

## HOUSE OF ASSEMBLY

Thursday 24 March 1983

The **SPEAKER (Hon. T.M. McRae)** took the Chair at 2 p.m. and read prayers.

**BULK HANDLING OF GRAIN ACT  
AMENDMENT BILL**

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

**SECOND-HAND MOTOR VEHICLES BILL**

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

**QUESTION**

The **SPEAKER**: I direct that a written answer to a question, as detailed in the schedule that I now table, be distributed and printed in *Hansard*.

**VETERINARY OFFICER**

In reply to the **Hon. W.E. CHAPMAN** (14 December).

The **Hon. LYNN ARNOLD**: The Minister of Agriculture informs me that the successful applicant for the senior veterinary officer position was selected under normal Public Service procedures and criteria. The Minister's only part in the matter was to submit to Executive Council the appointment as recommended by the Chairman of the Public Service Board. My colleague also informs me that the visit to Melbourne allegedly to placate two unsuccessful and supposedly irate applicants in fact represented standard Public Service counselling of staff who are unquestionably competent but do not quite measure up to the eventual appointee. This particular counselling normally would have taken place in Adelaide, but the course attended by the two officers was of extended duration and it proved no more expensive to send counsellors to Melbourne than to bring to Adelaide the officers concerned.

**NO-CONFIDENCE MOTION: CHIEF SECRETARY**

**Mr OLSEN (Leader of the Opposition)**: I move:

That so much of Standing Orders be suspended as to enable me to move the following motion forthwith:

That this House, having lost confidence in the Chief Secretary, calls on him to resign because he misled the House yesterday about warnings he had received relating to the serious situation at Yatala Labour Prison and because he failed to positively respond to those warnings.

In view of the fact that the Government has indicated that it is prepared to accept the motion, I do not intend to debate it.

Motion carried.

The **Hon. J.D. WRIGHT (Deputy Premier)**: I move:

That the time allowed for debate on this motion be no longer than two hours.

Motion carried.

**Mr OLSEN**: I move:

That this House, having lost confidence in the Chief Secretary, calls on him to resign because he misled the House yesterday about warnings he had received relating to the serious situation at Yatala Labour Prison and because he failed to positively respond to those warnings.

When I rose in this House 24 hours ago to ask the first of a series of Opposition questions about the serious situation that had developed at Yatala Labour Prison, I emphasised that the Opposition was seeking information from the Government and nothing more. It is now clear that the Opposition was not given full and truthful information by the Chief Secretary yesterday. Indeed, it is now clear that he failed to respond positively to genuine and serious warnings that he was given about the situation at Yatala. As a result of that failure, the lives of prison officers and of inmates, as well as community safety, have been put at risk.

These are grave charges, but they are charges that are easily sustained. Because they are so serious, the Premier must demand the immediate resignation of the Chief Secretary. The Chief Secretary fiddled while Yatala burned. I remind the House of my first question yesterday, when I asked him whether the Government was given prior warning of yesterday's riot at Yatala Labour Prison and, if it had been given such a warning, by whom. The Chief Secretary's reply was clearly calculated to give the impression that the only warnings had come from disgruntled, desperate and even deranged prisoners, and he said that such warnings could not be taken seriously, because they were nothing new in any prison system anywhere in the world. He concluded, 'We were unaware that that was going to happen.'

That statement was clearly untrue. Indeed, his whole answer was misleading by omission, a charge in respect of which a former Labor Government sacked a Police Commissioner and one for which the Chief Secretary now stands condemned. On the Australian Broadcasting Commission television programme *Nationwide* last evening, Mr Ray Kidney (Executive Officer of the Offenders Aid Rehabilitation Services of South Australia) was asked whether he had any doubt whether the authorities were clear about danger signals they were given about the developing situation at Yatala, and he replied, 'No. I made it very clear on two occasions that we were greatly concerned about what could happen at Yatala.' When asked to be more specific about the dangers, he said, 'We had heard from the prisoners that there was a likelihood of trouble of the nature that eventually happened', and that was spelled out to the departmental head.

Here, Mr Kidney was revealing that a specific warning had been given about trouble of the nature that eventually occurred on Tuesday, but the Chief Secretary told us nothing yesterday about the statement by Mr Kidney. However, there is even more. The Ombudsman (Mr Bakewell) was also interviewed last evening on *Nationwide*, and he said, 'We had written to the Minister in December, with a copy to the Premier, saying that we saw the situation as somewhat explosive and we did that on 13 December. I even spoke to the Minister as recently as 21 February and drew his attention to the letter and the dangers we saw there, and the Minister said, "We'll have to take a risk on that situation."' The interviewer interjected, 'Those were his words were they—"We'll have to take a risk"?' Mr Bakewell replied, 'His actual words were "We'll have to take the risk that nothing serious will happen until the Touche Ross Report is completed."'

I am not surprised that in his reply yesterday the Chief Secretary omitted any reference to the warnings of the Ombudsman, because they clearly show the Chief Secretary to have been a Minister of the Crown prepared to take risks with prison security, the safety of officers, inmates, and the welfare of the community.

To repeat the Chief Secretary's own words, 'We will have to take a risk.' No more serious a charge could be levelled at the Chief Secretary. He has taken a risk and part of the prison has been burnt down and he was warned that it would be. Prison officers and prisoners have been injured; two officers are in hospital. Obviously, community safety was also jeopardised by Tuesday's riot because armed police had to guard the perimeters of the gaol. The cost of the Chief Secretary's risk-taking has been great, in both human and material terms.

The information now available to this House makes it clear, not only that a riot at Yatala has been likely for some weeks but that the Chief Secretary was made aware of that potential and, by his own admission, was prepared to take a risk: a risk, I emphasise, that it would not happen. I ask the Chief Secretary why was not he frank with the House yesterday. Why did not he heed the warnings of Mr Bakewell and Mr Kidney? What risk did he think that he was taking in not acting?

Obviously, the Chief Secretary's very mention of the word 'risk' suggests that he believed that there could be something in what he was being told. Yet, yesterday he informed this House that the Government was unaware of what was going to happen. No more clear and serious a case of having misled this House is conceivable. No more irresponsible a course of Ministerial conduct is imaginable. Mr Bakewell's statements last night also called into question the Premier's position. What action did he take following Mr Bakewell's letter of 13 December? Did he discuss it with the Chief Secretary? Did he call in officers of the Correctional Services Department for their views? Did he seek further discussions with Mr Bakewell? Did he direct the Chief Secretary to take remedial action and, if not, why not?

In his reply the Premier must answer these questions because the community must be reassured that he, at least, is prepared to take heed of warnings of such a serious nature, even if his Chief Secretary is not. In replies to further Opposition questions yesterday, the Chief Secretary sought to excuse his inaction. He blamed the parole system. He said that he had inherited the system from the previous Government and that it was an horrific Act. The changes to which the Chief Secretary referred were first included in amendments to the Prisons Act debated in this House early in 1981. There was no suggestion from the Chief Secretary then that they were horrific.

**The Hon. G.F. Keneally:** No, but I realise it now.

**Mr OLSEN:** The changes were also included in the new Correctional Services Bill debated by this House early last year. Again, the Labor Party did not divide the House with amendments. On 16 February 1982 the present Chief Secretary began his contribution to the second reading debate on the legislation by saying, and I quote:

It will come as no surprise to the Minister and members of the Government that the Opposition will be supporting this Act.

Now, just over a year later, the Chief Secretary says that the same Act is horrific. There is nothing more than a blatant attempt to excuse his own failings. It also raises the very pertinent question that if parole arrangements are the only matter concerning prisoners at Yatala, why did not the Chief Secretary reveal before yesterday that he was reviewing those arrangements? Why did he wait instead until after the riot to suggest what the problem was and what he would do about it?

Management of our correctional services is a very difficult, daunting and demanding task: I do not overlook that. As this House knows, I have had some direct experience of it. Within two months of the Minister's taking office there was a serious incident at Yatala prison in which three officers were injured and had to be taken to hospital. The Opposition did not criticise the Minister for that. We said what should

be done to help alleviate the tension at Yatala and we expressed the hope, without criticising either the Government or the Minister, that quick and decisive action would be taken.

We have waited another two months for evidence that the Government is prepared to act, but, rather than having had any sign that it is, it has been established that the Government is prepared to ignore warnings and to take risks. In these circumstances, the Opposition has a responsibility to the community to expose the Government's inaction, especially when the Government attempts to hide its own failings by misleading this House.

If the Minister had answered the questions truthfully and given the information that was sought yesterday, the Opposition would have left the matter there. However, it is an indication of the contempt in which the Government holds this Parliament and the people of South Australia that the Opposition has had to move a series of motions during the past fortnight to force the Government to account for its actions. Again today, the Government has been exposed as one of inaction, irresponsibility and deceit. Nothing could be clearer or more serious for the people of South Australia. It is time that the Premier realised that the present Chief Secretary is incapable of effectively managing our correctional services.

Moreover, it is his responsibility to require the Chief Secretary to pay the ultimate price for his failure to fully and truthfully inform the House yesterday. I have no doubt that in his reply to this motion the Premier will refer to past events in the State's prisons. He will attempt to evade responsibility by blaming decisions taken before he came to office. However, it is beyond dispute that the last Liberal Government achieved more in correctional services than had any Government at any time. The Liberal Government significantly increased spending by the department and gave it greater priority. Funding for the present financial year is up 77 per cent on the last Labor Government's Budget in 1978-79 and significantly outstrips the increase in total Budget outlays over the same period.

The former Government appointed 40 extra correctional services staff as part of a comprehensive five-year plan, and it had given a commitment that this would be continued with the creation of a further 31 positions. The Liberal Government not only designated a site for a new remand centre but also allocated \$1 200 000 in this financial year's capital works programme for that project, and a completion date of June 1984 was set. Immediately upon coming to office, the present Government scrapped the project, and there has been no indication of when it will nominate an alternative site, even though the present Chief Secretary said, in this House on 16 February last year, that a remand centre was the most vital part of implementing the appropriate segregation of different statuses of offenders in South Australia. I agree with him, and I now ask him when we are going to see some action to back those words. The former Government also purchased the Gladstone army ordnance depot for the development of a medium and minimum security institution.

The present Chief Secretary also supported that action last year, so I ask him again when the Government will act. The former Government ensured the completion of the new industries complex at Yatala at a cost of \$6 000 000, but so far I understand that it has not been put to full use because of an industrial dispute about staffing. When is the Government going to act on that matter? There are many other achievements that I could refer to, such as the installation of sophisticated television monitoring and surveillance equipment for prison security, a full-time dog squad, the sewerage of cells at Yatala Labour Prison at a cost of \$3 500 000, the construction of a new remand wing at the

Port Augusta gaol, and the new Correctional Services Act. It was the view of the former Government that whilst our policies must protect the public and punish offenders, every reasonable endeavour must be made to allow prisoners to take their place as useful citizens within society after their discharge. The former Government did a great deal to bring the correctional services system into the 1980s. I do not deny that more needed to be done. Our policies would have ensured a continuing high priority to improvement of correctional services.

Our achievements were accomplished in the face of constant carping and criticism from the Labor Party. The members for Stuart and Elizabeth were constantly in the forefront. The member for Stuart, as Chief Secretary, now has the major responsibility, but about all we have heard of a positive nature from the Labor Party since its election is the suggestion from the member for Elizabeth that Yatala should be demolished. I do not believe that this State can afford such an option at this time, nor, I gather, does the Chief Secretary. We will not resolve the problems in correctional services simply by throwing money after them, money which in the present economic circumstances this State simply has not got.

We can do much more to relieve the tension at Yatala. We can proceed with the remand centre and the establishment at Gladstone, we can employ more correctional services staff, and open the industries complex. Money for these actions, if not already spent, has in large amount been allowed for. It is time the Government took action through a Chief Secretary better able to manage that portfolio.

In his reply, I hope the Premier will answer these questions. When will the Government decide on a site for the remand centre and when will work commence? When will the new industries complex become fully operational? When will the Government take further action at Gladstone? Will the former Government's commitment to more correctional staff be followed? The serious situation which has now developed demands answers to these questions from the Government, as well as action. I also want to hear from the Chief Secretary or the Premier on the reasons why the Government abolished the Prisoners Consultative Committee which the former Government facilitated. I understand that this has caused serious concern to prisoners. The Ombudsman also commented on this matter last night on *Nationwide*. He said of the committee's abolition:

I was very very concerned when that disappeared. I felt it was a safety valve that was very very useful.

I agree with the Ombudsman, and I seek the Government's explanation.

The Opposition has not brought on this motion lightly. The situation at Yatala is very serious and one which concerns the whole community. But should the Government in its response attempt to suggest that all the Opposition is doing is attempting to inflame an already tense situation, let it remember that the Opposition sought information in a responsible manner yesterday and the Chief Secretary deliberately denied it information by misleading this House and attempting to cover up the fact that he was not only warned about the possibility of a riot but that he was prepared to take the risk.

Rather than seeking to inflame the situation, the Opposition responsibly has put forward proposals to help relieve tension at Yatala. We also seek the immediate resignation of the Chief Secretary, because it has been demonstrated that not only has he misled this House but he ignored serious warnings from people to whom he should have listened about the potential for a riot at Yatala.

These are the questions which are at the heart of this matter. Why did the Chief Secretary tell the Ombudsman that he would take a risk with the situation at Yatala? Why

did he not respond to Mr Kidney's warnings? Why did he not tell this House yesterday that Mr Bakewell and Mr Kidney had warned about the grave situation at Yatala well before the riot occurred? This House and the community must be given the answers this afternoon and the Government must appoint a Chief Secretary who will in future prevent such serious questions being raised in the first place.

**The Hon. J.C. BANNON (Premier and Treasurer):** I think that over the past week or so the Opposition has very clearly signalled its role in South Australia over the next three years until we have another election. It is to be a role of disruption and exploitation, wherever they can find it, of any situation of problem in our community.

I have said on the other few occasions (not so few, regrettably) on which these sorts of scurrilous motions have been moved that, if this is to go on over the next three years, and if this kind of anarchy is going to prevail, it is about time the Opposition packed up and handed over to somebody who is prepared to understand the institutional role in this Parliament.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.C. BANNON:** It is about time the Liberal Party accepted the fact that its policies have been rejected by the community at the State and Federal level. Once they come to terms with that, members opposite may behave like a responsible Opposition instead of trying to exploit every situation, as they are doing.

