HOUSE OF ASSEMBLY

Thursday 16 November 1995

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

MEMBER'S REMARKS

The SPEAKER: Order! It is my intention at an appropriate time this morning to make a statement to the House in relation to comments attributed to the Deputy Leader of the Opposition which appeared in the *Transcontinental* newspaper at Port Augusta.

BURRA TO MORGAN ROAD UPGRADE

Mr ASHENDEN (Wright): I move:

That the sixteenth report of the committee (Burra to Morgan road upgrade) be noted.

The Burra to Morgan road upgrade forms part of a Government program with the objective of sealing all roads classified as 'rural arterial' by the year 2004. This project is to be conducted in two stages, with the first stage due to commence in 1995-96 and project completion scheduled for 1999-2000. In a strategic planning overview of unsealed arterial roads, the Burra to Renmark Road was identified as being of significance in the Statewide network because of its links between the eastern and western States of Australia, the potential to reduce transport costs and the potential to increase tourism in and around the Mid North and the Riverland.

The Department of Transport proposes to construct the unsealed portion of the Burra to Renmark road to a sealed standard with improvements to road geometry and drainage commensurate with the functions of the road. This portion of road is approximately 60 kilometres long and forms part of national route 64. It runs between the towns of Burra and Morgan and through the district councils of Burra Burra, Robertstown and Morgan. This section of road serves three main functions. First, it is an important freight and tourism corridor for Western Australia-Victoria and Western Australia-New South Wales traffic. Secondly, it serves as a link between regional areas such as the Burra, Clare and Riverland districts. Thirdly, it is a local access road for properties in the area.

In line with these functions, the sealing of this road is an endeavour to create public benefits via a reduction in transport costs, an increase in the competitiveness of rural industries, improved accessibility for people living in the area and enhanced tourist traffic by providing a link between the Clare-Burra districts and the Riverland. Presently, this segment of road is under-utilised, which the committee considers to be a direct result of the unsealed road surface. Freight carriers and tourists frequently choose longer routes to avoid the dangers, wear and tear on vehicles and possible road closures associated with the present surface. It is envisaged that a sealed surface on this road will make it more attractive to tourists and freight carriers, resulting in an increase in traffic volumes.

The project is designed to be implemented in two stages to expedite the design and construction phases. The first stage will begin at the end of the small sealed section west of Morgan and extend approximately 20 kilometres westwards to an area known as The Gums. This section generally follows the existing road alignment and is contained mainly within the existing road reserve, with very little impact on vegetation and the community with the work that is to be done.

Stage 2 is from Burra to The Gums. This stage of the project includes the Burra Hills area and impacts on Snake Gully—a State heritage listed area which is a significant part of the Burra region and the habitat of the endangered pygmy blue-tongue lizard. The following phase of stage 2 is scheduled for completion late in 1995.

The committee has received evidence of an assessment of the environmental impact on the area relating to the proposed project. In relation to native fauna, the pygmy blue-tongue lizard, which was previously thought to be extinct, has been discovered in the Burra Hills area and is the only species of lizard on the national endangered species list. Expert advice that the committee has received from the South Australian Museum has identified some areas of its habitat close to the existing road. The recommendation is, where possible, to move the alignment of the road to minimise the impact on the lizard habitat. However, where this is impractical from a engineering and environmental viewpoint, the Museum has suggested that prior to the construction of the road a more detailed survey of the existing lizard population and a relocation program should be undertaken in areas affected by the roadworks. This will only affect stage 2 of the project and does not affect all lizard colonies in the area. The committee will monitor closely progress in this area.

At the eastern end of Snake Gully, on either side of the existing road, are two houses which have historical architectural significance for the area. The State Heritage Branch and the District Council of Burra Burra have requested that the Department of Transport retain the road alignment between those two houses as it will provide an appropriate entrance to the heritage area. The committee is satisfied that this alignment can be achieved without any adverse effects on the two houses. I also add that the owners of the two houses have been involved in discussions with the department and have indicated that they would prefer that the road alignment continue as it is at the moment between the two houses. The committee also believes that this alignment will assist in controlling the speed of traffic entering the township of Burra.

Discussion on the exact alignment is continuing between the State Heritage Branch, the District Council of Burra Burra and the Department of Transport and the committee is again closely monitoring progress in this area. There are also Aboriginal heritage sites in the vicinity of the proposed works. In particular, five scatters of worked stone sites have been located, four of which are affected directly by the road alignment. All sites have previously been damaged by decades of clearing, ploughing and wind erosion. The committee is satisfied that no salvage measures are required, due to the extensive damage already caused to these sites and consultation with all relevant agencies has taken place. As the proposed works require minor realignment of the existing road, there has been a need for acquisition of land from adjacent land owners. In the case of stage 1, this land either has been or is being acquired. Owners of land required for stage 2 will be approached in the near future. Discussions with the landowners affected indicate that the Government will experience no difficulties in purchasing the required land, mainly because all of the land-holders so desperately want the resealing of this road. They can see that, although

they may lose some of their land, the benefits to them will far outweigh any minor disadvantages.

All funds for this project, both capital and recurrent, are to be provided from State sourced receipts collected from the Highways Fund. The pre-tender estimates of the total cost for stages 1 and 2 of this project are $17.62 million, as at August 1995. This estimate is based on a detailed planning estimate for stage 1 and a preliminary estimate for stage 2.

The Public Works Committee has conducted an inspection of the Burra to Morgan road and its environs. Committee members consulted with local council officers regarding the project, travelled the road's length and inspected sites of natural and cultural significance along the route. In summary, after examination of written and oral evidence, and an inspection of the road, the Public Works Committee finds that the proposal to upgrade the Morgan to Burra road is soundly based and has been subject to the appropriate community and agency consultation.

The committee is firmly of the opinion that Stage 1 of this project should proceed forthwith, as many members with rural electorates would agree, particularly if they have such key arterial roads as this one still unsealed. The Burra to Morgan road, in its present unsealed state, is hindering the economic development of the Mid North of South Australia and diverting heavy transport vehicles onto tourist routes not designed for such traffic, thus creating a potential hazard. This must not be allowed to continue. The committee believes that both tourist and freight traffic are travelling via longer, alternative routes to avoid the Burra to Morgan stretch of road, thus reducing the economic benefits accruing to the area.

The committee also believes that the unsealed surface of the road is a traffic hazard, with wet weather often causing difficulties and, in severe cases, closure of the road. During summer, roads become corrugated and potholed. Road closures reduce the reliability of the route and further deter freight and tourist traffic from the area while disrupting local traffic. Although some minor environmental issues need to be resolved prior to the commencement of Stage 2 of the project, the committee is satisfied that the commencement of Stage 1 will not result in any adverse effects to the flora, fauna or heritage of the area.

The committee will monitor the project to ensure these issues are resolved in a manner agreed with the Department of Transport, and will fully investigate Stage 2 before it proceeds. Pursuant to section 12C of the Parliamentary Committees Act 1992, the Public Works Committee reports to Parliament that it recommends the proposed public work.

Mr ANDREW (Chaffey): I am pleased to rise this morning to support the decision of the Public Works Committee to conclude the very overdue process to upgrade the Burra to Morgan road. The justification for the upgrading is clearly found in the findings and conclusions of the investigations by the Public Works Committee into this proposed project. The project is not only important with respect to increasing the transport efficiency in the area, reductions in user-road costs and increased safety but, more particularly, as mentioned by the member for Wright, the road in its present state is hindering the further economic development and growth of the Mid North region of South Australia, as well as the eastern sector of the Riverland in the electorate of Chaffey, which I represent.

This decision formalises the financial announcement made by the Premier in early October for the expenditure of some $17.5 million to upgrade the final 60 kilometres of the unsealed section of the Burra to Morgan road. This upgrading will not only bring about a very significant improvement in the transport link between regional areas located between the Riverland and the Mid North but will also confirm that road as a major transport link between some of the major cities of this country.

It will become the major transport link for both tourists and freight transport between Sydney and Perth, between Melbourne and Perth and between Melbourne and the Northern Territory, including the link between Melbourne and the Flinders Ranges as a tourist route, which will provide benefits to South Australia. I note that the project is planned in two stages: Stage 1 involves the sealing of a further 20 kilometres of road from Morgan to The Gums; while in Stage 2 a subsequent 40 kilometres of road from The Gums to Burra will be sealed. I note from the report that no major difficulties are expected, whether they be environmental or in the purchase of land, particularly with respect to Stage 2 and the final 40 kilometres of road from The Gums to Burra.

I want to reiterate the comment that I made about the transport hub because it reflects upon the significance of the Riverland in terms of its continuing to be an important hub for the cross-connections of interstate transport that I have mentioned. When complemented by the proposed Berri bridge, it is likely that transport between Melbourne and the Northern Territory will use a path across that proposed bridge, possibly through Loxton. I use this opportunity to thank all those who have been involved in what has been a been a very determined, committed and cooperative approach over more than a decade to bring about this decision to seal the Burra to Morgan road.

Mr Venning: It has been 60 years.

Mr ANDREW: The member for Custance indicates that it has been 60 years, but I suspect that it is only 10 years that an agreement has been in place between the Federal Government and the State Government that this road would become a State responsibility. Notwithstanding that, over the past decade there has been an extremely committed campaign from all those involved and, in the broader sense, I mention the Mid North Local Government Association and the Riverland Local Government Association, which have spearheaded this committed approach. However, I do not want to overlook the councils of Morgan and Burra, because I know that Morgan council, in particular, has used significant ratepayer funding to progress the sealing from the eastern end. Of its own volition, using its own resources, it has set the example for the State by sealing nearly 20 kilometres to date, and that is a commendable effort.

A tremendous number of individuals have supported this campaign, not the least being my colleague the member for Custance, who has shown great commitment in this place to ensure that the road is sealed. I also thank the many individuals who participated in the bike ride in September. The member for Custance, the Minister for Transport, many locals and I took the opportunity to ride the road to prove the point and to make sure that the continuing need for this project was highlighted and brought to public attention. I am sure that this contributed to the confirmation of this funding.

I thank all those who have been able to bring this matter to a final conclusion. As I said, it has been a very active and determined campaign over more than a decade from a State perspective. I thank the Public Works Standing Committee for its involvement, not just for its decision but also for the process it went through to confirm the very overdue and

justifiable need for expenditure on this road and, as confirmed by the report, to proceed with stage 1 as soon as possible. I commend the report.

Mr VENNING (Custance): I commend the committee for its report. I have not read it yet but, from hearing the resume from the member for Wright, I look forward to reading it in detail. It is the understatement of the year to say that I am very pleased with this decision. It is also pleasing that the Government has given this all-important transport corridor such a high priority. I am thankful for the budgeted $17.5 million that has been allocated for the road and I am pleased that it will be completed in three years. By this time next year, half this road will be completed—from Morgan to The Gums—so that will give the locals much heart: they will be so pleased.

No single project has given me more satisfaction than this one. As you would know, Mr Speaker, in my very first speech in this House I spoke of the need to upgrade the Burra to Morgan road. I gave a commitment then to my constituents that this road would be sealed while I was a member of Parliament. That was a strong statement, because eight members of Parliament before me had said just that. I am so pleased that at long last, after a history of 60 years, the goods will be delivered. Sir, you will well remember the rocks I distributed in the House to all members, particularly the Minister at the time, the Hon. Frank Blevins. The rocks are still in this place and they have obviously done their work. It has been a 60 year project and, as I said, so many members before me made commitments but the project was never delivered.

Certainly, I want to thank all those who have supported me and the project, particularly Mr Harry Quinn, from Booborowie, who was on the Burra council. Now a gentleman in his upper years, for many years he strove for and kept an exact history of the project. Indeed, he threw the barb at me and said, 'You and six other members of Parliament made that commitment and none of you have delivered.' Well, Harry, we are going to deliver. I want you to thank this Brown Liberal Government for delivering. I look forward with a great deal of enthusiasm to opening day. I will do more than ride my bike: I will be there—

Mr Kerin: Buying!

Mr VENNING: —buying, as the member for Frome says. I hope he will be there, because he was not on the bike ride. I hope all members will be there to celebrate with us this historic occasion. Also, I thank the member for Chaffey for his involvement. In the short time he has been on the scene, he has given us a lot of support, as has his Federal counterpart, Mr Neil Andrew, the Federal member for Wakefield, who has done all he can to support this project over the years to get the project up. I also thank the Burra Burra council and particularly its Chairman, Mr Graham Kelloch, who has given great support and the ammunition and information that has been required, as has the Morgan council through its Mayor, Mr John Lindner. I also thank, as the member for Chaffey just said, the Riverland and Mid Northern Regional Development Boards, which have been supportive, as has the development board and the council of Whyalla. They have seen a need for this corridor to be updated not only for locals but for the good of South Australia as a whole.

Also, I want to mention Mr and Mrs Gil Strachan, who live at The Gums, out in the middle. They are a charming couple living in a delightful part of the world. They have been a great support to me and they, too, can take a lot of credit and satisfaction from this result. I know that they are very pleased. I only hope that the road does not destroy the peace that they certainly enjoy and probably take for granted. I am sure they will be getting many more visitors from now on. Certainly, I would like to thank the Minister for her involvement, which has been critical to the project. I pay her the highest tribute, because she even rode half the road with us on push bikes, as you would know, Sir, and no doubt she got a good look at it.

The benefits to South Australia will be great. They will be significant for the locals, and all the Mid North and interstate traffic certainly will appreciate the upgrading of the road, which will link the Riverland to the Mid North, as the member for Chaffey has said. Vital parts of our tourism and business areas in regional South Australia will be linked. I am so pleased and thankful about this decision. The rocks are still here in this place and must have done their job. I commend the committee on the work it has done. Certainly, I will read its report with great interest and I support the motion.

Mr KERIN (Frome): I support the report on the Burra to Morgan road upgrade with great pleasure and I support the comments already made. As members will be aware, this project is part of a larger promise by the Government to seal all classified rural arterial roads by the year 2004. As the member responsible for the Burra end of the road, I am absolutely thrilled that priority has been given to this road, because it is an expensive project in the whole scheme. Obviously, the need has been demonstrated over many years.

As the chairman said, the state of this road has been hindering the economic development of the Mid North of the State in that it has taken it off the major east-west freight and tourist routes across Australia. This has been very unfortunate because, geographically, it is smack bang there. This one road has been an absolute disadvantage to the area: it has been forcing people to take alternative routes. As members have said, the upgrade certainly will be warmly welcomed by the communities of Burra and Morgan and, more particularly, by those who live in between. The member for Custance mentioned the Strachan family at The Gums who, because of the state of the road, have had to educate their children at home. The state of this road has cheated them of access to the education system and, at certain times of the year, it has made it very difficult for them to travel to town.

When the Public Works Committee visited the area, we called into The Gums and spoke to Ruth Strachan, who pointed out some of the advantages that would accrue to them and some of the others, and indeed this was welcomed. Unfortunately, at the time of the Public Works Committee's visit to the area, the road was in excellent condition: it was the best I had ever seen it. So, it was a little hard to convince the chairman how bad it is at times. Obviously, we were there after there had been enough rain to work on the road. The state of the road varies because they can work on it only when there has been rain. During the dry periods of the year, they cannot work on it because it just goes to bulldust and, at that stage, there are numerous corrugations and potholes. During the dry period it is dangerous and during the wet period it can become very slippery and almost reaches the stage of being unpassable when there are very heavy rains. I know, because several times I have decided to go that way rather than around and I have travelled half way across and wondered whether I have done the right thing.

Due to the state of the road, over the years many people have headed south. They get to the Riverland, then head south

to avoid the Burra to Morgan Road. This certainly reduces tourist movement through the Burra area and through the Mid North, but it also increases the level of heavy freight and traffic on the tourist roads to the south through the Upper Barossa-Clare Valley area, which, particularly with regard to trucks, has some real road safety problems when the road is damaged and becomes unsafe. The upgrading will open the area up not only to east-west tourist traffic: it is amazing how many people living in the Mid North have never been to the Riverland because it is so far around and they are not willing to use this road. Likewise, many people living in the Riverland have not accessed the Clare Valley and Mid North areas because of the state of the road. The upgraded road will be of particular benefit for Burra. This year Burra has had very good tourist traffic because of its Jubilee 150 celebrations. It is a heritage town which has enormous potential for tourism but, being so far off the beaten track because of this road, it has missed out on fulfilling that potential.

I commend the Minister. As the member for Custance said, the history of this road goes back many years. I can remember, as a new member, inviting Minister Laidlaw as the new Minister for Transport to come to the area, which she happily did. It was amazing how many years it was since the council had had a visit from a Minister for Transport. Due to the state of the road, many former Ministers had decided to bypass the area. Council members were very happy to see the Minister, whom they took for a drive out to the road. She certainly saw what they had been up against.

I commend local government: its persistence on this issue over the years has been unbelievable. Many local government bodies would have given up but, because of the importance of the road, it persisted year after year. I also congratulate the Department of Transport—and particularly Luigi Rossi, who has done a lot of footwork in the area—for the way that it has consulted with local government, worked through the heritage issues and everything else. It is an excellent example of cooperation between the two levels of government and all those involved are to be congratulated on that. I look forward to work proceeding under stage 1 and, hopefully not too far away, the completion of stage 2, which will give us a sealed Burra to Morgan Road and open up the Mid North to east-west traffic.

The SPEAKER: Order! Before putting the question, the Chair indicates that it is also very aware of the importance of this project, which has my full concurrence.

Motion carried.

BAROSSA MUSIC FESTIVAL

Mr VENNING (Custance): I move:

That this House notes the outstanding success of the fifth International Barossa Music Festival and how it attracted visitors from interstate and overseas and became a cultural, tourist focal point for South Australia.

I was concerned that I could not debate this matter three weeks ago and, given the Notice Paper, this is my first opportunity to do so. Nevertheless, it is certainly a great time to reflect on a very successful event. The festival attracted visitors to South Australia from interstate and overseas, and has become a tourist focal point for South Australia. I wish to congratulate all those involved, particularly the Festival Chairman, Mr Perry Gunner; the Artistic Director, John Russell, OAM; the General Manager, Mr Edwin Relf, and Nicky Downer and Colin Koch, the marketing and development people, ably assisted by Lady Mary Downer.

The Barossa Music Festival features concerts in churches, wineries and heritage buildings throughout the Barossa Valley. I know many members visited that and were suitably impressed with the festival. The meals were prepared by Barossa chefs, featuring local produce. The festival also features many world premieres by performers. The Barossa Music Festival was established in 1990 as an event of 22 concerts. It is now a major international festival, regarded as one of Australia's finest musical events. A gathering of leading national and international artists, ensembles, composers and students is an important concept pursued to bring together people from a range of backgrounds to work together for 16 days. It is a unique opportunity for student performers and young professionals to meet and work with great artists from around the world, including many of Australia's outstanding performers.

This year, the festival presented over 90 concerts and received strong local involvement, celebrating the famous Barossa wine and food, often together with the concerts. Many concerts were broadcast by the Australian Broadcasting Commission and other networks, and wide coverage by the print and electronic media resulted in strong national acceptance of this festival. The Barossa Valley and its culture are an important part of the South Australian cultural heritage—and that is an understatement.

The valley's unique collection of pipe organs, built last century from local materials by German-born craftsmen who emigrated to South Australia in the 1840s, is one example. The Barossa Valley's unique historical background, its German heritage and its historic wineries and churches all help to give the festival its special character of intimacy.

The programming is designed to be unique to the festival, and its unusual venues add to the character of the rural setting. At most of the concerts I attended we were sitting in amongst the barrels on either the wine floor or in the wine cellar. Certainly, there would not be too many other venues to which one would go for a concert and have surroundings like that—apart from last year, when Max the cat decided to interfere with an important orchestral concert. They turned out to be very successful venues, and even the acoustics are surprisingly good.

There is an emphasis on a wide repertoire, featuring chamber and orchestral music, opera music, theatre and dance, folk music and historical projects, as well as youth events with master classes and symposia. This year we also had American jazz. It was extremely high class, and it included a range of jazz, both modern and traditional. Even those who went to the traditional jazz would have found it somewhat different, but everyone certainly appreciated the world-class act of Schneider Jazz. Audience numbers were 50 per cent higher than those in 1994, attracting an estimated 21 000 concert goers to the Barossa Valley Music Festival.

A survey conducted by organisers showed a 30 per cent increase in visitors from interstate and overseas for this year's festival. The increase in numbers this year marks not just a solid economic return to South Australia but also a valuable investment in next year's Barossa Music Festival as the majority of festival visitors return each year. The festival has become an important economic and cultural asset to South Australia. The integration of wine, food and heritage of the Barossa with music is the key to the festival's success. The added facility of the 1 200 seat Lyric Theatre at the Faith Lutheran Secondary School in the Barossa Valley, construction of which will commence shortly, will enable the

production of major opera and dance events at future festivals.

My wife and I attended many festival events, which we thoroughly enjoyed. The spirit of the festival was great—something that one cannot buy. It is there, and it is created by everything else—the unique venues, the food, the wine, the fantastic music and, most importantly, the people. There was happiness everywhere; there were more smiles in the valley than one could see anywhere else—miles and miles of smiles. One incident broadened them even more: Lady Downer riding pillion on a Harley Davidson motor cycle with Mr Bear. The input of Lady Mary and Nicky cannot be overestimated.

The aim of the festival is to create a total South Australian experience, attracting increasing audiences from interstate and overseas. As the major element in regional tourism development, the Barossa Music Festival demonstrates the continuing ability of South Australia to crystallise its greatest advantage in artistic and gastronomic achievement in one single event. The festival hopes to further develop the Barossa Spring Academy—the event for young musicians and composers—as a major part of the festival and the State's arts education focus. The future looks very bright for the Barossa Music Festival, but we can assist with infrastructure to make it even better. Hopefully, before the next festival we will have a train service between Adelaide and the Barossa, as everything is in place to make that happen. We want a better access by road, particularly from Gawler to Tanunda, and clean water for the patrons in the hotels and motels will be appreciated in 1997.

I want to further promote and support the construction of the performing arts centre at Faith School and the development of the Chateau Tanunda site into accommodation, which is at a premium during these festivals, particularly the high quality four star motel, hotel and bed and breakfasts.

Support from different areas—including the Barossa community, the State and national tourism bodies, the national and international sponsors—is anticipated in an endeavour to build on the Barossa Music Festival's international reputation and network of contacts, all of which contribute to South Australia's image as a State of excellence. I congratulate the organisers very much and look forward to the next festival.

Motion carried.

WOMEN'S HOCKEY

Mr VENNING (Custance): I move:

That this House congratulates the South Australian Diet Coke Suns on their outstanding achievement in winning the grand final of the Women's Hockey National League Stix Series on Sunday 22 October at the Pines Stadium and notes that it has been 25 years since South Australia has won the title and 75 years since the State has won it outright.

I have much pleasure in moving this motion. The Telstra Stix Series in the National Women's Hockey League commenced in 1993 when it took over from the previous national championship which South Australia last won 25 years ago or outright 75 years ago. The team comprises six national senior squad members: Juliet Haslam (Captain), Alison Peek (Vice-Captain), Justine Sowry, Katie Allen, Kate Sage and Tasmanian recruit, Bianca Langham. Juliet, Alison, Justine and Kate were members of the victorious Australian world team earlier this year. In addition, there were two members of national junior teams competing for South Australia: Tobi Cibich and Kelly-Gene Young. The other members of the team that won the national competition were: Linda Gare (the other Vice-Captain); Jo Venning; Jacqui Rayner; Carmel Souter; Melissa Kenley; Ashleigh Jackson; Emma Voigt from the Riverland; Charmaine Collett; Rachel Hampton; Kate Wood; Nicky Gameau; Lucy Haas; Tricia Heberle (Coach); Roger McDonald (Assistant Coach); Gwen Bert (Manager); and Rosie Heath (Physiotherapist). Of course, the sponsor of our State hockey side is Diet Coke.

The South Australian Sports Institute played a valuable role in the development of this successful team through its sports plan program which included the provision of international standard competition through a visit to the USA by the national team earlier this year. Indeed, the win is a tribute to the excellence of the SASI program. In the minor round of the Stix Series with wins over the ACT, the Northern Territory Blazers and the New South Wales Arrows, the Suns managed to qualify for the four team final series. Adelaide was chosen by the Australian Women's Hockey Association to host the 1995 Telstra Stix Series finals prior to the Suns qualifying for the finals.

The Diet Coke Suns defeated the Queensland Scorchers 4-2 in the semi-final on Saturday 21 October, and the Queensland Scorchers are usually the pacesetters. With a 2-all score at the end of full time and extra time, the result was determined by sudden death penalty strokes which the Suns converted 2-0. In the other semi-final, the New South Wales Balsam Arrows defeated the Western Australian Diamonds. The Diet Coke Suns met the Arrows in the final on the following day. Despite the Arrows scoring early and having a half-time lead, the Suns maintained their desperation and perseverance throughout resulting in a sensational 3-2 victory.

A national squad will now be finalised for the 1996 Olympic Games lead-up, and we hope to have six players chosen for that team. It also marks the coming of age of South Australian hockey following some very big changes. Our hockey facilities have lagged behind the other States, and they still do. The Pines Stadium has done much to lift the standard of our game—

Mr Foley: Thanks to the former Labor Government.

Mr VENNING: I will give the previous Minister credit for that.

Mr Becker interjecting:

Mr VENNING: And the campaign by the member for Peake. All other States have extensive synthetic pitches in their cities, regions and country areas, especially Queensland, and the results speak for themselves. New South Wales is building eight new pitches in its country regions, and it already has 20. We cannot schedule any State league fixtures in our regions because we do not have synthetic turf. You cannot play these hockey matches on grass, because it is an entirely different game.

I understand also that Munno Para is at the moment pursuing a new pitch and I will support that, because it would certainly help the game in the area, particularly in the Barossa Valley, which is not so far away. The introduction of synthetic playing surfaces changed the game of hockey everywhere. Grass is slower and entirely different. Synthetic surfaces are expensive, at approximately $350 000 for each sand filled surface. South Australia has trailed other States for a long time, with only three in the State. Now in Mount Gambier we have the only regional synthetic surface, which is only the replacement surface that came off the Pines when it was deemed to be defective. To fully utilise our hockey

talent we need to place these facilities where the talent is. Another four synthetic surfaces are needed. I notice that the member for Giles is here. Without a doubt, the highest priority for the next synthetic pitch in South Australia is Whyalla, because time and time again Whyalla has given us our premium hockey players and right now they have a great disadvantage.

The Hon. Frank Blevins: And cyclists.

Mr VENNING: And cyclists.

An honourable member interjecting:

Mr VENNING: He is a long serving MP. He is very synthetic, but he has lasted a long time. The district of the Whyalla needs a synthetic pitch. So many of our young country players do not continue past the age of 15. As soon as they reach that level they run into stiff competition against players who have been playing on synthetic surfaces for many years and, as grass players, very few can compete. It is a credit that this South Australian professional team has six players who came originally from the country. The history of most States and South Australia has shown that country girls seem to excel in hockey, and we need to be able to give them the vehicle so that more of them can participate at State and national level.

The second choice for the synthetic turf ought to be the Riverland, because they have a lot of talent up there and we must provide them with that facility. The Barossa and the Upper South-East should come next in that priority list. After that, no doubt Port Pirie should come on stream and the people from Crystal Brook can then play on a pitch.

An honourable member interjecting:

Mr VENNING: I am quite prepared to donate land if it would be of use.

An honourable member interjecting:

Mr VENNING: We have heard of the Heini Becker race track; I am quite happy to have the Ivan Venning sports park. I do not think that the land that I own would be suitable, but it is there and I offer it. I personally appreciate the progress of many of the young ladies in this fine hockey team. I first met several of them 12 years ago, when five of them were selected in the South Australian primary school State hockey team. They were only nine year old girls representing the State team at Homebush in New South Wales.

Mr Brindal interjecting:

Mr VENNING: My daughter was one of them, so that is why I was there. The member for Unley asked, so I tell him, very proudly. They came third on that occasion. I have followed their path—their highs and lows—until this point, which is their finest victory. This outstanding hockey performance is yet another milestone for women's sport in South Australia, following Quit Lightning's second premiership in the women's netball and the near miss of our senior netballers in the national championships. The Premier honoured the team at a reception in the Premier's Department State Administration Centre, and the ladies were very grateful for that. I also thank the Premier. They certainly enjoyed it and it was a fine finale to a very successful season. Yes, Mr Speaker, South Australia's Diet Coke Suns have every reason to be proud. They have won the national hockey competition in the world's top hockey nation. I say that again so that members can reflect: they have won the national competition in the world's top hockey nation. There can be no higher accolade.

