HOUSE OF ASSEMBLY

Thursday 6 June 1996

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

PUBLIC WORKS COMMITTEE: BERRI BRIDGE

Mr OSWALD (Morphett): I move:

That the twenty-sixth report of the committee on the Berri bridge project be noted.

The Department of Transport proposes to enter into a contract with Built Environs Pty Ltd for the purchase of a bridge at Berri and associated roadworks. Built Environs will be responsible for the planning, design and construction of the bridge and associated roadworks, and funding will be provided by the private sector until the completion of construction, when the purchase of the bridge will actually take place.

This project involves the construction of a two-lane highway bridge over the River Murray at Berri and approximately .7 kilometres of approach road on either side of the river at a total cost of $17.3 million. Once completed, the bridge approach roads will replace the current dual ferry service, about which I will say a few words shortly.

The need for this development is a direct result of the inadequacies of the current ferry service. This service is unable to cope with daily traffic flows, and I understand that vehicles have queued sometimes for up to an hour in peak periods. Also there are delays of some three hours at harvest time in the district and when there are local major sporting and cultural events. The provision of a bridge at Berri will improve accessibility to the region, particularly with local tourist facilities ever increasing in the Riverland.

The committee acknowledges that over the past two years the Riverland economy has grown significantly in terms of both horticulture and the wine industry. Given this growth and the tourist potential of the region, the construction of a bridge at Berri will enhance the Riverland's competitive position and ensure that that position is not hindered by the current constraints of the ferry system.

In addition, the provision of a bridge at Berri will provide cost savings to the State by eliminating the ferry running costs of approximately $1 million a year. The bridge will also provide major cost savings to industry and agriculture in the area through increased traffic and transport efficiencies and through the sheer time saving of having a bridge in place. It will provide improved access for sporting and community events and emergency situations. It is worth noting that the tight social network of the Riverland will be enhanced by the construction of this bridge. As the local member will no doubt point out, the Riverland has a strong sporting community, and the existence of the bridge will facilitate the interchange of teams around the Riverland, along with the fact that Riverland people will enjoy an improved social life generally.

The bridge will also provide safer travel across the river, particularly for larger vehicles, and it will facilitate increased business competitiveness through cost savings. This undeniable benefit flowing from the bridge is evidenced by local businesses and councils having decided to make an actual cash contribution towards its construction. The committee duly noted the strong support for this proposal and agrees that, given the inadequacies of the existing ferry service, the construction of the bridge over the Murray River at Berri is necessary and is a high priority. The local community and industry are continually penalised with increasing transport costs, and that was highlighted by the local member for the district and also by members of the councils when they came before the committee. The committee agreed that in the long term the construction of a bridge at Berri is the most financially attractive option to the Government and the Riverland community.

In addition, the committee is supportive of the financial arrangements concerning this project and considers that the private funding proposed during the construction phase will ensure that the bridge is available for use at the earliest possible opportunity. When it heard submissions, the committee was certainly impressed that the local member and the two council mayors came to Adelaide to give evidence to the committee. The very fact that we had representation by both mayors who felt it their duty, on behalf of their communities, to present evidence indicates the overwhelming support that exists throughout the Riverland for this project. As such, the Public Works Committee strongly supports the proposal to build a bridge over the River Murray at Berri and, pursuant to section 12C of the Parliamentary Committees Act 1991, the committee reports to Parliament that it recommends the proposed public work.

Mr ANDREW (Chaffey): I am pleased to commend the report and, in particular, I commend the Public Works Committee for its efficient handling of this matter in minimal time and, more importantly, for its positive and supportive recommendation, as well as for acknowledging the justification for the bridge's construction, as well as for its acceptance of the required procedures involved in bringing the project to this stage of implementation. I am well on record in this place as saying that this project has been the most important single infrastructure project involving my electorate. Since being elected to this place I have endeavoured to achieve its approval and construction with the highest priority and to get the bridge built as soon as possible. It is not appropriate now to go into all the background and dwell on the previous history, but I indicate that the previous Liberal Government, in 1981, was well under way in terms of progressing approval. However, with the election of the Bannon Government in 1982, the funds were transferred to other projects.

I want to summarise briefly my involvement and my electorate's involvement in getting this project under way since this Government was elected. In March 1994, I led a deputation to the Minister for Transport (Hon. Diana Laidlaw) from the respective councils. As a result of this, she invited the district councils of Berri and Loxton to initiate their own study on the feasibility of upgrading the bridge at Berri and the economic justification for it. In conjunction with the Riverland Development Corporation, the two councils then took up the initiative and the challenge, and I congratulate them for that. Following a tender process, the South Australian Centre for Economic Studies was appointed to conduct a study, which was undertaken by Professor Burns and Dr Delforce. This positive report was then presented via a deputation that I led to both the Premier and the Minister for Transport on 14 September 1994. Both the Premier and the Minister gave a positive response to that deputation.

In October 1994, I moved a private members' motion in the House of Assembly, which was subsequently passed, as follows:

That this House supports the need for a bridge over the River Murray near Berri and urges the Government to carry out its assessments of the South Australian Centre for Economic Studies report 'An evaluation of a Proposal for a Bridge at Berri' so that a decision on the proposed bridge is made as soon as possible.

Subsequently, the Riverland community and I were delighted when the Premier announced on 31 May 1995, as part of the 1995 budget, that the State Government had given approval in principle for the construction of a bridge over the Murray River at Berri as part of the $300 million funding provided under the Building a Better Future program for privately funded construction projects of needed infrastructure in South Australia. Then in March 1995, Built Environs, in partnership with the two councils concerned, Berri and Loxton, the Riverland Development Corporation and the Gerard Aboriginal community, submitted a specific proposal to the Government based on the finding that the project was justifiable due to the fact that the cost of operating the ferries would pay for the building of the bridge.

Subsequent to this, the Premier announced on 23 June 1995 that the State Government would enter into detailed negotiations with Built Environs as part of this consortium including, as I said, the two district councils, the Gerard Reserve Council, the Aboriginal Lands Trust and the Riverland Development Corporation, for the funding and construction of the bridge at Berri. Since that time, the Riverland community has been waiting extremely patiently and expectantly for the progression of this matter to this point, after the most recent announcement by the Premier on 20 April this year that Cabinet had decided to give the final go ahead for the construction of the bridge.

In relation to this decision, I want to thank particularly the Riverland people and the Berri and Loxton councils, and I want to place on record my thanks to the Aboriginal Lands Trust and the Gerard Aboriginal community for their supportive and cooperative involvement to ensure a speedy resolution of this complex legal land tenure issue involving land on the south side of the river where the bridge is to be constructed.

