cosmetic problems in the buildings that I have just outlined?

The Hon. ANNE LEVY: I will refer those three questions to my colleague in another place and bring back a reply.

WORKERS REHABILITATION AND COMPENSATION (DECLARATION OF VALIDITY) BILL

Adjourned debate on second reading.

(Continued from 16 February. Page 1249.)

The Hon. K.T. GRIFFIN: This Bill is being rushed through. The Liberal Party is not opposing that, although we express concern about it. It is being rushed through to deal with a court case which WorkCover and the Government seem to be rather afraid of, and which is scheduled to come on for hearing some time between 1 and 12 March. So, in typical form, it rushes through a piece of legislation designed to avoid the consequences of that court action and to pull the rug from under the feet of those who believe that they have a valid argument to raise in relation to the legislation that Parliament has passed.

Before I deal with the substance of that, I will deal with the answers to the questions that I raised yesterday about WorkCover claims. I made the point yesterday that when the Workers Rehabilitation and Compensation (Miscellaneous) Amendment Bill was being debated in November last year, I raised some questions during a debate on clause 22. That clause dealt with questions of application of the legislation. Clause 22(1) provides:

> Subject to this section, the amendments affecting entitlement to or quantum of compensation for disabilities apply in relation to—
>
> (a) a disability occurring on or after the commencement of this Act, or
>
> (b) a disability occurring before the commencement of this Act in relation to which—
>
> (1) no claim for compensation had been made under this Act as at the commencement of this Act, or
>
> (2) a claim for compensation had been made under this Act but the claim had not been determined by the corporation or the exempt employer.

Subclause (2) provides:

> The amendments made by sections 3, 5, 6, 10 and 11 apply whether the entitlement to compensation arose before or after the commencement of this Act.

Three other subclauses followed which dealt with other aspects of the application of that legislation. In relation to subclause (1), there is no doubt that the issue of retrospectivity was particularly relevant, as it was in relation to subclause (2). In the early part of the Committee consideration of clause 22, we did have a discussion about some amendments which I proposed and which were designed to oppose retrospective application of the legislation.

The Liberal Party was concerned that the Government was removing accrued rights for workers who had been injured and, instead of allowing their claims to be considered under the provisions of the principal Act as it applied prior to the date when the amending legislation came into operation, those claims were to be then considered under the terms of the amending consideration. It is the most blatant and unjust retrospective application of the law because it takes away rights which injured workers had.

After discussing some aspects of the amendments, and after one of the amendments had been put, I said to the Minister (Hon. Barbara Wiese), who, as I said yesterday, had the misfortune at that stage to be dealing with the Bill:

> How many claims presently within WorkCover have not been determined by the corporation'? I am trying to pin down the Minister. If she does not have the information at her fingertips, will she undertake to get it for me? The clause provides:
>
> ...a claim for compensation had been made... but the claim had not been determined by the corporation...

The reason I want it is obvious: 1 want to know how many now are undetermined so that we can perhaps ask, when the legislation is brought into operation, how many have been dealt with and how many people have been denied their established rights.

The Hon. Diana Laidlaw: That seems a pretty clear question to me.

The Hon. K.T. GRIFFIN: Pretty clear. I continue the quote, as follows:

> That information may be helpful, if it is possible to obtain this information without a lot of difficulty, to identify the periods for which claims have not been determined since they were made.

I made that in the context of some allegations which had been made to me that WorkCover was deliberately delaying the determination of claims so that, instead of paying out a larger amount of compensation under the provisions which then operated, they could determine claims under the new provisions, whether they were for lump sum compensation or other payments under the amending legislation. The Hon. Barbara Wiese said:

> That is not information we have with us today, but I undertake to provide it as soon as possible.

Then the clause was passed. At the time the Minister answered that question and gave that undertaking, she had the Chairman of WorkCover Corporation sitting beside her giving her advice, and she specifically asked for the information but it was not available, so she gave the undertaking. There was no criticism from the Minister that there was any nonsense about the question or that it did not make sense. She said:

> That is not information we have with us today, but I undertake to provide it as soon as possible.

So, we have the Chairman of WorkCover sitting here giving the Minister assistance. Then, in the answer which the Attorney had the misfortune to have to deliver today, the first portion states, 'The delay in responding was due to the question being nonsensical.' I find that particularly offensive, if it has been prepared either by bureaucrats in the Minister's office or by the WorkCover Corporation. They ought to have at least taken the trouble to be courteous in the reply and not be offensive themselves in answering a genuinely requested range of information.

The Hon. Diana Laidlaw: It is more a reflection on the writer.

The Hon. K.T. GRIFFIN: It may be, but I do not think we ought to tolerate that sort of rubbish being handed up in this Chamber in answer to genuine questions by members of the Parliament, whether on this side, the Government side or on the cross benches. We ask questions to get information. There was nothing offensive in the question I asked in the debate last year; there was nothing offensive in relation to the question I asked yesterday, except in relation to the question of delay. The question I asked in Committee was on 19 November 1992, and it was three months before we were able to get the information.

The other aspect of the question which I think WorkCover is being defensive about is that they say that the questions were inadvertently not sent to WorkCover until 17 February. That is a quite outrageous response. The fact is that the Chairman of WorkCover was sitting here, and he knew that the undertaking had been given. The undertaking had been given because the Minister was unable to give the information, and the Chairman of WorkCover knew what information was being sought. Then to say three months later, 'Well, the question was inadvertently not sent to WorkCover until 17 February' is an outrageous response and a quite implausible answer to the reason for the delay. It was just that they were not conscientious enough to get off their behinds and give the answers, and they would not give the answers because they thought they would be embarrassing.

We have a letter from the Minister of Labour Relations and Occupational Health and Safety that went to Mr Ingerson, the member who was handling it in another place. It is undated, but I think it was received on Monday. There he said:

> The urgency of the matter [in relation to this Bill] is heightened by the fact that the resolution of some 1 500 claims for compensation has been held up awaiting the determination of these proceedings before the Full Court.

Is it 1 500 claims that relate to matters that have arisen prior to the coming into operation of the amending legislation? If it is 1 500, it is 1 500 South Australian workers who have been injured at work and whose claims have been reduced as a result of the retrospective application of this law, and I think that is an intolerable position if there are 1 500.

What the answer does is to waffle around. What it says is the question seeks information on the number of claims at 19 November 1992, but not determined by WorkCover; the parliamentary debate makes it clear that the question relates to section 43, not new claims. That is quite wrong. Certainly part of the debate related to section 43 claims, but if the WorkCover management had troubled to read the whole of the debate on clause 22 they would have seen that it was not just referring to section 43 claims, but any claims, and if you look at the Bill as I have already read it out, it does deal, not just with section 43 claims which are dealt with under subclause (2) of clause 22 of the Bill, but a number of other claims. If we look at the definition clause in the principal Act, what does compensation mean under section 3? It includes 'any monetary benefit payable under this Act'. So, we are not just talking about section 43 claims for lump sum compensation: we are talking about all claims. It was clear in the course of the debate that we were talking about all claims which would be prejudiced by the passing of this legislation. If my question was nonsense then the way in which clause 21 of the amending Bill was drafted was equally nonsense, and I do not accept that for one minute.

Then we have in the answers to the questions a whole lot of garbage that is garbled up trying to hide the facts. Were 1 500 workers injured prior to the date when the amending legislation came into effect or is it some other

number? Have we got 1 500 injured workers who are now being deprived of their claims, and in respect of whose claims delay has occurred as a result of the Supreme Court action? It is just totally unacceptable for reasonable questions to be treated with this sort of contempt and I intend to take the matter further because I do not believe that it is a reasonable response to the genuine questions; it is defensive and evasive.

I hope that, following what the Attorney-General said in his reply yesterday (where he did also accept this, and quite rightfully so—and I appreciate that response), that it is quite unacceptable when a Minister gives an answer and an undertaking, that it should take three months for somebody within Government to decide it is time to have a look at it, and only then after it has been raised in the Parliament three months later.

In the debate on clause 22 of the legislation in November last year we made a very strong point that it was quite wrong in principle for that Act to be made retrospective, such that it deprived injured workers of benefits. It did not matter what those benefits were, whether we agreed with the basis of the claims for stress or whatever. The fact is that Parliament allowed a claim, the courts interpreted it in a particular way, and workers were entitled to a particular level of compensation. What the Government wanted to do on the request of WorkCover, which has been acting as a law unto itself in many respects, was to deprive those workers of the rights which had accrued, and to pay them less than that to which they were entitled. That is common practice for WorkCover. They do not care about principle. They do not care about whether rights have been accrued and whether rights have been taken away, and I must criticise the Government also for having fallen for this, and to have promoted the amendments even though they were foisted upon the Government by the Speaker in the other place and the Government was so sensitive to the prospect of an early election that it decided it would forgo the issue of principle and would just rather lay down and allow this Bill to pass. The Democrats are in the same category.