An honourable member: Have you coached them?

Mr VENNING: I have given them plenty of advice over the years, but I have not coached them; no. The State is proud of them, the code is proud of them, their families are proud of them and, as a parent of one of them, I am proud of them. Well done!

Ms WHITE (Taylor): I am pleased to congratulate the Suns (and Ivan's daughter) on the great win. Winning the grand final of the Women's National Hockey League Stix Series last month at the Pines stadium was an outstanding achievement. It is worth reiterating that it has been 25 years since South Australia won the title and 75 years since the State won it outright. The Suns certainly deserved to win. As a former club hockey player, I admire their competence, their good stick work particularly, their coach Tricia Herberle, and some magic work by Charmaine Collette; and Australian players Alison Peek, Justine Sowrey, Katie Allen and Juliette Haslam have to be congratulated. It was the State's greatest hockey victory from women of skill, women of talent and women who went out to win. What a magical combination! Well done, ladies.

Motion carried.

COMMISSIONER FOR CHILDREN

Ms GREIG (Reynell): I move:

That this House requests the Federal Government to establish an independent office of commissioner for children as per the Action for Children Policy Statement and the March 1994 discussion paper.

At the world summit in 1990 the then Prime Minister, Bob Hawke, was one of the 71 heads of Government who pledged support for the UN Convention on the Rights of the Child and made a commitment to take political action at the highest level to give priority to the rights of children. There are more than 4.5 million children and young people below the age of 18 in Australia. They constitute almost 27 per cent of all Australians. The concept of a Commissioner for Children is not a new one. Norway was the first country in the world to appoint a separate official to watch over the rights and interests of children. A Barneumbudet, or children's ombudsman, was appointed by the Norwegian Parliament in 1981. The first appointee, Malfrid Grude Flekkoy, was an effective advocate for the concept of a Government-funded agency to promote the interests of children.

Sweden also has an enviable record in protecting the rights of children, and a non-governmental agency, Radda Barnen (the Swedish Save the Children Fund), appointed a children's ombudsman in the late 1970s. The Defensor de le Infancia, set up in 1987, was an initiative of the Costa Rican Government and was given legal status in 1990. New Zealand's Commissioner for Children was appointed in 1989 and is funded by and has administrative links with the Department of Social Welfare. Australia's ratification of the UN Convention on the Rights of the Child and the UN Declaration on the Survival, Protection and Development of Children have presented our Federal Government with new obligations towards children.

We must ensure that these important international agreements are implemented and given political priority. At present, there is no coherent systematic and structural means by which to ensure that the needs, interests and rights of Australia's children are brought to the attention of the national Government and taken into account. Children are probably the only major group in the population for which this is not the case. A national office of the Commissioner for Children should be established to fulfil the following purposes:

· to influence policy makers and practitioners to take into account the rights, needs and interests of children;
· to promote compliance with the minimum standards set by the UN Convention on the Rights of the Child and other international treaties or agreements;
· to ensure that Federal and State legislation and policies comply with the rights and interests of children as outlined;
· to seek to ensure that children have effective means of redress when their rights have been disregarded; and
· to ensure that the rights and interests of children are upheld and kept in the public focus.

The well-being of children must be a commitment of the highest order because, as the most vulnerable and dependent group in society, they cannot pursue it for themselves. This alone should be sufficient reason to take whatever action is necessary to guarantee the well-being of children. The establishment of an independent statutory office of a Commissioner for Children to promote children's rights and interests would be a first and crucial step in addressing the present imbalance and an important move towards implementing Australia's obligations under the UN Convention on the Rights of the Child.

Many of us ignore the fact that children are real people with feelings. We forget that they do know right from wrong, and what they do not know they are soon learning. They are bright, inquisitive and they care, yet this innocence of youth we seem to abuse. It does not seem so long ago that we actually denied Australian children the fundamental right to bodily integrity in laws and practices by allowing teachers and care givers the right to cane and severely and violently punish children. The Australian education system still does not widely accept that children are individuals with independent rights. Students have little say in decision making and are denied opportunities to be heard, to express their views and to question or challenge school decisions.

Australia's family law system treats children as objects of concern and largely denies them the opportunity to advocate for themselves and present their views in court or as part of any mediation process. While there are Offices of Youth Affairs and Ministers of Youth Affairs in most Australian States and Territories, they have traditionally had little influence on policy decisions and are subject to the limitations imposed by the Cabinet system and Party politics. The physical, sexual and emotional abuse of children by adults is one of the most pressing social issues in Australia today, yet policies for protecting children vary considerably in their ambit and effectiveness and are often piecemeal and patchy, under funded and lacking in suitably trained and supported staff.

The legal protections for children depend on where they live. Laws and practices as to the care, protection and treatment of children vary significantly between different States and Territories, and sometimes between State and Commonwealth, with consequent uncertainty, inconsistency and variation in quality of service.

There are many areas of concern that I have not yet covered, including the level of child poverty in Australia, the Australian youth suicide rate which is now the highest in the world, youth homelessness, and the 1994 inquiry into mental illness which concluded that there are few areas where services are adequate and that the human rights of the 'at risk' young Australians are being seriously denied.

Political decisions made today are likely to have a significant influence on the interests for children of present and future generations, and it is important that a child's perspective and an awareness of intergenerational equity should be taken into account by decision makers. Australia has been very slow in meeting its reporting obligations under the Convention on the Rights of the Child. Our reports are nearly two years overdue. I see a Commissioner for Children taking responsibility for the preparation of these reports and hence reflect a child's perspective.

In closing, I ask members in the House to support the request for a Federal Commissioner for Children and would briefly highlight some of the duties outlined in the discussion paper of March 1994 'Why Australia needs a Commissioner for Children'. A Commissioner for Children would be an independent spokesperson for children and young people, someone who would monitor and comment on laws, policies and practices which would impact on them. A Commissioner would consult with children and young people and ascertain their views, assist children and young people to put their views forward to decision makers at every level and assist them in having their views considered and taken seriously.

A Commissioner would monitor and survey laws, policies and practices affecting children and young people, and seek to influence these so as to provide greater protection for children and to enhance their rights; develop and promote policies which will give children and young people a fair share of national and local resources and will provide them with a safe, healthy environment suited to meet their particular needs; and make public comment on issues of concern to children and young people, taking up particular issues with members of Parliament, Government officials and other key people in an effort to advance the rights and interests of children and young people.

A Commissioner would gather information about children and young people and their position in Australian society, and seek to raise public awareness for the position of children and of issues of importance to them; and work hard to ensure there are advocates for children who will help them put their point of view when decisions are being made which affect them. Children's rights are our responsibility. It is a shared responsibility, and it is up to us to recognise the importance of these rights.

Motion carried.

HEALTH COMPLAINTS UNIT

Ms STEVENS (Elizabeth): I move:

That this House requires the Minister for Health to establish forthwith an independent health complaints unit in accordance with his obligations under the Medicare Agreement.

In addressing this matter I should like to go over some of the history relating to health complaints mechanisms in this State and then directly address the motion. The Health Advice and Complaints Unit of the South Australian Health Commission was established in 1984. It went under the name of the Patient Information and Advisory Service following recommendations from the Sax report. It recognised a need for an improved system for dealing with aggrieved persons in relation to health and hospital issues. It was the first such body in Australia and it became a model for later developments and improvements in health complaints units. It is interesting to note that from leading the field with the establishment of this unit in 1984, we are now lagging way behind. I believe that we are the last of all States to update that mechanism and to introduce an effective independent complaints unit.

Discussions in relation to changes to the Health Advisory Complaints Unit have occurred over a number of years. I should like, in particular, to refer to a report published in June 1992 from the task force on patients' rights in a paper entitled, 'An Independent Health Complaints Unit for South Australia.' This task force made a number of recommendations which, as I said, were published in June 1992. The recommendations were: that South Australia establish an independent statutorily based health complaints office with universal coverage along the Victorian and Queensland lines; that it be separate from the Ombudsman (as well as the commission) to enable a clear and special health system focus; that it have a set of guiding principles or statements of rights as a philosophical benchmark; that it continue to provide an information role as well as a complaints function; that conciliation be a major feature of the system established; that the office be able to lay complaints before registration boards (as in New South Wales), although not necessarily be the only complainant possible; that it be properly resourced; that South Australia not have a health rights review council along the Victorian and Queensland lines, because it may bring rigidity to the way in which rights issues are looked at in South Australia; and that the office have power to hold public interest inquiries of its own volition or when required by the Minister.

That was in 1992. In 1993, the Medicare Agreement was signed by the States, and that agreement requires the South Australian Health Commission to establish an independent complaints body to investigate, conciliate and adjudicate complaints made to it about public hospital services and to recommend improvements to hospital services. The emphasis is on public hospitals, because the Medicare Agreement relates to the funding and provision of public health services. Immediately following this the former Government established processes to implement that requirement under the Medicare Agreement. In fact, in November 1993 a discussion paper covering all these issues and others raised in previous reports, such as the one that I mentioned earlier, was circulated throughout the South Australian community for comment.

As we all know, the Labor Government fell and there was a change of Government on 11 December 1993 and this led to a huge period of inaction in relation to picking up this issue. It gets back to what I was saying that, from being a leader in the field in terms of complaints mechanism, this Government allowed the situation to stagnate to the point where it still has not been established in South Australia. This state of affairs has caused widespread concern throughout the community, and I will quote briefly from a letter put out by SACOSS on 15 November 1994 and circulated to all its member organisations. It states that recently it was approached by the Medical Consumers Association about the apparent lack of progress in the establishment of an independent—

Members interjecting:

The SPEAKER: Order! There is too much conversation in the Chamber; the member for Elizabeth has the floor.

Ms STEVENS: SACOSS in November 1994 said in a letter to its member organisations that it had been approached by the Medical Consumers Association regarding the apparent lack of progress in the establishment of the independent complaints unit. It goes on to say:

> As this has been a matter of concern for some time, we have decided to pull together consumer groups and other relevant parties to canvass our mutual concerns and develop appropriate strategies to move forward on this issue.

When I gave notice on Tuesday about moving this motion today, the Minister for Health interjected and said that it was in the Health Services Bill, that we had knocked back that Bill and that therefore we had stopped the provision of the independent complaints unit. I will make a couple of things clear. First, when the Bill was tabled by the Minister earlier this year in March there was no mention by him of any independent complaints unit. The first mention of an independent complaints unit came as a result of amendments put up by ourselves and by the Democrats in the Upper House. Further, the reason the Bill fell was that the Minister himself withdrew it. It is on his head that that Bill did not proceed.

Mr CLARKE: On a point of order, Sir, on several occasions you have called for greater quiet on the part of members. They seem to be defying your ruling, Sir.

The SPEAKER: Order! The Deputy Leader is correct. Members should be heard without interruption. The member for Elizabeth has the call and I intend to see that she is allowed to continue her remarks without further interruption.

Ms STEVENS: The amendment rejected by the Minister when we were debating the health services legislation earlier this year was an amendment to set up a consumer complaints mechanism against both public and private health service units. The Minister in debate both in this Chamber and in another place rejected that notion. On Wednesday this week—the day after I gave notice of my motion—I heard on the radio an announcement by the Minister that he was at last acting on this recommendation and that he would be establishing an independent complaints unit. At last!

The proposal put forward by the Minister is that the independent health complaints unit be established under the auspices of the Ombudsman. As I explained earlier, that is not the preferred avenue in respect of this unit. A number of problems arise in relation to putting the independent health complaints unit under the Ombudsman's authority. I have two main areas of concern: first, if the Ombudsman has control of this unit he is restricted to dealing with complaints emanating only from the public health system. All members of Parliament continually receive letters from consumers raising concerns about both the public and private health systems.

If we are really committed to change and improvement, we need a complaints mechanism that covers both systems. Unfortunately, the Ombudsman will not be able to do that because his function is restricted to only public systems. My second major concern relates to the role of the Ombudsman. I quote from the report that was tabled in this House a day or so ago, in which the Ombudsman states:

> The principal work of the office involves preliminary and full investigation of public complaints concerning actions relating to matters of administration on the part of Government departments, local government councils and statutory authorities or agencies proclaimed to be within the Ombudsman's jurisdiction.

My concern relates to matters of administration because, in the area of health, as in all areas, complaints will arise in respect of administrative matters, but other complaints will cover a much wider range than that. This unit will limit the ability to investigate fully the health concerns of people in our State. Health is such an important and specialist area that it requires its own legislation and a statutory body to be able to deal effectively with complaints through conciliation, so that we can be sure that changes will occur within the system, which means that the system is addressing those complaints.

Again, I refer to the amendment to establish this unit that was rejected by the Minister earlier this year. That amendment mentioned not only the importance of conciliation but also the need for reporting back to this House and the health system so that improvements can be made. I urge the Minister for Health to reconsider his plan to place this unit within the Ombudsman's jurisdiction, and I ask him to take into account all issues that I and many other people have raised in relation to this unit. In his report, the Ombudsman states that he will need at least three extra staff who are competent to carry out the additional work when the Health Commission sets up a complaints unit under his auspices.

We need to ensure that, if we are serious about resolving health issues for consumers, we do it properly and that we resource it properly. I want to reinforce my remarks by quoting from a letter from the Council on the Ageing to the Minister for Health in relation to the health complaints unit. The council states:

> COTA is particularly disappointed that no consultations have taken place with the consumers who are to benefit from the unit's existence, or their representative organisations such as COTA. COTA remains of the opinion that the Ombudsman's Office is not the most suitable location for a health complaints unit. COTA would much prefer to see a fully independent unit or an attachment to the Office of Consumer Affairs.

Again, the Minister has failed in his responsibility to consult and he has failed to take up this issue in the most appropriate and wide-ranging way.

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

Mr BASS secured the adjournment of the debate.

MEMBER'S REMARKS

The SPEAKER: Order! An article that appeared in the *Transcontinental* newspaper of 15 November 1995 has been brought to my attention. In that article, the Deputy Leader of the Opposition made a number of grossly inaccurate and misleading comments in relation to me and my role as Speaker. I wish to quote the first four paragraphs of the article, as follows:

> 'In the news section, Gunn is not good value. The people of the electorate of Grey [he did not even get that right] are not get getting enough out of the elected member, Mr Graham Gunn,' it was claimed in Port Augusta last week. The Deputy State Opposition Leader, Ralph Clarke, said last Wednesday during a three day trip to the upper Spencer Gulf that Mr Gunn had fallen in love with his wig and other regalia of the Speaker's office. He said Mr Gunn had forgotten the reason he became Speaker was because he was representing the people of Grey. He also questioned Mr Gunn's contribution, saying that he should speak out more on issues about Port Augusta. 'We have not heard one word about Port Augusta since he became Speaker.'

An honourable member interjecting:

The SPEAKER: Order! The honourable member will be dealt with in accordance with Standing Order 137. He knows that he may not make any comments while the Chair is addressing the House. The honourable member has gone far beyond what is acceptable and has reflected on me as Speaker and on the dignity of the House and the impartiality of the Chair. Our system operates effectively only if there is respect for the Chair by all members. I refer to Erskine May, as follows:

> Reflections upon the character or actions of the Speaker may be punishable as a breach of privilege.

This unprecedented attack brings the whole parliamentary institution into disrepute and, as Speaker, I do not intend to tolerate this behaviour. During my time as Speaker I have been tolerant with all members because I have endeavoured to ensure that all members have the opportunity to carry out their parliamentary duties. This outrageous attack must be dealt with by the House in a manner to preserve the dignity of the House to ensure there is no repeat by any member of this behaviour. Does the honourable member have any explanation for his conduct?

Mr CLARKE (Deputy Leader of the Opposition): My comments in the *Transcontinental* article are accurate except that I did not mistake Grey for Eyre. I can only attribute that to the journalist concerned. However, it was a political attack on you, Sir, as the member for Eyre, as I believe I am entitled to make. You are a member of another political Party and, as a consequence, we want your seat for the Labor Party. It is not a reflection on you as Speaker, Sir: it is an outright political attack by me on you as the member for Eyre, as I believe I am legitimately entitled to do.

The SPEAKER: Order! The Chair is less than satisfied with that explanation. No attempt has been made by the honourable member to effectively apologise. The honourable member is fully aware, as are all members, of Erskine May. Criticism of the Speaker is referred to in the practice of the House of Representatives. I therefore name the honourable member for reflecting on the Chair. Does the honourable member wish to be heard in further explanation or apology?

Mr CLARKE: Mr Speaker, as I said in my earlier explanation, I did not reflect on you in your role as Speaker of the House. It was a political point that I was making when I was visiting Port Augusta. If you have taken it and read it in the way you have indicated to the House, that is, that I was reflecting on you in the Chair, then I withdraw any inference to that extent. I was not reflecting on you as Speaker. It was a political attack on my part.

Mr ATKINSON (Spence): I move:

> That the explanation be accepted.

The explanation is an adequate one. Unlike the United Kingdom, we do not have a tradition in Australia of the Speaker being unchallenged in his or her own seat. You, Sir, will not be standing at the next State election as Mr Speaker seeking re-election. That is not the capacity in which you will be standing: you will be standing as the endorsed Liberal Party candidate for Stuart or perhaps another seat so that the danger in the House's not accepting this explanation is that it will be establishing a precedent in an Australian State Parliament that one cannot criticise the Speaker in his own constituency.

That would mean that for the first time in an Australian State we are establishing the principle that the Speaker must go unchallenged, effectively unchallenged in his or her own constituency, and that would be a dubious principle to establish, because the House of Commons is a House of more than 600 members. It can afford to have one constituency unchallenged, because it is unlikely that that is going to affect the outcome of a British general election. In South Australia we have only 47 seats in this Chamber and, if one of those seats is set aside as a seat in which the incumbent cannot be publicly criticised, there is then a danger that that seat will always go with the Government. So, if the House votes not to accept the Deputy Leader's explanation, the constitutional

consequences are that there is one seat in the Assembly that the Opposition cannot challenge, and that is the seat that the Speaker holds.

Members interjecting:

Mr ATKINSON: We can nominate for it but we cannot go to the major town in the Speaker's electorate and criticise the Speaker. Sir, in your condemnation of the Deputy Leader you did not pick on just the paragraph that reads:

> . . . fallen in love with his wig and other regalia of the Speaker's office.

Sir, in your indictment you cited four whole paragraphs, three paragraphs which were purely political, involving criticism by the Deputy Leader of you as the member for Eyre. If the House does not accept this explanation, in effect it is saying that the Opposition cannot travel to the territory represented by the Speaker, which is a vast area of the State, and criticise the Government's candidate. The relevant page of Erskine May which you have been quoting is page 127, and it begins:

> On 26 February 1702 the House of Commons resolved that to print or publish any libels reflecting upon any member of the House for or relating to his service therein, was a high violation of the rights and privileges of the House.

I put it to this House that that was all very well in the Commons in 1702 but, in a competitive two Party system, its application in this House in 1995 is most inappropriate. The Government has a record majority—a majority of 36 votes to 11—in this House. I do not see that it can quarantine, by a ruling of the Speaker, one of those seats from fair political competition. The Parliamentary Labor Party has every right to go into the electorates of Eyre, Stuart, Flinders or whatever constituency the Speaker decides to contest at the next election: we have every right to go there and criticise him in his capacity as a member of this House and in his capacity as the Liberal candidate for that constituency.

Failure to accept the Deputy Leader's explanation will effectively rule that out because, if you look at the indictment in the form that the Speaker has uttered it to this House, it is not merely the Deputy Leader's criticism of the Speaker's fondness for his wig and regalia that is in the indictment but it is many other things, including his capacity as the elected member for Eyre, his contribution in Parliament and his representation of the people of Port Augusta. If this explanation is mown down by the arrogance of a 36 to 11 majority, then free political debate in this State is much diminished.

I ask members to reflect on how they when in Opposition—and the Speaker himself when he was just the member for Eyre—treated the previous Speaker of the House of Assembly. Do members recall how Norm Peterson was treated by the Liberal Party members of the House of Assembly? The attacks on Speaker Peterson were far more trenchant and far more personal than anything the Deputy Leader has done in Port Augusta.

Mr MEIER: Mr Speaker, I rise on a point of order. I would ask you to rule on relevance, because the member for Spence should be addressing the subject of whether the explanation should be accepted. It has nothing to do with the matters that he is raising now; they are totally irrelevant.

The SPEAKER: The member for Spence is given considerable latitude in relation to his comments in moving this motion. I ask him to ensure that his comments are relevant. The member for Spence.

Mr ATKINSON: We are being referred to a page from Erskine May which relies on a precedent of 1702, a precedent that would not be accepted in any democratic country in the world today in the way that it is being applied—

The Hon. Frank Blevins: Read it out again.

Mr ATKINSON: —in the House of Assembly in 1995. At the invitation of the member for Giles, I will read it again. It states:

> On 26 February 1702 the House of Commons resolved that to print or publish any libels reflecting upon any member of the House for or relating to his service therein, was a high violation of the rights and privileges of the House.

I put it to the Liberal Party in this Chamber that just about every piece of State political literature and every newsletter published in this State leading up to the 1993 election, and since, has been a violation of that 1702 ruling. In the twentieth century we tolerate far more competition between political Parties and political candidates than we did in 1702. I refer to another section of Erskine May (page 181). It states:

> Confidence in the impartiality of the Speaker is an indispensable condition of the successful working of procedure.

I put it to the House that, if the Deputy Leader's explanation is not accepted, confidence has been lost by the Opposition.

The Hon. S.J. BAKER (Deputy Premier): I intend to move that the motion not be accepted. We have seen a demonstration of absolute sheer arrogance and contempt for the institution of Parliament—

Members interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: —in the explanation provided by the Deputy Leader and, indeed, the follow-up support provided by the member for Spence. The Opposition seems to misunderstand what rules are for. They are there to be kept, not broken. Irrespective of whether rules are made in 1702 and still survive as accepted rules of Parliament—just as many of the common law rules made back through the centuries have now been put into the Acts of Parliament—they survive because they are deemed to be appropriate and relevant rules. Let us be quite—

Mr Foley: What did you do to Norm Peterson in the last Parliament?

The Hon. S.J. BAKER: The member for Hart, who also manages to transgress on numerous occasions, has asked what did we do to Norm Peterson. We had a substantive motion against the Speaker. As far as I can recall, we never criticised Mr Peterson in his role as Speaker of this House. In fact, he happened to be one of the better exponents of the Speakership of this House, and the Parliament operated effectively under his control and management. That has not been the case since this Opposition has decided to destroy the very vestiges of parliamentary process.

An honourable member: Oh, get out of it!

The Hon. S.J. BAKER: The member for Spence continues to interject, and I am sure he is aware of the penalties that prevail in those circumstances.

Mr Atkinson: That's for him, not you.

The SPEAKER: Order!

The Hon. S.J. BAKER: Of course, that is for the Speaker to rule. We have had an explanation which, if it were ever accepted, would lead to the complete deterioration of this Parliament. I, and no member on the Government side, would tolerate that. I know it is the agenda of the Opposition to turn this into a bear pit—

Mr Atkinson interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: —but we intend to make this Parliament operate effectively, despite the actions of members opposite. I make the point that you, Mr Speaker, have

been extremely tolerant. Under previous Speakerships, if I were sitting in the seat of Deputy Leader, I would be out of Parliament today if I had carried on in the way in which the Deputy Leader has carried on.

Mr Atkinson interjecting:

The SPEAKER: Order! The member for Spence has had his opportunity.

The Hon. S.J. BAKER: The Opposition has stretched the tolerance of the Parliament. Mr Speaker, not only the Deputy Leader but also the Leader has transgressed on numerous occasions and tested your tolerance. The member for Spence is active in his desire to see you put under pressure continually, as are the members for Hart and Elizabeth. So, it involves not only the Deputy Leader. However, the Deputy Leader has gone outside this House and has reflected on the Chair in a way that deserves condemnation.

There are two issues here involving the remarks that were made. I have had to leave this Parliament on three occasions. On each of those three occasions, there was enormous frustration, and I was ejected from the Parliament—I was named. Every person who had been sitting alongside me said, 'Whatever you do, do not ever go outside and reflect on the Speaker.'

Irrespective of how one feels and how hard done by one feels one may have been, one does not reflect on the Speaker. One can reflect on an honourable member and on the Member for Eyre but not on the position of Speaker. The honourable member knows the rules, just as the Deputy Leader knows the rules and, quite frankly, Mr Speaker, your tolerance has been stretched to the limit. You have been more than fair in dealing with this matter. This House cannot operate unless there is a given set of rules and those rules are adhered to. We have a given set of rules, and they have been transgressed not only once but on numerous occasions—weekly.

I would like to make two important points in summing up this situation. The reference to being in love with the regalia of office was a reflection on the Chair. It was a reflection not on the honourable member but on the office. It cannot be tolerated, in the same way that the inability of the Speaker to participate in debates is accepted in this House, and that was reflected upon by the honourable member in his remarks up north. It would be in order for this House to accept an explanation if some sort of remorse was associated with it, or at least an understanding of how this Parliament must operate.

Mr Atkinson: He made his decision in the Party room.

The SPEAKER: Order! The Deputy Premier will resume his seat. That is a reflection on the Chair, and I require the member for Spence to withdraw that comment that a decision was made in the Party room.

Mr ATKINSON: The situation is that—

Members interjecting:

The SPEAKER: Order!

Mr ATKINSON: —the House is voting on a motion.

The SPEAKER: Correct.

Mr ATKINSON: I reflected on where the Deputy Premier made his decision on that vote: I did not reflect on your ruling, Sir.

The SPEAKER: Order! I sincerely hope that that is the case.

The Hon. S.J. BAKER: Not only do we have another example but also the Deputy Leader operates on the open-mouth policy: he does not mind whom he rolls over or maligns in the process. He can malign me—and he often does—but he cannot malign the office of Speaker, as he has done. There must be a clear distinction that the first person in this House is the Speaker and there must be respect for the Chair. There can be nothing, Sir, that takes away from that position; otherwise, we do not have any rules under which to operate.

Given the history of the Deputy Leader of the Opposition, whose actions quite often are intolerable—in this case he shows no remorse for his comments; he shows no remorse for the reflections, because he did not apologise, and he shows no desire to say, 'I have done wrong'—there are no mitigating circumstances here. To accept this explanation is to accept chaos. I do not believe that the Labor Opposition has any interest in keeping the peace of this House. I therefore move:

That the explanation not be accepted.

The SPEAKER: Order! The member for Spence has moved that the explanation be accepted. If the Deputy Leader is not in favour of that, he would vote against the motion. The honourable Leader of the Opposition.

The Hon. M.D. RANN (Leader of the Opposition): I certainly second the motion of the member for Spence in asking that the Deputy Leader of the Opposition's explanation be accepted. I do so having been a member of Parliament in this place for 10 years and, unlike the Deputy Premier, never having been thrown out of Parliament. I do so also as someone who has been around this Parliament since 1977. With a couple of exceptions, including yourself, Sir, that is probably a longer period spent around this place than most people here, although not as long as the member for Giles.

The fact is that we have a parliamentary Party system in this State in which the Speaker—no matter of which political affiliation—actually not only represents the political Party but also campaigns to be the member for a particular political Party, sits in the Party Caucus room, and participates in political Party decisions in that process. We are well aware that all Speakers, apart from the Independent Speaker, have sat in Party rooms and have participated vigorously therein on behalf of their own concerns and those of their electorates.

Therefore, former Speaker Trainer, former Speaker Gil Langley, former Speaker Eastick and you, Sir, are *ipso facto* Party political people. Therefore, you do participate in Party affairs, because you do make partisan comments—and I am not reflecting on you, Sir, in that respect—and it is your right to do so. I have heard you on the radio in response to me and, as Speaker, you have actually suggested that I should be dumped and will be dumped as Leader of the Opposition. No-one came in here and said, 'That was a breach of privilege; that was a breach of your impartiality as Speaker.' You did that because you are a political animal, the same way that I am a political animal. Therefore, this should be treated in the same way.

