LEGISLATIVE COUNCIL

Wednesday 18 May 1994

The PRESIDENT (Hon. Peter Dunn) took the Chair at 11 a.m. and read prayers.

The PRESIDENT: Before we start today, I point out that there is no air-conditioning in the Chamber because it has been cut off and it will remain off for a while. So, any overheated discussions may raise the temperature a bit. Also, this evening meals will not be available in the Dining Room but the Blue Room will be open.

WORKCOVER CORPORATION BILL

Consideration in Committee of the House of Assembly's message—that it had agreed to amendments Nos 1, 3 to 8, 10 to 14, 16 and 18 to 22; that it had agreed to amendments Nos 9, 17 and 23 with the amendments indicated as follows; and that it had disagreed to amendments Nos 2 and 15 but had made alternative amendments in lieu thereof indicated as follows:

Schedule of the amendments made by the House of Assembly to Amendments Nos 9, 17 and 23 of the Legislative Council

Legislative Council's Amendment No. 9

Page 6 (clause 12)—After line 17 insert new paragraphs as follow:

'(ea) to encourage consultation with employers, employees and registered associations in relation to injury prevention, rehabilitation and workers compensation arrangements; and

(eb) to encourage registered associations to take a constructive role in promoting injury prevention, rehabilitation, and appropriate compensation for persons who suffer disabilities arising from employment; and'.

House of Assembly's amendments thereto—

New paragraph (ea)—Leave out 'registered associations' and substitute 'associations representing the interests of employers or employees'.

New paragraph (eb)—Leave out 'registered associations' and substitute 'associations representing the interests of employers or employees'.

Legislative Council's Amendment No. 17

Page 9, lines 2 to 4 (clause 16)—Leave out paragraph (a) and insert new paragraph as follows:

'(a) may be made—

(i) to a member of the board;

(ii) to a committee established by the Corporation or by or under an Act;

(iii) to a particular officer of the Corporation, or to any officer of the Corporation occupying (or acting in) a particular office or position;
or

(iv) to a public authority or public instrumentality.'

House of Assembly's amendment thereto—

After subparagraph (iv) of proposed new paragraph (a) insert—

(v) to a private sector body in connection with a contract or arrangement authorised under section 13(3).

Legislative Council's Amendment No. 23

Page 15, lines 17 to 19, clause 2(4) (Schedule)—Leave out subclause (4) and insert new subclause as follows:

'(4) A person who is transferred to the Corporation under subclause (1)(c)—

(a) continues, while he or she remains an employee of the Corporation, to be entitled to receive notice of vacant positions in the Public Service and to be appointed or transferred to such positions as if he or she were still a member of the Public Service; and

(b) must not be disadvantaged in any other way by the transfer.'

House of Assembly's amendment thereto—

Leave out paragraph (b) of proposed new subclause (4).

Schedule of the amendments made by the Legislative Council to which the House of Assembly had disagreed

No. 2 Page 2, lines 16 to 20 (clause 5)—Leave out subclause (2) and insert new subclause as follows:

'(2) The Board consists of nine members appointed by the Governor of whom—

(a) at least two (one being a suitable representative of small businesses—including farming) must be nominated by the Minister after consulting with associations representing the interests of employers; and

(b) at least two must be nominated by the Minister after consulting with the UTLC; and

(c) at least one must be a person experienced in occupational health and safety; and

(d) at least one must be experienced in rehabilitation.

(2a) At least three members of the Board must be women and at least three members must be men.'

No. 15 Page 8, lines 9 to 11 (clause 13)—Leave out subclause (3) and insert new subclause as follows:

'(3) The Corporation—

(a) must not enter into a contract or arrangement involving the conferral of substantial powers on, or the transfer of substantial responsibilities to, a private sector body unless the contract or arrangement is authorised by regulation; and

(b) if so required by the Minister, obtain the Minister's approval for appointing an agent or engaging a contractor.

(3A) A regulation must for the purposes of subsection (3)(a) cannot come into operation until the time for disallowance has passed.'

Schedule of the alternative amendments made by the House of Assembly in lieu of the amendments disagreed to by the House of Assembly

No.2 Clause 5, page 2, lines 16 to 2—Leave out subclause (2) and insert new subclauses as follows:

(2) The Board consists of nine members appointed by the Governor of whom—

(a) at least two must be nominated by the Minister after consulting with associations representing the interests of employers (including employers involved in small business and farming); and

(b) at least two must be nominated by the Minister after consulting with associations representing the interests of employees (including the UTLC); and

(c) at least one must be a person experienced in occupational health and safety; and

(d) at least one must be a person experienced in rehabilitation.

(2a) At least three members of the Board must be women and at least three members must be men.

No. 15 Clause 13, page 8, lines 9 to ll—Leave out subclause (3) and insert new subclauses as follows:

(3) The Corporation may only enter into a contract or arrangement with a private sector body involving—

(a) the conferral of power on the body to manage claims (including to provide rehabilitation services and to manage or implement other programs designed to assist or encourage workers who have suffered compensable disabilities to return to work), or to collect levies; or

(b) the conferral of other substantial powers on, or the transfer of substantial responsibilities to, the body,

to the extent that the contract or arrangement is authorised by regulation.

(3a) However—

(a) subsection (3) does not apply—

(i) if the contract or arrangement is with an exempt employer under the Workers Rehabilitation and Compensation Act 1986, or a person who has been appointed as a rehabilitation provider or rehabilitation adviser under that Act; or

(ii) if the contract or arrangement is with a registered employer under the Workers Rehabilitation and Compensation Act 1986 and entered into as part of a pilot scheme (involving a representative sample of not more than 20 registered employers) relating to a proposal to allow employers to manage claims brought by their own workers under that Act; and

(b) a regulation made for the purposes of subsection (3) can Clause 5, page 2, lines 16 to 20—Leave out subclause (2) and insert new subclauses as follows:

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

That the Legislative Council do not insist on its amendment No. 2 and agrees to the alternative amendment made by the House of Assembly.

The Legislative Council's amendment No. 2 relates to the composition of the board. The amendment made by the House of Assembly is essentially a redrafting. Paragraph (a) of the Council's amendment provided that at least two members, one being a suitable representative of small businesses, including farming, must be nominated by the Minister after consulting with associations representing the interests of employers. The amendment from the House of Assembly rephrases that, because they are not in fact representatives but at least two members must be nominated by the Minister after consulting with associations representing the interests of employers, including employers involved in small business and farming. The focus is much the same, but it is in a better form of presentation in the Bill.

The Hon. R.R. ROBERTS: This is not the only amendment that is involved. We are opposed to this amendment. We are in favour of the existing amendment that was moved in this place and passed by the Legislative Council. The amendment seeks to include the interests of employees, including the UTLC; the original amendment specified that it must be with the UTLC. As we have claimed before, this package of Bills has been about dispossessing registered associations. If the Minister wants to consult with other representatives or appoint representatives of employees or employees other than those who were specified in the amendment that was agreed to in this place, either by employers or by the UTLC, he has the capacity in those other three if he wants to pick up someone from an organisation representing employees other than UTLC. The Opposition's proposal is that we should stick with the amendment as sent to the Legislative Council.

The Hon. M.J. ELLIOTT: I will not insist upon this amendment.

Motion carried.

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

That the House of Assembly's amendment to amendment No.9 of the Legislative Council be agreed to.

Amendment No. 9 relates to clause 12, which deals with the functions of the corporation. The Legislative Council proposed that we encourage consultation with employers, employees and registered associations in relation to injury prevention, rehabilitation and workers compensation arrangements and encourage registered associations to take a constructive role in promoting injury prevention, rehabilitation and appropriate compensation for persons who suffer disabilities arising from employment. The House of Assembly amendment seeks to leave out 'registered associations' and to insert 'associations representing the interests of employers or employees', and the same applies to the second paragraph to which I have just referred. That is the essential change.

The focus is not just on registered associations but also on a wide range of associations, some of which are not necessarily affiliated to registered associations. As we have made the point in debate, those associations could also include enterprise associations which under the Industrial Relations Act are certainly now an established and recognised group of people who must be involved in the whole of the industrial relations process and equally in the context of the workers rehabilitation and compensation scheme.

The Hon. M.J. ELLIOTT: The substance of the amendments is unchanged. These clauses were added to the Government's original Bill. The only change is in relation to whether or not the term should be 'association' or 'registered association'. The Labor Party accepted similar amendments when we were debating the industrial relations legislation. In those circumstances I do not believe we should disagree with the further amendment of the House of Assembly.

The Hon. R.R. ROBERTS: We are opposed to this amendment. We should insist on the amendment that was agreed in this place. As I said before, this is another one of those clauses which go along with what the Government is trying to do.

The Hon. M.J. Elliott interjecting:

The Hon. R.R. ROBERTS: We can count.

Members interjecting:

The CHAIRMAN: Order!

The Hon. R.R. ROBERTS: After we lose them once it seems superfluous, but having won them we believe that they should stay in the Bill. The Attorney-General has said that he wants to encourage all groups of employees. If one reads the amendment that was passed in this place literally, one sees that it provides for encouraging consultation with employers, employees and registered associations. This Bill seeks to put aside any reference to registered associations. This is another clause that encourages scabs and rats. We oppose that. Obviously, again we do not have the numbers, but we make very clear that we support registered associations and the encouragement of registered associations being involved in occupational health and safety. Clearly, the amendment that was carried in this place referred specifically to registered associations. We think that is a positive group. It does not prevent the encouragement of consultation with employees and employers. It is pedantic and it is in line with the philosophy that has run throughout this package of Bills about excluding registered associations of employees. We are opposed to it.

Motion carried.

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

That the Council do not insist on its amendment No. 15 and agree to the alternative amendment made by the House of Assembly.

Amendment No. 15 relates to clause 13, which deals with the powers of the corporation. The Legislative Council proposed that the corporation must not enter into a contract or arrangement involving the conferral of substantial powers on or the transfer of substantial responsibilities to a private sector body unless the contract or arrangement is authorised by regulation and, if so required by the Minister, obtain the Minister's approval for appointing an agent or engaging a contractor, and a regulation made for the purposes of that subsection cannot come into operation until the time for disallowance has passed. The House of Assembly is proposing an alternative amendment which, I submit, is preferable. The House of Assembly proposes:

The corporation may only enter into a contract or arrangement with a private sector body involving—

(a) the conferral of power on the body to manage claims (including to provide rehabilitation services and to manage or implement other programs designed to assist or encourage workers who have suffered compensable disabilities to return to work), or to collect levies; or

(b) the conferral of other substantial powers on, or the transfer of substantial responsibilities to, the body,

to the extent that the contract or arrangement is authorised by regulation.

Then there are some exclusions which are specifically identified in subclause (3a):

(3a) However—
(a) subsection (3) does not apply
(i) if the contract or arrangement is with an exempt employer. . . or a person who has been appointed as a rehabilitation provider or a rehabilitation adviser. . . or
(ii) if the contract. . . is with a registered employer under the Workers Rehabilitation and Compensation Act 1986 and entered into as part of a pilot scheme (involving a representative sample of not more than 20 registered employers) relating to a proposal to allow employers to manage claims brought by their own workers under that Act. . .

Then there is a consequential amendment. I think that gives a little more flexibility rather than total prohibition against entering into these contracts without their being approved by regulation. I think that the proposition from the House of Assembly makes the scheme workable but still maintains the protections that the Hon. Mr Elliott particularly wanted to see maintained in relation to the contracting out provisions.

The Hon. M.J. ELLIOTT: When we last discussed this matter, I indicated that I had no philosophical position which said that WorkCover should carry out all work itself or that it shall be privatised, although I have extreme reservations about the latter. I believe that whether or not anything is done privately has to be argued on its merits. It may be that some parts of the WorkCover operations may be suitably run by some part of the private sector. However, I was not happy to sign a blank cheque which basically said that everything could go out without Parliament playing any further role in such decisions. That was the intent of the original amendment. I indicated to the Government that that position must be complied with if there were to be any further change.

This amendment recognises that there are contracts and arrangements already under the Workers Rehabilitation and Compensation Act in relation to exempt employers, and that is what subclause (3a)(a)(i) is all about. There is also a proposal for a pilot scheme to be run where employers will manage particular components. I understand that this trial scheme is to operate with employers who already have a proven record of tackling issues such as workplace safety and other things and who have built up some credibility in that area. This amendment would authorise such a pilot scheme to commence. I understand the intention was that it would start in the relatively near future, that is, authorised as a pilot scheme, and that in other ways it complies with the amendment that we had in this place, namely, that if there is to be any conferral of power to manage claims, rehabilitation services and so on, that would have to be subject to regulation, and that regulation cannot come into operation until after the time for disallowance has passed. In those circumstances, this amendment by the House of Assembly complies with the indications that I gave when we last addressed this issue. Therefore, I shall accept the amendment.

The Hon. R.R. ROBERTS: We believe that the amendment that was constructed after considerable debate in this place was appropriate and that there is no justifiable reason to amend it any further. It has been asserted to me—and I have some sympathy for the proposal—that what is happening here is paying a debt, which was acquired during the run-up to the last election, to the insurance companies. I understand the numbers.

Motion carried.

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

That the House of Assembly's amendment to amendment No. 17 of the Legislative Council be agreed to.

Amendment No. 17 relates to clause 16, which deals with delegations. The amendment by the Legislative Council provided that delegations:

(a) may be made—
(i) to a member of the board;
(ii) to a committee established by the corporation or by or under an Act;
(iii) to a particular officer of the corporation, or to any officer of the corporation occupying (or acting in) a particular office or position; or
(iv) to a public authority or public instrumentality.

The House of Assembly suggests a further amendment after paragraph 4 to add a category of persons to whom delegation is made, namely, a private sector body in connection with a contract or arrangement authorised under section 13(3). We have just amended that. Effectively, it means that when the appropriate regulation has been promulgated and not been disallowed in accordance with the provisions of the amendments which have been made it would then be appropriate for WorkCover Corporation to delegate functions, if it is necessary to do so, to such a body that might be exercising powers and responsibilities on behalf of the WorkCover Corporation under such an arrangement. In one respect, it is consequential upon earlier amendments but does, nevertheless, require the Council to consider it. I would suggest that the power to delegate is an important aspect of the proposals to have some work done, particularly management of claims, outside the direct responsibility of the corporation.

The Hon. M.J. ELLIOTT: When I last looked at this clause, my major concern in relation to the definition of 'delegations' was that it was extremely broad. I believe that it could have been a way of delegating to the private sector, even though amendments to clause 13 were aimed at making sure that, in any delegation of powers, the private sector would be under the strict control of the Parliament by way of regulation. The amendment makes quite plain that the delegations are within the structures that we would expect delegation to, namely, the board, the corporation, officers of the corporation or perhaps elsewhere within the Public Service itself, and cannot be made elsewhere. So, once again, this amendment fits in precisely with my indicated concerns last time we debated this matter. I cannot believe that any reasonable person would have any problems with it.

The Hon. R.R. ROBERTS: We oppose.

Motion carried.

The CHAIRMAN: The Hon. Mr Elliott has an amendment: that the Legislative Council do not insist on its amendment No. 23 and disagrees to the amendment made by the House of Assembly but that the Legislative Council makes the following alternative amendment. Members should have a copy of that.

Motion carried.

The Hon. M.J. ELLIOTT: I do accept that we no longer insist on our amendment but make a further amendment to the amendment made by the House of Assembly. The part of the previous Legislative Council amendment to which the House of Assembly disagreed was that part which provided 'must not be disadvantaged in any other way by the transfer'. I have spoken with a few people who still have some residual concerns about what could happen if that subclause were simply omitted. The general structure of some of these transitional provisions seems to imply that there is no intention that a person, simply because they might be

transferred from, say, the Occupational Health and Safety Commission to the WorkCover Corporation, be disadvantaged. That is the general tenor of what is implied within the general schedule, but it is felt that it still contains some loopholes, some of which have been filled by a previous amendment which ensured that there be no reduction in remuneration as well as no prejudice to accrued or accruing rights.

My major residual concern is that, whilst accrued or accruing rights generally may not be impacted upon, the question of, for instance, long service leave, which is covered by the GME Act, may not be adequately covered at present, and that the WorkCover Corporation may have different leave provisions so that it would not be seen as being subject to the GME Act. To try to ensure that that possible loophole is filled, the new part of this amendment which I move, which has not been before the Legislative Council previously, is part (b), which provides:

Retains existing and accruing rights in respect of employment including the right to accrual of long service leave on the same basis as applies to persons employed in the Public Service.

That makes sure that that potential loophole is filled.

Another matter that has been raised with me is that a person may be transferred to a lower position. From my discussions, I see that as highly unlikely. In any event, under subclause (2)(ii) we have noted that there should be no reduction in remuneration. I think that largely addresses any concerns that could be had about a change in position, even though, as I said, it seems highly unlikely. Under the circumstances, my further amendment should now adequately address any reasonable residual concerns.

The Hon. K.T. GRIFFIN: The Government supports the Hon. Mr Elliott's amendment but, on the advice of Parliamentary Counsel, I suggest that the word 'existing' in paragraph (b) be replaced with the word 'accrued' so that it provides 'retains accrued and accruing rights'. That is consistent then with the transitional provisions in the schedule which refers to the staff of the South Australian Occupational Health and Safety Commission. I think 'accrued' is more easily understood in legal terms than 'existing'. There are accrued rights and accruing rights, and I suggest that if the Hon. Mr Elliott is happy to move it in that form it will have my support. The amendment more clearly defines 'disadvantaged', which was very much open ended and could have related to a whole period indefinitely, whereas this focuses upon what are accrued rights and what are accruing rights. In that sense it is therefore acceptable.

The Hon. R.R. ROBERTS: The Opposition is obviously opposed to the new amendment because it seeks to define some rights, but the amendment previously agreed to by the Committee simply provided that a person must not be disadvantaged in any way by the transfer, and it referred to rights employees might have under their existing terms of employment, involving rights that have accrued in respect of annual leave and long service leave, for example. My argument is that employees being transferred from one career path to another, through no desire on their part, may have accrued rights over a period and may have other existing rights relating to their employment.

This Committee previously sought to ensure that there was no disadvantage in respect of any aspect of employment, and I moved an amendment along those lines. The Hon. Mr Elliott has obviously listened to some of the people who have also lobbied me with concerns in respect of this matter, and he has tried to address them. I think that is laudable on his part but I still believe that we should leave it in the terms of the original proposal as agreed by the Committee so that it covers those existing rights that we can clearly see now, as well as some which may not have been identified by us but which will remain intact. The clear intention, especially of Opposition members, was to ensure that those people, who were going to be transferred out of a career path, in which in many cases they had stayed for some years, could expect to maintain all those rights for which they had worked. This is not something they themselves have decided to do: it is something that has been done unilaterally, affecting any decision they may have wished to make on the matter and, therefore, I do not believe they should be disadvantaged.

As the Hon. Mr Elliott has indicated, there are some concerns about accruing leave rights, and that is, I am told, because the corporation does not fall under the GME Act and there is a problem there. I think Mr Elliott's amendment seeks to overcome the problem in respect of annual and long service leave but I suspect that it may impinge on other rights as well. Under the original proposal, there is no disadvantage although, if there is a disadvantage to be suffered through a transfer, it is covered by this particular clause, and not that relating to accruing leave rights and such matters. The Opposition's view is that we should insist on the original amendments that were passed in this Chamber.

The Hon. M.J. ELLIOTT: First, I am advised that the words 'existing' and 'accrued' make no difference in terms of interpretation, so, just for the sake of consistency with an earlier subclause, I move my amendment in a further amended form. I move:

Strike out 'existing' and substitute 'accrued'.

The Hon. Ron Roberts will be quite aware that, in speaking to people, I have asked, 'What other disadvantage do you see?' and the fact is that every disadvantage that has been raised I believe is more than adequately covered by the amendment. That is a challenge I first issued, I suppose, three or four days ago, and nothing further has arisen. When you consider that remuneration is protected, that all rights of leave, etc., are protected, that the right to transfer back into the Public Service and all associated matters are all covered, I do not believe that anything of substance has been missed by the amendment as it now stands.

Amendment carried; motion as amended carried.

The following reason for disagreement was adopted:

Because the Legislative Council's provision clarifies the Bill.

WORKERS REHABILITATION AND COMPENSATION (ADMINISTRATION) AMENDMENT BILL

Consideration in Committee of the House of Assembly's message:

Schedule of the amendments made by the House of Assembly consequential upon Amendment No.8

Clause 4, page 3, line 13—Leave out paragraph *(g)* and substitute the following paragraph:

(g) by striking out from subsection (1) the definition of "unrepresentative disability" and substituting the following definition:

"unrepresentative disability" means a disability arising from an attendance or journey mentioned in section 30(3) or (5);.

Leave out clauses 11, 14 and 15 of the Bill.

Schedule of the amendments made by the House of Assembly to Amendment No. 7

Legislative Council's Amendment No.7

No. 7 Page 4, lines 28 to 35 and page 5, lines 1 to 27 (clause 5)—Leave out proposed sections 9 to 11 and insert proposed sections as follow:-

9. Terms and conditions of office (1) A member of the Advisory Committee will be appointed on conditions, and for a term (not exceeding three years), determined by the Governor and, on the expiration of a term of appointment, is eligible for re-appointment.

(2) The Governor may remove a member from office for—

(a) breach of, or non-compliance with, a condition of appointment; or

(b) mental or physical incapacity to carry out duties of office satisfactorily; or

(c) neglect of duty; or

(d) dishonourable conduct.

(3) The office of a member becomes vacant if the member—

(a) dies; or

(b) completes a term of office and is not re-appointed; or

(c) resigns by written notice addressed to the Minister; or

(d) is found guilty of an offence against subsection (5) (Disclosure of Interest); or

(e) is removed from office by the Governor under subsection (2).

(4) On the office of a member of the Advisory Committee becoming vacant, a person must be appointed, in accordance with this Act, to the vacant office.

(5) A member who has a direct or indirect personal or pecuniary interest in a matter under consideration by the Advisory Committee—

(a) must, as soon as practicable after becoming aware of the interest, disclose the nature and extent of the interest to the Committee; and

(b) must not take part in a deliberation or decision of the Committee on the matter and must not be present at a meeting of the Committee when the matter is under consideration.

Penalty: $8 000 or imprisonment for two years.

10. *Allowances and expense* (1) A member of the Advisory Committee is entitled to fees, allowances and expenses approved by the Governor.

(2) The fees, allowances and expenses are payable out of the Compensation Fund.

11. *Proceedings etc., of the Advisory Committee* (1) Meetings of the Advisory Committee must be held at times and places appointed by the Committee, but there must be at least one meeting every month.

(2) Six members of the Advisory Committee constitute a quorum of the Committee.

(3) The presiding member of the Advisory Committee will, if present at a meeting of the Committee, preside at the meeting and, in the absence of the presiding member, a member chosen by the members present will preside.

(4) A decision carried by a majority of the votes of the members present at a meeting of the Advisory Committee is a decision of the Committee.

(5) Each member present at a meeting of the Advisory Committee is entitled to one vote on a matter arising for decision by the Committee, and, if the votes are equal, the person presiding at the meeting has a second or casting vote.

(6) The Advisory Committee must ensure that accurate minutes are kept of its proceedings.

(7) The proceedings of the Advisory Committee must be open to the public unless the proceedings relate to commercially sensitive matters or to matters of a private confidential nature.

(8) Subject to this Act, the proceedings of the Advisory Committee will be conducted as the Committee determines.

12. *Confidentiality* A member of the Advisory Committee who, as a member of the Committee, acquires information matter of a commercially sensitive nature, or of a private confidential nature, must not divulge the information without the approval of the Committee.

Penalty: $4 000.

13. *Immunity of members of Advisory Committee* (1) No personal liability attaches to a member of the Advisory Committee for an act or omission by the member or the Committee in good faith and in the exercise or purported exercise of powers or functions under this Act.

(2) A liability that would, but for subsection (2), lie against a member lies instead against the Crown.

House of Assembly's amendments thereto-

New section 11(1)—Leave out subsection (1) and insert—

(1) Meetings of the Advisory Committee must be held at times and places appointed by the Committee, but there must be at least six meetings per year.

New section 11(7)—Leave out subsection (7) and insert—

(7) The Advisory Committee may open its proceedings to the public unless the proceedings relate to commercially sensitive matters or to matters of a private confidential nature.

New section 12—Leave out the section and insert—

12. *Confidentiality* A member of the Advisory Committee who, as a member of the Committee, acquires information that—

(a) the member knows to be of a commercially sensitive nature, or of a private confidential nature; or

(b) the Committee classifies as confidential information,

must not divulge the information without the approval of the Committee.

Penalty: $1000.

Schedule of the amendments made by the Legislative Council to which the House of Assembly had disagreed

No. 4 Page 3, lines 27 to 29 (clause 5)—Leave out subsection (2) and insert subsection as follows:-

(2) The Advisory Committee consists of ten members appointed by the Governor of whom—

(a) one (the presiding member) will be appointed on the Minister's nomination made after consultation with associations representing employers and the UTLC; and

(b) four (who must include at least one suitable representative of registered employers and at least one suitable representative of exempt employers) will be appointed on the Minister's nomination made after consultation with associations representing employers; and

(c) four will be appointed on the Minister's nomination made after consultation with the UTLC; and

(d) one will be an expert in rehabilitation.

No. 9 Page 6, lines 21 to 26 (clause 6)—Leave out proposed subsection (4) and insert proposed subsection as follows:-

(4) However, a disability does not arise from employment if it arises out of, or in the course of, the worker's involvement in a social or sporting activity, except where the involvement forms part of the worker's employment or is undertaken at the direction or request of the employer, or while using facilities provided by the employer.

No. 10 Page 6, lines 27 to 33 (clause 6)—Leave out proposed subsections (5) and (6) and insert proposed subsections as follow:-

(5) A disability that arises out of, or in the course of, a journey arises from employment only if—

(a) the journey is undertaken in the course of carrying out duties of employment; or

Examples—

- *A school employee is required to drive a bus taking school children on an excursion and has an accident resulting in disability in the course of the journey.*
- *A worker is employed to pick up and deliver goods for a business and has an accident resulting in disability in the course of a journey to pick up or deliver goods for the business or a return journey to the worker's place of employment after doing so.*

(b) the journey is between—

(i) the worker's place of residence and place of employment; or

(ii) the worker's place of residence or place of employment and—

- an educational institution the worker attends under the terms of an apprenticeship or other legal obligation, or at the employer's request or with the employer's approval; or
- a place the worker attends to receive medical treatment, to obtain a medical report or certificate, to participate in a program of rehabilitation, or to apply for or receive compensation for a compensable disability,

and there is a real and substantial connection between the employment and the accident out of which the disability arises.

Examples—

- *A worker is employed to work at separate places of employment so that travelling is inherent in the nature of the employment and has an accident while on a journey between the worker's place of residence and a place of employment.*
- *A worker must, because of the requirements of the employer, travel an unusual distance or on an unfamiliar route to or from work and has an accident while on a journey between the worker's place of residence and a place of employment.*
- *A worker works long periods of overtime, or is subjected to other extraordinary demands at work, resulting in physical or mental exhaustion, and has, in consequence, an accident on the way home from work.*
- *A worker becomes disorientated by changes in the pattern of shift work the worker is required to perform and has, in consequence, an accident on the way to or from work.*

(6) The journey between places mentioned in subsection (5)(b) must be a journey by a reasonably direct route but may include an interruption or deviation if it is not, in the circumstances of the case, substantial, and does not materially increase the risk of injury to the worker.

No. 11 Page 7, lines 1 to 18 (clause 6)—Leave out proposed section 30A and insert proposed section as follows:-

30A *Stress-related disabilities* A disability consisting of an illness or disorder of the mind caused by stress is compensable if and only if—

(a) stress arising out of employment was a substantial cause of the disability; and

(b) the stress did not arise wholly or predominantly from—

(i) reasonable action taken in a reasonable manner by the employer to transfer, demote, discipline, counsel, retrench or dismiss the worker; or

(ii) a decision of the employer, based on reasonable grounds, not to award or provide a promotion, transfer, or benefit in connection with the worker's employment; or

(iii) reasonable administrative action taken in a reasonable manner by the employer in connection with the worker's employment; or

(iv) reasonable action taken in a reasonable manner under this Act affecting the worker.