The Democrats could not stand up for principle. They come in here on other issues of principle and they talk about standing up for rights and principle, yet they also were running scared. They let the Bill go through, even though it deprived people of rights which had been established and had accrued. I am not saying that all retrospective legislation should not be supported. What I am saying is that where rights have been accrued, even if we do not like those rights, and we think that there may be an error in the way in which the courts have interpreted it, that is too had.

We have to lump it or leave it, and my view is that we do not move by legislation to take away those rights. We have had a couple of other instances of that in this Parliament in the past two or three years. We have had the Gawler Chambers debacle. Adelaide Development had established in the Supreme Court that it had particular rights. It could lodge a planning application, and there was a very real prospect that it would be granted. What did the Government do, under pressure from the Greenies? It brought in legislation that wiped out the rights that the court said that company had. We might not have liked the rights the company had, but the law gave it those rights and they should not be taken away retrospectively. The Democrats and the Government conspired and colluded to ensure that that legislation passed.

Before the last State election we had problems with prisoners' rights and we saw legislation brought in to try to overturn the decision of the High Court that had said, 'All right, the State Parliament has passed legislation, and the courts have wrongly interpreted it.' The Attorney-General said that we all knew what we wanted so we would change it all. The fact is that we cannot run a country or a State like that. People will not know where they are. We could not blame people for not wanting to come to South Australia, whether to live or to conduct business, if that is the way the Government is to be run, where we do not know what our rights are from one day to the next and we have a Parliament that will take rights away, even though they have been established by legislation and the courts. You have to live with some things as a Government and Parliament. If you have made a mistake you must face up to it and live with the consequences. If you are going to amend it, sure, amend it, but only in respect of future claims or rights and not in respect of those rights that have accrued.

We very strenuously opposed that clause 22 and moved amendments to it. We were not successful with those. We opposed the clause relating to retrospectivity and we likewise oppose this Bill. The Bill seeks to validate a Bill which had been certified by the Clerk of the House of Assembly. We do not know what Bill has been certified: presumably, it is the one that has received the Royal Assent. It is a rather curious piece of legislation, because all it says is:

1. The Workers Rehabilitation and Compensation (Miscellaneous) Amendment Act 1992, number 84 of 1992, is declared to be and since the date of its assent to have been an Act of Parliament.

2. The text of the Act as certified by the Clerk and the Deputy Speaker of the House of Assembly is the authentic text of the Act.

I must confess I have never seen a piece of legislation like that; it does not allow us to debate again the Workers Rehabilitation and Compensation (Miscellaneous) Amendment Act 1992, number 84 of 1992, yet again as a Parliament we are being asked to declare it to be an Act of Parliament and we are being asked to certify the text of an Act certified by the Clerk and Deputy Speaker of the other place. I do not know what they have certified, although we were told what it was in the second reading explanation when the Bill was received in this Council. However, it is a curious way to enact legislation.

There may be some argument about whether the enactment which was assented to reflected the will of the Parliament and it is quite correct that, if the amendment had not been made, there is at least one paragraph—22(1)(b)—which probably had no work to do. So be it: we have to live with that. If we have Clerks making changes that are substantive changes and not in my view clerical changes, then we are inviting a difficulty. Of course, the problem is that if the courts then decide that this is a substantive amendment and not a mere clerical amendment, the Government is faced with the difficulty that it will have to bring legislation

back to Parliament and then run the gauntlet of the Speaker in the other place as well as the gauntlet in this Council in respect of retrospectivity. Personally, I think that would be a good thing in terms of the way in which this whole legislation has been dealt with in 1992 and now.

I have a very strong view, as does the Liberal Party, that the Bill ought not to be supported and that it ought to run its course. If a problem is disclosed by the courts, we ought to deal with it then; we ought not to be passing legislation to anticipate what a court decision might be and particularly to cut off rights which may be established either under the amending Act or the principal Act. An interesting question, I suppose, is what happens when the legislation is passed about the costs of the parties who have taken the matter on appeal. Will the Government make any *ex gratia* payment? Will the Government make any payment to all those others who have claims in the pipeline and who are contemplating taking court action but who are regarding the case that is causing the Government and WorkCover concern as a test case? I do not know what will happen; there is no reference to that in this Bill, if it passes. If it does pass, I would hope that there would be at least a token gesture by the Government, acknowledging that the way in which the legislation has been dealt with does require some *ex gratia* payments to be made to the parties that have incurred costs.

I would hope that the Bill does not pass, that the court action is allowed to run its course and that we deal with any difficulty that might arise after that. Personally, I do not see it as a difficulty because, if the court decides that the amendment made by the Clerk of the House of Assembly is a substantive amendment, then at least those injured workers who have been deprived of their rights (I think wrongly) will be restored to their former position. The Law Society has expressed the view that it is also of that opinion, and a number of other lawyers have expressed that view, because they act for a number of people who have had their benefits reduced as a result of this legislation, even though their claim arose even before the Parliament considered the Bill in November last year. There are any number of cases where concern has been expressed.

Of course, we had the spectacle of WorkCover taking legal action against a firm of lawyers—I think it was Duncan, Groom and someone else—because that firm was so bold as to advertise in the newspaper that, because of the legislation that had been passed, injured workers did not have three years but six months to make a claim in relation to common law claims for non-economic loss and *solatium.* They were so bold as to advertise. Why should they not advertise? Why should they not refer to WorkCover? WorkCover took the rather pitiful line that Duncan, Groom and company was using the name WorkCover, which had been protected by legislation.

Who else administers the Workers Rehabilitation and Compensation Scheme? I thought it was a pitiful approach and that it was unworthy of a Government instrumentality to take that point, because it was seeking to cover up the fact that those who did not make their claims within six months would miss out. I do not think the Attorney-General would agree that it was proper to cover that up but, if rights are being taken away, people have a right to know about it and if someone who might get some business out of it decides that they want to spend the money to advertise that this is what is happening, good on them, because no-one else is going to do it. Certainly, WorkCover was not intending to take that line.

So, all the way through we have had a situation with WorkCover, under the guise of trying to reduce the cost to employers—and we heard a question today from the Hon. Mr Stefani which puts the lie to that, in the recent round of bonus and penalty levies and payments—all the time denying individual rights. They have even, as I understand it, taken to the system in dealing with claims (and here I use it in the broadest sense) of saying, 'Well, if you have made an application for medical expenses reimbursement that is one claim but if later the injured worker seeks a section 43 compensation payment, that is another claim.' Nothing is further from the truth than that, I suggest. They are all part of the one claim. They are all part of the one injury and incident, and that is the way it ought to be treated—none of this technical manipulation by WorkCover to try to squeeze a bit more blood out of injured workers. That is what they are doing. It does not matter if they are injured workers or any other citizens, if they have some rights they are entitled to be informed of them. They ought to be able to be informed about them by anybody who desires to do so, that they are going to lose a benefit if they do not make a claim. They are entitled not to be hoodwinked by the approach which has been taken in relation to the amending legislation in November last year. As honourable members can see, I feel very strongly about the issue, as do my colleagues, and we will resist the passing of this Bill, for the reasons I have indicated.

The Hon. R.I. LUCAS (Leader of the Opposition): I, too, oppose the Bill and congratulate the Hon. Mr Griffin on his eloquent exposition as to the reasons why we ought to oppose this Bill and oppose it strongly. The Bill is a disgrace. Clause 2(2) provides:

> The text of the Act as certified by the Clerk and the Deputy Speaker of the House of Assembly is the authentic text of the Act.

In my 10 years in Parliament I have never seen a Bill like this that we have been asked to approve, and members who have been in Parliament for longer than I have made the same comment as well. The report to the Bill is also a disgrace, when one looks at the attempt to justify and explain why this Bill was introduced into the Parliament, and I quote from the second reading report:

> The textual emendation made by the Clerk of the House of Assembly merely corrected the misdescription of an Act in order to bring the text into conformity with the obvious intention. The emendation is of the kind frequently made by the Presiding Officer at the Committee stage of a Bill—such an emendation not being regarded, for the purposes of parliamentary procedure, as an actual amendment of the Bill.

Further on it states:

> Hence the present Bill seeks to place beyond question the validity and the textual authenticity of the amending Act.

The Hon. Diana Laidlaw: What happened to plain English?