Let me serve notice on the Liberal Party—because I would never reflect on you, Sir—that we will campaign in Port Augusta and other parts of Stuart, and we will do so vigorously, on the basis of representation. It is a total furphy. I have written to the Speaker last year and this year and made statements in this House suggesting that all of us here need to reform the way in which we do business. Here we are, members of Parliament, Governments—Liberal or Labor—constantly telling business to restructure and to perform better, constantly telling unions to restructure, constantly telling the Public Service, small business and the media to do

things more efficiently, but this place is run in the same way as it was run in 1702 or as it was in 1910.

There is constant repetition and we have archaic forms of conducting business. A business consultant would go through this place like a dose of salts. All of us in the corridors, the bar or the lunch room acknowledge that this place, regardless of who is in power, in terms of the rest of the community, is inefficient and time wasting, sitting all through the night—

Mrs Kotz: Speak for yourself.

The Hon. M.D. RANN: Dorothy, you know that you are one of the prime examples—constant repetition, constant toadying, and constant lack of addressing of reform. So, I have suggested—

Mr Bass interjecting:

The Hon. M.D. RANN: I will finish my remarks without interjection, Mr Speaker, because that is my right while I am standing. I have suggested to the Speaker and various other members and put in writing changes to the way in which we run this place to make it more efficient so that we serve the electors and the taxpayers better. Part of those suggestions is a range of things designed to reinforce the independence of and respect for the Speaker of this State. I have suggested that the Speaker—

Mrs Kotz interjecting:

The Hon. M.D. RANN: Well, the last Speaker was independent. I have suggested that the Speaker of this State, whether Labor or Liberal, should not sit in the Party room. Sir, there has been a gross reflection on you this week, which I mentioned in the Parliament last night, one of the grossest reflections undertaken by the Premier's minders who, three days running, have said to journalists, 'Bring down a photographer'—we saw the photographer in the Gallery aiming at the Deputy Leader, the member for Hart and me—telling them that, today, the Speaker was going to toss out a senior member of the Labor Party to create a diversion from the EDS, the big story, who knows. That is a gross reflection on you, Sir, which I believe you should investigate. So—

Mr MEIER: I rise on a point of order, Mr Speaker. I fail to see how the Leader of the Opposition, in support of a motion in favour of the Deputy Leader, can make what he is saying relevant. He really is down at the bottom of the garden path.

The SPEAKER: Order! The honourable member is commenting. The Leader of the Opposition's comments are not particularly relevant to the debate.

The Hon. M.D. RANN: Yes, they are, Sir, because they are about reflection on the Chair. The Premier's staff have reflected on you. I do not believe that what they say is true. I do not believe that you take instructions from the Premier's staff—I make that clear right now—but they are going around undermining your independence by telling journalists that there is a fix on, that the member for Hart will be thrown out of this Parliament, and that that will be the big story of the day.

Let us all in a mature way use this experience to accept the explanation of the Deputy Leader. Let us recognise that we are all political animals in this place, and let us sit down during the break and, on behalf of the people who put us here, work out a way to run the place a damn sight better, more efficiently, in a more businesslike way, and more in tune with reality and the next century than it has been run for the past 20 years by whichever Party has been in power. I believe it is important to explain to the people how it is possible for a Speaker to make political comments on radio, even though they are independent and impartial, attacking the Leader of the Opposition when it is not right for a person to campaign in their electorate. This raises fundamental questions not only about the running of this place but about democracy in this State.

Mr BRINDAL (Unley): I was the last person to whom the member for Spence was referring, the last person to be ejected from this Chamber for supposedly reflecting on the Chair. I remind members that I did not do it in the media, that I did it in the face of this House during an Estimates Committee. The circumstances which were relevant were that I suggested that the Speaker had privately gone to the Premier of the day and arranged a deal. Speaker Peterson ruled quite rightly that I was wrong to criticise the Speaker of the House other than by way of substantive motion, and I paid the appropriate penalty.

Despite all the hype and rhetoric, what are we talking about today? I accept what the Leader of the Opposition says: we are political animals, but we are entrusted by the people of South Australia and by everyone who has been before us with the best system of Government the world has yet seen. It has lots of weaknesses—we all acknowledge that—but it is the very best yet devised; and, despite its frailty, we hold it in trust for so long as we are elected by the people. What we are debating today is not whether we are political animals, not whether the member for Eyre, Mr Gunn, can be criticised as Speaker or in any other capacity, but whether reflection can be brought on the Chair. That is why I believe that the explanation should not be accepted, because the Deputy Leader has clearly transgressed. As the Deputy Premier quite rightly said, in suggesting that the Speaker has fallen in love with the trappings of the office of Speaker, the Deputy Leader reflects on the Chair. It can be written off as a compliment if the member for Spence wants to be flippant, but it was a reflection. The member for Spence said quite wrongly, Sir, that you read other parts of the article. I would contend in the face of this House that the Speaker quite rightly mentioned other things that were in the article.

One of the critical matters which the member for Spence did not address is that the Speaker is alleged to have been silent in this House on issues related to Port Augusta. I remind the House that the Speaker is elected with no eyes but the eyes of the House and no tongue but that which is the voice of this House. The Speaker sits there, trusted by us all to take an impartial position. He cannot join in debates at the second reading stage, and very rarely in Committee does he join in debate. It is a time-honoured custom. As everybody knows, if you think Mr Speaker Gunn would not contribute to a plethora of debates at the second reading stage, I suggest you refer to *Hansard*.

I contend that the Speaker is muzzled in the contribution he can make to this House, because he is the Speaker. Alleging to his electorate that the Speaker has failed to speak to his electorate is a constructive contempt of the office of Speaker. It must be seen as such. To say too that the Speaker is in love with the trappings of his office is also a constructive contempt. It has to be, because even the member for Spence knows that love is blind and that you have two eyes to rule this House. It is a nonsense. I paid the right penalty for what I did, and the Deputy Leader of the Opposition, the member for Ross Smith, deserves to learn. We should teach him that lesson.

Mr QUIRKE (Playford): The whole debate here today is unfortunate, because the whole decorum of the House is

really at issue. Some remarks were made, and I believe that those remarks are in large part to do with the political debate in this State. Some of the remarks at one stage may not necessarily have been the wisest comments to make, but I think that, if the exercise of 36 votes is used here today and the explanation is not accepted, it will become just another one of those political atrocities. I want to talk about political atrocities, because I sit here at 2 p.m. when Question Time starts. Some of them over there are starting up now, Mr Speaker. Let me tell you about those atrocities when we sit here and there are only 11 of us. Let me tell you what it is like to listen to this crowd behind us, who go on constantly, and to the Deputy Premier over there, who is the worst exponent in this House of handing out abuse to members on this side. He does it when he is not on his feet and at any time it suits him. There are a few other exponents over there. The member who sits over there in cobweb corner is also—

Mr MEIER: I rise on a point of order, Mr Speaker. I fail to see the relevance of the debate as it applies to accepting the explanation from the Deputy Leader of the Opposition. I believe that the remarks being made by member for Playford are totally irrelevant.

The SPEAKER: The debate does give members a reasonably wide range to traverse. However, I suggest to the member for Playford that his comments be made relevant to his support of the motion.

Mr QUIRKE: Mr Speaker, the fact is that a large number of the 35 Liberal members in this House do not respect your position every afternoon of the day (and will not do so this afternoon), because that is their nature. One of the issues that need to be brought out today is that it is okay—

Mr MEIER: I rise on a point of order, Mr Speaker. I believe that what the member for Playford has just said reflects on me as one of the 35 members, and I ask him to withdraw his remarks.

The SPEAKER: The Chair does not uphold the point of order.

Mr QUIRKE: I think everyone in this House knows that the Speaker and I are reasonably good friends. I think that every afternoon you, Mr Speaker, deserve better behaviour from members of your own political Party. I do not care what forum this is: I will give a lecture to the Liberal Party, which is largely represented here today. The disgraceful behaviour every day of a large number of members who surround the Opposition in this place is a matter that ought to be taken up in your Party room, Mr Speaker. I think that some of your senior colleagues could do much to support you. I hope that some reason will prevail this afternoon. I know that in life numbers usually count more than reasoned debate. I have had a few occasions in my life when that has happened, when numbers have been much more significant than reasoned debate.

I hope that the member for Ross Smith's explanation is accepted. Indeed, I believe that making a further martyr of the Deputy Leader will make us more strident in our criticism of certain members in this House. The Deputy Premier and others of his colleagues will no doubt be full of their usual helpful advice from 2 to 3 p.m. this afternoon. If the members concerned wish me to name them I will do so. I notice that most of those members are now silent, but they have been doing this since the first day of this Parliament. Mr Speaker, I acknowledge that you have a very difficult job in a lopsided Parliament such as this, and I hope that the members opposite in question realise that they ought to start behaving themselves in here.

Mr CUMMINS (Norwood): What we have seen from the member for Ross Smith is nothing unusual for the Labor Party. His behaviour in giving this story to a journalist is fundamentally an attack on the institution of this House. The Speaker of this House—

Members interjecting:

The SPEAKER: Order!

Mr CUMMINS: I expect the response I am getting from the Opposition: it is nothing unusual. The Speaker of this House represents this House in his position as Speaker. He represents the dignity of this House as well. You over there make Keating in Canberra, in relation to the Easton inquiry—

The Hon. M.D. RANN: I rise on a point of order, Mr Speaker. While we are getting a lecture on the forms of the House, I point out that 'you over there' is not the correct term to describe honourable members opposite. The member for Norwood is a lawyer, and he spends a lot of time doing that—

Members interjecting:

The SPEAKER: Order! The honourable member for Norwood is aware that when referring to other members he should not refer to them as 'you'.

Mr CUMMINS: I ask the Leader of the Opposition to withdraw that statement because that is a reflection on me as a member. Implicit in that statement is that I am not properly representing my constituency because I practise the law. I ask him to withdraw it.

The Hon. M.D. RANN: I do not—

The SPEAKER: Order! The Leader of the Opposition will resume his seat. I suggest to members that they give their attention to the matter before the Chair and not continue to make irrelevant points of order and get themselves sidetracked on issues which are of no relevance. Therefore, I ask the member for Norwood to continue his remarks.

Mr CUMMINS: Sir, I go back to what I was saying: that you as Speaker of this House represent the powers, proceedings and dignity of this House. It is nothing unusual for the Labor Party to attack the institutions of States and Government. We have recently seen the Prime Minister of this country attacking the Easton royal commission, conducted by a former Supreme Court Judge, a man who is under oath to exercise his office, and Keating was attacking it. It is typical of the ALP, including this Opposition, to attack institutions which they are frightened of—and they are frightened, because institutions and dignity of office keep in line people like the Opposition who do not have any respect at all for the institutions of democracy. That is the nature of their politics.

The member for Ross Smith is used to debating with his union mates in the bar at Trades Hall. Perhaps it is because he is a slow learner that he happens to be somewhere else at present. He happens to be in an institution which represents democracy and he should comply with the rules, because he obviously has a total disregard for the rules of this House. Implicitly in that, he has a total disregard for this institution and, therefore, a total disregard for democracy.

We note that the member for Ross Smith has not made a denial in relation to the newspaper article, so we can obviously accept its accuracy. As has been pointed out by some other members, the article commences with the statement:

> The people of the electorate of Grey have not been getting enough out of their elected member.

It goes on:

> He has fallen in love with his wig and other regalia of the Speaker's office.

That says two things. It is more than basically reflecting on the Speaker: it is reflecting on the Speaker as a member as well. The member opposite was talking about Erskine May. If he looks at Erskine May, he will see that that involves a breach of privilege reflecting on the character of the Speaker and also a breach of privilege reflecting on the conduct of a member. It is patently obvious, as the member for Unley said, and implicit in that statement that the Speaker regards as the most important thing in relation to his position the fact that he has regalia and a wig. Implicit in that is the suggestion that he does not give a damn about his office. That is the reflection on the Speaker, and that is what we are talking about. That is the breach of privilege we are on about here today. The member for Spence is saying that, in doing what we are doing here today, he is unable to go into the electorate—he is unable to challenge the Speaker.

Mr Atkinson: That is right.

Mr CUMMINS: I thought he did a law degree. You have to understand that the Speaker wears two hats. You can go into his electorate and attack him any time you like. You can attack him as the member for his electorate, but you cannot attack him as the Speaker. I remind the honourable member of the article:

> He has fallen in love with his wig and other regalia of the Speaker's office. The people of the electorate of Grey are not getting enough out of their elected member.

It is an attack on him in his office as Speaker in this House. He represents this House; he represents the dignity of this House. You are attacking the institution of this Parliament because you in the Opposition do not care about the institution of Parliament. As I said, implicitly, you do not care about the concept of democracy. You are anti-democratic. It does not surprise me, I must say. The member for Ross Smith says it was a political attack, not a reflection on you as Speaker. I suggest that he re-read the article. Perhaps next time, before he makes such statements in public, he will think about it first instead of flying off at the lip, as he always does.

The Hon. FRANK BLEVINS (Giles): I am really surprised at this debate today and at the apparent seriousness with which some people are taking it. I know that most people really think it is all a bit childish and a bit time wasting. I wish to make only a brief contribution:

> I think that the public of South Australia would be largely ashamed of their Parliament and its behaviour today. To think we are wasting time when our economy is in a very serious state of disarray. We should be focusing on issues of great importance to the State rather than embarking on what appears to be somewhat of a witch-hunt. I believe it is unfortunate that you, Mr Speaker, did not accept the explanation given by the member. I do not believe it is necessary for him to eat humble pie or to put on rags and scatter ashes. I believe his explanation has been quite adequate. It should have been accepted at that point.

I could go on. What I am actually doing is quoting from a debate here in 1991, and that was a quote from Dr Such, who was commenting, along with at least half a dozen others, on the motion that was moved about the quite outrageous words of the then member for Hayward. The member for Hayward admitted that what he said was wrong. He was quite wrong in stating that that action of the then Speaker had taken place. But what happened? Goldsworthy, the Bakers, Such, even Matthew, for goodness sake, got into the act, and a fair few others. They said, 'This is an absolute outrage! You are wasting the time of the Parliament over something that is trivial.' Whether you believe that that was trivial or not, I just leave it there. But it is interesting to read the debate, and I will give one more quote in a moment.

Essentially, the Hon. Bob Such was absolutely correct. To imagine that there is some vital State interest involved in the remarks of the Deputy Leader when he was up in Port Augusta last week—in Port Augusta, for goodness sake—talking to the *Trans-continental*. With due respect to the *Trans-continental*, it is not the *New York Herald Tribune*, it is not *The Times*. For goodness sake, we are talking about some off the cuff comments to, with respect, a very minor country newspaper, to a journalist who did not even get it right. What are the words to which the House is apparently going to take offence? The words are that 'he has fallen in love with his wig and other regalia of the Speaker's office.'

I have known the member for Eyre for 20 years, and I know that the member for Eyre can cope with that kind of comment without any difficulty whatsoever. I do not think that comment would cost him one single vote. It is nonsense to suggest that anything of any importance was created by the Deputy Leader making that comment. If the Deputy Leader had said that the Speaker was biased, was no good, constantly picked him and the member for Spence while allowing the 36 members of the Liberal Party to run riot; if the Deputy Leader had said that, then fair enough. I would have said, 'That's a bit close to the bone, and you really should be careful. That is a clear reflection on the Chair.' But to say that the member for Eyre has fallen in love with his wig and the other trappings of office is absolute trivia; absolute nonsense. It may well be, Sir, that you could take it as a great compliment: that you feel that the high office ought to be embraced, and be embraced warmly.

I cannot believe that the member for Eyre took any offence at this whatsoever. If he did, I suggest that he is not the person I have known for 20 years and that, in his old age, he is becoming a little precious. Something similar to this occurred in 1991. I appeal to all members to look at that debate and see how silly that was, too. I will tell members how over the top that debate went.

An honourable member interjecting:

The Hon. FRANK BLEVINS: No, not me; I was not there. Well, I was there, but I was not the—

An honourable member interjecting:

The Hon. FRANK BLEVINS: No, I was not; it was Dr Hopgood. The vilification of Speaker Peterson over the years when he was in the Chair was extreme. However, it was nothing compared to the vilification of Speaker Trainer, particularly by me. They were all big boys and quite capable of coping with it rather than putting the Parliament to all this trouble.

I urge the House to support the motion moved by the member for Spence that the explanation be agreed to. It was a discussion with a journo in a country town, but if you, Sir, have taken offence at it, then the Deputy Leader has said, 'I withdraw it.' What more can a person do? It is probably more than I would do, especially being Thursday. I would be up the road. I would say, 'If you are so sensitive, tough, I am off.' That is what I would have done. The Deputy Leader did not do that. He treated the Chair with the utmost respect, saying, 'As much as you are offended, Sir, I withdraw it.' What more do you want?

I want to make one final brief point before sitting down and, hopefully, leaving. The debate got to the stage where it was completely out of hand. When we have Matthew intervening and Such saying that it is a waste of time, it really has gone too far. There were a few words which I thought

were completely over the top. When the Hon. D.J. Hopgood said, 'I move: That this House finds the honourable member for Hayward guilty of contempt,' there was an interjection, 'This is worse than Singapore,' and it was by Mr Gunn.

Mr LEWIS (Ridley): Given the tenor of the remarks made in support of the proposition put forward by the member for Ross Smith by the Leader of the Opposition and then by the member for Playford, I should have thought that Labor members would have regarded the contribution by the member for Giles as entirely inconsistent with the high dudgeon of earlier speakers in relation to this matter and his attempts to trivialise it and show by that, yet again, his contempt for, and willingness to abuse, through ignorance, the Standing Orders of this place. He is not the only one who is ignorant of the Standing Orders and the authority from which they derive in this place.

The member for Spence, in moving his motion and the substantive elements of his argument, clearly showed that he is ignorant not only of the Standing Orders but from where their authority comes. He did not even refer to the Constitution Act 1934. Yet it is through that Act that everything done in the House of Commons applies here. I will read the two relevant sections. They are under Standing Order 12. Section 38 provides:

> The privileges, immunities, and powers of the Legislative Council and House of Assembly respectively, and of the committees and members thereof respectively, shall be the same as but no greater than those which on the twenty-fourth day of October 1856 were held, enjoyed, and exercised by the House of Commons and by the committees and members thereof, whether such privileges, immunities, or powers were so held, possessed or enjoyed by custom, statute, or otherwise.

Further, section 40 provides:

> Evidence of privileges.
>
> Any copy of the journals of the House of Commons printed, or purporting to be printed, by the order or printer of the House of Commons shall be received as *prima facie* evidence, without proof of its being such copy, upon any inquiry touching the privileges, immunities and powers of the Legislative Council or House of Assembly, or of any committee or member thereof, respectively.

Standing Order 12 refers to those matters and, for the benefit of those members opposite who are in any doubt whatever, it provides:

> The Speaker then proceeds [after his election] with any members then present to Government House for the presentation of the Speaker to the Governor.
>
> Lays claim to privileges
>
> At the presentation, the Speaker, in the name and on behalf of the House, lays claim to its undoubted rights and privileges—

undoubted rights and privileges, as established by the two sections of the Constitution Act to which I have just referred—

> and requests that the most favourable construction be put on all its proceedings.

Accordingly, without question, those rights and privileges and, in particular, the privileges which you, Sir, protect through your office in this place and claim for us at the commencement of every Parliament, were definitely abused by the member for Ross Smith when he said, or is reported to have said, that you had fallen in love with the wig and other regalia.

The fact is that the member for Ross Smith does not dispute the accuracy or veracity of the report in the newspaper. He accepts that. To my mind he accepts that it is an accurate statement of the words he used. If that is so, he is clearly not engaging in political debate as between himself as a political opponent and you as a representative of the people of Eyre; rather, he is abusing you as the Speaker of this place in trivialising the symbols which you use to display your office and which have been used in Parliaments derived from the Westminster Parliament for centuries.

It is on that basis and no other that speakers from this side of the House so far have opposed the proposition put by the member for Spence and indeed supported the high office and the dignity of it which has been entrusted to you by all of us. It is for those reasons that I ask all members to disabuse themselves of the notion that they were merely engaging in political debate with the member for Eyre and accept the fact that the indiscretion committed—out of ignorance or anything else does not matter—by the member for Ross Smith demands that it be recognised as an abuse of the privilege of this place and of each of us on whose behalf you, Mr Speaker, claim those privileges. Accordingly, I will be voting against the motion of the member for Spence. I conclude by pointing out that I, too, have been thrown out of this place and, even though it was quite unjust, I did not attack the Speaker at that time. I had committed no offence against Standing Orders: I was in no way offending any Standing Order.

Mr Atkinson interjecting:

Mr LEWIS: I am reflecting on a decision previously taken in another earlier Parliament, and I am quite entitled to do so. I reflect on that because I said nothing and did nothing that was not excluded. I was set up by the then member for Whyalla, the now member for Giles, because he chose to ignore the Standing Orders and bring a stranger onto the floor of the House.

Mr ATKINSON: I rise on a point of order, Mr Speaker. The member for Ridley is reflecting on a decision of the House.

The SPEAKER: I do not think that the honourable member is deliberately reflecting on the House. However, I do not think his comments are particularly relevant to the debate.

Mr LEWIS: I make it plain that I have never transgressed against those privileges which you, Sir, claim for us and for those who will come after us and who will need those privileges as much as we need them to do the work with which we are charged when we are sworn in as members of this place, acting with the delegated authority we have from those who elect us to protect their interests and represent them before Government in making laws which govern their lives.

The kinds of things which were said by the member for Ross Smith in attempting to gain political points against the Member for Eyre, where he used an abuse of the office of Speaker, were quite inappropriate. Accordingly, I urge all members to rethink their position if they believe for one moment that it is appropriate to support the motion of the member for Spence—it is not.

Mr FOLEY (Hart): Since joining this Parliament as a member and watching the Government, the hypocrisy of members opposite never ceases to amaze me. For six or seven years I sat in the gallery watching these people opposite and I saw how they treated former Speaker Trainer, and I especially saw how they treated my good friend and former member for Semaphore, Speaker Norm Peterson. I remember full well the behaviour of members opposite and how they chose to criticise Norm Peterson at every opportunity. Today, the Deputy Premier said that that was only ever done inside

the Parliament. Well, colleagues, in the past half an hour I did a little bit of searching, and what did I find, comrades?

The SPEAKER: Order! The honourable member will refer to members by their electorates.

Mr FOLEY: I am sorry, Sir. I withdraw the word 'comrades' and replace it with 'colleagues'. I refer to the *Australian* of 21 November 1992. That was the Saturday after the conclusion of a parliamentary sitting on the previous Thursday. Guess who made some comments in the press about Speaker Peterson? None other than the then Deputy Leader (albeit very briefly), the member for Bragg—the honourable member who was so keen, a short while ago, to enter the debate to tell us how we should be behaving. I will read out what this article said about the member for Bragg, the then Deputy Leader. The article, which is headed 'Speaker invites Liberals to replace him', states:

> The Government's need for the Speaker's casting vote has been under attack by the Opposition since Mr Peterson voted against an Opposition motion of no confidence in the Government, which was lost 24-23 just after midnight on Thursday morning. The Opposition Leader, Mr Brown, insisted the entire Government should take responsibility for the bank's $2.75 billion bail-out, rather than just the former Premier and Treasurer, Mr John Bannon, who resigned last September.
>
> The first report from the royal commissioner inquiring into the State Bank failure, Mr Samuel Jacobs QC, tabled in Parliament on Tuesday, found Mr Bannon had not exercised monitoring powers that could have exposed the bank's decline in time to stem losses.

We then have this pearl from the Deputy Leader of the Opposition, as follows:

> The Opposition's Deputy Leader, Mr Graham Ingerson, yesterday criticised Mr Peterson [outside of Parliament], who has said he had read only the commissioner's key findings, for voting with the Government before he had read more of the 470-page report.

But there is more. The Deputy Leader could not contain himself outside of Parliament on the Friday, and this is what he said:

> 'We're just—

and listen to this beauty—

> absolutely staggered that the decision he [Mr Peterson] has made has been based on those findings and nothing else,' Mr Ingerson said.

The article continues:

> Opposition sources have been quoted saying a motion of no confidence in the Speaker might be moved next week. Mr Peterson, in a series of television interviews, said the Chair was being degraded and held up to ridicule by the Opposition and some media, and he was testing the Liberals on their sincerity about the Speaker's independence. . .

Mr Peterson said:

> The Parliament can't work without respect for the Chair.

How can the member for Bragg sit in this Chamber and support the motion against the Deputy Leader of the Opposition when he made the very same comment in 1992? Do not be a pack of hypocrites—vote against it and support the member for Spence.

Mr ATKINSON (Spence): The principal reason why I asked the House to support my motion is that the indictment from you, Sir, against the Deputy Leader is dangerously broad. That is to say that it relates not merely to the Deputy Leader's remarks about the Speaker having fallen in love with his wig and other regalia of the Speaker's office. The indictment is broader than that. You, Sir, read out other paragraphs of the article. They included these quotes: 'The people of the electorate are not getting enough out of their elected member.' And, again, 'He said Mr Gunn had forgotten the reason he became Speaker was because he was representing the people of Grey.'

Let us be quite clear that, if my motion is not carried, it is for uttering those words that the Deputy Leader has been named. That is a dangerous precedent to set because it is a curtailment of freedom of speech. I understand that there is a temptation to curtail the Opposition's freedom of expression at a time when the Government has 36 out of 47 members, but I warn members of the Government that what goes around comes around, and one day they might find themselves in a similar situation, bound by the same precedent.

I make the point again that any member of the Opposition ought to be able to travel to the Speaker's seat and to criticise the Speaker in his capacity as the local member. When Mr Speaker read his accusation against the Deputy Leader this morning, he did not rely just on the statement about his falling in love with his wig and other regalia of the Speaker's office: he included in his indictment those other paragraphs to which I referred. If the Speaker did not name the Deputy Leader because of those paragraphs, why did he include them in his statement to the House? Let us be clear that, in voting on this motion, we are judging the whole of the indictment. If members vote against this motion, they are voting that it is in order for a member of the House to be named for criticising the Speaker in his capacity as a local member, and that is a most dangerous precedent to set. I urge members not to set it. I urge members to vote for my motion.

In relation to the statement that Mr Gunn had fallen in love with his wig and other regalia of the Speaker's office, as the member for Giles quite rightly said, it could be interpreted that the Speaker was passionate about his vocation. If members do not want to accept that argument—

Members interjecting:

The SPEAKER: Order!

Mr ATKINSON: If members do not accept that explanation, at least the Deputy Leader has withdrawn and apologised for that particular utterance. The member for Hart has read to the House far worse utterances and far worse reflections made on the Independent Speaker in the last Parliament, which went unpunished, but the Deputy Leader has come into the House and he has withdrawn and apologised for the offending words. All that remains that is not apologised for is the Deputy Leader's criticism of the Speaker in his capacity as the member for Eyre. If members vote against this motion, they are voting to say that a member of the House of Assembly may not travel to the Speaker's electorate and criticise him in his capacity as a Party candidate. So, on that basis, because it is a most dangerous precedent to set, I urge the House to accept the Deputy Leader's explanation.

Members interjecting:

The SPEAKER: Order! I wish to make one or two brief comments. The action that the Chair has taken in relation to this matter is clearly in line with the comments made by the member for Hart, who said, 'Respect for the Chair must be maintained.' My action as Speaker has been one of tolerance. This is the second occasion that members of the Opposition have taken it upon themselves to make critical comments about the Chair and reflect upon it. On the first occasion, I chose to ignore them in a spirit of compromise. The first statement was made on 13 April 1995 in a prepared press release. This is the second occasion, and no Chair in our system of parliamentary democracy can tolerate this sort of behaviour. The system operates only when there is respect for the impartiality and role of the Chair. I draw members'

attention to the latest edition of *House of Representatives Practice*:

> Traditionally, a reflection on the character or action of the Speaker inside or outside has been punishable as a breach of privilege.