No. 12 Page 7, lines 30 to 33 (clause 6)—Leave out paragraph (b) and insert paragraph as follows:-

(b) the influence of alcohol or a drug voluntarily consumed by the worker (other than a drug lawfully obtained and consumed in reasonable quantity by the worker).

No. 13 Page 7 (clause 6)—After line 33 insert subsection as follows:-

(3) Subsection (2) does not apply in a case of death or serious and permanent disability.

No. 14 Page 8, lines 4 and 5 (clause 7)—Leave out subsection (1).

No. 15 Page 8, line 6 (clause 7)—Leave out "However, if" and insert "Where".

No. 16 Page 8, lines 11 to 13 (clause 7)—Leave out subsection (3) and insert subsection as follows:-

(3) A regulation made on the recommendation of the Advisory Committee may extend the operation of subsection (2) to disabilities and types of work prescribed in the regulation.

No. 17 Page 8, lines 28 to 34 and page 9, lines 1 to 15 (clause 9)—Leave out the clause and insert new clause as follows:-

Substitution of s.42

9. *Substitution of s.42* Section 42 of the principal Act is repealed and the following section is substituted:

42. *Commutation of liability to make weekly payments* (1) A liability to make weekly payments under this Division may, on application by the worker, be commuted to a liability to make a capital payment that is actuarially equivalent to the weekly payments.

(2) However, the liability may only be commuted if—

(a) the incapacity is permanent; and

(b) the actuarial equivalent of the weekly payments does not exceed the prescribed sum[1].

(3) The Corporation has (subject to this section) an absolute discretion to commute or not to commute a liability under this section, and the Corporation's decision to make or not to make the commutation is not reviewable (but a decision on the amount of a commutation is reviewable).

(4) If the Corporation decides to make a commutation and makes an offer to the worker, the Corporation cannot, without the agreement of the worker, subsequently revoke its decision to make the commutation.

(5) In calculating the actuarial equivalent of weekly payments, the principles (and any discount, decrement or inflation rate) prescribed by regulation must be applied.

(6) A commutation discharges the Corporation's liability to make weekly payments to which the commutation relates.

Notes—

[1] The reference to the prescribed sum is a reference to the prescribed sum for the purposes of Division 5—See s.43(11).

No. 18 Page 9, lines 21 to 34 (clause 10)—Leave out subsections (14) to (18) and insert the following:-

(14) A liability to make weekly payments under this section may, on application by the person entitled to the weekly payments, be commuted to a liability to make a capital payment that is actuarially equivalent to the weekly payments.

(15) However, the liability may only be commuted if the actuarial equivalent of the weekly payments does not exceed the prescribed sum[1].

(16) The Corporation has (subject to this section) an absolute discretion to commute or not to commute a liability under this section, and the Corporation's decision to make or not to make commutation is not reviewable (but a decision on the amount of a commutation is reviewable).

(17) If the Corporation decides to make a commutation and makes an offer under this section, the Corporation cannot, without the agreement of the applicant, subsequently revoke its decision to make the commutation.

(18) In calculating the actuarial equivalent of weekly payments, the principles (and any discount, decrement or inflation rate) prescribed by regulation must be applied.

(19) A commutation discharges the Corporation's liability to make weekly payments to which the commutation relates.

Notes—

[1] The reference to the prescribed sum is a reference to the prescribed sum for the purposes of Division 5—See s.43(11).

No. 19 Page 10—After line 2 insert new clause as follows:-

11A. *Amendment of s.53—Determination of claim* Section 53 of the principal Act is amended by inserting after subsection (7) the following subsection:

(7A) For the purposes of subsection (7), an appropriate case is one where—

(a) the redetermination is necessary to give effect to an agreement reached between the parties to an application for review or to reflect progress (short of an agreement) made by the parties to such an application in an attempt to resolve questions by agreement; or

(b) the claimant deliberately withheld information that should have been supplied to the Corporation and the original determination was, in consequence, based on inadequate information.

No. 20 Page 12, lines 5 to 8 (clause 20)—Leave out paragraph (a).

No. 21 Page 12 (clause 22)—After line 30 insert the following:-

and

(c) the amendment made by section 11A applies as from 24 February 1994.

Schedule of the alternative amendments made by the House of Assembly in lieu of Amendments Nos. 4, 9-13, 17 and 18 to which the House of Assembly has disagreed

No. 4 *Clause 5, page 3, lines 27 and 29*—Leave out subsection (2) and insert new subsections as follows:

(2) The Advisory Committee consists of nine members appointed by the Governor of whom—

(a) three (who must include an expert in rehabilitation) will be appointed on the Minister's nomination made after consulting with associations representing employers and with associations representing employees (including the UTLC); and

(b) three (who must include at least one suitable representative of registered employers and at least one suitable representative of exempt employers) will be appointed on the Minister's nomination made after consulting with associations representing employers; and

(c) three will be appointed on the Minister's nomination made after consulting with associations representing employees, including the UTLC.

(3) One member[1] of the Committee must be appointed[2] by the Governor to preside at meetings of the Committee.

[1.] *The member is referred to in this Act as the "presiding member" of the Committee.*

[2.] *The appointment must be made from among the members appointed under subsection (2)(a).*

No. 9 *Clause 6, page 6, lines 21 to 26*—Leave out subclause (4) and insert—

(4) However, a disability does not arise from employment is it arises out of, or in the course of, the worker's involvement in a social or sporting activity, except where the activity forms part of the worker's employment or is undertaken at the direction or request of the employer.

No. 10 *Clause 6, page 6, lines 27 to 33*—Leave out proposed new subsections (5) and (6) and insert—

(5) A disability that arises out of, or in the course of a journey, arises from employment if, and only if—

(a) the journey is between two places at which the worker is required to carry out duties of employment with the same employer; or

(b) the journey is between—

(i) the worker's place of employment and an educational institution the worker attends under the terms of an apprenticeship or other legal obligation, or at the employer's request or with the employer's approval; or

(ii) the worker's place of residence or place of employment and a place the worker attends to receive a medical service, to obtain a medical report or certificate (or to be examined for the purpose), to participate in a rehabilitation program, or to apply for, or receive, compensation, for a compensable disability; or

(c) the journey is between the worker's place of residence and place of employment and the accident out of which the disability arises is wholly or predominantly attributable to the performance of duties of employment[1].

(6) However, the fact that a worker has an accident in the course of a journey to or from work is not in itself a sufficient causal nexus between the accident and the employment for the purposes of subsection (5)*(c)*.

[1]*Example: A worker works long periods of overtime, or is subjected to other extraordinary demands at work, and is involved in an accident on the way home from work because of physical or mental exhaustion resulting from the worker's employment.*

(7) The journey between places mentioned in subsection (5) must be a journey by a reasonably direct route but may include an interruption or deviation if it is not, in the circumstances of the case, substantial, and does not materially increase the risk of injury to the worker.

No.11 *Clause 6, page 7, lines 1 to 18*—Leave out proposed new section 30A and insert—

Stress-related disabilities

30A. A disability consisting of an illness or disorder of the mind caused by stress is compensable if and only if—

(a) the stress arises wholly or predominantly from employment; and

(b) the stress is not, to a significant extent, attributable to—

(i) reasonable action to transfer, demote, discipline, counsel, retrench or dismiss the worker; or

(ii) a reasonable decision not to award or provide a promotion, transfer or benefit in connection with the worker's employment; or

(iii) a reasonable administrative action in connection with the worker's employment; or

(iv) a reasonable act, decision or requirement under this act affecting the worker; or

(v) a reasonable act, decision or requirement that is incidental or ancillary to any of the above.

No.12 *Clause 6, page 7, lines 27 to 33*—Leave out subsection (2) and insert—

(2) However—

(a) a worker will not be presumed to be acting in the course of employment if the worker is guilty of misconduct or acts in contravention of instructions from the employer, or voluntarily subjects himself/herself to an abnormal risk of injury, during the course of an attendance under section 30(3); and

(b) a disability is not compensable if it is established on the balance of probabilities that the disability is wholly or predominantly attributable to—

(i) serious and wilful misconduct on the part of the worker; or

(ii) the influence of alcohol or a drug voluntarily consumed by the worker (other than a drug lawfully obtained and consumed in a reasonable quantity by the worker).

No.13 *Clause 6, page 7, after line 33*—Insert—

(3) Subsection (2)*(a)* does not apply in a case of death or permanent total incapacity for work and subsection (2)*(b)* does not apply in a case of death or serious and permanent disability.

No.17 *Clause 9, page 9, lines 2 to 4*—Leave out subsection (3) and insert—

(3) The Corporation has a discretion to commute or not to commute a liability under this section and the exercise of that discretion is not reviewable (but if the Corporation decides to make a commutation then its decision on the amount of the commutation is reviewable).

No.18 *Clause 10, page 9, lines 24 to 26*—Leave out subsection (15) and insert—

(15) The Corporation has a discretion to commute or not to commute a liability under this section and the exercise of that discretion is not reviewable (but if the Corporation decides to make a commutation then its decision on the amount of the commutation is reviewable).

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

That the House of Assembly amendments consequential upon the Legislative Council's amendment No. 8 be agreed to.

Amendment No. 8 relates to clause 6 of the Bill, which deals with compensability of disabilities. The Legislative Council sought to include, in relation to the worker's employment in proposed section 30(3), attendance at an educational institution under the terms of an apprenticeship or other legal obligation or at the employer's request or with the employer's approval, and attendance at a place to receive a medical service to obtain a medical report or certificate, or to be examined for the purpose to participate in a rehabilitation program or to apply for or receive compensation for a compensable disability.

The House of Assembly seeks to add an additional paragraph to the amendment by striking out from subsection (1) the term 'unrepresentative disability' and substituting the following definition:

'Unrepresentative disability' means a disability arising from an attendance or journey mentioned in section 30(3) or (5);

and its schedule of amendments then states:

Leave out clauses 11, 14 and 15 of the Bill.

That is, to some extent, consequential upon the amendment made in the Legislative Council. I therefore move in that manner.

The Hon. R.R. ROBERTS: The Lower House now wants to bring back the unrepresentative disability definition and, as a consequence, the Government now wishes to delete originally proposed amendments to clauses 11, 14 and 15. The Government now admits the inequity that it has created in its original journey definition by recognising that some workers should be covered by not having to clock on or off, and now wants to recognise journeys for the purpose of not affecting penalties on employers; that is, an employer's

claims experience may be bad but his or her record will not include journey injuries.

I point out to the Committee that we actually supported the Government's position on this matter during the original stages and opposed the Hon. Mr Elliott's proposition that it stay in. Having entered into that spirit of cooperation, we now expect the Government to support our original position, but I do not hold too much hope that that will occur. We will still oppose it.

The Hon. M.J. ELLIOTT: I must admit that first time around I am surprised at the position Labor took since it put the provision into the original legislation. Taking the only consistent position that has been taken over many years on this matter, I will agree to the amendment.

Motion carried.

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

That the House of Assembly amendments to amendment No. 7 of the Legislative Council be agreed to.

These amendments relate to the terms and conditions of office of a member of the advisory committee and to the meetings of the advisory committee. The amendments by the House of Assembly propose that the meetings of the advisory committee must be held at times and places appointed by the committee, but there must be at least six meetings per year. I think that that gives a little flexibility. The amendment further provides that:

The advisory committee may open its proceedings to the public unless the proceedings relate to commercially sensitive matters or to matters of a private, confidential nature.

So, there is a recognition that there may be some matters which are sensitive commercially and which therefore should not be opened up to public scrutiny and also matters of a private, confidential nature. That also provides for some flexibility and discretion on the part of the advisory committee generally. The only significant change in the area of confidentiality is in respect of the penalty, which has been reduced from $4 000 to $1 000. Also, there has been a slight redrafting of what is presently in the Bill, but largely it is of little consequence.

The Hon. R.R. ROBERTS: The Opposition opposes this amendment.

The Hon. M.J. ELLIOTT: In relation to these amendments I believe that a couple of matters need to be addressed. The first relates to the frequency of meetings. The Government is now saying that the advisory committee should meet at least six times a year. My concern was not so much about the number of meetings but about the fact that there was at least a prescribed number of meetings to ensure that we did not have a committee that just simply was not meeting. The stipulation for six meetings fills that general requirement. I have been advised that quite frequently many of these groups do most of their work through subcommittees and working groups in any case. As long as the advisory committee is meeting at least six times a year, which means once every two months, if these other subcommittees are up and functioning it is not going to make a significant difference.

I had moved initially that the meetings be totally open. The committee now has a discretion to open its proceedings to the public unless proceedings relate to commercially sensitive matters or matters of a private, confidential nature. It might be true in relation to both this advisory committee and the Occupational Health and Safety Advisory Committee that if all meetings are totally open to include those meetings where they are not taking submissions from witnesses but where they are simply trying to work their way through issues, there might be times when both the employer and the employee representatives will feel constrained in terms of what they can say. It is a bit like what some members of Parliament say when they know their constituency is watching them; they say quite different things outside the Chamber. That happens to be the real world.

There may be occasions when the committee wishes to meet *in camera* even when it is not talking about commercially sensitive issues or matters of a private, confidential nature. The major reason for wanting to open up the meetings was that I was worried about confidentiality and the way the Government had approached that and, in essence, the Government has accepted my proposition that matters discussed should not be confidential unless they are of a commercially sensitive nature or a private, confidential matter, and that is addressed in the next amendment. That is the issue I was most concerned about. It is being addressed and, in the circumstances, I do not have any difficulties with the House of Assembly's further amendments to our initial amendment.

Motion carried.

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

That the Council do not insist on its amendment No. 4 and agree to the alternative amendment made by the House of Assembly.

Amendment No. 4 relates to the constitution of the advisory committee which, under the Legislative Council amendment, consists of 10 members appointed by the Governor, and there are certain categories of persons or bodies who must be involved in the appointment process very largely by way of consultation. The Minister makes the recommendation or nomination ultimately. The House of Assembly proposes that there will be nine members and there will be a different composition: three who must include an expert in rehabilitation to be appointed on the Minister's nomination after consulting with associations representing employers and associations representing employees, including the UTLC; three who must include at least one suitable representative of registered employers and at least one suitable representative of exempt employers appointed on the Minister's nomination made after consulting with associations representing employers; and three will be appointed on the Minister's nomination made after consulting with associations representing employees including the UTLC. I suggest that that is consistent with what has been established under the WorkCover Corporation Bill. It does involve genuine consultation but re-frames the structure within which the appointments are to be made.

The Hon. M.J. ELLIOTT: The essence of the amendments that I moved previously was that the Government had promised in policy a tripartite committee. The original legislation did not give any guarantees of that. Whilst the Government amendment is different from the amendment we moved before, it creates a tripartite committee. It also does guarantee that one of the people nominated by the Minister will be a person who is an expert in rehabilitation, which was something else that I had inserted within that amendment. While one can argue over the margins, I think the general effect of the amendment is largely the same.

The Hon. R.R. ROBERTS: We oppose this amendment proposed by the House of Assembly. It seeks to include the UTLC in the consultation of the advisory committee, but does not provide it with the opportunity to be the determinator or necessarily the nominator of persons to be appointed. The new proposition says that the Minister must consult. This is

the same as the theory proposed in the Industrial and Employee Relations Bill that we discussed the other night. It provides that, in respect of the committee that will look at the appointment of commissioners, the Minister must consult. It does not say anything about taking any or all of the nominations that come out of the advisory committee. Again, it gives the Minister *carte blanche* to appoint whom he likes. We believe that the existing amendment is far superior to the one proposed here and we will support the original amendment as moved by the Legislative Council.

Motion carried.

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

That the Council do not insist on its amendment No. 9 and agree to the alternative amendment made by the House of Assembly.

Amendment No. 9 relates to clause 6, which deals with compensability of disabilities. The Legislative Council inserted an amendment, as follows:

A disability does not arise from employment if it arises out of, or in the course of, the worker's involvement in a social or sporting activity, except where the involvement forms part of the worker's employment or is undertaken at the direction or request of the employer, or while using facilities provided by the employer.

The House of Assembly prefers the following form:

A disability does not arise from employment if it arises out of, or in the course of, the worker's involvement in a social or sporting activity, except where the activity forms part of the worker's employment or is undertaken at the direction or request of the employer.

The House of Assembly's amendment removes 'or while using facilities provided by the employer', and I made a fairly strong point about this in Committee. If we leave in that phrase, it may impact on an employer of a large number of people who provides facilities, such as a bar or other social and sporting areas, away from the workplace that are not under his or her direct control. In that situation why should the employer be liable for the acts, injuries, omissions and all the rest that might occur whilst an employee, out of duty hours, is using those facilities? That has now been recognised by the House of Assembly.

The Hon. M.J. ELLIOTT: In accepting this amendment, my major concern would be that, if it was left in, it would be a major disincentive for employers to provide facilities for the use of employees. They would be better off providing a lunch room and nothing else. Clearly, if an employer has kept a facility and not kept it in adequate condition, they would be liable for legal action in any case, but in general the only thing we may achieve in insisting on our amendment is that employers will say, 'There is no point providing a gym because, if an employee strains a shoulder while using it, it will come under my workers compensation.' It would work against the best interests of employees rather than for them. In those circumstances, we should accept the amendment of the House of Assembly.

The Hon. R.R. ROBERTS: We are opposed to this for the same reason that we were opposed in Committee. We have had this argument on a number of occasions. We went through it. For the Attorney-General to say that the House of Assembly—where the Government has a majority of 36 members—has accepted the argument that he put on this is an absolute farce. It is a rubber stamp job—the Government does not have to convince anybody.

The Hon. Mr Elliott touched on this matter when he said that, if you want to get relief for equipment in a bad state that is provided by the employer, common law remedies are available. I come back to the proposition that WorkCover was based on when we introduced it in 1986-87: it was intended as a no-fault scheme, and accidents or injuries that occurred during the course of work or during the break period at the employers' site would be covered by the no-fault scheme. We are now reintroducing a litigious nightmare over these matters. They have not presented massive costs to employers, and they fitted in completely with the original intention of the Bill. I am disappointed that these matters are now being left out of this amendment. I understand the numbers, and I am extremely disappointed. I am not normally of a mind to get upset about these things. I have been in the Legislative Council long enough to know that these things occur, but on this occasion I am particularly disappointed that we have not been able to persuade the Hon. Mr Elliott to stick with the original amendment.

The Hon. M.J. ELLIOTT: I am not sure how many more set piece responses we will have in all this, but it does not help things much. If we left the amendment as it is it would be a disincentive for an employer to provide a facility they need not provide. If employers provide a recreational facility of some sort, I would argue in general terms that that is a bonus for employees. If by providing that facility the employer is then making themselves liable for workers compensation claims when the accident is not a work accident in any reasonable interpretation of it, who will be the losers?

Motion carried.

The Hon. M.J. ELLIOTT: I move:

That the House of Assembly's amendment No.10 be disagreed to but that the following alternative amendment to the Legislative Council's amendment be made in lieu thereof:

New subsection (5)(a)—Leave out examples.

New subsection (5)(b)—Leave out paragraph (b) (including the examples) and substitute—

(b) the journey is between—

(i) the worker's place of residence and place of employment; or

(ii) the worker's place of residence or place of employment and—

- an educational institution the worker attends under the terms of an apprenticeship or other legal obligation, or at the employer's request or with the employer's approval; or
- a place the worker attends to receive a medical service, to obtain a medical report or certificate (or to be examined for that purpose), to participate in a rehabilitation program, or to apply for or receive compensation for a compensable disability,

and there is a real and substantial connection between the employment and the accident out of which the disability arises.

After subsection (5)—Insert—

(5a) However, the fact that a worker has an accident in the course of a journey to or from work does not in itself establish a sufficient connection between the accident and the employment for the purposes of subsection (5)(b).

If the Committee agrees to my motion, the effect of the clause will be precisely the same as that which I moved in this place when last we debated the legislation. As I argued in this place before, while the Government may construct an argument in terms of who accepts responsibility for an accident when a person goes to and from work, quite clearly two arguments can be put.

The Government took an extreme position in the original legislation: after arguing that employers should take responsibility only where employment was to blame, it then argued that no journey accident should be claimable. I believe that

that is demonstrably false. There are clearly journey accidents that happen because of work.

I gave the simple example of a person who has been asked to work extended shifts. I wonder about the standard of driving of those who worked for 28 or 30 hours here only three or four days ago. Quite clearly, that was irresponsible work practice by the employer. As such, if an accident occurred, the employer would have to accept responsibility for that. If employers behave in the way that they did in this place on Saturday, Sunday and, in fact, for several previous nights as well, the employer should take absolute responsibility. There can be no denying such responsibility in those sorts of cases. The amendment I am moving in the amended form still achieves the goal that I set when we first began debating this clause.

The Hon. K.T. GRIFFIN: The Government would have preferred the House of Assembly amendments or, in fact, what was in the original Bill. However, we recognise that there are some considerations that have to be taken into account, not just the numbers but some of the issues that the Hon. Mr Elliott has raised. In those circumstances I indicate that, recognising those issues, we will support the amendment proposed by the Hon. Mr Elliott.

Motion carried.

The Hon. M.J. ELLIOTT: I move:

That the Legislative Council insist on amendment No. 11 made by the Legislative Council and disagree with the amendment made by the House of Assembly.

I have repeatedly said in this place that the Government has gone too far on the question of stress—that effectively it would be denying legitimate claims of stress and that that is intolerable. In those circumstances, I believe the Legislative Council should insist upon its amendment.

The Hon. K.T. GRIFFIN: This is a highly controversial area. It is one where there is great difficulty in defining the workplace injury, because it is open to a wide range of other influences. I made the point when the Committee was last considering this issue that you may have a situation of stress arising out of a domestic dispute being transported into the workplace and injury occurring or compounding the stress that might arise from pressure of work or from something which happens in the workplace. So—

The Hon. M.J. Elliott interjecting:

The Hon. K.T. GRIFFIN: There are many ways in which it can happen. The Government was anxious to try to tighten this up. On the other hand, we know where the numbers are; we acknowledge that the Hon. Mr Elliott's amendment does tighten up the provisions relating to stress in relation to what is in the legislation at the moment. It certainly goes nowhere near what we want, but on the other hand it does tighten it up. We also note the honourable member's undertaking during the Committee consideration of the Bill that he would keep an open mind on this issue after the most recent amendments to stress provisions have had some opportunity to be tested in practice.

We will be keeping those issues under review. We will also be monitoring the progress of the implementation of the previous amendments—those that were made the last time the Act was before the Parliament and those made on this occasion—and, if there is evidence to suggest that there should be further tightening up, we will be making proposals to the Parliament to address that issue. It is a matter of concern and I recognise the sensitivities of the issues, but I also recognise that on this occasion the amendment proposed by the Hon. Mr Elliott is better than what is in the present Act. For that reason, we will not resist it.

The Hon. M.J. ELLIOTT: In order to make sure that this is very clear on the record, I have said that I am willing to revisit the issue, but there are a number of provisos. First, a relatively new piece of legislation in this area needs to be tested legally. The Government would also have to demonstrate that it has looked at the way WorkCover has handled it, because administratively I think it has done so extremely poorly and I have ample written evidence about that. The biggest difficulties with WorkCover are in Government departments. I have argued that the major problem is inadequate and incompetent managers of personnel. I am pleased that the Government, recognising this, at least in the northern suburbs, is about to set up a trial which will address the question of stress in Government departments. That is at least 10 years overdue. After all that, it must be demonstrated that there is an inadequacy in the law. However, I am not prepared to contemplate a change in the law in this area when there has been no demonstrated commitment by the Government to address problems that it is capable of addressing.

The Hon. R.R. ROBERTS: I thank the Hon. Mr Elliott for sticking to his guns on this clause. Clearly, there will be another substantial change in the way that work is organised and, with the Audit Commission report, there will be another substantial reduction, especially in the public sector, which will involve employees being under more and more stress. I believe that stress tests now are perhaps too stringent, but I understand that we have reached this position after looking at stress claims over a number of years. I believe that the tests are adequate as they are, and I thank the Hon. Mr Elliott on behalf of those who suffer genuine stress in their workplace for maintaining the opportunity for them to be adequately compensated under our legislation.

Motion carried.

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

That the Council do not insist on its amendments Nos 12 and 13 and agree to the alternative amendments made by the House of Assembly.

Again, these amendments relate to compensable disabilities. The House of Assembly proposes that an additional paragraph be inserted which, I am advised, reflects the provisions in section 30(4) of the present Act, although in a slightly redrafted form. I point out that an amendment by the Legislative Council excludes the situation where the injury occurred as a result of the worker being under the influence of alcohol or a drug voluntarily consumed by the worker, but the Council added an exclusion, 'other than a drug lawfully obtained and consumed in reasonable quantity by the worker'. I draw the attention of members to the fact that that proviso is retained in the amendment made by the House of Assembly.

The Hon. R.R. ROBERTS: We support the original position of the Legislative Council with respect to this amendment. We believe that it adequately covers the situation and that there is no need for the House of Assembly's amendments. I am interested to see the position the Democrats will take. The amendment that was passed was the amendment proposed by the Hon. Mr Elliott in Committee. However, if he intends to move away from that and is prepared to accept the amendment of the Lower House, we seek to amend that again in subclause (2) by deleting the words 'or voluntarily subjects himself or herself to an abnormal risk of injury'.

The Hon. M.J. ELLIOTT: I will support your doing that.

The Hon. R.R. ROBERTS: I am prepared to accept this amendment with a minor alteration; accordingly, I move:

Delete the words 'or voluntarily subjects himself or herself to an abnormal risk of injury'.

The reason for this is that often workers can be subtly pressured into involuntarily taking abnormal risks in order to keep the job going and to finish a production run to complete a building job, etc. They should not be penalised for this. This provision is yet another example of the Government's attempting to undermine the no-fault basis of the Act. If successful, it will also encourage further litigation, prolong the claim determination process and delay rehabilitation. We will accept the Government's amendment with that minor amendment.

The Hon. M.J. ELLIOTT: I agree with this amendment. The question of a worker's voluntarily subjecting himself or herself to abnormal risk of injury is too open to a wide interpretation. If one is working on a job and the boss is rather keen to make sure something happens, the employee will sometimes comply, perhaps without even adequately addressing the question of whether or not they have subjected themselves to additional risk. I suppose that there are some similarities to the situation we had last Saturday night, if I might hark back to that: it could be argued whether or not we voluntarily agreed to continue sitting here. All sorts of subtle pressures have come to play. One of the subtle pressures would have been the Government's jumping up and down and saying, 'We are having our legislation thwarted,' and 'This is blocking Government progress,' etc. Employees can find themselves in a similar position in the workplace where the employer wants to do something, if the employee does not feel right about it, but the subtle pressures brought to bear are sufficient that they will do something that they would not do in other circumstances. An argument might be constructed that they voluntarily did it because they had not objected. I do not believe that that is acceptable. I would argue that the clause as it is, without these words, is quite adequate to cover an employee where they themselves are responsible for the risk rather than essentially the risk being placed upon them.

The Hon. K.T. GRIFFIN: What I find somewhat surprising is that the present Act refers to exactly the same point. It provides:

If during the course of attendance by a worker at the worker's place of employment in the circumstances referred to in subsection (3)(b) or absence by a worker the worker is guilty of misconduct or a breach of the employer's instructions or voluntarily subjects himself or herself to abnormal risk of injury—

then certain consequences follow. One must read the House of Assembly's amendment in the context that it applies not during attendance at the worker's place of employment on a working day but before the work begins in order to prepare or be ready for work, attendance at the worker's place of employment during an authorised break from work, attendance at the worker's place of employment but after work ends for the day while the worker is preparing to leave or is in the process of leaving the place, attendance at an educational institution or attendance at a place to receive a medical service.

So, it is not during the hours of work when what the Hon. Mr Elliott says might occur—that is, an employer wants to get a job finished and says to the employee, 'Will you do this?' and there is some abnormal risk; in those circumstances it may well fall foul of the Occupational Health, Safety and Welfare Act. The application of the House of Assembly's amendment is limited to those out of work situations. That is already covered in the Act in the same sort of context. What I find surprising—and this is the reason I will oppose the Hon. Mr Roberts' amendment—is that it is now being sought to be removed from a similar provision in the new Bill.

The CHAIRMAN: The question is that the Legislative Council's amendments Nos. 12 and 13 be insisted upon.

Motion negatived.