The Hon. R.I. LUCAS: One could argue about the use of plain English. Clearly we have before us a disgrace of a Bill and an attempt in the wording of the second reading explanation to make it as difficult as possible for members of Parliament to understand what on earth the Government and the Minister are trying to explain as to the reasons why this legislation is before us.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: I can understand it. The Government was involved in conspiracy to manipulate and mislead the Parliament on this issue. It was designed to prevent the Speaker of the House of Assembly (the member for Semaphore) from carrying out a threat that he had publicly announced to bring down the Government in certain circumstances. At that time, as members will know, the member for Semaphore had made public statements indicating that if any amendment to the WorkCover legislation was passed by the Legislative Council, any amendment at all, whether it be technical, minor or procedural, or of a substantive nature, and the Bill was forced back into the House of Assembly then he would follow a certain course of action: he would vote against the package of amendments and then, at a time of his choosing, to use his phrase, he would wander across the road to Government House and indicate that he no longer supported the Arnold Government.

So there is no doubting the political environment within which the WorkCover legislation was being debated. The Government, together with the Australian Democrats, had to ensure that no amendment at all was passed by the Legislative Council to force the WorkCover legislation back to the House of Assembly. It was not major amendment or amendments in relation to which the Hon. Mr Peterson had indicated his own personal interest. He made it clear to me and to a number of other representatives from the Liberal Party who met with him, and he also made it clear publicly, that if there was any amendment, no matter how small, that forced the Bill back into the House of Assembly, then that would be the course of action that he would adopt.

In December last year when this issue first became a matter of public record it was made clear to me by a ministerial staffer and by a member of the staff of the House of Assembly exactly what had occurred during the debate on the WorkCover legislation in November last year. A statement made by the Minister of Labour in another place, which I will refer to later, only confirms the information provided to me in December last year by that ministerial staffer and by a member of the staff of the House of Assembly.

After the Bill was passed by the House of Assembly, and whilst it was being debated in the Legislative Council, the Minister of Labour, his staffers and the Clerk of the House of Assembly became aware of the defect that we are talking about in relation to this Bill. They all became aware of this particular defect. The Government was confronted with a dilemma because, as I say, if this Bill was to be amended in any way, even in what appears to be in a minor way, in relation to only being a couple of words—but as the Hon. Mr Griffin has indicated with quite a significant effect on the rights of some 1 500 workers—it would have been forced back to the House of Assembly and the future of the Government would be under threat. So the Government needed some other way to prevent the amending of the legislation in the Legislative Council and the forcing of the Bill back to the House of Assembly.

There were discussions between the Clerk of the House of Assembly, the Minister of Labour and his officers. The Government was assured that the Clerk would be prepared to make the significant alteration that we are discussing and call it a clerical amendment. The Government was assured that that would be the case. If the Clerk had not been prepared to make that change and indicate that the change would be made and define it or call it a clerical amendment, then the Government would have been left with no option other than having the Bill amended in the Legislative Council and the Bill being forced back to the House of Assembly, with the Government's own future placed under threat as a result of the threat that had been made by the member for Semaphore, if the Bill was returned. That was the only option that the Government had. It either had to have an amendment in this House or it needed this alternative mechanism, and it had to know whether or not that alternative mechanism was an option for them or whether it was not. If the Clerk had refused to call it a clerical amendment then the Government would have to have had the Bill amended in the Legislative Council. It is as stark as that. That was the dilemma that confronted the Government in relation to this matter that we are discussing.

The Hon. Diana Laidlaw: You are saying that the Clerk was implemented in all of this?

The Hon. R.I. LUCAS: The Clerk was involved in discussions with the Minister of Labour and officers in the Minister's office in relation to this particular matter. As I have said, my information came from a ministerial staffer and a member of the staff of the House of Assembly. Let us have a look at what the Minister of Labour said in relation to this:

> I have listened with some interest to the contributions of members opposite, and I want to make quite clear that the actions of the Clerk were undertaken on my advice in good faith.

That is not me, that is your Minister, the Minister of Labour, in another place indicating that he did have these discussions. He says that he instructed the Clerk to undertake this particular course of action.

The Hon. R.R. Roberts: When?

The Hon. R.I. LUCAS: I don't know.

The Hon. R.R. Roberts: It is important.

The Hon. R.I. LUCAS: I cannot tell you what hour and what date but it was after the Bill was passed in the House of Assembly and whilst we were discussing it here in the Legislative Council. We have the Minister of Labour indicating that he directed the Clerk. I do not know upon what authority the Minister of Labour directs the Clerk.

The Hon. Diana Laidlaw: I thought he was meant to serve the Parliament.

The Hon. R.I. LUCAS: The Clerk, as I understand it, should be serving the Parliament, but the Minister of Labour said, 'I want to make it quite clear that the actions of the Clerk were undertaken on my advice in

good faith.' That is a matter for another place to resolve as to the appropriate lines of authority and responsibility in that Chamber, but certainly within this Chamber we do not operate in that way.

No member or Minister can instruct the Clerk of the Legislative Council as to what actions the Clerk ought to adopt in relation to these matters. That ought to be the case, and there are centuries of parliamentary tradition that would indicate that this is the way that these matters ought to be resolved. That was the statement by the Hon. Bob Gregory in another place. That was at the closing of the second reading.

When the Speaker then made a statement subsequent to that which indicated another version of the events, the Minister then sought to put a different point of view during the third reading and Committee stages of the Bill.

The *Hansard* report makes it quite clear that the Minister confessed, let it slip or was not sharp enough to realise the significance of what he was saying. I will leave it to members to work out to which explanations they would like to subscribe. The Minister in charge of the Bill made it quite clear not only that he had discussions with the Clerk but also that he had directed the Clerk to operate in this way.

As I indicated by way of press release on 4 December 1992, I feel very strongly about the conspiracy, the manipulation, the deceit and the misleading of the Parliament by the Government on this matter for the reasons that I have now outlined and explained in my second reading contribution.

I do not intend to go over all the explanations and the argument that the Hon. Mr Griffin has given in relation to the importance of this amendment and the effect it will have on the accrued rights of up to 1 500 workers that will not be lost retrospectively.

In concluding, all I want to say is that I believe that the Government (and it is the Government that I have in my sights) should be condemned for its attitude and for its approach on this matter, and I strongly believe that the Bill ought to be opposed.

The Hon. C.J. SUMNER (Attorney General): Briefly, in response to the honourable members, I want to say that the question of costs of the Supreme Court proceedings will be considered by Government once the Bill is passed. I am not in a position to give a response at this stage, but obviously the issue will need to be considered.

The second point I make is that what happened in this case, for whatever reason, occurred as part of the procedures that were traditionally adopted in this House. As that is what is under challenge, it is incumbent on the Parliament to deal with issues of its procedures rather than to allow the courts to go through and, possibly, to make decisions about what should happen in the parliamentary process. There is a reasonably strong tradition that the courts should not interfere in the internal operations of the Parliament and, whilst it can be argued that this is in a different category because there is a debate about the wording of the Bill that was actually assented to by Her Excellency, the general principle still applies; namely, that we are dealing here with a query about what happened within the Parliament and the procedures normally adopted within this Parliament on the correction of Bills that are clearly in error in a technical way. That is an issue that needs to be sorted out by the Parliament, not by the courts, and that is the justification for the Bill.

The Council divided on the second reading:

Ayes (10)—The Hons M.J. Elliott, M.S. Feleppa, I. Gilfillan, Anne Levy, Carolyn Pickles, R.R. Roberts, T.G. Roberts, C.J. Sumner (teller), G. Weatherill, Barbara Wiese.

Noes (9)—The Hons J.C. Burdett, L.H. Davis, Peter Dunn, K.T. Griffin (teller), J.C. Irwin, Diana Laidlaw, R.I. Lucas, Bernice Pfitzner, R.J. Ritson.

Majority of 1 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Clause 2—'Declaration of validity and textual authenticity.'

The Hon. K.T. GRIFFIN: Looking at subclause (2), the text of the Act is certified by the Clerk and Deputy Speaker of the House of Assembly as the authentic text of the Act. May I ask the Attorney-General how it is intended that that would be proved, and how do we as one of the Houses of the Legislature know what is the text of the Act as certified by the Clerk and the Deputy Speaker? Should we not have that annexed for the purposes of identification?

The Hon. C.J. SUMNER: I would not have thought so. There is a procedure whereby a Bill originates in the House of Assembly, then it is the Presiding Officer of that House who takes the Bill to the Governor for her assent and, before that happens, the text is certified, as I understand it, by the Clerk and by the Speaker (in this case the Deputy Speaker on behalf of the Speaker), and that happened. The text of that Bill is as it should be; in other words, it is the corrected text, and this just makes it clear that that is the case. So, the text which has been assented to by Her Excellency, which has been published by the Government Printer, is the Act of Parliament, despite the argument which has now arisen about whether the technical correction that was made by the Clerk renders the Act invalid. This makes quite clear that the Act as assented to by Her Excellency is, in fact, the valid Act.

The Hon. K.T. GRIFFIN: In the second reading explanation there are two corrections in paragraph (b) of what was then subclause (1) of clause 22. Is the Attorney-General able to indicate what other corrections, if any, were made, because presumably, by virtue of this clause of this Bill, they are also being validated?