I advise members to go further and read that and see what action was taken by the Speaker in 1930 and by Speaker Scholes and by other Speakers in recent times in relation to acts taken by various members who have been critical. There has never been objection on my behalf to anyone visiting my electorate and I welcome the Deputy Leader's visiting my electorate as I think any non-Labor member of Parliament would welcome his visits to their electorates, but I will not permit, as long as I am Speaker, any member from wherever they come to bring the Chair into disrespect. Members can make criticisms of any member: they do not have to be very astute or politically wise to be critical of actions of Governments, parties or individual members without reflecting on or bringing into disrespect the role of the Chair.

The House divided on the motion:

AYES (11)

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

NOES (33)

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

Majority of 22 for the Noes.

Motion thus negatived.

The SPEAKER: Order! Will the honourable Deputy Leader of the Opposition please withdraw from the Chamber.

The Deputy Leader of the Opposition having withdrawn from the Chamber:

The Hon. S.J. BAKER (Deputy Premier): I move:

That the honourable member be suspended from the service of the House.

The House divided on the motion:

AYES (33)

Allison, H.	Andrew, K. A.
Armitage, M. H.	Ashenden, E. S.
Baker, S. J. (teller)	Bass, R. P.
Becker, H.	Brindal, M. K.
Brokenshire, R. L.	Buckby, M. R.
Caudell, C. J.	Condous, S. G.
Cummins, J. G.	Evans, I. F.

AYES (cont.)

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

NOES (10)

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

Majority of 23 for the Ayes.

Motion thus carried.

[Sitting suspended from 1.12 to 2 p.m.]

WATER, OUTSOURCING

A petition signed by 15 residents of South Australia requesting that the House urge the Government to retain public ownership, control and operation of the water supply and the collection and treatment of sewerage was presented by Mr Clarke.

Petition received.

LAND DRAINAGE SCHEME

A petition signed by 119 residents of South Australia requesting that the House urge the Government to oppose fees or levies proposed for the planned Upper South-East Land Drainage Scheme was presented by Mr Lewis.

Petition received.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

Mrs KOTZ (Newland): I bring up the sixth report of the committee on amendments to the Development Plan and move:

That the report be received.

Motion carried.

The Hon. S.J. BAKER (Deputy Premier): I move:

That the report be printed.

Motion carried.

Mr LEWIS: I rise on a point of order, Mr Speaker. Just now while on the second floor I did not notice the time, and the first notice that I had of the fact that the House had resumed sitting was the sound of your voice on the intercom speaker. The bells are not working, and during a division those members who happen to be on the second floor could miss the division.

The SPEAKER: The House is having considerable difficulty with the bells. I could not hear the bells in my office, and I went by the clock. The building rearrangements have caused some difficulty. The technicians were here yesterday morning because of difficulties in the basement. The Chair and the Administration are very aware of the problem, and everything possible is being done.

QUESTION TIME

EDS CONTRACT

Mr FOLEY (Hart): Did the Premier's worldwide due diligence process examine the law suit initiated by EDS against its client, the Life Insurance Company of Atlanta, Georgia, and what was learnt from that case? The District Court of Texas awarded damages to the Life Insurance Company of Atlanta, Georgia in the amount of $6 million for breach of contract against EDS in 1994.

The Hon. DEAN BROWN: The honourable member is trying to imply that this is an ongoing case—

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: The honourable member implies that it is an ongoing case. In fact, that case was initiated in May 1990. It revolved around a breach of licence, and it was settled out of court by the two parties. I am delighted that the member for Hart has raised this issue, because yesterday in the House he raised two other cases. The honourable member and the House should know the facts in relation to the cases that he raised yesterday when he implied that there was ongoing major litigation involving Blue Shield of California.

Mr Atkinson interjecting:

The Hon. DEAN BROWN: No, he implied that there was ongoing major litigation involving—

Mr Atkinson interjecting:

The SPEAKER: Order! The member for Spence would be aware that in a speech this morning the Leader of the Opposition indicated that he wanted members to behave themselves. I suggest that the member for Spence comply with that request.

The Hon. DEAN BROWN: The member for Hart asked whether we had looked at that case, because it was so important that I should know that as part of the due diligence process. This morning I spoke to Blue Shield's lawyer in the United States. I know the lawyer because he happens to be with Shaw Pittman, which is working with the State Government. Of course, the lawyer is very familiar with the Blue Shield case. I again stress that yesterday the member for Hart painted a picture of this huge, ongoing litigation between EDS and Blue Shield of California.

Mr FOLEY: I rise on a point of order, Mr Speaker. In yesterday's Question Time I at no point referred to litigation between Blue Shield and EDS. That is an absolute untruth.

The SPEAKER: Order! Earlier today a number of members complained about the conduct of members of Parliament. That sort of frivolous and nonsensical point of order only brings disrespect upon the House.

The Hon. DEAN BROWN: I suggest that the member for Hart listen to the facts, which he obviously did not have before him when he made a fool of himself in the House yesterday. I will quote what the honourable member said, as follows:

> . . . include the dispute with Blue Shield of California and, if so, what was learnt from that case?

I point out that having spoken to the lawyer I found that there was no dispute whatsoever. Remember, this is the lawyer acting for Blue Shield, California. There was no dispute whatsoever. In fact, Blue Shield is the longest serving customer (of about 25 years) of EDS probably in the world. The litigation concerned the restructuring of the contract arrangements between Blue Shield, California and EDS—

Mr Foley interjecting:

The Hon. DEAN BROWN: No, listen to what I have to say. As a result of that restructuring, more work has just been given to EDS. If Blue Shield, California were dissatisfied with EDS in any way, it would hardly have turned around and given EDS a substantial increase in work; but that is exactly what has occurred. In fact, it is a new, six-year contract. In a press statement earlier this year, Mr Thomas Fischer, senior vice-president of Blue Shield, said:

> This agreement formalises EDS's role as our information technology partner, giving them a stake in our success and an incentive to help Blue Shield grow its membership base.

That is hardly the sort of statement that a senior vice-president of a company would make if there was a great deal of dissatisfaction and litigation between EDS and Blue Shield. It highlights the extent to which the member for Hart deliberately used the protection of this Parliament to paint a very false picture in respect of this matter.

Members interjecting:

The Hon. DEAN BROWN: Oh, yes; listen to members opposite now. Now that the facts are pointed out to the House the member for Hart is running like a rabbit with the calicivirus—

Members interjecting:

The SPEAKER: Order! I suggest to all members that they conduct themselves as the public would expect them to.

The Hon. DEAN BROWN: Mr Speaker, I now refer to another matter that the honourable member raised yesterday. It was a major, new issue that had to be looked at, and I refer to Chubb. What the member for Hart said yesterday clearly implied that this was an ongoing dispute.

Members interjecting:

The Hon. DEAN BROWN: Well, I will quote what the honourable member said in this House. He said:

> The plaintiffs claim damages exceeding $US20 million.

The honourable member clearly implied that this was an ongoing dispute between Chubb and EDS. I can indicate that the case was initiated in July 1987 and has been settled between the two parties. Clearly, the member—

Mr Foley interjecting:

The Hon. DEAN BROWN: That is not what you said to this Parliament: you clearly implied that this was an ongoing dispute involving $US20 million. If both issues—the one in Florida and the one here involving Chubb—were relevant, the period when they were really relevant was November 1993 when the Labor Party was trying to sign a contract. Both issues had already been settled by the time the Government sat down and signed the contract with EDS, and settled, as we know in the case of Florida, substantially in favour of EDS. If these cases were relevant, why did the Leader of the Opposition and the member for Hart not pursue them as part of their due diligence prior to wanting to sign a deal with EDS in November 1993?

There is no evidence whatsoever of any attempt by either the Leader of the Opposition or the former Government to carry out any due diligence process or to consult any lawyers in America whatsoever. In fact, that is exactly opposite to what we did. Very early in the piece, we brought Shaw Pittman into the process and discussed a whole range of issues to protect the interests of the State Government and to make sure that they were included in the contract. That goes back to the terms of reference. Prior to the first terms of

reference being prepared, Shaw Pittman was brought in to make sure that we did our homework from the very beginning.

There is also one other very important point. All the cases raised by the member for Hart related to systems integration contracts. Our contract is an outsourcing contract, and it is entirely different. Yesterday I highlighted to the House the sorts of problems that occur with systems development and integration and the way the former Government lost $50 million of taxpayers' money through its poor administration of systems integration and systems development contracts on behalf of the taxpayers of South Australia. Therefore, the clear evidence is that those cases in America do not relate to the outsourcing contract that we have, plus the fact that we have that protection in the contract.

Another point that I bring to the attention of the House is that the lawyer to whom I spoke, who is probably regarded as the most experienced lawyer in the whole of America on outsourcing contracts, pointed out that, as part of the renegotiation of any contract for systems development in America, it is common practice for litigation to take place as part of the negotiating process. In fact, he said that anyone who does not understand that—and clearly the member for Hart does not—does not understand the contract negotiation process that takes place in America and the fact that this is almost common place and occurs with almost every renegotiation that takes place.

Mrs HALL (Coles): Does the Premier share the view of the Leader of the Opposition about the international reputation of EDS?

The Hon. DEAN BROWN: That is rather interesting. I should like to bring to the attention of the House two quotes in relation to EDS. The first is:

> Negotiations are continuing with EDS, which has world class systems management capabilities.

The second quotation is:

> EDS has been providing world class manufacturing technology services in South Australia for several years through support of its parent company, General-Motors Holden's Australia. GMHA, one of the State's most significant employers, has recently renewed a long-term contract with EDS for the provision of information technology services.

Both those quotations are from the Leader of the Opposition. Here is the now Leader of the Opposition, the man who, together with the member for Hart, has been attacking EDS and the reputation of EDS, making these statements publicly in 1993.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: If anyone should have understood the litigation in America, because it was still ongoing at that stage, it was the Leader of the Opposition.

I also point out to the House that the Leader of the Opposition had been to the United States of America. He had been to see EDS in Washington, and he actually said so in the House. Here is the Leader of the Opposition wanting to sign a deal with EDS—and failed to do so, I might add, after six years of negotiation—but a much smaller deal in terms of economic benefit to South Australia. I saw the claim by the Leader of the Opposition that EDS was not offering $200 million of economic development under the former Labor Government. I suggest the Leader look at the letter to the State Government from EDS in March 1993, which clearly talked about an offer of $200 million of new economic activity in South Australia.

Of course, the Leader of the Opposition could not see the enormous benefit that the development of an information technology industry would have brought to the State. I bring to the attention of the House a few other things that the Leader said to the Parliament on 23 September 1993. I invite members to listen to what the Leader said in this House:

> In late June I visited the United States for talks with senior executives of Digital in Boston and the giant EDS Corporation, and I spoke to senior executives in Washington. Of course, EDS is owned by General-Motors and was founded by Ross Perot.

The Leader went on to say:

> Negotiations—

—that is, between his Government and the Leader, as Minister—

> are continuing with EDS, which has world-class systems management capabilities, and I expect to sign an agreement with the company in the very near future.

The Leader of the Opposition also said:

> The Government has already signed strategic alliance agreements with Telecom, the US-based Digital Equipment Corporation, BHP-IT and Lane Telecommunications, and expects soon to finalise agreements with EDS, IBM-Australia and Andersen Consulting.

We all know how the Leader of the Opposition, together with the member for Hart, again, attacked IBM, yet here is the Leader of the Opposition claiming that he had signed four agreements already and was about to sign another three. The Leader of the Opposition further states that he expected 'through these agreements I signed with Telstra, to save the Government between $7 million and $10 million over five years'.

Both the Deputy Premier and I, since being in government over the past two years, can find no evidence whatsoever that $7 million to $10 million would be saved from any agreement signed by the Leader of the Opposition. Quite clearly, the Leader of the Opposition fabricated stories prior to the election, trying to paint a gloss over what had been an absolute failure. The other area I had to smile at—and I am sure the Deputy Premier would smile with me on this—is that the Leader of the Opposition and the member for Hart talk about due diligence. Who did the due diligence on the State Bank? Who did the due diligence on SGIC? If only it had been done, this State would have saved itself about $4 000 million. If only they knew what due diligence was all about, this State would have been in a much better position.

Mr FOLEY (Hart): Is the Premier concerned that in the case between EDS and the Life Insurance Company of Georgia, the District Court of Texas found 'that EDS made a deliberate decision not to satisfy the terms of the contract', and can the Premier detail safeguards against such action in South Australia's contract with EDS? With respect to EDS, the judgment of the District Court of Texas found:

> Completion of the contract was not in its best interests and it did not allocate the resources necessary to fulfil its obligations under the contract.

The court also found:

> EDS preferred to attend to other projects that it expected to be more lucrative.

The court therefore awarded $6 million damages to the Life Insurance Company of Georgia.

The Hon. DEAN BROWN: Once again, the member for Hart has deliberately painted a false picture. He has not told

the House that that case was immediately appealed by EDS and then settled out of court.

Members interjecting:

The Hon. DEAN BROWN: I said that the case was appealed. The member for Hart understands the legal process enough to know that, if a case is appealed, it goes further and that judgment may be overturned. It was then settled between the two parties. What the honourable member said about Blue Shield—

Mr Foley: I quoted the *Wall Street Journal*.

The Hon. DEAN BROWN: He quoted one sentence from a newspaper article—

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: It highlights the spurious basis on which the member for Hart is now trying to raise these issues here. He quotes one sentence from a newspaper article and tries to make a big issue of it here in the Parliament. Why did he not go to the lawyers whom I went to—the lawyers for Blue Shield, California—and get their side of the story? If ever anyone had a picture that would have been fair in terms of the case against EDS, it would have been the lead lawyer for Blue Shield. That person said that the claim made in the South Australian Parliament yesterday was entirely false in its assertion—entirely false—and he added, 'We have a very satisfactory arrangement with EDS. We are delighted with them, and that is why we have given them another six year contract which is even bigger.'

TAYLOR, MR S.

Mr BASS (Florey): Will the Minister for Correctional Services advise the House whether Mr Steven Taylor is still appointed as the Director of the Justice Information System? Will he advise on the performance of Mr Taylor in that role? Yesterday in this House the member for Hart stated during Question Time:

> Given the Premier's criticisms of the former Labor Government's management of the Justice Information System and his concerns at the cost blow-outs in that system, why has he appointed Mr Steven Taylor, a former Manager of the Justice Information System, to the position of General Manager in the Office of Information Technology. . . ?

The Hon. W.A. MATTHEW: I thank the member for Florey for his question. He has demonstrated himself in this House as being a champion for his electorate in fighting for things that are right and standing up for those who are greatly wronged. There is no doubt at all that Mr Taylor was wronged yesterday in this Parliament. As members would be aware, since the beginning of this financial year I have had responsibility for the Justice Information System for the Correctional Services Department. I am therefore aware of the role that has been played by Mr Steven Taylor. Mr Taylor did work as the Project Director of the Justice Information System until January 1994, since which time he has been employed in the Office of Information Technology; indeed, from April 1994 he has actually been Project Director for the Information Technology Infrastructure Outsourcing Project. Therefore, he did play a significant role in the EDS contracting out process.

Mr Taylor's extensive experience in the information technology industry, his track record of performance, has resulted in his playing this major role. The bringing together of 140 Government agencies with diverse service levels and technology platforms could have been achieved only by someone with Mr Taylor's experience and track record. It is important to put on record in this House the nature of that experience and track record. Mr Steven Taylor has spent over 30 years in the computer industry and has worked as a senior consultant with Coopers and Lybrand, PA Consultants and IBM. He has also worked as computer manager at Australian National Railways and Beneficial Finance prior to the then State Bank takeover. This experience gained him the job of putting the Justice Information System back on track again after the previous Labor Government consistently ignored the warnings it was given about the direction that project was taking. It was actually in 1988 when the then Parliamentary Public Accounts Committee carried out a major review of the Justice Information System.

One of the recommendations of this review was significant, namely, that an independent project director from outside the Public Service be appointed to put the project back on track. Steven Taylor was that person brought in to fix up the mess—a mess that was there because the previous Government failed to listen to the warnings it was given. Mr Taylor commenced work on that project. He did bring it back on track. He was given three years and a $27.5 million budget to fix the mess. Fix the mess he did, within budget and on schedule, adding to the respect that he already had in the IT industry.

If the member for Hart wanted to score political points in this Parliament, it would not have taken too much research for him to find out what Mr Taylor's track record was. All too often the honourable member comes into this House and attacks without researching his facts. He attacks and denigrates individuals and projects. It is people like the member for Hart who took this State down the drain under the previous Government.

As Correctional Services Minister, I faced the member for Hart before the Correctional Services portfolio was taken away from him, when he stood up in this House and attacked Group 4 (the company that manages the new Mount Gambier Prison), the concept of outsourcing prison management and the savings that we claimed were possible. He tried to block the whole process and encouraged his mates in another place to block the legislation. Despite all that, despite what the member for Hart tried to do, the project went ahead, and it is going ahead very well, on track. Just as the member for Hart has also hit at the water contract, he has been proven time and again in this Parliament not to have researched his facts. I am pleased to put on the record in this House the track record of Mr Taylor. I declare an interest: I have worked with Mr Taylor in the industry before and have found him to be one of the industry's most respected professionals.

EDS CONTRACT

Mr FOLEY (Hart): The big one's after me today! Will the Premier confirm his statements yesterday and today that the Government's American legal adviser Shaw Pittman provided advice to the Government on specific bad contracts involving EDS? The Opposition has been advised that American lawyers Shaw Pittman were contracted by the Government to provide legal advice on the terms of the EDS contract but did not provide specific due diligence advice on specific contract disputes involving EDS.

The Hon. DEAN BROWN: My answer to the question is 'Yes, they did.' The member for Hart's information is clearly wrong. This morning I spoke to the lawyer from Shaw Pittman and discussed the nature of the evidence he gave. In

fact, he happens to be the lawyer acting for Blue Shield, so this is someone who is obviously in a good position to give advice to the Government on the sorts of disputes involved—someone engaged specifically to protect the interests of the Government in a large outsourcing contract. That is their whole purpose. They were engaged in May 1994, and they worked very extensively. I met with them on numerous occasions both here and on the one occasion in the United States when I was in Washington. I can assure the honourable member that they gave that advice to Government to protect the interests of the Government in this contract.

WATER PRICES

Mr ANDREW (Chaffey): Will the Minister for Infrastructure tell the House of any adjustments to water prices for the 1996-97 financial year? Yesterday, the Minister for the Environment and Natural Resources introduced legislation to allow for a levy to finance the continuing clean-up of the Murray River. I am also aware that there is an annual requirement to review water prices at this time of the year for the following financial year.

The Hon. J.W. OLSEN: As previously announced, the new rates will include levies for the clean-up of the Murray River and for the provision of filtered water to 100 000 people in regional South Australia. Consistent with the Government's commitments, the revenue increase is 4.1 per cent, which is below the metropolitan Adelaide inflation rate of 4.5 per cent, and well below the inflation rate of all capital cities of 5.1 per cent.

The increase translates to approximately 31¢ per week on average for residential customers. Adelaide will continue to have lower average bills for water and sewerage services than Sydney, Melbourne and Perth. Included in the rates is a levy of 1¢ per kilolitre which will be used to clean up the Murray River, the lifeline of this State. The new rates will also support funding of a $100 million program to take filtered water to 100 000 people in the Adelaide Hills, the Barossa Valley, the Mid North and the Riverland. Consistent with and following the restructuring last year, in part to meet the Federal Government's Hilmer requirements for Government trading enterprises throughout the country, the pricing scheme encourages efficient use of water.

The quarterly access charge will be $29.50, an increase of $1.25; it will be 22¢ per kilolitre for the first 125 kilolitres, an increase of 2¢; 89¢ per kilolitre for consumption between 126 and 400 kilolitres, an increase of 1¢; and 91¢ per kilolitre for consumption above 400 kilolitres, also an increase of 1¢. Rates for commercial customers will not increase, giving them, as with residential customers, a reduction of water costs in real terms as against inflation. New rates continue to implement reforms initiated by the Federal Government under the Hilmer requirements. In summary, it is a fair and equitable package which delivers strong benefits to the South Australian environment and water quality management.

EDS CONTRACT

The Hon. M.D. RANN (Leader of the Opposition):. Given the Premier's assurance that his deal with EDS and his guarantee from EDS is superior to that which applies in Florida, will he now table that guarantee and agree to release it publicly? I point out that the Government of Florida publicly released its guarantee, why cannot the Premier?

The Hon. DEAN BROWN: First, I am willing to say to the Leader of the Opposition that I will obtain a detailed statement. The guarantees are covered through a whole area of the contract in multiple ways, so I will obtain a statement from the Crown Solicitor in terms of the sorts of protection that have been put into the contract. I can assure the honourable member that they are very extensive and have been drawn up by our lawyers—I stress that significant point. They cover a whole range of areas, including the fact that, if the mainframe computers for the local networks are down for more than a certain percentage of time, a month by month penalty is imposed in terms of the accounts.

The Hon. M.D. Rann: Why don't you table it?

The Hon. DEAN BROWN: The point I am making to the Leader of the Opposition is that the whole contract is there as a guarantee. I will obtain from the Crown Solicitor a statement that highlights the key features of that protection for the ratepayers of South Australia and the Government of South Australia.

The second area is that there is a $10 million penalty for a single breach and a $50 million penalty for multiple breaches. The third protection is that we have a bank guarantee of $10 million. There are other specific safeguards in the system as well. I will obtain the details and bring them before the House.

I heard a tape-recording of what the Attorney-General of Florida had to say on Tuesday morning. He said that EDS prepared the guarantee. What Attorney-General worth his salt would allow the company selling you the equipment to provide the terms of the guarantee on a very large contract? I certainly would not do that and, in fact, we have not done that with our contract. There is a big difference between Florida and here. In Florida the Attorney-General said that he allowed EDS to prepare the guarantee.

It amazes me why the Leader of the Opposition and the member for Hart have attached their heart to the Attorney-General of Florida, who was not even straightforward enough to come out and say that he intends to run for the governorship when it next comes up. In fact, that question was put to him by Keith Conlon on the ABC and he skirted around the issue. Everyone in Florida knows that he will run and that he is trying to regain the shirt which he lost in the judgment that was brought down. As I said to the honourable member, I will obtain a summary of those issues from Crown Law and bring it before the House.

HOSPITAL WAITING LISTS

Mr CUMMINS (Norwood): My question is directed to the Minister for Health. What has happened to the time lapse for elective surgery since the current Government came to power; what has been done to reduce waiting times; and what will be done in the future? I have been approached by an elderly female constituent of mine who has experienced a long delay in waiting for elective surgery at the Royal Adelaide Hospital. I am told that the surgery cannot be done until March. What does the Minister intend to do to address this problem?

The Hon. M.H. ARMITAGE: I thank the member for Norwood for his question about an issue that is very important to a number of South Australians. In thanking him, I acknowledge his rigorous representation on behalf of the constituent whom he mentioned and all other constituents in his electorate. One of the Government's most important reforms in addressing what was identified as one of the most

public failures of the previous Labor Government was the introduction of casemix funding. Casemix funding is not a cost-cutting exercise but, as we address the terrible budgetary situation that we inherited, it allows the Government to return a dividend to the taxpayer and at the same time concentrate on efficiencies in the system and increase health services.

Yesterday, I provided to the House some excellent statistics on the number of community workers in the mental health area in the community. To refresh your memory, Sir, in March 1994, the number was 118, and now it is 307. I am delighted to provide to the House today some more good statistics in relation to waiting lists. As I have publicised before, during 1994-95 hospital admissions increased by 4 per cent despite returning $35 million to the taxpayer. The only conclusion that can be drawn is that the previous Government was wasting that $35 million of taxpayers' money.

When casemix was established, the month of March 1994 was identified as the baseline month against which performance would be assessed. Now, 18 months later, I am delighted to repeat to the House that real progress is being made. If we take March 1994 as the baseline month, the number of people on the waiting list has been reduced by 13 per cent. Previously, I reported that the figure had been reduced by 10 per cent, but it is now down 13 per cent. The number on the list of people waiting for more than 12 months has been reduced by 37 per cent, and the clearance time, which is the length of time that it would take for the list to clear if there were no further additions to the list, is down by 23 per cent. This has occurred despite the fact that people are leaving private health insurance in droves because of the lack of an appropriate policy by the Federal ALP Government and their subsequent reliance more on our public system in South Australia.

I acknowledge that the figures will go up and down over time, particularly if the Labor Party continues to use health as an exercise in free publicity for the Federal election. Strikes, and the cutting of elective surgery because of those stoppages, are obviously one way that they will go up, but there has been a clear improvement since the Brown Government was elected. As I said before, the member for Norwood has been rigorous in his representations in relation to the constituent to whom he refers. I acknowledge that the hospital, because of clinical severity, has not been able to deal with that case as quickly as everyone would like, but the simple fact of the matter is that some people are still casualties of a decade of neglect by the previous Government. They are still casualties of the very poor management of the health system by the previous Government.

Just as the State's economy is now overcoming the problems extant from that decade of ALP power, the health system is focusing on improved patient care. The member for Norwood asks what has been done to decrease waiting times. As I have said, we have concentrated on efficiencies via casemix, and we have had a number of pools designated specifically to decrease waiting lists. As I have said, the number is down by 13 per cent, so clearly what we have done has been efficient. The bottom line of that is not a political advantage; the bottom line of that is that many more people are being operated on because the system is operating efficiently.

YOUTH EMPLOYMENT

Ms WHITE (Taylor): Does the Minister for Youth Affairs support the youth unemployment task force as mentioned by the Premier? Regarding measures to address youth unemployment, the Minister is on record in June as saying that if he had a choice about it he would not spend money 'to get people to talk about a problem which we know how to address.' The Minister went on to say:

> In Australia, it has become a bit of a disease where people are spending a lot of time talking about the issues. If we do not know what are the problems now and how to deal with some of them, it is time we gave the game away.

Minister, have you given the game away?

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! There are too many interjections on my right. I point out to the member for Taylor that she has had a very good record of complying with Standing Orders. I do not know whether she has been sitting too close to the member for Hart, and has—

Members interjecting:

The SPEAKER: Order! I suggest that, if the honourable member reads from a prepared question, she not contravene Standing Orders by asking two questions and commenting.

The Hon. R.B. SUCH: The honourable member asked me whether I support the Premier's task force. The answer is 'Yes.'

ENVIRONMENT REPORT

Mr CONDOUS (Colton): My question is directed to the Minister for the Environment and Natural Resources. What efforts are being taken to accurately measure South Australia's environmental performance, particularly as it relates to the five yearly State of the Environment report? According to media sources, a national report to be officially released next year claims that Australia has one of the world's worst land degradation rates and highlights concern for water quality and loss of animal and plant species.

The Hon. D.C. WOTTON: I think we were all concerned to read recent news articles about the report to which the member for Colton refers. I think this issue shows the need for some very sound indicators and standards to be put in place, particularly in South Australia, so that we can monitor environmental performance with some clarity. We need to be able to develop indicators that provide us with a basis for making sound environmental decisions on an equal footing with economic and social considerations—and, of course, that is a major priority of this Government.

South Australia has just formed a working group to identify these environmental indicators. Areas to be covered include air, water, biodiversity, loss of species and energy efficiency. Indicators will benefit South Australians in many ways. Effective reporting will allow managers and the Government to identify and rate their performance—and I think it is very important that that should happen. It will identify areas that require action and provide information that will hold the State up to scrutiny on a national and international basis, particularly through mandatory State of the Environment reports.

Concise reporting will allow more cost-effective spending of money on environmental projects by assisting the direction of funds to the areas of need. We recognise the need to prioritise in many of these areas.

In conclusion, as part of the process, the public will be invited to participate in workshops and to provide input into the process early next year. I hope that as many people in the community as possible will take that opportunity. The

Government is very diligent in regard to this matter, and it is my intention to ensure that South Australia is one of the leading States in regard to providing sound indicators and standards so that they can be put in place in South Australia as quickly as possible.

TAFE TRAINING HOURS

Ms WHITE (Taylor): What precisely is the Minister for Employment, Training and Further Education's definition of a 'training hour', and does he stand by his repeated claim that in just over 12 months he increased training in TAFE by more than 1 million hours? Publicly available departmental figures show that, in 1994, curriculum hours increased by only 87 000, credit hours actually decreased by 175 000 and module load completions decreased by 349 000. For the same period the Commonwealth has provided enough additional funding in growth funds for SA TAFE to have created more than 400 000 additional hours of training.