Let me contrast the previous Government. It was more than 12 months before we were prepared to move any motion of no confidence in this House. We believed that the Tonkin-type tactics, which we saw through the period from 1975, of daily no-confidence motions, cheapened the whole process, cheapened Parliamentary debate and meant that we were not able to discuss issues of concern rationally or comprehensively in the interests of the community. It was more than 12 months before we believed that we should move a motion of no confidence in the Government. That was for two reasons: first, it was only fair for a new Government coming into office to be given time to establish itself, to get its act together, and to be found accountable; and, secondly, and most importantly, we also recognised that we had been in office prior to that and that most of the things that we could find to complain about in the early months could well be attributed to problems inherited by the previous Government. Even if they were not, it was still unreasonable for us to carry on in that way. There has been no such scruple on the part of this Opposition. Its members refuse to accept the fact that they are in Opposition and they intend, by anarchic behaviour of this sort, to constantly disrupt the community whenever they can. Let that be exposed. It has been made clear in this instance. We have a very grave problem in our correctional services system.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.C. BANNON:** Listen to members opposite carping and yelling. It really is a case of not being able to cop it.

*Mr Ashenden interjecting:*

**The Hon. J.C. BANNON:** They cannot accept that they are sitting on the Opposition benches and that that is where the community has put them. I suggest to the member for Todd, who represents a marginal electorate, that he has regard for the fact that he is representing all of his constituents.

*Members interjecting:*

**The Hon. J.C. BANNON:** A grave problem exists in our correctional services system. It has been a long-term and a

persistent problem. It was certainly present in the period of the previous Labor Government. It persisted throughout the period of office of the Tonkin Government and it is still with us. However, I can assure the House that, from the time of our election, we have moved rapidly and expeditiously and have devoted resources to doing something about it during the term of this Government. I have absolute confidence in the way in which the Chief Secretary has tackled the task.

One has only to look at the hours of work he has put into mastering all the details of the prison and correctional services system, the appointments he has made, and the consultations he has had. He has undertaken hours and hours of work. Anyone who looked at or listened to the Chief Secretary yesterday being asked a series of bogus questions (purely in the interest of getting information, we are told, and not attempting to capitalise on the situation or inflame it), or anyone who saw the Chief Secretary handling the issue would have no doubt about his knowledge, sincerity and the application with which he is tackling the prisons system problem in South Australia. The evidence is there. What do we have? The whole no-confidence procedure is being cheapened (although if the Opposition has not got questions to ask that it is a good way of obscuring that fact). Question Time this week has been devoted to such motions. First, there are no questions, and then a series of questions on exactly the same subject yesterday. Today we come to a motion of no confidence. One wonders what the other shadow Ministers and the back-benchers are doing.

Apart from that, the sheer audacity of the current Leader of the Opposition, the man who was in charge of the prison system for many months, standing up and attacking his successor who has inherited the things he left undone is absolutely shameful. Let us come to some of the things that the Leader tried to introduce when supporting this scurrilous motion. First, he referred to statements and warnings that had been made by others—the Chief Secretary can deal well with those warnings in some detail.

It is an interesting attitude that has rumours, innuendo and statements of this kind not being dealt with by concerted action of the kind that the Chief Secretary took, but being responded to by public declarations, by rushing troops out to the prison, by staking the joint out, and by inviting the press to make an issue of it. I would have thought that the best way of handling such warnings was to do something behind the scenes to work at the problems to try to find out the real basis of them, and the worst thing that could happen is for the situation to be inflamed by the sort of statements which the Leader of the Opposition has made—the sort of exploitation of it—and which has set back prison reform by months. There should be no doubt about that.

I have had reported to me what the Ombudsman said. It is certainly true that the Ombudsman not only wrote to the Chief Secretary but also spoke to him and that he sent a copy to me. We were very aware indeed of the problems that had been revealed by that. We were appalled in fact at the degree of deterioration which we had inherited in the prison system despite the bland statements and administration of the previous Government, and I will come to that in a moment. What was our reaction to that? Already, on achieving office, we had taken urgent steps to do something about these problems, and the Chief Secretary can give chapter and verse.

Mark the date—13 December, soon after we came to office, as referred to by the Ombudsman. The Chief Secretary approached me with a comprehensive report drawn up in consultation with all elements about what action needed to be taken as a matter of urgency to deal with the short-term problems in that situation. One of them was the appointment

of Mr Swink to do the Touche Ross Report—a vital piece of work and a vital part of the programme that was needed to be instituted. Aside from that, it was clear that, pending that Swink Report and the longer-term solutions it might propose, some urgent action had to be taken. It had to be taken in a difficult time of budget constraint and all sorts of other problems.

I am proud and pleased to say that the Government as a whole strongly responded to the Chief Secretary's urgent representations about the matter and, indeed, proposals were in fact well advanced. In regard to a detailed submission the Chief Secretary had prepared which was in the process of being examined, on 9 February I said to him:

Despite the severe budgetary constraints which we now face, it is important that priority be given to improving the management of prisons and other aspects of our correctional services. The consequences of failing to improve current arrangements are quite unacceptable. Consequently, I support the following approach:

Then followed the details of a number of specific and urgent steps that were taken.

I must admit I certainly did not go out to the media, hold a full press conference, make a full range of announcements and jump up and down on the spot because, as any responsible member of the community would recognise, that sort of action is effective only if it is done quietly and comprehensively with the people concerned and not emblazoned across the front pages of newspapers. By that quotation, let them lie on what I was talking about.

**The Hon. D.C. BROWN:** I rise on a point of order, Mr Speaker. I presume that the Premier was just quoting from an official docket or at least a minute that he sent to the Chief Secretary. If not, where did he say what he has just said? If he was, in fact, quoting from a specific minute, I ask him to table that minute.

**The SPEAKER:** Will the Premier say whether he was quoting from a docket?

**The Hon. J.C. BANNON:** I am not quoting from a docket, Mr Speaker.

**The SPEAKER:** There is no point of order. The honourable Premier.

**The Hon. J.C. BANNON:** I invite the honourable member to read what I said in *Hansard* and he will clearly see what I told the Chief Secretary and what urgent action was being taken.

**Mr Ashenden:** What about the Bakewell letter?

**The SPEAKER:** Order!

**The Hon. J.C. BANNON:** I have referred to action taken on that letter, and the Chief Secretary can give the honourable member chapter and verse. The Leader of the Opposition does not want to raise the temperature or exploit misfortune! We know the reality of that and we also know about his proposed four-point plan for reform of the prison sector. That plan was supposed to take care of things that needed to be undertaken urgently. First, 31 extra positions approved by the previous Government should be provided as a matter of urgency. However, there is no evidence on the files of the Correctional Services Department about 31 staff positions that were to be provided. That had not been recorded, and that matter is not a fact. It may be that it is another of those extraordinary situations we have had in tourism and a couple of other areas where at the last minute promises were cobbled up, with no budgetary provision being made for them, and this Government inherited them and had to try to find money from nowhere for them. However, I suggest that the first point of the plan, the filling of the so-called positions created, is bogus.

Point 2 of the Leader's grand plan is to resort to Gladstone for extra prison accommodation. I presume that that is being pushed by the Leader partly because Gladstone is in his electorate of Rocky River. He is referring to the former

Army camp in the Beetaloo Valley, but there is no evidence of such a plan being treated as an advanced project by his Government at any time, although it may have been talked about and considered peripherally. However, there is evidence that the Minister of Industrial Affairs in the Tonkin Government was holding detailed discussions on the provision of an explosives factory in that very camp. It is certainly an advanced approach to correctional services for a Government to consider the establishment of a powder magazine and explosives factory next door to a prison, and I commend the co-ordinating and planning of the previous Government in this respect!

**Mr Ashenden:** You're trying to raise any red herring you can.

**The Hon. J.C. BANNON:** This is part of the four-point plan of the honourable member's Leader. It is a red herring, is it? I think that the honourable member is probably quite correct. Of those two plans, we would favour the one proposed by the former Minister of Industrial Affairs. There is a sound case for the sort of proposition advanced there, and the Chief Secretary, who will be visiting that area tomorrow, will look at that proposition. The third part of the four-point plan of the Leader is to start work on the remand centre, but such a suggestion smacks of total hypocrisy. When the previous Labor Government went out of office in September 1979, the most difficult decision that had to be made in relation to a remand centre had been made. A site had been identified; plans had been drawn up; capital funds had been made available; and work was to start. The plan for the remand centre had been referred to the Public Works Committee. I know about this, because I was the local member, and I was not pleased, nor would any other member, about having a remand centre located in one's district. However, in consultation with the community, it was established that the proposed site was the best place for the remand centre. It was ready to be built. Indeed, it is the most urgent and basic requirement of our prison system. If those plans had proceeded, by 1983 that remand centre should have been built, occupied, and operating.

What is the situation now? That site was cancelled and the plans were shelved. Nothing was done. A further search went on for a site, and conveniently enough a site was found in the middle of, admittedly, a poor neighbourhood with a lot of people on lower incomes. There were not many trees, parks or gardens there. It was, admittedly, a run-down and rather seedy area, according to some. Nonetheless, it was an area where people lived in houses, where there were hopes for development, and where a council was trying to rejuvenate its area near the city. But that is where the Liberal Government plonked its remand centre. It cancelled ours, and that is where the Liberals put theirs over the community's objections and, indeed, over advice from their own planners in relation to it. It was forcibly sited there. Is it any wonder that we said that, if we had an opportunity to influence that, we would not build a remand centre on that site? Is it any wonder that we took the responsible action that we have taken in relation to it?

However, let me repeat: a remand centre should be occupied and would have been but for the scrapping of that plan by the previous Government and the scandalous foisting of a location into an urban area, admittedly, a poor and under-privileged area. So, let us hear no more about the remand centre. As a matter of urgency, we will be constructing that remand centre. Unfortunately, we have lost the site that was identified for it, but we will be attending to that matter. So, let us hear no more about point 3 of the famous four-point plan.

Let me now turn to point 4, which is the use of the Yatala industries complex. Admittedly, this is a very fine complex indeed. It is a development which we would applaud. In

fact, we in Government devised the scheme and started the construction of it. Let that be remembered: we, a Government which apparently had done nothing previously about prison reform. One of the proposals in the four-point plan being used by the present Leader of the Opposition (the former Chief Secretary) involves the scheme established by the previous Labor Government. The previous Government went on to develop that and establish the facilities and we, in fact, inherited a fine empty shell. It was not an operation that was in action. There were many complicated security, industrial and managerial problems which had not been solved.

The complex had been built but the previous Government had not been able to get it used; it simply handed it over to us—it is now part of the grand four-point plan—and said, 'Well, this is too hard. You try and fix it up.' Complex security, managerial and industrial problems were simply shelved by the previous Government.

So, let me remind members again: the 31 extra bogus positions that are not there; the resort to Gladstone if we can make sure that the explosives factory is properly protected (and the other Minister can decide); the remand centre cancelled by the previous Government; and the use of a prison industries complex which was built and never staffed by the previous Government. So much for the Opposition's attitude to correctional services!

It seems extraordinary to me that within a few brief months of a Government coming to office our Chief Secretary is being censured in this way by a person who held the portfolio for months. Incidentally, when we are talking about Chief Secretaries and the great improvements made in correctional services by the previous Government, it is worth remembering that the predecessor of the Leader of the Opposition in that post was virtually driven from his portfolio because of constant failures in this area. So much for great achievements about it: it was an area of complete and utter chaos under the previous Government. We have picked up one hell of a mess, and I have absolute confidence in my Chief Secretary in handling the problems that are there.

The problems are difficult: they will not be easy to solve, but I believe that this Chief Secretary has provided, not only to this House but generally, more information, held more consultations and worked more productively to do something about the prison system than has anybody else. In conclusion, let me say that I believe that in order to do justice to this entire situation that has arisen the motion moved by the Leader of the Opposition should be amended. I move:

Leave out all words after 'that' and substitute the following words:

this House condemns the Tonkin Government and in particular the previous Chief Secretary (now Leader of the Opposition) for their neglect of the problems existing at Yatala Labour Prison, particularly their lack of concern and action in the areas of prison management, security and prisoner programmes that contributed to the appalling system inherited by this Government.

**The Hon. D.C. WOTTON (Murray):** The Opposition certainly opposes the amendment before the House. What a remarkable performance on the part of—

**An honourable member:** It was, too.

**The Hon. D.C. WOTTON:** What a remarkable performance; not once did he—

*Members interjecting:*

**The SPEAKER:** Order! There is far too much disorder in the House.

**The Hon. D.C. WOTTON:** The Premier did not address the motion at all. He spoke loudly and clearly, but he did not answer any of the vital questions put to him, particularly the question relating to the Chief Secretary's misleading this

House. He cannot get away from that fact, however loudly and clearly he talks. The Premier cannot walk away from the fact that he is responsible for the actions of his Ministers and on this occasion, the actions of the Chief Secretary.

The Premier said that the Opposition is being disruptive. I repeat what the Leader has already said, namely, that in these matters we are acting on behalf of the community of South Australia in a responsible and positive way. If the Government continues to create scandals and continues to show incompetence, the Opposition, on behalf of the people of South Australia, will ensure that such matters are debated by way of no-confidence motions or urgency debates. It does the Government no good to suggest that we should not get involved in these matters, because it is our responsibility on the part of the people of South Australia to do so.

Would the Premier suggest that the riots that occurred last Tuesday at Yatala are not worthy of debate in this House? We did not get very much information from the Chief Secretary yesterday. There was very little information, and the information that we did get was quite misleading. The Chief Secretary was warned prior to Tuesday's riots that a major disturbance was planned at Yatala, but he took no action. That cannot be denied. The Premier has tried to fudge the situation, but that tactic will not work. The fact is that the Chief Secretary was warned prior to last Tuesday's riots that a major disturbance was planned and he took no action, although, as we have heard already, he was warned by the Ombudsman, by people in the community and by his own prison officers.

The Chief Secretary said in the House yesterday that he had been contacted by a number of people, including some of his own colleagues and people within the community, but he did not advise the House of the warnings that he had received from the Ombudsman and from other people, and it was clear from his remarks that he took no action as a result. The Chief Secretary says that he was warned that a difficult situation existed at Yatala: since January, when the first of the major riots took place, we have all known that a difficult situation exists at Yatala.

The Minister was warned that it was more than just a difficult situation, and he was asked to take appropriate action. A lot of people were concerned about it and he was asked to take appropriate action. What did he do? He did absolutely nothing! When in Opposition, the Chief Secretary had all the answers. He knew how to remedy the situation at Yatala, or so he told us at the time. His lack of action now as Minister responsible is quite incredible and the situation has worsened considerably since the change of Government. I can only describe the action on the part of the present Government as being quite pathetic. The Chief Secretary has taken no action and, in fact, he has shown a great deal of negligence.