The Hon. C.J. SUMNER: I have been advised by Parliamentary Counsel that they are aware of only one other change, although there may have been others. The third schedule was inserted in clause 19 of the original Bill and in clause 5 of the schedule the words 'the table' were deleted and the words 'this schedule' inserted in lieu.

The Hon. K.T. GRIFFIN: If one were to presume that this Bill passes, will the Attorney-General say what the attitude of the Government will be to those litigants who are currently before the court in relation to the issue addressed by this Bill? Obviously, this Bill will put paid

to their appeals. Is the Government going to offer *ex gratia* payment of compensation for costs straightaway?

The Hon. C.J. SUMNER: I have answered that question by saying in my second reading reply that the Government will consider the question of costs. One further matter, which Parliamentary Counsel has pointed out to me and which I think was implicit in what I have said, is that the Bill, as certified, is part of the Bill's record of the Parliament and open to inspection by any member of the Parliament or the public. So, the certified Bill is held in the Parliament and could presumably be produced to court if necessary. It is a public document.

Clause passed.

Title passed.

The Hon. C.J. SUMNER (Attorney-General): I move:

That this Bill be now read a third time.

The Hon. K.T. GRIFFIN: I want to put on record, but certainly not at as much length as I did at the second reading stage, that the Liberal Party opposes the third reading. We certainly do not support what the Government is doing, nor do we support the issue of retrospectivity in the original amending legislation of November last year which this Bill seeks to confirm. I think it is a sad day for those people in South Australia who are concerned about individual rights and—

The Hon. R.I. Lucas: Injured workers.

The Hon. K.T. GRIFFIN: —injured workers, in particular, in relation to this Bill where rights which have been accrued have been reduced as a result of the legislation. Accordingly, I indicate that we will strenuously oppose the third reading.

The Council divided on the third reading:

Ayes (10)—The Hons M.J. Elliott, M.S. Feleppa, I. Gilfillan, Anne Levy, Carolyn Pickles, R.R. Roberts, T.G. Roberts, C.J. Sumner (teller), G. Weatherill, Barbara Wiese.

Noes (9)—The Hons J.C. Burdett, L.H. Davis, Peter Dunn, K.T. Griffin (teller), Diana Laidlaw, R.I. Lucas, Bernice Pfitzner, R.J. Ritson, J.F. Stefani.

Pair—Aye—The Hon T. Crothers. No—The Hon. J.C. Irwin.

Majority of 1 for the Ayes.

Third reading thus carried.

Bill passed.

ROAD TRAFFIC (PEDAL CYCLES) AMENDMENT BILL

In Committee.

(Continued from 17 February. Page 1282.)

New clause 16a—'Duties at traffic lights.'

The Hon. BARBARA WIESE: When the Committee last considered this matter, I indicated that I wanted more time to consider an amendment which the Hon. Mr Gilfillan had put on file only yesterday. I wanted to consider some of the ramifications of taking such a move, and also to seek information about whether or not such a move had been made in any other place in Australia. Although I sympathise with the concern raised by the honourable member, and I sympathise with the problem that cyclists have when they approach an intersection and their bicycle is not of sufficient weight to effect a change of traffic lights, I also had reservations about endorsing a practice which may lead cyclists in other circumstances to cross an intersection when it is not safe or which may raise legal problems in the event of an accident.

I have had the opportunity to seek that information and to give the matter further consideration. On balance, I believe it would be wrong at this stage to endorse the change that the honourable member is proposing. I believe there may very well be legal problems in the event of an accident at an intersection should a cyclist cross the road on a red light, and it may be the case that allowing cyclists to proceed through an intersection on a red light when detection loops are not sensitive enough to detect a cyclist may also encourage cyclists to take that action in other locations, and that would not be in the interests of road safety.

I also asked for information on the incidence of traffic lights where there is not some mechanism that would enable a cyclist to proceed across an intersection by activating lights. I am advised that, of the 369 sites where there are signals in South Australia, by the end of the 1994 financial year when certain works will have been undertaken, there will be only 24 sites where there will not be some form of cyclist activated push button mechanism or pedestrian activated push button mechanism that will enable a cyclist to bring about a change of the traffic signals.

Just to place the full facts on the record, I point out that there are 90 sites with cyclist and pedestrian facilities; four sites with cyclist facilities only; 251 sites with pedestrian facilities only; and only 24 sites with no cyclist or pedestrian facilities. These figures do not include provision for cyclists wishing to turn right from either a minor or major road, but they cover most of the major intersections in the metropolitan area. Considerable work has been undertaken already to convert traffic signals that do not have some form of activation for a pedestrian or cyclist, and further work is being undertaken in this financial year and the next financial year to convert others.

I must say that my preference is for us to find an engineering solution to the problem currently faced by a cyclist at an intersection. If we were to change the law in the way proposed by the Hon. Mr Gilfillan, we would not only provide for cyclists to cross on a red light, but, as I understand it, there are many low powered motorcycles that also have the same problem, so we are taking in a much wider pool. In fact, the Hon. Mr Lucas indicates that his Volkswagen has problems at some intersections.

The Hon. Diana Laidlaw: But that is a unique vehicle!

The Hon. BARBARA WIESE: It may be a unique vehicle, but it raises the question of how many other road users would fall into this category, and on how many occasions we would be encouraging individuals to cross intersections on a red light. So, it is a source of considerable concern to me that we should contemplate changing the law in this way.

I have asked for information about what the situation is in other parts of Australia, and I am advised that information from New South Wales, Western Australia,

Victoria, Queensland and the Northern Territory indicates that no such provision has been included in their law, and that any such proposal would meet with strong opposition. That also is a problem, because it means we would be taking action which would be in conflict with the principle of harmonisation between the States and Territories, something that we are trying to move towards.

The Hon. Diana Laidlaw interjecting:

The Hon. BARBARA WIESE: The Hon. Ms Laidlaw suggests that that should not be a problem because we have already done that in a number of areas with this Bill. I would dispute that on the grounds that I outlined in my second reading response. The draft guidelines for cycling, which are being considered by States and Territories currently, are very much early draft proposals, and I am advised by officers in the Department of Road Transport that not only does South Australia believe that there are a number of proposals in those draft guidelines that are not satisfactory, but many other States have indicated the same sorts of concerns, so we believe that the agreement that will be reached on the draft guidelines will be very different from the first draft.

I do not think that the situation is as the Hon. Ms Laidlaw says, and what we are doing here in forming this view is in harmony with the sort of view expressed in other parts of Australia. If we were to act in this way in South Australia, we would be taking this action knowing that it is highly unlikely that other States would want to follow. In fact, we would then be out on our own.

I am advised also that both Bicycle Victoria and Bike Western Australia, which are two cycling organisations that represent the largest number of cyclists in their respective States, object to this idea on the basis that it is potentially dangerous and would not advance the respect of the cyclist movement.

I am also advised that the Chairman of the State Bicycle Committee, who was consulted during this past 24 hours—there has not been an opportunity to consult the whole committee, but certainly the Chairman has been consulted—has indicated that he would favour an engineering solution to this problem. There is no specific policy statement within the Bicycle Institute of South Australia that would indicate support for proceeding through an intersection on a red light, so that all of the available information to us at this time would indicate that it would be an inadvisable move to make now. For that reason I oppose the amendment, and I will be pursuing more vigorously information concerning what studies are taking place in Australia at the moment to find the engineering solution that would solve the problem that cyclists face when they approach intersections without other vehicles being present, because it does seem to me to be something where more effort is required.

The Hon. DIANA LAIDLAW: I do not have the same access to staff to help me with the research that the Minister has undertaken in the last 24 hours, but I did reach the conclusion last night that I would be recommending to my Party room today that this amendment not be supported, and the Party was of that same view when we discussed this matter earlier today. Like the Minister, we believe that there should be an engineering solution to the matter. I also point out—and I did speak to Parliamentary Counsel yesterday—how subjective the reference is in paragraph (c) where it reads 'it is safe to do so'. What I suspect this means is that whether the cyclist is hit now or hit after the passage of this amendment at both times the driver of the motor vehicle would be almost cleared of responsibility in those circumstances, because the argument would be on those very subjective words 'it is safe to do so' and clearly if the cyclist was hit it was not safe to do so. In my view the circumstances have changed very little for the cyclist.

The only difference that would arise from this move is that a cyclist experiencing this frustration at lights, and that certainly does occur, would not potentially face being picked up by the police for illegally crossing the lights. I have seen from time to time many pedestrians at lights that they can activate or other sets of lights where they illegally cross the street now, because they are impatient. I do not advocate that we change the law because of that. In relation to these words 'it is safe to do so', one sees today too many of these couriers who are using cycles to get around the city and who are crossing intersections when it is hardly safe to do so by any normal human being except for the cyclist, who clearly assumes that everybody within a hundred metres will clear a path for that cyclist and make way for them. I think the proposal is dangerous and I do not think it is in the cyclist's interest, although I understand the sincerity of the sentiment of the mover.