I return briefly to the main issue at hand, that is, the justification for the bridge. I want to place again on the record comments from the South Australian Centre for Economic Studies report of September 1994, as follows:

The bridge may be justified not only on the basis of a general cost benefit analysis but also in terms of a financial evaluation which indicates the project would be nearly self-funding under a highly conservative no growth scenario and almost certainly self funding in a conservative low growth scenario.

The case for the construction of the Berri bridge has been demonstrated only in terms of more easily quantifiable and uncontroversial measures of cost and benefits. No measures of flow-on effects or a wide range of hard to quantify further benefits have been formally included. The existence of these benefits is identified, however, and offers additional informal support to what is already an impelling case.

I will not go into any further detail on that report; I placed this information on the record when I spoke to my motion in October 1994. I note from the Public Works Standing Committee's report, which has just been tabled, the committee's acceptance and endorsement of a number of the issues with respect to the project. First, I note that there has been wide consultation among many groups, and they have been completely satisfied with the consultation process.

Issues with respect to Aboriginal heritage have been investigated and there is no evidence of any sites which have significance to Aboriginal heritage. Best practice and quality assurance has been assessed, and the evidence was accepted in this regard. Land ownership, particularly with respect to the Aboriginal Lands Trust and the land leased to the Gerard Reserve Council, has been resolved whereby land required for the road reserve near the bridge will revert to the Crown in exchange for freehold title over an alternative parcel of land.

I understand from the report that the committee is satisfied with the evidence in relation to the environmental impact. I commend the summation of the report which adequately justifies construction of the bridge. The report recognises the current inadequacies of the ferry service; the long waiting time during normal traffic flows and the extended waiting time at peak periods of the daily commercial traffic flow between Berri and Loxton; and the increased waiting time during special occasions.

The report also refers to the South Australian Centre for Economic Studies report to which I alluded. The report also recognises the public and social benefits resulting from the construction of the bridge including greater accessibility for people and businesses, for tourists and for emergency services. I also place on record my contribution and support, although not as a formal witness to the Public Works Committee, when evidence was called before the committee.

In conclusion, the fruition of this project has been long overdue. It is undoubtedly justified and welcomed by all concerned, particularly those in the Riverland, but its economic benefits will flow throughout the whole State's economy. I thank all those involved, both past and present, all the Riverland councils, in particular Loxton and Berri, the Riverland Development Corporation, the Riverland community at large, the Aboriginal Lands Trust, Gerard Reserve Council and Built Environs Pty Ltd; and at a political level I thank the Premier, the Minister for Transport, the Minister for Infrastructure and all other Cabinet members who have been supportive of this project during my time in the House. I also thank my predecessor, Mr Peter Arnold, for his untiring commitment to achieve this project during his term. I commend my other parliamentary colleagues in this House not only on this side but also on the other side of the Chamber who in many ways have been very supportive.

Members interjecting:

Mr ANDREW: Very much so; I acknowledged the support and contribution of Opposition members on the Public Works Committee. I congratulate all concerned and I look forward to the speedy construction of the bridge for the benefit of the Riverland and the State.

Ms WHITE (Taylor): I support the call by the people of the Riverland for construction of a bridge at Berri. I will not repeat the material and arguments that have been covered by other members who have spoken, but I will mention a few matters which appear in the report and which have not been mentioned to date. To do that I might cover some of the history of this project.

About 18 months ago the project was floated. At that time, in March 1995, we were told that Built Environs was invited by the Government to submit a proposal to the Department for Transport for a bridge to be built at Berri. The proposal was to fund, design and construct a bridge at Berri for $12.4 million. Evidence to the Public Works Committee shows that the estimated cost to plan, design and construct the bridge was $13.1 million.

In May 1995, as has been pointed out, the Premier announced approval in principle for the construction of the bridge at Berri, and in June 1995 Cabinet approved in

principle the provision of that bridge to be built by Built Environs. In evidence to the committee submitted by the Chief Executive Officer of the Department of Transport, a report, 'Application for Planning Consent: Statement of Effect,' prepared by Hassell Architects and Planners and dated September 1995, said:

The costs of construction of a bridge and its approaches have been firmly estimated at $11.64 million.

Subsequently, in February 1996 Built Environs submitted another proposal to the Government, this time with a significant increase in the cost of the project. The new cost of planning, design and construction of the bridge was $17.1 million. The explanation for the escalation was increases in the load-bearing capacity of the bridge, increases in navigational span requirements and other matters relating to a significant increase in the purchase of land owned by the Perre family.

The significant thing to point out about this project, as it is the first of its type by the Department of Transport with this sort of funding arrangement which involves the bridge being built by the private sector, Built Environs, and handed over to and paid for by the Government at a later stage, is that at no stage was the project put out to public tender. This was arrived at as a result of two Cabinet decisions, but there was no public tender process. The company that is to build the bridge, Built Environs, is the company that was to have built the Hindmarsh Island bridge. I am concerned about the financing arrangement, because it is a contractual deal without any public tendering process. It was an invitation to one company to put in a proposal, and it has been granted to that company.

I support the Riverland in the building of this bridge. Having travelled in the Riverland and been caught up in terrible delays at Berri and Loxton waiting for a ferry to make the crossing, I know that a bridge in that area will certainly add to the ability of both residents and commercial operators to go about their business more effectively. There will not be such huge delays, it will be an asset to the community, and it is to be welcomed on that account.

Motion carried.

HOUSING TRUST, WATER LIMITS

Ms HURLEY (Napier): I move:

That the regulations under the South Australian Housing Trust Act 1936 relating to water limits, gazetted on 28 March and laid on the table of this House on 2 April 1996, be disallowed.

This regulation, which has come up without any fanfare, changes the South Australian Housing Trust Water Rates (Amendment) Act by setting the water supply limit for Housing Trust tenants at 125 kilolitres per annum rather than the existing 136 kilolitres per annum. The present 136 kilolitres per annum was set at a time when the water rating system was changed by this Government so that there was no excess water as such. Some months after that change had been made, the then Minister for Housing, Urban Development and Local Government Relations finally explained the system for Housing Trust tenants, and I should like to quote from what he said.

For example, the Minister called it 'a responsible position today'. He explained that all Housing Trust tenants at that time received the 136 kilolitre allowance and that, in addition, approximately 32 000 rent rebated tenants received a further 64 kilolitres for which the trust met the cost. So, subsidised tenants received a 200 kilolitre allowance while full rent paying Housing Trust tenants received a 136 kilolitre allowance. The changes were made such that all Housing Trust tenants received only the 136 kilolitre allowance; that is, the poorest of Housing Trust tenants—the rebated trust tenants—had their water allowance reduced from 200 to 136 kilolitres. It appears that the Government will attempt further to reduce that allowance from 136 to 125 kilolitres. In fact, that means that public housing tenants will be worse off than private tenants.