The CHAIRMAN: The question is that the Legislative Council's alternative amendments be agreed to but with an amendment to amendment No. 12.

Motion carried.

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

That the Legislative Council do not insist on its amendments Nos 14 to 16.

These amendments relate to clause 7, which deals with the evidentiary provisions. This relates to the onus of proof and restores the Bill to its position as it reached the Legislative Council from the House of Assembly, and it relates also to some consequential amendments particularly with respect to regulations made on the recommendation of the advisory committee.

The Hon. R.R. ROBERTS: There are three distinct amendments. Amendment No. 14 sought to remove subclause (1), referring to the onus of proof. The Opposition is opposed to that provision being reinserted, for all the reasons we outlined. Amendment No. 15 deals with a change of wording in subclause (2), referring to 'the absence of proof to the contrary'. In respect of amendment No. 14, we say that the decision taken in the Committee stage of this Chamber as regards removing that subclause should stay. In respect of amendment No. 15, the Act has a schedule of diseases which have clearly been established as having direct links with various industries and occupations. Historically, workers affected by such diseases were forced into litigation to prove the common law test that the disease or disability arose out of employment. That was the reason for the schedule.

As previously stated, even blind Freddy could see that the obvious link between the schedule of diseases and the worker's past or present occupation—the area of workers compensation—has historically been balanced in favour of insurers who have utilised such minimisation of costs by litigating such contraction of diseases or disabilities, focussing upon whether they were actually contracted as a result of work. The end result was that lawyers derived income in the area of representation and workers suffered intimidation in the form of up-front legal fees, non-payment of wages, mounting medical accounts remaining unpaid and threatening letters from medical debt collectors, on top of letters of demand for unpaid bills of a normal domestic nature.

This was because the law of the day required the worker to prove a case by the common law test. A prime example of such litigation is a worker from an abattoir required to prove, on the balance of probabilities, that the brucellosis from which he suffered came from his employment. The amendment proposed by the Government is prefaced by the negative, that is to say, in the absence of proof to the contrary. The Government's proposed subclause (1) states that a disability is not compensable unless it is established on the balance of probabilities that it arises from employment. Section 31 of the principal Act contains provisions relating to diseases and disabilities that commonly arise from certain identified industries or occupations.

Either the Government's amendment is superfluous, given its claim that there is no intention other than to state the

obvious, or the Government has some ulterior motive such as supporting other amendments the Government has proposed in the area of loss of hearing. Does the Government propose, for example, that a worker who rides every day to work on a Harley Davidson has to prove that the Harley Davidson did not cause the disability and that work did, even though the same worker may work in the Highways Department and frequently operate jackhammers? The Opposition does not accept that, if that is the Government's intention, and seeks support for the amendment of the Hon. Mr Elliott earlier passed by the Legislative Council. The Government's amendment would result in a court interpretation that legislation has a job to perform. For all those reasons we think that this proposal ought to be opposed and the original proposition supported.

The Hon. M.J. ELLIOTT: My advice is that clause 7(a)(i) does not change the legal position. If that is the case, there is no logical reason for opposing it.

Motion negatived.

The Hon. M.J. ELLIOTT: I move:

That the Legislative Council insist on its amendment No. 17 and disagree to the alternative amendment made in lieu thereof.

A number of issues were contained within this clause. The first relates to non-economic loss and whether or not, when commutation occurs, it should be taken away from any lump sum that may be granted. Although that was in the old Act, I believe that that could not be justified, because the award for non-economic loss is quite a separate award from one for the impact upon one's capacity to earn. That is the first issue, and it is one on which I stand firm. I just will not support a change that is unreasonable in the way that that one is. The next issue is a question as to whether or not commutation should be appealable. I believe that it should not be.

The unfortunate circumstance arising was that increasing numbers of appeals were being lodged with larger numbers of people seeking lump sum commutation. That was never the intention of the legislation. The legislation's intention was quite plainly to ensure that, if a worker has been injured and has a long-term injury, he or she should be receiving ongoing compensation.

We should not be putting people at risk, even if it is at their own choice, by accepting commutation, which they can then lose and they then find themselves in the social security system. That is unacceptable, and we should not be facilitating games that, unfortunately, some lawyers, are playing, because it seems to be in their interest and not in those of employees, to get more people chasing lump sum commutation. I believe we should stand firm on that important issue. I do not believe that the Government or the Opposition is disputing other matters contained in the amendment, and we should insist on the Legislative Council's amendment.

The Hon. K.T. GRIFFIN: The Government will not resist the motion. The Government would have preferred its original proposition, which would have provided a great level of flexibility. The Legislative Council has tightened up on commutation. This will mean that most likely in practice there will be fewer offers of commutation than at present, but that issue will be monitored as it is implemented.

Motion carried.

The Hon. M.J. ELLIOTT: I move:

That the Legislative Council insist on its amendment and disagree with the alternative amendment made by the House of Assembly.

The amendment is consequential on the arguments that I advanced before.

The Hon. K.T. GRIFFIN: The Government does not resist the motion.

Motion carried.

The Hon. M.J. ELLIOTT: I move:

That the Legislative Council insist on its amendment No. 19 but make the following amendment to its amendment:

New subsection (7A)—Insert the following paragraphs after paragraph (b):

(c) the redetermination is appropriate by reason of new information that was not available and could not reasonably have been discovered by due inquiry at the time that the original determination was made; or

(d) the original determination was made as the result of an administrative error and the redetermination is made within two weeks of the making of the original determination; or

(e) the redetermination is made in prescribed circumstances.

After new subsection (7A)—Insert—

(7B) A regulation made for the purposes of subsection (7A)(e) cannot come into operation until the time for disallowance has passed.

When we last debated this matter, the Minister asked whether I had any examples of cases that caused my concern. I gave the example of a worker on an assembly line. I will not go into the fine details of the claim, but the worker suffered an injury after starting work in 1989. In 1991 the injury was evident. In October 1991 the injury became so severe that a claim for compensation was lodged. The exempt employer accepted the claim for compensation in November 1991. The worker returned to light duties and in January 1992 went to normal duties. The worker advised the employer of difficulties still being experienced and was operated on and was totally incapacitated for work from the beginning to the end of April 1992. This period of incapacity was subsequently claimed as compensation by the worker and accepted by the employer as being due to a compensable condition in 1992.

Following a further return to work on normal duties from May to June 1992, the worker ceased work again at the request of her specialist to undergo treatment. Her claim for compensation with respect to this period of incapacity was rejected by the exempt employer. The worker sought a review of that decision at the completion of the case. The exempt employer decided to redetermine her earliest claims in 1991-92 and to reject them, thus changing the whole nature of the worker's case and putting in matters which the worker thought were resolved in her favour two and three years earlier.

It can be argued that that was not the intention of Parliament. A person is entitled to the protection of a properly investigated and considered decision. If this is not to be so, there will be no end to a case because of an inability to rely on decisions made in one's favour and it will result in duplication of hearings and evidence, etc. The question is: how many times must a person prove their case and how many inquiries must there be? The amendment that I now have before the Committee makes it plain that if there have been administrative errors they can be further addressed but that where there is no new information and where no error has been made a person should not be asked to go through a redetermination.

The Hon. K.T. GRIFFIN: The Government is prepared to support the proposal by the Hon. Mr Elliott. It represents, I suppose, one could say a halfway measure or a halfway house from what we were proposing. It does allow redetermination where there is new information, or on the basis of an administrative error, or in prescribed circumstances. It is because of that that the Government recognises that it cannot have everything it wants, but it is prepared to acknowledge

that this is a recognition of, to some extent, the problem which it sought to address in the Bill, and the Government is prepared to accept it.

The Hon. R.R. ROBERTS: The Attorney says that the Government will not get everything it wants, but it has not missed out on too much. Nonetheless, I can understand the logic of Mr Elliott's proposal. The Opposition obviously feels that the existing example was quite sufficient. However, we will not resist this with any great determination.

Motion carried.

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

That the Council do not insist on its amendment No. 20.

Amendment No. 20 relates to clause 20 of the Bill. The Legislative Council amendment left out that part of clause 20 which related to a threshold level of hearing loss of 5 per cent. If the Council agrees with my motion that will then remain part of the Bill.

The Hon. R.R. ROBERTS: The Opposition is opposed to this proposition. We have had this argument *ad infinitum*. The Government has manoeuvred around the position on hearing loss in other forums with regulation and trying to move it into these Bills. This claim is not costing a fortune; it is something which has been working well. There has been no abuse of the provision; it is an act of vindictiveness more than anything; and we believe that the situation that developed in Committee the last time we considered this matter is fair and equitable. The Opposition believes that the Council should insist on the position that was determined in Committee the last time.

The Hon. M.J. ELLIOTT: I will not be insisting that our amendment be insisted upon. This is probably one of the more difficult amendments. However, one must realise that this legislation is setting a level. The Government tried to do it by way of regulation; at least now it is doing it by the legislation itself. The Government is setting a percentage of hearing loss which one would need to exceed before a claim could be payable. It is also worth noting that most other States have done it, although that is not justification in itself. Most other States have gone to much higher levels. I have given an indication that, in supporting the Government, it might be pushing its luck if it tries going above 5 per cent.

The Hon. R.R. ROBERTS: I must express considerable disappointment on this occasion. We have gone through these arguments. We are talking about bi-aural hearing loss, that is, the average hearing loss across both ears. You can have significant hearing loss in one ear and minimal loss on the other. One can suffer a significant injury in this area and this is something which, as I have said before, has not been abused, and I express considerable disappointment that this provision is going to be knocked out.

The Hon. T.G. ROBERTS: The history of the 5 per cent goes back prior to WorkCover, where many claims were attempted to be discounted on the basis of background noise, home environment and reasons for hearing loss other than one's employ. In many cases, those sorts of arguments were put together because the equipment for testing then was not as accurate as it is now and, in the early 1970s, when the equipment was brought in for first testing an averaging was done. The insurance companies would send you to two doctors, and in some cases three, and they would work out a threshold over which they would argue. The courts would then consider the argument based on the inaccuracy of the equipment plus some of the background noises which people were exposed to other than those which existed in their employment.

I had one case of practical experience where an employee was asked where he was born. He said, 'Hahndorf.' Another question asked was whether he played in a brass band and he said, 'Yes, I went along to a brass band.' Everyone in Hahndorf had heard a brass band at that stage. When I subsequently went to check to find out how much exposure he had had as a listener to brass band music, I found that he had been once and did not like it; he did not turn up again. He was taken as a natural resident of Hahndorf and liking all things like shooting and brass band music. But that was the early history of how claims were taken and tested. The position is much different now. The equipment is far more accurate and readings can be accurate to within a decimal point rather than to within 5 per cent.

There has been no real rorting of the system in South Australia, as the indications were that the steps were being brought into this State on the basis of the problems being experienced in Victoria. I know it is all a bit late now because the Hon. Mr Elliott has made his position clear, but I would certainly hope that, if he does not see his way clear to supporting the nil threshold in this Bill, he will not, as he has already indicated, be prepared to see it move. I hope that is the case. However, I make a final plea that he make a last consideration now.

The Hon. R.R. ROBERTS: I would also make one last desperate plea on behalf of injured workers. I want to make sure in my own mind that the Hon. Mr Elliott understands that we are only talking about that percentage of loss which is noise induced. When we are talking about the 5 per cent we are not talking about the composite effect of natural loss of hearing that occurs. Audiologists can isolate specifically the 5 per cent of hearing loss that is noise induced. So, we are not talking about 5 per cent of all hearing loss to start with; we are referring only to the 5 per cent which occurs as a result of someone being subject to noise.

I would point out that it is in schedule 2 of the Bill and to date it has been there and it has been accepted that there is a loss which is compensable. I again point out to the Hon. Mr Elliott that it has not been abused in any sense and to my knowledge there are no claims that it has. I point out to the honourable member that this is an injury that can be clearly defined. We are not talking about a composite 5 per cent. As has been pointed out, in some cases males as compared to females suffer more degenerative loss of hearing as a natural consequence of the ageing process; but here we are talking about that which is specifically a noise induced hearing loss, which is easily determined and quite separate from the normal hearing loss through the ageing process.

Motion carried.

Progress reported; Committee to sit again.

[Sitting suspended from 1.5 to 2.15 p.m.]

ASSENT TO BILLS

Her Excellency the Governor, by message, intimated her assent to the following Bills:

Acts Interpretation (Monetary Amounts) Amendment,

Adelaide Festival Centre Trust (Miscellaneous) Amendment,

Criminal Law Consolidation (Sexual Intercourse) Amendment,

Debits Tax,
Parliamentary Committees (Miscellaneous) Amendment,
Stamp Duties (Securities Clearing House) Amendment,
State Bank (Corporatisation).

PAPERS TABLED

The following papers were laid on the table:
By the Attorney-General (Hon. K.T. Griffin)—

Regulation under the following Act—
Occupational Health, Safety and Welfare Act 1986—
Employer Registration Fee.

By the Minister for Transport (Hon. Diana Laidlaw)—

Regulation under the following Act—
Local Government Act 1934—Register of Officers Interests.
Corporation By-law—West Torrens—No. 13—Signs.

FLORA

The Hon. K.T. GRIFFIN: I seek leave to table a ministerial statement, on the subject of State flora, made by the Minister for Primary Industries in another place.

Leave granted.

QUESTION TIME

STATE BANK LITIGATION TEAM

The Hon. C.J. SUMNER (Leader of the Opposition): I seek leave to make a brief explanation before asking the Attorney-General a question about the bank litigation team.

Leave granted.

The Hon. C.J. SUMNER: On 21 June last year the former Labor Government set up within the Attorney-General's department the bank litigation section, which was put together to advise Government on the likelihood of claims being made by the Government against persons concerned with the State Bank collapse and in particular the former directors of the bank and Beneficial Finance and the auditors. On 5 May this year, the Premier and the Attorney-General made ministerial statements in Parliament about this issue and indicated that legal action would be taken against KPMG, the bank's auditors; against Mr John Baker, the former Chief Executive Officer of Beneficial Finance; and possibly against Price Waterhouse, Beneficial Finance's auditors. In what I assume was a complete coincidence, on Friday 6 May, the day before the Torrens by-election, the *Advertiser* headed its report of these ministerial statements, 'Bid to recover $1.5 billion; Government to sue bank auditor.'

It should be clear that the Labor Opposition fully supports action against the directors of these institutions and auditors to claim whatever can be pursued on behalf of the taxpayers of South Australia following the losses that these organisations sustained. However, there are a number of questions which arise and which I would like to put to the Attorney-General, in particular, relating to the claim of $1.5 billion. I think it is clear that the amount that can be claimed will depend on the level of professional indemnity insurance that exists in the case of Mr Baker or other insurance in the case of auditors. I am advised that the level of insurance is unlikely to be anything like $1.5 billion and in fact is more likely to be more in the vicinity of $300 million or less, depending on whether there have been any claims against professional indemnity insurance covering the auditors from other claimants. In the light of this (and I seek clarification), I ask the Attorney-General the following questions:

1. Was the *Advertiser* report of 6 May 1994 that 'the State Government will seek up to a record $1.5 billion in damages against the State Bank's former auditor' correct?

2. Did the Attorney-General and/or the Premier tell the *Advertiser* that the claim would be for $1.5 billion?

3. Are KPMG, Mr John Baker and Price Waterhouse covered by professional indemnity insurance or some other form of insurance?

4. Has the bank litigation team ascertained what is the level of insurance in each case? Does this exceed $1.5 billion?

5. If professional indemnity and/or other insurance does not exist to cover claims of this amount, how does the Government intend to secure payment of the $1.5 billion if the claim is successful?

6. If the claim for $1.5 billion is successful and professional indemnity insurance is not sufficient to cover the claim, does the Government intend to pursue the assets of KPMG and the personal assets of its partners and the assets of the other bodies or persons who may be sued?

The Hon. K.T. GRIFFIN: If I can remember all of those questions—probably they should have been put on notice—I am happy to endeavour to answer them, and if the Leader of the Opposition believes that I have omitted one or two he can let me know. In terms of the *Advertiser* report of 6 May 1994, I have no idea where the $1.5 billion amount was obtained from. I did not tell the *Advertiser* that that figure was in contemplation, nor am I aware that the Premier made that assertion. In fact, that figure has not been discussed by the Government or the bank litigation team.

The Hon. C.J. Sumner: Where did they get it from?

The Hon. K.T. GRIFFIN: I honestly do not know where it came from. The fact of the matter is that that figure has not been referred to by the bank litigation team. It is premature—

The Hon. C.J. Sumner: Do you think they made it up?

The Hon. K.T. GRIFFIN: They may have done; I do not know. I do not read the minds of journalists. You asked me a question and I am answering it. I cannot speculate as to where they got it from.

The Hon. C.J. Sumner: Did anyone in Government give them that figure?

The Hon. K.T. GRIFFIN: Not that I am aware of. The fact of the matter is that it is too early to speculate on exactly what amount will be sought. In fact, I think it is unwise to speculate, because it immediately sets a public perception that it will be at a certain level. It may well forgo a negotiating position of the Government when the litigation commences. I do not think that it suits anybody's interest, least of all that of the people of South Australia, to speculate on an amount and subsequently find that, for some reason or another, it is either a lesser or a higher amount. My advice from the bank litigation team is that it is premature to assert that the Government's claim will be of any particular sum. What is known—and this was referred to in the ministerial statement—is that it will be a very large claim, that it will take a significant amount of time to pursue it through the courts and that it will cost a significant amount of money.

The Government has decided that, subject to my final approval, the proceedings will be issued. The litigation team has told me that in relation to Mr Baker and KPMG Peat Marwick there is no doubt that the claim will be instituted, but there is still some further work to be done before the proceedings are finalised and issued and the amount of the

claim is quantified. I understand that KPMG Peat Marwick has professional indemnity insurance. I am not aware of Mr Baker's insurance position.

The Hon. C.J. Sumner: It wouldn't be worth $1.5 billion.

The Hon. K.T. GRIFFIN: I would not imagine so. I am not aware of Mr Baker's insurance position. In terms of KPMG Peat Marwick, I can indicate that there is insurance, but again the litigation team has indicated to me that it is premature to speculate about the amount of that cover.

The Hon. C.J. Sumner: Do they know what it is?

The Hon. K.T. GRIFFIN: They have some idea, but they have not finalised that either. I do not think it helps to speculate what the amount may or may not be at this stage. All that people have to know is that there is diligence on the part of the litigation team, and thus the Government, in seeking to pursue the remedies which are available to it.

In relation to securing payment, it is premature to speculate on what may or may not be the position after the litigation has been resolved. That may well be three or four years down the track, and we certainly have to get over a number of stages before we get to the point of determining what will happen in the event that insurance may not be adequate. As the Leader of the Opposition will recognise, I do not want to speculate particularly about the litigation because it may have a compromising effect, either on the interests of the State or, for that matter, on the interests of the defendants. I do not think that we ought to debate that issue publicly and seek to pre-empt the deliberations of the court, because I think—

The Hon. C.J. Sumner: I'm not suggesting you should.

The Hon. K.T. GRIFFIN: I know you're not; I'm not suggesting you are. I am just saying that I am sure you would recognise that it therefore places me in something of a difficult position to be able to debate these sorts of issues and provide information. The information that I have given the Leader of the Opposition is that which I have at my fingertips. If there are questions that I have not answered and they can be answered at this stage, I undertake to provide a further supplementary answer by post during the recess.

WOLSELEY RAILWAY LINE

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the Minister for Transport a question about the Wolseley railway line.

Leave granted.

The Hon. BARBARA WIESE: I have been advised that a study involving Rail 2000 into the feasibility of short-line operations and standardisation for the Wolseley line in the South-East is now complete and a copy has been provided to the Minister. Can the Minister outline the key findings of the report and indicate what action the State Government intends to take as a result of the report? Will she provide a copy of the report?

The Hon. DIANA LAIDLAW: I recall receiving a copy of the report some time ago when I met with representatives of Rail 2000. Some discussion has been held about the economic arguments, and I believe that Rail 2000 has asked—and an officer in the Policy Transport Unit has recommended—that there be further investigation of the figures used to justify short-line operation on that line and elsewhere in South Australia. I shall certainly provide a copy of the report to the honourable member if that is what she seeks.

SEWERAGE LEVY

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for the Environment and Natural Resources, a question about the environmental levy on sewerage accounts.

Leave granted.

The Hon. CAROLYN PICKLES: The environmental levy on sewerage rates commenced on 1 July 1990 for a period of five years. The levy rate is 10 per cent of normal sewerage accounts and raises about $10 million per annum. Funds raised from the levy were used by the previous Government to accelerate effort to give protection to inland water resources of the State and the coastal marine environment. A major aspect of the project was to address the way in which we treat and dispose of sewage along the coast. This included work to stop all sludge from entering the sea and a multi-pronged approach to deal with effluent by improving quality and transferring waste into a useful resource.

Labor's program included 24 projects. Some of these projects received accelerated programming, while others would not have been undertaken in the foreseeable future without the levy. The programming included the following works:

- Sewerage works in the Adelaide Hills, $4.5 million;
- Sludge pipeline from the Glenelg and Port Adelaide sewage works to Bolivar to facilitate drying and land based disposal, $13 million;
- Pipeline to transfer sewage effluent from the Murray River to the Mannum golf course. Effluent disposal to river ceased in June 1991;
- Murray Bridge land based effluent disposal, $1.2 million;
- Sewerage scheme at Aldinga, $2.4 million contribution to the total cost of about $6 million;
- Nutrient removal at Glenelg, Port Adelaide and Christies Beach sewage treatment works;
- Construction of the Port Lincoln sewage works at a cost of $5 million.

Today, of course, the new works at Port Lincoln are being opened by the Minister for Infrastructure, and this will be the end of the disposal of raw waste direct to the marine environment in South Australia. My questions to the Minister are:

1. Does the Government intend to extend the 10 per cent environmental levy on sewerage charters for another five years (past the expiry date of 30 June 1995), as recommended by the Audit Commission report?

2. If so, will the Government release details and priorities for the projects to be funded over the life of the levy?

The Hon. DIANA LAIDLAW: I will refer those questions to my colleague in another place, and a reply will be forwarded to the honourable member during the break.

GOVERNMENT ACCOUNTABILITY

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services, as Leader of the Government in this place, a question about Government accountability.

Leave granted.

The Hon. C.J. Sumner interjecting:

The Hon. M.J. ELLIOTT: Well, it said there would be. The Government has repeatedly maintained that it wishes to be more accountable to the people of South Australia. In fact,

the Premier made similar comments right through the campaign period.

The Hon. R.R. Roberts: What do they mean?

The Hon. M.J. ELLIOTT: We might find out. It was first announced in this House by Her Excellency the Governor on 10 February in the speech she delivered when opening Parliament. Her Excellency said:

> In placing its proposed legislative program before honourable members, my Government recognises its responsibility to ensure full accountability for its actions through the Parliament to the people.

On 9 March, the Hon. Mr Griffin also told this Council:

> The express policy position of this Government is that it will ensure that Government is more accountable to the people through Parliament.

In the light of these assurances, and many other assurances given by the Premier during the campaign period, I have been concerned at the response I have received to requests for information from the Government relating to several issues. The first relates to a question asked in this House last week, when I sought copies of all submissions on which the Audit Commission report based its Education Department findings. In reply, I received only one submission, from consultants Ernst and Young. I am aware that at least one other submission was forwarded to the Government from the South Australian Institute of Teachers. I presume that the Department for Education and Children's Services, among others, submitted material to the commission.

The information which I sought in particular was that given by the Government and the Education Department to the commission. I have not yet seen any of these submissions, nor have I been given any indication as to when they may become available.

The second case relates to my request to both the Minister for the Environment and Natural Resources and the Minister for Mines and Energy for a copy of all documents containing information upon which the Government based its 18 March decision to lift the stop order on mining at the Sellicks Hill Quarry Cave under freedom of information provisions. The Minister for the Environment and Natural Resources responded on behalf of both Ministers.

He enclosed information which justified retaining the cave. Only one report, which had been commissioned by Southern Quarries Pty Ltd (the owners of the Sellicks Hill quarry), made a brief mention which was critical of the Sellicks Hill cave's importance. There were no departmental documents which give any indication as to what matters were taken into account in the Government's decision. If there is no documentation supporting the implosion, one is to assume that the department has forwarded its recommendations to the Minister by way of a whiteboard. If there is documentation, the FIO Act has been clearly breached. My questions to the Leader are as follows:

1. Will he pass on to me copies of all Government and departmental submissions upon which the Audit Commission based its educational recommendations, as initially requested?

2. Did the Department of Mines and Energy prepare no documentation whatsoever to justify the Sellicks Cave implosion?

3. If not, why not? If it did, will the Minister release that information as was requested under freedom of information?

4. Subject to those answers, does the Government hold fast to its commitment to be truly accountable to the people of South Australia through Parliament?

5. Will the Leader investigate whether the FIO Act has been breached in this instance?

The Hon. R.I. LUCAS: Yes, the Government is accountable and it will be the most accountable Government that the Hon. Mr Elliott has seen in his born days here in South Australia. Certainly, when one compares the preparedness of this Government to be, and the extent to which it has been, accountable to this Parliament and to the community in its brief five or six months in office and compares it with the experience of recent Governments, even the Hon. Mr Elliott would have to concede that there has been a quantum shift. In relation to accountability we will see with the introduction of the new powerful parliamentary committee system in this Chamber and in another place—

The Hon. C.J. Sumner: It is not new.

The Hon. R.I. LUCAS: Well, it is new, because we will see with the Statutory Authority Review Committee and the Public Works Committee new measures of accountability not before seen in relation to public works and statutory authority review. It was one of the major policy promises of the new Liberal Government that in its first session it would introduce these new measures of accountability by the introduction of these new powerful committees of the Parliament. As the Leader of the Opposition knows, some of the committees under the previous Government and Parliament were so overworked and were so overtaxed that they were unable to provide the necessary oversight for these important areas of public works. The Leader of the Opposition knows that public works, under the old arrangements of the parliamentary committees, were not being provided with the same oversight that used to exist when we had a Public Works Committee. If he does not understand that let him speak to his own members on his backbench and in another place who have served on public works committees and who know the degree of oversight and accountability for expenditure which used to exist but which did not exist over recent years. In relation to statutory authority review, again, that is the responsibility—

The Hon. M.J. Elliott: I did not ask any questions about that.

The Hon. R.I. LUCAS: You asked about accountability; you listen.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The Hon. Mr Elliott asks a question about accountability in the general sense but does not want to hear the answer because he does not like the answer. He knows that the new Government will be the most accountable Government of any Government in recent times. It has already, in its first session in Parliament, instituted new measures of accountability which will ensure that we are more accountable in relation to its expenditure. The second area was in relation to statutory authority review. Under the old arrangements the Economic and Finance Committee had that responsibility and, of course, because of its enormous workload was unable to devote very much time at all to the enormous task of oversight of the operations of the hundreds of quangos and statutory authorities that we have here in South Australia. It will be the responsibility of the new Statutory Authority Review Committee to ensure that there is accountability in that important area of Government.

The third area that I would refer to in relation to accountability is that a commitment was given by the Premier, when he was the Leader of the Opposition, to the Labor Party that it would be guaranteed each and every day a minimum

number of questions during Question Time, to ensure accountability. That was never before offered to an Opposition by a Labor Government. The new Liberal Government ensured that there would be a minimum—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The reason is because we get so much squeaking and squalling from the backbenchers over there whilst we are trying to answer questions, and it is completely out of order.

The Hon. C.J. Sumner: I wish you would answer them.

The Hon. R.I. LUCAS: I cannot hear myself think. I cannot hear myself think for the squalling from the Hon. Ms Levy. The Liberal Government has ensured that the Executive arm of Government is accountable each and every day by guaranteeing the Opposition, which only has some 11 members, 10 questions every day of sitting.

The Hon. Anne Levy: Not in this Council.

The Hon. R.I. LUCAS: Well, you struggle to think of 10 questions a day. We know the desperation there is on occasions to try to think up questions; when members repeat previous questions that were asked two days before and there is a variety of other measures to fill up Question Time. So, that is the third area of accountability. The Government has also instituted a code of conduct which requires new measures of accountability on the Cabinet Ministers and that has been placed on the public record. It was released prior to the election and has been formalised and approved by the Premier as a requirement of accountability of his Ministers in Government—another measure of accountability that is required of members. In relation to the other aspects of the question—because the Hon. Mr Elliott raised questions about accountability generally—

The Hon. M.J. Elliott: You have not answered any of them.