I would be very keen, and I will undertake my own research on this subject of engineering measures, to address this important problem. I understand from my colleague the Hon. Peter Dunn, who lives to the south of the city, who walks into work most days and who is familiar with the sets of traffic lights between his home and Parliament House, that the Department of Road Transport and councils have been installing devices that will change the sequence of lights, and that those lights are activated by something to do with electromagnetic systems or exchanges. I think that that is the way to go, and I hope that we see more of those systems installed, because it is important that, if we are to realise our goal for cyclists and make the metropolitan area more attractive for cyclists, this problem to which the Hon. Mr Gilfillan has referred is addressed as quickly as possible and in an engineering manner.

The Hon. I. GILFILLAN: I am disappointed that the amendment appears to be doomed, although Democrats never give up. I think there are aspects that need to be looked at before rejecting the amendment out of hand. First, the practice of going across the lights will be continued by the cycling community, regardless of whether or not the amendment is passed, so the safety factor (one assumes) will be assessed by the people who are on bikes.

The Hon. Barbara Wiese: They will think more carefully about doing it, because it is illegal.

The Hon. I. GILFILLAN: The Minister interjects about thinking more carefully about it. Anyone who rides a bike around Adelaide thinks very carefully about it before they even set out from their front gate, because it is a very hazardous exercise, not so much from making a

judgment about whether to ride a bike across a totally vacant intersection against a red light but by virtue of the fact that 90 per cent of traffic in Adelaide is totally indifferent to the safety of cyclists and most of the road design is totally unsuitable for safe or comfortable cycling; therefore, it is an extremely hazardous activity in Adelaide, with very little sign, other than tokenism, that anyone cares much about changing it. The statistics—

The Hon. Barbara Wiese interjecting:

The Hon. I. GILFILLAN: The Minister says that that is not right. She will have to prove in her tenure of office just how energetically she will reverse that trend, but she must agree with me that to now virtually nothing has been done of a constructive or substantial nature to encourage increased safe use of commuter cycling in Adelaide and, if that statement is wrong, she can prove it. The data that the Minister—

The Hon. Barbara Wiese interjecting:

The Hon. I. GILFILLAN: I would like to take this away from a confrontationist argument, because I think the Minister is approaching this constructively and sympathetically to cyclists, and I am sure she will have consultation with more cyclists than me. However, I am prepared to offer her my unsolicited advice from time to time on what should be done. I hope she listens. The statistics she gave of the number of traffic light controlled intersections I understood were applying by the end of the 1994 financial year. The Minister indicates that that is correct. So, at the end of that stage, if I remember correctly, it is likely that 26 intersections will not at that stage be controlled by a cyclist, either by electromagnetics or a manually controlled button.

The other detail I believe the Minister gave (and she can correct me if I am wrong) is that four electromagnetic activated devices that will change the lights by the presence of a cycle are currently in place. Four is not a lot, and I think even the Hon. Peter Dunn will agree with that. Most cyclists only know that there is a rumour that one is around; most of them never see it.

The Hon. Barbara Wiese: There are 90 that can be activated by cyclists or pedestrians, so there are 94 sites that can be activated by cyclists.

The Hon. I. GILFILLAN: I am not sure whether the Minister understands the difference between the two types: I assume that the ones that can be activated by a pedestrian and/or a cyclist have the buttons that are pushed and things happen. That is great news if one can see it: one knows that something will happen. The other one requires us to search around to find the little illustration of a bike on the bitumen.

The Hon. Diana Laidlaw interjecting:

The Hon. I. GILFILLAN: They are certainly not on the track that I travel on, or on that of any of the other cyclists to whom I have been talking, including BISA (the Bicycle Institute of South Australia). However, let us not be churlish about it: I would like the Minister to consider having a discussion directly with BISA to get from it a priority list of the intersections where most cyclists experience the frustration of this delay.

To add a little colour to this, imagine the deterrence that exists if one is a woman riding a bike home in the dark—and that can be from 5.30 or 5.45 in the winter, or at any hour through the year. One is legally supposed to stay stationary for periods of time which can be inordinately long and which can seem frighteningly long, but legally one cannot move. It is important that those of us in this Chamber who are looking at this problem realise that it is a real and emotional, as well as a frustrating, aspect of cycling and, if we are serious about increasing the use of cycles on our roads, we must look at the practical implications of the situation as it currently stands.

It is all very well for the Minister and shadow Minister to indicate that they do not want to take this step because of the safety factor. I can understand the logic of that, but the practicality of this is that those people who are on bikes are risking just as much at present as though they are breaking the law.

Whether or not the Minister is prepared to change her mind about the amendment, I would much rather have the devices activated by cycles so that we do not have this problem. However, it seems to me that it will be a long way down the track before a cyclist will feel confident that those devices are in place. Will the Minister undertake to have a discussion with the committee of the Bicycle Institute of South Australia, and ask it to assess through its members which should be the top priority intersections for the installation of the devices that will eliminate this problem, either by manual push operation or the electromagnetic device?

For my information and for that of others, the Minister may also give an indication of whether she knows what relative cost factors are involved with a manually operated system as compared with an electromagnetically operated system so that we have some idea of what is involved in that respect, and perhaps can come to our own decision as to where the priorities of the expenditure on this measure should go.

I summarise by saying that I believe the amendment is well based and that it has the massive support of the majority of cyclists in South Australia, including the Bicycle Institute of South Australia, and it will be a pity if this Chamber does not pass it.

The Hon. BARBARA WIESE: I would like to remind members of the statistics that I gave earlier. The fact is that in 345 out of 369 sites there is some means of activating the traffic lights. The Department of Road Transport is progressively installing the means for activating traffic lights where they do not currently exist.

The Hon. R.J. Ritson: Push button.

The Hon. BARBARA WIESE: Yes, it means push button for pedestrians or cycle-activated mechanisms. So as each of these intersections are being upgraded the new means of activating traffic lights are being installed. That is part of the program now and that program will continue. In the meantime, research work is being undertaken in various parts of Australia, I understand. To try to overcome this problem of traffic lights not automatically changing when a cycle approaches an intersection, a combination of those activities seems to be by far the best solution. As I indicated earlier, I will be pursuing this issue of what research is being undertaken and how close researchers are to providing a satisfactory engineering solution, so that we can be fully informed about what the future holds in that respect.

I am sure all members here would agree that that is the best solution, if it can be found sometime in the near future. As to consultation with cycling organisations, the honourable member would be aware that there is continual consultation taking place with various cycling organisations. In fact, most of the prominent cycling organisations are represented on the State Bicycle Committee, and I expect that this topic will be one for future discussion, and I will be interested to hear what the cycling organisations feel about the matter. At this stage it seems not to be an appropriate solution to change the law as has been suggested by the Hon. Mr Gilfillan, and other measures which I have outlined are the measures that I think are preferable and which will be pursued by the Government.

The Hon. I. GILFILLAN: I believe that the State Bicycle Committee may give reasonable advice from time to time. I do not believe it does always reflect the view of a large number of cyclists in Adelaide and I would urge the Minister to make a direct approach to BISA.

The Hon. Barbara Wiese: They are on the State Bicycle Committee.

The Hon. I. GILFILLAN: But being on the State Bicycle Committee is not necessarily getting the State Bicycle Committee to give the opinion of BISA to the Minister. The cycling committee is a filter. It is a filter with a lot of departmental appointments on it. If you pin all your faith on that bicycle committee to get the real gin on cycling you are going to be seriously misguided. The Minister should go out into the streets and talk to the cyclists. She should go to the organisations. It is no use sitting in an ivory tower expecting some bureaucrat to come and tell her about it. That has been part of the fault.

The Hon. L.H. Davis interjecting:

The Hon. I. GILFILLAN: You try riding a bike. There are very few people in this place—

The Hon. R.R. Roberts: He might fall off.

The Hon. I. GILFILLAN: You will get pushed off if you do not take care. The other matter concerns the question of what devices are put in roadways. There is a lot of complication in that. Will the bike sensitive devices be right across the width of the traffic lights or will it be little specialised pockets? Is the plan to proliferate the button operation? What is the intention at this stage. Is there any consultation with cyclists to find out which they find is the most appropriate. I can tell the Minister that she would be lucky to find a cyclist who has found one of those four little electronic magnetic operated things. I am urging the Minister to get to the cycling community and find out what they want. She will then get the answers which will get more people on the roads in Adelaide on bikes.