I take this opportunity to warn the Government and, in particular, the Chief Secretary that if no action is taken at this time and if action is not taken quickly, we will see the situation where even more lives and more property will be put in jeopardy. Do not let the Chief Secretary say that he was not warned about that. He has obviously been warned by his own colleagues and I am sure—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. D.C. WOTTON:** I am sure that his colleague, the member for Elizabeth, would have informed him of the seriousness of the situation. My information is that the situation at Yatala is far from easy and I can assure the Minister that there is more that is of concern to the prisoners than just matters that relate to the parole board, as he is trying to suggest at the present time. In fact, the statements that have been made by the Chief Secretary via the media—

not directly to, but via the media—have only exacerbated the situation and that has been made quite clear to me this morning.

Why cannot the Minister sit down and talk with the people directly involved, talk to the prison officers and to the prisoners? Why cannot he make it known to those people that he, as Chief Secretary and the person responsible, is interested personally in what is happening at Yatala, instead of standing back and letting others do some of his talking, most of which I would suggest is being directed through the unions? He is not talking directly to the people involved. When so many people came to him and warned him of what might happen, why did he not make an effort to talk with those people at Yatala, both prison officers and prisoners? He made no effort to correct that situation.

We were told yesterday that the requests of the task force which was set up in January as a result of violence in Yatala on 11 January only reached the Minister's desk on Tuesday of this week. Apparently it even took a week to filter through the Minister's office. How incredible that the Chief Secretary had not bothered to ask to see the report beforehand. We are told that it has taken from January to March, plus three major disturbances at Yatala, before this report reached the Minister. I find that quite incredible.

**The Hon. M.M. Wilson:** It's shameful.

**The Hon. D.C. WOTTON:** It is shameful. No wonder there is frustration at Yatala on all sides. I found it extremely difficult to find out exactly what has happened in regard to that review and the report that came out of that review. Nobody, and certainly not the Chief Secretary, has yet been able to explain how the statement appeared in the *Advertiser* on 9 March, the day after another disturbance at Yatala. I will quote again that statement in the *Advertiser*. It states:

Mr Keneally appointed a special task force to review the officers' demands and, although completed, it will not be considered by Mr Keneally until his return to Adelaide on Friday.

Is the Minister going to tell us what really happened? Is he going to tell us what the situation really is as far as that statement is concerned? If that statement in the *Advertiser* is correct (and it has not been denied by the Minister or anybody else in the Government), then that actually means that the Minister had three weeks to look at and consider the request and determine what action he would take as a result of that review being carried out by a task force of union and departmental representatives.

Is it any wonder that the people of South Australia are wondering what is happening at Yatala. My Leader has explained to the House what positive proposals we put forward in Government. I would like to mention a few other matters.

Obviously, a very real need exists for a more effective segregation of prisoners. People have been saying that for a long time. I know that that point has been put to the Chief Secretary on a number of occasions. We have seen this afternoon some criticism on the part of the Government of the actions of the previous Government in purchasing the Gladstone Army camp for the development of a medium/minimum security institution—a move strongly supported at the time by the present Chief Secretary. We have heard very little about that, until today, since the change of Government. We now look for a firm commitment from the Government on that proposal instead of just pussy-footing around.

That project is vital, and the Chief Secretary knows it, to enable the medium/minimum security prisoners to be segregated from maximum security inmates. The Chief Secretary would recognise that that is of major importance. It is not good enough to simply have another report. The present Chief Secretary should be known and recognised as a Minister of reports because that is all we have had from him since

the Labor Party have been in Government. We have seen very little action. We have heard a number of suggestions quoted on the cost of the damage at Yatala from Tuesday's riots. From what I have heard it is likely to be far in excess of the original suggestion of some \$4 000 000. I believe, therefore, that serious consideration should be given to demolishing what is left of A Division, and the money which would have been spent on restoring that building should now be put into the construction of a small maximum security prison which could, if appropriate, be constructed on the grounds within the Yatala complex. The removal of that building will also serve the purpose of providing more space, which is very much needed for exercise yards, and the like, for prisoners. Having visited Yatala very recently, I am certainly aware of the problems in regard to the lack of space for exercise.

I have constantly referred, since holding responsibility as shadow Chief Secretary, to the need for the Government to take positive action to build the much-needed remand centre. We have heard a lot of carping from the Government today in regard to its thoughts on the remand centre. It cannot get away from the fact that it has scrapped the plans of the previous Government to build a remand centre for 180 remandees. The project is vital to separate convicted prisoners from people on remand, and the Government knows it. Let us not have any more excuses on the part of the Government. Let us see some positive action.

*Mr Mathwin interjecting:*

**The Hon. D.C. WOTTON:** Having also had the opportunity to visit the Adelaide Gaol—

*Members interjecting:*

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

**The Hon. D.C. WOTTON:** The Government has said that it is looking for alternative sites. We have heard all sorts of suggestions about the possibility of sites in the centre of Adelaide and in various other places. I suggest that the Government has had long enough to find an appropriate site. Let us see some action. Much has also been said this afternoon about the \$6 000 000 industrial complex constructed at Yatala. We paid for that construction and we developed it. At the present time that facility is sitting out there, having been completed just before we came out of Government, and is serving no purpose at all.

Why? We are told that this multi-million dollar complex cannot be opened until the staffing issues have been resolved with the unions. While this stalemate continues, prisoners cannot be kept busy and so they express their frustrations through riots, and so on. It is a magnificent complex and should be put to use immediately. One wonders how the community generally feels about having that sort of money, taxpayers' money, tied up and serving no purpose at all. The Correctional Services Act, which will bring major and much-needed change to correctional services law in South Australia, was prepared and introduced in Parliament by the previous Government. It passed both Houses 13 months ago, and yet the regulations associated with this critical legislation have not been sighted.

The regulations were ready to be introduced in this House as we went out of Government. The present Government has had five months in which to determine its attitude towards these regulations. It certainly supported the legislation. Surely, the Government has had time to look at the legislation and the regulations and to make any changes it thinks necessary. We have not heard a word from it about that legislation, in regard to its concern of its support.

I have been told from many sources that appropriate action has not been taken against prisoners at Yatala following disturbances in January and the sit-in in early March. If this is so, it is a very serious matter indeed and surely one of a number of reasons why the disturbances at Yatala

are continuing. It is common knowledge that there are a few ring-leaders who have been responsible in Yatala for many of the problems being experienced at the present time. It would appear that the Chief Secretary is preparing some notes to use when answering these questions. I will be particularly interested to learn how these people have been disciplined and as a result of the question asked yesterday in this House about a report being brought down by the Minister.

I would have thought that the Chief Secretary, when answering the questions yesterday, might have some idea of the disciplinary action taken. It is interesting also to note the statement made in yesterday's *News* attributed to one of the prison officers injured in the riots on Tuesday. He is reported as saying:

The prisoners told us they were going to burn the prison last Wednesday. We told the chief—

and I am not suggesting that he was referring to the Chief Secretary—

it was the same ring-leaders who sparked the riot two weeks ago, so we asked for them to be separated from the others, but we were ignored.

What action has the Chief Secretary taken in regard to that matter, in regard to the disciplining of those people who have been responsible for organising many of the disturbances at Yatala in the past?

There have now been three incidents in the last few months in which it has been alleged that alcohol has contributed to the actions of the prisoners. On 24 February it was alleged that a prisoner had escaped from the Cadell Training Centre after drinking 'a home-made alcoholic brew fermented in buckets'. On 9 March, the *Advertiser*, when reporting a sit-in by prisoners at Yatala on the previous day, stated that some prisoners were believed to have been affected by alcohol smuggled into the gaol. Yesterday the media reported that many of the prisoners involved in the riot had been drinking home-brew alcohol.

It is all right for the Chief Secretary to smile, but the community wants to know the facts about these situations; people are concerned about these matters. As none of these reports has been denied so far by the Chief Secretary, I would like to know how the alcohol was available to prisoners and what he is doing to stop the supply.

Another point I would like clarified relates to the question asked yesterday by my colleague, the member for Glenelg, when he inquired into the involvement (or lack of it) on the part of two units of the police Star Force. In answer, the Chief Secretary told the House that two units were called in to give assistance. He stated that members of the Star Force were inside, and I understand that that is debatable. He said that the Star Force was able to be used if it was necessary, and that their presence was very useful to the authorities in their efforts to overcome the difficulties that were being faced. Unfortunately, they were not used. It seems remarkable that the Star Force, a group of men who have had special and specific training and who are very efficient in dealing with emergencies, such as riots, were not used in the State's worst riot in history. I will certainly be looking for the Minister to give an explanation for the Star Force not being involved in Monday's riot.

Many other questions need to be answered. The Minister's performance in the House yesterday was abysmal, pathetic, to say the least. Apart from misleading the House, he refused to provide much-needed information and gloated obviously on being able to get away with it. The information that he did provide was totally inaccurate.

**Mr Mathwin:** It wasn't true; it was a lie.

**The Hon. G.F. KENEALLY:** On a point of order, Mr Speaker. The member for Glenelg just said that the information I gave to the House yesterday was untrue and a lie.

I ask you to apply the appropriate ruling to that, and I ask for a withdrawal.

**The SPEAKER:** Those words were unparliamentary, and I direct the honourable member to withdraw them.

**Mr MATHWIN:** I am quite happy to withdraw the unparliamentary word 'lie'.

#### ADDRESS IN REPLY

**The SPEAKER:** I have to inform the House that His Excellency the Governor will be prepared to receive the House for the purpose of presenting the Address in Reply at 3.15 p.m. this day. I ask the mover and the seconder of the address and such other members as may care to accompany me to proceed now to Government House for the purpose of presenting the Address.

*[Sitting suspended from 3.7 to 3.22 p.m.]*

**The SPEAKER:** I have to inform the House that, accompanied by the mover and seconder of the Address in Reply to the Governor's Opening Speech and by other members, I proceeded to Government House and there presented to His Excellency the Address adopted by the House on 22 March, to which His Excellency was pleased to make the following reply:

I thank you for your Address in Reply to the Speech with which I opened the first session of the Forty-fifth Parliament.

I am confident that you will give your best attention to all matters placed before you.

I pray for God's Blessing upon your deliberations.

#### NO-CONFIDENCE MOTION: CHIEF SECRETARY

Debate resumed.

**The Hon. D.C. WOTTON:** Before members left for Government House, I was referring to the fact that little information had been provided by the Chief Secretary in Question Time yesterday and that much of the information was inaccurate. I am informed, for example, that the Chief Secretary's statement that 130 cells have been lost in the fire is not correct and that many more may have been lost. In fact, I am led to believe that the figure is more like 212 cells that have been lost.

**The Hon. J.D. Wright:** You've been out to have a look?

**The Hon. D.C. WOTTON:** I have been out to Yatala.

**The Hon. J.D. Wright:** Today?

**The SPEAKER:** Order! The Deputy Premier will come to order. The honourable member for Murray.

**The Hon. D.C. WOTTON:** It is all—

**The Hon. J.D. Wright:** You haven't done your job.

**The SPEAKER:** Order!

**The Hon. D.C. WOTTON:**—very well for the Deputy Premier to get excited over this matter: indeed, he has every reason to get excited. That is the information I have received, and I believe it to be correct. Yesterday in this House the Chief Secretary did not even have the courtesy to supply the Opposition with a copy of his Ministerial statement, although he knew full well that provision of such a copy was a recognised procedure. Indeed, in a matter of such importance as this, I would have thought that the Chief Secretary would take action to remedy that omission. He had plenty of time to hold a press conference prior to coming into the Chamber. However, which comes first—getting his message across to the media or informing this Parliament? As my Leader indicated, the previous Govern-

ment did much to improve correctional services in this State. We employed 40 extra staff, and that was a vital action to ensure that adequate security was provided to protect the community, the prison staff, and the inmates of the prisons. It was part of the comprehensive five-year staffing plan, and the Tonkin Government gave a commitment that this course would be pursued with the creation of extra positions.

It is all right for members of the Government to jump up and down and say that no commitment was given by the previous Government, but we made known while in office that that action was being taken, and the present Government must reaffirm that commitment. If the Government is really serious about its responsibility in respect of correctional services, it is about time members were told what the Government intends to do. While in Government, we introduced a new and much improved structure at the senior level of prison administration. As has been indicated by my Leader, the former Government gave high priority to the funding of the Correctional Services Department. In fact, the 1982-83 funding, as presented in the Tonkin Government's most recent Budget, was up 77 per cent on the amount in the 1978-79 Labor Budget. The performance of the Government, and especially that of the Chief Secretary, is disastrous. The Premier indicated that, whilst in office, his Government had achieved much in respect of its responsibility for correctional services but, while in Government, my Party did more for correctional services and the prison system than has ever been done by any previous Government. The present Government needs to lift its game if it is to act responsibly in this area.

I support the motion, because the Chief Secretary misled the House yesterday about warnings he had received as to the situation at Yatala Labour Prison and also because he failed to positively respond to those warnings. I hope that, when he replies, we will get at least some of the common sense we have requested because there are many questions to which the South Australian community is looking for answers.

**The Hon. G.F. KENEALLY (Chief Secretary):** This motion is very much like the poacher turned gamekeeper. I definitely did not mislead the House yesterday or on any other occasion when I have addressed myself to this matter. Rather than my being excited and not providing sufficient information, the facts show clearly that I have been more open and honest about this disturbance at Yatala than any previous Minister has tried to be, because I do not believe that a critical situation in South Australian prisons should see the Minister trying to hide anything from Parliament or from the public.

Neither the shadow Minister nor the Leader of the Opposition has sought my approval to visit Yatala Labour Prison. I stress, however, that they do not need my permission to do so: they can go out there at any time without my approval, and I have given such a direction. However, I understand that neither gentleman has taken the trouble to visit Yatala to see the situation, yet they have come into this House posing as experts on what has taken place at Yatala. We have had the strange performance of the shadow Minister telling me how many cells have been destroyed in the fire: he said the figure was not 130 but over 200. However, he was correct in the first place: it is not 130 but 131. Surely in this matter semantics are not important; the fact is that about 130 cells have been destroyed.