The Hon. R.B. SUCH: I thank the member for Taylor for her continuing interest in this matter. She is the last person who should be involved in figures, because today I was faxed a copy of the *Border Watch* in which the member for Taylor claimed that there was a $10 million cut to TAFE even though she has been told many times that that is not true.

Members interjecting:

The SPEAKER: Order!

The Hon. R.B. SUCH: The honourable member engages in this continual misrepresentation campaign and tries to scare people. It is just not factually correct. I have explained on many occasions in this House that that $10 million figure is inaccurate. In terms of capital works, with major projects you have lumps in the funding, because the projects extend—

Ms White interjecting:

The SPEAKER: Order! This is not the day for unruly members of Parliament. The member for Taylor has a blemish on her record: she is now warned.

The Hon. R.B. SUCH: I have explained in the past that major capital works, which are under way in TAFE, extend over the life of a financial year. So, the payments are lumpy. The honourable member has this false picture that we have somehow cut TAFE funding by $10 million. The cuts are less than half that amount. The honourable member needs to get her facts right. I suggest that we provide a training program to help her understand basic maths, because it is obviously a deficiency in her armoury.

CORRECTIONAL SERVICES COMPLAINTS

Mr LEGGETT (Hanson): Will the Minister for Correctional Services advise the House of recent trends in consumer complaints against the Department of Correctional Services?

The Hon. W.A. MATTHEW: I am pleased to report that, indeed, the Ombudsman, via his 1994-95 annual report, which has been recently released, has commented most favourably upon the Department for Correctional Services. In recent years, complaints, particularly from prisoners, have taken up a considerable amount of time in the Ombudsman's office. Much of this has occurred because of the practices that were then used within the prison to resolve complaints by prisoners. On this occasion, the Ombudsman has reported:

> There has been a most significant decline in complaints this year, not only in numbers but also in the degree of seriousness. . . it is obvious there has been some marked improvement in the administration and management of all prisons.

Previously, I have been pleased to advise of the introduction of new managers to the State's prison systems, the introduction of new practices to those prisons as a result of those new management regimes, and changes to staffing and work practices. There is no doubt that those changes have led to the dramatic drop in the number of complaints to the Ombudsman's office. Indeed, there were 337 complaints in 1994-95 compared with 401 the previous year. While that is a marked drop, we still acknowledge that there were 337 complaints. In this financial year the department is working to further reduce the complaint workload that is going to the Ombudsman's office by appropriately reacting to concerns of prisoners when they are raised. I found it particularly pleasing that the Ombudsman also commented:

> . . . the internal complaint processes of the department have undergone considerable improvement. . . I can only commend the current administration of this department for their efforts in this regard.

Correctional services is not usually an area of government that is looked upon with any great interest for good news stories. It is often regarded by the media as only an opportunity to raise a negative story or to highlight for the public interest an incident that has occurred. It is refreshing to find that the Ombudsman has reported positively on the significant changes that have been occurring in that agency over the past two years.

I also advise the House that the staff in my ministerial office have noticed a dramatic decline in the number of complaints, particularly in the past year. I am pleased to take this opportunity to place on the record my appreciation to the department, its management and its staff for the changes that they have put in place over the past two years to put behind them the old ways.

AGENT-GENERAL

Mr ATKINSON (Spence): Will the Premier rule out his appointing any current member of the ministry as this State's next Agent-General in London?

The Hon. DEAN BROWN: I sit here on a daily basis and say to myself, 'Is there any useful task whatsoever to which we could put the Opposition for the sake of South Australia?' I have looked at the honourable member and I would have to say that I do not think he would go down very well at all in London. I do not think that the palace would appreciate, when there is a changing of the guard and a few other things, the honourable member's riding up to Buckingham Palace on his push-bike. I have looked at the Leader of the Opposition and thought, 'What could I do with the Leader of the Opposition which would put him to some useful function?' I am continuing to ponder that question and I cannot think of any useful task whatsoever. I look at the member for Hart and I think that the first thing we should do is to send the member for Hart to a course to learn about reading the facts and to stop worrying about the fiction. I understand that there are some basic courses in honesty, and I wondered whether he should be sent off to do that. I found that the course was not given in London. To answer the honourable member, the answer is 'No.' It is not my intention. I have not found anyone suitable on the Opposition benches to fill this very important role.

VOCATIONAL TRAINING

Mr ROSSI (Lee): Will the Minister for Employment, Training and Further Education indicate whether South

Australia will get its vocational training growth funds for 1995-96?

The Hon. R.B. SUCH: I thank the member for Lee for his very perceptive question. I was hoping that the member for Taylor might have asked this question but, of course, she is not interested in good news. The fact is that the member for Taylor and the Deputy Leader, who apparently has a rostered day off and, unfortunately, cannot be here, have had an ongoing campaign by suggesting that we would not maintain our effort in regard to training. I can assure the member for Taylor and the Deputy Leader (wherever he may be) that we have maintained effort; we will get our growth funds.

Contrary to the recommendation of the Australian National Training Authority board, the Federal Government tried to restrict the growth funds to South Australia. Recently, Minister Free wrote to us saying that that has changed and that the ANTA board has recommended that we get the growth funds, as it did in the first place, and we will get that additional $5.3 million.

Last Friday in Sydney, at the Ministerial Council meeting, the Federal Government tried a similar stunt, despite a recommendation to the contrary by the ANTA board. The ANTA board, which is an independent body of experts, has recommended that no such restriction be placed on South Australia. However, the Federal Government, playing politics, tried a similar stunt this time. I was able to have an alternative resolution accepted by the Ministers which does not follow the same course of action as was imposed by the Commonwealth last year. So there was a tremendous victory for South Australia at the Ministerial Council meeting last Friday. The Commonwealth's resolution was rejected in favour of an alternative and more appropriate resolution put forward by South Australia.

Another point that I should like to make vigorously is that South Australia has been discriminated against in terms of the basis on which that formula has been calculated. The Boston consulting group has been engaged by ANTA, and the preliminary advice is that we have been discriminated against. We shall see some fundamental changes in the way that that maintenance of effort is determined in future. That full report will be made public shortly.

What we have in South Australia, which I have appreciated for a long time, is quality programs. Other States have been acknowledging bottoms on seats on enrolment day and not worrying about what happens afterwards. In South Australia our students in TAFE complete their programs on an above average basis. In other words, we are running quality programs, and young people stay in them. That is a better indication than measuring people on one day of enrolment and farewelling them as they drop out because their programs are not as good as ours. South Australia has been discriminated against, but I am pleased to say that we have picked up that shortfall in training hours that we inherited. We have the name 'TAFE' back and we have the institutes functioning, enrolments are up this year and they will be up again next year. South Australia has the best training system throughout this country and, in my view, in the world.

INFRASTRUCTURE MINISTER

Mr ATKINSON (Spence): My question is directed to the Minister for Infrastructure. Has the Minister informed the Premier that he will move to the back bench if he is reshuffled from his current portfolios or if he is stripped of responsibility for the Economic Development Authority under any plan to consolidate that role in the Premier's office?

The SPEAKER: Does the Minister care to answer the question?

The Hon. J.W. OLSEN: No.

HERITAGE REGISTER

Mr BECKER (Peake): Let us get back to some serious business. I direct my question to the Minister for the Environment and Natural Resources. How many items have been added to the State's Heritage Register since the election of the Government in December 1993? The issue of heritage has attracted significant interest in this House, including the whereabouts of the historic Queens Theatre, a building currently being prepared for next year's Adelaide Festival.

Members interjecting:

The Hon. D.C. WOTTON: Members will be pleased to know that I have bought a new UBD reference book and I have found the old Queens Theatre. It is in Playhouse Lane in the city.

Mr Atkinson interjecting:

The Hon. D.C. WOTTON: You can on a bike. I hope that members have taken up the invitation that I extended to them to visit the theatre, because I am sure they have all taken the opportunity to find out where it is since that question was asked.

An honourable member interjecting:

The Hon. D.C. WOTTON: It has not been on yet. Our built heritage is regarded very highly by this Government. Every effort is made to ensure that places that meet heritage requirements are put on the register. Members might be interested to know that, since December 1993, 129 places have been listed on the State Heritage Register, taking the current total to 1 979. That is an increase of more than 6 per cent over the past two years.

Some places of particular interest which have been included recently, about which members may be pleased to hear, are Hazelwood Park on Greenhill Road, Burnside; Morphettville Racecourse on the corner of Morphett Road and Anzac Highway; Hans Heysen's home in Verdun; and the Islington Railway Workshops in Churchill Road, Kilburn. As I said earlier, the built heritage is of significant importance, and I hope that other members share the same thought on that issue. I am pleased to have been able to provide the member for Peake with the information regarding the additions to the State Heritage Register.

HILLS FACE ZONE

Ms HURLEY (Napier): Is the Minister for Housing, Urban Development and Local Government Relations aware of objections to a proposal to construct a two to three-storey residence in the hills face zone as a prohibited development, and will he meet representatives of local residents who oppose this development?

Members interjecting:

Ms HURLEY: If the local member looked after his seat, I would not have to do this. Some 108 local residents have protested against plans for the construction of a two to three-storey building in the hills face zone at Stirling which has been approved by the Development Assessment Commission. This approval was given after the Stirling council withdrew support for the development.

The Hon. J.K.G. OSWALD: I do not have an appeal right against decisions of the DAC, but I have no difficulty in meeting a group representing the residents concerned. However, it would have to be in circumstances that they understand I do not have a right of appeal. I have never closed my door to anyone coming to see me on a matter of concern, so a small deputation would be fine.

NORTHFIELD PRISON

Mr QUIRKE (Playford): My question is directed to the Minister for Correctional Services. What changes have been made at the Northfield cottages? Is it true that female prisoners from the cottages have been relocated to the previous Fine Default Centre and that rehabilitation and other programs for the female inmates have been curtailed?

The Hon. W.A. MATTHEW: I thank the honourable member for his question. It would be remiss of me not to welcome the honourable member to the portfolio and to thank him for asking of me the first question in this place since 4 July. In view of the way that the honourable member often conducts himself, 4 July is in itself symbolic.

I have offered the honourable member the opportunity to have a briefing about correctional matters. I again put that invitation on the record, because the honourable member has taken that opportunity before and I have found him in the past to be someone who, unlike the member for Hart, usually avails himself of such opportunities.

I am pleased to take this opportunity to place on the record what has been happening at the Northfield Women's Prison. Members will remember Camp Holiday, Stalag 13, Labor's Fine Default Centre, from which many prisoners escaped during its time in office. As I have advised the House before, the State Government has closed the Fine Default Centre. The centre was located next to the women's prison. What has occurred since the closure of that centre is that it has been fenced to be included within the boundary of a new prison compound. Indeed, the Northfield Women's Prison, the old prison plus the old Fine Default Centre, is shortly to be known as the Adelaide Women's Prison.

That institution is a women's prison now with 28 more beds than it had before. It has 28 more low security accommodation places within the prisons system. That was necessary because, under Labor's women's prison, all women of all categories were mixed together, so that those who were classified as high security—hardened criminals—were mixing in the same accommodation as those classified as low security. I am sure that no member of Parliament would condone that as a long-term situation.

By utilising an embarrassment—the Fine Default Centre—and including it within a proper prison fence with proper electronic surveillance and with some modification to that accommodation, we have been able to change it from the Fine Default Centre to accommodation for low security prisoners. That accommodation includes, as part of its 28-bed spaces, bed spaces with adjoining areas for four women to be able to keep infants. As members will be aware, it is not uncommon for nursing mothers to be imprisoned and, as far as practicable, it is important for young children that the bonding process be continued. The Adelaide Women's Prison will have the facility for four nursing mothers included within that low security accommodation. At this time women are being moved into the new accommodation.

While that has been occurring, it has also been possible to reconfigure the use of the cottages for low security prisoners pre-release. Those cottages are usually used by male prisoners, but two cottages, eight bed spaces, were used by women. In exchange for those 28 new low security accommodation spaces, those eight places in the cottages have been vacated to reduce the large waiting list of males for pre-release training so that more male prisoners can be put through a proper integration program before coming back into our community.

The change to the prison has also meant that there is a large expanse of land between what was Northfield Women's Prison and what was the Fine Default Centre. That area of land will shortly have constructed upon it a garage facility, which will be used as a workhouse to enable, for the first time, meaningful work to be brought into the prison system. In short, it is a better system—one which has better programs, more opportunity, and in which prisoners have a better chance to participate in programs so that they are less likely to offend. Indeed, it is a good news story for the prison and one which has been developed entirely by the staff of the old Northfield Prison, and I commend them for their work.

SUPER FLYTE

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): I table a ministerial statement from the Minister of Transport in the other place on the grounding of the motor vessel *Super Flyte*.

GRIEVANCE DEBATE

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

Ms STEVENS (Elizabeth): I wish to reflect on some of the Premier's answers he gave yesterday in relation to the Southern Districts War Memorial Hospital, and to talk about some of the issues that were raised last night at the meeting in McLaren Vale. Yesterday, in answer to my question, the Premier stated, as part of that answer, that he knew the facts extremely well, 'much better than she does', referring to me. First, the Premier could not recall the exact percentage cut in funding that had occurred over the period in question. He said that it was maybe 40 per cent, maybe 50 per cent, maybe 60 per cent, but probably somewhere between 40 and 60 per cent. A little later in his answer to my question the Premier made a further mistake, and this involved the number of private beds that had been granted to that hospital.

I say to the Premier that, if that is knowing the facts about an issue of such importance and concern to the community in the Southern Vales—of such importance that about 800 people attended a meeting and spent four hours or more discussing the future of that hospital—then it is a long way short of being acceptable. Last night, at the meeting in McLaren Vale, a number of speakers contributed to the discussion about the situation that faces the hospital and what ought to happen in the future. I want to speak very briefly about the contribution of one person who, it seems to me, pretty well summed up the major points of concern and their cause.

Mr John Taylor, representing the Friends of the Hospital, highlighted three issues as the reasons for the situation currently facing the hospital: first, the reduction in budget under the former Government; secondly, the failure of the current Premier to honour a promise given to the community in 1993; and, thirdly, poor management on behalf of the hospital board. I will address briefly each of those points. Yes, a reduction did occur in the budget of the Southern Districts Hospital prior to 1994-95, but it is important to understand that that occurred for a very good reason: the establishment of the Noarlunga Health Service, a new hospital, which obviously resulted in the need for the role of the Southern Districts War Memorial Hospital to be reassessed. Some reduction in the role of the hospital was obviously required as that other larger hospital came on stream. We made this very clear at the time.

However, the issue of the Premier's failure to honour a promise is the crux of the issue. The Premier, in 1993, when he spoke to that community prior to the election, knew full well about the Noarlunga Hospital: it was there. Yet the Premier irresponsibly went ahead and told people what he knew they wanted to hear at that meeting prior to the election, and promised something that he knew was both unrealistic and unsustainable, and something that he would never be able to deliver, that is, to restore the funding and the beds to pre-1992-93 levels.

Quite clearly, things deteriorated from that time. When we look at this issue we realise that we had a board going in to manage this hospital with a promise from the Premier which was immediately disregarded. We then find that the Government needs to go through other avenues to try to fix up the situation, and so the board starts on the private hospital route, which was never going to succeed. People now have to sit down calmly and, this time, make the best decision for the community in the Southern Vales, bearing in mind that their region will need to relate to Noarlunga and Flinders to get the best deal for the people in the south.

The ACTING SPEAKER (Mr Becker): Order! The honourable member's time has expired. Normally I allow the honourable member speaking to finish a sentence as soon as the clock indicates that the time has run out. I ask members to observe the rule.

Mr BROKENSHIRE (Mawson): That was an interesting statement from the Opposition spokesperson. Frankly, I believe she should resign because clearly she has indicated that she is absolutely incompetent in her position. Let us establish a few truths together about this whole situation. It was interesting to see the shadow spokesperson, Mr Holloway, and Mr John Hill attend the meeting. That is the first interest they have shown in the hospital for some time. Let us get a few facts on the record: first, the Chairman's report on the hospital in August 1993 stated:

> Privatisation of the hospital.
>
> The board of the hospital is clear that the best strategic option for the hospital is to be an autonomous private community hospital which will contract with the Health Commission for public services.

That was the board's position in 1993. Let me put some more truths on the record. Clearly Mr Holloway cannot demonstrate the truth because he does not quote the full facts, and neither does the spokesperson in this House. Mr Holloway quotes the Premier as saying at a McLaren Vale meeting in July:

> The Liberal Party will reinstate hospital funding to its original level before the State Government decision to reduce its financial support.

The honourable member left off the Premier's statement that that would be over several years. In the letter in question the Premier went on to say that he would help the hospital to establish a future that it clearly did not have after a savage 60 per cent reduction by the Labor Government, which had no interest in or care whatsoever for the McLaren Vale Hospital. Those commitments have now been met, and met in full.

I would now like to have recorded a letter of 26 July 1994 from the then Chair of the hospital board. The letter talks about privatisation of the hospital and states:

> The hospital agrees in principle with the conditions that the hospital will be licensed as a 25 bed private community hospital designated in the country. This action would restore the original status of the hospital.

The board is saying there that the Premier has met all of his commitments and more: 25 private bed licences were given. As to the meeting, I have a particular interest in that hospital not only as a member of Parliament but also because the hospital has a longstanding relationship with my family, who have been members of the community for a long time. I support those hospital volunteers, the community and everyone who has been involved in trying to do their best for that hospital. The shadow spokesperson has been condemning us time and again for putting public money into that hospital. She runs around in riddles, she is misdirected and whatever she wants to do one day she is happy to change the next.

The fact is that she has condemned the Government for putting money into the hospital. She cannot turn around now and be two-faced. If she wants to be two-faced, she should step aside because she is clearly incompetent. I will highlight a couple of other areas in which she is clearly incompetent. The facts started to come out last night, when she slammed us as a Government for putting money into the community private hospital in McLaren Vale. She got up and said, 'I would like to say that it was not my intention to speak tonight; I was only here to observe.' I was told that Mr John Hill contacted board members yesterday and requested that the shadow spokesperson and Mr Hill have the right to speak. Now she is saying to people in my community that she was not intending to speak. They requested to go into the meeting to speak and run a rumour mill that is absolutely incorrect.

There is only one thing that the shadow spokesperson can do to gain any credibility in this Chamber. She made a commitment to the people of my electorate that she would like to help them with the hospital after the Labor Government brought the hospital to its knees. If she is genuine about wanting to help our hospital in the electorate of Mawson and genuine about her responsibility as shadow Health Minister, she should do the one honourable thing, and the only thing she can do in her position is campaign vigorously for incentives by Paul Keating and his Federal colleagues to combat what is a health debacle throughout Australia and something that has particularly brought hospitals like McLaren Vale to their knees, that is, the appalling fallout—a 50 per cent reduction—in membership of organisations like Mutual Health caused by the Federal Government. I challenge her to make that commitment and follow it through.

The ACTING SPEAKER: Order! The honourable member's time has expired. I must remind members that, when they are addressing members opposite, they should refer to them as the member for their district and not by their

gender. When the member for Mawson reads *Hansard* he will see he used the word 'she' many times instead of using the proper term.

Mr LEWIS: Mr Acting Speaker, I wish to draw your attention to Standing Order 104, upon which that view is based. All remarks have to be addressed through you, Sir, and it is appropriate to use either first or third person pronoun and not direct remarks to any individual member using the second person pronoun 'you'. It is quite appropriate for members, in the course of their remarks, to say 'she', 'her', 'him' and 'they', referring to others, whether or not they be members of this place. It does not say that you should not use pronouns. It is Standing Order 104.

The ACTING SPEAKER: I am pointing out that members have been here long enough to address their remarks through the Chair in the proper manner.

Mr Lewis: I agree.

The ACTING SPEAKER: The member for Napier.

Ms HURLEY (Napier): Recently the private company Moore Corporation applied to build a private house in the Stirling council area of the hills face zone. The location is in Emmett Road, not far from Eagle on the Hill. The area is purely residential, with private houses only, and the houses are on a septic sewerage system. It was a prohibited development because it was a two and three storey house and first of all needed approval by Stirling council. It then needed to go through the Development Assessment Commission for approval. Stirling council put out a public notice of the proposal, as was required, in the proper manner and received 11 written objections from surrounding residents. This private house is a detached dwelling, part three storey, part two storey and part single storey. In addition, it will have a floodlit tennis court and associated outbuildings including, I understand, a rather large barn. The house alone will have 40 rooms and will have an area in excess of 120 squares.

It is worth while describing the house according to the application to the council. The dwelling is approximately 1 200 metres square in area and generally comprises formal rooms, kitchen, meals, family areas, bedrooms, study, swimming pool and associated activities, including underroof car parking. The two-storey portion of the dwelling is approximately 300 square metres in area and comprises studio/loft and master bedroom incorporating lounge and dressing room. The dwelling is 44 metres long and 28 metres wide at its widest point. The building at its highest point is approximately 10 metres high. The external finishes of the building as proposed are: walls: brick rendered finish, sandstone, beige colour; roof: tiled, dark grey concrete shingles. The outer building is about 38 square metres in area and will incorporate a tennis shelter, implement shed and storage facilities. The tennis court is to be fenced with chain wire mesh, approximately 3.5 metres high, and will be lit by six lights on poles approximately 6 metres high.

Despite the recommendation of the Stirling council planner, the motion to approve the development was passed by the council with some objection from a couple of councillors. Following that approval, a letter of protest with 108 signatures resulted. At the next council meeting outraged residents were heard by the council, which then voted unanimously in support of a motion that it had not adequately assessed the development application. This motion was sent to the Development Assessment Commission but, in a fairly unusual process, the commission agreed to the proposal quickly and the development was agreed to the next day. Since that approval there have been continuous public protests, and residents are raising money to take the appeal to the Environment, Resource and Development Court.

Since the query about why I am taking up this issue was raised in Question Time, I must mention that residents went to the local member, the member for Heysen, who is also Minister for the Environment and Natural Resources, to get him to take an interest in what they see as an intrusion into the hills face zone. According to them, he was not interested in the proposal, he was not interested in his own local environment, which is why I am taking up this issue. I would now like to quote some pertinent points from the Mount Lofty Ranges Conservation Association indicating why the residents believe it is necessary to go to the Minister about this issue, even though the Minister, as he pointed out, does not have appeal rights to the commission. The press release states:

> This total regard for both the planning regulations relating to the Hills face zone and the advice of the council planner casts grave doubts on the wisdom of giving local councils any jurisdiction over Stirling's unique and beautiful environment.

It also states:

> This decision by DAC sets a dangerous precedent for all future development in the Hills face zone.

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

Mrs ROSENBERG (Kaurna): I ask the member for Napier whether she believes that councils should have their planning powers taken away. The Sellicks Beach coastal village is the reason why I decided to participate in the grievance debate today. The Sellicks Beach coastal village has caused some consternation in the area in which I have lived for 24 years. I am fed up to the hilt with the number of reports that the Messenger newspaper uses and the way it continually refers back to the Sellicks Beach marina. I am fed up with listening to talk about battle lines being drawn. I am fed up with the description of people as anti-development, pro-development or greenies. It is about time that not only the Messenger but all those people who use the Messenger as a means of launching personal attacks grew up and realised that the marina happened about eight years ago. We have all grown up a little since then. We have all moved on, and it is about time that other members of the community followed suit.

For their benefit and for those members who may be interested in what is happening in respect of development in the Sellicks Beach area, I would like to put some of the facts on the record. Indeed, some of the issues that the Willunga District Council has been working on for over the past nine years have been dedicated towards the protection of the Willunga Basin and the protection of the rural activities that occur there. Indeed, as a long-term member of the Willunga council I can inform the House that on seven separate occasions we tried to present an SDP to the previous Labor Government to protect the Willunga Basin from urban development.

The then Labor Government ignored that representation from the Willunga council and on seven separate occasions refused the supplementary development plan that the council presented to it. Instead, the then Government proceeded to introduce a plan of its own which would have seen 70 000 people housed in the Willunga Basin. Thank God that was overturned by this Government, and we have declared that area of the Willunga Basin to be rural forever. However,

as part of that development, this Government has said that to save the Willunga Basin the area must accept that there will be some development in some places.

The sorts of development comments that have gone on in the Sellicks Beach area are long and varied, and I would like to place some of them on the record along with the time frame in which they were made in the past. For instance, while I was still a member of the council, the council started negotiating with landowners and residents in the area for what is termed area J studies. Area J was the area that was left behind when the Sellicks marina failed, because there was considerable pressure not only from the Labor Government but from people living within and outside the area to know about the future planning regulations for that part of Sellicks Beach.

As part of the area J studies, I personally wrote to everyone who owned land or lived in that area. I stress: I wrote to every person who not only lived in the area but owned land in the area. One minor thing that some people seem to forget is that those people who not only live in the area but own land in the area have the right to have a say about what happens within that area. Having contacted all those landowners, we held a series of public meetings at which agreement was reached between all current landowners and residents in the area. As a response to that, we received council agreement to prepare a supplementary development plan for the Sellicks Beach area. That supplementary development plan was to proceed quickly.

However, that was then put on hold when the council decided to do a total land capability study for the entire area, which has now proceeded to what has been called the Willunga interim study, which has included some water resources studies, an economic report to the council and also a tourism report. As part of that, there has been an immense consultation process, which the Mayor of Willunga has been happy to lead, and it has been very successful. As part of that, the council's Sellicks Beach costal village plan has been put on public display—this is the plan that was developed by Hassell Planning. It suggested two villages in Sellicks Beach, each with 6 000 people, separated by a 500 metre buffer.

Having seen that plan and some of the horrific responses and the downgrading that would result in the Sellicks Beach area, which I have been happy to live in for 24 years, I stimulated the residents to restart the Residents' Association, which has occurred. I stimulated the Residents' Association to then work with the landowners in the area, which it has now done. I am pleased to say that the latest plan that has been put to the council resulted from talking and listening to everyone in the area. It is a plan that I support. The plan calls for one village only of about 3 000 people, and the rest of the land is to be left rural. I want to put this on record, because a few people in my electorate seem to want to misrepresent the facts constantly and misrepresent what I personally feel and what the council is trying to promote in the area.

The council and I are all about a small village, incorporating only the things in the area that the residents and the landowners have agreed are needed and, most importantly, that have been agreed by the people who live within that area. I want to put on the record that I am sick to death of Sellicks residents being told that they need to listen carefully to people outside the area. It is the people within the area who need to be listened to.

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

Ms WHITE (Taylor): Earlier today in Question Time I asked a question of the Minister for Employment, Training and Further Education, dealing with a claim that the Minister often makes publicly about one million training hours that he has supposedly created. I challenged that claim with some data relevant to the time in question. Of course, the Minister was unable to answer that question. Instead, he proceeded to throw abuse at members on this side of the Chamber and questioned my integrity and ability. He also claimed that I am used to telling 'porky pies'. What seems to evade the Minister is the irony in his doing that.

Earlier this week when the Minister could not answer a question he stood up and launched a tirade of abuse and accused me of telling 'porky pies'. He seems to not see the irony in his standing there saying that, given that he has admitted that his office was involved in a quite serious deception. That is the response we get from the Minister. I want to turn to the question in point, because it is an important one. The Minister claims that he has been doing a good job and that, in the first 12 months of his coming into the job, he created one million training hours. In Question Time I asked the Minister to justify that claim. The facts that I hit him with were that, during 1994, curriculum hours increased by only 87 000, credit hours decreased by 175 000, and module load completions also deceased by 349 000.

Where the one million hours comes in—and this, I might add, is publicly available documented data from the department—and where this claim he repeatedly makes comes from, I really cannot say; and, so it seems, neither can the Minister. Earlier today the Minister made much of the fact that the Commonwealth has granted Commonwealth growth funds to the TAFE sector in South Australia. That is certainly something about which I am very pleased and something that I and the Deputy Leader of the Opposition, in his former capacity, lobbied for very seriously.

I point out to the House that $5.3 million was granted to the State to increase the hours of training provided. That money, over that same period for which I quoted those figures—over a time period where less than 100 000 hours were created—should have allowed for the creation of in excess of 400 000 hours. The Minister got up and said, 'We've met the requirement.' However, he has not met the requirement for growth funds. What has happened is that the Federal Government, in its benevolence, has decided to give the State those funds.