The Hon. BARBARA WIESE: I do not want to prolong the debate. The fact is that this amendment is not going to be passed. I find it extremely irritating that the Hon. Mr Gilfillan should use the forum of debate on this amendment to suggest that he is purer than everyone else in this Chamber with respect to his interest and concern about the cycling public of South Australia. The fact is that it is this Government that has undertaken the revision of legislation in this way. I have already agreed to the vast majority of the amendments—in fact all the amendments that he has brought forward here. It is excruciatingly annoying to me that the Hon. Mr Gilfillan seems to think that he has a monopoly on knowledge and concern about the cycling public. That is not the case. This debate has been conducted in a constructive way up until now. The Hon. Ms Laidlaw has demonstrated knowledge and concern about the cycling community. I think I have done likewise.

There are numerous programs that I have referred to in brief, that I could talk about in greater detail at some other stage if it is desired by the honourable member, concerning actions that have been taken by this Government and with the financial assistance of the Federal Government, to improve facilities in metropolitan Adelaide for the cycling community. It would be nice just for a change for the Hon. Mr Gilfillan to acknowledge the progress that is being made in this area, instead of suggesting that there is nothing happening, when he knows damn well that there is and that activity has increased in the past few years and that this Government does have the interests of cyclists in mind, and that it will continue to have as much as possible in the current financial climate in which we operate.

New clause negatived.

Clauses 17 to 22 passed.

Title passed.

Bill read a third time and passed.

MINING (PRECIOUS STONES FIELD BALLOTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 February. Page 1265.)

The Hon. PETER DUNN: Last night when I sought leave to conclude my remarks I had put down a bit of a rough picture of the opal mining industry in the Mintabie area. I must say that it is a very important part of the income for the northern part of South Australia. It is sparsely populated and opals provide that income into the area to make the little towns and villages there viable.

The Hon. R.R. Roberts: It makes them sparkle.

The Hon. PETER DUNN: No, but probably other semi-precious stones would do that.

The Hon. L.H. Davis: It certainly wouldn't be one of the Hon. Terry Roberts' speeches.

The Hon. PETER DUNN: No, the Hon. Bob Ritson would be the person to negotiate those details. However, opals are quite unique and they are traded around the world. It is necessary to have an income for the area because it is a very hot area. It is not the most pleasant place in which to live, and the work of getting the opals is very hard. So, there is a necessity for it there, and this Bill helps that because it allows us a rather larger area in the Mintabie area to be mined.

There is one change in this Bill, namely, a balloting method which I presume will now apply to all opal mines. If an area is released it will be balloted for. Until now, one went and pegged one's claim and, provided that it was registered and one paid one's due fees, one could go and mine that claim. There were limitations on this: a person had to do it within a certain time or someone else could come in and peg over the top of him. That is a change in the Bill, and I see nothing wrong

with it. It is a very sensible way of allowing what appears to be a large group of people who would be interested in mining this new area at Mintabie to have the opportunity, fairly and squarely, of mining the area. Provided that the person has a prospecting permit and is registered, he will be able to ballot for that area.

There is one question I would like to put to the Minister and it relates to the delegation of powers. I understand that under the principal Act the Minister can delegate his powers to the Director, but in this Bill it goes further down the line and says that the Director of Mines may, with the Minister's consent, delegate any power or function, including a delegated power or function vested in or conferred on the Director under this Act. So, I presume that means that the Director himself can delegate to officers further down the line.

I can see advantages in this because Mintabie, Coober Pedy and Andamooka are a fair distance away from the Director. The other factor is that there is a mines office in Coober Pedy, and I think it handles the Mintabie mines. I guess that, if there is an officer stationed at Mintabie, although he may not have an office, the Director can delegate those necessary powers. Perhaps the Minister can say whether that is the reason for it—just the distance. However, with faxes and telephones, I guess there can be plenty of communication between the areas.

My other question relates to the provision for balloting. How often is this likely to be used? I know that it has been introduced in this Bill for Mintabie, but is it anticipated that it will be used in the future or will it be as the case arises? I do not know how often balloting has been used in the past or whether it has been, but certainly we are putting it into legislation. The Opposition agrees with this Bill and I think that in future we will need to look at expanding the area of Mintabie. If not, the Mines Department may wish to do a bit more research in finding more opal in the area.

I understand that there is opal in a number of significant areas, although what is being found at the moment seems to be of a lesser quality than has been mined in the past in the Mintabie area. Opal miners inform me that, for instance, the opal found at Lambina Station is of a lesser quality than that which is found at Mintabie, Coober Pedy and Andamooka. So, we do need to find opal perhaps at slightly deeper depths, because that appears to be the good opal, rather than the stuff that is near the surface. The Opposition agrees with the Bill and hopes that it helps the miners at Mintabie when it is passed and proclaimed.

The Hon. C.J. SUMNER (Attorney-General): I do not have the answers to the specific questions asked by the honourable member although, on the first one, I think his interpretation of the clause, about delegation down the line, is correct. As to the other question he asked, if the honourable member would be happy I will get a reply to him subsequently by letter. I will get the responsible Minister to write to the honourable member, first, with confirmation that his understanding of the delegation power is correct, which is also my understanding, and also to respond to him on the point regarding the ballots that are to be taken.

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

WHISTLEBLOWERS PROTECTION BILL

Adjourned debate on second reading.

(Continued from 17 February. Page 1293.)

The Hon. T.G. ROBERTS: I rise to support this Bill and would like to place on record the fact that it is a pity that such legislation is necessary but, unfortunately, the circumstances in which business people both in the private and the public sector find themselves make it necessary to have this legislation to alert people who can deal with the matters to come to terms with some of the problems that have emanated, particularly in the 1980s, and hopefully we can deal with some of the problems that have emanated particularly from the public sector in relation to this Act.

As the second reading explanation indicates, something is required in the private sector as well. In the public sector there are a number of people who would make use of such legislation. Clause 5 provides that information can be given to the police, the Police Complaints Authority, the Auditor-General, the Commissioner for Public Employment, the Chief Judge, the Chief Justice and the Ombudsman, and clause (g) provides:

> Where the information relates to a matter falling within the sphere of responsibility of an instrumentality, agency, department or administrative unit of Government—to a responsible officer of that instrumentality, agency, department or administrative unit.

People can approach these individuals, pass on to them information that relates to operations within the public sector and, hopefully, investigations can take place. If something untoward has arisen within the province of the public sector, investigations can be carried out to see whether, first, the accusations that are being made are accurate and, if they do have substance, follow-up investigations can take place so that corrective action can be put in place to bring about either the cessation of those activities or, if activities have progressed to a point where liability or charges need to be made, then that can be done.

The way in which public members make their information available is important and is recognised in the Bill. Some people will make direct approaches to individuals at a risk to themselves either in terms of their own promotion or their own wellbeing in terms of how they fit into their own peer group arrangements. In some cases people are reluctant to come forward, if they find something within their own province, to make complaints, because they do not feel comfortable that the information they are carrying will be used either to prevent those untoward activities or for any action to be taken, because they are not secure in their own minds that they have the protection that is required to prevent them from being victimised.

What they tend to do is sit on the information, close their eyes and, in some cases, become involved either directly or indirectly in some of the activities that are carried on. I do not think the Bill goes far enough in terms of the private sector but I suspect that the private sector will be looked at later in relation to the way in which information can be used to protect those who are prepared to bring forward information that is valuable in protecting the public interest. When I was an organiser

in the Metal Workers Union, particularly in the 1970s and 1980s, I knew that many people would use organisers to carry out the passage of information because they did not feel that they would get the protection they required in bringing forward information that they had, both in the public and the private sector, to stop what they regarded as untoward practices.

In relation to the private sector, I refer to the number of complaints that I would receive directly both at my home and by letter, particularly in matters relating to environmental activities being carried out by private companies and, in some cases, public enterprises where individuals felt that the activities ought to be stopped but they were not confident of being able to approach their employers, so they would use a third party to try to come to terms with the problem so that matters could be taken up on their behalf.

The legislation should provide a backdrop of support to enable those people to come forward and bring information into the public arena so that those activities can be dealt with. Under clause 4, 'Interpretation', 'public interest information' refers to illegal activity; irregular, unauthorised use of public money, or conduct that causes substantial risk to public health or safety or to the environment. Most of the cases directly reported to me generally dealt with public safety or the environment. While sitting on the select committee which investigated SATCO, particularly the New Zealand operations at Greymouth, it would have been very helpful if someone had blown a whistle on some of the activities that took place in the Greymouth mill. If someone had blown a whistle on some of the activities of at least one individual, the evidence showed that some of those activities may have been curtailed to a point where many problems that arose could have been stopped, but that was not the case.

The Hon. L.H. Davis interjecting:

The Hon. T.G. ROBERTS: The honourable member's interjection raises concerns, and so they should in his own mind, because much of the information that we as members of Parliament receive has not been substantiated and is difficult to prove. Unless a full investigation is set up by an appropriate authority, running on innuendo or rumour does—

The Hon. L.H. Davis: I started asking questions about Scrimber 5 1/2 years ago.