What is more important is that A block has been destroyed. The number of cells—whether it was 130 or 131—is irrelevant to this debate. A whole cell block was destroyed. What I want to do first is answer some of the statements made, and then I will address myself to the charge that I



have misled the House. First, the shadow Minister wants to know the answer to the member for Glenelg's question yesterday which I answered quite appropriately. A report from the Assistant Commissioner (Operations) was brought to me fortuitously no more than 20 minutes before we went to see His Excellency. I will read from that report for the benefit of the shadow Minister and the member for Glenelg. It states:

The Yatala Labour Prison contingency plan for police response to riot, disturbance, fire, and other incidents at the prison requiring police presence was promulgated in December 1982. Pertinent points of the plan relating to police involvement are that, in the event of a riot or similar disturbance at Yatala, a detective sergeant and a uniform sergeant will attend to gain the original assessment. The conceptual plan has been prepared on the basis that the police role would be that of containment and liaison with gaol authorities.

**The Hon. D.C. WOTTON:** I rise on a point of order. If the Chief Secretary is reading from a departmental docket, I would ask him to table it.

**The SPEAKER:** Would the Chief Secretary advise me whether he is in fact reading from a docket?

**The Hon. G.F. KENEALLY:** I am not reading from a docket. I am reading from a report which I received from one of my officers.

*Members interjecting:*

**The SPEAKER:** Order! The House has been in disorder several times this afternoon, and I will not be continually defied. The next person who steps out of line will be dealt with. I understand the Chief Secretary to say that it is not a docket. In that case, there is no point of order.

**The Hon. D.C. WOTTON:** I ask whether the Chief Secretary is referring to a departmental minute and, if so, whether he would table that minute.

**The SPEAKER:** I ask the Chief Secretary whether he is referring to documents of any sort received inside his own department. Is he referring to a docket, a minute or something substantially like a docket?

**The Hon. G.F. KENEALLY:** Sir, I am unable to understand what is going on. I have already told the member for Glenelg that, the moment my contribution is over, he may have this document to look at, and so may the shadow Minister. It is not a docket: it is a report which I received from one of my officers.

*Members interjecting:*

**The SPEAKER:** Order! As I understand it, I have an assurance from the Chief Secretary that he is not reading from a docket and that he is not reading from some other document that is substantially like a docket. I accept that assurance. There is no point of order.

**The Hon. G.F. KENEALLY:** Thank you for your ruling, Mr Speaker. I am quite prepared for the document to be tabled. There is absolutely no problem about that. The Opposition is quite obviously embarrassed about my reporting on this matter, otherwise we would not be going through this facade. The report continues:

Any decision for police to enter within the precincts of the prison will be subject to negotiation between Assistant Commissioner (Operations) and Director of Correctional Services. The police role will be to support the prison staff in containing the situation and maintaining security at the prison. The objective of the police operation is to act in support of prison authorities in restoring or preserving order in the prison.

That is substantially the reply to the involvement of the police. The shadow Minister wants to know what action was taken against prisoners who were involved in the dispute, the attack on prison officers in January and in the sit-in more recently; he said that he had a reliable source who said that no action was taken at all. I can inform him that the police propose to charge with attempted murder the prisoners who attacked those officers.

The shadow Minister says he has it on reliable evidence that no action has been taken. The department has taken action and charged every prisoner who was involved in the sit-in a fortnight ago. Yet, the shadow Chief Secretary says that he has reliable information that no action has been taken. He has my support in coming along to the department and being briefed on these matters, otherwise he will keep running around promoting mischievous and misleading statements about what is going on in the prison.

There are one or two other matters I want to address before turning to the substantive motion. Incidentally, all these matters were raised by the two speakers referred to. The first matter involves the remand centre. The House and the people of South Australia ought to know that when we came to office the previous Government had not acquired the land in the Bowden-Brompton area sufficient to enable it to progress with the project. It had not acquired the land: acquisition procedures were still continuing. There has been no delay at all in the construction of a remand centre. We are certainly in the process of determining a new site. If the Tonkin Government and the Chief Secretary in that Government had not agreed to torpedo the Regency Park site in 1979, we would now have in South Australia a remand centre almost ready for occupation.

There has been criticism that we have taken a little over four months that we have been in office to decide upon an appropriate site. The previous Government took two years, after torpedoing Regency Park, before it determined a site at Bowden-Brompton. What absolute rubbish and hypocrisy! They took two years. We are very well down the track, in the few months that we have been in Government, towards determining a site. We believed that the previous site was inappropriate, and we are anxious to find a more suitable site.

Incidentally, the building of the remand centre as a matter of urgency has been promoted by the Leader of the Opposition as one way to overcome the sort of problem that occurred on Tuesday. Another way to overcome that sort of problem was to go ahead with the previous Government's plans to build what I now find to be a medium/minimum security prison at Beetaloo Valley, outside Gladstone.

It was only ever proposed, from my understanding of the press statements, to be a minimum security prison. We now know that it was proposed to build a medium/minimum security prison. That is vastly different, because medium security prisons are high security prisons, and the shadow Chief Secretary quite clearly informed the House that that was the proposition. I have advice that this site is most inappropriate because it is a former Army ordinance depot, and there are a number of ordinances all over that land which are likely to explode at any time.

A report I have received from the Army indicates that there are shells which are likely to explode, and there are also bunkers in the area which obviously do not add anything to security. The report indicates that, in two senses, the area is totally unsuitable for a minimum security prison, let alone a medium security prison. The first is its distance from Adelaide, although I concede that that can be addressed. Secondly, a country low-security prison requires the ability to be involved in farming activity, etc., and there is no prospect of that happening at Beetaloo Valley.

More particularly (this is the point that the Premier made), the previous Government was going to construct an explosives factory and a prison alongside each other. I made the comment that some people might consider that to be an inappropriate conjunction of uses. Despite that, I accept that we need to get minimum security prisoners out of Yatala. That was in our policy before the election, and it is one that the Government is following up. I shall look at

the matter of Beetaloo Valley, although my advice is that it is inappropriate, and I shall make a decision on Friday.

*The Hon. D.C. Wotton interjecting:*

**The SPEAKER:** Order!

**The Hon. G.F. KENEALLY:** The Government will continue the proposal to take minimum security prisoners out of Yatala and to place them in a more appropriate location. The position regarding the 31 additional staff that the Leader, now that he is in Opposition, finds he promised (there is absolutely no record of this in the department and no provision for it in the Budget Estimates), speaks for itself. In regard to the industries complex, I point out that the security arrangements have not been adequately finalised.

*The Hon. D.C. Wotton interjecting:*

**The SPEAKER:** Order! For the second time I call the member for Murray to order.

**The Hon. G.F. KENEALLY:** My advice from the department is that the security required for the industries complex has not yet been completed. In any case, the complex was not programmed to be open until either March or April this year. Therefore, there has been no delay in opening the industries complex. So much for the four-point plan that the Leader of the Opposition said would overcome the problems experienced at Yatala Labour Prison earlier this week. I cannot recall whether there are any other matters that the shadow Minister raised—

*The Hon. D.C. Wotton interjecting:*

**The SPEAKER:** Order!

**The Hon. G.F. KENEALLY:**—so I will come to the substantive motion, namely, that the Chief Secretary misled the House in answer to a question asked yesterday. The question I was asked by the Leader of the Opposition was whether I had been informed that the riot that occurred on Tuesday was going to happen. My reply was that I had been contacted by a number of people, including some of my colleagues and people within the community, and that would include the Ombudsman—it did not need to be spelt out.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. G.F. KENEALLY:** There is absolutely no problem about that. I might point out that Mr Kidney has not contacted me in that regard, but certainly I have had discussions with him about another matter and I have no doubt that Mr Kidney has made statements to members of my department. There is no problem there. In my answer I also said:

I might say that I was also contacted by people who informed me of exactly the same situation when I was shadow Minister.

I wonder what the previous Government did about that: I expect that it did the same as the present Government has done, and I will refer to that in a moment. I also pointed out that I had previously been asked by prisoners to come out to Yatala with the threat that if I did not come they would burn down the prison. I am not sure whether this was just before Christmas or just after. I replied that I would not come to the prison to speak with them under threat but that I would be happy to speak to them at a later date, and that will still happen. Despite the threat made, the prison was not burnt down.

In respect to these threats, I point out that I have not received as many reports as members opposite would have us believe. However, I have received reports which indicate that, if I do not authorise a tightening up of security, more discipline to be used in the prison and the taking away of some of the privileges of prisoners, it will be very likely that, because of lack of discipline, the prison will be burnt down. I have also been contacted by a number of people who say that, if security and discipline are tightened and if some of the privileges of Yatala prisoners are taken away, the prison will be burnt down.

It is a Catch 22 situation. On the one hand, we are told that if we do not do certain things the prison will be burnt down while, on the other hand, we are told that if we do those things the prison will be burnt down. That situation faces every prison administration throughout the world. The threat to burn down maximum security prisons is probably the ultimate threat that prisoners can make in trying to achieve their aim. It is nothing new, and it is a risk that every prison administration, including that which preceded my appointment, has to live with continually.

Prison authorities must maintain security as best they can in circumstances where such threats are made. Whenever a threat of that nature comes before the prison authorities, the administration at Yatala is alerted. Incidentally, the C.F.S. at Yatala has been very active in checking through the buildings to ascertain whether there is a prospect of their burning down. That was carried out this week and it is carried out on every other occasion of a threat. We do not publicise a threat, because publicity may make the situation worse. The Leader is saying that I as Chief Secretary knew that the prison was going to be burnt down and that there was going to be a riot on Tuesday, and that the Executive Director, the senior officers of my department, the Yatala prison administration and prison officers also knew. What absolute rot! The Leader is reflecting on every officer in the Department of Correctional Services and on every officer at the Yatala Labour Prison. Do the Leader and his colleagues assume that, if we had known that there was going to be a riot and that the prison would be burnt down on Tuesday, we would not have taken action to stop it? Is the Leader suggesting that the prison authorities, the chief correctional officers and general duties officers at Yatala Labour Prison knew that the prison was going to be burnt down and that there was going to be a riot and did nothing about it? How absurd! The previous Chief Secretary told this House for three years how proud the then Government was of the Department of Correctional Services and its officers, yet at the first opportunity he has rubbished them and reflected on them.

*Members interjecting:*

**The Hon. G.F. KENEALLY:** Quite clearly, the Opposition is suggesting that I, officers of my department and the prison authorities knew that there was going to be a riot and that the prison was going to be burnt down and that we did nothing about it. In fact, the shadow Chief Secretary said that the correctional officers at Yatala Labour Prison told me that the place was going to be burnt down. How absurd! I now refer to Mr Bakewell's letter, and I am glad that this has been mentioned. On 13 December I received a letter from Mr Bakewell. I should point out that on 12 November 1982 I received a lengthy minute from the Department of Correctional Services Executive Director indicating that there was a very serious situation at Yatala Labour Prison and that something needed to be done to remedy it. One week after the Labor Government assumed office, the Executive Director, appointed by the previous Government, felt compelled to come to me with an extensive document indicating how bad the situation was at Yatala Labour Prison. He recommended that the Government ought to obtain the services of outside consultants to make recommendations to the department in order to remedy that situation.

Within one week I had addressed that matter and within a month a Cabinet decision had been made and the consultants had been approached to inquire into, among other things, management, prisoner programmes and security at the labour prison. I might also point out that in 1981, when the Touche Ross consultancy was requested by the previous Government to investigate the Department of Correctional Services, it told that Government that there was a serious situation at Yatala Labour Prison. However, Touche Ross

was not asked to investigate that situation. Despite that, Touche Ross made comments in its report stating that the Yatala Labour Prison was in a critical situation.

It took almost two years and then the election of the Labor Party to Government, and within the first month it decided to implement a major inquiry by a world expert on prisons as a matter of urgency to look at the Yatala Labour Prison. Yet we hear this absolute tripe and rubbish that we have done nothing about it. As regards the matters that the honourable member addressed himself to in terms of the task force report, I invite him and his Leader to come with me to my department to speak to Mr Dawes and Mr George Belchev to note the progress of that report and when it reached me. There have been a number of departmental instructions produced and they were almost ready for printing. They will be public documents that are available to members opposite to look at whenever they want to. Those documents were a direct response to the log of claims given to the Government by the officers at Yatala. In fact, two of the officers selected by the men were a party to that task force. So, how ridiculous is it for anybody to suggest that the decisions of the task force reached by officers who were correctional services officers did not address the problems that the correctional services officers raised with me. That is patently absurd.

I am continually surprised and, I must say, annoyed at this sniping suggestion that I have misled the House in terms of the task force report. I throw out the challenge to the shadow Chief Secretary, and I will show him the report that I have received with the date stamp and also with the dates that it was prepared and given to me. It is quite open to him so I cannot see what his problem is. The suggestion he makes, of course, is that those matters that were raised with me then, and his Leader's four-point plan, would have addressed the problem that occurred at Yatala. That is absurd.

I comment now on my statement about parole. I did not say that the only matter that was concerning prisoners at Yatala was the question of parole. What I said was that the only submission given to the Government in respect of that dispute on Tuesday was on parole. That is true, but that does not suggest that there are not a whole host of other matters that are worrying the prisoners at Yatala. Those matters have been addressed over the week.

I mentioned parole because it was a new element, but it was not a new element as far as my department and I were concerned. Officers from my department went to New South Wales and Victoria in January, came back to South Australia, and made a statement which was printed in the *Advertiser* saying that I was unhappy with the inequalities of the parole system and I was reviewing it. That review has been continuing since January of this year, two months before the trouble at Yatala. The trouble at Yatala has nothing to do with my continuing review of the parole system. That review will be submitted to Cabinet in due course and, hopefully, will come before this Parliament.

We did inherit serious problems within the parole system, ones which we were not aware of until we were charged with the responsibility of administering the Correctional Services Department. I know that the previous Chief Secretary was aware of what I am saying now, because he was also in charge of that department. I did not know that those problems existed until I actually came into the office. I am very much concerned about them and I am doing something to address them.

The Ombudsman, in his letter of 13 December, said that there was a very serious situation at Yatala. That was on 13 December, one month after we came to office. He said that he was constantly receiving complaints from inmates in S Division at the Yatala Labour Prison about the intol-

erable conditions in that division. He also said that he was concerned about the treatment of mentally disturbed inmates. He said that there was also concern that S Division had been made a dumping ground. That was in December 1982, just after we came to office. These were direct criticisms of the previous Administration. The Ombudsman drew to our attention the sadly lacking facilities and amenities—a direct reflection on the previous Administration. He also raised the matters of air-conditioning in workshops and problems with lunch periods and contact visits. He did say that he was concerned with the suggestions, or threats, that the place would be burnt down. That is always the classical threat that we receive from prisoners in situations like these. Whenever we receive such a threat, and we did in this circumstance, we have the Yatala Labour Prison C.F.S. unit investigate the Yatala Labour Prison. Every subsequent time that we have heard the suggestion that there would be a fire we have had it investigated.