I have been advised by the residential tenancy section of the Office of Consumer and Business Affairs that private tenants usually make arrangements with their landlord in respect of water. Private landlords appreciate their tenants keeping the gardens maintained and usually agree to pay for all of the water. But in the absence of such an arrangement, the default arrangement for private tenants is that the landlord pays the quarterly charge and the first 136 kilolitres of water. This regulation makes Housing Trust tenants worse off than private tenants.

I refer to the ministerial statement on water charges and what the former Minister, the Hon. John Oswald, said about the changes to rates. He partially justified the reduction for subsidised tenants from 200 to 136 kilolitres by saying:

. . . compared with low income people renting in the private sector and who do not enjoy such generous arrangements with landlords it is difficult to justify on equity grounds the continuation of this subsidy to only one sector of the community.

The Minister is not reducing the situation of Housing Trust tenants against that of private tenants to ensure equity: he is making Housing Trust tenants worse off than those in the private sector. Where is the equity in that? As though that is not bad enough, the regulation was introduced totally without fanfare. There was no media release, no letter to tenants and no consultation with housing groups. It is an obvious attempt to sneak through this regulation for a pittance. I certainly do not want the Minister for Housing, Urban Development and Local Government Relations to give me a lecture about the Housing Trust's debt, because this measure will have absolutely no impact whatsoever on the Housing Trust's debt. It is a pittance for this Government but it is another impost on Housing Trust tenants. It is another charge on the people who can least afford it.

The Government was elected on a policy not to increase taxes, but we all know about the number of charges and levies that have been either imposed or increased. We now know that most of the charges and levies are directed at people who can least afford to pay them. The Government is certainly looking after its own constituents, the wealthier people from whom it thinks it will get votes. The Government is imposing the charges and rates on the people who can least afford it. I do not want the Minister for Housing, Urban Development and Local Government Relations to tell me that this measure represents only $1 here or $2 there, as has happened in the past. Time and again the poorer people in our society have been hit with $1 here or $2 there and $10 next week. It is just not good enough when we consider that people in the private sector do better than people in the housing sector.

We all know about the problem of the maintenance of Housing Trust assets. We have programs to encourage people in Housing Trust houses to maintain their gardens and their yards, yet at every single step this Government makes it more and more difficult for these people. It is just not good enough, nor is it good enough to sneak it through in this unconscionable fashion without consulting Housing Trust tenants. It is

obviously part of a move further to reduce the allowance to zero and tenants must pay for every single drop.

This Government is squeezing every single cent that it can out of Housing Trust tenants. It is an outrageous situation, and I hope that members opposite who have Housing Trust tenants in their electorate will vote with us on this issue. I believe that they have an obligation to do so. How can they put their constituents at a disadvantage compared with private tenants? How can they milk another dollar out of Housing Trust tenants?

Mr BASS secured the adjournment of the debate.

PUBLIC WORKS COMMITTEE: BLANCHETOWN BRIDGE

Mr OSWALD (Morphett): I move:

That the twenty-fifth report of the committee on the Blanchetown bridge replacement and approach roads be noted.

The Department of Transport proposes to replace the existing bridge over the Murray River at Blanchetown and construct a new approach road, as well, at a total cost of $15.7 million. The Blanchetown bridge was built approximately 30 years ago. It is located on the Sturt Highway and forms part of the national highway linkage between Adelaide and Sydney. It also provides a means by which communication can take place normally around the Riverland, and it is an important tourist route for both interstate and intrastate transport.

The existing bridge has presented maintenance problems for the Department of Transport for some time. Recent investigations indicate that the existing bridge is in poor condition and does not have the capacity to carry all B-doubles and road trains. In fact, the bridge has deteriorated to such an extent that there is a remote possibility of its collapsing if two overloaded commercial vehicles happen to be passing coincidentally on the bridge at the one time. Three remedial options for the repair of the bridge were considered, with the full bridge replacement chosen as the most effective, given the small cost difference between the options and the risk and uncertainties with repairing the existing structure.

To minimise project impacts, it is proposed that the new bridge be located 20 to 30 metres upstream of the existing bridge. The new approach road will be confined between the Morgan road-Blanchetown access intersection west of the bridge and the Swan Reach Road intersection east of the bridge. In addition, the intersections at each end of the project will be upgraded to reduce the conflict between slower local traffic and high speed through traffic.

As part of the development, a lookout platform overlooking the river environs to the north will be included, along with a relief culvert. Local drainage and water quality on the east bank will be improved by constructing such a culvert, which may also help to restore the area south of the embankment damaged by constructing the first bridge. In addition, a convenient passage for river craft beneath the new bridge has been incorporated into the design. This will allow the tourist boat the *Murray Princess* to proceed under the new bridge, because at the moment it experiences some difficulties in negotiating its passage.

The replacement of the existing bridge will allay community concern regarding the capacity of the bridge to carry heavy traffic and associated potential safety problems for all road users. Load limits, detours for trucks exceeding the road limit and ongoing monitoring of all trucks by traffic inspectors are necessary but costly precautions and they will take place until the bridge is replaced.

In summary, the committee recognises that the existing Blanchetown bridge has come to the end of its economic life and, as such, is in poor condition, presents a potential safety risk to users and results in ongoing costly maintenance to the Department of Transport. In particular, as I said earlier in my speech, the remote possibility of two overloaded commercial vehicles passing coincidentally on the bridge and causing the bridge to collapse is still a matter of concern to the committee.

As the bridge forms part of an important national highway, its replacement is essential to the economic wellbeing of the community and local businesses as well. I draw a comparison with my remarks earlier this morning in relation to the Berri bridge where, once again, one can see the network of bridges through the Riverland and the impact that those reliable bridges have on both the social and economic wellbeing of that region.

Pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to Parliament that it recommends the proposed public work.

Mr VENNING (Custance): I support this motion and I have noted the report. I congratulate the Public Works Committee, particularly its Presiding Member, the member for Morphett, on giving this project the all clear. As the honourable member said, the history of the present bridge, is well known. It was built and opened in 1968. I understand that its life was shortened by corrosion as a result of moisture that set in because of the breakdown in the sealing used in the bridge. I understand that this problem occurred because it was the first bridge of its type; basically, it was a prototype. I understand that bridges of similar design that are built today do not have this problem.