The Hon. T.G. ROBERTS: I do not think that the Hon. Mr Davis could expect either me or the Hon. Carolyn Pickles to take action on some of the information to substantiate some of that whistleblowing. That is the point I am raising. The information must be checked. As members of Parliament we have people ringing us daily on matters which they see as public interest and which need to be investigated. On all occasions, you do that. You pass the concerns of the individual constituent on to the appropriate authority. They are checked out and investigated and, in most cases, you get a report back from the authority or the department as to what action has been taken. It is then up to you to decide whether or not you are satisfied that the investigation is adequate and the right conclusion is drawn.

The Hon. L.H. Davis interjecting:

The Hon. T.G. ROBERTS: Some people cry wolf, unfortunately. They carry stories and their strike rate is low as far as the accuracy of their information is concerned. I suspect that a level of confidence needs to be built up by the people to whom they carry their information to make sure that that information is used in the best way. If your strike rate is low, people tend not to come back to you, and they go somewhere else. So, there is a responsibility on all of us not to make it an internal political issue where we point score off each other but where issues are raised by individuals in the public or private sector we have a responsibility to take them up. Hopefully, in a bipartisan way we can bring about solutions, particularly in the public sector, that are satisfactory to the requirements of those people whom we represent.

In the 1970s there was a lot of restructuring by many companies which were put in a position where their cash flow was undermined and there was deliberate undermining of companies in preparation for a takeover. That happened in many cases at board level, sometimes with the knowledge and understanding of senior management. They certainly put the shareholders' money at risk in terms of the returns that they would get. As an organiser, you might get a telephone call from an individual from within a premise saying, 'Some strange things are happening down here.' The rumour might be that the company was about to go into the receiver's hands to be broken up or taken over. As an organiser you would talk to the people on the job, especially the management, and in some cases you would hear genuine stories about the way in which the business was going, that it was in difficulties and that people would have to be laid off. In some cases, these companies were going into receivership. You would then sit down with what you would call responsible employers and work through the problems, redundancy schemes and agreements, and try to assist so that there was the minimum amount of trauma for both the employer and the employee.

I had sympathy for those employers who were working hard in an endeavour to make their businesses financially viable, but at the end of the day they were no longer able to do so for whatever reason: in some cases, bad management; in others, the economic circumstances that prevailed. As I have said, sometimes there was deliberate undermining by competitors to drive the cash flow of those companies into the ground so that they became cheap targets for a takeover. It was very difficult to recognise without being able to examine their books completely exactly which category they fell into. I attended one medium to large engineering plant where plant and equipment had been shifted out over the weekend into another premise. We did not know that until investigations took place, but when the employees rolled up on the Monday morning half the plant and equipment had been moved so they had no job to go to because they had nothing to work on. Further investigations followed.

The Hon. L.H. Davis: Was this on Scrimber?

The Hon. T.G. ROBERTS: No, this was a private company. We found that much of the plant and equipment had been moved to another work premise and that another company had been formed by friends of associates of the director of the principal company,

which was going into liquidation. At that time, the wages and benefits of employees were about number 5 on the list of payouts, and it was very difficult for those employees to get their due entitlement.

Legislation to protect people who carry information responsibly to the authorities who are able to deal with that information, to check and make sure that, in the first place, it is accurate, then follow up and substantiate the information in the interests of the public is a step forward, although as I said before it is a pity that whistleblowing legislation is required. Because of the culture and social fabric that exists, from time to time the public needs to be protected by legislation against, as the Bill provides, illegal activity, irregular and unauthorised use of public money and conduct that causes substantial risk to public health or safety or to the environment.

Recently, I was given some documents, which show that a director of a number of companies has been put in a position where at least two of the companies are in the process of liquidation. These companies are Hay Australia Pty Limited and Marawa Pty Limited. Hay went into liquidation with assets of just $1 000, owing liabilities of $87 000. Its creditors all appear to have been unsecured. The liquidator, Bruce Carter of Ernst Young, has indicated in his report to the Australian Securities Commission that a further inquiry regarding the conduct of the company and its officers is warranted. The liquidator has also alleged that Irving and other former directors of Hay Australia used the assets of the company to make payments to reduce their personal liabilities prior to the company's going into liquidation. These are some of the problems of some of the programs that exist where, if there were people inside those companies who felt there was something untoward going on, they could provide information to people in authority to stop these problems from getting out of hand. It is not a satisfactory situation. I am sure that the Hon. Mr Davis would agree, with his background.

Here we have a company director not only with defunct companies but people who dishonestly moved money to him and his wife as directors so the company's assets could not be used to pay creditors. That happens quite regularly.

The other company, Marawa, is another tale. In October last year, just five months ago, the liquidator (Frederick Perkins) of Michael Mount, submitted his preliminary report to the Australian Securities Commission. This spelt out that the company had liabilities of more than $230 000 and assets of just $6 000. The liquidator was unable to give any reason for the company's failure because he did not have the company's books and records, which in itself said something about the way that company was being run and the way in which people avoid investigation. Even if somebody did blow the whistle on those untoward practices, there are ways in which people are able to avoid their responsibilities and to hide the circumstances of the situation in which they find themselves.

As I said before, I have a lot of sympathy for companies that try to work their way through their difficulties and do the right thing, but there are others that certainly do not even go anywhere near that criteria or those principles. They take the easy way out and use other people's money to improve their own position and cushion themselves against any liquidator's orders that come at a later date.

I come now to two other companies, Irving Air Pty Limited and Al-Ru Farm Pty Limited. Both companies have failed to lodge annual returns for the past two years as required by law. Irving Air has a fixed charge in favour of Australian International Finance Corporation over a Cessna 210L single-engine aircraft which secured all moneys which are or may become owing on any account whatsoever by the chargor or the chargee.

Al-Ru Farm Pty Limited has a fixed and floating charge created in 1989 created in favour of Beneficial Finance. Then there is the tale of a company called Porky Pigs. That would be an interesting one. It almost rings home very closely to some of the accusations that have been made in the Federal Parliament. There is another tale of an Irving plane in Queensland that mysteriously caught fire. It goes on and on, but I believe the details I have provided are in the genuine public interest. I invite members opposite to investigate them personally. The details are all on the public record. If the application of the principles that we are applying in the public sector were to apply to the private sector, and if people were alerted earlier, some of these, I suppose, dubious activities of some companies that resort to these tactics would be avoided. The other concern is that the businessman involved in all those companies, Alan Irving, is a candidate for the next Federal election. I guess that is a matter for public concern as well.

The legislation as it applies to the public sector will allow us in the 1990s to be able to avoid some of the problems that we had when, as the Hon. Mr Davis and the Hon. Mr Gilfillan have adequately pointed out, they tried to raise problems associated within the statutory authorities and their information was not given the due weight and concern that it required. With the whistleblowers legislation as it stands, the confidence levels of people in the public sector will be such that they will be able to confidently go to people in positions of responsibility, carry the information to them so they can get the investigations that are required to make sure that their concerns and accusations are accurate. They can check through documentation and the investigation as to the accuracy of their statements, and other authorities can make sure that the investigations are carried out to ensure that those activities cease and that measures are taken inside those Government bodies to prevent it from happening again. I support the Bill.

The Hon. M.J. ELLIOTT secured the adjournment of the debate.

LAND AGENTS, BROKERS AND VALUERS (MORTGAGE FINANCIERS) AMENDMENT BILL

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. K.T. GRIFFIN: I have two amendments that follow from the discussion in the second reading debate yesterday. I think they can be dealt with separately if there is to be any difficulty with one or

other of them. I expressed the concern yesterday that, in view of the fact that early proclamation of this Bill, when passed, will create prejudice to mortgage finance brokers who are also land brokers who have been carrying on their business for, in some cases, many years, it was reasonable to give some time within which the mortgage finance brokers can have discussions with not only the Australian Securities Commission but also, I presume, the Department of Public and Consumer Affairs and their advisers, with a view to developing appropriate mechanisms to ensure that compliance with the Corporations Law is achieved and such exemptions as might be appropriate have been negotiated in order to protect clients as well as not to unnecessarily prejudice the operation of mortgage financing business.

For that reason, the first amendment which I have on file seeks to amend clause 2 to provide that any proclamation to bring the Act into operation must not bring it into operation before 1 July 1993. 1 gather from what the Minister said in her response last night that she was amenable to that amendment.

The second amendment seeks to provide a mechanism by which notice is given to mortgage financiers, not specifically but in effect, by providing that when a day is fixed by proclamation as the day on which the Act comes into operation that date must be not less than two months after the day on which the proclamation is made. I do not think that is going to create any difficulty for the Minister or the department. It will, of course, require them to think ahead as much as to give notice that it is intended to bring the Act into operation, and I would have thought it was not an unreasonable provision in the circumstances.