If members opposite are privy to information about what has happened prior to Tuesday and what has happened subsequent to Tuesday it is not appropriate to raise it in this place before bringing it to the authorities and to the Chief Secretary. There were very serious suggestions made in the shadow Minister's statement and I ask him to bring that information to me. I quite clearly conceded to the Leader, when he asked the question whether I had received very many complaints about the serious conditions in Yatala, that there is always a threat that prisons will be burnt down—and sometimes they are burnt down, here and overseas. That is a matter that prison authorities always have to live with. What I said was that I regretted what had happened but that we had no idea that the riot and the fire were going to occur on Tuesday and that we could not take action to stop it on Tuesday.

The suggestion that I knew and the Executive Director knew and the prison authorities knew about it is patently absurd. Any sensible person would realise what the situation is if that person was not too concerned about point scoring and was purely concerned about the seriousness of the situation within the prisons in South Australia. It is one that I inherited (and I am not suggesting it was the fault of the previous Government), and it is one that has continued for 50 or 60 years in South Australia. Our prisons are just outdated, and something needs to be done.

However, we are in Government and I am the Minister responsible and I am not in the business of trying to blame somebody else for the problems which I have to deal with. I say 'deal with' because this Government will deal with them. We have a will to do so and we have a report on which we can base reforms, and that is more than the previous Government ever had in three years. Within four months I have had a highly professional report placed on my table that recommends certain actions which will be taken.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. G.F. KENEALLY:** I will be taking that report to the Cabinet for its attention on Monday. I reject totally the accusations made that I have misled this Parliament. What I have done is that I have been much too frank in a sense with members opposite and because of my frankness in a serious situation they are trying to take advantage of me. What they want me to do is to be as sparing in providing information to the House as they were when they were in Government. That is not appropriate in a very serious matter like this. I intend to be frank when frankness is called for. I deny completely that there was any misleading of the House. I was not aware that Yatala was going to burn down, and the suggestion that I took no action is as absurd as any sensible person would realise if he considered

that proposition. I support the amendment and I hope that the House in its wisdom supports it because it lays the blame rightly where it ought to be.

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

**The Hon. D.C. BROWN (Davenport):** The motion that we have before the House and the charge that we have against the Minister are the most serious that this House can bring forward. It is a charge that the Minister no longer has the confidence of this House and must therefore resign.

The motion has two very specific parts, as recently put forward, calling for his resignation and stating a loss of confidence. The first is that the Minister misled the House yesterday about the warnings he received relating to the serious situation at Yatala Labour Prison. The second charge that was brought forward by the Leader of the Opposition is—it is perfectly simple and stands undefended by both the Minister and the Premier—that the Minister failed to positively respond to those warnings. It is my intention to deal with the real core and the hub of that motion we have before us. I shall not get lost in the red herrings and superfluous issues brought up by both the Premier and the Chief Secretary, but will deal with the two essential points.

The first is whether or not the Minister misled the Parliament yesterday. As evidence we can only look at the *Hansard* report of yesterday's Question Time. It is quite clear from that that the Minister dismissed the warnings as being irrelevant, trivial and of a nature that they should not be taken seriously. In fact, the Minister's final response to the question asked of him by the Leader of the Opposition was, 'We were unaware that that was going to happen.' He was unaware that the events that occurred were going to happen. The only defence the Minister has put forward is that he did not know it was going to happen last Tuesday. He has produced evidence in this House (which I will come to shortly) which reveals that he knew it was going to happen. He did not know the specific day. The denials of the Minister this afternoon related specifically to last Tuesday. He himself admitted that he is guilty on the fact that he knew about it, and had received warnings. The only thing he had not received was the specific date on which it was going to occur. Of course, any such defence is absolutely baseless.

*The Hon. G.F. Kenelly interjecting:*

**The Hon. D.C. BROWN:** I ask the Minister to give me a fair go as I gave him a fair go a few minutes ago. The second charge, which is even more important, is that the Minister was warned and, having been warned (as he admitted he was) he failed to take any action whatsoever.

One clear precedent exists in the Westminster system: namely, Lord Carrington's resignation over the Falkland Islands issue. Lord Carrington, as Minister for Foreign Affairs, was warned that the Argentines were likely to attack the Falkland Islands. No doubt he either said to himself or to his advisers, 'We will take the risk'. When the attack came, Lord Carrington resigned. He was not asked by the Westminster system of Parliament to resign—he automatically resigned. I cannot imagine a clearer precedent which gives the lead to both the Premier and the Chief Secretary and for this Parliament to call for the resignation of the Chief Secretary this afternoon.

He has read to the House and has admitted that he had a letter from the Ombudsman—a man of high stature, put there and unquestioned by this Parliament. He admitted that the Ombudsman sent him a letter warning him of the events that occurred, even the burning of the gaol. Having received that warning, and having taken no action, he is now wholly and utterly responsible for the events that have

occurred. He is responsible for the \$4 000 000 or \$5 000 000 loss. He took the risk.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. D.C. BROWN:** Only one course of action is now left for the Chief Secretary to take. That is clearly laid down by Lord Carrington and every other senior Minister under the Westminster system of Parliament: namely, if you are caught, having failed to act, you must resign. That is what the Leader put forward this afternoon in his motion. I support it wholeheartedly and that is why the Minister is so embarrassed this afternoon. He knows he now has no other course open to him but to resign.

Let us look at the evidence presented. We only have the evidence presented by Mr Bakewell on *Nationwide* last night. I will quote from the transcript what he had to say, as follows:

We had written to the Minister in December, with a copy to the Premier, saying that we saw the situation as somewhat explosive. And we did that on 13 December. And I even spoke to the Minister as recently as 21 February—

He was so concerned, having written but obviously not having received a response, that he again spoke to the Minister and warned him of what was to occur. He further stated:

I spoke to the Minister as recently as 21 February and drew his attention to the letter and the dangers we saw there and the Minister virtually said, 'Well, we will have to take a risk on the situation.'

Mr Bakewell was then asked by the interviewer:

Those were his words were they—'We'll have to take a risk.'

He replied:

His actual words were, 'We will have to take a risk that nothing serious will happen until the Touche Ross report is completed.'

The Minister has taken the risk—something serious happened and he must take the consequences of it. It is the only honourable step left to him under the Westminster system of Parliament. I call on the Minister to take that step of honour. He has no honour whatsoever. Without him having that honour the Government also has no honour.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. D.C. BROWN:** He took a punt and the punt failed. It is now on his head: the monetary loss and the indignity done to the prison system and everything associated with the riots and troubles on Tuesday. He is now fully accountable and he has given completely unsatisfactory answers to this Parliament. It appears that the Minister has not the honour to resign. He is not prepared to take that step—the only course of action open to him. I call on him therefore to table in this Parliament the Ombudsman's letter and the reply he should have sent to the Ombudsman, if in fact he sent a reply. I also ask for the reply the Premier sent to the Ombudsman, if he bothered to do so.

Let us not forget that the Premier himself received a copy of the letter from the Ombudsman. I also call on the Premier to table the full correspondence between him and the Chief Secretary and between him and the Ombudsman on this issue. Finally, I call on the Chief Secretary to table all relevant Government dockets and correspondence that have gone back and forward between him and his Permanent Head, between him and the Premier (or any other Minister) and between him and the Ombudsman. Without it we can only come to one conclusion: that he and the Premier are hiding extremely embarrassing facts which they do not wish the Parliament to have. It is interesting that the Premier read selectively from the minute he apparently sent to the Chief Secretary. He claimed that it was not a minute or memo. I do not know what else it would be if it was not a

letter, minute or memo. There is nothing else in Government circles by way of correspondence.

It appears that the Premier is asking the House to believe that it was not a docket, whereas I believe it was. The Premier is now trying to hide substantial facts on this issue which should be revealed. I call on the Chief Secretary and the Premier to table all relevant dockets and correspondence on this issue. Until they do so this Parliament cannot be satisfied that both of them are not incompetent, incapable and have misled the Parliament. The issue will never be cleared until we see those dockets and that correspondence.

That deals with the real hub and core of this afternoon's motion and debate. It is a vote of no confidence by this Parliament in the Chief Secretary. The issues are black and white. Even the Chief Secretary has admitted that the issues are black and white. He received a warning from the Ombudsman, and not only from the Ombudsman. He received similar warnings from other people, including officers of his own department, but he took no action. The newspapers were full of articles relating to the fact that they also had reports that the Minister was appropriately warned, along with his department. The Minister does not deny that whatsoever.

A number of other points I wish to touch upon briefly. They relate to the four-point plan which was an excellent one put forward by the Leader of the Opposition on the sort of immediate action that should be taken by the Government, which has procrastinated.

First, in regard to the remand centre, there is no doubt that the Government has now lost at least six months, if not at least a further 12 months or more, because it decided not to proceed with the remand centre. Orders for compulsory acquisition of properties on that site had been lodged for about three months. The majority of the site had already been purchased from the Highways Department about 12 months earlier. I understand that the purchase of only two remaining properties had to be negotiated when we left Government. Therefore, the claim of the Chief Secretary that the land had not been purchased is not correct; only two small properties had not been purchased and they were not a key to the actual construction site that was proposed. In fact, certain construction work, soil tests and the like had been proceeding before the last State election.

The next relevant point of the Chief Secretary is that the remand centre site was selected by the Department of Correctional Services and the Public Buildings Department as being the most suitable site. It was far more suitable than the site at Regency Park which was so far from the centre of Adelaide and also from the courts the people had to attend. The permanent heads of those two departments recommended the site finally selected and the Cabinet of the day accepted that recommendation. The fact is that the present Government decided to oppose that site on purely political grounds. The Premier tried to suggest that it was in the heart of a residential area. Only five cottages were purchased from the Highways Department and I think I am right in saying that another two substandard cottages across the lane also had to be purchased. Virtually no other residences were within the immediate vicinity of that land, which is the best site, and the Government knows it.

The next point raised by the Chief Secretary is the need for additional staffing. As a member of the Budget Review Committee, I know that the Government accepted its financial responsibilities for the appointment of 31 additional positions. I remember the matter being discussed at the Budget Review Committee and I know that finance was made available for that purpose, but both the Premier and the Chief Secretary have said that no money was made available for the 31 positions. That is incorrect. The allocation was not in the original Budget but it was provided

and fully catered for in the additional sums allocated during the year as occurs in any Budget. The same thing applies to the Yatala industries complex. Again, I know that the money was provided so that that complex could open as quickly as possible. We were even talking about being able to open it before the end of the last calendar year. However, we now find that it is not functioning and the real reason for that is that the Government is still negotiating with the unions over staffing arrangements for that industrial complex. That is the truth; it is not because of a lack of finance, or anything else.

The final point concerned the Army camp at Gladstone. We have been told that the Chief Secretary has not been to the site, even though he has known about it for four months, although he has admitted that he is now going there tomorrow. We were told late yesterday that the Government gave a commitment for the explosives factory operation to proceed. That undertaking was given by the Deputy Premier, who is the owner of that property. If the Government did not think that was a suitable site to be purchased, why did it buy the property from the Federal Government? I was involved in discussions with the Federal Government, and we certainly believed it should be purchased by the State Government.

I do not intend to cover the large number of quite irrelevant issues that were raised as red herrings by the Premier and the Chief Secretary. The core and hub of this motion is clear: the Chief Secretary has misled this Parliament and, in addition to that, having been warned by the highest authority that this Parliament can appoint, the Ombudsman, not only of unrest at Yatala but that it was likely to be burned down (to use the Chief Secretary's own words when quoting the Ombudsman), he failed to take any action. If he had any honour whatsoever he would resign. It is the only honourable course left to him. I call on the Premier and the Chief Secretary to recognise the precedent of the Westminster system clearly established by Lord Carrington and many others before him and demand the resignation of the Chief Secretary.

**Mr OLSEN (Leader of the Opposition):** It was plain from the debate today that the Chief Secretary gambled and lost. He also gambled and lost in his contribution to the debate today in which both he and the Premier did not address the specific questions placed before them by the Opposition, specific questions to get specific answers to get to the bottom of the matter and when they do not have the answers, as we have seen over recent weeks, they fudge the issue, they avoid it, they talk about policy initiatives, they talk about history, but they do not address the questions.

We want a clear indication from the Chief Secretary and the Premier of what action has been taken in the months since January, when that first riot took place—a riot that took place several weeks after he had been warned by the Ombudsman. He had a warning and then he had a riot as a result of which prison officers were put into hospital, but he did not do anything about it. He received another warning on 21 February from the Ombudsman but still no action was taken. Three major incidents have occurred at that institution this year. The Chief Secretary has failed to act decisively. He says that it is absurd for us to say that he knew it was going to be burnt down on Tuesday. However, in the *News* yesterday one of the officers is reported as saying:

The prisoners told us they were going to burn the gaol last Wednesday. We told the chief it was the same ring-leaders who sparked the riot two weeks ago, so we asked for them to be separated from the others, but we were ignored.

**The Hon. G.F. Keneally:** The 'chief' is not the Chief Secretary.

**Mr OLSEN:** I know that, but I have no doubt that they advised the Chief Secretary on the hot line which was installed at Yatala to advise the Chief Secretary of the day of any incident as and when it occurred, or any advice from chief prison officers so that information is passed on to the Chief Secretary so that he could act. However, he did not act. He said a while ago that it was absurd to say that he knew something like this was going to happen.

The Opposition will not resile from bringing serious issues before the House. I do not care what the Premier says, the fact is that there have been three major issues before the public of South Australia for which this Government has failed South Australians and the Chief Secretary particularly has failed those housed in the institution and the prison officers. He has failed them dismally and the Opposition has a responsibility to bring these matters before the Parliament. We will not resile from doing that, particularly when the Chief Secretary has abdicated responsibility clearly brought to his attention by the Ombudsman.