I have been aware of the safety concerns for almost two years. One night after a meeting in Blanchetown at which this problem was discussed, I stood in the middle of the bridge still unconvinced that there was a problem until the first truck had passed and I decided quickly that there was a problem and promptly got off the bridge. It moved, I would say, about two inches under my feet. I know that the member for Chaffey drives over the bridge every time he comes to work in this Parliament. I have given him the same advice as I have given advice to many constituents: that is, do not follow a truck over the bridge. Certainly do not drive onto the bridge at the same time as two trucks.

Seriously, there is not an urgent safety problem, but the fear of the great unknown does exist. As the committee's Presiding Member has said, if two overloaded B-doubles passed on the bridge, a problem could arise. That certainly has been well documented in other places. Subsequently, the B-doubles have now been banned from driving on that bridge, and that in itself causes problems.

I congratulate the Government, particularly the Minister involved, the Hon. Diana Laidlaw from another place, for the way in which she assisted the local people. This matter has been a concern to many locals, especially the houseboat operator underneath the bridge who had a problem with the relocation. I am very pleased that his fears have been allayed. As the honourable member said, the relocation of the road on the eastern side of the river will assist all the local people living in the area, particularly those involved in development.

I also note the upgrading of the lookout area to which the committee's Presiding Member also referred. There is a

magnificent vista of the river from that spot, and I am very pleased that that, too, has been included in this relocation. There was some dispute amongst the locals in relation to the bridge being relocated some 2 kilometres downstream to provide better access to the adjoining highway, particularly the highway running south. I know that the consultants considered this and, no doubt, it was discussed. Hopefully, this decision was made for all the right reasons.

I regret the unfortunate and tragic death of a local resident of Blanchetown, Mr Doecke, who was killed when he ran into the back of a truck that was lining up for the weighbridge. As members would know, heavy vehicles travelling in both directions are weighed before or after crossing the bridge. Mr Doecke was unfortunate to run into a truck as it came across the road. That was, indeed, a tragedy which should not have happened, but it was a very difficult situation. The problem is that trucks travelling in both directions have to be weighed at the one weighbridge. So, some trucks have to pull across the highway and then cross over it again causing a traffic hazard. The sooner the bridge is built and opened the better because this problem will be solved. In the interim, I hope that all people who use that area will be careful, particularly on a rainy night—and I passed there two nights ago—because it is a problem.

It has been a difficult time with disruption to heavy vehicle traffic. Many trucking companies have spoken to me, particularly those which operate B-doubles, because they have had to be rerouted around the bridge. It was discussed whether the bridge ought to be closed. All the options discussed were extremely difficult, because two ferries could not handle the volume of traffic that uses the bridge, but going via Morgan would have overloaded a road that was not designed for that amount of traffic. So, we had no choice but to put in the weighbridge and limit the weight and lessen the options for any vehicle going over that bridge that was overloaded, particularly B-doubles. As the honourable member said in his report, we tried to ensure that two B-doubles were not able to be on that bridge at one time with both being overloaded.

I am pleased that this project has been given the all-clear and that $8 million has been budgeted for the immediate replacement of the bridge. It is a pity that parts of the current bridge, especially the large cement spans, cannot be reused on a low priority river crossing downstream, such as the Walkers Flat-Purnong crossing. It is a major road which is hobbled by a ferry crossing. That is only the idea of a layman (me)—and I am not a bridge expert—but I hope the authorities have at least considered that option, because parts of this bridge would be structurally sound but not as a total entity. Perhaps it is only a pipedream, but at least I have thought about it.

I also want to commend the Government for budgeting and planning for the new Berri bridge, because I know full well as a representative of people who live in the Riverland how much that project will be appreciated. I congratulate the Government and particularly the member for Chaffey for the work he has done regarding this issue. He has put as much effort into that as I have put into the Morgan to Burra road. I am pleased that the Government has agreed to both options, and I hope that residents of the area will be duly grateful for the effort that has been put in, because the member for Chaffey has lobbied long and strong. He is now going to deliver a bridge that several members before him and several Governments before ours promised those people. I refer, particularly, to the previous Labor Government. The bridge was on the drawing board of the last Liberal Government, it was to be built, but as soon as the Government changed to the former Labor Government it disappeared into the desert like a mirage. At least we now have it back, and I will be there on opening day. Again, I congratulate the member for Chaffey and the Public Works Committee. I would also like to congratulate the Government for reconstituting that committee to investigate projects such as this. I commend the motion.

Mr ANDREW (Chaffey): I rise today briefly to support formally the committee's report on the replacement of the Blanchetown bridge. It is an important $15.7 million project, of which about $8 million plus will be spent during the coming financial year. As a young teenager, I remember when we had two ferries at Blanchetown. The crossing was slow and inconvenient and, I am sure, just as much an impediment as the similar dilemma that has continued to face the residents of Loxton and Berri. So, even though this bridge is about 30 years old—built in 1966, I gather—it is unfortunate and disappointing that structurally it has not met greater expectations.

Notwithstanding that, I commend the committee on its support and progression of the report, and the Minister and the Government on proceeding as quickly as possible to make sure the bridge is replaced. I commend the Minister on a number of areas, not just on making sure that the bridge is replaced but also on giving the appropriate safety assurances by putting in the weighbridge measurement requirement to limit the load levels over that bridge so that the local people and everybody using that bridge can feel comfortable and confident that they are traversing it safely. I thank the Minister for making sure that that has taken place. In the light of that and as part of this assessment process, I also thank the Minister and the Government for not choosing the option of closing down the bridge and reverting to the ferry option, which I mentioned in my opening comments.

I make special note of this. I have traversed that bridge at least once a week, sometimes twice and three times, and I feel comfortable about the safety procedures that have been implemented. More importantly, it reminds me of the infrastructural strategic importance of that bridge, not only to my own electorate in terms of its input into local personal use, local business and significant tourist trade that it brings from the metropolitan urban area of Adelaide to the Riverland but, even more, in helping to make sure the Riverland continues to be a transport hub for cargo traffic trade from South Australia through to New South Wales. That is why it has been fundamentally important that, although unfortunately it is a replacement project, it is proceeded with as quickly as possible. In conclusion, again I commend the committee on its positive report and the consultation that has obviously taken place. It has been more than satisfactory with the local councils concerned, including the district councils of Waikerie and Ridley-Truro, and with the local community.