The Hon. R.I. LUCAS: The honourable member raised questions of accountability generally and he quoted the statements made at the start of this session which referred to accountability generally but which did not refer to his requests for information on the Audit Commission or anything like that at all.

The Hon. M.J. Elliott: That is not accountability, is it?

The Hon. R.I. LUCAS: It is accountability. I am about to turn to that. In relation to the Hon. Mr Elliott's second request, I will have to refer that to the respective Ministers but we have—

The Hon. M.J. Elliott: You are the Minister for Education and Children's Services.

The Hon. R.I. LUCAS: No, the second issue is in relation the Department of Environment and Natural Resources.

The Hon. M.J. Elliott: The second one was in relation to the Audit Commission.

The Hon. R.I. LUCAS: I said the second of the other two issues. In relation to the Department of Environment and Natural Resources, I do not have responsibility for that particular area. Let me remind the honourable member that we have freedom of information legislation in this State, and that there are appeal processes within that legislation. If the Hon. Mr Elliott asks for information under the freedom of information legislation, he has been around long enough—I do not have to hold his hand and explain to him the legislation that exists within this State—

An honourable member interjecting:

The Hon. R.I. LUCAS: No. The Hon. Mr Elliott knows that there are provisions within the legislation which provide that, if he takes offence at the way information has been refused or not refused under the legislation, he has full rights of appeal. He does not have to come bleating into this Chamber about the freedom of information legislation. If he is offended by any response from any Minister or any department in relation to the Freedom of Information Act he has full rights under the legislation to appeal. First, he can have an internal review under the provisions of the legislation, and then there are various other forms—do not hold me to this, but I think there is the Ombudsman, and certainly there is court action in the end if it has to go that far. There are a number of layers of appeal that the Hon. Mr Elliott knows full well are available. I ask him whether he has explored any of those and we know that the answer is that he has not.

So, there is not much use coming in here to me, as the Minister for Education and Children's Services, because he has some problem with the Department of Environment and Natural Resources in relation to getting access to information. If he has a problem he should take action, as appropriate, under the freedom of information legislation and argue his point of view. I will refer his question to the Minister to see whether there is any other response that the Minister can provide to him. But he has his rights of appeal and if he wants to he can exercise them.

The last issue in relation to accountability concerned the honourable member's having access to all submissions which were made to the Audit Commission in relation to education. The honourable member asked me this question one or two weeks ago and I gave him a simple answer. I said, 'No.' I said it on the record and I say it again: a number of people within the department made submissions to the consultants and to the Commission of Audit on the express basis that it was confidential. I presume that they criticised the operations of the department; perhaps they criticised the operations of the previous Government; and maybe they criticised some senior officers within the department in relation to wastage of money or whatever. Those people need to have their confidentiality protected. If the response has been given to the Hon. Mr Elliott from the Premier or whoever else has the particular documents at the moment that they are not to be released that is entirely consistent with the view that I gave to the honourable member one or two weeks ago—that it would not be possible in my view to release all the submissions to the honourable member.

In the end, he has received the Ernst and Young report which basically pulled together, as I understand it, many of the submissions from departments and other agencies or other people, and he also has a copy of the Commission of Audit which looked at the Ernst and Young report and a variety of other submissions and made its recommendation. In the end, it matters not a whit what particular people or groups submitted to either Ernst and Young or to the Commission of Audit, because in the end it is only the respective views of a number of people, it is only the combined views of Ernst and Young or the views of the Commission of Audit. As I have indicated before and I indicate again, in all these areas in relation to education, the final decisions will be taken by the Government, not by the Commission of Audit, Ernst and Young or anybody else who made a submission.

The Hon. M.J. ELLIOTT: As a supplementary question, recognising that I never at any time asked for submissions from individuals but asked for submissions from—

The Hon. R.I. Lucas: You asked for all submissions.

The Hon. M.J. ELLIOTT: I asked for submissions from the department.

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: Not individuals, department.

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: Well, it should be clear now. Will the department submissions and Government submissions be made available?

The Hon. R.I. LUCAS: I will refer that question—

The Hon. C.J. Sumner interjecting:

The Hon. R.I. LUCAS: Well, I do not have the documents. In relation to Government submissions, I am not aware that there was a Government submission to Ernst and Young in relation to education. In relation to education, I am not aware that there was a departmental submission. I will inquire for the honourable member. The department responded to questions from Ernst and Young and others, I presume, but certainly Ernst and Young, to provide information in response to their questionnaires.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: Well, that is all in the Ernst and Young report. If Ernst and Young, the consultants, ring up and say, 'What is the teacher staffing formula that exists in schools and how does it compare with the national average?' or something along those lines, the department responded in that manner. I will refer the honourable member's question to whoever has the documents and submissions at this stage, if they exist, and see whether or not I can provide him with any fuller response in due course.

STATEFLORA NURSERIES

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Primary Industries, a question about the decision to close StateFlora nurseries at Cavan, Bundaleer, Murray Bridge and Berri.

Leave granted.

The Hon. R.R. ROBERTS: Over recent weeks my eyes and ears within the Liberal Cabinet have informed me that these decisions may well take place. Despite the assurances from a number of spokespersons that it was only a review, I am advised today, and it has since been confirmed, that the Government has decided to sell the StateFlora nurseries at Cavan, Bundaleer, Murray Bridge and Berri, and that it has decided to leave the nursery open at Belair. The Government has offered the staff in the facilities that it intends to close voluntary separation packages. In some instances it intends to offer the staff the opportunity to buy the businesses. This decision will no doubt be welcomed by the members for Chaffey, Frome and Ridley in another place, but it will certainly not be welcomed by the many hundreds of farmers and others who use these facilities and their expertise in the greening of South Australia and in the fight against land degradation. In the *Advertiser* of 30 March this year, the Minister for Primary Industries, Mr Dale Baker, was questioned in relation to the future of the StateFlora plant nurseries and he said:

> If it is filling the role it was designed for to help green the State and assist farmers, then there is no problem.

He went on to say:

> But if it is growing pot plants for suburban gardens and competing against private nurseries, that is not its role.

StateFlora's plant nurseries at Berri, Bundaleer and Murray Bridge could hardly be accused of growing pot plants for suburban gardens. In fact, they are the very nurseries that have provided the rural community in South Australia with so much of its information and expertise in land care and greening programs, yet they are the ones that are in for the chop. My questions are:

1. Will he explain his decision to sell the StateFlora nurseries at Cavan, Berri, Bundaleer and Murray Bridge in the light of the fact that at least three of these nurseries do not compete with private nurseries in the growing of pot plants for suburban gardens?

2. Whilst we welcome his leaving Belair open, can he explain why the nurseries at the three other listed locations were closed and the one at Belair was not?

The Hon. K.T. GRIFFIN: I will refer that question to the Minister for Primary Industries and bring back a reply.

MEDIA CAMERAS

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking a question of you, Mr President, about the role of media cameras.

Leave granted.

The Hon. G. WEATHERILL: On our marathon sitting of Parliament on Saturday through to Sunday morning, we see in the newspaper afterwards photographs of individuals taken in their seats when the cameras zoomed in on them. A few years ago, a letter was circulated to all members from the former President (Hon. Gordon Bruce) and from the former Speaker (Hon. Norm Peterson). It was agreed at that time that cameras could take shots of people as they were on their feet speaking but under no circumstances were they allowed to zoom in on people in their sitting position. They could, of course, have taken a wide shot, which they have been doing over the past. My question is: Has your policy changed on that since the new Government came to office?

The PRESIDENT: In answer to the question, there was a circular distributed by the Hon. Gordon Bruce and the Speaker. The companies to whom they were sent did make an agreement that it would be self-regulation and therefore they would abide by that. It is not my intention to regulate from here as to what they can photograph, but I must admit that when video cameras are in here one of the requests was that they use only wide-angle lenses, and close ups would be only on those people speaking at the time. I will certainly reiterate that. I understand several people have complained about it and I will certainly write to them again, having spoken with the Speaker in another place, and send off the request that they do not home in on people who are otherwise engaged in other conversations or undertaking other activities rather than speaking to the motion at hand.

ENVIRONMENTALLY FRIENDLY PRODUCTS

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about environmental endorsement of products.

Leave granted.

The Hon. ANNE LEVY: I am sure I am not the only person who has noticed in the supermarket that various products have environmental claims made for them, with stickers on them saying that they are recyclable or that the packaging is recyclable or that the product within the packaging is environmentally friendly. Certainly many

surveys have shown that a very large number of consumers wish to purchase goods which are environmentally friendly and react very positively to such labelling on goods in the supermarket. I understand that many of these environmental choice stickers are to be removed because they have been shown to not necessarily have any validity to them at all, that they are not in any way conforming to any particular standard, and that for consumers to rely on these stickers can be most misleading. However, this still leaves the situation that many consumers wish to buy products which are as environmentally friendly as possible.

The Hon. Diana Laidlaw interjecting:

The Hon. ANNE LEVY: Some surveys have shown that some people, not all, are prepared to pay a bit more for such products. Certainly, an overwhelming majority of consumers—well over 80 per cent—would like to buy products which are environmentally friendly, given the choice between different products, some of which are more friendly to the environment than others. I understand there is no set standard in Australia as to what so-called 'environmentally friendly' stickers indicate. There is no standard with which the product has to comply before such a sticker can be legally affixed to it and have some meaning for consumers in the supermarkets. Obviously this is a matter for Ministers of Consumer Affairs, who are concerned with product labelling, amongst many other things.

Will the Minister raise this matter at the Consumer Affairs Council of Ministers so that steps can be taken at a national level cooperatively between all States to devise some standards which can be used legitimately in labelling consumer goods as being environmentally friendly? If it is not possible at a national level for the Ministers to agree to a standards committee setting such standards, will the Minister look to designing standards which would be applicable in South Australia so that at least South Australian consumers can rely on such labels on products in supermarkets?

The Hon. K.T. GRIFFIN: All I am aware of about the withdrawal of the labels is what I have seen in the press. Nothing that has come across my desk has indicated that any policy decision about that has been taken in the area of consumer affairs. My recollection is that there is some involvement of environment and resources as there is in the health area through the Food Act, Packaging Act and related legislation. All that I can discern from the press is that there was a difficulty in identifying the meaning of some endorsements and that it became impossible to monitor effectively. I think that in any event it was a voluntary arrangement. I suppose in some respects it has the same difficulty as 'made in Australia' labelling—

The Hon. Anne Levy: They have solved this problem in other countries.

The Hon. K.T. GRIFFIN: Certainly in Australia there has been debate about what is made in Australia. Most recently in the media and in the courts there has been a discussion about what is South Australian, with the rotunda being featured in an advertisement and certain changes having to be made in the television advertising related to that. It is a difficult area, but that does not mean it cannot be resolved. All that I can indicate to the honourable member is that, she having now raised it (it has not been raised with me by anyone else to the present time), I will have the matter examined. It may be appropriate to raise it at the Standing Committee of Consumer Affairs Ministers. I cannot undertake to do that until I have examined the range of issues which need to be addressed in dealing with that matter.

The Hon. ANNE LEVY: As a supplementary question: will the Minister inform me during the break of what action he is proposing to take when he has undertaken his investigations?

The Hon. K.T. GRIFFIN: The normal practice as I recollect it is that if questions are asked and answers become available during the break members will be advised of those answers and in the next session, if they wish to have them incorporated into *Hansard*, since previous Ministers obliged I cannot see why we would not do the same. So, as soon as I have some information available—

An honourable member interjecting:

The Hon. K.T. GRIFFIN: The question was from the Hon. Anne Levy. If I send her the information, she can arrange to pass it on to you if you don't mind. I am happy to endeavour to accommodate that.

TICKET ADVERTISING

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about arts and entertainment ticketing advertisements.

Leave granted.

The Hon. T.G. ROBERTS: A query has been raised with me by a constituent in relation to the way in which the arts and entertainment ticketing services are being advertised in the local media. Advertisements in the *Advertiser* on Saturday for the Adelaide Festival Centre and a number of other entertainment places advertise a number of arts and entertainment features. There is no consistency in the way in which they advertise ticket pricing. The advertisement for *Westside Story* advises to book now for all performances up to 9 July, gives the dates and venue, and states that tickets are from $39. The advertisement for the Steve Berkoff *One Man* final performance tonight gives the range of ticket prices from the top to the bottom, and that is a fair way of advertising. There are then advertisements for attractions like Ricki Lee Jones which give no ticketing price at all.

The advertisement for the State Theatre Company's production *Crow* gives ticket prices of $24 and $18, which is fair, but there are no ticket prices in the advertisement for *The Swan*. The Clive James advertisement has no ticket prices and the same applies to many others. I am sure the baby boomers will remember Little Pattie; that advertisement goes on to list all the performances and also advises that concessions apply. You would have to support the way that is advertised and the philosophical position behind having concessions. Has the Government a policy on price declaration on ticketing and, if not, why not?

The Hon. K.T. GRIFFIN: There is no policy position on advertising of prices for tickets for entertainment, whether it be in the arts or any other area, such as the Royal Show, Expos and so on. Certainly there is no policy position on it. The honourable member asks, 'Why not?' I suspect it is because the previous Government did not have a policy on it that I am aware of. I suspect it is very largely because—

The Hon. T.G. Roberts: Will you copy everything we did?

The Hon. K.T. GRIFFIN: No; I hope you might copy everything we do. I doubt it is an area about which Governments ought to pass laws with a view to constraining people to advertise in a particular way. Under the Fair Trading Act

there is a provision that advertising has to be fair and not misleading. I doubt that anyone could say that any of what the honourable member read out as part of his explanation was misleading. Certainly more information was available in some advertisements than others but, for example, one would hope that 'from $39' is perfectly factual. When inquiries are made to book, information is given about the availability of tickets, where they are and what the prices are.

The Hon. T.G. Roberts: Some have no prices.

The Hon. K.T. GRIFFIN: Presumably, if people are really switched on by some of these entertainments they will go whatever the price but, in any event, presumably the information can be obtained by making a telephone call. I have some difficulty conceptually with passing a law which seeks to regulate in minute detail all the ways by which persons who provide those services and seek to attract the public might be required to advertise their prices.

The Hon. Anne Levy: Some people never advertise their prices.

The Hon. K.T. GRIFFIN: That may be so. Is there an evil in that? I just do not see that there is an evil that we have to address.

ELECTRICITY TARIFFS

The Hon. T. CROTHERS: I seek leave to make an explanation before asking the Minister for Education and Children's Services, representing the Minister for Industry, Manufacturing, Small Business and Regional Development, a question about certain electricity tariffs.

Leave granted.

The Hon. T. CROTHERS: On page 6 of the *Advertiser* of Thursday 12 May an article headed 'Businesses to get cheaper electricity' states:

> The industry Minister, Mr Olsen, told State Parliament during Question Time yesterday that the Government was examining cutting power costs in both the metropolitan and country areas.
>
> It is understood the Government will make an announcement on plans to slash power costs to small business before the next State Budget.
>
> The Government has refused to comment on the size of any cuts. However, it is believed a small business with an annual bill of $1 000 is likely to receive savings of at least $100 a year.

I have no particular axe to grind with that approach by the Minister, because professionals who deal with unemployment are certain that, as big businesses continue to shed labour (due, in the main, to new technology), it will be the small to medium size businesses which will provide many opportunities for more employment. Yet, on page 9 of the *Advertiser* there is an article headed 'Fears cloud ETSA's future.' That article deals in part with the Audit Commission report and its recommendation that ETSA should be privatised. Given the nature and content of both reports, my questions to the Minister are as follows:

1. If the Government's decision is to privatise ETSA, does the Government believe, or is it prepared to ensure, that the new owners of South Australia's electricity supply will continue to supply electricity at reduced cost on the scale envisaged by the Minister to small and medium businesses?

2. If the answer to question 1 is 'No', does that mean that the Government will have to pick up the charges itself, and as such that cost would diminish the actual amount of money that the Government might receive because of the future privatisation of ETSA?

3. How will such a future sale impact on other present recipients of reduced electricity tariffs, such as pensioners and so on; will the Minister indicate that the Government will continue with the practice of granting to pensioners and other present recipients the right to cheaper electricity; and if the answer to that part of my question is 'Yes', how much cost will the Government have to bear if in the future ETSA is privatised either in part or in whole?

The Hon. R.I. LUCAS: I will refer those questions to my colleague in another place and have replies sent to him.

MOTOROLA

In reply to **The Hon. T. CROTHERS** (20 April).

The Hon. R.I. LUCAS: The replies are as follows:

1. None.
2. None.
3. As indicated previously, the Government is currently negotiating with a number of significant companies and it would not be appropriate to give any indication of the quantum or detail of the attraction incentives offered to Motorola.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that the written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard:* Nos 30, 31 and 34.

MILK CONTAINERS

30. **The Hon. ANNE LEVY:**

1. Can the Minister for the Environment and Natural Resources provide the proportion of High Density Polythene milk containers sold in South Australia which have been recovered for recycling since their introduction in 1993?
2. What proportion of those sold is expected to be recovered for recycling by the end of 1994?
3. What proportion of the milk sold in South Australia is currently packaged in HDPE containers (by volume, and/or by items)?

The Hon. DIANA LAIDLAW:

1. As the introduction of plastic milk bottles only happened a few months ago, accurate figures are not yet available. Much of the HDPE that has been collected has been stored awaiting additional HDPE, to have a commercially viable tonnage or volume ready for transporting to plastics granulating facilities here in South Australia and in Victoria.

Furthermore, in most collection facilities, individual HDPE milk bottles are not counted or identified separately to juice containers or the like due to equipment design, and time and labour costs involved. Milk bottle HDPE is mixed in with other HDPE until an appropriate amount has been collected ready for baling. This is also the case for liquid paper board and most other materials.

The proportion of material being recycled has been relatively low until now, owing to the fact that the kerbside recycling scheme is only now beginning to gain momentum. Now that Recyclers of SA have formed agreements with industry, and as increasing numbers of councils become involved (now 19), more meaningful figures could be supplied.

The Northern Region of Councils representing Salisbury, Elizabeth, Gawler and Munno Para (population of 190 000 people) have collected clear HDPE milk containers separately to other HDPE. Their kerbside collection program has been operating for some time before the introduction of plastic milk bottles, so some comparisons can be made as this early stage.

Approximate figures show that prior to the introduction of plastic milk bottles, 0.5-0.75 tonnes of HDPE were collected each week. Since introduction, it is estimated that this has grown to 1.5-2.0 tonnes per week. A minimum of 10 tonnes of HDPE plastic milk containers have ben collected from this area since introduction in December 1993 until 21 April 1994. This equates to approximately 250 000 milk bottles recycled from this area alone.

2. National targets (agreed to by the former Government as a part of the National Waste Minimisation targets) for HDPE are 50 per cent of all HDPE by the year 1995 (based on 1990 figures). Currently, it is estimated by the Commonwealth Environment Protection Agency that the HDPE recycling rate is approximately 20

per cent. Liquid paperboard cartons, also used as milk containers, has a target of 20 per cent recycled by 1995 and is currently approximately 11 per cent.

3. The milk industry informs me that the HDPE milk container was expected to claim 30 per cent of the white milk market by the end of the first 12 months of operation. The dairy companies involved are moving towards this target however they wish to keep progress on this front commercial in confidence at this stage. I assure you that I and officers of the EPA are kept regularly informed of these figures.

PATAWALONGA

31. **The Hon. CAROLYN PICKLES:**

1. Can the Minister for the Environment and Natural Resources ascertain how much of the Government's $4 million election promise to find a permanent solution to pollution in the Patawalonga will be spent in the 1993-94 financial year?

2. Will the program be funded by an additional allocation to his Department, and if so how much? If the program will be funded by cuts to existing programs, will he say which programs will be cut?

3. Will he provide a breakdown of the spending under this program?

The Hon. DIANA LAIDLAW: The replies are as follows:

1. Recognising that the problem of pollution of the Patawalonga arises throughout its catchment, the first step in providing a permanent solution is to establish a management structure to coordinate action throughout the catchment. The government will also establish a Central Body to provide strategic direction, broadly in line with the recommendations of the State/Local Government Task Group on Stormwater. It is envisaged that seven catchment based Stormwater Management Authorities will be formed in due course. The Councils of the Patawalonga catchment are well on the way to setting up their Authority. The first task of that new Authority, with technical support, will be to develop a plan of action for the catchment. Significant funds will not be spent until that plan is developed, hence very limited expenditure will occur in 1993/94.

2. The funds allocated will be in addition to current budgets for Department of Environment and Natural Resources. The program for catchment management will be managed by the Department of Environment and Natural Resources in an overall program to improve water management and quality in the catchment, in close cooperation with Department of Housing and Urban Development.

3. The breakdown of spending will be available after the management plan is completed.

RURAL DEBT

34. **The Hon. R.R. ROBERTS:**

1. Can the Minister for Primary Industries ascertain who are the consultants reporting into rural debt?

2. When will they report?

3. What will be the cost including expenses of this inquiry?

4. Will the Minister table a copy of the report?

The Hon. K.T. GRIFFIN: The replies are as follows:

1. Messrs Bob Kidman and Lindsay Durham are the consultants reporting on Rural Debt.

2. The report was handed down on 4 May 1994.

3. The cost of the study was $15 857.40.

4. The report was tabled.

WORKERS REHABILITATION AND COMPENSATION (ADMINISTRATION) AMENDMENT BILL

In Committee (resumed on motion).

(Continued from page 1148.)

The Hon. M.J. ELLIOTT: I move:

That the Legislative Council insist on its amendment No. 21.

This amendment is consequential on an earlier amendment and relates to the date from which it becomes effective.

The Hon. K.T. GRIFFIN: The amendment is not altogether consequential. It certainly depends on new section 11A. Further, 24 February 1994 was the date upon which the provision relating to redetermination under the present Act came into operation. Some redeterminations have been made and, if this provision is passed, I suspect there will be a revisiting of those. The Government is not at all happy about applying section 11A from 24 November. We do not therefore support the motion.

Motion carried.

The following reason for disagreement to the amendments made by the House of Assembly to the words reinstated by the said disagreement in relation to amendments Nos 10, 11, 12, 17 and 18 was adopted:

Because the House of Assembly's amendments do not assist in the application of the workers compensation scheme.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE (ADMINISTRATION) AMENDMENT BILL

Consideration in Committee of the House of Assembly's message:

Schedule of the amendments made by the House of Assembly to Amendments Nos. 4, 11, 12, 17, 19, 20 and 23

Legislative Council's Amendment No. 4

No. 4 Page 2, lines 11 and 12 (clause 4)—Leave out paragraph *(d)* and insert new paragraph as follows:-

'(d) in any other case—a public service employee authorised by the Minister to exercise the powers of an inspector under this act:;'

House of Assembly's amendment thereto—

After "public service employee" insert ", or officer of the Corporation,".

Legislative Council's Amendment No. 11

No. 11 Page 4, lines 8 to 32 and page 5, line 1 to 9 (clause 5)—Leave out proposed sections 9 to 11 and insert new proposed sections as follows:

9. 'Terms and conditions of office (1) A member of the Advisory Committee will be appointed on conditions, and for a term (not exceeding 3 years), determined by the Governor and, on the expiration of a term of appointment, is eligible for re-appointment.

(2) The Governor may remove a member from office for-

(a) breach of, or non-compliance with, a condition of appointment; or

(b) mental or physical incapacity to carry out duties of office satisfactorily; or

(c) neglect of duty; or

(d) dishonourable conduct.

(3) The office of a member becomes vacant if the member-

(a) dies; or

(b) completes a term of office and is not re-appointed; or

(c) resigns by written notice addressed to the Minister; or

(d) is found guilty of an indictable offence; or

(e) is found guilty of an offence against subsection (5) (Disclosure of Interest); or

(f) is removed from office by the Governor under subsection (2).

(4) On the office of a member of the Advisory Committee becoming vacant, a person must be appointed, in accordance with this Act, to the vacant office.

(5) A member who has a direct or indirect personal or pecuniary interest in a matter under consideration by the Advisory Committee-

(a) must, as soon as practicable after becoming aware of the interest, disclose the nature and extent of the interest to the Committee; and

(b) must not take part in a deliberation or decision of the Committee on the matter and must not be present at a meeting of the Committee when the matter is under consideration.

Penalty: Division 5 fine or imprisonment for two years.

(6) The court by which a person is convicted of an offence against subsection (5) may, on the application of an interested person, make an order avoiding a

contract to which the non-disclosure relates and for restitution of property passing under the contract.

10. 'Allowances and expenses (1) A member of the Advisory Committee is entitled to fees, allowances and expenses approved by the Governor.

(2) The fees, allowances and expenses are payable out of the Compensation Fund under the *Workers Rehabilitation and Compensation Act 1986.*

11. 'Proceedings, etc., of the Advisory Committee (1) Meetings of the Advisory Committee must be held at times and places appointed by the Committee, but there must be at least 11 meetings in every year.

(2) Six members of the Advisory Committee constitute a quorum of the Committee.

(3) The presiding member of the Advisory Committee will, if present at a meeting of the Committee, preside at the meeting and, in the absence of the presiding member, a member chosen by the members present will preside.

(4) A decision carried by a majority of the votes of the members present at a meeting of the Advisory Committee is a decision of the Committee.

(5) Each member present at a meeting of the Advisory Committee is entitled to one vote on a matter arising for decision by the Committee, and, if the votes are equal, the person presiding at the meeting has a second or casting vote.

(6) The Advisory Committee must ensure that accurate minutes are kept of its proceedings.

(7) The proceedings of the Advisory Committee must be open to the public unless the proceedings relate to commercially sensitive matters or to matters of a private confidential nature.

(8) Subject to this Act, the proceedings of the Advisory Committee will be conducted as the Committee determines.

12. 'Confidentiality A member of the Advisory Committee who, as a member of the Committee, acquires information matter of a commercially sensitive nature, or of a private confidential nature, must not divulge the information without the approval of the Committee.

Penalty: Division 6 fine.

13. 'Immunity of members of Advisory Committee (1) No personal liability attaches to a member of the Advisory Committee for an act or omission by the member or the Committee in good faith and in the exercise or purported exercise of powers or functions under this Act.

(2) A liability that would, but for subsection (2), lie against a member lies instead against the Crown.'

House of Assembly's amendments thereto—

New section 11(1)—Leave out "11 meetings in every year" and insert "six meetings per year".

New section 11(7)—Leave out subsection (7) and insert—

(7) The Advisory Committee may open its proceedings to the public unless the proceedings relate to commercially sensitive matters or to matters of a private confidential nature.

New section 12—Leave out the section and insert—

12. '*Confidentiality* A member of the Advisory Committee who, as a member of the Committee, acquires information that—

(a) the member knows to be of a commercially sensitive nature, or of a private confidential nature; or

(b) the Committee classifies as confidential information,

must not divulge the information without the approval of the Committee.

Penalty: Division 7 fine.

Legislative Council's Amendment No.12

No. 12 Page 5, lines 11 and 12 (clause 6)—Leave out all words after 'amended' and insert ' by striking out subsection (1) *(e)* and substituting the following paragraph:

(e) comply with any policy that applies at the workplace published or approved by the Minister on the advice of the Advisory Committee;'.

House of Assembly's amendment thereto—

New paragraph (e)—Leave out "on" and insert "after seeking".

Legislative Council's Amendment No. 17

No. 17 Page 6, lines 5 and 6 (clause 11)—Leave out paragraph *(b)* and insert new paragraph as follows:

'*(b)* by striking out from subsection (5) "The Commission may" and substituting "The Corporation may, acting on the advice of the Advisory Committee,'".

House of Assembly's amendment thereto—

New paragraph (b)—Leave out "Corporation may, acting on" and substitute "Minister may, after seeking".

Legislative Council's Amendment No. 19

No. 19 Page 6, line 11 (clause 12)—Leave out 'Minister' and insert 'Director or the Advisory Committee'.

House of Assembly's amendment thereto—

Leave out "Advisory Committee" and substitute "Corporation".

Legislative Council's Amendment No. 20

No. 20 Page 6, lines 13 (clause 12)—Leave out 'Minister' and insert 'Director or the Advisory Committee'.

House of Assembly's amendment thereto—

Leave out "Advisory Committee" and substitute "Corporation".