We want to return to the specific questions that have not been answered by the Chief Secretary. Why did the Chief Secretary tell the Ombudsman that he would take a risk? Some risk—millions of dollars and human lives at stake! Why did he not respond to Mr Kidney? Why did he not tell this House yesterday that Mr Bakewell and Mr Kidney warned him of the serious situation, not once, but several times? I remind the House of the quote, the serious revelation of the Ombudsman about the risk the Chief Secretary had taken. He gambled and lost and having lost he is now responsible to this Parliament. He ought to take the responsible course of action, outlined by my colleagues, and specified in the motion. The risk involved the lives of inmates, prison officers and the safety of the community and that is what he gambled with, and I do not believe any Minister of the Crown has the authority to gamble in that way. The Chief Secretary lost and he knows that he has lost. If he had one ounce of principle he would follow the Westminster system and step aside, so that the administration of the Correctional Services Department could be put on the footing on which it should operate and so that we could expect frank and truthful answers, not half answers, from the Chief Secretary. I remind the House that it was a Labor Government that sacked a Police Commissioner for an omission and providing half an answer. The Chief Secretary has done the same in this place, and he should resign.

The House divided on the amendment:

Ayes (24)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon (teller), M.J. Brown, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, Klunder, Ms Lenehan, Messrs Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (20)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, Evans, Gunn, Lewis, Mathwin, Meier, Olsen (teller), Oswald, Rodda, Wilson, and Wotton.

Majority of 4 for the Ayes.

Amendment thus carried.

The House divided on the motion as amended:

Ayes (24)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon (teller), M.J. Brown, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, Klunder, Ms Lenehan, Messrs Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (20)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, Evans, Gunn, Lewis, Mathwin, Meier, Olsen (teller), Oswald, Rodda, Wilson, and Wotton.

Majority of 4 for the Ayes.  
Motion as amended thus carried.

#### PERSONAL EXPLANATION: PAIRS

**Mr EVANS (Fisher):** I seek leave to make a personal explanation.

Leave granted.

**Mr EVANS:** Members may recall that during the previous Parliament the tradition was firmly established that the Government asked for pairs in the case of death or illness of a member or of the absence of a member who is away on Government business, and the Opposition granted them. The purpose of my explanation is to assure Government members that, as Opposition Whip, I shall continue that practice. The purpose of pairing is to enable a Government to survive in cases of death or illness of a member or where a member is absent on official Government business. Two pairs were not asked for on this occasion.

**The Hon. J.D. WRIGHT (Deputy Premier):** I move:

That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

#### ABORIGINAL LANDS TRUST: COOBER PEDY

**The Hon. G.J. CRAFTER (Minister of Community Welfare):** I move:

That this House resolves to recommend to His Excellency the Governor that, pursuant to section 16 (1) of the Aboriginal Lands Trust Act, 1966-1975, section 1257, out of hundreds and allotment 1430, Town of Coober Pedy, be vested in the Aboriginal Lands Trust: and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

The Umoona Community Council Incorporated has requested an extension to the boundary of the existing reserve for Aborigines at Coober Pedy. The request was made in relation to a housing programme with the additional land providing a greater degree of privacy for the families involved. Negotiations have taken place between the Umoona Community Council Incorporated, the Coober Pedy Progress and Miners Association, and officers of the Department of Lands and Department of Mines and Energy to reach agreement on the boundary which has now been surveyed. The Aboriginal Lands Trust has requested that section 1257, out of hundreds and allotment 1430, Town of Coober Pedy, be transferred to the trust, following which the land will be leased to the Umoona Community Council Incorporated for 99 years. In accordance with section 16 of the Aboriginal Lands Trust Act, 1966-1975, the Minister of Lands has recommended that the land be vested in the trust and I ask members to support the motion.

**The Hon. H. ALLISON (Mount Gambier):** The Opposition supports the motion. The transaction referred to has been under negotiation for some time. The land is contiguous to the existing Aboriginal reserve at Coober Pedy, and part of it has already been used for some time by the Aboriginal community. The motion has the support of Opposition members so that it may be transmitted to the Legislative Council for its concurrence.

**Mr GUNN (Eyre):** I, too, support the motion. The Minister has assured members that discussions have taken place with the communities at Coober Pedy, and I accept his assurance that no problem is associated with the motion. I am pleased that the land has been transferred to the Lands Trust, as I

believe that it is the appropriate body to hold land on behalf of Aboriginal communities in this State. I want to make it clear, because I support this particular proposal, that it in no way can be taken that I or, I hope, my colleagues will be supporting every measure of this type that is put before the House or measures dealing with general claims by members of the Aboriginal community for land rights.

Motion carried.

### MOTOR VEHICLES ACT AMENDMENT BILL

In Committee.

(Continued from 23 March. Page 624.)

Clause 2 passed.

Clause 3—'First licences must be subject to certain probationary conditions.'

**The Hon. D.C. BROWN:** I move:

Page 1, line 18—After 'is amended' insert:

(a) by inserting in subsection (1) after the passage 'the Registrar shall' the passage ', subject to subsection (1b).';

(b) by inserting after subsection (1a) the following subsection:  
(1b) Where the applicant for a licence has previously held a licence issued under the law of this State or under the law of a place outside this State but not during the period of 3 years immediately preceding the date of his application, the Registrar may, if he thinks it appropriate to do so, issue him a licence without endorsing upon the licence the conditions referred to in subsection (1);

and  
(c)

I explained to the House last night the purpose of this amendment and I restate that very briefly this afternoon.

**The CHAIRMAN:** Is the honourable member now dealing with the proposed new clause or the proposed amendment to clause 3?

**The Hon. D.C. BROWN:** I am withdrawing the amendment that was tabled in this House last night, which was not ever moved, and I am moving the amendment which has been circulated today to the House and which stands in my name.

I have moved this amendment because, if a licence has lapsed for more than three years, there is now an absolute obligation on the person to be required to undergo a process of obtaining both a learner's licence and a probationary licence before that person can drive again. It may be that the licence lapsed just through ill health or absence overseas, and not holding an overseas licence in that period. It may be a number of rather trivial points. A person could have had 20 years driving experience and a perfect record on the road. His licence lapses for more than three years, and we put him through the rather humiliating experience of doing not only a written test but a practical test to reobtain his licence, and having to drive around for the next 12 months with big 'P' plates on the front and back of his car and not exceed 80 km/h.

I think that that is the sort of anomalous situation that we are trying to overcome. Equally, there might be occasions where a licence has lapsed and it would appear that there is sound reason for the person to undergo both a learner's licence test and a probationary licence test. Therefore, we have put in this amendment the power for the Registrar of Motor Vehicles to require that certain conditions may be attached to the licence as spelt out in subsection (1) of the relevant section of the Act.

Subsection (1) deals specifically with being able to require the person to obtain or pass certain examinations, both a written examination and a practical driving test. Therefore, I believe that the amendment overcomes what has been acknowledged as an anomalous situation. I think that it

protects the key issue at stake in all motor vehicle matters, and that is safety on the roads. I urge all members to support the amendment.

**The Hon. R.K. ABBOTT:** The amendment is not acceptable to the Government. The Bill before the Committee deals basically with offenders against probationary licence conditions, whereas the amendments deal with the issuing of licences. That has nothing to do with the question of probationary licence conditions. The purpose of the amendment seems to be to make life easier for those people who have not only forgotten or omitted to renew a licence but who have done so for a period of three years. How many people would be advantaged by this amendment? The evidence suggests that the number would be extremely small; a mere handful.

From inquiries that I have made, the only people who seem to complain about the current provisions of the Act fall into two categories. The first covers those who have been stopped while driving and found not to have a current licence; for whatever reason, these people were driving illegally. The whole purpose of the Act is to prevent such situations. Surely the amendment should not make life easier for people who have infringed in this way.

The second category covers those who are embarrassed by the need to carry 'P' plates or who consider the need (which is soundly based) to resubmit to testing procedures an inconvenience. Can anyone seriously say that any harm is being done to any person by having to drive with 'P' plates? The testing procedures are designed to give some measure of control over the issue of a licence, to protect the general public from people who are not competent to hold a licence, and to do so in a most convenient and efficient manner. It could not be considered an undue hardship to anyone to undergo testing procedures in the circumstances set out in the present Act. For those reasons, I oppose the amendment.

**Mr LEWIS:** I ask the Minister to widen the horizons of his consideration of this matter. He has clearly overlooked two categories of people, the more important of which may not be great in number. However, the law is supposed to be reasonable, just and compassionate. In the circumstances, I think that the Minister will agree that it would be inappropriate if a person suffered inconvenience on returning to this country of a kind that I will describe to him, and that it is not legitimate, reasonable or just.

Let us consider someone who has left this country as a young person to work with an international agency, such as Volunteer Service Abroad, and who has been in a Third World country where there are no roads, let alone motor vehicles to drive. This person has been working in circumstances miles from where there are motor vehicles anyway, not needing access to, or the use of, motor vehicles. Whilst away this person has given time voluntarily and freely and did not have sufficient income to renew a licence anyway, knowing that it would not be needed in any case. Upon returning to this country after three years they find that they no longer have a current driver's licence. Surely the Minister would agree that it is not fair to expect that person, who seeks employment in which it would be necessary for him to be able to drive freely, to suffer the inconvenience of waiting for three months before taking that kind of job.

I cannot see how the Minister could argue that it is necessary to impose that sort of restriction on such persons. To my certain knowledge, because of my involvement with such schemes, that has happened, and it will happen again. It is hardly fair.

In the second category are a large number of people, particularly young people, who may have recently left home

and not become settled in their place of abode. It is common place these days for young people to not stay in the same place for more than 12 months or two or three years.

Movements on the electoral roll in the Minister's own electorate would indicate to him (as would the experiences of his friends and relatives) that the number of occasions that younger members of families in their early years of adulthood have stayed at the same address for more than three years is so small as to be almost non-existent: certainly that would apply to less than half the number of people between the ages of 16 and 23 years. The department sends the first and only renewal notice to the address given by applicants at the time they renew their licences. However, that may not be their home address; it may be the address of a flat or a house that they have shared with friends and may not be rented to anyone known to that person any longer. Australia Post refuses to accept responsibility for redirection of mail after six months, and a person living at such an address or a postal clerk would simply write on the envelope, 'No longer here, address unknown,' and the application would be returned to the Registrar, who may well consider that that is the end of his responsibility for the matter and take no further action. Such an imposition on those young people is odious and I am sure that the Minister would agree with me in those circumstances that they would then find they had lost their driver's licence without having knowingly committed an offence. Such people may continue to drive without committing an offence of any kind for three years and then become aware that their licence had lapsed.

Although it is an offence to drive without a licence, I am referring to a person who may have unknowingly driven without a licence for three years without ever having been caught and prosecuted for an offence. Accordingly, I think that the Minister should agree to the member for Davenport's amendment. Clearly, this is not fair to those young people, and they are not insignificant in number. They would not be committing an offence intentionally, and they should not be subjected to the inconvenience of having to drive with 'L' plates and 'P' plates, especially if at that stage of their lives they already have a job which depends on their being able to drive. The Minister would be denying them their employment. I urge the Minister to reconsider the Government's position and to respond to the propositions that I have put to him.

**Mr HAMILTON:** I oppose the amendment. A similar situation to that described was brought to my attention by way of my electorate office only yesterday. I rang the Minister's office and pointed out that a doctor had overlooked the renewal of her licence. I was told that the doctor subsequently went to an appropriate driving instructor at Lockleys and was found to be not sufficiently competent to be given a new licence. This raises the matter of the ability of people to drive motor vehicles, although I am not necessarily referring to the constituent that I mentioned.

It is the responsibility of each person to renew his or her licence. In regard to the member for Mallee's comment about people who have been overseas (and I applaud those people who are prepared to give of their time voluntarily and go overseas for various causes), by his own admission he has acknowledged that such people may not have had access to a motor vehicle for three years or whatever period of time is involved, or even to roads on which to drive them. One could suggest that a person who has not driven a motor vehicle for any length of time may forget some of the finer points of driving a motor vehicle on the roads. I can imagine the sort of outcry that would come from members opposite if a person coming back from overseas, granted an exemption, went out on the road and unintentionally

killed or seriously maimed someone. I can imagine the reaction of members opposite in light of today's activities. For those reasons I oppose the amendments.

**Mr LEWIS:** I do not really want to take the member for Albert Park to task, but regrettably, the stupidity of his proposition can be seen if it is analysed for a minute: he is saying that if someone has not driven for three years, whether they have a driver's licence or not, they ought to be required to display an 'L' plate and 'P' plate again. That is the substance of the honourable member's proposition. Accordingly, because licences are renewed on a three-yearly basis, the real effect of his position would be to require each applicant for renewal to sign a statutory declaration to the effect that they have driven during that time. A person's competence would be no greater because of holding a piece of paper than it would be if a person had not driven for three years because of being out of the country, for example.

The second matter concerns young people who, through no fault of their own, do not receive a renewal notice but who have been driving for three years without a licence without discovering that fact. By all accounts they would have been driving competently, because they would not have breached the law in that time or attracted the attention of the police, which would highlight the fact that they did not have a licence. Such people would have the driving expertise, yet the honourable member is suggesting that, because their licence had expired, they should suffer the penalty of having to obtain another learner's permit and a probationary licence. The honourable member would have the whole community developing an attitude towards learners permits and probationary licences as being a penalty that must be paid to society before they can obtain a drivers licence, rather than develop the attitude that it is a process through which they will be effectively protected while learning to drive; not only protected from the hazards of the road but from the hazards of their own incompetence.

Not only will they be protected, but so will the public. There is a difference in the moral content of the argument as advanced by the member for Albert Park that I find abysmal in its incapacity to comprehend how social attitudes develop. I, therefore, again plead with the Minister to accept the amendment so that young people do understand and believe that the learner's permit and the probationary licence are there for the purpose for which they were originally introduced and not to perceive it as a penalty that they must suffer before they are allowed to drive. These provisions are not penalties as such. To impose these provisions upon those people who, through no fault of their own, have not had a current licence for three years, but can be given—

**Mr Hamilton:** Whose fault is it?

**Mr LEWIS:** In the case of the person who left the dwelling in which he or she had been living and who, two years later, failed to receive a jog of their memory at a time in their lives when things are happening, they are not aware that their licence has expired. Is the member for Albert Park telling me it is their fault that they did not get the jog of their memory?

**Mr Hamilton:** Whose fault is it that they did not renew their licence?

**Mr LEWIS:** I will remind the member for Albert Park of that on future occasions where he chooses to ascribe responsibility not to the individual but to the system. What we are trying to do is make the law as acceptable as possible to the people who wish to abide by it and the reasons for it being so established. The real purpose of a driver's licence is to determine those people who are competent to drive, allow them to do so, and distinguish from them those who are not competent to drive, and who, by their driving behaviour, demonstrate their incompetence through prosecution or whatever else, as well as those people who have



not had the experience to drive. The fundamental substance of the law is to get as many people as possible to agree to its necessity and not to bring it into contempt. This amendment gives effect to that fundamental purpose.