Since last night's debate on the Bill I had some discussions with the mortgage financiers and representatives of the Finance Brokers Institute, who appreciated that there will now be some time within which they can think laterally and work up alternatives, both to their practice and to the mechanisms for protection of clients in compliance with the obligations of the Corporations Law, subject to such exemptions as may be granted by the ASC.

However, they wanted to ensure that there was reasonable notice of the proclamation. I hark back to a period when the Minister was not the Minister of Consumer Affairs, when I did make some criticism in the Council of the promulgation of regulations and the proclamation of earlier amendments to the Land Agents, Brokers and Valuers Act.

From memory I think it was that Act which brought into operation provisions which did place a heavy administrative onus upon brokers, agents and solicitors in relation to transactions in the provision of information. That occurred without very much notice at all to professionals, and there was a great deal of concern about the lack of reasonable notice to professionals in bringing those provisions into operation and promulgating regulations. In fact there was no consultation, on the advice I received, about the date when that would occur. So, it is with that sense of caution that I am proposing this two month period of notice in relation to the proclamation as well as the date of 1 July being the earliest date upon which the Bill, if passed, can be brought into operation. I move:

Page 1, line 15—After 'day' insert '(which must not be earlier than 1 July 1983)'.

I will move the second amendment after we have resolved this one.

The Hon. ANNE LEVY: I am certainly very pleased with the first amendment moved by the Hon. Mr Griffin and am quite happy to support it. As he said, in the discussions yesterday I indicated that I was quite happy to have the date of operation of the legislation at least three months ahead so that the mortgage financiers would have an opportunity to go to the ASC if they wished to do so to seek an exemption, but with the knowledge that this legislation would become operative and that this would mean that they were making any application for exemption in a situation of certainty rather than in a situation of not quite knowing what the State legislation might be in a few months time. I am certainly very happy to accept that the earliest date at which the Act can become operative is 1 July.

As I understand the second amendment (I know the Hon. Mr Griffin has not moved it yet, although he did speak to it), it would mean that, for the legislation to become operative on 1 July, the proclamation would have to be made on 1 May. This would give a clear two months notice to people of exactly when it will become operative, removing uncertainty about its being some time in the future but knowing a definite date so that appropriate arrangements can be made. I indicate that I have no problem with this, either.

I am quite unaware of the incident to which the honourable member referred. Obviously, it occurred before I had the responsibility for this portfolio but, as I indicated yesterday, we certainly want a period of time in which people can be informed and in which education programs can be undertaken, both of members of the public and of the professionals themselves, so that everyone is prepared and knowledgeable about the situation when the legislation becomes operative.

Amendment carried.

The Hon. K.T. GRIFFIN: I move:

Page 1, after line 15—Insert subclause as follows:

(2) A day fixed by proclamation as the day on which this Act will come into operation must be not less than two months after the day on which the proclamation is made.

I indicate my appreciation of the Minister's response that she is not opposed to this proposition.

Amendment carried; clause as amended passed.

Remaining clauses (3 to 7) and title passed.

Bill read a third time and passed.

HARBORS AND NAVIGATION BILL

Adjourned debate on second reading.

(Continued from 17 February. Page 1272.)

The Hon. PETER DUNN: I want to make a quick contribution to this debate, because I believe that we are experiencing a run-down of the facilities of our waterways. South Australia has quite a lot of waterway, with its two big gulfs, and I think that our facilities should be maintained in a better condition than they are. We are constantly being told that tourism is the way to go: tourism is what will bring us the money and get us

out of mire. I think there is an element of truth in that but, if there is not, the waterways are still used for recreation by a number of the people who live around it, not only for recreation but also for normal intercourse of business, where ships traverse the gulfs.

From my observation and from people telling me (and they are mostly fishermen, particularly in the northern Spencer Gulf region), some of the lights and markers which have been installed for the benefit of vessels going into and out of some of the harbors are in very poor repair. In fact, some of them have disappeared altogether—they have just fallen over. Some of them are in only small areas such as Port Victoria, Cowell or Port Broughton, and I understand that they are not in very good nick.

I addition to this, the Government has withdrawn its facility to install small boat ramps, and so on. I understand that there used to be a $500 000 scheme, which was thought up and implemented by the previous Liberal Government—a very good scheme I might add—and which gave people in the more remote areas as well as in places such as O'Sullivans Beach a breakwater and a launching ramp. Some of that money has been distributed around the coast of South Australia and to great effect, making for comfortable living, making it easier for people to launch their boats and so on.

If the Government has withdrawn that (because of the financial mismanagement of the State, I suspect) so that they cannot continue to pay for it, I think the wrath of the people who use those facilities and who have expectations that those facilities would come into their area will be felt, and this will indicate to the Government at the next election that they expect a little money. After all, they raise most of the export income to keep this State floating and, if they feel that they are being done in the eye by this Government because they are not getting their due facilities, the ballot box will demonstrate that.

I want to make quite clear that facilities are running down around the coast. I know there are some changes to some of the lights—some of the techniques that are being used are better—but the secondary navigation systems in and out of some of these small bays and harbours are falling into disrepair, because there is nobody of any consequence in the Department of Marine and Harbors to fix them up.

I make that point and hope that the Government can see fit to make sure that these facilities are repaired and that they are at least maintained in such a fashion as can be used by the general public.

Bill read a second time.

MEMBERS OF PARLIAMENT (REGISTER OF INTERESTS) (RETURNS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 February. Page 1200.)

The Hon. PETER DUNN: The Hon. Trevor Griffin has given a very good account of what the Bill actually does and has demonstrated to the Council the fine detail of it. As a person who uses a small company to run my business I point out the difficulty one has, as the public, in knowing what best to do. I formed a small company about 25 years ago to run my business because at that time it was considered by accountants and lawyers as the way we should be going. As a result I have a company that owns the land and in fact I still run my whole business through a small company of which my wife and I are the shareholders. I guess I declare an interest by saying that. But this Bill creates a bit of a problem for me, because I have a son who now runs my property and he gets paid a salary and has a share of the property (not a lot in a year like this, I might add).

Nevertheless, I am going to have to make this declaration and have it put in a fashion that is readable and acceptable to Parliament. I suspect that that will cost a considerable sum of money. Having read this Bill it appears that it is going to be difficult for me to determine what is and what is not legally correct, and so I am going to have to seek advice from either a lawyer or my accountant, in order to make a correct contribution to the register of interests. I find that very difficult to understand. I cannot understand why we need to go into the detail of transactions. If I have a debt or if the company has a debt and it owes money, or if my son has an interest, if I register the industries that I am in or where I get my income from and what I spend my income on, I would have thought that that would have been quite sufficient, because if there is something wrong at least that can be investigated and there is a starting point.

However, it appears that here I will have to declare nearly my soul because I run a small company and I find this quite difficult. Yet, as a member of Parliament, where I have an individual salary I can merely do what I like with that money and nobody can challenge me on it. I find that rather ironic. I do not hide anything. Anyone can come in and look at my books and go through them and I guess they do. But to have to declare the interests that my son is involved in, I find very difficult, and I presume those of my future daughter-in-law. That I find not the business of this Parliament, not the business of other people, unless I do something wrong that affects this Parliament or I make a decision from which they benefit, or I make a decision from which somebody else benefits.

I suppose I am one of the few members in this Parliament who does run a small family proprietary limited company. There would not be many others here. So, I think for myself I am finding it very difficult to understand why we have gone into such detail. I can understand the provisions requiring details about where people put money when they have trusts. I have no problem with them knowing the name of my company and what the company deals in—I have no problems with that at all, but to have to put individual transactions in a register is, to me, declaring my heart and soul.

I do not mind doing it because I am in the Parliament but certainly I find this difficult in relation to my family. My wife is an equal shareholder in the company and so I will have to declare all the things she is involved in, virtually ranging from quilt making, if she receives money for it, through to anything in which my company is involved. Because it has been part and parcel of us and I have operated in this fashion for the past 25 years, it will be very difficult to have to declare some of these things.

I think it is rather intrusive, outside of the Parliament, and that is the comment that I make on this Bill. I am disappointed that we have had to go to this degree. It was not very long ago that we did not have a register. Now we have something whereby I virtually have to say to this Parliament, and have open to the whole of the public, what all these details are. I do not mind that for myself but for my family and people outside of that with whom I deal I find it difficult to justify. I cannot do that to the reporters who come in here. I cannot find out what they deal in or what they do. I cannot do it for the unionist. I cannot go and get his declaration of interest; there just isn't one. They can make the comments on me, but I cannot do that. So I find that very difficult. For those reasons I am not exactly happy with the way this Bill is proceeding.

The Hon. R.R. ROBERTS secured the adjournment of the debate.

ADJOURNMENT

At 5.50 p.m. the Council adjourned until Tuesday 2 March at 2.15 p.m.