Legislative Council's Amendment No. 23

No. 23 *Page 7, lines 1 to 4 (clause 16)*—Leave out subsection (1) and insert new subsection as follows:

'(1) The Minister or the Advisory Committee or a person authorised by the Minister or the Advisory Committee may, by notice in writing, require a person to furnish information relating to occupational health, safety or welfare that is reasonably required for the administration, operation or enforcement of this Act;'.

House of Assembly's amendment thereto—

New subclause (1)—Leave out "Advisory Committee" twice occurring and substitute, in each case "Corporation".

Schedule of the amendments made by the Legislative Council to which the House of Assembly has disagreed

No. 2 *Page 2, lines 6 and 7 (clause 4)*—Leave out paragraph *(c)* and insert new paragraph as follows:

'*(c)* in any other case—a public service employee authorised by the Minister to exercise the powers of an inspector under this Act:;'

No. 3 *Page 2, line 8 (clause 4)*—Leave out paragraph *(e)* and insert new paragraph as follows:

'*(e)* by striking out paragraph *(b)* of the definition of "Director" in subsection (1) (and the word "or" immediately preceding that paragraph);'

No. 5 *Page 2, lines 29 to 31 (clause 5)*—Leave out subsection (2) and insert new subsection as follows:

'(2) The Advisory Committee consists of ten members appointed by the Governor of whom—

(a) one (the presiding member) will be appointed on the Minister's nomination after consultation with associations representing employers and the UTLC; and

(b) three (who must include at least one suitable representative of registered employers and at least one suitable representative of exempt employers under the *Workers Rehabilitation and Compensation Act 1986)* will be appointed on the Minister's nomination after consultation with associations representing employers; and

(c) three will be appointed on the Minister's nomination after consultation with the UTLC; and

(d) one will be an expert in occupational health and safety appointed on the Minister's nomination after consultation with associations representing employers and the UTLC; and

(e) one will be a representative of the Corporation and, if the Corporation is not responsible for the enforcement of this Act, one will be a representative of the authority responsible for the enforcement of this Act.'

No. 8 Page 3 *(clause 5)*—After line 18 insert new paragraphs as follow:-

'(da) to keep the administration and enforcement of legislation relevant to occupational health, safety and welfare under review;

(db) to review the role of health and safety representatives;

(dc) To review the provision of services relevant to occupational health, safety and welfare;

(dd) to consult and cooperate with national authorities and the authorities of other States and Territories responsible for the administration of legislation relevant to occupational health, safety and welfare on matters of common interest or concern and promote uniform national standards;

(de) to approve appropriate courses of training in occupational health, safety and welfare;'

No. 9 *Page 3, lines 32 to 34 (clause 5)*—Leave out "and" and paragraph *(b).*

No. 13 *Page 5, lines 14 and 15 (clause 7)*—Leave out all words after 'amended' and insert 'by striking out "Commission" and substituting "Corporation"'.

No. 14 *Page 5, lines 20 and 21 (clause 8)*—Leave out paragraph *(b)* and insert new paragraph as follows:

'*(b)* by striking out from subsection (5) "Commission" and substituting "Advisory Committee";'.

No. 15 *Page 5, line 32 (clause 10)*—Leave out subparagraph *(i)* and insert new subparagraph as follows:

'*(i)* the Minister acting on the advice of the Advisory Committee;'.

No. 16 *Page 6, line 4 (clause 11)*—Leave out 'Corporation' and insert 'Advisory Committee'.

No. 18 *Page 6, (clause 11)*—After line 6 insert new paragraph as follows:

'*(c)* by inserting after subsection (7) the following subsection:

(8) A health and safety representative who is entitled to take time off work to take part in an approved course of training under subsection (3) and whose workplace is more than 75 kilometres by road (taking the most direct route) from the place where the course is held is entitled to claim from the employer an allowance for travel, accommodation and living away from home expenses in accordance with, and at the rates prescribed by, the *Conditions of Employment Manual for Weekly Paid Employees (Volume 5)* published by the Department for Industrial Affairs (or if that document is replaced by another, that document).'

No. 21 *Page 6, lines 17 and 18 (clause 12)*—Leave out paragraph *(d)*.

No. 22 *Page 6, lines 29 to 31 (clause 15)*—Leave out the clause.

No. 25 *Page 8, lines 26 and 27 (clause 21)*—Leave out the clause and insert new clause as follows:

21. *'Amendment of 2.65 Annual report* Section 65 of the principal Act is amended by striking out "Commission" wherever it occurs and substituting, in each case, "Advisory Committee".'

No. 26 *Page 8, lines 30 (clause 22)*—Leave out 'Minister' and substitute ' Advisory Committee'.

No. 27 Page 9, lines 1 to 19 *(clause 23)*—Leave out paragraphs *(a)* to *(f)* and insert ' by striking out "Commission" wherever it occurs and substituting, in each case, "Advisory Committee"'.

Schedule of the alternative amendments made by the House of Assembly in lieu of Amendments Nos. 2, 3, 5, 8, 9, 13 to 16, 21, 22 and 25 to which the House of Assembly has disagreed

No. 2 *Clause 4, page 2, lines 4 to 7*—Leave out paragraph *(d)*.

No. 3 *Clause 4, page 2, line 8*—Leave out paragraph *(e)*.

No. 5 *Clause 5, page 2, lines 29 to 31*—Leave out subsection (2) and insert—

(2) The Advisory Committee consists of nine members appointed by the Governor of whom—

(a) three will be appointed on the Minister's nomination after consulting with associations representing employers and with associations representing employees (including the UTLC); and

(b) three will be appointed on the Minister's nomination after consulting with associations representing employers; and

(c) three will be appointed on the Minister's nomination after consulting with associations representing employees (including the UTLC).

(3) One member[1] of the Committee must be appointed[2] by the Governor to preside at meetings of the Committee.

1. *The member is referred to in this Act as the "presiding member" of the Committee.*
2. *The appointment must be made from among the members appointed under subsection (2)(a).*

No. 8 *Clause 5, page 3, after line 18*—Insert paragraphs as follows:

(da) to keep the administration and enforcement of legislation relevant to occupational health, safety and welfare under review;

(db) to keep the role of health and safety representatives under review;

(dc) to keep the provision of services relevant to occupational health, safety and welfare under review;

(dd) to consult and co-operate with relevant national, State and Territory authorities;

(de) to keep the courses of training in occupational health, safety and welfare under review;.

No. 9 *Clause 5, page 3, lines 32 to 34*—Leave out paragraph *(b)* (and the word "and" immediately preceding that paragraph) and insert—

(b) ensure that an industry impact statement has been prepared;

and

(c) if the Minister or the Advisory Committee considers that the proposed regulation, code of practice or standard should be tested—ensure that an appropriate pre-approval trial has been conducted.

No. 13 *Clause 7, page 5, lines 14 and 15*—Leave out all words after "amended" and insert "by striking out from subsection (6) "Commission" and substituting "Corporation after seeking the advice of the Advisory Committee"".

No. 14 *Clause 8, page 5, lines 20 and 21*—Leave out paragraph *(b)* and insert—

(b) by striking out from subsection (5) "on the recommendation of the Commission" and substitute "after the Minister has consulted with the Advisory Committee".

No. 15 *Clause 10, page 5, line 32*—Leave out subparagraph (i) and insert new subparagraph as follows:

(i) the Minister after seeking the advice of the Advisory Committee or the Corporation;.

No. 16 *Clause 11, page 6, lines 3 and 4*—Leave out paragraph *(a)* and insert—

(a) by striking out from subsection (3) "the Commission" and substituting "the Minister after seeking the advice of the Advisory Committee or the Corporation;"

No. 21 *Clause 12, page 6, lines 17 and 18*—Leave out paragraph *(d)* and substitute—

(d) by striking out from subsection (11) "and has obtained the Director's" and substituting "or to the Corporation and has obtained the Director's or the Corporation's".

No. 22 *Clause 15, page 6, lines 29 to 31*—Leave out this clause and substitute new clause as follows:

15. *'Substitution of s.53* Section 53 of the principal Act is repealed and the following section is substituted:

53. *Delegation* (1) The Minister, the Director or the Corporation may, by instrument in writing, delegate a power or function under this Act.

(2) A delegation under this section—

(a) may be made subject to such conditions as the delegator thinks fit;

(b) is revocable at will; and

(c) does not derogate from the power of the delegator to act in any matter.

No. 25 *Clause 21, page 8, lines 26 and 27*—Leave out this clause and substitute new clause as follows:

21. *'Substitution of s. 65* Section 65 of the principal Act is repealed and the following section is substituted:

65. *'Annual report* (1) The Advisory Committee must, before 30 September in each year, prepare and forward to the Minister a report on its work during the financial year that ended on the preceding 30 June.

(2) The Minister must, as soon as practicable after receiving a report under this section, have copies of the report laid before both Houses of Parliament.

Schedule of the consequential amendment made by the House of Assembly

Page 4, after line 7 (clause 5 and proposed new section 8)—Insert new subsection (8) as follows:

(8) The Advisory Committee is entitled to access all information relating to all matters referred to it for advice.

The Hon. M.J. ELLIOTT: I move:

That the Legislative Council insist on its amendment No. 2 and disagree with the House of Assembly's amendment.

In so moving, I would make the observation that under the existing Act the Director is the person who appears in this particular place. What I am doing in this case is making it possible for a member of the Public Service to be a designated person. The Minister might, for instance, choose to put the Director into that particular position. It is certainly my intention that it not be a person outside the Public Service, unless it comes back to this Parliament first. If the

Government wishes to change the way in which this operates, then it is appropriate that Parliament has some say.

The Hon. K.T. GRIFFIN: The Government would have preferred the House of Assembly's amendment because that would have meant that we would go back to the definitions of 'Director' and 'designated person' in the principal Act. In relation to mines, the designated person is the Chief Inspector of Mines; in relation to petroleum, the designated person is the Director-General of Mines and Energy; and in any other case it is the Director. The definition of 'Director' extends to any other person directed by the Minister to exercise the powers of the Director under this Act.

So, the Hon. Mr Elliott's motion will, I understand, retain the position supported by the majority of the Legislative Council so that the delegation can occur in any other case to a Public Service employee authorised by the Minister to exercise the powers of the designated person under this Act. As I say, this is more limited than in the principal Act.

The Hon. R.R. ROBERTS: The Opposition supports the motion.

Motion carried.

The Hon. M.J. ELLIOTT: I move:

That the Legislative Council insist on its amendment No. 3 and disagree with the House of Assembly's amendment.

This is a similar issue to the one we covered in relation to the previous amendment.

The Hon. K.T. GRIFFIN: I do not resist it.

Motion carried.

The Hon. M.J. ELLIOTT: I move:

That the Legislative Council insist on its amendment No. 4 and disagree with the House of Assembly's amendment.

Again, this is a similar issue.

The Hon. K.T. GRIFFIN: I do not resist it.

Motion carried.

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

That the Legislative Council do not insist on its amendment and agree to the House of Assembly's alternative amendment.

That amendment relates to clause 5 of the principal Act, namely, the advisory committee. The amendment proposed by the House of Assembly makes it truly a tripartite advisory committee of nine members, and it is similar to the advisory committee that we established under the earlier Bill.

The Hon. M.J. ELLIOTT: There have been similar arguments on this in relation to the advisory committee under the Workers Compensation and Rehabilitation Bill, and I will not be insisting on the Legislative Council amendment.

The Hon. R.R. ROBERTS: We are opposing.

Motion carried.

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

That the Legislative Council do not insist on its amendment No. 8 and agree to the House of Assembly's alternative amendment.

Amendment No. 8 again deals with the advisory committee and, I understand, makes some drafting changes to the functions of the committee.

Motion carried.

The Hon. M.J. ELLIOTT: I move:

That the Legislative Council do not insist on its amendment No. 9 and agree to the alternative amendment made by the House of Assembly with the following amendment:

Leave out proposed new paragraph (b) and substitute new paragraph as follows:

(b) consider whether an industry impact statement should be prepared and advise the Minister accordingly;

This is an alternative amendment to subclause (b) in the original legislation. I do not believe that, first, the industry impact statement will always be necessary. There will be many times when matters will be relatively minor or where the impact is so obviously predictable as to make an impact statement unnecessary. Such a statement may already have been prepared at a Federal level.

Whether or not an industry impact statement needs to be prepared to start off with is a matter upon which the committee may care to give advice but it certainly should not have any responsibility for the preparation of it, which could be a possible implication of the wording of the original legislation. The advisory committee should make its views known to the Minister as to even the need for an impact statement, and the Minister then is left with any further responsibility.

The Hon. K.T. GRIFFIN: I indicate support for this amendment.

Motion carried.

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

That the House of Assembly's amendment to amendment No. 11 of the Legislative Council be agreed to.

This amendment relates to the terms and conditions of office and deals with the issue of the proceedings and I think brings it very much in line with what is in the previous Bill in relation to an advisory committee.

The Hon. M.J. ELLIOTT: I support this motion.

Motion carried.

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

That the House of Assembly's amendment to amendment No. 12 of the Legislative Council be agreed to.

This relates to clause 6. There must be compliance with the policy that applies at the workplace published or approved by the Minister on the advice of the advisory committee. The of Assembly is proposing an amendment that allows the Minister to seek the advice of the advisory committee.

The Hon. R.R. ROBERTS: The Opposition is opposed to this amendment. We have had this argument time and time again. It was the opinion of the Committee that the advice of the advisory committee should be what governs it. We have been through the argument about who does the administration and who does the policy. We have discussed on numerous occasions the role of the advisory committee. This amendment seeks to give the Minister the opportunity to bypass the advisory committee's advice, as it provides that all he has to do is seek advice from it and he does not have to take any cognisance of it whatsoever. I believe the wording should remain as it was. The Opposition believes that the Legislative Council should insist upon its own amendment to the Bill.

The Hon. M.J. ELLIOTT: There are a number of clauses where this issue arises. Certainly when we debated it last time I think I made it quite plain what I intended. The words 'after seeking' are the intention. I suppose there are two ways you can ignore a committee: first, by not taking its advice or, secondly, by not even using it at all. At the end of the day I was seeking to ensure that, before any significant issue was acted upon, the advice of the advisory committee was actually sought, and in those circumstances the insertion of the words 'after seeking' is consistent with the indications I gave when we last debated this matter.

Motion carried.

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

That the Legislative Council do not insist on its amendment number No. 13 and agree to the alternative amendment made in lieu of.

This relates to clause 7 of the Bill in relation to health and safety representatives representing a group. The amendment

inserts after 'the corporation' the words 'after seeking the advice of the advisory committee'.

The Hon. M.J. ELLIOTT: The original legislation substituted 'the Minister' for the 'commission' and we in this place said that it should be 'corporation', which the Government has accepted and then it has put the words 'after seeking the advice of the advisory committee.' So, in those circumstances the Government has really come further along the line than originally requested by this Council, so I would certainly support it.

Motion carried.

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

That the Legislative Council do not insist on its amendment No. 14 and agree to the alternative amendment made in lieu thereof.

This amendment relates to clause 8 of the Bill which covers the election of health and safety representatives. It relates to regulations made 'on the recommendation of the commission' and the Bill substituted merely the regulations. The Legislative Council believed that that should be on the advice of the advisory committee, as I recollect it, and now it will be 'after the Minister has consulted with the advisory committee'.

Motion carried.

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

That the Legislative Council do not insist on its amendment No. 15 and agrees to the alternative amendment made by the House of Assembly.

This relates to clause 10, the functions of health and safety representatives. The Bill really made only one amendment in that clause, and that was to take out 'the commission' and insert 'the Minister' as the body which approves the person who may accompany a health and safety representative. The Legislative Council believed that that should be 'the Minister acting on the advice of the advisory committee'. The House of Assembly proposes that it be 'the Minister after seeking the advice of the advisory committee or the corporation'.

Motion carried.

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

That the Legislative Council do not insist on its amendment No. 16 and agrees to the alternative amendment made by the House of Assembly.

It relates to clause 11 of the Bill dealing with the responsibilities of employers. It is mainly consistent with the approach so far of the amendments as to who should have particular responsibility. The Government sought to replace 'the commission' with 'the corporation'. The Legislative Council sought to replace 'the corporation' with 'the advisory committee'. Now the House of Assembly is proposing that it be 'the Minister, after seeking the advice of the advisory committee or the corporation'.

The Hon. M.J. ELLIOTT: I express some concern about this further amendment. The original Act had the commission making certain decisions which originally were proposed in the Bill to go to the corporation. Under the amendments of the Legislative Council, those decisions were to be made by the advisory committee, as I recall. We now have the Minister seeking the advice of the advisory committee or the corporation. When one looks at the decisions which are actually to be made, I believe that the advisory committee is in a much better position to give advice than the corporation.

The corporation may or may not have a view, but what worries me is the structure of the clause. It says, 'the advisory committee or the corporation'. I have no difficulties if it says, 'the advisory committee and the corporation', or if it simply provides for, 'the advisory committee' and the Minister chooses to discuss the matter with the corporation, but the 'or' means decisions may be made in relation to those safety representatives without seeking any advice of the advisory committee. That can happen. I do not believe that that is acceptable. I want an indication from the Minister whether or not the Minister would find the word 'and' more acceptable, or perhaps deletion of the words 'or the corporation'. That is not to imply that the corporation would not be consulted but to imply that the advisory committee must be consulted.

We are talking about whether or not health and safety representatives should, without loss of income, be given time off work, and some associated matters relating to that. I do not believe that the corporation is really in a position to even have a view on such a matter, but the advisory committee, which is tripartite, which has employer, employee and Government representatives, is the body in the best position to give that advice, and in fact should be the body giving that advice. That is why I argue using the word 'or' means that the Minister may go to the corporation, which I do not believe is really in a position to give that advice to start off with.

The Hon. K.T. GRIFFIN: I am having as much difficulty as anybody trying to work through all this. This seeks to amend section 34(3), which provides:

The health and safety representative is entitled to take, without loss of income, such time off work as is reasonably necessary or authorised by the regulations for the purposes of performing the functions of a health and safety representative under this Act or taking part in any course of training relating to occupational health, safety or welfare that is approved by the commission—

and we are saying the Minister. It is not the authority to take time off work; it is the approval of the courses. So, if the courses are approved by the Minister after seeking the advice of the advisory committee or the corporation, then it is not for the corporation, the Minister or the advisory committee to say, 'You, the employee of such and such a body, have a right to attend.' All this deals with is the approval of the courses of training. I would have thought that was an operational matter that really ought to be the responsibility of the corporation which has the ongoing responsibility of ensuring that there is a significant focus upon health and safety in the workplace. If they establish a training course, or if the Minister establishes a training course, after seeking advice of the advisory committee or the corporation, that is really where that ends.

I repeat: taking time off work to attend such a course is not a function of either the advisory committee, the Minister or the corporation. It would therefore seem to me that the alternative amendment proposed by the House of Assembly is consistent with what we have been doing throughout the amendments. I think there is one in respect of clause 10 which relates to a similar area, where we have referred to the Minister having the responsibility after seeking the advice of the advisory committee or the corporation. I merely suggest to the Hon. Mr Elliott and to the Hon. Mr Roberts that there is no problem as far as an employee is concerned in relation to attendance. That is a matter for the employer but, in terms of the course of training, that ought to be addressed in a more flexible manner.

The Hon. M.J. ELLIOTT: I take on board what the Minister has said. We are talking about 'courses of training relating to occupational health, safety or welfare approved by'; according the Government it will now be 'approved by the Minister after seeking the advice of'. I would hope that,

if there is any course of training in relation to occupational health, safety and welfare, the Minister would be seeking the advice of the advisory committee in all cases. It is a tripartite body, and we have set up a commercial corporation which might see a need for training courses but which is not really in any position to give advice on matters other than the need for courses. I believe it is necessary for the Minister to seek the advice of the advisory committee in all cases. I do not care whether or not the Minister gets any advice from the corporation, but he or she must have advice from the advisory committee.

The Hon. R.R. ROBERTS: I support the comments made by the Hon. Mr Elliott. This was the line we supported when we considered this amendment in the original Committee stage, and in fact it is the tenor of the amendment that was passed by the Legislative Council that we are actually more prescriptive: we were saying that the advisory committee should actually decide. The amendment provides that the Minister should decide but it goes further to provide 'either the advisory committee or the corporation'. At the very least the corporation would be dropped off. I believe we should insist on our original amendment. It does all we want it to do and there is no complication by adding a lot of gobbledegook.

The Hon. K.T. GRIFFIN: The Government is perfectly happy with the motion I have moved but, so that we do not prolong the debate, if the Hon. Mr Elliott says he does not care whether or not the corporation's advice is sought, one of the options is just to leave out 'or the corporation'.

The Hon. M.J. Elliott: Substitute the word 'and' for 'or'.

The Hon. K.T. GRIFFIN: Let's get rid of as much bureaucracy as we can. We can delete 'or the corporation' so that it provides, 'after seeking the advice of the advisory committee'. In that event, having got that indication, I will seek leave to move my motion in a different form. As I interpret it, it will be 'that the Council do not insist on its amendment No. 16 and agrees to the alternative amendment made by the House of Assembly with an amendment' and that amendment will be 'delete "or the corporation"'. I seek leave to move it in that form.

Leave granted.

Motion as amended carried.

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

That the House of Assembly's amendment to amendment No. 17 of the Legislative Council be agreed to.

That is a similar matter to which the previous amendment referred.

Motion carried.

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

That the Legislative Council do not insist on its amendment No. 18.

This amendment relates to clause 11 in relation to the health and safety representative being entitled to take time off work to take part in an approved course of training. This introduces the concept of 75 kilometres by road from the workplace.

The Hon. R.R. ROBERTS: I support insisting on this amendment. This amendment was introduced by the Opposition to overcome a problem that has been around since 1987, and I am certain that the question will be asked as to why the previous Labor Government did not fix it up. It is a very good question, and I am appalled by the fact that we did not. Our attitude to this matter has been that now that this Bill is open we see an opportunity to fix up an anomaly. It is in the general regulations that time off be provided. I am told it was always the intention that time off to attend these courses be at the employers' expense but that because of a drafting omission on that occasion there was no mention about expenses other than those for wages.

So, this clause will be extremely helpful in the initial stages of the changes to this Act. Obviously, job safety representatives will need to make themselves aware of the changes in this legislation, and from time to time new job safety representatives will be required to attend training courses. When we debated this matter, the Hon. Mr Elliott expressed a view that training courses ought to be decentralised as much as possible. That is a laudable comment. This comment has also been made about a whole range of other things with respect to decentralisation in the provision of services. Most services in country areas are contracting rather than expanding. This situation will not be overcome by setting up courses in some of the major centres. If courses are set up in places like Port Augusta, there will still be problems for people from Leigh Creek, Roxby Downs, Coober Pedy and other remote work sites who will have to take time off to travel.

This is an eminently sensible proposition, and it should take place at this time. I was delighted when the Committee agreed with it. However, I suggest that there needs to be some amendment. It has been pointed out by colleagues who have lobbied me on this issue that there is a problem in the last two lines where it talks about 'rates prescribed by, the Conditions of Employment Manual for Weekly Paid Employees (volume 6) published by the Department'. I am told that to overcome the problem of salaried safety representatives we need to strike out the words 'Manual for Weekly Paid Employees (volume 6)' and leave it to flow on 'by the Department for Industrial Affairs (or if that document is replaced by another, that document).' I ask the Hon. Mr Elliott to join the Opposition in insisting on maintaining this amendment.

The Hon. M.J. ELLIOTT: I am not supporting the amendment. I am not saying that there is no merit in it; clearly there is some. The Hon. Mr Roberts is correct that the previous Government had at least seven years in which to have addressed it. I am not going to cop criticism later, after the previous Government has gone into Opposition and is trying to get it into legislation which it knew it could never get through the Lower House. We must be sensible about it. I would also comment that one of the major difficulties is where the courses are being offered. More pressure needs to be placed on those who offer courses and where they offer them.

Finally, we are talking about a distance of 75 kilometres. It is one thing if you are being asked to do it on a regular basis, but in terms of a one-off or for a couple of days, 75 kilometres is not a long way. While perhaps a travel claim might be reasonable, an accommodation allowance or living away from home allowance for one or two days I do not think will stand up. I used to drive from Renmark to Adelaide for meetings on a regular basis. I would not expect people involved in health and safety to be doing anything like that on a regular basis. Most country people take a different view from city people with regard to travel. The question of travel allowance is one thing, but accommodation and living away from home is something else. In any case, where the courses are offered is a fundamentally more important question. While I can see some merit in assistance, I am not supporting insistence on the amendment at this time.

Motion carried.

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

That the House of Assembly's amendment to amendment No. 19 of the Legislative Council be agreed to.

This amendment relates to clause 12, dealing with powers of entry and inspection. The Government was proposing that the power to enter certain premises should be exercised by an inspector or a person authorised by the Minister. The Legislative Council has proposed the Director or the Advisory Committee, but the House of Assembly takes the view that it should be the Director or the corporation, recognising that the Advisory Committee is not an operational committee in the sense of day-to-day administration. The corporation undertakes responsibility for particular authorisations. Rather than the Minister exercising that power, the Government is prepared to accept that the Director or the corporation may authorise persons to exercise the powers of entry and inspection. In the principal Act it is the commission, an inspector or a person authorised by the commission or the Director to exercise the powers conferred by the section. Our view is that the proposal by the House of Assembly is the most appropriate within the scheme of things.

The Hon. M.J. ELLIOTT: When I moved this amendment in the Council last time, I wanted to ensure that the Advisory Committee had access to information, and one way of doing that was by being able to enter work places. There are other ways of getting information. I believe that the Government's amendment to clause 23, to which we will come later, and a further additional amendment that I will be moving to clause 23, will give the Advisory Committee ready access to information. In the circumstances, I shall not insist upon the amendment, because I believe that the goal I had set will be achieved by another route.

Motion carried.

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

That the House of Assembly's amendment to amendment No. 20 of the Legislative Council be agreed to.

This relates to the same clause and has a similar effect to that which has just been considered.

Motion carried.

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

That the Legislative Council do not insist on its amendment No. 21 and agree to the alternative amendment made by the House of Assembly.

This again relates to clause 12, dealing with powers of entry. It really is consequential.

Motion carried.

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

That the Legislative Council do not insist on its amendment No. 22 and agree to the alternative amendment made by the House of Assembly.

Amendment No. 22 relates to the power of delegation under clause 15, original section 53. As there has now been a change to reinsert 'Director', there needs to be a change to the delegation provisions.

Motion carried.

The Hon. M.J. ELLIOTT: I move:

That the Legislative Council agree to the House of Assembly's amendment to amendment No. 23 and make the following consequential amendment:

After proposed new subsection (1) insert new subsection as follows:

(1a) The advisory committee may, by notice in writing, require the Department for Industrial Affairs or the corporation to furnish information necessary for the performance of the advisory committee's functions.

As I noted earlier, this amendment, which was amended in the House of Assembly and further amended by me here, should ensure that the advisory committee has ready access to information it needs so that it can carry out its functions. Therefore, I have moved my amendment in a slightly amended form from that which has been circulated.

The Hon. K.T. GRIFFIN: It is supported.

Motion carried.

The Hon. M.J. ELLIOTT: I move:

That the Legislative Council disagree with the House of Assembly's amendment to amendment No. 25 and make the following alternative amendment:

Page 8, lines 26 and 27—Leave out this clause and substitute new clause as follows:

Substitution of s. 65.

21. Section 65 of the principal Act is repealed and the following section is substituted:

Annual report.

65. The advisory committee must, before 30 September in each year, prepare a report on the work of the committee during the financial year that ended on the preceding 30 June and forward copies of the report to the Presiding Members of both Houses of Parliament to be laid before their prospective Houses at the earliest opportunity.

The amendment is self-explanatory. I am seeking for the advisory committee to make a report on its work on an annual basis to the presiding members of Parliament, who will then lay it before both Houses.

The Hon. K.T. GRIFFIN: It is supported.

Motion carried.

The Hon. M.J. ELLIOTT: I move:

That the Legislative Council do not insist on its amendment No. 26.

When having my amendments prepared, every time 'Minister' appeared an amendment immediately emerged, and in this case I am not sure that it was entirely relevant.

The Hon. K.T. GRIFFIN: I support it.

Motion carried.

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

That the Legislative Council do not insist on its amendment No. 27.