Instead of putting that into the TAFE sector, the Minister and the Government has pocketed the money and not created the places. When that happens, the people who miss out are the youth and unemployed in our State. Let us not hear any more from the Minister for Employment, Training and Further Education about how much effort he is putting into youth training in this State. Clearly, he is not serious about it. He keeps saying, 'I mention this figure of $10 million.' I refer to the *Advertiser* of 23 October, as follows:

> Dr Such said yesterday the TAFE system faced an even bigger challenge in the current financial year, as the TAFE budget had been slashed by $10 million in the last State budget.

It is in the budget papers for all to see, yet the Minister has the audacity to claim that it is the fault of everyone else, nothing to do with him, and everyone else is telling porky pies. Quite clearly, the Minister does not have a handle on what is happening within his own department, does not understand and cannot answer a challenge to the figures that he gives publicly-

The ACTING SPEAKER: Order! The member's time has expired. The member for Florey.

Mr BASS (Florey): Last night the member for Newland and I attended a meeting called by the Community Water Action Coalition, which uses the acronym CWAC. I know that sounds like the noise made by a duck, but that is very appropriate because, if ever I saw a lame duck, I saw one last night at this meeting.

The guest speakers were Doug McCarty, the coordinator of CWAC; Eugene Brislan, a Democrat representative and adviser to the Hon. Sandra Kanck in the other place and the driving force behind CWAC; Mr Peter Duncan, the Federal Labor politician; and Mr Graham Harbord from the Australian Conservation Council. Notwithstanding the lies that CWAC is circulating to the community, a grand total of 33 people attended the meeting. When one considers that there are over 150 000 people in the north-east, the attendance equates to about .02 per cent—

An honourable member interjecting: How many turned up?

Mr BASS: I counted 33, but that included the member for Newland, the four or five persons invited to speak and control the meeting and me. Therefore, about 22 locals attended. The guest speakers were a little embarrassed to see the member for Newland and I in attendance—we were as welcome as the calicivirus in a rabbit warren. Only the Hon. Peter Duncan was smart enough to change tack. The good Doug McCarty again ran the line that the Government is privatising the water and that Thames Water and CGE will take over the public water utility.

Doug McCarty informed the meeting that seven out of 10 people opposed what the Government was doing. The only problem was that they did not ask the public whether they agreed with what they were doing. They conducted their own poll of 200 people and asked the question, 'Are you for or against the privatisation of water?' To be quite honest, I am surprised that they did not get a 100% result: South Australians do not want their water privatised, and nor does this Government. I am sure that, if I surveyed 200 people and asked the question 'Are you in favour of creating 1 100 full-time permanent jobs in the water industry?', 100% would have said 'Yes'.

Mr Eugene Brislan spoke on behalf of Ms Kanck, and he also did not get the facts right. The word 'privatisation' was used continually during the night. Mr Peter Duncan spoke and changed tack a little, but he still got it wrong. According to him, we are going to privatise the management. If we are going to sell the management, I would be very surprised, but Mr Duncan cannot help himself. During the whole meeting we continually heard about commercial confidentiality and the fact that no-one knew what was in the proposed contract. Mr Doug McCarty must have a memory span of about two minutes, because he started telling everyone what was in the contract. I said, 'Have you seen the contract Mr McCarty?' He went red and said, 'No, but I have spoken to someone who has.' If that was not a lie, I will go he.

My colleague the member for Newland addressed Peter Duncan and Doug McCarty and said, 'If the Government is not privatising SA Water, if the assets are not being sold and the Government—and therefore the people—will still own and control SA Water, does that not mean that the whole of this evening's discussion is irrelevant? We were stunned because there was no answer from Doug McCarty and Peter Duncan: they stood there like shags on a rock. CWAC will continue to oppose what the Government is doing, and it will continue to not deal in the truth. CWAC has called a meeting for Saturday: 'Privatised water—no way'. It refuses to deal with the facts. Doug McCarty stood up and said that the group is poor, that it is struggling to do anything, yet he produced colour pamphlets and car stickers.

An honourable member interjecting: Peter Duncan style.

Mr BASS: Peter Duncan style; exactly.

The DEPUTY SPEAKER: The member's time has expired.

HILLS FACE ZONE

The Hon. D.C. WOTTON (Minister for the Environment and Natural Resources): I seek leave to make a ministerial statement.

Leave granted.

The Hon. D.C. WOTTON: Earlier this afternoon the member for Napier suggested in this House that I was not interested in a development proposal in my electorate. The honourable member suggested that this development related to an application to build a major residence in the hills face zone within the electorate of Heysen. The honourable member went on to say that people representing the residents of the area had visited me and that I had advised them that I was not interested in this matter; the honourable member went onto say that it was quite obvious that I was not interested in the environment within my own electorate.

That is quite false. Some of the residents did visit my electorate office. They brought in a letter and left it with my electorate secretary. I was not in the electorate at the time; they did not seek an appointment to see me; they brought it in at random and left the letter in the office. I have acknowledged receipt of the letter and, because it is a local government matter, I had no opportunity to become involved. I have made representation to the Minister for Housing, Urban Development and Local Government Relations and forwarded the letter to him.

On 27 October I advised the residents that I would raise the matter in writing with my colleague. I have done that. At this stage, I have not received a response to the representation. As soon as a response is received, I will make it available to my constituents. It is quite obvious that the Opposition is not interested in getting its facts right; it is not interested in appropriate facts at all when it comes to matters that are raised in this House. Certainly, as far as the environment is concerned, it is quite obvious that the Opposition is not interested in environmental issues in any case, let alone those that relate to other people's electorates.

I would have thought that the member for Napier has enough problems in her own electorate without referring in this House to matters that relate to my electorate. I refuse to allow anyone to say that I am not interested in matters that are of concern to my constituency, and I will not accept any member of this House saying that I do not have an interest in the environment within my own electorate.

McLAREN VALE HOSPITAL

Mrs ROSENBERG (Kaurna): I seek leave to make a personal explanation.

Leave granted.

Mrs ROSENBERG: It has come to my attention that I have been accused of saying publicly regarding the McLaren Vale hospital that, first, the board chose to remain independent in 1990 and not become an incorporated public hospital; and, secondly, that the hospital cannot expect the Government to continue to bail it out using taxpayers' money in the light of problems. By way of a personal explanation, I wish to place on record that I have never made either of the above statements.

SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION (CONSTITUTION OF COMMISSION) AMENDMENT BILL

The Hon. DEAN BROWN (Premier) obtained leave and introduced a Bill for an Act to amend the South Australian Multicultural and Ethnic Affairs Act 1980. Read a first time.

The Hon. DEAN BROWN: I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill proposes several amendments to the *South Australian Multicultural and Ethnic Affairs Commission Act 1980*.

The Bill proposes changes to the constitution of the Commission to deal with the composition of the Commission and to allow for separation of the roles of the Chair and Chief Executive Officer.

It is proposed to remove the current provision which gives the United Trades and Labor Council representation on the Commission. There is no justification for guaranteeing the United Trades and Labor Council representation when this right is not available to any other organisation.

To ensure Government policy on gender balance on Boards is followed, it is proposed to provide that at least four members of the Commission must be men and four must be women. The Act provides for the appointment of up to 15 members to the Commission. Currently the Commission comprises six women and five men.

It is Government policy that Chief Executive Officers should not Chair the Boards to which they are responsible and should not, without good reason, be Board members. However, the current provisions of the Multicultural and Ethnic Affairs Commission Act are silent on this issue, allowing the Chief Executive to be appointed either Chair or a member of the Commission. The proposed amendment provides that the Chief Executive Officer should not be the Chair or a member of the Commission.

The functions of the Chair will therefore be separated from that of the Chief Executive Officer requiring the separation of the responsibility for the Commission's corporate leadership and public advocacy role and its internal administrative role. The administrative unit the Office of Multicultural and Ethnic Affairs is the operational arm of the Commission.

Following the resignation of the Chair and Chief Executive Officer of the Commission in August, it has been necessary to appoint an Acting Chair. Section 8(5) of the Act requires that a replacement Chair must be appointed for the balance of the former Chair's term, which would be a period of three years. This requirement is regarded as inflexible, as it does not allow an existing Member of the Commission to take over as Chair for a relatively short period while a permanent replacement is sought. It is proposed to amend Section 8(5) to provide that a person filling a casual vacancy can be appointed for any portion of the balance of the term.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 6—Constitution of Commission

The requirement for a member of the Commission to be a person nominated by the United Trades and Labor council has been deleted. In an attempt to ensure that a better gender balance is achieved on the Commission, at least 4 members must be women and 4 men. (Currently the requirement is that at least 3 must be women and 3 men.)

The principle that the responsibilities of the Chair of the Commission are to be separated from the responsibilities of the chief executive officer of the Public Service administrative unit established to assist the Commission is reflected by the insertion of new subsection (2) which provides that the chief executive officer cannot be appointed to be a member of the Commission.

Clause 4: Amendment of s. 8—Removal from and vacancies of office

The substituted subsection (5) provides that in the event of a premature vacancy in respect of a term of office of a member of the Commission, the person appointed to fill the vacancy may be appointed for any period not exceeding the balance of that term. Currently, the person appointed to fill such a vacancy is appointed for the balance of the term.

Ms HURLEY secured the adjournment of the debate.

DOG FENCE (SPECIAL RATE, ETC.) AMENDMENT BILL

The Hon. J.K.G. Oswald, for the Hon. D.S. BAKER (Minister for Primary Industries) obtained leave and introduced a Bill for an Act to amend the Dog Fence Act 1946. Read a first time.

The Hon. J.K.G. OSWALD: I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill contains three provisions. The first is intended to give ratepayers and prospective ratepayers of Local Dog Fence Boards greater autonomy in determining the way in which they will be rated. At present, the Act provides only one method of rating—a rate must be struck on the basis of the area of land held by each ratepayer. In some parts of South Australia, the people who constitute the rate base of a Local Dog Fence Board may decide that a different basis would be more equitable. This Bill provides for the flexibility for these people to make such a decision (subject to the final approval of the Minister) where there is unanimous agreement that an alternative rating method is appropriate for that area.

The second provision is intended to allow the Minister to appoint any member of the Dog Fence Board to chair the meetings of the Board. At present the Minister can nominate one member of the Board and the Act requires that member to chair the meetings. The other members of the Board are nominated by different interest groups that have a stake in the maintenance of the fence. This Bill will permit the Minister to appoint one of those other members as chairperson if the Minister wishes to do so and will allow the selection of the Minister's nominee on the basis of the skills that he or she will bring to the Board without necessarily having to consider the need for that person to chair the Board's meetings.

The third provision is a machinery matter. On 2 March 1995, the Parliament passed an amendment which provides that amounts owed to the Dog Fence Board in respect of a property may become a first charge on that property. The amendment now proposed is necessary to ensure that such a charge may be registered on the title.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement on a day to be fixed by proclamation.

Clause 3: Amendment of s. 6—Members of board

This clause amends section 6 of the principal Act, which deals with the membership of the Dog Fence Board. Section 6 currently provides for one member of the Board to be nominated by the Minister. Under subsection (1)*(a)* that member is automatically appointed to chair the meetings of the Board. This clause removes the requirement that the Minister's nominee chair the meetings of the Board and empowers the Minister to select any member of the Board to chair the Board's meetings.

Clause 4: Amendment of s. 26—Special rate in respect of local board areas

This clause amends section 26 of the principal Act. Section 26 empowers the Dog Fence Board to declare a special rate each financial year on holdings of more than one hundred hectares that are situated within the area in relation to which a local board is established. The amount recovered by the Dog Fence Board through the declaration of such a special rate is paid (after deducting the cost of recovery) to the local board.

At present section 26 requires any such special rate to be expressed as an amount per square kilometre of the land on which the rate is declared, not exceeding three dollars per square kilometre. This amendment provides that that requirement does not apply if the Minister and each occupier of land on which the special rate is declared agree otherwise.

Clause 5: Insertion of s. 41A

This clause inserts section 41A into the principal Act. Section 41A provides for the registration of the charges on land that are created in favour of the Dog Fence Board under section 41 of the principal Act (section 41 provides that amounts due and payable to the Board under the Act are a first charge on the land to which the relevant amount relates).

Under section 41A, if there is a charge on land (under section 41) in favour of the Board, the Board can give notice to the Registrar-General (in a form determined by the Registrar-General) of the amount of the charge and of the land that is subject to the charge.

On receipt of such a notice, the Registrar-General is required to enter a note of the charge against the relevant records of title.

If such a note is entered against the relevant records of title under this section and if default is made in the payment of an amount to which the charge relates, the Board has the same powers in respect of the relevant land as are given by the *Real Property Act 1886* to a mortgagee under a mortgage in respect of which default has been made in the payment of money secured by the mortgage. That is so whether the charge is entered in the records before or after the default occurs.

If the amount to which the charge relates is paid or otherwise ceases to be payable, the Board is required to apply to the Registrar-General (in a form determined by the Registrar-General) for the discharge of that charge, and the Registrar-General must thereupon cancel the relevant entry in the records of title.

Unless the Board otherwise determines, any fee or duty that the Board is required to pay in connection with a charge under this section will be recoverable from the person whose land is subject to the charge and must be added to the amount to which the charge relates.

Ms HURLEY secured the adjournment of the debate.

SOUTH EASTERN WATER CONSERVATION AND DRAINAGE (MISCELLANEOUS) AMENDMENT BILL

The Hon. J.K.G. Oswald, for the Hon. D.S. BAKER (Minister for Primary Industries) obtained leave and introduced a Bill for an Act to amend the South Eastern Water Conservation and Drainage Act 1992. Read a first time.

The Hon. J.K.G. OSWALD: I move:

That this Bill be now read a second time.

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

Leave granted.

The *South Eastern Water Conservation and Drainage Act 1992* is the appropriate Act under which the Government may obtain the landholder component of the Upper South East Dryland Salinity and Flood Management Program funding. It has been agreed by the South Australian Government after a comprehensive Environment Impact Statement and economic analysis that the project should proceed and that landholders should provide 25 per cent of the cost to meet the private benefits of the scheme.

The Bill proposes to amend the South Eastern Water Conservation and Drainage Act to allow for the collection of a levy to meet the requirements of the Upper South East Dryland Salinity and Flood Management Program and for any other future programs that may be required in the South Eastern Water Conservation and Drainage area. Extensive consultation in the catchment of the upper south east has resulted in a proposed four level levy on a per hectare basis being developed as the most equitable arrangement. Since flexibility is required in determining the most equitable arrangement, the amendments are not prescriptive but allow the Minister to determine the rates and publish them by notice in the *Gazette*. Before making a determination, the Minister must consult with the South Eastern Water Conservation and Drainage Board which includes in its membership three elected members from the district and one representing Local Government.

The Bill also provides for the staggering of terms of office for those members who are appointed to the Board by the Governor. As the Act now stands, all members are appointed or elected for fixed terms of four years, thus resulting in all eight members' terms of office expiring on the same day. So as to provide for some continuity in experience amongst Board members, the Bill provides that appointed members may in the future be appointed for any term of office, providing that it does not exceed four years. This greater flexibility applies whether the appointment is made on the expiry of a term of office or on a casual vacancy occurring.

The third main amendment proposed by the Bill relates to the entitlement to vote for elected members of the Board. Only one person in a partnership is entitled to vote on behalf of the partnership and, under the current provisions, this person must be specifically nominated by the partnership. Many partnerships have not lodged such a nomination with the Board and so, to facilitate voting in such cases, the amendments provide that the first named partner on the certificate of title (and therefore the electoral roll) will be the person entitled to vote on behalf of the partnership until such time as the partnership nominates another partner in accordance with the Act. The Government hopes that this will result in a greater voter turnout for Board elections.

The remaining amendments are consequential to the above changes. The opportunity is also taken to delete several obsolete references to the Water Resources Appeal Tribunal and to change references to divisional penalties to specific dollar amounts in line with Government policy.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement of the Act by proclamation.

Clause 3: Amendment of s. 3—Interpretation

This clause amends the definition of "eligible landholder" to bring the minimum landholding for eligibility to vote at Board elections down from "more than 30 hectares" to "more than 10 hectares".

Clause 4: Amendment of s. 11—Entitlement to vote at Board elections

This clause provides that, in the absence of a specific nomination from a landholder partnership, the first member of the partnership named on the electoral roll will be eligible to vote at Board elections.

Clause 5: Amendment of s. 13—Term of office of Board members

This clause provides that appointed members of the Board will be appointed for terms of office not exceeding 4 years. Elected members' terms of office remain as 4 year fixed terms. The subsection dealing with casual vacancies for appointed members is struck out.

Clause 6: Amendment of s. 16—Conflict of interest

Two penalties are converted from being expressed as divisional penalties.

Clause 7: Insertion of s. 34A

This clause inserts a new provision that gives the Board the power to raise a levy in respect of any financial year. The levy will be raised over private land within the Board's area and may vary between landholders. Persons who own or occupy 10 hectares or less will not be levied. The funds so raised will (after deduction of certain administrative costs) be applied towards the cost of constructing or maintaining the Board's water management works. The rate of contribution and the area to which it applies will be fixed by the Minister after consultation with the Board. The contributions will be collected by the Board and are enforceable as a debt. Unpaid levies will be a first charge over the relevant land. Private land is defined to mean all land other than Government or council land.

Clause 8:

Clause 9:

Clause 10:

Clause 11:

Clause 12:

Clause 13:

These clauses convert various penalties from divisional penalties.

Clause 14:

Clause 15:
These clauses substitute references to the former Water Resources Appeal Tribunal with references to its successor, the Environment Resources and Development Court.
Clause 16:
Clause 17:
These clauses convert various penalty provisions.
Clause 18: Amendment of s. 54—Proceedings for offences
This clause repeals the now obsolete subsection that classified offences under the Act as summary offences.
Clause 19: Amendment of s. 59—Regulations
This clause converts the maximum penalty that can be fixed by the regulations to an amount in dollars.

Ms HURLEY secured the adjournment of the debate.

LOCAL GOVERNMENT (BOUNDARY REFORM) AMENDMENT BILL

In Committee.
(Continued from 15 November. Page 554.)

Clause 10—'Substitution of sections 14 to 22.'
Ms HURLEY: I move:

Page 5, lines 22 to 24 (section 15)—Leave out the definition of 'MAG report'.

I move this amendment because this Bill deals only with boundary reform. The MAG report is quite wide ranging in its recommendations and covers a number of areas which are not relevant to boundaries. In fact, the boundary recommendations contained in the MAG report do not have relevance to the current position, which is the three stage proposal where amalgamations are proposed by a council, then they go to the board, and then, if that fails, to the ratepayers. I propose this amendment because of the lack of relevance and the concern by some councils that including reference to the MAG report gives some sort of *imprimatur* to the other recommendations of the MAG report in relation to the financing and functioning of councils, which are more properly dealt with in the rewrite of the Local Government Act which the Minister has foreshadowed.

The Hon. J.K.G. OSWALD: The Government is not prepared to accept this amendment. The MAG report, whilst it came in for some debate in the public arena, was generally accepted as containing a large amount of research material. It contains, I believe, 17 recommendations which have been widely accepted throughout local government. The board will not be able to refer to the published maps in the report, but the report does contain material that could be of value. A later clause in the Bill provides that the board may have regard to the MAG report only if applicable. The LGA and some councils have made particular play of the report being a document which they do not support, but equally there is a large element of the local government industry which believes that it is a watershed, that it is a document of significant value, and that it should be made available to the board as a reference tool. As such, we believe that it is quite important that it be recognised in the body of the Bill.

Amendment negatived.

Ms HURLEY: I move:

Page 5, line 25 (section 15)—Leave out 'major'.

This amendment relates to a problem that was raised with me by a couple of councils which have a particular concern that their boundaries could be altered in what to them is a fairly significant way without its being regarded as a major structural reform, because the definition of 'major structural reform proposal' does not include a boundary change. This amendment is part of a series of amendments which seek to change the provision so that boundary changes can be included as well.

This is a very important matter. I realise that the thrust of the Bill is that whole council areas be amalgamated. That would be the general way that most proposals would go. However, there is nothing in the Bill to enforce that. It might be only a matter of a few streets being altered, but some councils are quite concerned that parts of their area or even substantial parts of their area might be removed without their having recourse to the mechanisms available under a major structural reform proposal. This has come about because of the dangers of not consulting properly with councils and not properly canvassing the full situation. What is to the councils a fairly significant issue has been overlooked in this Bill.

For instance, the MAG report recommended that the Enfield council be abolished and that its boundaries be totally taken away and split up between several councils. It is this sort of instance which existing councils are very concerned about. Enfield council has talked to Port Adelaide council (and will hopefully amalgamate with it) but there is still a danger that under this Bill Enfield or another council might find itself with a substantial part of its area transferred to another council area—not amalgamated but removed from its council area. This would not be regarded as a major structural reform process. I feel that that is an anomaly in the Bill. I move this amendment to try to improve these provisions.

The Hon. J.K.G. OSWALD: As long as paragraphs (a), (b), (c) and (d) remain as part of the definition and provide the definition of 'structural reform proposal' as against 'major structural reform proposal', I have no difficulty with removing the word 'major'.

Amendment carried.

Ms HURLEY: I move:

Page 5, after line 29 (section 15)—Insert new paragraph as follows:
(ca) alter the boundaries of a council area;.

This is a part of the reasoning I provided earlier in that boundaries should be included among the definitions of paragraphs (a), (b), (c) and (d) so that they come under a structural reform proposal.

The Hon. J.K.G. OSWALD: I am not prepared to accept that. I want paragraphs (a), (b), (c) and (d) to stay intact if we are to delete the word 'major'. There is an additional path that the Opposition proposes in its amendments regarding the flow of approvals from council to the board to me and to the Governor. There is also another Opposition proposal in relation to bodies appealing against a decision of the board. Over the course of the afternoon I would like to get some explanation from the honourable member on that new path of approvals. Once I have clear in my mind what the other proposals are, I will look at paragraph (ca) again to see whether it sits comfortably in the definition of 'structural reform proposal'. At this stage, and until we move further through the Bill, I reject that proposal.

Amendment negatived.

Ms HURLEY: I move:

Page 5, line 35 (section 15)—Leave out 'major'.

This is consistent with the previous amendment which had been accepted and would be consistent through the Bill.

Amendment carried.

Ms HURLEY: I move:

Page 6, line 3 (section 16)—After 'Government' insert 'Boundary'.

Amendment carried.

Ms HURLEY: I move:

Page 6, line 11 (section 16A)—Leave out 'four' and insert 'three'.

This amendment relates to a later amendment and reduces to three the number of persons the Minister is able to nominate to the board. This amendment would keep the membership of the board at seven, which we believe is a workable number, and would allow a member of the United Trades and Labor Council to become a board member as a nominee of local government workers. We believe that would be useful, because it would take advantage of the expertise of a union member.

Last night, I went through the way in which enterprise bargaining has been successfully negotiated within local government as well as the good working relationship between elected members, staff and workers in local government. Since the Bill refers to instances of agreements with staff and negotiations about salary remuneration, it would be worthwhile having someone on the reform board who has expertise in that area and who knows local government very well. I am sure that the UTLC would nominate a representative of the ASU or the AWU who would work very closely and very well with local government.

The Hon. J.K.G. OSWALD: The Government is not prepared to change the composition of the board. I understand the reasoning why the ASU and the AWU would like to seek representation on the board. This board is a little different from the previous commission which was involved in amalgamations and which would have been involved in industrial questions. I anticipate that the majority of amalgamations will be between two councils which have worked out the three-year management plans with facilitators. All the work at the industrial level would have been carried out before it even came to the board. In discussions I have had with the ASU I have said that most of its work and good advice would be needed at the council level but not at the board level.

So that I can retain flexibility by appointing people from a wide cross-section of backgrounds, it is important that I have the four positions available to me. That does not mean that the AWU and the ASU will not be able to have a meaningful input; they will. However, by the very nature of the amalgamations and the fact that we do not expect to have too many board-initiated proposals and not too many polls and as the majority will be coming through as council-initiated voluntary amalgamations, I believe the ASU's work will be at the council level. On that basis, I should like to maintain the four nominees of the Minister rather than three and leave the other membership as it stands in the Bill.

Ms HURLEY: Given that there will be Local Government Association nominees, what sort of expertise does the Minister want with his four members that cannot make way for someone with industrial relations expertise?

The Hon. J.K.G. OSWALD: I will expand the reply because another amendment is to be moved shortly, but I think the answer is to be combined. I notice that the Opposition has picked up the request of the Local Government Association and seeks to remove the panel of eight persons. I shall also reject that proposition and insist on the panel of eight persons.

The main aim of a successful board is to have a good mix of professions and knowledge and expertise of local government, law, accountancy and financial matters so that the board can address each proposal. We should bear in mind that the Local Government Association has two board members and there are two deputies, which means that the LGA will have four of the eight people. I defy the LGA to come back and say that we will not put up its best people. If it puts up eight and I take four out of the eight, we would be selecting its best people. However, I require some flexibility in determining who in the end shall be the four out of the eight so that we do not have too many financial people, too many legal people or too many from whatever area in which we have a surplus.

I had a lengthy discussion with the ASU about its input. I believe that its best input is at council level, because it is there that the proposals will be put together. The proposals will already have been locked into the three-year management plan before they come to the board. I suggest that is the place for the ASU and the AWU to have their useful and important input. The rest is for me and the LGA to get right so that the board can be successful.

Ms HURLEY: I do not believe that the Minister has answered my question. The Minister referred to people with legal, accounting, financial and local government expertise. That adds up to four if we count financial and accounting separately. Given that we will have local government expertise, that leaves only three. If we are talking about proper consultation and smooth running of the process of amalgamation, the cooperation of the union, as it has existed with councils in the past, would be seen to be essential. The fact that there will not be many board-initiated amalgamations does not seem to me to make sense. Why have anyone on it in that case?

The Hon. J.K.G. OSWALD: I think the honourable member overlooks the fact that the board will have country and city representation. When we form the country committees and city committees, if we have to delegate members from the board to chair those respective committees, I may need more than one person. I do not want to be restricted to one person from local government, one person with a financial background and one person with a legal background. We must have sufficient numbers on the board so that, if it has to delegate people to the respective country and city committees, it has the expertise to do so. I need some flexibility to ensure that I have the mix of people in my four nominations to ensure there are sufficient qualified people on the board. That does not mean that a UTLC person would not be a good contributor. There is a place for ASU representatives at council level where the management plans will be put together rather than at the board level.

Amendment negatived.

Ms HURLEY: I move:

Page 6, line 12 (section 16A)—Leave out 'selected from a panel of eight persons'.

The CHAIRMAN: This matter has been canvassed. Does the member wish to speak to it?

Ms HURLEY: I think the Minister canvassed it, but I do not feel that I did.

Amendment negatived.

Ms HURLEY: I move:

Page 6, after line 13 (section 16A)—Insert new subparagraph as follows:

(iii) one being a person nominated by the United Trades and Labor Council, and

Amendment negatived.

Ms HURLEY: I move:

Page 6, line 27 (section 16A)—Leave out 'will' and insert 'must'.

This amendment relates to the panel. It is just a nonsense for the Minister to say that he needs a panel of eight persons from which to select two persons for the board and two deputies. If the Minister were prepared to negotiate with the LGA and describe the sort of persons he wants for his panel, there is a wealth of expertise available from the LGA. Surely some agreement could be achieved as to the sort of people needed on the reform board. It is treating the LGA with a certain degree of contempt to think that it cannot produce the sort of people the Minister is looking for. This is a cumbersome and difficult provision for the Minister to put in. I see no reason at all why either the deputies or the members of the reform board need to be picked over by the Minister from people the LGA can put forward.

The Hon. J.K.G. OSWALD: I have had discussions with the LGA, and particularly with members of the executive. I know some changes have taken place, but I can say to the honourable member that many people to whom I have spoken—and they are elected members—are quite happy about my asking for a panel of eight. I suspect that an element within the LGA has been running to the Opposition determined to knock off this panel, either in this Chamber or in the Upper House, and running its own political agenda. I guess it is a split camp—maybe it is, maybe it isn't. I have had very senior elected members of the LGA come to me and say, 'We are comfortable with the panel.'