**The Hon. D.C. BROWN:** I am disappointed that the Minister will not accept the amendment. I think it is a perfectly reasonable one. It does mean, and I stress this, that the various situations where it is desirable that a person undergoes a probationary licence or learner's permit, are still there to adequately cover the cases mentioned by the member for Albert Park. It certainly adequately covers the cases mentioned by the Minister, but I believe that the Minister has failed to look at other circumstances and reasons why a licence may have lapsed for more than three years.

Let us be quite clear. It is the decision of the Minister to reject this amendment and he, therefore, takes full responsibility if anyone has to undergo the rather undignified process of driving around with 'P' plates for 12 months simply because for some legitimate reason that person allowed his licence to lapse for more than three years, despite a perfect driving record for many years. It is on the Minister's head, and he obviously wishes to take that responsibility fully.

**The Hon. R.K. ABBOTT:** Given that renewal notices and follow-up notices are sent to everybody who fails to renew their licence (and one can hardly say that licence fees are onerous), it is fairly easy to maintain a current driver's licence. It should be the responsibility of the licence holder to protect that status by his own good management, and I think that the member for Albert Park has explained that situation quite well.

The amendment is dangerous for many reasons: it creates a discretionary power vested in the Registrar relating to the licensing procedure which could lead to discrimination and accusations of favouritism. The amendment provides:

Without derogating from any other provision of this Act where the applicant for the issue of a driver's licence has previously held a licence issued under this Act or under the law of a place outside this State but not during the period of three years immediately preceding the date of his application the Registrar may . . . endorse upon the licence the conditions referred to in subsection (1).

This could lead to unfair pressure upon the Registrar, and favouritism could also creep in. The amendment opens up enormous and dangerous precedents. If a discretionary power applies to this provision of the Act, there appears to be no reason why discretionary powers should not apply to the rest of the Act, or to any other Act for that matter.

The amendment dilutes the provisions currently included for in the Act that provide necessary control and a clear-cut statement of the intent of the Act and the law as it now stands. The provisions that the honourable member wishes to amend were brought in by his Government. They were strongly supported by this Government at the time they were introduced, and we cannot support this amendment.

**The Hon. D.C. BROWN:** I do not intend to pursue the matter except to ask the Minister to obtain some statistics and bring that information to the House at the earliest possible opportunity. Particularly, I would appreciate the Minister's informing the Committee what is now the percentage return of drivers licences sent out for renewal for a three-year period as compared with what used to be sent out on a one-year basis. I would also like to know how many people are required to undergo a learner's permit or probationary licence because their licence has lapsed for more than three years. Can the Minister also say what percentage of people have made complaints or what number of complaints have been received from people who appar-

ently do not receive the driver's licence application for renewal notice which is sent out because they claim it has either been sent to a wrong address for some reason or—

**Mr Hamilton:** Have you got any idea how many?

**The Hon. D.C. BROWN:** No, that is why I am asking the Minister. The Minister administers the department, and I am asking him to find out how many people complain each year that they have not received their renewal licence slip for driving licences. I would also like to know what percentage of reminder notices or second reminder notices is sent out. As I understand it, if a licence is not renewed within three months a further notice is sent out. How many of those further notices sent out after three months are actually filled out by the people and returned?

It is apparent to a number of members in this Committee that the present system seems to be breaking down and some attempt needs to be made to try and improve it. In particular, I heard one complaint yesterday where someone said that they had notified the department of a change of address and the renewal notice was still sent to their old address. I do not know whether that is correct, and I would not like to make accusations without some specific investigation being carried out.

**Mr Lewis:** It is my certain knowledge.

**The Hon. D.C. BROWN:** If that is the case, I think it is appropriate that the procedure should be looked at, and I ask the Minister for that information I called for and to look at that procedure.

**The Hon. R.K. ABBOTT:** I can make some of that information available to the member and I would be happy to do that as accurately as possible. In relation to the probationary licence holders, I cannot guarantee the accuracy of it all, but I think that it will be quite simple to get some of the detail for him.

**Mr LEWIS:** Will the Minister obtain for the House information on how many people, in the first three years of holding driving licences, change their address and how often they might change it? Will the Minister ask his department to prepare a table showing the total number of first licences issued and the number of people in that category who notified the department of one, two, three or more changes of address during the first three years in which they held that licence? How many of that number, for no apparent reason (for example, not having committed an offence) after first obtaining their learner's permit and probationary licence and subsequently their licence, failed to renew it at the end of the three-year period? What is the drop-out rate?

The House divided on the amendment:

Ayes (19)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, Evans, Gunn, Lewis (teller), Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Noes (23)—Mr Abbott (teller), Mrs Appleby, Messrs Baker, Bannon, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Pairs—Ayes—Messrs Tonkin and Goldsworthy. Noes—Messrs L.M.F. Arnold and Keneally.

Majority of 4 for the Noes.

Amendment thus negatived; clause passed.

Remaining clauses (4 and 5) and title passed.

Bill read a third time and passed.

#### SUPREME COURT ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 17 March. Page 454.)

**The Hon. H. ALLISON (Mount Gambier):** The Opposition supports the Bill, which involves a matter raised some time ago by the former Attorney-General, the Hon. K.T. Griffin. This Bill simply removes the power currently vested in the Judiciary of imposing fees in the Supreme Court through the rules of court and places the power more properly (as we and the Government believe) in the hands of the Governor in Executive Council. Therefore, fees will in future be changed by way of regulation rather than by the Judiciary. It is with the proviso that all existing fees set under rules of court are still honoured by converting them to regulations under this legislation when it has been passed by both Houses. The Opposition supports the legislation.

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

### RIVER MURRAY WATERS BILL

Adjourned debate on second reading.

(Continued from 15 December. Page 196.)

**The Hon. P.B. ARNOLD (Chaffey):** I think it goes without saying that I support this Bill, which is for the ratification of the agreement reached between Victoria, South Australia, New South Wales and the Federal Government in relation to the future management of the Murray River. As stated in the second reading explanation, it has been a long, hard grind. I was somewhat surprised to note that the Minister found it necessary to change the previous second reading explanation.

**The Hon. J.W. Slater:** I didn't change it.

**The Hon. P.B. ARNOLD:** I am saying that in introducing what was originally my Bill the Minister said that he found it necessary to change the second reading explanation. It almost appears as though he suffers from an inferiority complex or that there is a problem somewhere, because, if the Minister looked closely at my second reading explanation, he would see that it does not give kudos to any particular person. The Minister seems to be scared stiff that the kudos for this agreement and Bill would not be identified clearly with the Labor Party. I think that that is sad and that it shows a degree of immaturity in his approach.

In my second reading explanation, when I introduced the Bill last year, I did not give any credit to anyone in particular. I did not name anyone, whether it be Malcolm Fraser, Sir John Carrick or the Tonkin Government. We all know that it was the result of a combined effort over many years. I only mention that in passing, but I think it is unfortunate that the political arena is brought into a matter as important as this and that one has to dwell on such matters of little concern.

The important thing is that this legislation and the agreement that has been reached between the three States and the Commonwealth are of vital importance to Australia. We are talking about Australia's greatest natural recurring resource and the management of that resource to the benefit of all Australians. There is no doubt that all Australians do benefit in one way or another from this mighty river system even if, for those people who live in States where the system does not have a direct bearing, it is only a benefit from the products that are produced in areas supported by this river system.

Important progress has been made in this new agreement as compared with the old agreement: it gives the River Murray Commissioners far greater flexibility to manage the river effectively, whereas previously their powers were limited. It has been said that the powers are still somewhat limited. However, it is a goodwill agreement and without goodwill on the part of all States and the Commonwealth,

no matter how strong the agreement is, it will not work. Since the agreement was reached in October 1981, I have been confident that the goodwill displayed at the heads of Government meeting at the time will continue and that we will see far greater co-operation for good management of the river system in the future.

I am not saying that this agreement is the ultimate agreement, but it is a major step forward, and we must look to further amendments to this agreement as they become necessary. It has given the River Murray Commission the opportunity to look at a much wider range of problems associated with the total system. It requires the States, when planning to construct any new capital works that could affect the total river system, to notify the commission accordingly, and the commission's views are to be taken into account. While the new agreement does enable certain things to occur, it will still require much initiative from the States to implement and continue to progress in various measures.

The commission cannot be left to do the best it can just because of this new agreement: it will still require much input from Government. New initiatives will have to be directed to the River Murray Commission from the various States, and I believe that above all South Australia has the ultimate responsibility to come up with new initiatives and ideas to be considered by the commission which will have the effect of reducing the overall salinity problem in the total system.

I say that South Australia has that ultimate responsibility, because we have the most to gain from any action taken that will actually provide better water. Being at the end of the system, naturally whatever occurs in the Eastern States will have a direct bearing on us. I suppose we are somewhat fortunate in that what we do in South Australia will not have an adverse effect on anyone else, but there is certainly room for new ideas to be put forward on a continuing basis.

At the meeting in October 1981 where agreement was reached, we also put forward a document, entitled 'The permanent solution to the River Murray salinity problem', and measures contained in that document were considered at that time. Those measures will have a real effect on long-term salinity in the Murray River. When we prepared that document we estimated that the cost of its proposals would be about \$400 000 000, and I would say that they would cost considerably more than that today. In the context of Australia's key resources, I believe that \$400 000 000 or \$500 000 000 is not a large sum, and I think it is very much up to South Australia to continue to press for those works that were clearly identified in that document.

Undoubtedly, many other capital works programmes need to be introduced, as well as those included in that document, but additional research will have to be undertaken before they can be clearly identified. However, there is no doubt in my mind that, if the money is forthcoming and the capital works identified in that document are carried out, we will be well on the way to coming to grips with the total salinity problem. The amendments to the River Murray Waters Agreement enable the River Murray Commission to effectively pursue those proposals, but it can only do so if the States and the Commonwealth are prepared to fund them.

We might be looking at a \$400 000 000 or \$500 000 000 project but, if we can effectively bring under control and rehabilitate the damage that has been done to the Murray River system over the 140 years of white man's occupation of this country and the utilisation of that resource, I believe it is a comparatively small price to pay in this day and age when one considers the cost of things in general. I do not intend to relate the history of the River Murray Waters Agreement but merely to say that I am happy to have had

the chance during the three years I was Minister of Water Resources to play a part in reaching that agreement, which I think will benefit not only Victoria, New South Wales and South Australia but the whole of Australia. The new agreement is by no means the be all and end all of water supplies in South Australia, but it is a major step forward on which we must build in future.

**The Hon. JENNIFER ADAMSON (Coles):** In supporting the Bill, I endorse the remarks of the member for Chaffey. I congratulate him on the intensive work he did as Minister of Water Resources in pursuing what had been initiated in 1973 to produce the agreement that is embodied in the legislation before us. I speak to the Bill in respect of the relevance of the Murray River and its associated water systems to tourism in South Australia. I could equally well be addressing this issue in respect of its health implications to this State, because as Minister of Health I acquired a detailed knowledge of the extraordinary effort that must be taken by the South Australian health and water authorities to ensure that the Murray River water upon which this State depends for its reticulated supply in the metropolitan area, the towns of the Iron Triangle, and in many other South Australian towns shall be of the highest quality. The intention of this legislation is to ensure that the River Murray Commission has its powers and its role broadened so that it can deal with those matters.

One issue that has been debated in respect of the present and future role of the Murray River and the impact of irrigation upon water quality is whether we in this State as well as people in States on the upper reaches of the river, should continue to use water for irrigation purposes. That issue has been raised by environmentalists and conservationists. It is also touched on by Peter Davis in his excellent book *Man and the Murray* at page 106, where he states:

But the key question remains: if a management plan for the river is to be devised, for what purpose is the river to be managed? I can only state my own belief that, just as we have finished the phase in which the principal use of the river was for navigation, we are now moving towards the end of the phase for using the river primarily for irrigation. So we will pass beyond the phase where the river is seen primarily as a source of water for cities and industries. I believe that we will enter into the fourth phase of river use—as a recreation resource for urban Australians, and that, if the river is managed so as to give this priority, then we will have found a way of using it which can be continued indefinitely without endangering or degrading it.

Although one may endorse the broad principles behind that statement, it also raises several questions. For example, the irrigation use of the river has, in fact, produced one of Australia's most important tourism and recreational regions. The importance of the Riverland of South Australia is not based solely on the river itself because if that were the case, it would be surrounded simply by desert and dry mallee. Indeed, there would be little to attract tourists to that region if it were not for the communities and industries built up because of irrigation.

That fact cannot be better demonstrated than by flying in a light aircraft from Adelaide to Renmark over the Mount Lofty Ranges with their freshness and greenness, then over the dry plains, to finally see the river snaking through those plains. On approaching Renmark and the other towns on the river, one sees this beautiful oasis which has been rightly described by the Mayor of Berri as looking like a Garden of Eden.

It is the oasis created by vine and citrus plantations that attracts the tourists to the Riverland, so to suggest that the recreation resource relies entirely on the river itself in its natural state is to ignore the reality that for many people who enjoy tourism and recreation on the river. The enjoyment comes not only from the river but also from the visual beauty associated with irrigation and the industries and

communities that can exist only because of irrigation. The communities of the Riverland, comprising the five towns of Renmark, Berri, Waikeri, Loxton and Barmera, exist because of the industry that sustains them, and that industry is built on irrigation, which has also been responsible for the building up of tourist facilities that would not otherwise have been possible. Certainly they could not have been developed to service tourists alone. It is interesting to look at the Riverland tourism industry, which is based primarily on the Murray River but sustained very much by the fruit-growing industries that exist because of irrigation, and then to look at the river and the tourism industry in the lower reaches of the river where the dairy industry and certain agricultural industries exist but do not result in that same visual effect on the river banks and its surrounds and which certainly cannot sustain the same kind of facilities and living communities that attract tourists to the Riverland towns.

The suggestion that the Murray River may in years to come be used primarily for recreation perhaps does not do justice to the continuous use of the river for recreation that has existed since the turn of century. Certainly over the past two decades the awareness of the people in those communities of the importance of attracting visitors to their towns and cities to broaden the economic base of those towns and cities has grown very much. If one were to look at the plant sustained by tourism in the Riverland, one would realise the economic importance of that industry not only to the Riverland but also to the Lower Murray and that part of Fleurieu Peninsula through which the Murray River flows on its way to its mouth at Goolwa. There are the river cruise sector and the houseboat sector, leaving aside the leasing of houseboats and just looking at the houseboat building industry, which is a valuable industry associated with the river.