This is consequential on earlier amendments.

Motion carried.

The Hon. M.J. ELLIOTT: I move:

That the Legislative Council disagree with the consequential amendment made by the House of Assembly (page 4, after line 7 [clause 5 and proposed new section 8]):

This amendment has become superfluous in the light of an amendment I have made to 23. It is really a consequential matter.

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

Motion carried.

The following reason for disagreement to the amendment made by the House of Assembly to Legislative Council amendment No. 4, amendments made by the House of Assembly to the words 'reinstated by the said disagreement' in relation to amendments Nos 2, 3 and 25 and for disagreeing to the consequential amendment made by the House of Assembly to the Bill was adopted:

Because the words disagreed with are not necessary.

The Hon. K.T. GRIFFIN: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

[Sitting suspended from 4.41 to 5.30 p.m.]

INDUSTRIAL RELATIONS (OUTWORKERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 May. Page 713.)

The Hon. ANNE LEVY: In closing the debate on the second reading of this Bill, I note that, while the Attorney-General opposed it, the Hon. Sandra Kanck, although expressing some concern about some of the contents of the Bill, nevertheless supported the second reading. I would propose that the second reading vote be taken, which I expect to be passed, but would indicate that I would not propose to proceed with the Committee stage. If it has passed the second reading stage, the Bill can be restored to the Notice Paper without great difficulty when Parliament resumes in August.

It is quite obvious in the light of the industrial relations legislation which has now passed this Chamber that amendments would have to be made to this Bill to make it comply with the new Industrial Relations Act rather than with the old one. I can assure members that, during the break, the necessary amendments to make this Bill sensible will be prepared and circulated to interested parties well before we resume in August so that they will have an opportunity to consider the amendments which will then make this Bill relate to the new legislation rather than the old. I thank members for their contributions to the debate on the Bill as it now is. Whilst I indicate again that there will obviously have to be considerable amendments moved in Committee, members need not worry as that will not happen now.

Bill read a second time.

HINDMARSH ISLAND (VARIATION OF PLANNING CONSENT) BILL

Adjourned debate on second reading.

(Continued from 11 May. Page 911.)

The Hon. M.J. ELLIOTT: I rise to express great sadness that neither the Government nor the Opposition has deemed this legislation worth supporting. I made it quite plain that you do not need to either support or oppose the building of the Hindmarsh Island bridge to support this piece of legislation. Even those who support the building of the bridge may recognise there are a large number of difficulties which could cause significant delays and it may never be built. As I suggested could happen when we first started debating this matter, we have now a Federal intervention by the Minister for Aboriginal Affairs in relation to Aboriginal heritage matters. More recently, other matters in relation to built heritage have arisen. I believe there is a real chance that some actions there may have been illegal and that there may be further challenges. In fact, there is no real end in sight as to the challenges that may arise in relation to building the bridge. As I said, that is without expressing an opinion in favour or against.

The intention of this legislation was not, by itself, to solve the problem but as a means of helping to solve the problem. One needs to recognise how we got into the mess to start off with, and that was a decision by the previous Government to give certain undertakings to Westpac in particular that the bridge would be built, therefore creating a legal obligation. Even before that time, the problem was that planning consent for stages 2 to 6 of the Marina Goolwa required a bridge to be built before they could proceed. Without the bridge, those stages cannot go ahead. That is why there could be legal action against the Government, that they had given an undertaking that the bridge would be built, and that the value of the marina is affected by it. In fact, a major investment is put at risk without the bridge being built.

This legislation provides for the marina to proceed through stages 2 to 6 without the building of the bridge. In those circumstances, one of the major reasons for a possible devaluation in that development is removed. It is not enough in itself to overcome the problems in terms of the value of the development, but it is a necessary component. As I said, other necessary components are a guarantee that access to the island is easy, and that can be achieved by the installation of a second ferry. I have made the point over quite a period of time that there are two ferries available. If a bridge were built at Berri, they would be released. There are also spare ferries at Morgan. At least one of those is capable of being moved down to Hindmarsh Island. So, access to the island can be improved markedly. Residents already have priority use on ferries, and that should be maintained.

In terms of commitments to the bridge builders, I believe they can be offered other work in South Australia. One possibility is a bridge at Berri. In fact, whether it be a bridge at Berri or upstream, as proposed under the Federal highways scheme, is not material to me. I am sure other work could be offered in lieu. In terms of the developers, and more particularly Westpac and now the receivers, I believe that the package that I am talking about already means that their investment is significantly secured and that the Government can go one step further and do what many people want, and that is to ensure that there are no more major developments on the island. If that happens, the value of the Marina Goolwa will be enhanced significantly. There need be no losers in all this, if only reason is allowed to prevail.

I must say I am concerned that we are not seeing enough happen publicly in terms of what the Government is doing so far. In fact, all we have seen the Government do so far is overrule the Aboriginal heritage on the site. Whilst the reports have not be made public as yet, from my sources I am told that the evidence was overpoweringly in favour of that site being retained as an Aboriginal heritage site. In fact, the Minister has not disputed that. All he has done is authorised that work may proceed despite the fact. That is the only visible thing we have seen the Government do despite impressions created before the election.

I do not believe that the work done by the former justice told us anything we did not already know in terms of legal obligations. The Environment, Resources and Development Committee had looked at that question extensively and exhaustively and I do not believe there were any big surprises on that front. It is time not just for the Government to do more publicly; it is time for Westpac and the receivers to start coming forward and saying publicly what their real agenda is. I must say I have been very disappointed. So far Westpac has been ducking for cover. I do not believe it can do that any longer. The receivers have been appointed at the instigation of Westpac. Westpac is the one which stands to lose or gain the most, depending on what happens there, and it cannot keep hiding from the public what it wants to see happen there and whether or not it is willing to explore other options for what might happen on Hindmarsh Island.

I believe that one way or another it is becoming a party to a large number of things that are happening in South Australia about which most South Australians are very angry

and disappointed. Most South Australians are angry and disappointed that the bridge is even being built, that the environment in the area is being put at risk and that Aboriginal heritage is being overruled. I believe that they are waiting for Westpac to show itself as being a responsible corporate citizen within South Australia and for it to come out publicly and be involved in negotiations to solve the dilemma. As I have pointed out before, that solution need not imply any commercial loss to Westpac. I am not at all happy that while this process is continuing some quite outrageous attacks on civil liberties in South Australia have been made under the guise of section 45D of a former Federal Act—the Trade Practices Act 1974—which had only 48 hours of life left in it. Action was initiated against a number of people in South Australia which sought not only to prevent them physically stopping work on the site but also from talking about it. It suppressed people putting a point of view. Quite an outrage has been perpetrated by a piece of legislation which has now lapsed and under which a judge has deemed to continue the injunctions against certain persons.

More recently, at least 50 people whom I know have received letters which have come from people related to Binalong itself and which have made threats in terms of legal action that they might face. A letter that they received stated:

> Your past actions give the company a claim against you for interference in contractual relations. By your conduct you have already caused the company enormous losses.

The letter went on to state that $32 million in losses may have occurred. It then indicates:

> Your past actions have resulted in receivership and a probable fire sale. If this occurs there will be a claim against you of this magnitude, even if the bridge is built.

People who have received these letters have not even been involved in activity on the site to stop any work. In some cases they have done nothing worse than attend a meeting where it appears that their numberplates have been noted and, by means that I have been unable to ascertain, their addresses and so on have been found. It does not appear to have happened via the Registrar of Motor Vehicles—

The Hon. Diana Laidlaw: You're not suggesting that this happened via the Registrar of Motor Vehicles?

The Hon. M.J. ELLIOTT: I just said it does not appear to have happened via the Registrar of Motor Vehicles—not by any official means. So, either it has happened unofficially by unauthorised access or via the police. There does not seem to be any other explanation. I have spoken to people, many of them elderly people in their 60s and 70s, who now feel that their whole lives—everything they have ever had—are deeply threatened. I know that some of these people have heart conditions, and they have been served these letters which have no other purpose than to frighten the heck out of them. It is disgusting behaviour and, as far as I am concerned, even if Westpac has not been directly responsible for it, the failure of bodies like Westpac to come out publicly and address these problems is allowing this sort of nonsense to continue.

Solutions are long overdue on this matter. I am disappointed that a solution being offered here at this stage is being refused in the Parliament. It is not a total solution; it is only part of a bigger solution. Although it might be pursued later, we now have a delay of three months before Parliament sits again. It may be a part of another solution, and I hope that Westpac, the receivers and other interested parties will come out and stop hiding behind the law. I think that is what they are doing to some extent; they are saying 'We have a legal right.' No-one has ever disputed that, but we are involved in something that will be very protracted and very painful for everybody concerned, and it is about time commonsense prevailed. Recognising that this legislation looks like failing, I make a commitment now in this place that if the Government comes back later, having negotiated some sort of agreement where this may be part of a package, it is a matter that of course I would like to see pursued. It would have to be part of a package very similar to the one I put forward but, if it comes back, everybody in this place should be looking at it for the good of all people here in South Australia.

Bill read a second time and taken through Committee without amendment.

The Hon. M.J. ELLIOTT: I move:

That this Bill be now read a third time.

Third reading negatived.

SUPERANNUATION (MISCELLANEOUS) AMENDMENT BILL

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

STATUTES AMENDMENT (CLOSURE OF SUPERANNUATION SCHEMES) BILL

Consideration in Committee of the House of Assembly's message—that it had agreed to the Legislative Council's amendment No. 1, had disagreed to amendments Nos. 2 and 3 and made the following alternative amendments:

Legislative Council's Amendment No. 2

Page 1 (clause 2)—After line 16 insert new subclause as follows—

"(2) Part 4 will come into operation on 1 October 1994."

House of Assembly's alternative thereto

Page 1 (clause 2)—After line 16 insert new subclause as follows—

"(2) Part 4 will come into operation on 1 November 1994.

Legislative Council's Amendment No. 3

PART 4

FURTHER AMENDMENT OF SUPERANNUATION ACT 1988

AND POLICE SUPERANNUATION ACT 1990

8. Amendment of Superannuation Act 1988. The Superannuation Act 1988 is amended by striking out subsections (10), (11) and (12) of section 22.

9. Amendment of Police Superannuation Act 1990. The Police Superannuation Act 1990 is amended—

(a) by striking out subsections (1a) and (1b) of section 16;

(b) by striking out from subsection (2) of section 20 "but before 1 June 1994";

(c) by striking out from subsection (3) of section 20 "referred to in subsection (2)".

House of Assembly's alternative thereto

Page 2—After line 26 insert new heading and clauses as follows:

PART 4

FURTHER AMENDMENT OF POLICE SUPERANNUATION ACT 1990

8. Amendment of Police Superannuation Act 1990. The Police Superannuation Act 1990 is amended—

(a) by striking out subsections (1a) and (1b) of section 16:

(b) by striking out from subsection (2) of section 20 "but before 1 June 1994";

(c) by striking out from subsection (3) of section 20 "referred to in subsection (2)".

The Hon. R.I. LUCAS: I move:

That the Legislative Council do not insist on its amendments Nos. 2 and 3 and agree to the alternative amendments made in lieu thereof.

This is a fairly straightforward procedure. As I understand the respective positions of the Parties in this place, we head inexorably towards a conference on this issue. The Government strongly and passionately has a view which is different

from that adopted by the Australian Democrats and the Labor Party in relation to this matter. The Government in the House of Assembly has moved an alternative amendment on this issue which seeks to address, at least in part, the attitude of the Hon. Mr Elliott. It will move the sunset date from 1 October to 1 November, but it will apply only to the police superannuation scheme. If that were to be agreed, it would allow the closure without a sunset period of the State superannuation scheme and allow the sunset period for the police superannuation scheme to be extended to 1 November and give members time to debate this issue. I understand through private discussion that the attitude of the majority of members in this Chamber is unlikely to be favourable, no matter how passionately and eloquently we may seek to put this issue. Therefore, I do not intend to delay proceedings at this stage. I suspect that the matter will be resolved in a conference.

The Hon. C.J. SUMNER: We oppose the motion.

The Hon. M.J. ELLIOTT: In relation to the date, I have contacted the PSA and asked whether it felt that an additional month would or would not be in the interests of its members. It did not seem to be terribly impressed. It is not the only view to be taken into account, but it is a significant view. I want to put on record that I have made contact with that organisation. Prior to that I had told the Treasurer what my views were in fairly clear terms. I do not believe that 1 October is an unreasonable date to be aiming for.

Motion negatived.

STATUTES AMENDMENT (CONSTITUTION AND MEMBERS REGISTER OF INTERESTS) BILL

A message was received from the House of Assembly agreeing to a conference, to be held in the House of Assembly Committee Room at 4.30 p.m.

[Sitting suspended from 5.59 to 7.45 p.m.]

AGRICULTURAL AND VETERINARY CHEMICALS (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.

(Continued from 3 May. Page 688.)

The Hon. R.R. ROBERTS: The Opposition supports the second reading of the Bill, which has been brought about as a result of a meeting in 1990 between agriculture Ministers concerned with this subject across Australia. From there the previous Labor Government started the process of defining agricultural chemicals and what is to happen to those chemicals that are out of patent and need to be registered. The National Health and Medical Research Council requires that data sheets be provided for these chemicals. The Labor Party has been lobbied by constituents from the Riverland, in particular, the Apple and Pear Growers of South Australia, who were concerned that some of the companies producing chemicals out of patent might not go to the expense and research of undertaking that data.

This Bill seeks to allow one company to do that research and provide the data that the National Health and Medical Research Council requires. The Bill also provides for a licensing system to occur for people producing chemicals of a similar nature. My Riverland constituents were concerned about the availability of tried and true chemicals, basically fungicides used in horticulture, that have been efficient over a number of years and available at a reasonable price. They were concerned that chemical companies, rather than undertaking the expense of providing the data sheets, might decide to forgo those chemicals and pursue new designer-type chemicals.

I understand that this Bill will be used as a model Bill throughout the Australian States. The Bill will provide for the continued availability of tried and true chemicals; it will provide adequate data for the National Health and Medical Research Council; and it will provide a situation where producers of these chemicals will not have to duplicate the process and add to the cost of chemicals. We will end up with safe, well-tried and reasonably priced chemicals that have been accepted throughout the horticulture industry and other agriculture industries. The Opposition supports the Bill.

The Hon. M.J. ELLIOTT: I will speak to the second reading but not support it. This piece of legislation came into the House of Assembly less than a month ago. I was given no indication until perhaps a week ago at best that the Government was even treating this Bill as a matter of urgency. In the light of the other legislation before me, it was a matter that had not been taking a great deal of my time. I was under the impression that, because it came in so late, it might be here next session. At a Federal level the Australian Democrats expressed concern about the Federal legislation that is complementary to this legislation. I now find myself being in the position of not having had an adequate opportunity to analyse the legislation and consider moving amendments. I note that the Opposition is supporting the legislation and is not moving any amendments and it appears that, whatever I may or may not have wanted to do in this area, it would have been for nothing, anyway.

The Hon. Carolyn Pickles: We would have given them careful consideration if you had them on file.

The Hon. M.J. ELLIOTT: My point is that I had no indication until a week ago that there were any problems. At the end of the day my time was absorbed by industrial relations and workers compensation, and I would have thought your Party would appreciate that my time was being spent that way, even if we had some disagreements over the final result.

The Hon. Carolyn Pickles interjecting:

The Hon. M.J. ELLIOTT: You don't know what you would or would not have got in other circumstances. I was concentrating on those pieces of legislation, which were the most important pieces of legislation in the Parliament. I note at the Federal level that there was a great deal of concern about matters that this legislation will not touch on, questions such as aerial spraying and questions as to the actual use of the chemicals, because the system set up relates solely to the registration of chemicals, although on my quick examination of the Bill it also seems to address some questions such as use outside the registered use.

If that is the case, then there are some matters of concern. I can only say that the Democrats do protest this matter being treated with such urgency. It is a piece of legislation that came in and in less than a month it is required to go through. We were not even given an indication that the Bill was to be treated in that way.

The Hon. K.T. GRIFFIN (Attorney-General): I am sorry that the Hon. Mr Elliott was not alerted to the fact that there was some urgency to have this Bill dealt with in this session.

The Hon. T. Crothers: Why?

The Hon. K.T. GRIFFIN: I said I'm sorry, and I'm about to tell you why it is relatively urgent. I apologise to the Hon. Mr Elliott that he was not alerted earlier to the fact that it was regarded by the Government as an important piece of legislation. The reason is that apparently the Commonwealth and State Ministers have agreed that the scheme of the legislation ought to be brought into operation on 1 July 1994, which is the date when chemicals come up for reregistration. If the scheme is not in place by 1 July it means that the present system of registration will need to be retained in each of the jurisdictions around Australia. The aim is to get this up by 1 July. I understand that there have been some threats by the Commonwealth that, if the scheme is not in place in any jurisdiction, some sort of penalties will flow from that. I am not aware of the nature of the penalties, but certainly there has been a considerable amount of pressure at the Commonwealth level to get this legislation in place.

The Hon. M.J. Elliott: They've extended the life of the old Act by two years.

The Hon. K.T. GRIFFIN: All I can indicate at this stage is that that is the information that I have. There may be some more up-to-date information that I can draw to the attention of members in the Committee consideration of the Bill. It is certainly a national registration scheme. From the Liberal Government's point of view there are some issues in the whole scheme that need to be addressed but, because the arrangements between the States, the Commonwealth and the Territories have gone so far, it was not possible to withdraw from the agreement to proceed in this way.

I point particularly to the fact that Commonwealth law applies extensively to this scheme. It is clear that the Commonwealth administrative laws will apply to the code and that current jurisdiction is conferred on the Federal Court of Australia. Also, the Commonwealth Director of Public Prosecutions will have authority to prosecute for what are State offences. That does give rise to some concern, but, as I say, the matter having gone so far, the Government took the view that the Bill should proceed as part of the agreed package.

I want to put on the record the fact that the scheme has been implemented by the State adopting Commonwealth legislation and regulation, and with the Commonwealth administrative law regime applying to the scheme is not to be taken as a precedent for the implementation of joint or uniform State and Commonwealth schemes in the future, when we will look carefully at each parcel of legislation which seeks to adopt a uniform approach to ensure that the sovereignty of the State is not significantly undermined, if at all.

But, as I indicated, we did decide that because the scheme had been agreed between the States and the Commonwealth, and had progressed so far, it was not appropriate therefore to rethink the whole of the legal regime which applies to this scheme and which does need to be relatively uniform across Australia, if only because agricultural and veterinary chemicals do pass between the States and, at the present time, the level of regulation is unnecessarily high. I thank the Hon. Mr Roberts for his indication of support for this Bill.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

The Hon. K.T. GRIFFIN: I add to what I had to say in my second reading reply in relation to the scheme legislation, and particularly to the interjection by the Hon. Mr Elliott that the Commonwealth had extended its scheme by two years. As I understand it, there was some nervousness that maybe all of the scheme legislation would not be in place by 1 July. If that was not the case, I am informed that the Commonwealth was advised that there would therefore not be any Commonwealth legislation in place and, rather than take the risk with Parliament not sitting, the Commonwealth took the view that there ought to be an extension.

It did consider whether it ought to be for a relatively short period of a few months, or for some other period. I understand that the decision was taken at the Commonwealth level to make it a period of two years, if only to provide for the unforeseen circumstances that it would not be in place because there were difficulties in one State or another, or some Territory. Rather than merely extending it for a period of a few months and then returning to the Federal Parliament to extend it for a further period, I am informed that the Commonwealth took the view that two years gave it plenty of scope for making adjustments and, whilst that was not to be a signal that every one could go slow on it, nevertheless, it was there out of an excess of caution.

Clause passed.

Clauses 2 to 30 passed.

Clause 31—'Exemptions from liability for damages.'

The Hon. T.G. ROBERTS: Clause 31 provides exemption from liability for damages in a wide variety of not only use but also manufacture. The concern that I have—and I agree with the national register, and with the intentions of registering and making available through licence those chemicals that are safe for application for the appropriate needs and requirement—is that if there is a chemical which is registered and which subsequently proves not to be as safe as perhaps the register may indicate, does that then exclude any action from being taken, or any liability from being accounted for if, subsequent to the registration, damage either to health or surrounding plant material or horticulture material does take place, or is it a total blanket?

The Hon. K.T. GRIFFIN: I am informed that this exemption from liability is in the 1988 Commonwealth legislation; it is not in existing State legislation. It is designed to protect the State of South Australia and its officials who might be involved under the scheme in the approval of chemicals. Subclause (1) has to be read in conjunction with subclause (2). It would be fair to say that if a product was registered and subsequently it demonstrated a characteristic which was not within the knowledge of the registration body, if it was harmful and injury, loss or damage flowed from that the State would not have a liability for that.

If one looks at subclause (2) one will see that, if an action is brought against a person responsible for importation, manufacture, supply or handling of approved active constituents, registered chemical products, and so on, in relation to any loss or injury suffered because of that importation, manufacture, supply or handling it is not a defence to that action that the NRA had approved the constituent, registered the product, issued a permit or given an exemption in relation to the constituent or the product, or issued a licence in relation to a step in the manufacture of the product. So, it still protects the rights of third parties to take action.

The registration process is not in itself a bar to civil action by third parties. However, the fact of registration is not to be taken to be a basis upon which other parties can then sue the State or the registering authority. I think there is a distinction between the two. That is my interpretation after a quick

reading of clause 31 supplemented by advice which I have. I believe that is how the scheme is proposed to operate.

The Hon. M.J. ELLIOTT: My interpretation of clause 31 is the same as that of the Attorney-General. I imagine that clause 31 (1) is something of a response to the difficulties we had with Yarloop clover, where the Government, on giving advice, found itself being sued and is therefore probably a bit reluctant to give advice. In this case we are referring to advice by way of registration of a product. Would the exemption also extend to a situation where the Government might have been found to be neglectful in some way?

The Hon. K.T. GRIFFIN: As a preamble to answering the question, I should say that the code contains a comprehensive framework within which registration occurs and criteria are established. Of course, companies which seek the registration by the NRA of their chemicals are required to provide information as to toxicity, and so on. There is provision for the NRA to obtain that information in any event if it is not willingly made available. I think the answer is that, because of the NRA's registration process and the steps which are required to be taken under the code, it is intended that if there is negligence the NRA and the State should not be liable. When I say 'negligence', I really refer to the registration process and the question whether it ignored information and a reasonable person should not have done so; I think that falls within that criterion.

The right of action against the manufacturer, the importer or the supplier remains. So, as I said earlier in relation to subclause (2), that registration is not to be a defence to action. It is not something upon which manufacturers can rely to provide them with some immunity from action. However, if there is negligence on the part of the NRA it is my understanding that, certainly in relation to this clause 31, action could not be taken against the State or the NRA.

The State is in a different relationship to the citizen than that of the NRA, which is exercising the registration responsibility. I would suggest that if there is gross negligence the criminal law comes into play, and dereliction of duty and a range of other offences might be appropriate if the negligence is such that it can be demonstrated that it is akin to criminal conduct. That is different from wilful conduct, which can in itself be criminal, although that depends upon the general law rather than on any provision in this Bill.

That is my understanding of the position with this particular piece of legislation. The Commonwealth has the comprehensive scheme legislation. This is complementary legislation, but nevertheless the point which the Hon. Mr Elliott raised is an important one, and that is my understanding of what the scheme will ultimately result in.

Clause passed.

Remaining clauses (32 to 36), schedule, preamble and title passed.

Bill read a third time and passed.

MEAT HYGIENE BILL

Adjourned debate on second reading.

(Continued from 3 May. Page 683.)

The Hon. R.R. ROBERTS: The Opposition supports the Meat Hygiene Bill at the second reading stage. I take on board the comments made by the Hon. Mr Elliott with respect to his ability to properly consider the Agriculture Chemicals Bill. This Bill is somewhat in the same vein, although there has been a discussion paper around for some time. I, too, would like to have had the opportunity to spend more time reflecting on the contents of this Bill. However, I do support the second reading at this stage, bearing in mind a couple of things. Ample indication was given by the Government Party when in Opposition that it did intend to introduce a system of meat hygiene in South Australia.

This comes as a result of a lot of concern expressed by many rural constituents. I know that the Spencer Gulf Cities Association and many other non-metropolitan council areas have long expressed their concerns with respect to the cost of meat inspection in South Australia, especially in respect of those inspections required in the export abattoirs. The costs are unquestionably very high with respect to this matter. It comes about somewhat through the Federal Government's insistence on 100 per cent cost recovery in the area of inspection, which means that the inspectorate which is required to cover all of Australia and maintain all its offices plus the infrastructure that goes with it becomes a very expensive exercise. I am told that each inspector costs about $73 000 per year, which is understandably an area of concern. The Minister, when shadow Minister, did indicate pre-election that he would be introducing this scheme, and one has to respect that.

There are a number of issues surrounding meat inspection that do raise some concern. My personal point of view is that, as this Bill starts to deregulate inspection, inspectorates ought to be separate, independent and consistent. I believe that all consumers throughout Australia ought to be able to expect that the quality of the product they buy from State to State is of equal value. In respect of meat hygiene deregulation across Australia, a number of systems are developing in a number of States, and this concerns me when one talks about mutual recognition and uniform standards across Australia. I believe that they ought to all be the same. I believe they all ought to be independent. I have a view that the best inspection in the meat area is one that embraces the inspection of every carcase.

However, having said all that, it is clear that there is a mandate in this area. I looked at the discussion paper in the early drafting stages of the legislation and I have to say that a fair attempt has been made to consider all areas of concern that may be expressed by different groups of people. Insofar as a system of this nature is concerned, probably the best efforts to accommodate those concerns have been made within this Bill. I do have some concerns about particular areas of the Bill.

I have been lobbied by the PSU who cover the AQIS inspectors on a Federal basis. They have expressed concern to me that they believe it is possible to get inferior standards of inspection than those required for overseas. They put the point of view that Australians ought not to have a lower standard of meat inspection than exporters or overseas consumers. They cite to me, and it has been reported in the *Financial Review*, situations where meat has been rejected by overseas importers and returned to South Australia, subsequently trimmed and then sold as wholesome product in Australia. They believe that these types of things are inherent with a deregulation of the inspection system.

With that in mind, one amendment I have proposed to this Bill (as I said, without a whole lot of time to go through it), is with respect to my suggestion to the Minister for Primary Industries that it would be wise to put someone from the PSU on the advisory committee that is advising on this transition for at least a temporary period, so the PSU can be involved in the establishment of the standards required for inspectors

in the deregulated market. These people are the experts in the area. I have suggested that they ought to nominate somebody with a history and expertise in the inspection of meat and meat processing.

I have also looked at the list of people on the advisory committee and I see that almost every man and his dog involved in producing chickens, game, smallgoods, and all the frontline meat products like beef, lamb and pork, are represented. I have suggested to the Minister that the people who work within the industry, people who work on the production lines, in slaughterhouses and in chicken and smallgoods processing, reveal a glaring omission that their point of view is not being taken into consideration. So, in a spirit of some cooperation at this very late stage of the parliamentary system, I have made only two amendments.

The first concerns the advisory committee. I suggest there ought to be one person from the Australian Meat Industries Employees Union to represent the interests of those persons employed in connection with the meat processing of animals and a second person nominated by the National Union of Workers to represent the interests of persons employed in connection with meat processing of birds and game animals. I am advised that most of this work in chicken processing and smallgoods is undertaken by female employees, and I believe that is an important point of view that ought to be taken into consideration with the setting up of this system. The third person I have suggested is a representative of the PSU. I do point out to members in the Chamber that I am suggesting that the PSU person only needs to be there on a transitional basis for the setting up of appropriate standards, following which that would diminish.

I understand that this proposal has been put to the Minister. I point out also to the Council that within the terms of this legislation the Minister does have the capacity to do this of his own volition. He has the power to add and subtract. Unfortunately, I have been advised during the dinner break that the Minister, whilst he has agreed to the general thrust of it, is not keen to have it included in the legislation. I honestly believe that it does nobody any harm. If we agree with the process, I think we ought to include it in the legislation. With the best intent in the world, there is the possibility that Ministers could change, and they could change very quickly or at a later date. I think it is a sensible proposition to add people to the list. I might say that it is very expansive at the moment, with 13 people, and the two that I am suggesting ought to be a permanent feature making it 15. However, I believe that once this system is up and running, there will probably be some alteration to the composition of the advisory committee, and indeed I think the numbers could be brought down.