I do not think it is the big deal the honourable member makes out. I can only think that officials within the LGA have got to the Labor Party and said, 'We want this knocked off. You get into the House and make sure you knock it off.' I explained the logic as to why I wanted the panel: I wanted to make sure that we spread the expertise. Bear in mind that the LGA will get four out of eight, and I do not mind if it lists them in order. I said to the elected members that I would consult with them before I made my selection from the eight persons. All I want is the right mix, and I am very happy to give a commitment that, in selecting four out of the eight, I will consult with the elected members on the LGA executive so that we get the right mix. They will also be involved in matching up the background of the nominees I appoint to the board.

That is the very conversation I had with the elected members. Let us not be run off the rails by officials who have sent a message down to North Terrace to make sure that this is one of the clauses that is knocked off. There is value in making sure that we work with local government to get the right mix. I have no sinister, ulterior motives in ensuring for some personality reason that the LGA's nominees do not get up: it is purely to get the mix right. I will be talking to the LGA about the right mix, but I reserve the right to select four out of the panel of eight. I believe the honourable member's amendment does not alter the text of the clause. I would be happy to accept that change in the wording.

Amendment carried.

Ms HURLEY: I will not proceed with my four following amendments on file. I move:

Page 9, line 20 (section 17)—Leave out 'establish and publish criteria' and insert 'recommend criteria, to be prescribed by regulation,'.

I have moved this amendment principally because there is not real confidence that the reform board will publish criteria with which the councils will be happy and which they feel will be adhered to in this extensive amalgamation process. Councils want an input in that process. We want to see the board go ahead—as I understand it is doing already—and draw up criteria. I understand that it is consulting with councils in that process. I hope that it takes notice of what the councils are saying in such crucial areas as how many ratepayers they expect in each council area, and so on.

I also hope the board listens to councils in terms of realistic criteria, because there is a feeling that much of this legislation is driven by an ideological principle; a view by this Government that local government is very inefficient; that there is a lot of fat to be shed; and that there is a great deal of financial mismanagement and over-staffing. This is not necessarily the case. That may be true with respect to some councils and, indeed, the Opposition is supporting the bulk of this Bill because we would like to have a look at it. As I understand it, in Victoria, where a lot of the impetus and ideology for this move seem to have originated, there is more inefficiency and more fat to be shed.

The ABS statistics list the ratios of council staff to population in Victoria pre-amalgamations, and the figures are fairly high compared to South Australian statistics. They all seem to be around the high 5, 6, and 7 council staff per 1 000 population. For example, Caulfield has 7.02 council staff per 1 000 population; Frankston, 6.09; Keilor, 6.39; Werribee, which is on the fringe of Melbourne, 6.3; and Lilydale, also on the fringe of Melbourne, 5.15. I quote the statistics of some of the more efficient councils in South Australia, for example, Enfield, which has only 1.81 council staff per 1 000 population; Noarlunga, 3.67; Hindmarsh-Woodville, which is the highest, 5.07; Salisbury, 3.03; Tea Tree Gully, 3.6; Marion, 3.25; and Brighton, 4.33.

This is the point many councils in this State illustrate when talking about criteria: that the situation in Victoria does not necessarily translate to South Australia. Councils feel that this Government does not properly understand that, and that the criteria on the Government's agenda relate more to the Victorian situation than to an ideology which does not necessarily apply here. The idea of this amendment is that the board, as proposed in this Bill, would draw up the criteria but that, as a method of last resort, those criteria would be brought back into Parliament as regulations so that this Parliament would have the opportunity to scrutinise them on behalf of the public of South Australia.

These are very wide-ranging reforms that will affect the whole of the South Australian public, and I believe it is appropriate that this Parliament should be able to scrutinise the criteria that will underpin major changes to this third tier of government in South Australia. I believe it is a very reasonable position to take, because the board can go ahead and start the process of drawing up the criteria. This will be a last line of defence in case some perceived mistakes are made in that process.

The Hon. J.K.G. OSWALD: The LGA asked us to include the words 'establish and publish criteria'.

Ms Hurley interjecting:

The Hon. J.K.G. OSWALD: I know that. The LGA asked us to include those words. We had lengthy discussions about it. It relates to benchmarking and also to the fact that as part of setting up the board and staffing we will have officers coming on stream who will be specialists in the field of benchmarking. For the first time in South Australia benchmarking will be set down as it applies to metropolitan councils, from one council to another and from large councils to small councils. It will also provide comparisons in country areas between large councils and small councils and, as a

result, the board will be able to have regard to benchmarking in its assessment of councils.

I hope members are not too confused about the criteria we will use and the process by which we will put together guidelines for councils to work up proposals and bring them to the board. We are working with local government on a form of words for our guidelines and the criteria. We hope to come up with a joint document between the Government and the LGA which will set out clearly the steps that people will take as to what stage they talk to each other and what stage they come to the Government for assistance, financial assistance and facilitators. It will be a step by step process right through until they bring their proposal to the board. In the meantime, the board will have established its benchmarking and will have officers. It was thought that officers with knowledge of this area would be seconded from local government to work with those who are brought in on contract or by some other means to ensure that we have sufficient staff to make the scheme work.

I think that paragraph (c) is straightforward and sensible, because it is simply to establish and publish criteria. The publishing of the criteria has been requested by MPs, because they would like to know the criteria and have the standards the board is setting and its requirements in the public domain. In that way the standards expected will be quite transparent to councils. Therefore, MPs and elected local government members will be able to see the standards being used. That is all that paragraph (c) does: it sets out to establish and publish criteria against which the performance of councils as local government authorities is assessed, and then it assesses the performance of councils in this State against those criteria. I do not believe it is necessary to proscribe it by regulation. It will be done by agreement between the LGA and the Government, which means that both sectors will agree on the criteria. I believe discussions are proceeding well at the moment. My officers tell me that agreement has virtually been reached. It is possibly a matter of simply tidying it up.

Ms Hurley interjecting:

The Hon. J.K.G. OSWALD: The honourable member is being pumped up with some inflammatory statements by certain LGA officials. There are elected members out there, and many of the letters that the honourable member has are the same letters that I have received, written by people after the first draft Bill was circulated. The commonality of the letters coincides with the terminology used in the fax that was sent to councils informing them on how they should respond to the Government. A lot of information is generated, and some is real. However, we must look at where the opposition is coming from, and we should remember that there are 50 councils that are now talking to each other. It is not good enough to try to paint the picture and claim that there is strong resistance to change, because never before in this State has there been such willingness to get on with the job.

The message I keep receiving from my officials as they move around the State is, 'For goodness sake, let's get on with the job, get the legislation through and the reform board in place and then let's get the process underway.' I am labouring the point now because there are people out there running an agenda to make it look as if no-one wants this reform to happen. This reform must happen—it is an urgent requirement and all we want to do is make sure that we get the process right. I believe that paragraph (c) is fine as it stands with respect to the words 'to establish and publish criteria'. That is transparent; it will be done in consultation with the LGA. In fact, in this case the LGA actually chose those words (as I am advised by my officials), and they have been inserted in the Bill as requested.

Amendment negatived.

Mrs HALL: I wish to raise a query with the Minister about paragraphs (d), (e) and (f) and the approval in principle of the amalgamation. The City of Campbelltown in my electorate has written to me, as follows:

> The City of Campbelltown recognises the need for structural reform in local government to ensure councils have the economic base to provide the level and quality of service expected by the community. The council believes that proposals for structural reform must ensure that:
>
> Local government remains local and the primary element of the system of easy access to voluntary elected members who live in close proximity is retained;
>
> Local government authorities have clearly recognisable geographic boundaries and areas which will allow the most effective and efficient delivery of services;
>
> Regard is had to identifiable communities of interest;
>
> The economic and social benefits which will result from the restructuring are clearly identified and quantified.
>
> The council in general terms therefore supports the Bill and has promoted the formation of a joint steering committee with the Town of St Peters and the City of Payneham seeking to integrate the three areas. There are two aspects of the Bill and the local government reform process which the council wishes to raise with you.

The first is a possible system of approval in principle to amalgamations. Is it possible to implement the council's suggestion of a system whereby the board provides advice on draft proposals and perhaps gives approval in principle?

The Hon. J.K.G. OSWALD: I thank the honourable member for her question. The draft Bill envisages that this will come under the functions of the board in new section 17. I will not read out the new section but, if the honourable member refers to the functions of the board, she will see that it is envisaged that this will be done.

Mrs HALL: My question relates to paragraph (i) and rate limitation. Again, Campbelltown council is concerned that the mechanism for rate reductions in the Bill fails to recognise that significant costs will be associated with amalgamations. Therefore, it suggests as an alternative that savings and costs of amalgamation be set out separately in the financial and management plans required of the new council. What is the Minister's response?

The Hon. J.K.G. OSWALD: I can advise the honourable member that this is envisaged by the Bill. Clearly, the financial and management plans for the three years would be misleading if they did not contain those savings and costs. The board's guidelines calls for them to be separately identified, and that will be done as a specific instruction.

Ms HURLEY: I have an amendment on file which relates to a previous amendment and which seeks to leave out 'major structural reform proposals' and in its place insert 'significant reform proposals under this part'.

The Hon. J.K.G. OSWALD: I would like to cooperate as much as I can with the honourable member on this amendment. The Government is happy to see the word 'major' deleted but not 'structural reform proposals'. Accordingly, I move:

Page 9, line 29 (Section 17)—Leave out 'major'.

Amendment carried.

Ms HURLEY: I move:

Page 9, line 34 (Section 17)—After 'develop' insert ', in consultation with the proponents,'.

This amendment makes clear that the assessment or development of the financial and management plans would be in

consultation with the councils. I understand from the Minister's statements that he anticipates that that will occur. I would like it made crystal clear in the Bill that the board, in assessing or developing management plans for councils—particularly if it is developing management plans for councils—will do so only with the complete cooperation and agreement of the councils concerned.

The Hon. J.K.G. OSWALD: The Government does not feel too strongly either way about this amendment; we are happy to accept it.

Mr EVANS: Do I understand that the clause will now read 'to assess or develop in consultation'? Is the member for Napier saying that there must be assessment also in relation to consultation, or does the consultation relate only to the development?

Ms HURLEY: As I understand it, it will read 'to assess or develop in consultation with the proponents'. So, 'assess or develop' would include both of them. The assessment of the proposal should be in consultation as well.

Amendment carried.

Ms HURLEY: I move:

Page 9, line 36 (Section 17)—Leave out 'major'.

Amendment carried.

Ms HURLEY: I move:

Page 10, lines 1 to 3 (Section 17)—Leave out subparagraph (i).

This amendments relates to section 174A of the Act. The amendment would mean that the council rates the State Government demands in this Bill would be reduced by 10 per cent in the 1997-98 financial year. Basically this clause refers to that, because it refers to that financial year. The Opposition, and nearly every council to whom I have spoken—and I have spoken to or received letters from many—oppose that idea. As I said last night, if you are going to go through this process and amalgamate councils, it must be for a reason, and the reason should be the greater efficiencies and cost savings to be made out of amalgamation. If that is not the case, there is no point whatsoever in going through this exercise.

Why would anyone amalgamate if they are going to be in the same financial and management position? Therefore, with those cost savings to councils, we would expect rates to go down, and we have only just referred to the three-year financial and management plans under this Bill, which will now be done in consultation between the board and the councils. One would expect the financial and management plans to specify reductions in rates or, if not reductions in rates, some good reasons why a rate reduction was not put in place, that is, an increase in services or some other benefit to ratepayers. In many cases, we expect rate reductions of greater than 10 per cent to be put in place, and we hope that that is the case.

The only purpose one can see for ensuring that that 10 per cent decrease must occur in the 1997-98 financial year is that it happens to coincide with an election year for the State Government, and the State Government therefore expects to be able to go out to the electorate and say, 'For all this pain, all these job cuts, all these broken promises, the reward for your putting up with that is a 10 per cent across the board decrease in rates.' The Opposition does not think that is a good enough reason to do this. A long-term management plan which specifies the rate reduction is a more efficient, more sensible and more reasonable way to proceed—one that elected members agree to and one that is in accord with local needs.

I point out that not only will amalgamating councils be caught up in this—the councils that we are told need to amalgamate in order to improve their efficiency—but it applies to councils that are probably not going to amalgamate with other councils—the councils that are already large and exempted under the MAG report from any need for amalgamation and I cite Noarlunga, Salisbury, Hindmarsh-Woodville, Tea Tree Gully and Marion. The councils that, we are told, are models for other councils and are operating efficiently and well would also have to have a 10 per cent rate reduction. Unlike the Minister, who apparently ignores many of the letters that councils are sending him, I have taken a great deal of notice. Noarlunga council, one of the big efficient councils, according to the MAG report, puts it very well and I quote from a letter of Mayor Gilbert:

> There are some areas of concern in the Bill, including the one raised by you in the final paragraph of your letter, that is, the limitation on rates for the 1997-98 financial year as proposed in section 18 of the Bill. It is my view that such a simplistic approach will not necessarily achieve the desired effect of making councils more efficient. At worst, it may in fact simply result in the existing more efficient councils having to reduce the level of services they are currently providing, while the less efficient councils may be able to 'absorb' the reduction in revenue. It seems to me that if a rating strategy is necessary at all to achieve the sought after efficiencies and cost savings then a more effective approach would be to require those councils with an average rate above the South Australian (or Adelaide metropolitan) mean by more than, say, 20 per cent to reduce their rates to that mean amount. This would have the desired effect of targeting the less efficient councils.

I have also received a letter from Mr Green, the City Manager of the City of Unley. It goes into some detail and states in part:

> My council delivers a wide range of services most efficiently compared to other councils. Therefore, we consider a legislated 10 per cent reduction which could be as high as $1.5 million will inevitably result in a scaling down of our service delivery capability for the reasons stated above.

The letter indicates the reasons why it would be difficult for that council. It continues:

> Apart from the above, council is concerned with the administration of this requirement. You should be aware that this council for cost efficiency reasons declares its rates during the first week of June of each year. Clearly the approach as advocated in the Bill would prevent a poll from being conducted within this time span in 1997 if this were the wish of the new council. Further, the costs of conducting a poll, together with the loss of income through delaying the rates collection, could be as high as $75 000. Is this the intention of the Government legislation?

The letter continues:

> It seems to us that the impact of this aspect of the legislation upon the community has not been sufficiently studied. We urge the Government to reconsider this requirement. Finally, there is the philosophical question of the State Government interfering with the revenue collection responsibilities and powers of the third tier of government. It is the opinion of our council that this is not an area where the State Government should intervene in the manner proposed. If the Government desires a rate reduction there is a better way: why not come and talk to us?

Why not indeed? Those two areas raise a number of interesting aspects in terms of the ability of councils to comply with this recommendation and the question why councils should comply with this recommendation. As the City of Unley pointed out, the State Government is trying to dictate for its own political purposes what a third tier of government is about to do. As I said last night, apart from Coober Pedy council, every council I have spoken to, every council that has written to me, has opposed this provision. The Minister might want to dismiss this as an effective lobbying effort by

officials of the Local Government Association, but he dismisses it lightly at his peril because there is a great deal of feeling in local government that I detected after I had listened to them that says that the State Government has no reason to do this and no right to do this, and it will be strenuously opposed by the Opposition.

The Hon. J.K.G. OSWALD: The Government will oppose this amendment. It was interesting that the honourable member in her presentation said, 'We would expect rates to go down.' Of course, we would expect rates to go down. I realise that is an open admission on the Opposition's part that we will see significant savings in the local government sector. What the Government has said is that it would like to see some of the savings passed back to the ratepayers. During 1996-97, councils are free to increase rate revenue to pay for amalgamations and raise money, if necessary, for TSPs and the like. In the second year, 1997-98, the savings will start to accrue and we believe they should be passed on to the ratepayers.

If the honourable member goes forward in the debate, she will note that we have included a specific provision to allow the council the opportunity to go to the board and 'the board may, if satisfied, on the application of the council, that special circumstances exist, authorise the substitution of a lower percentage than 10 per cent under subsection (1) (and then that authorisation will have effect according to its terms)'.

The Opposition, and local government generally, have avoided reference to that particular subclause which is very clear. If a council has a specific public works and capital works program that it wants to implement in that particular year, it can go back to the board and seek to have the 10 per cent negotiated to another percentage—if necessary zero. It makes the financial accounts of the council for that year very transparent. If ratepayers see that other councils are having a rate reduction while they are missing out, the council can demonstrate that it has converted that saving into a specific project.

Under the same clause the councils have the opportunity to go to the ratepayers and say, 'We want to divert the $X million saving from rate reduction into another area.' If it were game, it could go to the ratepayers and ask to increase the rate. Instead of going for a negative reduction of 10 per cent, it could have an increase. I do not visualise too many councils seeking permission to increase the rate, but I can envisage councils using paragraph (b) to approach the board and say, 'In this particular year, instead of passing it on, we would like to use it for a specific project.' That project then becomes very transparent, and people can see that in their city or district council area the money was used elsewhere.

However, the Government's main point is that savings will be made and that those savings should be demonstrated to have been made and passed on to the ratepayer. I realise that this amendment is consequential on other amendments. Members spoke at great length last evening on this matter, and many members had quite a bit to say about the fact that not only do we need to ensure that savings are made but that there is an opportunity to pass those savings back down to councils. I believe that most councils will make a genuine attempt to pass those savings on to their ratepayers. I cannot speak for all councils. I do not have a crystal ball, but it is the Government's view that an opportunity exists to ensure that rate savings are passed on for at least a year, bearing in mind that councils have the 1996-97 year in which to raise revenue as part of their preparation for amalgamation.

I will not speak at length on this matter. The remainder of the argument is fairly philosophical. I understand those philosophical arguments that are coming through in the correspondence we are receiving, but it must also be borne in mind that there are members of the public who would like to see those savings passed back to them in the form of a cash contribution. In actual fact, the Bill creates that public expectation of their seeing some savings returned to them as a result of rate reduction, albeit for one year. It was thought that we would make it for more than one year—the Government considered that idea in some detail—but it was decided to reduce it to one year at least to demonstrate the savings and in the financial management plans to make the councils focus on the fact that at least for one of those three years they had to achieve a rate reduction. Having achieved that rate reduction early in the three year cycle, they would then be working in an atmosphere of attempting to keep rates down. The Government will oppose this amendment and any other amendment which attempts to remove from the Bill the opportunity to pass rate savings on to ratepayers.

Mr BECKER: I oppose the amendment. I support the Minister's approach. Any form of savings should be passed on to the ratepayers: that is the whole idea of encouraging greater efficiency in local government. I have been conducting a survey in my area for the past five months. During the month of October I sent out 108 forms. I asked constituents: 'Do you support council amalgamations if they will lead to lower council rates?' In response, 80 per cent said 'Yes', 10 per cent said 'No', and 10 per cent said 'Don't know.' Over the five month period during which 848 survey forms were sent out, 76 per cent said 'Yes', 10 per cent said 'No', and 14 per cent said 'Don't know.' So, it is very clear that the public expect savings to be made and that they expect those savings to be passed on.

In my area we have seen the amalgamation of the Hindmarsh and Woodville councils. Whilst there have been administrative and other savings, overall the council has not reported a surplus because it has had to undertake other projects. The Woodville council is now establishing a study into modernising and rebuilding the civic centre for the administration of the council, and that cannot be denied. It would be unfair to say that rates cannot be reduced because of the need for a more modern administrative centre, but overall we must do all we can to create greater accountability in local government and, at the same time, establish targets that will lead to the downsizing of local government bureaucracy and greater benefit to ratepayers through rate reduction. If this State is to be efficient and competitive with the rest of Australia—and that is all we have going for us at present—we must reduce our overall administrative costs,and this is one way in which we can do that.

Ms WHITE: I support this amendment and the stance of the member for Napier because, as the honourable member has pointed out, this is merely a cynical attempt by the Government to have a pre-election sweetener for the next State election. It runs counter to Liberal philosophy that you have a standard 10 per cent or any fixed amount of rate reduction: I would have thought that that was very much counter to free competition policy. The effect of imposing such a reduction on councils obviously would mean one of two things: efficient councils—and there are some—would either have to borrow money, which could send those councils down a dangerous track from the point of view of the State Government, or cut jobs and services. So, I think we should reject this proposal simply on that basis.

Obviously, we want to encourage councils to cut their rates, and I think many councils will do that but, when it comes down to a choice between cuts in rates or cuts in services, I think ratepayers will have a lot to say. In support of a cut in rate reduction, what the Government is really saying to ratepayers is: 'We are inviting councils to put themselves into debt in some cases or to cut services.' For those reasons, I support the amendment of the member for Napier.

Amendment negatived.

Ms HURLEY: I move:

Page 10, line 4 (section 17)—Before 'savings' insert 'any'.

It may seem to be a small point, but what we are talking about here is three year financial management plans prepared by the board in consultation with councils. It seems to me that just to say that savings can be obtained under this proposal pre-empts things a little. I would like to insert the word 'any' because in a number of cases the inefficiencies that ratepayers may be suffering under could be the result of the lack of services and facilities. It seems to me that the word 'savings' refers simply to financial aspects. There might not be much in the way of savings to be obtained from the proposal, but there might be increased services available to ratepayers. I think it pre-empts the management plans a little.

The Hon. J.K.G. OSWALD: I accept the amendment.

Amendment carried.

Ms HURLEY: I move:

Page 11, line 10 (Section 17B)—Leave out paragraph (b).

The reason for leaving out paragraph (b) stems from the fact that we are dealing here with principles of the board. Although subclause (b) provides 'in so far as may be relevant', it actually refers to the MAG report. The board should have adequate principles built into this Bill and, indeed, it does. The MAG report was not designed to provide principles for a reform board: it was designed to suggest boundary changes. I do not believe that the MAG report has any relevance at all in developing the principles of the board. It does not have enough significance to warrant mention in any provision relating to how the board should arrive at recommendations. As I said previously, many people in the local government community feel that the MAG report has been discredited in many aspects and as such are not happy with references to the MAG report in this Bill.

The Hon. J.K.G. OSWALD: The Government opposes the amendment.

Amendment negatived.

Ms HURLEY: I move:

Page 12, after line 17 (section 19)—Insert new subsection as follows:

(2A) At least one member of each committee established under subsection (2) must be a person nominated by the Local Government Association of South Australia.

This amendment seeks to provide an assurance that people with local government expertise will be included on each of these boards. The board structure for committees is left fairly loose because, as the Minister said, he wants maximum flexibility. I understand this, but as it currently stands there is not much direction about who should be on each of those committees. It is quite reasonable to include a representative of the LGA, possibly from one of the panel of eight that the Minister has to choose from, to ensure that local government through the LGA has a proper say on each of those committees. They are fairly important committees.

This provision is different from that which was in the draft Bill, and many people, particularly in the country, were concerned that their needs would not be sufficiently met in the amalgamation proposals. Therefore, this country committee was set up. In the Opposition's view, this is not ideal. We would have preferred to see more protections for country councils in the Bill, but we have just enough faith in the process to hope that the country councils reform committee will provide sufficient input. As an additional comfort, we would prefer to have an LGA nominee on each of those committees to ensure that a wide range of views is canvassed.

The Hon. J.K.G. OSWALD: I point out that the board must establish the committees. The LGA will still be strongly represented on the board, which will comprise local government people. All the fountain of knowledge is not entirely in the LGA. I know that there is a lot of knowledge in the LGA, but let us face it: the boards will be set up by people from the local government sector, and the LGA is represented on the board. For the structure to work properly, once we get the composition of the board correct—and we will get it correct—we will leave the board to make the decision. Once they are working and getting experience out in the field they will then be the best group to judge the type of people they want on the metropolitan and country reform committees.

I also take exception to the honourable member's implication that country people are not being looked after. The honourable member has heard 'concerns' from country councils that they will not be looked after. We have bent over backwards to ensure that we will have country and metropolitan representation on reform committees. I say 'committees' because, whilst the wording of the Bill provides that the board must establish a reform committee for the country and a reform committee for the city, in drafting terminology 'a' means that it must establish at least one, but that does not limit the number it could establish. Many committees could be set up, and they will be made up of various people. The board is the best source of decision making in terms of working out the composition of these councils. I feel quite strongly about that. I understand the rationale for the LGA's asking for that clause to be inserted in the Bill.

Ms Hurley: The LGA did not ask for it: I asked for it.

The Hon. J.K.G. OSWALD: In that case, I applaud the honourable member for doing that, but it is an issue canvassed with me in some of our working sessions as to representation on that—

Ms Hurley: That would have been a great night.

The Hon. J.K.G. OSWALD: I concede that. Without repeating what I just said, once we get the mix on the board correct—and there will be LGA representation along with others from local government—I would like to leave them with the authority to determine the composition of the metropolitan and country reform committees.

Amendment negatived.

Ms HURLEY: I move:

Page 13, line 32 (section 21)—Leave out 'major'.
Page 14—
Line 1 (section 21)—Leave out 'major'.
Line 6 (section 21)—Leave out 'major'.
Line 12 (section 21)—Leave out 'major'.
Line 27 (section 21)—Leave out 'major'.
Line 29 (section 21)—Leave out 'major'.
Page 15, line 19 (section 21)—Leave out 'major'.

Amendments carried.

Ms HURLEY: I move:

Page 16, line 20 (section 21)—Leave out '50' and insert '40'.

The Opposition has been reasonable with regard to this Bill. The Minister has made statements seeming to imply that we do not agree with reform or with rate reductions. That is manifestly untrue. We are bending over backwards to allow this Bill to pass. We are just requesting that some key amendments which are important to us be made. I have not been calling divisions, but that does not mean that we do not strongly believe in these amendments or that we are not prepared to pursue them in another place.

This amendment relates to the number of people who need to cast a vote in order for a poll to be valid. Many consider that there should be no minimum turnout or that it should be left at the present 25 per cent. We do not entirely agree with that. The Opposition understands that we need amalgamations to get the sort of reforms about which we are speaking, because we recognise that many councils need to be made more efficient and accountable to their ratepayers. In order to achieve amalgamations, either council-initiated or board-initiated, there must be a strong incentive, because we believe that is how the most reasonable and workable amalgamations will be achieved. However, the Bill provides that if there is no agreement by councils with either of those two phases, there is the ability to go to the ratepayers.

The ratepayers' poll will be an expensive exercise, and people will tend to avoid it. We are prepared to look at some significant hurdles in the way of a ratepayers' poll, but we are not prepared to go all the way, to coin a phrase, with the Government's proposal that 50 per cent be the limit. We are slightly uncomfortable about this, because we are worried that there may be a *de facto* forced amalgamation and that the 50 per cent will not be achievable.

I acknowledge that mandatory postal voting has now been included following strong reaction to the draft Bill. In cases where postal voting has been tried, it has resulted in a greater turnout of voters at general elections, and the hope is that postal voting will result in an increased turnout.

The Opposition believes that local government should be more representative and that turnouts of 10 per cent to 20 per cent are really unacceptable. We would like voting at local government level, in keeping with other tiers of government in this country, to be made compulsory. However, in our efforts to assist the Government in this process we are prepared to accept the postal voting aspect and a minimum turnout, which is consistent with our line that in local government elections larger numbers of people should turn out to register their opinion.

We have carefully considered this matter, and we have looked at the turnout in a couple of instances in this State where there have been polls on such issues. Last night the member for Spence referred to a poll in Hindmarsh-Woodville where there was a 40 per cent turnout, and the recent poll in the Mitcham-Happy Valley amalgamation produced a turnout of 46 per cent. We propose in this arrangement that it should be not 50 per cent but 40 per cent, because that might be a realistic figure for those in the community who may be opposed to amalgamations to encourage that number of people to turn out and defeat an amalgamation proposal. Then, according to democratic principles, a majority of those people would need to vote against it.

The member for Davenport, who is interested in local government and cares a good deal about what is happening in relation to this Bill, talked about a ratepayer poll for voluntary amalgamations at the council-initiated level if the community disagrees with the council's view. The Opposition believes that elected members of local government are part of the representative government system that applies in this country. Therefore, elected council members represent ratepayers and have the authority to act for them in matters such as amalgamations. If the member for Davenport cares to move an amendment along those lines, either here or in the other place, the Opposition would be happy to consider it carefully in consultation with councils.