I am aware of a number of public meetings that have taken place through the Department of Transport and with some consultants to make sure that everybody is happy with the compromise of the replacement of the bridge. That has meant that we will get an appropriate and fair outcome for all concerned. I also place on record my support for and recognition of the work that the member for Custance has done in this regard, because his electorate and mine abut on either side of the river. I know he has worked strongly and carefully to make sure that this consultation has been

adequate and appropriate and also that the replacement project is up and running and will be implemented as soon as possible. I commend the project and look forward to its completion as soon as possible so that my electors on the eastern side of that proposed bridge structure and South Australia as a whole will continue to receive the benefits from this important piece of infrastructure.

Motion carried.

ECONOMIC AND FINANCE COMMITTEE: MULTIFUNCTION POLIS

Adjourned debate on motion of Mr Becker:

That the seventeenth report of the committee on the economic and financial aspects of the operations of the MFP Development Corporation for the year ended 30 June 1995 be noted.

(Continued from 30 May. Page 1598.)

Mr BASS (Florey): I support the concept of the MFP, and I believe that its operations could be very beneficial to South Australia, but I have some concerns which I will address. The Presiding Member, in his foreword to the committee's report, stated:

The committee has previously stated that it recognises the MFP's essentially facilitative role. The committee is also concerned at the lack of achievements by the MFP since its inception. However, following the resignation of the inaugural CEO, the MFP was set some 'make or break' targets; the Commonwealth Government has commissioned a major assessment of the MFP; there has been a change of Government at national level and there may well be changes to Better Cities funding, on which the MFP has relied for several of its projects.

The Presiding Member further stated:

It is therefore now timely to consider the total cumulative costs of the MFP against its results to date and its projected outcomes, to assist both State and Federal Governments to make decisions about their continued support.

As the Presiding Member said, the MFP has predominantly been a facilitative group that has helped certain projects get off the ground, but it has not really contributed a great deal of finance. The State Government, together with the Commonwealth Government, remains the major contributor of funds to the MFP by a ratio of 4:1. As at June 1995, the cumulative total of both direct and indirect joint Government funding expended on the MFP project had reached $81.160 million, which is a great deal of money considering that the MFP itself is not contributing money to major projects. The Presiding Member further states:

In essence its conclusions on the 1994-95 year are very similar to its findings for the previous year—that apart from the wetlands development, there is little tangible evidence of results. But, as MFP Australia is primarily a catalyst, coordinator and facilitator for other organisations, it cannot be assessed simply on the basis of tangible projects.

I agree with that statement, but nevertheless one must address the matter involving the large amount of money granted to the MFP. One area with which I and the total committee have concern relates to the executive salaries and staffing structure. The committee noted that the MFP's annual report for 1994-95 states:

MFP Australia is a lean, flat organisation . . . [The] management structure reflects key business projects and necessary corporate support.

Employment, as at 30 June 1995, consisted of 41.8 staff and 10.6 contractors, totalling 52.4. It is interesting to note that 13 of that 52.4—nearly 25 per cent—were executives in the $100 000-plus range. So, it is really not a flat structure, and the MFP must be seen as a top-heavy organisation.

During the course of the inquiry, the committee also sought clarification on the dates of appointment of senior executives, as there has been some inconsistency in advice on this matter. The committee found that eight of the 13 senior executive MFP staff—those executives now on packages over of $100 000—were appointed prior to the end of 1993 and five have been appointed since that time. Of the eight, two were originally appointed at lower levels and have since been promoted into the senior executive range. In other words, of the staff still with the MFP during 1994-95, six were appointed to senior executive level prior to 1994, since then two have been promoted internally and five have been recruited. To say that the MFP is a lean, flat organisation is not technically correct, and I believe that this matter must be addressed in the future.

I have no doubt that the MFP will see some major developments brought to South Australia, but I do believe that we do need to make sure that it becomes more than a facilitator. If the current level of funding is maintained over the next two years, it is anticipated that the cumulative cost of MFP projects will exceed $170 million by 30 June 1998. Notwithstanding my support for the MFP, I believe that it actually needs to flatten out its structure and either become more than facilitators or reduce its structure and become strictly facilitators, thus requiring less funding than it now receives. I commend the report to the House.

Mr QUIRKE (Playford): I do not want to take up undue time of the House on this matter, except to say that I have had something of a special interest in the multifunction polis for a number of years, and I have found some of its programs very interesting. Although I am not supposed to mention persons in the gallery, I remember representing former Minister Crafter in the last Parliament at a meeting at the Town Hall. I went there to look at the New Vision for Adelaide which was going to have a block of flats on every street corner and a few other things of great moment and concern to the Minister.

When I attended, I saw a couple of councillors at the head table, and I was curious to know why they were there. I also noticed that MFP representatives were present. As the MFP specialises, its representatives had wonderful coloured drawings on display. In fact, every time I have gone to a briefing with the MFP I have noted that it has the best coloured drawings in town. On this occasion, they had a light railway departing from where people do not live—in the City of Adelaide—going down to Gillman—where they do not work—and coming back again in the afternoon. They seriously put up this proposal, estimated to cost $500 million—I do not know what the coloured drawings cost—as the MFP's contribution to the future.

When the current Administrator, acting chief Bill Steele, came to see me, unfortunately he got this story as well as the other story about the advanced biological control of mosquitoes. I listened to a couple of fellows from the MFP tell a committee of which I was a member about all those wetlands down there that will be infested with mosquitoes. I do not know anyone around here who wanted the wetlands, but somebody must have. However, I was told we did not have to worry about mosquitoes because of a strategy involving advanced biological control.

As a non-scientific person, I was very impressed with that. I thought about it for 10 minutes, and then all of a sudden it

dawned on me that this advanced biological control was a fish. We did not have to worry any more about these swamps that were drained by our great grandparents to help counter all the diseases created by mosquitoes, because of this advanced biological control—a fish! This report has nothing to do with fish or light rail transport. I could actually talk on this issue for quite some time. However, I merely note here that, unfortunately, we have had occasion to look at the results we are getting from the multifunction polis.

In 1993, as Presiding Member of the Economic and Finance Committee I had two tasks. The first was to say in the Presiding Member's report, in nice language, in my old school teacher jargon, that Johnny had not done very much, that in fact he had been sitting in the back row having a good time for the past year and that we would like to see better results next year. That is what I put in the report. I said that the MFP was looking for great developments in the following year. The problem was that next year never quite came. In that report I also suggested that a lot of dough was being spent on things that I thought were questionable but, at the end of the day, I was a good Government member and my job was to write the message in diplomaticspeak so that they would get the clue. Because Mr Kennan is not there anymore I can now tell the House that he was one of the best things that crowd ever hired, and I will tell the House why that was so.