It is my view that this amendment ought to proceed. If the Minister is not happy to have two, I would suggest that he ought to suggest that in another place. With those few minor amendments, bearing in mind the concerns that have been expressed from people throughout South Australia for some relief in this area, given that the previous Labor Government had a commitment to undertake this process and started down the track and under the previous Minister Terry Groom made some alterations to the election in respect of slaughterhouses last year and despite my trepidation about changing from the universal full carcase inspection system, I indicate on behalf of the Opposition that we will support this Bill, with the amendments that I have outlined.

The Hon. M.J. ELLIOTT: I note that, as with the previous piece of legislation we debated, this legislation has been in the Parliament for less than a month. Again, no indication was made to me until recent days that it was a matter of urgency, and I have been told again that it must go through this session. Again, the Opposition is supporting it, so I can do little more than again lodge a protest that things are being handled in this way. I hope that at some future time the Opposition does not complain about Bills being rushed through. I think it is highly unreasonable to provide less than a month to handle it, and it reflects the way the Government has handled this session more generally.

That said, I think it is generally accepted that there is a need for change in this area. I am told that one of the reasons why we can reduce the amount of inspection is that there is very little disease such as brucellosis and tuberculosis in stock, but one of the reasons why we have very little disease is that we had good inspection services for a long time which picked up those diseases. That meant we could go back to the herds and flocks and tackle the problems where they occurred. It is rather interesting that we can say we do not need the inspection services because they have been so very good. I suppose the $1 million question in the future will be whether or not TB might reappear in herds and flocks and not show up for quite some time until the diseases have spread. I hope that does not happen, but as we deregulate there must be an increased possibility that that sort of thing will recur.

All I can do at this stage is sound a note of caution, that we realise that perhaps we can wind things back, but let us not wind them back so far that we actually undercut the high standards we have, because at the end of the day if our standards drop that might have an impact on exports. I understand the export slaughterhouses will still have a very high standard of checking, and that will be done separately from this, but it does mean that the problem could linger around for a while and not be picked up until it is larger. At this stage, with that note of caution, I support the second reading.

The Hon. T.G. ROBERTS: I have represented members of the meat industry who at some stage were being tested for some of the diseases that occur in slaughterhouses themselves. The membership had picked up Q-fever and brucellosis from contaminated carcases. Members in the industry make the point that they have had a good history of inspection. There have been little or no concerns overseas; from time to time there are some hiccups but generally Australia has a very good record internationally for the quality and standards of its hygiene. The industry is regularly inspected not just by people setting national standards but also by overseas customers, and we want to impress on customers buying our beef and red meats and exported meats that the quality and standards are up to international levels and that they need have no concerns about the possibility of meats being contaminated.

Some of the hiccups in the meat substitution area did have an impact on Australia's export program, but I think the qualifying factor that occurred at that time was that there was an inquiry, there were inspections, and at least the inspectorial process was tightened up to some extent and the international fears that were starting to build then were allayed. The industry itself relies on quality standards and, if Australia is to maintain its volume in international terms, it must have an international reputation for good standards. I know that the industry itself realises that. The industry wants to lower its

prices and become more competitive, not only internally but also nationally, with the extra competition for varying meats within the markets plus the fact that a lot of people are now becoming vegetarian. Lots of people are showing signs of making alternative choices to meat and that is also worrying the meat industry.

This is a step towards partial deregulation. It is not complete deregulation but, if the industry itself does not get it right, it knows that the biggest loser will be itself. If the producers are able to exert strong influence and controls through the meat inspection services to ensure that the export quality is maintained and national standards are maintained for the abattoirs that are feeding into the domestic market, that is the best formula for success. There is a strong vested interest on the part of all concerned to make sure that the regulatory procedures and inspection services are more than adequate and that the consumers' fears are allayed so that, if self-regulation becomes no regulation, the industry itself will suffer. I am sure that there are enough vested interests within the industry itself to make sure that that does not happen.

I also echo the Hon. Mr Elliott's cautionary note that if there is any attempt at all to bypass the stringent inspection services that are required, the consumers will certainly let the industry know about their concerns. Once people move away from a particular meat—be it pork, beef or mutton or whatever it is—it is very hard to get those consumers to come back again. So, I would hope that the services that are set up are adequate and the fears that the Federal inspectors had voiced during that period where they were lobbying for stronger controls over meat inspections do not occur, that we do not reintroduce stronger Federal controls over meat inspection services and that the deregulatory process that we go through now supports an adequate service for both domestic and export quality controls.

The Hon. T. CROTHERS: I rise to support the Opposition's amendments. I will try to be brief. The Hon. Mr Elliott referred to some of the exotic diseases in the industry such as brucellosis, Q-fever and bovine tuberculosis. With respect to the first two, I well recall that it is but 15 years ago that the Meat Industries Union under its then secretary, Arthur Tonkin, had to argue it out in the Supreme Court of this State that those complaints which originate in cattle are transmissible to human beings.

If we do not get the regulations right in our domestic markets, we place at risk the very high level of tonnage and dollar value of our export beef. For example, South Korea is the second largest importer of our beef in Asia. Japan is the top importer with about 250 000 tonnes, whereas Korea imports about 75 000 or 95 000 tonnes per annum. The Japanese, as is well known, are particularly finicky with respect to the hygiene, cleanliness and safety standards that apply to their foodstuffs. In particular, because of the pressure that the Japanese Government is under from the domestic producer of beef and so forth, there is no doubt that one little slip in respect of not getting the regulations right will ensure that we go back to the day when the Cattlemen's Union was formed 20 or 25 years ago to try to fill the vacuum that had been created in Australia's capacity to export beef.

If this is not done right, it will be like a bucket with a hole in it. What is the point of having an inspectorate in export abattoirs checking for these exotic bovine diseases when it may be the people who produce beef for the domestic market who are the carriers of the bovine diseases to which I have referred? It is a fact, after much work over 15 or 20 years ago by the union, that those bovine diseases, exotic as they are, can be transmitted. If there is a mingling of domestic and export herds relative to whatever inspections are carried out in our export abattoirs, or whatever regulations are introduced for the domestic market, the catastrophe could be swift.

I am thinking of the complaint that swept the United Kingdom market called bovine madness. I am making reference only to cattle here. Though there has been the occasional outbreak, I understand that some cattle have suffered from that disease in Holland and in Belgium. However, the United Kingdom has had its beef exports to Germany—an export market of 95 million people—stopped. After many years in the beef industry ensuring that we have almost automatic access to export markets, it would be a tragedy for that to be undone by a failure to get the regulations right.

The people at the coal face, as the amendment suggests, make the initial contact with these bovine illnesses that occur from time to time even in the best kept herds—*vis-a-vis* the British herds which I understand have been tubercular free for a number of years. The concern is not just with the complaints about bovine illnesses of which we know; it is also with the ones about which we do not know such as bovine madness that has now been detected in the United Kingdom, the cause of which is not by any means understood as yet and it may take a long time before that can happen.

The Hon. T.G. Roberts: Chemical residues.

The Hon. T. CROTHERS: It has been said that perhaps chemical residues are partly or totally responsible for bovine madness. They do not really know, but—

The Hon. M.J. Elliott interjecting:

The Hon. T. CROTHERS: I thought I heard you mooing. They have not as yet made a determination, despite frantic efforts by the United Kingdom authorities with respect to that problem.

Let us not pussy foot around the amendment. The Opposition is seeking to put not a majority, but perhaps one or two people, on the regulatory board that will interface in making decisions on what we ought to do. We want people who, for want of a better descriptive term, work at the coal face, because they are the first to observe, note and understand those exotic diseases which we all know are confined to cattle. There are other illnesses that likewise relate to sheep and sheepmeat, but cattle is the one area where we have to get it right. We have to get them all right, but cattle is the one group that we must get right. I believe that if the Hon. Rob Roberts' amendment is supported, we will go a long way. I would not like to see it fall down that bottomless chasm that exists between the Government and Opposition benches, sometimes known as ideological differences, because it is felt by some that the Opposition is again supporting its mates in the union. That may be so, but we are also trying to ensure that the industry does not suffer as a consequence of anything that we may do here. I ask members to consider seriously supporting this worthwhile amendment proposed by the shadow spokesman on agriculture and associated matters.

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their contributions and for their indications of support. All I can say to the Hon. Ron Roberts and the Hon. Mr Elliott is that I regret they were not made aware that there was some sense of urgency about passing the Bill, which undertakes a fairly significant restructuring of the meat hygiene framework. Nevertheless, I appreciate that they are able to deal with it now. There will be an opportunity to

debate the Hon. Ron Roberts' amendment, but there are a couple of comments that I need to make.

The Australasian Meat Industry Employees Union has been on the mailing list to receive information about the substantial restructuring of this legislation. Over the past nine months it would have received, as has everyone else on the mailing list, information about the major changes which were being contemplated, but it has not been near the officers to provide any input on the legislation. That is the first point.

The second point is that the union has been represented on the consultative committee for the past 10 years, and it has been very rare for the representative to attend meetings. Putting that to one side, the Minister has indicated that he is prepared to consider appointing representatives to the committee. Obviously he resists including a specific reference to that in the Bill, partly for the reasons to which I have referred, but also because, if one makes a specific reference to particular associations of employees, it may be that it entrenches that position rather than takes cognisance of changing relationships within the trade union movement and in the representation of employees involved in the meat hygiene area. Rather than entrenching it, the Minister has indicated that he is prepared to make appointments and to maintain flexibility.

Bill read a second time.

In Committee.

Clauses 1 to 8 passed.

Clause 9—'Composition of advisory council.'

The Hon. R.R. ROBERTS: I move:

Page 5, after line 26—Insert new paragraphs as follows:

(ia) a person nominated by the Australasian Meat Industry Employees Union to represent the interests of persons employed in connection with the meat processing of animals;

(ib) a person nominated by the National Union of Workers to represent the interests of persons employed in connection with the meat processing of birds;

I outlined the thinking behind this amendment in my second reading contribution. The Attorney-General in winding up the debate indicated that the Australasian Meat Industry Employees Union is on the mailing list and has not responded. I suggest that quite a few others on that list did not make many contributions but did accept the advice. I assure the Attorney that the Australasian Meat Industry Employees Union was very welcoming of the opportunity to have a representative on the board. I find it astounding in this changing industrial world where we talk about employee involvement in the decision-making process which affect people's day-to-day working lives, especially as to the platform of industrial relations and alternative management styles, that we still have this resistance to appointing someone formally from the class of people at the coalface, the people who do the sweating and who get covered in blood and grime. There is resistance to a suggestion that they should be represented at least on the advisory committee.

In paragraph (ib) we are talking about an area that has been underinspected in the past. It is worth noting that one positive result from the Bill is that there is going to be greater inspection of secondary processors in South Australia. While they were covered under the Health Act, they were not subjected to the same amount of scrutiny as will be the case in future and that is a good thing. I believe it would be positive to have this arm of the meat and processing industry on the advisory committee because we have 13 others, including a person appointed to represent the interests of meat processors; a person representing the interests of people who operate slaughter works; a person representing the interests of processors of chicken meat; processors of wild game have a nominee; processors of pet food have a nominee; the Meat and Allied Trades Federation has a nominee; the South Australian Farmers Federation has a nominee; someone from local government is a nominee; someone associated with the administration of the Food Act is a nominee; a person nominated by the Commonwealth Minister is a nominee; and someone involved in the administration of the Public Service, subject to the Minister having responsibility for administering this Act, is a nominee.

We are not proposing anything outlandish. The union representation would comprise just a fraction of the committee membership and, for good industrial relations and for the sensible construction of a new system, the unions have an important point of view and it ought to be considered. I ask the Committee to consider my amendment favourably.

The Hon. K.T. GRIFFIN: The Government does not support the amendment. It needs to be noted, as I mentioned earlier, that whilst the Minister is sympathetic to the proposition of inviting representatives of employees and unions on to the advisory committee the fact is that this legislation deals with meat hygiene. It is unlikely that employment positions are likely to be adversely affected as a result of the legislation and those who are involved by specific reference on the advisory council are those who are most likely to be affected by the changing structure of meat hygiene in South Australia. It is for those reasons that the Government does not accept the amendment.

I made the point earlier that the Australasian Meat Industry Employees Union was on the consultative committee and rarely attended meetings. I am informed that those on the mailing list in the development of this legislation—the majority, if not all of them, other than the union—were in constant contact with the department, providing submissions and making representations and so on. The union was not heard from. One of the concerns the Government has is that, if there is going to be representation, it has to be meaningful representation. In the new environment of industrial relations there may well be enterprise unions that are formed and there may be other arrangements for employees to group together to take some concerted and uniform position in relation to matters which may directly or indirectly affect them. It is unwise to be enshrining in legislation what is a fixed position when it may not necessarily be so in the future.

Clause 9(2) already allows further members to be appointed by the Minister and, as I understand it, he has already offered the AMIEU an opportunity to participate in the advisory council's work for the future.

The Hon. M.J. ELLIOTT: Before I debate the substance of the clause I want to raise a drafting matter that I have raised previously. Both in the amendment and earlier in the legislation the terms 'animal' and 'bird' are used. Where 'animal' is used, I am sure what is meant is 'mammal', because birds are animals as are fish. It is inaccurate terminology and I must say I object to that.

I try to teach my six year old that birds are animals, but here we are with things which are scientifically false contained within the law. Whether or not it could ever create some dispute later on, I do not know, but it is false and we should not be having those sorts of things in our legislation. However, that is an aside. The Minister indicated during his second reading speech—I cannot think of the exact wording—that he was intending to put, or was considering putting

a representative of meat workers on the advisory committee. Could the Minister clarify that for me?

The Hon. K.T. GRIFFIN: My advice is that the Minister had offered to put a member of the AMIEU on the advisory council under the provisions of clause 9(2). I am informed that there has been no formal undertaking as such, but there have been some discussions by the Minister with members of the Opposition on the issue informally, and he has indicated that he would be prepared to do that.

The Hon. R.R. Roberts interjecting:

The Hon. K.T. GRIFFIN: I understand that. So, that is my understanding of what has occurred in relation to that representation. I would hope that if and when that occurs there will be a diligent attendance at the advisory council meetings and participation in its deliberations because it is important. That is the hope that I express.

The Hon. M.J. ELLIOTT: I note that a forthcoming amendment also looks within the transitional provisions at bringing in as a temporary measure a member of the public sector professional, technical, communications, aviation, and broadcasting union, I think for one year. Has the Minister given any undertakings on that matter?

The Hon. K.T. GRIFFIN: I am informed again that the Minister has had discussions with the Opposition and has indicated that it is his intention, during the transitional phase, to have a representative of the public sector union involved as a member of the advisory council.

The Hon. M.J. ELLIOTT: I did detect, in the Minister's earlier contribution, almost a note of 'What might the employees really be able to add to such a council?' I had an opportunity, back in my university days, to work over four consecutive years in a particular factory. I worked for a year in each of the office, the engineering section, the laboratory and on the floor. I can assure you that the people on the floor knew more about what was happening in the factory than anybody else.

That is my experience from working at all levels and seeing the whole operation over a period of four years. Frankly, the factory would have run pretty well if the people in the white hats had ever bothered to talk to the people in the grey hats occasionally. The people in the grey hats could not see any point to it because there was nothing in it for them. They were treated with great disdain. The attitude that perhaps the employees may not have something to offer causes me a great deal of concern. I believe they could have an enormous amount to offer whenever Australian management attitudes change and it is realised that employees do have a contribution to make. It has been one of the secrets of the success in—

The Hon. K.T. Griffin interjecting:

The Hon. M.J. ELLIOTT: They have to really feel like they are wanted, too. But one of the secrets of success in places such as Japan, Germany and Sweden is that those countries run their industries in quite a different manner, and the management attitude towards employees and of treating them with genuine respect is so very different. As I said, I have concern. I may have unfairly detected a tone from the Minister's response a while ago to the Hon. Mr Roberts as to what might an employee be able to add on the question of meat hygiene. I think representatives of employees who are on the floor in the slaughterhouses and the processing works can tell you an awful lot about meat hygiene—indeed, far more than can perhaps the manager of those very same works.

I would hope that disdain is not there. As I say, I note that the Minister is saying that there is an undertaking; that there will in fact be at least a representative of the AMIEU put in under clause 9(2); and that there will also be a further person for one year under the transitional provisions. When one has that assurance I cannot understand what the resistance is to actually putting it in the legislation, particularly when other groups are named. The South Australian Farmers Federation, which does not represent all farmers—in fact, it is probably lucky to represent about 30 per cent of farmers—is named specifically, yet that was one of the reasons given for not wanting to name a particular union group. It does seem to be remarkably inconsistent.

The Hon. K.T. GRIFFIN: The Minister has indicated that he would prefer not to have it in the Bill. Given some undertakings in discussions with the Opposition, it is my understanding that it is more a long-term issue than a short-term issue and that if, for example, in the longer term the body which represents the interests of persons employed in connection with meat processing changes he does not necessarily want to have to bring the matter back to Parliament. That, I think, is the primary reason why that has occurred.

The Hon. R.R. ROBERTS: Sometimes one could be forgiven, I think, for forgetting that you are in the Legislative Council and mistaking it for Lunacy Lodge. We are talking purely ideological stuff now. We are starting to talk about what may happen in the long term and about associations of employees—matters which the Hon. Mr Elliott and I, and, indeed, the Attorney-General have canvassed for some time.

I could make the same claim about all these representatives of employers; we have made the same observations. We are going into something which is a drastic change from the norm, and we are doing so with a large measure of trepidation about what could well happen. I think that it is in the best interests of all the principal players in these industries. The Minister has in fact recognised in his own advisory council almost every other person who could conceivably be involved in meat hygiene, bar the people on the production lines. If there is no clandestine reason, given that these undertakings have been given that it will occur, I, for the life of me, cannot see why we cannot put it into the legislation. We are talking about the transitional period for the meat inspectors. There has been extreme caution and an extreme amount of care. We had a protest relating to standards, with about 100 people out the front of Parliament House.

Although that does not necessarily mean a great deal, it does mean that sometimes one is a good organiser and can get a crowd. Given that this legislation has come in late and that concerns exist, I have spoken to the PSU,and it is delighted to have the opportunity to participate on a transitional basis. I have spoken to the meat employees union, which is delighted. I do not know whether we will count every time the meat workers turn up but, if we do that, I hope we count every time all these people stay away. We are talking petty nonsense and ideological rot here. These people have been on the advisory committee for 10 years and now someone is saying, 'Let us get even with them and knock them out completely.'

The Hon. K.T. Griffin interjecting:

The Hon. R.R. ROBERTS: What we are talking about, Attorney, is a complete change in the system. I would be surprised if the meat workers did not turn up to almost every meeting that took place from now on. You may be right and I may be wrong. However, the situation is one where

agreements have been made. I was involved in other Bills; I had an intermediary between myself and the other Minister, and I said, 'Look, I am tied up in all these other Bills; I have these concerns and, if I can be given an assurance that these organisations will be represented on the advisory committee in the transitional period, I will be happy and we will do that.'

The agreement was made and I went ahead on that basis. I drew up and lodged the amendments on that basis. Now I find that late in the piece—I was told some time this afternoon—that the Minister was not keen to have it in the legislation. Having lodged the amendments with the Council, I took the decision that, if there was general agreement in respect of these areas, we ought to put it in the legislation. No arguments will arise about who ratted on whom; it will be quite clear and we will lay it out. If the new structures are in place in 12 months' time or less, and the PSU says it does not need to be involved any more, it will go. I therefore think that my amendment is eminently sensible and I ask the Committee to support it.

The Hon. M.J. ELLIOTT: I am very generously going to offer the Minister a compromise on this matter. If we accept paragraph (ia), which I believe refers to the larger of two union representations—the Hon. Ron Roberts may tell me I am wrong—and if a nominee of that group was placed on the advisory council, I would not then pursue the other amendments because my feeling is that in relation to the later amendment the undertaking seems to be pretty clear: it is for a transitionary phase. The Minister himself is acknowledging that it is in his own interests.

The Hon. K.T. GRIFFIN: When you are between the devil and the deep blue sea where do you jump?

An honourable member: You must try to master your glee.

The Hon. K.T. GRIFFIN: It is not mastering my glee. In relation to the PSU, 14 members are involved, and it has already been indicated that they will be involved on a transitional basis, so that is acknowledged. I really have no alternative but to go along with the honourable member's suggestion.

Amendment to insert new paragraph (ia) carried; amendment to insert new paragraph (ib) negatived; clause as amended passed.

Remaining clauses (10 to 47) passed.

Schedule 1.

The Hon. R.R. ROBERTS: I move:

Page 31, after line 24—Insert new clause as follows:

3. (1) The members of the Advisory Council first appointed by the Minister under this Act must include a person nominated by the Public Sector, Professional, Technical, Communications, Aviation and Broadcasting Union to represent the interests of meat hygiene officers and of persons who carry out or formerly carried out inspections for the purposes of the Meat Hygiene Act 1980 or the Poultry Meat Hygiene Act 1986.

(2) The person nominated under this clause must have experience in the inspection of meat and meat processing activities.

(3) The member appointed under this clause is to be appointed for a term ending one year after the commencement of Part 3.

The provisions contained in this amendment have been well canvassed in the debate. It is part of what I consider to be an agreement and an undertaking given to me. It gives form in writing in the transitional part of the Bill to the agreement that has been reached, as indicated by the Attorney-General on behalf of the Minister. The only thing that may be of some doubt is the period of 12 months, but I point out to the Committee that it does not have to be 12 months but until such time as appropriate systems are implemented.

The Attorney-General said that only 14 people were involved. It is not a question of the numbers of people involved: it is a question of utilising in the South Australian system the expertise of these people who, as the Hon. Mr Elliott has said, have done such an admirable job over the years in the inspection service. They have this expertise; they are being used in places such as Colac and Ballarat in the Eastern States, where they are changing to a meat hygiene system; and they have been brought in as consultants and they are actually working in the industry creating those systems.

My proposal calls for a very limited involvement compared to what is happening in other places. The Opposition says that they ought to be on the advisory committee to provide that expertise and I put that to the committee and ask for support.

Amendment negatived; schedule passed.

Schedule 2 and title passed.

Clause 9—'Composition of Advisory Council'—recommitted.

The Hon. K.T. GRIFFIN: When the new paragraph (ia) was inserted, we were not quick enough off the mark to make an amendment to delete 'the meat processing of animals' and to insert 'meat processing'. New paragraph (ia) should read:

A person nominated by the Australasian Meat Industry Employees Union to represent the interests of persons employed in connection with meat processing.

I therefore move:

In new paragraph (ia), delete 'the meat processing of animals and insert 'meat processing'.

The Hon. R.R. ROBERTS: The Opposition agrees to that amendment.

Amendment carried; clause as further amended passed.

Bill read a third time and passed.

STATUTES AMENDMENT (CONSTITUTION AND MEMBERS REGISTER OF INTERESTS) BILL

The Hon. K.T. GRIFFIN (Attorney-General): I move:

That a message be sent to the House of Assembly agreeing to the place appointed by that House for holding the conference, but appoints 9.30 p.m. as the time for holding the conference in lieu of 4.30 p.m.

Motion carried.

STATUTORY AUTHORITIES REVIEW COMMITTEE

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I move:

That the resolution that this Council agreed to on Thursday 12 May 1994:

That pursuant to section 14 of the Parliamentary Committees (Miscellaneous) (Amendment) Act 1994 the following members be appointed from 1 July 1994 to the Statutory Authorities Review Committee: the Hons T. Crothers, L.H. Davis, Anne Levy, A.J. Redford and J.F. Stefani.

be rescinded.

Motion carried.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I move:

That pursuant to section 14 of the Parliamentary Committees (Miscellaneous) (Amendment) Act 1994 the following members be appointed from this day to the Statutory Authorities Review Committee: the Hons T. Crothers, L.H. Davis, Anne Levy, A.J. Redford and J.F. Stefani.

Motion carried.

LIQUOR LICENSING (GAMING MACHINES) AMENDMENT BILL

Returned from the House of Assembly without amendment.

WORKCOVER CORPORATION BILL

The House of Assembly intimated that it did not insist on its alternative amendment to the Legislative Council's amendment No. 23 to which the House of Assembly had disagreed and that it had agreed to the alternative amendment made by the Legislative Council thereto without amendment.

STATUTES AMENDMENT (CLOSURE OF SUPERANNUATION SCHEMES) BILL

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

The Legislative Council agreed to a conference, to be held in the Legislative Council conference room at 10 p.m., at which it would be represented by the Hons. T. Crothers, M.J. Elliott, R.I. Lucas, T.G. Roberts and Caroline Schaefer.

INDUSTRIAL AND EMPLOYEE RELATIONS BILL

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

STATUTES AMENDMENT (CONSTITUTION AND MEMBERS REGISTER OF INTERESTS) BILL

A message was received from the House of Assembly agreeing to the alternative time for the holding of the conference.

STATUTES AMENDMENT (CLOSURE OF SUPERANNUATION SCHEMES) BILL

A message was received from the House of Assembly agreeing to the time and place appointed by the Legislative Council for holding the conference.

INDUSTRIAL AND EMPLOYEE RELATIONS BILL

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I move:

That on commencement of sections 29, 30, 34 and 58 of the Industrial and Employee Relations Act 1994 the nominee of this Council to the panel to consult with the Minister about appointments to the Industrial Commission of South Australia and the Employee Ombudsman be the Hon. C.J. Sumner.

Motion carried.

[Sitting suspended from 9.50 to 11.30 p.m.]

STATUTES AMENDMENT (CLOSURE OF SUPERANNUATION SCHEMES) BILL

At 11.32 p.m. the following recommendations of the conference were reported to the Council:

That the House of Assembly do not further insist on its disagreement and do not further insist on its further amendments.

Consideration in Committee of the recommendations of the conference.

The Hon. R.I. LUCAS: I move:

That the recommendations of the conference be agreed to.

The Legislative Council was united in its passionate defence of the position of the Legislative Council at the conference of managers, defending strongly the Legislative Council's position. The House of Assembly and its managers saw the wisdom of the position of the Legislative Council and resolved not to persist in its position on this Bill. The end result will be, as the Committee will know, that there is a sunset clause of 1 October on the legislation, and the Parliament will need to revisit this issue and debate it substantively prior to 1 October this year—in the new session—when the issues will be debated in full by all members and Parties in this Chamber.

The Hon. T.G. Roberts: And Ivan is moving for your expulsion.

The Hon. R.I. LUCAS: Well, the Hon. Terry Roberts knows that I staunchly defended the position of the Legislative Council at the conference, and I am pleased to see that the pre-eminent position of this Chamber in the Parliament was demonstrated once again in the conference of managers and that the House of Assembly saw the wisdom of the Legislative Council's position.

The Hon. M.J. ELLIOTT: I concur with the remarks of the Hon. Mr Lucas that the Legislative Council did most strongly insist on its amendments and that it did prevail. Clearly, the matter will return to us at a later time, as was my intention when I moved for what is effectively a sunset clause. The matter came up late in the session when many other matters deserved attention, and I did not believe that this matter could be treated adequately in the time that was available.

For the Government not to be involved in discussions and negotiations with the relevant unions, the PSA and the Police Association, was inappropriate and improper. I accept a temporary closure of those schemes, but I hope that the Government will now talk with both those associations about what might happen from here. This matter should not be resolved in the Parliament alone: it should be resolved between the Government and its employees.

I can only assume that following the Audit Commission a large number of matters need resolution, and for this matter to be resolved by the Parliament alone would be inappropriate. The Government talked about enterprise bargaining and is now in a position where it will have to go into some genuine enterprise bargaining, and this matter, along with many others, will need to be discussed in the light of the Audit Commission's report.

Initially, when moving the amendment I considered the date of 1 September and extended it by one month, recognising the difficulties early in the session. The Government in the Assembly sought an extra month's extension, but I was not willing to accede to that. However, if I felt that meaningful discussions were going on and that real progress was being made, in those circumstances I might consider a further extension. If the Government simply came back immediately before 1 October without those meaningful discussions and some progress being made, then I would not be particularly sympathetic to such an approach.