The river has many attractions: there is the day-cruising sector; heritage sector, which is very much tied in with the history of the river and with the boats that have plied it; winery sector, which, of course, is directly related to irrigation and the use of the river's water; vine fruit and tree fruit sector; citrus industry; and, if one goes further down to the lower Murray, there is a substantial dairying industry and a vegetable industry. All these industries have an infrastructure built around them which provides the basis for tourism.

The suggestion by Peter Davis, and many others, that the day will come when we will not use the Murray for irrigation purposes is, I believe, not soundly based because those cities and towns that rely on irrigation from the Murray will (as far as I can see into the future, but certainly into the next century) continue to rely, as will the State, on the produce of that region. The Bill before the House is one that has been heralded around Australia as being a tremendous advance in this sort of legislation. The whole history of the development of the Murray and its use by all the States through which it flows has been one of painstaking slowness in terms of achieving any kind of co-operative agreements that take the interests of all States into account.

This legislation is certainly a watershed—with no pun intended by using that word—in terms of the health of people in the States through which it flows (South Australians rely upon it as the principal source of water supply) and of the industries which are sustained by it. Secondary industry in other States, and primary industry in this State, use its water and, more particularly, tertiary industry in terms of tourism as a service industry relies very much on the Murray River.

I believe that this Government, like its predecessor and the Government before that, recognises that water in South Australia is a political issue as it is in no other State in the

Commonwealth. By that, I mean (and I am looking at the Minister's slightly questioning expression) that it is an issue that rouses strong feelings in South Australians. I venture to say that in no other State of the Commonwealth would there have been such publicity given to water supply as there has been in South Australia, and it is natural that that should be so, this being the driest State in the driest continent in the world. It is significant that the realisation by our citizens of the importance of water is reflected in a variety of ways, not only in the statistics given constantly in this Parliament and the questioning constantly of Ministers in this Parliament but also the extraordinary interest of the media in any matter which relates to water. I think back particularly now to the tragic events of 1980 when a child died of amoebic meningitis. Similar tragedies have occurred in other States, yet they created very little media comment at all. In fact, when a child died of amoebic meningitis in New South Wales two years ago—

**The Hon. J.W. Slater:** In Queensland.

**The Hon. JENNIFER ADAMSON:** I am speaking of the New South Wales incident. When a child died of that disease in that State that tragedy rated a single column reference in the newspaper of the day. When a similar tragedy occurred in South Australia it evoked much publicity including many headlines, and a vote of no confidence in this House in the Minister of Health. All of this goes to demonstrate how very, very dependent we in this State are on the Murray River and how much the citizens of South Australia are aware of that dependence. It also demonstrates how much they demand of their Government (and rightly so) that every possible precaution should be taken to ensure that our water supply is safe and safeguarded. This Bill improves any Government's chances of achieving those two goals and I support it.

**Mr LEWIS (Mallee):** There are a few points that I want to make and some information that I seek from the Minister about the Bill now before the House and its consequences for South Australia. I commend the Minister for having introduced this Bill and for following up the very excellent work done in this area by the previous Minister. The Minister well knows that this work was commenced at the time when the member for Chaffey (the previous Minister) first entered this Parliament and that it has proceeded, in the main, over the past decade in a bipartisan way. There has certainly been no disagreement on this matter and, even if the running has been done in the main by the member for Chaffey (whether in Government or in Opposition), the Labor Party, whether in Government or in Opposition, has followed his lead. Clearly this Bill gives effect to a widened and more sensible River Murray Commission and enables it to more effectively control this vital life line for South Australia's benefit. It is vital for not only the reasons mentioned by the previous speakers but also because in my own electorate it supplies irrigation water to irrigators who would otherwise be unable to exist.

I now draw the Minister's attention to the areas about which I am seeking information. I am concerned that Lake Albert, whilst it is part of the commission's responsibility, is dying. So are the industries which depend upon water from Lake Albert. That water is becoming increasingly saline. The Minister and the previous Minister (the Hon. Peter Arnold) know that. Indeed, the Hon. Peter Arnold has known about this for a long time and has worked to prevent Lake Albert's demise. Will the Minister give a commitment to the excavation of a channel through the isthmus of the Narrung Peninsula at the south-west end of Lake Albert so that a barrage can be erected there enabling that present blind appendage of the lake system to be opened and flushed of its increasingly saline water? Salinity is increasing for

two reasons, the principal one being that the water which runs into the lake to replace that which is lost through evaporation contains high levels of dissolved total salts.

As the water evaporates it leaves these dissolved salts behind. They do not evaporate. The lake systems, Lake Albert and Lake Alexandrina and other appendages, were never permanent bodies of water prior to the erection of the barrage. The river did not have a fairly fixed and static pond level. The ebb and flow of its natural discharge varied from, say, one unit in a drought year (perhaps much the same as that we have just experienced) to something well in excess of 100 units of flow. This is the widest range of flow rates, and seasons in which those flow rates occur in regard to any river system in the world applied to the Murray River. The installation of locks has stopped that for all time, because if the river is required for any purpose whatsoever on a continuing basis the locks must be present. The important thing about the permanent body of water that Lake Albert now represents is that previously it used to drain out in natural low flow years, by way of the Coorong and the river mouth, and Lake Albert was virtually a dry clay pan. The salinity contained in that water also ran out with it. Furthermore, the lake was flushed when any flooding occurred. That is no longer happening, and the salt is continuing to build up.

The other source of salt comes from water returning to the lake from irrigated areas adjacent to the lake. In some part that is unfortunate, but the water has to go somewhere. It will not adversely affect the river anywhere else upstream. It therefore only adversely affects the irrigators who produce and sell fodder crops and the dairy industry, which in turn affects the prosperity of the communities around the lake, particularly Meningie.

If the build-up of salinity in the lake is not halted a compounding effect will occur. At present irrigators suffer salt damage to their irrigated crops and, to keep the salt level down and minimise the damage, they pump on to their crops even more water from the lake, which is saline, in an attempt to depress the salinity levels in the soil. As a consequence, they increase the rate of return of very saline spring water from the artificial water tables thus created from that increased irrigation, thereby requiring them to irrigate even more heavily with even more saline water. Therefore, the rate of deterioration in the lake is exponential and not linear; that is, it is not increasing by the same number of tonnes of salt each year but is going up at a greater rate than the simple arithmetical increase.

I believe that the State Government, regardless of political persuasion, should make a commitment to the retention of the irrigated fodder crop industry, which in a year like the one we have just gone through is extremely valuable. It ensures that there will always be a vastly greater amount of fodder available than would otherwise be the case. We would thereby also ensure that, for the foreseeable future, sufficient milk supplies for Adelaide's needs will be produced in the immediate vicinity of Adelaide. (In some part this problem is also experienced by the irrigators on the Murray River lower swamps.)

I want to encourage the Minister, in the immediate future, to further widen the ambit of the legislation by making minor amendments to this Bill, which in due course will become an Act. Can the Minister give us an assurance that he will give serious consideration to making further minor amendments to the legislation to extend the region for which the commission is responsible beyond the inside of the barrages; to take it through the Coorong to the mouth and the sea. This would ensure that the commission has total control over what happens to anything on the outward side of the barrages? Part of the Murray River does not really meet the ocean into which it discharges, and so part

of the river is at present excluded from the area which is the commission's responsibility. The commission is not responsible for the river between the barrage across the Coorong and the river mouth, as I think it should be, and I think that that is negotiable.

I now wish to refer to the fact that a large part of the electorate in which I live and which I represent depends on the Murray River, if not partially then utterly.

**The Hon. J.W. Slater:** We all do.

**Mr LEWIS:** It is true that over 80 per cent of people in South Australia depend on the river. The Tailem Bend pipeline supplies all the stock water necessary for the upper South-East. That would otherwise not be available and the stocking rates in that area are only possible because of water from that pipeline.

Also, a spur line supplies the town of Meningie, because the water in Lake Albert is unsuitable for human consumption. Its salinity level is way above the number of e.c. units recognised to be acceptable by world health authorities. Therefore, water is required from the Murray River at Tailem Bend which is pumped in the pipeline to Coonalpyn, at which point a spur line takes water along Mackintosh Way to Meningie. By this means the needs of the community at Meningie, on the southern shore of Lake Albert are met.

The other matter that needs to be mentioned, of all the other matters about which I could speak, is a matter of grave concern and importance to me. The Minister would be aware that, at present, water drawn from Lake Alexandrina supplies the town of Strathalbyn and its surrounding communities. That water supply is augmented from small reservoirs in the hills. Regrettably, it was installed at a time when Strathalbyn's population was less than half of what it is now. No provision was made for an extension of that service to meet anything like the growth that has occurred at Strathalbyn and which will continue to occur.

Worse than that, in the districts immediately north and east of Strathalbyn there is no reticulated water supply available, even though the Murray to Adelaide pipeline from Murray Bridge passes through their community. Large numbers of people are living there now. Recent subdivisions into allotments of the size commonly referred to as hobby farms have meant an increase in the number of people who can and do live there. The fact that the freeway passes through there now, giving people quick and ready access to the metropolitan area, in the one direction, and the South-East, to a lesser extent in the other, means that they have chosen to live there. They do live there, and they do not have a reticulated water supply.

The Minister knows that, as did the previous Minister. I think the time has come for the people living in that community between the pipeline coming from Murray Bridge and Strathalbyn to have a supply of potable water so that they can live not only at a standard to which the majority of South Australians are accustomed but also in the secure knowledge that, in the event of fires of the kind suffered during the recent summer months, they do have a sufficient supply of water available at reasonable pressure to enable them to fight those fires. The community of Strathalbyn will, if such a pipeline is built, be supplied by that pipeline from Callington, thereby averting the necessity to continue to patch up in band-aid fashion the already corroded, out-moded and inoperative (over a large part) reticulated water supply which comes from other sources.

It is presently quite unacceptable to leave such a large population of people so ineffectively and inefficiently supplied with potable water in this day and age. I believe that their needs ought to come before those of people who are presently having millions of dollars spent on filtering the water, most of which goes on the parks and gardens around

the metropolitan area or is flushed down the toilet and is not used for drinking or cooking.

I think it is regrettable that successive Governments have seen the filtration of Adelaide's water supply in the marginal seats of this Parliament as being more important than the good health and safety of the people in the Callington, Hartley, Woodchester and Strathalbyn regions. I think that is regrettable and lamentable.

**The Hon. J.W. SLATER (Minister of Water Resources):** I move:

That the sittings of the House continue beyond 6 p.m.

Motion carried.

**The Hon. J.W. SLATER:** It appears that there is a general consensus of opinion, and I appreciate the support of the members opposite. I first take up the point that the member for Chaffey made and say that, in the second reading explanation, I gave the history of the matter, and I am prepared to give credit to those persons who were my predecessors as Minister of Works and the Minister of Water Resources, including the member for Chaffey, for negotiations that were undertaken to culminate in this Bill and the ratification of the agreement that was reached. The member for Coles has so rightly said that the question of water is of prime importance to South Australia, more so than to any other State, for a number of reasons, and particularly the Murray River, which is obviously important to us this year because of the drought conditions throughout the south-eastern part of Australia.

This Bill is very important. We have been watching the clock somewhat and I would have hoped that we had an opportunity to consider it. Nevertheless, it appears that there is general agreement. The member for Mallee is probably aware that there is a salinity study on Lake Albert currently being undertaken. The matters that he raised in regard to the problem existing there are part of the terms of reference of this study, which I hope will be completed in the near future. One of the methods he mentioned to solve the problem was the channel just south of Narrung on the isthmus. That would be one of the proposals considered by the study. I will be happy to advise him when that report is available so that we can try to come to terms with the problem regarding Lake Albert and the surrounding area. I am grateful for the support from members opposite. This is a culmination of a long-drawn-out process over many years. It is an important Bill to South Australia, and I commend it to the House.

Bill read a second time.

In Committee.

Clauses 1 to 12 passed.

New clause 12a—'Authorisation to pay compensation.'

**The Hon. J.W. SLATER:** I move:

Page 2, after clause 12—Insert new clause as follows:

12a. A Constructing Authority is authorised to pay compensation for damage occasioned by, or arising out of, anything done by it in constructing, maintaining, operating or controlling any works under the Agreement.

I would like to explain briefly why I desire to include this new clause in the Bill. The River Murray Commission has recently been faced with the possibility of reimbursing the Victorian State Rivers and Water Supply Commission for compensation which may be paid to some farmers in the Mitta Mitta Valley for flood damages due to the high rate of discharge that was required from the Dartmouth reservoir this summer. The opportunity has been taken to examine the River Murray Waters Agreement and the South Australian ratifying Bill to see whether they provide the necessary authorisation for South Australia to pay compensation to individuals and then be reimbursed by the River Murray Commission.

These powers would be desirable if anyone suffered damages in South Australia as a result of construction, maintenance and operational controls or works of the commission. I also point out that the proposed Victorian Bill (of which I have a copy) contains a relevant provision for negotiation for compensation in the Mitta Mitta Valley, is currently being undertaken. Section 67 of the River Murray Waters Agreement, in respect of compensation for damages by works, is in the agreement. So, it is necessary for us to place in the Bill provisions which will be complementary to other legislation in the other States in regard to this measure.

**The Hon. P.B. ARNOLD:** I have no objection to the new clause being incorporated. I can appreciate the reason why that has been done. However, I point out that, in so doing, it will virtually open up the process of litigation against the Government for virtually any action that the Government might take on behalf of the River Murray Commission, whether it is the South Australian, Victorian or New South Wales Government. While I have no objection, I point out that any person associated in any way with the river in South Australia could take the Government to court as a result of the clause being included.

It is a good move as far as the public is concerned but a move that is rarely taken by any Government. It certainly protects the interests of the public and the situation that has developed as far as the Mitta is concerned. The volume of water required to be taken out of the Dartmouth dam to meet the needs of users in Victoria, New South Wales and South Australia, has caused considerable damage to farmers below the Dartmouth dam. While the amendment

and the new clause are very necessary, it opens the legislation very wide in regard to litigation by any person associated with the river.

New clause inserted.

Remaining clauses (13 to 23), schedule and title passed.  
Bill read a third time and passed.

#### **CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL**

Received from the Legislative Council and read a first time.

#### **SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL**

Received from the Legislative Council and read a first time.

#### **CONSTITUTIONAL CONVENTION**

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

#### **ADJOURNMENT**

At 6.6 p.m. the House adjourned until Tuesday 29 March at 2 p.m.