In 1993 he came down for the Estimates Committee and I took Mr Kennan to one side and said, 'Ross, when they ask you a pile of questions, just start out by saying to the Estimates Committee, "Chairman, so much has happened since last year".' I said to just carry on like that. Indeed, Ross was still doing that last year. He took that advice through two sets of Governments and he was doing a great job of saying to the world, 'What a great job we have done in the past year.' The fact is that there is nothing out there to show for it, except for a few restaurant bills up at Mount Lofty House and a few other people around town who are a bit annoyed. I will not say much more about that, but the MFP knows that I am making representations on an issue now that it had better sort out. If it does not sort it out, I will sort it out and so will a few other members.

I want to leave that esoteric message in there, because I have saved some of my best ammunition for later. I can only say that I commend the report. The current Presiding Member has done a good job, but I want to warn him about the 1993 trap, which is to say, 'Johnny has basically been a good lad and he did not mean to flick ink on the kid's shirt in front of him, he did not mean to dip the pony tail in the ink well and all this, that and the other, and we are looking towards a better year next year.' I think everyone here wants to start seeing some other results. I could have a lot more to say about housing estates that we do not want in areas that I suspect will have a number of problems but, at the end of the day, I do not want to put the dampeners on any of that, but I do want to make it absolutely clear to people where I stand on this issue.

In fact, we will be looking through the receipts again next year. The Economic and Finance Committee will be looking at the receipts and taxi rides. Certainly, I am puzzled by one of them and I want to draw attention to it. In November last year I flew to Canberra and it cost $10 in a taxi to go into town and $10 to go back to the airport. Of course, I am not on the MFP board, but one bloke spent $250. I do not know where the taxi went. I think he must have gone skiing and left the meter on for the day. I have made my remarks and I commend the report to the House and commend the committee on the good work it is doing.

Motion carried.

JOINT COMMITTEE ON WOMEN IN PARLIAMENT

Adjourned debate on motion of Ms Greig:

That the final report of the committee be noted.

(Continued from 30 May. Page 1600.)

Ms STEVENS (Elizabeth): I have a great deal of pleasure in speaking to the report because the speech that I gave in support of the setting up the committee nearly two years ago was my maiden speech in this House. As I said then, I would like to say that our Parliaments and the decision making in our community and throughout the country will be only truly effective when they really reflect the whole range of people who make up the constituencies. It means that they will only be truly effective when we see equal numbers of men and women participating in the debates, the committees and the votes.

The committee has worked solidly over the two years. It has interviewed many people, has had many debates and rewrites of its drafts, and has finally tabled the report to which you, Mr Deputy Speaker, have access. I would like to run through the major recommendations and comment on them. I commend them to all members and suggest that people read them, because the recommendations before us cover sensibly a whole range of strategies and suggest action which is achievable and which I believe will make the difference in our Parliament.

The first set of recommendations refer to Government education and in particular political education. Quite clearly from the evidence we received, the information came from people in the community that people outside Parliament and local councils just do not understand the process. They do not understand what goes on here, how they can have a say and how they can make a difference. In response to this, in its recommendation the committee has supported the recommendations of the Civics Experts Group, which reported in 1994 in relation to teaching civics, teaching about Parliament, decision making and how to make a difference in our schools.

The committee also commends schools in our communities that take student representation very seriously. I mention one of the schools in my electorate, Elizabeth South Primary School. I have spoken previously in this House about the excellent Students' Representative Council process that that school undertakes each year with its students. A range of other schools in my electorate have been part of the Youth Parliament in this House, and the committee also commends that as a way of encouraging young people to have their say, to become familiar with this environment and to feel that they own it and have a right to be in it and be part of it.

The second set of recommendations refers to the promotion of women as parliamentary candidates. It is well known that people will look to a career if they see that people like them are taking part in it successfully, are successful role models and are promoting and giving women the opportunity to take part in decision making not only in Parliament but also on boards and other representative bodies in communities. That will provide a critical mass of women taking part in decisions and it will encourage others.

The third set of recommendations talks about issues that concern political Parties themselves. All committee members

acknowledged that preselection, campaigning and training were major issues for each Party to address. The committee heard from many women about the barriers of accessing their own Party structures. That is a real challenge for all of us involved in politics: to read what people have said, to critically review what happens in our own Parties and to take up the challenge and make the changes that will open up the gates so that women also can have the chance to be candidates in winnable seats and not in marginal seats or unwinnable seats, where we know their tenure will be short.

Parliamentary procedures is the next section of the report. Many witnesses commented on the behaviour of members in the House: that when members stood up to speak they would often be shouted down by those across the floor, especially men. Women, in particular, found it difficult to say, 'Well, I want to be part of this' because often Parliament looks like an unruly rabble. Having been in the House for two years, I must say that on occasions I agree that that is the case.

The committee noted and recommended that the House look at its Standing Orders and consider different ways of handling legislation, perhaps noting what happens in the Federal Parliament where legislation can be debated in committee so that we are not held here for endless hours one by one debating Bills; legislation could be more effectively dealt with by a small group, brought back into the House and passed, thus enabling us to use our time more effectively.

There was considerable discussion about the recommendation for affirmative action in relation to Parliament. Leading on from the issue of women being seen about the house, that a woman's place is in the house—as the tapestry on the wall opposite depicts—we have also recommended that the officers of the House reflect a gender balance. We suggest that strategies should be put in place to enable that gender balance in the officers of the House as well as in members.

The issue of sexual harassment was mentioned on a number of occasions. We all know that sexual harassment can happen to anyone, but in particular to women, and it is a huge impediment to their progress in any area. The committee addressed that issue and made recommendations to the Attorney-General that sexual harassment in relation to grievance procedures be considered and established in relation to members of Parliament and members of local government with each other; and it also outlined the obligations that members have to other workers within the parliamentary sphere. The report also noted with interest and concern that previous recommendations of this committee have been ignored. If we are serious about this issue, we must read the reports and we must have the guts to put the recommendations into practice.

In conclusion, I pay tribute to the other members of the committee. We had many vibrant and interesting discussions in finalising our report. I pay tribute to our research officer, Dr Carol Bradley, and also to Mr Chris Schwarz from the parliamentary staff who assisted us through the process. I believe that this report is worth reading and I commend it to members. Certainly, I will be watching with interest the uptake of the recommendations and I will be raising those issues over the years.

Ms HURLEY secured the adjournment of the debate.