The Hon. T.G. ROBERTS: The Opposition's position originally was to leave the scheme open so that the mopping up arrangement could apply in the lead-up to further negotia-

tions during the break. But, we accepted the Democrats' amendment in the spirit of compromise so that negotiations could take place after the closure of the superannuation schemes and to allow negotiations to take place between the PSA, the public sector unions and the police association on behalf of their memberships, recognising that a part of the Federal superannuation aims are to have industry specific schemes that are relevant to the requirements of the employees within those industries.

Also, it would allow the Government to work out schemes with the people in those industries to bring about a more satisfactory settlement, given that the complaints from both organisations on behalf of their memberships related to the lack of consultation. In line with the Government's new found will to establish better employee relationships through enterprise bargaining, we hope that the first test will see satisfactory outcomes around superannuation being negotiated prior to October.

Motion carried.

WORKERS REHABILITATION AND COMPENSATION (ADMINISTRATION) AMENDMENT BILL

The House of Assembly intimated that it did not insist on its alternative amendment to the Legislative Council's amendment No. 10; did not further insist on its disagreement thereto and agreed to the further amendment made by the Legislative Council thereto, without any amendment; did not insist on its alternative amendments to amendments Nos 11, 17 and 18 and did not further insist on its disagreement thereto; agreed to the amendment made by the Legislative Council to the alternative amendment made by the House of Assembly to amendment No. 12, without any amendment; did not further insist on its disagreement to amendment No. 19 and had agreed to the further amendment of the Legislative Council thereto; and did not further insist on its disagreement to amendment No. 21.

MEAT HYGIENE BILL

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

Consideration in Committee.

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

That the Legislative Council do not insist on its amendment.

That amendment relates to the additional member of the advisory committee.

The Hon. R.R. ROBERTS: We have experienced some lunacy in this Parliament in the last couple of weeks but this would have to take the cake. Here we have a situation where this particular provision has been in the Act for the last 10 years; it has been the subject of an informal agreement; the Minister has said that he was going to do it; we have put it into the Bill; and now we are faced with a threat of taking the legislation away. That is the underlying threat in this little manoeuvre. I for one am quite happy for the Minister to pull this Bill on the basis of this legislation because he is going to look a nice lunatic out there in the community when they see that he has brought this legislation into this place and said, 'It is absolutely crucial; it has to be done.' The Hon. Mr Elliott did not even have the chance to read the title of the Bill before this legislation came in. Now, at the eleventh hour—almost the twelfth hour—he says, 'If I cannot get my own will on this philosophy, I am going to pull the Bill.' What an absolute charade. The Legislative Council should insist on its amendment and if the Hon. Mr Dale Baker wants to pull the legislation that is fine with me because over the next three months I will go through this Bill with a fine tooth comb and wherever there is a full stop out of place I will move another amendment. So, if he wants to play silly people we will do that too.

The Hon. M.J. ELLIOTT: I think that the Hon. Ron Roberts really has covered the situation pretty well. The amendment puts one employee representative on an advisory committee of 14 people. The Minister said that he was prepared to put somebody from the unions on the committee but does not want to accept an amendment which puts a union representative on the committee. I do not think that anybody out in the community is going to understand the logic of refusing this amendment. In fact, the Minister went even further and said that, in the transitionary parts of the schedule, he would put an extra person on, so that for a while there would be two union people on the committee.

While the legislation now would be insisting on the appointment of one union member to the committee, the Minister seems to be baulking at it. It does not make a lot of sense to me. The reason for putting these clauses in is not just to cover what a current Minister says he will do; it is for future Ministers as well. On that basis, I did not insist on the union member being included in relation to the transitionary clause because I will take this Minister at his word; but this does not relate only to the present Minister but to future Ministers as well. I note that the Opposition in fact wanted to include two union members on the committee, plus one other as part of the transition. It is not an unreasonable amendment. Only the Minister is being unreasonable if he will not accept this amendment.

Motion negatived.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE (ADMINISTRATION) AMENDMENT BILL

The House of Assembly intimated that it did not insist on its alternative amendments to the Legislative Council's amendments Nos 2 and 3; that it did not insist on its amendment to the Legislative Council's amendment No. 4; that it agreed to the Legislative Council's amendments to the alternative amendments made by the House of Assembly to the amendments Nos 9 and 16; that it did not insist on its alternative amendment to the Legislative Council's amendment No. 25 and had agreed to the alternative amendment made by the Legislative Council; that it had agreed to the amendment made by the Legislative Council consequent upon its amendment No. 23 and the House of Assembly's amendment thereto; and did not insist upon its consequential amendment.

SITTINGS AND BUSINESS

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I move:

That the Council at its rising adjourn until Tuesday 21 June at 2.15 p.m.

This is the traditional adjournment motion which allows members to say thanks to those to whom we need to say thanks in the Parliament, and in particular in the Legislative Council. At the outset, I will touch upon the thorny issue of programming early in my contribution. As I indicated, I think over the weekend, whenever it was we were last together, at the start of this session I did have discussions with the Hon.

Sandra Kanck and the Hon. Mike Elliott about the Government program for this session. I indicated to them, as I am sure they would acknowledge, that I did ask from some forbearance in relation to the program for the first parliamentary session. It was a new Government after some ten years of Labor Government.

There was a very significant legislative program that the new Government did want to get through in its first session. There were some understandable delays in the processing of legislation, understandable from the viewpoint in that we were asking a lot of Parliamentary Counsel to draft in some cases completely new Bills, new pieces of legislation, and also substantial re-writes of other major pieces of legislation as well, together with the normal run of the mill urgent last minute Bills that come through in most sessions. The lengthy Bills, of course, were the Industrial Relations Bill, the Passenger Transport Bill and the three WorkCover related pieces of legislation, together as I said with a whole raft of other pieces of legislation.

We did have the unfortunate situation of the weekend, I know, and I acknowledged this on the weekend, where we had that backlog or jam of legislation which resulted in the extended sessions over the weekend. As I said, I had asked for some forbearance. I had not anticipated, I must admit, that it would get as difficult and prolonged as it did. I do not want to enter into any debate at the dying hours of this session as to what the particular causes were, but it did occur. I would indicate, as I did on the weekend, the preparedness of the Government to work together with other Parties in this Chamber—the Leader of the Opposition and the leader of the Australian Democrats—to ensure that we have a smoother flow of legislation during the August to December session. It is a bigger and longer session anyway, and it should make for the ability of the Government and the Parliament to organise a smoother flow of legislation.

Certainly on behalf of the Government I indicate that there will be a very strong commitment to try to ensure that the work of individual Ministers and their departments and agencies, if they have legislation for the coming session, is done on those pieces of legislation during the coming three month break between this session and the next session so that we have Bills ready to go come August of this year, rather than as sometimes occurs, as I am sure previous Ministers would know, departments arriving some way through the session saying 'We have been working on this Bill for sometime; it is a major Bill and you need to get it through Cabinet quickly and get it into the Parliament, and it has to be through the Parliament before the end of the session for whatever reason.'

I think we would all accept that in some cases there will be urgent pieces of legislation and the destruction of cannabis legislation was one example where there was a court case and a problem with the legislation was identified so that legislation had to come through at the last moment. To be frank and honest, some other pieces came through at the dying end of the session where it was harder to justify that someone somewhere within the Government departments did not know about them a lot earlier so that we might have been able to look at them a little sooner and members of this Parliament, particularly this Chamber, might have had a little more forewarning as to what was on the way. There is that commitment to work together, first as a Government but also with other members of this Chamber to ensure that we have a smoother flow of legislation and to ensure that we do not end up with the mess at the end of the parliamentary session which causes problems for everyone concerned.

Having said that, on behalf of Liberal members of this Chamber I thank the Leader of the Opposition, the front-benchers and all members of the Labor Party for their preparedness to work with the Government on the Government's program. As the Leader of the Opposition indicated at some time on the weekend, there were some 20 or so pieces of legislation, most of which went through relatively quickly and smoothly and without too much fuss. There might have been the odd amendment here and there, but it was with productive, harmonious debate in this Chamber. I also thank the Hon. Mr Elliott as Leader of the Australian Democrats and the Hon. Sandra Kanck as the Deputy Leader, Whip, half the shadow ministry and the back bench of the Democrats—

The Hon. Sandra Kanck: Multi-talented.

The Hon. R.I. LUCAS: Multi-talented, multi-skilled. I thank both members. The Hon. Mr Elliott has been around for a while, so he is used to it in some respects. For the Hon. Sandra Kanck it was a baptism of fire being thrown in at the deep end with the intense workload that there was. We have appreciated the generally good humour and the preparedness to work with the Opposition and the Government in relation to consideration of the legislation. As I indicated at the outset, whilst on occasions tempers get frayed in the Chamber and, as with football, an occasional bump (verbal in this case) might be exchanged, the great attraction of the Legislative Council is that the vast majority of members work together pretty well and after their verbal jousts in this Chamber can have a portergaff or a cup of coffee or whatever is their pleasure—

The Hon. Sandra Kanck: Or watch the footy.

The Hon. R.I. LUCAS:—or watch the footy together after the parliamentary session. I thank members for their assistance and look forward to working with them.

The Hon. C.J. Sumner interjecting:

The Hon. R.I. LUCAS: Where are you going? It was this session some time that we expected you to be going.

The Hon. C.J. Sumner: Last year you wanted to knock out three or four of us.

The Hon. R.I. LUCAS: We got rid of only one of you in the end. I am still prepared to have the odd wager with the Leader of the Opposition if he wants to.

The Hon. C.J. Sumner: You lost the last one.

The Hon. R.I. LUCAS: I am a gambler from way back, so it is double or nothing.

I thank the table staff and *Hansard* for all the work they do for members and for the Legislative Council, not just on the weekend when we asked more than we should have of *Hansard* and of the table staff. We can sometimes scoot in and out of the Chamber and get the odd break, but of course table staff and the Clerk in particular have to be here basically all the time, processing the legislation. After we left on Sunday, for example, I know that some of the table staff were here right through to 2 or 3 o'clock in the afternoon, while many of us were catching up on our sleep.

The Hon. C.J. Sumner: Watching the Crows!

The Hon. R.I. LUCAS: While watching the Crows go down, or whatever we did on Sunday afternoon, members of the Parliament House staff were still working here until 2 or 3 o'clock on Sunday afternoon tidying up the remains of what we had inflicted upon them on Thursday, Friday and Saturday. We extend our heartfelt thanks to the staff for what they have done.

I also thank all the other staff of Parliament House for the work that they do for members of the Legislative Council and the Parliament generally. There are the catering staff—obviously I cannot go through all of them—and all the other staff of Parliament House. I wish them at least some element of a break during the coming 2½ months and look forward to working with all of them in August.

The Hon. C.J. SUMNER (Leader of the Opposition): I support the motion. I guess that if I did not, we would be here for a few more months all night and it would not be a very satisfactory situation in view of what we have just been through. This traditional adjournment debate is not only to thank people in Parliament and to reflect a little on the session just past, but to give members the opportunity, if they are so inclined, to talk about any issue at all without limitation of time.

Members interjecting:

The Hon. C.J. SUMNER: Earlier in the day I would have felt inclined to take up that idea, but I can assure members I will not do so.

I am disappointed that the Leader of the Government did not farewell me again as he did when he was Leader of the Opposition before the last election. I felt quite left out of his speech until I brought him in by way of interjection. He got it wrong last time, so I guess he was not prepared to risk it again.

It is some consolation to me, as a former Minister of 11 straight years, to know that the incoming Brown Government has proved even more incapable than the outgoing Bannon and Arnold Governments of organising the legislative program, and that is really saying something. We have been through the last weekend's situation, which was unprecedented and something that not even we managed to organise during the past 11 years. In fact, we did not even get close to it.

The Hon. Anne Levy: Never on a Saturday.

The Hon. C.J. SUMNER: Obviously not. However, I acknowledge the remarks of the Leader of the Government about Opposition cooperation during that period, for we attempted to cooperate as best we could with the Government's very busy program. There were 20 items to be dealt with last Friday, and some of them were dealt with expeditiously. It was obvious that that expedition could not be applied to all the Bills before us because, in the nature of things, there were Bills with significant differences of principle to be resolved. In my experience in the Parliament, industrial Bills involving workers compensation and the like, whether they come from Liberal or Labor Governments, always provoke a lot of debate. Given that the Industrial Relations Bill was a new Bill, perhaps the Government could have anticipated better the time that was going to be taken. However, the Leader has indicated that they will try to do better in the next session. I am sure we all welcome that, although from my experience perhaps not with a great deal of optimism about the result.

There are a couple of things that I thought the Chamber might like to consider at some stage. If we do get into a Bill such as the Industrial Employee and Relations Bill, perhaps we could establish a committee not of the whole but of a smaller group of the Council, with a smaller quorum, because that debate was conducted (with a few other interventions, of course) by the Attorney-General on behalf of the Government, the Hon. Ron Roberts on behalf of the Opposition and the Hon. Mike Elliott on behalf of the Australian Democrats. I would not suggest having a committee of just three people, but you could constitute a committee of 10 or eight, something of that kind, rather than having a committee of the whole, particularly where there is a Bill that will go through a long and detailed process.

I note that the Federal Parliament has now introduced a system of concurrent sittings where, apparently, the Parliament can sit in dual session to deal with non-controversial issues. It is not exactly the same issue as I am raising with respect to this Chamber, but it is something to which, perhaps in the future, the Standing Orders Committee might like to give consideration. That would mean that the smaller committee could work through that Bill, perhaps on the Friday or in the evening, but you would not need the whole Council present. That might be a reform worth looking at. I note that the question of grievance debates has been raised before, and I am certainly happy to look at that if it comes up again.

One thing that has always bemused me over a number of years is that, in the transmission of messages between the two Houses and with some of the amendments that are put before the Chamber (and you, Mr President, might have some sympathy for this), we seem to have a curious way of getting double negatives into the propositions that are put. I have never researched it, basically because we come into this place and just accept the forms, but over the years it has always bemused me that the motion is moved in the negative form, then it is put in the positive form and then, in some other circumstances, you have motions that have double negatives in them, and I have never quite understood the reason for that. It sometimes makes responding to the question quite difficult.

So, I would think that might be another area to which the Standing Orders Committee could give consideration, perhaps to simplify that procedure, which I think would be of benefit to the President and the Council, because it does seem to me to be an unnecessarily complicated way of putting motions to the Council, putting them in the negative and sometimes with double negatives in the motion. As I say, there may be some traditional reason why it is done in that way and no doubt that could be researched if the Standing Orders Committee decided to look at it, but it is only raised as a suggestion for the Council to look at, along with the proposition relating to a committee that is less than a committee of the whole to consider Bills such as the Industrial and Employee Relations Bill.

Finally, I would like to endorse the remarks of the Leader of the Government in thanking everyone in Parliament House for their work on behalf of members. Certainly, the staff have had to work above and beyond the call of duty in the past couple of weeks or so, and I would like on behalf of the Opposition to thank them for doing that to ensure the Government's program got through, but also to ensure that we in the Opposition were able to put our point of view on the legislation before us.

The table staff, as has been mentioned, worked very hard, as we know. I thank them once again. I also thank *Hansard*, the other staff in Parliament House, the catering staff and the Library staff. Indeed, I particularly thank the Library research staff—those in the Library who are responsible for carrying out research on behalf of members. In Opposition, of course, one has greater cause to be thankful for the Parliamentary Library and its research staff than one does in Government. I thank all those people. I thank members for their cooperation during this period, and for their general good humour. Mutual apologies all round for those who did not maintain

their good humour throughout the hours of Saturday and Sunday morning.

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

MEAT HYGIENE BILL

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

The Legislative Council agreed to a conference, to be held in the Legislative Council conference room at 12.15 a.m., at which it would be represented by the Hons M.J. Elliott, K.T. Griffin, R.R. Roberts. T.G. Roberts and C.V. Schaefer.

STATUTES AMENDMENT (CONSTITUTION AND MEMBERS REGISTER OF INTERESTS) BILL

At 12.7 a.m. the following recommendations of the conference were reported to the Council:

As to Amendments Nos 1 to 5:

That the House of Assembly do not further insist on its amendments, but makes the following amendment in lieu thereof:

Clause 7, page 2—Leave out this clause and insert—

Amendment of s.4—Contents of returns

7. Section 4 of the principal Act is amended—

(a) by inserting after paragraph (e) of subsection (2) the following paragraph:

(ea) particulars of any contract made during the return period between the member or a person related to the member and the Crown in right of the State where any monetary consideration payable by a party to the contract equals or exceeds $7 500;;

(b) by inserting after subsection (4) the following subsection:

(4a) It will be sufficient compliance with paragraph (ea) of subsection (2) if a member's return contains particulars of a class of contracts referred to in that paragraph (rather than particulars of the individual contracts comprised in the class) provided that each contract of the class is an ordinary commercial or arm's length contract.

and that the Legislative Council agree thereto.

SITTINGS AND BUSINESS

Adjourned debate (resumed on motion).

(Continued from page 1176.)

The Hon. M.J. ELLIOTT: On behalf of the Democrats I thank the staff in Parliament House, the table staff, the clerical staff, *Hansard* and the Library and catering staff—without the assistance of all those people this place would not function. That was never truer than last weekend when the table staff worked some 30½ hours straight. My guess is that *Hansard* must have worked close to 25 to 26 hours straight. To realise that they were doing that whilst we were discussing things like occupational health and safety and industrial relations really made the situation even more bizarre.

It would be fair to say that the cooperation in this place was stretched beyond anything that was reasonable last weekend and even through the previous week. We had been starting at 10 a.m. and finishing at 12 p.m. for three nights in a row and went to 1 a.m. on the fourth night. However, as it turned out, that was just practicing for the big one. I have lamented in this place on previous occasions what happens, but nothing has been done to address it. We will have to start setting a few rules. The Senate has some sensible rules, including the fact that it does not sit beyond 11 p.m., as I recall, on any night.

The Hon. Anne Levy: It sits on Fridays, though.

The Hon. M.J. ELLIOTT: Yes. It has quite a legislative load. If our load was spread evenly, we would not have a problem. For much of the session we were not sitting late or even sitting at night. I suspect that we should look at the pattern of sitting weeks. The major problem is that we have a break of something like 10 weeks. The Government says that we have to get it through now because we cannot wait another 10 weeks. We should be looking at having a shorter break between the two major sessions and including more two week breaks throughout those two sessions. In that way there would never be more than six weeks between one sitting and the next. I do not believe that some of the legislative load that we have been rushed to get through now would have been such a problem had we adopted that approach. Even significant pieces of legislation such as the industrial relations and WorkCover Bills would be capable of waiting six weeks. Some people would argue that they could have waited 10 weeks, but six weeks is not unreasonable.

I suggest that the other Parties look at not just the sitting times but also the pattern of sitting through the year. That in itself could alleviate a lot of our problems. I note on the indicated weeks for next session that we will have one week off in the last eight weeks of the year with the possibility of an extra week. Whether or not that is the intention, that is the way the sitting pattern appears at this stage. This House has a light load for the first eight weeks of a session, and that creates some of the problems that we are now experiencing.

I must say that I have not particularly enjoyed these last couple of weeks, not just in relation to the hours, which have been cruel—and I do not mean just the sitting hours. When you are debating such important legislation, you simply do not get any dinner breaks or anything else; you are in constant meetings from morning to night. I did not see many people who wanted to meet with me, because I did not physically have the time available. It made the situation extraordinarily difficult and that was because of the legislation we were handling.

There is no legislation that is capable of creating divisions in this place like that relating to industrial matters. That is what divides Labor and Liberal more than anything else. It may not be the only division, but it is the most substantial one. It is perhaps what motivates the most powerful lobby groups in our community, be they employers or employees. So, it was always going to be difficult. People talk about the Democrats having the balance of power; it is one of those times when you would rather not have it.

The Hon. C.J. Sumner: Come on, don't be modest.

The Hon. M.J. ELLIOTT: There are better things to do, I can assure you. It has been extraordinarily difficult. Given that there is a huge divide, all members in this place must be congratulated; the situation has been handled with good humour and a great deal of cooperation. That does credit to the members of this place. It has been an incredibly difficult job and we made the most of it. As I said, it could have been better if only the sitting patterns were different. Again, I thank all staff and members, and I only hope the next session may be a little smoother than this one.

The PRESIDENT: I could be forgiven for believing that we are a group of religious fanatics and we flog ourselves with chains, but the interesting thing is that we always come

back next time for more, and we do exactly the same in 6 or 12 months.

That aside, this has been my first session as President, and I would like to thank all members for being good customers and not asking for their money back too often. I make particular reference to the new members, the Hon. Sandra Kanck, the Hon. Angus Redford, and the Hon. Robert Lawson.

It was a total change: we swapped sides of the Council and a new Government took office. Under those conditions, when you have been out of government for 10 years or longer, there is a lot of legislation to revise. That being the case, I thank the staff who assisted us, the table staff, in particular Jan and Trevor: without them there would be a real shambles. They manage to keep us on the straight and narrow.

Of course, the new additions to the building are causing some disruption, and I think it will go on for the next two or three years. We will have to work within those confines, but I believe that the place will be a better and easier building in which to work. The building belongs to the people of South Australia and it behoves us to keep it in the state it should be kept in, because it is their asset.

Finally, I thank the Whips. They are a very important part of my operation: if they work well, the rest of the process seems to work smoothly. I wish you all a very happy winter break.

Motion carried.

MEAT HYGIENE BILL

A message was received from the House of Assembly agreeing to a conference, to be held in the Legislative Council conference room at 12.20 a.m.

[Sitting suspended from 12.20 to 2.5 a.m.]

STATUTES AMENDMENT (CONSTITUTION AND MEMBERS REGISTER OF INTERESTS) BILL

The House of Assembly intimated that it had agreed to the recommendations of the conference.

Consideration in Committee of the recommendations of the conference.

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

That the recommendations of the conference be agreed to.

The conference was a productive one. We finally resolved the issue relating to the members register of interests amendment. The Government's concern which had been expressed previously was that, for those members of Parliament who might have shares in companies or trusts, or carry on a business through a manager or some other person (or the spouse may even carry on a business), a blanket requirement to disclose particulars of any contract made with the Crown between the member or a person related to the member in the return period might trap members quite innocently and inadvertently.

As a result of the conference, the threshold for the value of the contract was increased to $7 500, but we also agreed that, to meet the Government's area of concern, it will be sufficient compliance with paragraph (ea) of subsection (2)—that is, the new one relating to disclosure of contracts—if a member's return contains particulars of a class of contracts referred to in that paragraph rather than particulars of the individual contracts comprised in the class, provided that each contract of the class is an ordinary commercial or arm's length contract.

So, in the normal course of a business, whether it is hardware or second-hand motor vehicle dealers, if there were transactions with the Government which in relation to any one contract exceeded $7 500 at the end of the return period, when completing the return, the member could indicate that in relation to a class of contracts, perhaps the purchase of second-hand motor vehicles from the Government motor auctions, and that would be sufficient disclosure of dealing with the Crown.

If a member had an interest in a building company that undertook work for the Crown in the right of the State, then it would be sufficient to disclose in the disclosure of interests declaration that the class of contracts were building or maintenance contracts with the Crown during the return period.

The compromise which the conference has agreed means that we can now repeal the very difficult provisions of the Constitution Act that relate to members forfeiting their seats if they enter into certain contracts with the Crown that are not within the exceptions of the Constitution Act.

Those sections have been of particular concern to members over the years. Now the risk is only not that they should lose their seats if they offend the provisions but merely that they should be liable to prosecution without forfeiture of their seat, although it may end up with the same result. However, what this seeks to do is to alert members that their interest in contracts entered into with the Crown must be disclosed in certain circumstances so that they are on the record. I think the compromise which has been reached is a reasonable one; it now enables the Bill to proceed as the Government originally intend.

The Hon. C.J. SUMNER: I support the Attorney-General's proposition and the remarks relating to the satisfactory nature of the compromise. I do not actually think it is a great compromise because the proposals now before us ensure that members are put on notice that there should be disclosure of contracts that they might have with the Crown, even though in some circumstances that will not require disclosure of every individual contract. That certainly meets my requirements. The Opposition was concerned given that the clauses prohibiting contracts with the Crown by members of Parliament were put in the Constitution Act for good reason. Presumably one of those reasons was that it avoided the suggestion of conflict of interest.

Given that we were now removing those clauses prohibiting contracts with the Crown—for good reason, because I think they have become unworkable in the modern day and age—it was the Opposition's view that something should be put in place to put members on notice that they should disclose these contracts not only so that the public can be assured that disclosure occurs and that there is probity in public life but also in pure self interest for the member, because if the member found himself or herself in a contract with the Crown and it was not disclosed it could easily become the subject of adverse comment and adverse political comment in the Parliament. As the Attorney has said, this is a satisfactory compromise. It certainly achieves what the Opposition had in mind, and I think the Parliament can rest assured that we have not just walked away from an issue of importance. I am happy to support the motion.

The Hon. M.J. ELLIOTT: It is worth noting that there does not appear to have been any significant difference of opinion between either the Houses or the Parties in terms of

the issues contained within the amendment over which there had been disagreement but over the effect of the original wording. The wording that is now before us appears to have solved those difficulties. For the reasons given by the Leader of the Opposition it was important that this matter be addressed. On behalf of the Democrats, I am pleased that that has been done.

Motion carried.

STATUTES AMENDMENT (CLOSURE OF SUPERANNUATION SCHEMES) BILL

The House of Assembly intimated that it had agreed to the recommendations of the conference.

MEAT HYGIENE BILL

At 2.16 a.m. the following recommendations of the conference were reported to the Council:

That the Legislative Council do not further insist upon its amendment, but make the following amendment in lieu thereof:

Page 5 (clause 9), after line 26—Insert new paragraph as follows:

(ia) a person nominated by the appropriate registered association of employees to represent the interests of employees in the meat processing industry;

and that the House of Assembly agree thereto.

Consideration in Committee of the recommendations of the conference.

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

That the recommendations of the conference be agreed to.

I indicate that the major issue for deliberation at the conference was membership of the advisory committee. The amendment proposed by the Legislative Council specifically sought to include a nominee of the Australian Meat Industry Employees Union. The House of Assembly objected to that because of the specific reference to the union, even though the Minister in another place had indicated that it was his intention, as a result of some informal discussions with the Opposition, to appoint a member of such a union to the advisory committee.

The conference finally resolved that the name of the union would not be specifically referred to in the paragraph relating to the membership of a person to represent the interests of employees in the meat industry. The amendment we now have before us reflects that position. The person will still be appointed by the Minister under clause 9, but it will be a person nominated by the appropriate registered association of employees to represent the interests of employees in the meat processing industry. As I previously indicated, the Minister has informed the conference that it is his intention to appoint a person nominated by the union to which I have referred for the purposes of participating in the deliberations of the advisory committee.

The Hon. R.R. ROBERTS: I will be supporting the amendment as outlined briefly by the Attorney-General. It was a somewhat tortuous task. Committee members would recognise that it is some time since we left this place.

The Hon. C.J. Sumner interjecting:

The Hon. R.R. ROBERTS: For the benefit of the Leader of the Opposition, I did point out that it was a tortuous task. We went to the conference with a proposition on behalf of the Council, and that was that there should be a member of the appropriate registered association on the advisory committee. That was at first not readily accepted and the Minister intended to withdraw the Bill. Further discussions took place and a re-wording of the amendment was necessary. The Attorney-General made some contribution towards the new wording, which is now in vogue as a result of the industrial relations Bill. At the end of the day I am happy to advise the Committee that, on the advice of the Parliamentary Counsel present at the conference, the new clause means exactly the same as the old one—after two hours it means exactly the same.

In the colourful language of a very good friend of mine in Port Pirie when he wants something to be absolutely specific: 'no ifs, ands or buts or sparrow's comic cuts; are you going to give this position to the Australasian Meat Industry Employees Union and bear witness to the Committee?' Dale Baker said that he was prepared to do that, so having achieved what we set out to achieve I am happy to accept the amendment as proposed.

The Hon. M.J. ELLIOTT: I really thought that it was fairly bizarre that we were going to this conference. The results of this conference remind me of a joke I heard back in my school days which goes like this: 'What is the difference between a duck? One of the legs is both the same.' That is the position we are in right now.

Motion carried.

MEAT HYGIENE BILL

The House of Assembly intimated that it had agreed to the recommendations of the conference.

ADJOURNMENT

At 2.35 a.m. the Council adjourned until Tuesday 21 June at 2.15 p.m.