The Hon. J.K.G. OSWALD: I have had discussions with the honourable member as regards the reduction from 50 per cent to 40 per cent, and I understand the discussions that she has been having. The Government spent some time determining the formula for the 50 per cent. Over the next few days the Government will be having further discussions internally about the passage of this legislation, and the proposal being put forward by the Opposition to change from 50 per cent to 40 per cent will be considered before the Bill goes to the other place.

Other than that, I take on board the honourable member's comments about the height of the hurdle and whether it should be at 50 per cent or 40 per cent. I make no commitment at this stage. However, we will have further discussions on this matter and it will be raised again in another place.

Mr KERIN: Last night the member for Spence got quite passionate. He is obviously interested in local government to the extent that he chooses to interfere with it. With regard to the poll provision, the Bill provides:

> if—
> (i) 50 per cent or more of the persons entitled to vote cast a vote at the poll; and
> (ii) a majority of the persons so voting vote against the proposal,
> the result is binding and the proposal cannot proceed.

As I read the Bill, the result of the poll—remembering that each council area is indicated by a different coloured slip of paper—goes to the board for consideration. It does not mean that the amalgamation automatically goes ahead. Last night a couple of members led us to believe that that was the case. It does not mean that. Paragraph (j) allows the board—even if the amalgamation has not been knocked off by that 50 per cent majority rule—to resolve that the proposal should lapse. Even where the result has not reached the 50 per cent majority rule, if the board sees obvious problems or a lot of dissent within the community, it has the power to lapse the proposal, which means that the poll, unless it is defeated outright, is indicative.

The Hon. J.K.G. OSWALD: I thank the honourable member for that contribution. That is quite correct. It is also important to realise that paragraph (j) covers the situation if councils A and B—and we will identify the vote in each council area by having different coloured ballot papers—vote in favour of amalgamation, yet the vote with respect to council C is strong and totally opposed to the amalgamation. In that situation it would be obvious to the board that that union would not be in the best interests of the community. The clause is worded in such a way that, if it sees fit, the board can amend the proposal and substitute an alternative proposal or resolve that the proposal should lapse.

The safety valves are in place. The board can do an assessment based on the way it sees the poll and whether the amalgamation would be a success. There is clearly no point in putting together two or three councils where the poll demonstrates that, even though the poll may not have reached 50 per cent, it would be a total failure to marry up the councils. In that case, the board has the power to ensure that

the amalgamation lapses. Regardless of all the concerns that have been expressed, I believe every clause is workable for reasonable people and a reasonable board to sit down and work through the issue so that, at the end of the day, we will have successful amalgamations, and everyone should be happy.

Mr ANDREW: I seek clarification from the Minister with respect to the powers and intentions of the board in relation to board initiated proposals. Last evening, in my second reading contribution, I dealt with concerns raised within councils that, although councils of their own volition under present section 20 have the power and the opportunity to initiate their own proposals, the board, under section 21, will have power to override a proposal that already has been initiated by a council initiated proposal. Under what circumstances and with what intent would this power be used?

The Hon. J.K.G. OSWALD: I take it that the honourable member is asking: when would a board initiated amalgamation occur, and what would be the circumstances surrounding it? I do not believe we will have many board initiated amalgamations, but there will be occasions where councils, having had proposals put to them by the board, will not be happy with the outcome. The board will want to carry out benchmarking and efficiency auditing and, having done that, it will then want to put proposals to the ratepayers in the form of a voter poll. With 118 councils amalgamating, an instance could occur where some councils are left out.

For example, two or three voluntary amalgamations could take place and one council could be left out on its own. The board may then seek to have that council included in an amalgamation. That is certainly one scenario. I do not believe that the board will be involved in many board initiated amalgamations. I do not see a lot of voter polls being undertaken. If the situation arises where councils choose not to be involved—yet based on benchmarking and efficiency auditing the board is of the view that substantial savings will be made to the ratepayers by an amalgamation taking place—the mechanism is in place for a voter poll or for the ratepayers to make a decision.

There are two alternatives: first, the need to set up the poll and have an amalgamation to bring together a viable and efficient unit; and, secondly, to bring in another council which may have been left out because no-one wanted it or no-one wanted to bring it into their discussion. Either way, one must first consult with the councils about the proposed board initiated amalgamation, so that the councils have the opportunity to agree. It then becomes a council initiated amalgamation because the councils have agreed with the proposal put up by the board. Alternatively, if the councils still cannot agree, you then have a poll, to which the honourable member referred earlier. Whether it is 40 per cent or 50 per cent is something that we will discuss over the next few days.

It is a simple and straightforward process, providing everyone sticks to the Bill as it is written. The problem with voluntary amalgamation is that it is like trying to draw an electoral map for the whole of the State while making compulsory changes. We are doing this on a voluntary basis. There will be a mosaic which will have holes, and it will be necessary for the board to step in and fill those holes by board initiated proposals. I would think that, at the end of the day, commonsense will prevail and those holes in the mosaic will be filled in, in the best climate of cooperation the board can generate.

That is the whole purpose of facilitators. We are funding facilitators to work in the field with the country and metropolitan formed committees in an effort to bring the councils together. We are saying to councils even now, 'Think globally; stop just looking to your neighbour, but look at the big picture. Start off with about five or six councils and see whether you have common ground for amalgamation. If that does not work, come back to smaller groups.' That is the whole purpose of facilitators, and we are in the process of employing them at the moment. It will be the role of the executive officer of the board to ensure that the facilitators work under those principles.

Amendment negatived.

Ms HURLEY: I move:

Page 17, after line 16 (Section 22)—Insert new word and paragraph as follows:

or

(c) consult with the councils affected by a proposal to which the report relates.

This amendment and subsequent amendments relate to the Minister's power to review some aspects of the process. This was triggered most by a situation put to me whereby a council under a council initiated voluntary amalgamation might spend some months working on a proposal and put it to the board only to find that the board rejects it. Under the Bill, that would be the end of it. The board would reject it and that would be the finish. My amendment would allow the councils concerned to appeal to the Minister to review the decision and possibly send it back to the board or conduct an investigation. It really is getting back to the checks and balances that many councils feel they need in the system, with the board still having wide-ranging powers and abilities to determine what happens to their proposal.

I do not envisage that it would be a long investigation. We have a facility for the Minister to determine that a proposal should not proceed further and, as a result, a long investigation would not be required. If the Minister believes a case can be made, he can review the situation. We are not seeking to hold up the situation by providing that one small ability to review the process.

The Hon. J.K.G. OSWALD: The matter is a little more complex than it appears on the surface. It may appear to be a simple process, but I would like far more information from the honourable member because it is her amendment. I seek more detail on its implications. If necessary, I may seek to delay a decision on this amendment and study the implications over the weekend prior to the debate in another place. Does the honourable member see this as another appeal mechanism? Do you see a group of residents or individuals coming to the Minister and appealing against the board's decision? Do you see this happening over a long time frame? Will the Minister set himself or herself up to become a judge or jury of the board's decision? Will the whole process bog down because 50 people decide to come in every day to lodge an appeal with the Minister and therefore the Minister has to investigate each one? These are the sorts of implications.

It may be that the Opposition is looking for a simple process and a safety valve, but it could also allow a well orchestrated and organised group opposing the board's decision to come in one at a time and lodge a series of appeals. The Minister might be brought into the process, yet the Bill's objective is for the board to run the procedure. The plan is for the Government to set up the board and then step back. The Government will give the board the power and the authority to bring about the amalgamations. The intention is not to short-circuit the process and, instead of going through the board, for the Minister and the councils to get into an

arrangement where the Minister consults with councils and, if they agree, take the proposal straight to the Governor.

In another part of the Bill the honourable member seeks to remove the clause providing for judicial review. The Opposition seeks the ability to go to court and appeal against the board's decision. With this amendment we are getting into the same arena, if I have read the amendment correctly. There is an appeal to the Minister against a decision of the board. We cannot have two appeals to two different authorities—it must be one or the other, or perhaps neither. It is a question of how the judicial review and the appeal process link up with the new pathway whereby the Minister will consult with a council, the council agrees, puts a proposal to the Minister and the Minister going straight to the Governor—as against the whole process going through the board.

I have a problem. Perhaps I have not quite understood the proposal. If I have not, I would like to spend some time over the weekend working through the implications, and I would appreciate a lengthy response from the honourable member picking up any flaws in the argument as I have put it in case I have misunderstood what she proposes.

Amendment negatived.

The CHAIRMAN: I refer to page 17, line 21, where 'major' is part of the phrase 'major structural reform proposal'. Previously 'major' has been omitted, and it will be omitted here accordingly.

Ms HURLEY: I move:

Page 18, after line 9—Insert new sections as follows:

22AB.(1) Councils may submit to the board a draft or outline of a proposal for the making of a proclamation under this Part.

(2) If a proposal is submitted under subsection (1), the board must undertake a preliminary assessment of the proposal and then provide advice to the relevant councils about the extent to which the proposal is consistent with the criteria and principles that apply under this Part, about action that could (in the opinion of the board) be taken to improve the proposal (if appropriate), and about other matters determined by the board to be relevant.

22AC. If a proposal submitted by councils under subdivision 6(or an alternative proposal agreed to by the relevant councils in consultation with the Minister) does not proceed to a proclamation under this Part after completion of all relevant procedures under this Part, the Minister must prepare a report on the matter and cause copies of that report to be laid before both Houses of Parliament.

22AD. If a proposal formulated by the board under subdivision 7 is submitted to a poll under that subdivision, the Minister must, after the completion of the poll and after receiving advice from the board, prepare a report on—

(a) the outcome of the poll; and

(b) the action that the board has taken, or proposes to take, on account of the outcome of the poll,

and cause copies of the report to be laid before both Houses of Parliament.

This amendment relates to a reasonable proposal which the member for Coles alluded to earlier. Over the next few months councils might start to develop council initiated amalgamation proposals and spend what will obviously be a lot of time, money and energy putting them together. They might put it to the board and find that the board rejects it. The amendment allows councils to go to the board and say, 'Will this proposal fit in with your criteria?', and then the board can say 'Yea' or 'Nay'. It is a sensible and practical amendment.

The Hon. J.K.G. OSWALD: The Government believes that the process is already envisaged in the Bill. I will look at the amendment over the weekend, and it can be addressed in another place.

Amendment negatived.

Ms HURLEY: I move:

Page 18, lines 10 to 26—Leave out section 22B.

This new section more than anything else illustrates the problems that councils have with the extent of the board's powers. It means that, if the board makes a mistake and does not properly follow its guidelines and criteria, if it acts unfairly, unjustly or unreasonably, it escapes the consequences of its actions.

Councils, individuals and community groups have no recourse to the courts, except in certain cases, which are unbelievably narrow and are unlikely to apply. Our view is that, if this legislation comes out at the other end as being a good, fair and reasonable piece of legislation, if the processes are right, as the Minister assures us, why does the Minister not believe that it will stand up to the scrutiny of the courts? If people believe that they have been denied natural justice, where do they turn?

It is a natural expectation of people in our democratic society that they have the ability to turn to the courts to right what they believe is a wrong. We understand that the Minister is concerned that the process will get bogged down in the courts but, no matter which way you look at it, how do you grant people that right they have of natural justice without deleting this whole section? We would strongly argue that that should be allowed in. This is a crucial part of the checks and balances against the wide-ranging powers that the board has been given. We believe that this is very critical in ensuring that councils have confidence in this proposal that, if something goes wrong, if they believe that something is unfair, unjust or unreasonable, then they have recourse to the courts to be able to remedy that wrong.

The Hon. J.K.G. OSWALD: Last evening there was considerable debate on this subject, and it is all on the public record. We believe that, if the board acts within its jurisdiction, it should be protected, like any other commission. Provisions under clause 22(b)(ii) do allow appeals. Also, we have an obligation to ensure that the board can do its work and that the board does not get sidetracked by any frivolous appeals or tactics on the part of people who do not want to see amalgamations take place, while at the same time those who want to see the correct procedures are protected.

The form of words in clause 22(b) has been carefully thought through to try to make sure that the protection is there. Provided the board does the right thing—sticks within its own terms of reference and within the guidelines as set down within the Act—there is a protection for it. In proceedings that have been planned, brought to fruition and correctly done, and in which the board has done everything according to the Act, the last thing anyone would like to see is the matter being stopped on technical grounds. The Government is aware that the public must have a right of appeal. There must be fair play, but it must be fair play on both sides. The protection under the proceedings clause does pick up concerns from both sides of the argument.

I repeat my initial statement: if the board acts within its jurisdiction, it should be protected. Clause 22(b)(i) does that. Subparagraph (ii) does allow the proceedings to be challenged if the board steps outside its jurisdiction. It is set out in the Bill, and I believe it will work. Once again, I repeat that we do not expect to see a lot of polls, challenges and board-initiated amalgamations. But clause 22(b) is there to ensure that the board can act and get on with the job, which is what I believe the local government sector wants it to do.

Amendment carried; clause as amended passed.

Clauses 11 to 16 passed.

Clause 17—'Functions.'

Ms HURLEY: I move:

Page 19, line 21—Leave out 'to the' and insert 'to any'.

The Minister assented to this sort of amendment previously, and I move it for the sake of consistency.

The Hon. J.K.G. OSWALD: We agree.

Amendment carried; clause as amended passed.

Remaining clauses (18 to 21) and title passed.

Bill read a third time and passed.

CRIMINAL LAW CONSOLIDATION (MENTAL IMPAIRMENT) AMENDMENT BILL

Received from the Legislative Council and read a first time.

SECURITY AND INVESTIGATION AGENTS BILL

Received from the Legislative Council and read a first time.

BUILDING WORK CONTRACTORS BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT

At 5.56 p.m. the House adjourned until Tuesday 21 November at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 14 November 1995

QUESTIONS ON NOTICE

SCHOOL SERVICES OFFICERS

14. **Mr ATKINSON:**

1. What is the formula for allocating school services officers?

2. Why is the formula linked to the number of teachers rather than the number of pupils?

The Hon. R.B. SUCH:

1. The ancillary staffing formula effective from 1996 is as follows.

Base allocation plus 4.25 T1 + 5T2 + 3.5A where:

T1 = Average number of FTE teachers allocated (across the school year) based on average class sizes and leadership positions at the school;

T2 = Number of additional FTE teachers appointed at the school based on special needs and programs (eg Special Education); and

A = The area of grounds in hectares (up to a ceiling of 10 hectares for Area and High schools, and 5 hectares for other types of schools)

The base allocation is determined by the type of school:

R-12 schools	102 hours
8-12 schools	78 hours
Area schools	41 hours
Primary, Junior Primary, and Rural schools	24 hours

2. Teaching staff are allocated to schools based on average student class sizes, which in turn, is based on student enrolments. Specifically linking the ancillary allocation to teachers, rather than pupils, helps to ensure fair and equitable allocation of resources, particularly where extra teachers are appointed to a school for specific programs (eg Special Education, Aboriginal Education Resource Teachers, New Arrivals Program). These teaching staff also attract ancillary hours which are in addition to an allocation based on average class sizes.

LEAD POLLUTION

19. **Ms STEVENS:**

1. Will the Minister confirm that he received a report from the Health Commission dated 6 July 1994 concerning lead pollution on Main North Road?

2. Did this report state 'At the vehicle density that pertains to the first part of the Main North Road, studies from the USA suggest that average values of lead in air of 6 micrograms/cubic metre can be expected at 10 metres from the roadway, 4 micrograms/cubic metre at 30 metres from the roadway and reducing to background urban levels at further than 50-80 metres from the roadway. These values occur on the downwind side of a roadway carrying 60 000 vehicles per day. These overseas predictions are confirmed by lead on air monitoring in Adelaide along main roads. . . '?

3. Is the NHMRC guideline for lead concentration in air 1.5 microgram/cubic metre and if so, what action did he take on this report that suggested lead in air levels in residential properties along Main North Road would be four times more than the recommended level?

4. Is he aware that in 1991 the Noise Abatement Branch of the then Department of Environment and Planning and in 1992 the Air Quality Branch of that Department, supported rezoning of the area along the Main North Road at Thorngate from residential to commercial use because of noise and air pollution concerns?

5. Will he take action to review the zoning of lower Main North Road given the health and environmental concerns which have been raised by Government departments?

6. As the Traffic Lead Report from the Health Commission found that roadways carrying traffic above 30 000 vehicle movements/day may expect to exceed the current NHMRC Lead in Air guideline of 1.5 microgram/cubic metre and that this may place children above the NHMRC action level (ie. a blood level of 15 micrograms/decilitre) will he say what planning and education measures the Government will take to prevent children being at risk on major arterial roads?

The Hon. J.K.G. OSWALD:

1. A letter dated 6 July 1994 was received from the Health Commission by my office on 15 July 1994 responding to an inquiry about the meaning of test results of a sample allegedly taken from a Main North Road residence.

2. Yes. The last part-sentence of the text quoted in the question does not refer specifically to lead in air monitoring on Main North Road.

3. Yes, the NHMRC guideline for lead concentration in air is 1.5 microgram/cubic metre measured over a three month running mean.

I received advice from Departmental officers that possible planning responses are being addressed in preparation of a Housing on Arterial Roads Planning Bulletin which is currently being drafted and which includes advice on noise pollution, air quality and design issues.

Further, while planning has the potential to address the health problems associated with living on arterial roads by encouraging certain forms and designs of housing, the risks associated with lead levels are being effectively addressed now through other forms of policy measures such as promoting unleaded fuel and better emissions control. Lead levels are reducing steadily as a result of the introduction of lead free petrol.

The EPA has monitored alongside nine major roads and from November 1993 the goal has not been exceeded. For example, the highest traffic flow sites and for a typical residential area (for comparison) are:

Road	Suburb	Vehicles/Day (1993)	Measured Levels High/Low
South Road/Henley Beach intersection	Thebarton	35400 South Road 24100 Henley Beach Road	1.28/1.05
North East Road	Gillies Plains	43000	1.25/0.68
Glen Osmond Road (Young Street)	Parkside	23600	0.77/0.23
West Terrace	Kensington Park	Residential street	0.29/0.10

4. The reports cited supported the rezoning of the area for various reasons. The pollutant of interest was not just lead and noise but also rubber tyre dust, diesel and petrol particulates and odour from the traffic fumes. In 1992 fine particulates were not recognised as having a strong effect on public health but have since emerged as significant. The prudent approach taken then to support rezoning has therefore been reinforced by increased knowledge discovered at a later date.

Although the air emission pollutants (and noise to a certain extent) could be filtered for inside activities, the enjoyment of outside activities would none the less be adversely affected. Noise barriers could be considered for noise to outside areas.

Access problems to major arterial roads from individual driveways were also important in supporting rezoning to commercial use.

The proposal was supported as it would mean more appropriate land use since any residential use would be compromised by noise and air quality. Commercial use would be less sensitive to those factors.

Note that although lead figures are not exceeded it is preferable for long term planning to minimise new residential developments on major roads, especially if those roads will carry more traffic in the future. At the least, such residential development needs to be carefully designed to minimise exposure to air and noise pollution.

5. I will not be taking action to review zoning of lower Main North Road. The local Council is the relevant authority for determining planning policy and zoning in its local area. My Department will however, assist Council in any rezoning proposal it pursues.

6. Current monitoring by the EPA suggests the lead limit would not be exceeded for 30 000 vehicle movements per day—refer monitoring information in (III) above. My Department is taking initiative and working closely and cooperatively with EPA and the SAHC to prepare a Housing on Arterial Roads Planning Bulletin, an advisory document which will:

- provide up to date information to the public and Councils
- identify the characteristics of very high pollution areas
- suggest location, siting and design opportunities
- promote housing choice.

This will provide councils and the public with good information to assist them in their planning policy formulation.

Since 1985 the lead in air has reduced by 62 per cent through the Lead Reduction Program which includes the financial incentives for use of unleaded petrol (ULP) wherever possible, and the reduction in the amount of lead per litre of leaded petrol. In January 1995 ULP became the dominant petrol type used in SA, and by 2002 leaded petrol is expected to represent 2 per cent of the total petrol sales. By that date the leaded petrol's lead content will also be lower.

The average lead concentration in air over the nine monitored sites has mirrored the reduction of total lead added to petrol in SA. Thus lead in air is expected to fall at the same rate as the rate of use of leaded petrol.

STRIP SEARCH

21. **Mr QUIRKE:**

1. Was Mrs Jackie Horscroft of 8 Borlace Court, Pooraka, strip searched at Mobilong Prison whilst visiting a prisoner?

2. Was this done in the presence of her 4 year old son and, if so, is this departmental policy?

3. Was her locker of possessions including personal belongings and wallet also searched?

4. Was Mrs Horscroft's permission sought for this search?

5. Was anything found to justify these actions and will the Minister advise under what criteria persons are selected for comprehensive searches and, if not, why not?

The Hon. W.A. MATTHEW:

1. On 8 October 1995, at approximately 12.37pm, an anonymous telephone call was received by the Mobilong Prison control room officer advising that a quantity of heroin would be brought to a particular prisoner during visits on that day. The prisoner's name was supplied by the caller.

As a result of this information, the Murray Bridge Police were advised and requested to attend the prison. Mrs Horscroft, who attended the prison during the morning visit session, was requested, upon arrival at the afternoon visit session, to accompany the Officer in Charge of the Prison and a female police officer to a private area where she was advised that the prison had received information she may be carrying drugs. She was asked whether she would submit to being strip searched by the female police officer and freely consented to do so. The search was carried out with the assistance of a senior female prison officer.

2. Mrs Horscroft was given the opportunity not to have her son present during the search, however declined the offer, requesting that he remain with her.

3. The contents of Mrs Horscroft's locker were searched by a female police officer from the Murray Bridge Police Station.

4. Yes. The Officer in Charge of the prison sought permission to search the contents of her locker. Mrs Horscroft complied by unlocking it and handing all contents to the female police officer.

5. No unauthorised items were found during the search of Mrs Horscroft and her visit was allowed at the conclusion of the search.

As a result of the information received, coupled with the fact that the prisoner in question is known to be active in the prison drug scene, my Chief Executive Officer believes that the search was justified.

POLICE COMPLAINTS

24. **Ms WHITE:**

1. What is the average time taken before a complaint lodged with the Police Complaints Authority is addressed and any resultant investigation finalised?

2. Is it the case that there is a considerable backlog of complaints on file with the Police Complaints Authority and, if so, what is the size of this backlog?

3. How many staff are directly employed to service these complaints and have some citizens received letters stating that their complaints will not be investigated due to backlog of complaints?

The Hon. S.J. BAKER:

1. All complaints are addressed within 24 hours of receipt and a decision made as to the extent of investigation required. They are normally passed to SA Police Internal Investigation Branch for action within 48 hours of receipt.

The time taken to finalise any resultant investigation varies enormously depending upon the nature and extent of the allegations in the complaint and matters arising in the course of the investigation. It may range from as little as one week to several years. The vast majority of complaints are finalised well within 3 months of receipt.

2. There is a backlog of approximately 80 files which have been investigated and which are awaiting preparation of an Assessment and Recommendation pursuant to Section 32 of the Act. The significance of this figure may be deduced by comparing it with the total of 1 476 complaints received during 1994-95 and the 339 Assessments and Recommendations finalised during that period.

3. I assume that the reference to 'these complaints' is a reference to the backlog of complaints referred to in Question 2. On that assumption, four officers are employed principally to write Assessments and Recommendations. They receive occasional assistance from other members of staff, dependent upon the workload of those other members. They address all files for Assessments and Recommendations—both files from the backlog and from current investigations.

No citizens have received letters stating that their complaints will not be investigated due to backlog of complaints.

GRAFFITI

28. **Mr ATKINSON:** How many cases of graffiti vandalism came before the courts in 1994-95 and what was the penalty imposed, if any, in each case?

The Hon. S.J. BAKER: There are six pieces of legislation which cover the offence of graffiti vandalism. These are:

· Criminal Law Consolidation Act, Section 85(3)	general property damage
· Summary Offences Act, Section 48(1)(b)	write, soil, deface or mark building
· Summary Offences Act, Section 48(1)(b)	mark graffiti
· Summary Offences Act, Section 48(4)(a)	carry graffiti implement with intent
· Summary Offences Act, Section 48(4)(b)	carry graffiti implement in public place
· Passenger Transport Regulations, Regulation 35	write, draw etc on passenger vehicle

Although a person apprehended for graffiti can be charged under Section 85(3) of the Criminal Law Consolidation Act, it is not possible to distinguish these graffiti offenders from non graffiti offenders charged under the same Section.

Attached is information relating to cases disposed of in the Magistrates Courts in 1994 and Youth Court during 1994-95. There were no identifiable graffiti vandalism cases finalised in the Supreme or District Court in 1994.

Magistrates Court

There were 2 250 charges property damage charged under Section 85(3) of the Criminal Law Consolidation Act finalised in the Magistrates Court in 1994. As stated above it is unknown how many of these cases related to graffiti vandalism. There were 19 cases of graffiti charged under Section 48(1)(b) and 48(4) of the Summary Offences Act. The Passenger Transport Regulations do not fall within the Office of Crime Statistics' Magistrates Court statistical collection. The attached table lists all 19 cases, but a summary is listed below.

14 cases with at least one conviction
3 guilty with no conviction
1 charge withdrawn
1 graffiti charges dismissed

Penalties (there could be more than one penalty imposed per case).

No penalty	2	
Order (eg compensation, restitution)	13	
Fine	8	(min. $50.00—max. $200.00)
Community service order	6	(min 40 hours—max 120 hours)
Suspended Imprisonment	1	(4 weeks, with 18 month bond)

Youth Court

There were 506 charges of property damage (Section 85(3) Criminal Law Consolidation Act), and 170 charges of graffiti (Summary Offences Act 48(1)(b) and 48(4), and Passenger Transport Regulation 35) finalised in the Youth Court during 1994-95. The outcomes are shown in the attached table. There were two charges of graffiti which resulted in a detention order, a quarter of the charges (44, or 25.9 per cent) resulted in compensation being imposed, and a further 29 cases (17.1 per cent) received a community service order. The most common outcome was for a discharge without penalty (68, 40.0 per cent).

MAGISTRATES COURT

1 January-31 December 1994

Below is a breakdown of cases of graffiti vandalism disposed of in the Magistrates Courts during 1994 under legislation which falls within the Office of Crime Statistics' collection boundaries. 1995 data is not yet available. There were no such cases finalised in the Supreme and District Courts in 1994.

The relevant legislation covered is sections 48(1)(b) and 48(4) of the Summary Offences Act. It should be noted, however, that while this legislation is specific to graffiti, such offences may also be charged by Police under section 85 of the Criminal Law Consolidation Act, which covers property damage in general and attracts higher penalties than the provisions in the Summary Offences Act. It is not possible to distinguish those offences charged under the Criminal Law Consolidation Act which relate specifically to graffiti. However, a summary of those offences charged under section 85(3) of the Criminal Law Consolidation Act (property damage, excluding arson/explosives) and under section 86(1) of that act (possess object with intent to damage property) are included below for reference.

There were 19 defendants charged with a total of 23 counts involving graffiti and related offences under section 48 of the Summary Offences Act finalised in the Magistrates Courts in 1994:

Defendant	Count	Outcome	Penalty
1 *	1	Convicted	No penalty
2 *	1	Convicted	$50 fine/order
3	1	Guilty-no conviction recorded	Order
4 *	1	Guilty-no conviction recorded	$50 fine
5 *	1	Convicted	$75 fine
6	1	Convicted	$50 fine/order
7	1	Charge withdrawn	-
8	1	Convicted	Community service order (40 hrs)/order
	2	Convicted	No penalty
9	1	Convicted	$150 fine/order
10 *	1	Charge dismissed	-
	2	Charge dismissed	-
11 *	1	Guilty-no conviction recorded	$100 fine
12 *	1	Convicted	Order
13 *	1	Convicted	Community service order (120 hrs)/order
14	1	Convicted	$200 fine/order
15	1	Charge withdrawn	-
	2	Convicted	Community service order (112 hrs)/order
	3	Convicted	Community service order (112 hrs)/order
16	1	Convicted	Community service order (100 hrs)/order
17	1	Convicted	Community service order (75 hrs)/order
18 *	1	Convicted	4 wks suspended imprisonment/18 mth bond
19	1	Convicted	$200 fine/order

*These defendants were also charged with other offences.