MEDICAL SERVICES, SOUTH-EAST

Adjourned debate on motion of Ms Stevens:

That this House—

(a) notes that budget cuts have led to a serious crisis in the delivery of medical and hospital services in the South-East;
(b) requests the Minister for Health to act immediately to guarantee obstetric services in the South-East;
(c) calls on the Minister to indemnify board members of the Mount Gambier Hospital against personal liability for budget over-runs at the Mount Gambier Hospital for 1995-96 and not to transfer debt to the new hospital; and
(d) supports the action taken by the members for Gordon and MacKillop by sponsoring petitions opposing cuts to medical and health services in their electorates.

(Continued from 30 May. Page 1605.)

The Hon. H. ALLISON (Gordon): I move:

Leave out all words after 'That this House' and insert in lieu thereof:

(a) notes that the Government has made an additional $90 million available in the health budget;
(b) acknowledges the actions of the Minister for Health to resolve the medical malpractice indemnity insurance issue by subsidising country doctors;
(c) asks the State Government to take all steps to encourage doctors and specialists to engage in rural practice; and
(d) to negotiate with the Federal Government to establish an adequate CMBS fee for obstetrical services.

I appreciate the motion moved by the member for Elizabeth, but I find myself unable to support it other than in principle. I know that her motives are to assist people in rural South Australia to have an adequate medical health service. I thought that the member for Elizabeth was going to start interjecting and doing precisely what she said the men do to her, because she is very good at that.

The inferences behind the motion moved by the member for Elizabeth are that nothing has been done to improve rural health services. That is simply not true. As the member for Gordon, I took a deputation, comprising members of local government, senior executives, members of the Mount Gambier Hospital Board of Health, medical practitioners and others, to meet both the Premier and the Minister for Health and put the situation pertaining to rural health across the whole of South Australia and, in particular, in Mount Gambier and district, and we received a very good hearing. I have had regular discussions with the Premier, the Minister and others in an attempt to resolve the obstetric insurance fee in particular. Of course, the correct name is the medical malpractice indemnity cover, which is a much wider cover than that simply for obstetrics and which is part of an Australia-wide problem in obstetrics in rural Australia.

In turn, the Minister has made several offers to the doctors to subsidise their medical malpractice indemnity cover. The offers have been turned down for a variety of reasons, mainly because the doctors were specific in their personal requests and sought one form of assistance which would resolve the problems of all medical practitioners who take part in obstetrics. I do not believe that that is possible, because those who serve at only a few births in the course of a year will find that, irrespective of what the Minister has done, if the fee for their obstetrical attendances is increased, they will not have sufficient attendances to pay their insurance premiums. And if the insurance premiums were subsidised, the payment of the insurance premium would probably not be covered because of the small number of births they attended. So, there is a group which is difficult to satisfy within the medical fraternity.

However, the Minister has made a general offer to the medial practitioners in country districts. The offers made last Friday were a refinement and clarification of previous offers. The AMA has supported the Minister but has not endorsed

any one of the three offers made, leaving that resolution to the doctors themselves. The Minister has proposed that there be a three-year deal, to be covered through the South Australian Insurance Corporation, for all public in-patients and private patients; and included in that cover is the cost of attendance at medical boards, Coroner's courts, and so on. The Minister has offered a $3 500 premium in the first year, to be increased only by CPI for the second and third years. The Minister said that the South Australian Health Commission will act as a broker and that doctors need make only one payment for all coverage, both public and private. I think that that is significant in its own right.

The Minister believes that this is an excellent outcome for doctors. The matter is being debated around rural South Australia today, and I hope that a satisfactory resolution can be arrived at. The issue has been allowed to go on for too long, and we should not be resolving insurance offers at this, the eleventh hour. The matter has been before all of rural Australia for some considerable time.

Other States have not done much better. Western Australia has increased the CMBS fees by supplementing them from about $391 per delivery to about the $600 per delivery, and the doctors still pay their own insurance premiums. I point out to members that the insurance premiums over the past three years have risen from $1 500 a year to $3 500 a year and to $8 000 a year—a very substantial increase.

Members should realise that the Minister does not control the level of insurance premiums. The premiums are set by companies wishing to recover any losses made by court awards against them for claims of alleged malpractice. Therefore, the fees are rising in accordance with claims made against doctors and hospitals: it is not a claim against the Minister. But country doctors have pointed out that in country hospitals run by the State the Government should cover them.

The Minister has taken this insurance offer a step further by offering one payment of $3 500 for three years with CPI increases only for the next two years to cover all malpractice indemnity, both public and private, both in hospital and within clinics. The cover is wide ranging and it is what the doctors have been asking for—at least those making representation to me—among other things that they have sought. As I said, I hope that that aspect of the country health issue will be resolved after discussions between the doctors, the AMA and the Minister during today, Thursday, 6 June.

The member for Elizabeth raised a number of other matters, including the question of the Minister's indemnifying the local boards of health, including that of Mount Gambier Hospital, against any action emanating from anything they may do. This relates to the fact that the local hospital is some $7 500 overdrawn—a very substantial amount. The member for Elizabeth implied that it is the Minister's fault, when it should be attributed in part to the board and administration of the Mount Gambier Hospital, which has allowed this large overdraft to accrue over several years. It is not something that happened overnight, and it could have been addressed earlier. Therefore, there is no chance that the Minister for Health will take action against his own board, and I would not condone any action of that kind.

To suggest that the Minister should in some way get around the requirements of the national companies legislation, which requires due diligence and actions in good faith, is really quite ridiculous. If the honourable member's motion were to prevail, Governments would be asked to do that for all boards, large and small across Australia. I have left that out because there is no real issue. The Minister will not attack his own board. He will do it through other means by negotiation with the Health Commission. This issue has been raised by boards of all kinds, large and small, including sporting enterprises and old age pensioner groups, across the State when the legislation was enacted.

Ms STEVENS (Elizabeth): I am stunned and astonished at the honourable member's response and the amendment that the member for Gordon has moved to my motion. I am certain that his community will feel the same way. Let me outline briefly why. First, the amendment proposes that the House note that the Government has made an additional $90 million available to the health budget. What a sham! And what a sham for the honourable member to perpetrate on his own community! We all know that there is no $90 million increase, that with inflation taken into account the increase is actually only $1.3 million. We also know that $79 million has been cut from the health area over the past two years. The budget made no mention of the fact that it has to fund a pay increase for nurses amounting to $35 million. The member for Gordon has come in here to placate his community, to sell them out, by proposing as the first point to his amendment that we note the largesse of this Government in relation to health. What a sham! What a disgrace!

Let us move on to the next set of issues. The member for Gordon further proposed our acknowledging the action of the Minister for Health in resolving the medical indemnity issue, but he recognised that it is not a new issue. Indeed, we knew that it would arise again. We were in a crisis situation last year with this same issue. We also know that nothing of any real substance was done about it until a month or two ago when time was running out again. So much for the absolute concern of the Minister for Health about this issue! He did not get down to the real issues of solving this until the time had nearly run out. Here we are at the eleventh hour with pregnant women in Mount Gambier wondering where they will have their babies because the Minister for Health did not get around to it. Again, the Minister's behaviour in the handling of this has been a disgrace. I am concerned that the local member failed to say what happened. I do not believe the community will see it in the same light as the honourable member has outlined—

An honourable member interjecting:

Ms STEVENS: I certainly will be drawing it to their attention. I also note, in relation to the cuts that have been made to the Mount Gambier Health Service, that the member for Gordon takes the Minister's side and sheets home blame to the board. I wonder whether the member for Gordon has actually sat down and listened in detail, as I have on two occasions, to the board members detailing their concerns about how they attempted to flag their concerns with the Minister's department but were not listened to and told to go away and balance the budget—being told, 'We do not want to hear what you have to say.' This happens time after time, and the member for Gordon stands in this House defending the Minister for Health and blames the board of the hospital in his community. I find that unbelievable.

So where are we? The situation has not changed at the Mount Gambier Hospital. The obstetrics' position has not yet been resolved. The community's confidence in the health system still remains at an all time low and, when they require their local member to stand with them and to tell it as it is to the Minister for Health, he falls away from that task, buckles at the knees and comes up with this weak, pathetic amend-

ment. I hope that the honourable member will bear the consequences of that with his own people.

The House divided on the amendment.

AYES (30)

Allison, H. (teller)	Andrew, K. A.
Armitage, M. H.	Ashenden, E. S.
Baker, D. S.	Baker, S. J.
Bass, R. P.	Becker, H.
Brindal, M. K.	Brokenshire, R. L.
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.	Matthew, W. A.
Meier, E. J.	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 (11)

Atkinson, M. J.	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. (teller)
White, P. L.	

Majority of 19 for the Ayes.

Amendment thus carried; motion as amended carried.

ADELAIDE FESTIVAL

Adjourned debate on motion of Mr Cummins:

That this House recognises the brilliant success of the 1996 Telstra Adelaide Festival, Fringe Festival and Writers Week and congratulates all associated with these events for their outstanding efforts in reaffirming Adelaide as the premier festival State and world festival leader and in particular, this House acknowledges the role of Barry Kosky as Artistic Director and the acclaim received for the programs offered by him.

(Continued from 21 March. Page 1194.)

Mr BASS (Florey): I rise to support the motion of the member for Norwood but also to add a little criticism. The Telstra Adelaide Festival, Fringe Festival and Writers Week were no doubt a success. Barry Kosky as Artistic Director had brought together a great number of acts of various nature, and I am sure that those people who are into even at times strange performances enjoyed the total four weeks of these events.

I saw the Whirling Dervishes and they were, to say the least, different. During the night I took particular notice of what happened, and I will mention a couple of interesting things. During the performance of the Whirling Dervishes they performed on four occasions, which lasted for five minutes. For each occasion they spun 52 times per minute and, what is even more unbelievable, each Dervish whirled exactly the same time. I particularly timed each one during the performance and they all spun at the same time. It equates to 250 spins per five minutes on the four occasions they did this, so they spun over 1 000 times during the performance. What was even more amazing was that, when the music stopped, they stopped dead; they never swayed or became unbalanced and they immediately shuffled across to form groups of two or three. Not one of the Whirling Dervishes showed any effect of spinning so many times.

It really was one of the strangest performances I have every been to, but I enjoyed it. I also enjoyed the music which, notwithstanding the fact that it is completely different from what we have in the western world, I found very entertaining. Even I, not a great lover of opera, ballet or anything like that, did enjoy—

An honourable member interjecting:

Mr BASS: I am. I did enjoy the Whirling Dervishes and I know lots of other people enjoyed some of the other acts brought to Adelaide during the Festival. I think the low point of the Festival was the Annie Sprinkle show. It was not a show; it was something else. In my opinion and that of a lot of other people I have spoken to, that type of (what could you call it? I could not call it an entertaining performance) 'show' is not needed, nor does the Telstra Adelaide Festival need the sort of publicity that this performance got. I believe that there are many acts in not only Australia but the world which could have been brought to the Festival and which would have highlighted and improved the Festival a lot more than the Annie Sprinkle visit did. Notwithstanding her visit to Adelaide, I believe the Festival has been a success. I congratulate Barry Kosky on an otherwise brilliant Festival.

I look forward to the next Festival and maybe in the next two years I might get a little bit of culture and I might look at some of the other performances which I have never seen in my life but which of course would be very entertaining. Notwithstanding my criticism of Annie Sprinkle, I support the member for Norwood's motion, and I congratulate all concerned.

Motion carried.

[Sitting suspended from 12.23 to 2 p.m.]

STATE LOTTERIES (UNCLAIMED PRIZES) AMENDMENT BILL

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

MOUNT GAMBIER HOSPITAL

A petition signed by 136 residents of South Australia requesting that the House urge the Government to reopen closed facilities at Mount Gambier Hospital, retain staff, and to improve medical services to residents of the South-East was presented by the Hon. H. Allison.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

By the Deputy Premier (Hon. S.J. Baker)—

Regulations under the following Acts—
- Associations Incorporation—Fees
- Bills of Sale—Fees
- Births, Deaths and Marriages—
  - Fees
  - Registration and Fees
- Business Names—Fees
- Commercial Tribunal—Fees
- Consumer Transaction—Fees
- Conveyancers—Fees
- Cremation—Fees
- District Court—Fees and Provisions
- Environment, Resources and Development Court—
  - Fees

Fair Trading—Expiation of Offences
Goods Securities—Fees
Land Agents—Fees
Landlord and Tenant—Fees
Liquor Licensing—Fees
Magistrates Court—Fees
Plumbers, Gas Fitters and Electricians—Fees
Real Property—
Land Division Fees
Stamp Duty Fees
Registration of Deeds—Fees
Second-hand Vehicle Dealers—Fees
Strata Titles—Fees
Summary Offences—Traffic Infringement Notice
Supreme Court—
Fees
Probate Fees
Trade Measurement Administration—Fees and Charges
Travel Agents—Fees
Workers Liens—Fees
Youth Court—Fees

By the Treasurer (Hon. S.J. Baker)—

Regulations under the following Acts—
Fees Regulation—
Fees
Fees
Fees
Gaming Machines—Fees
Land Tax—Fees
Petroleum Products Regulation—Fees

By the Minister for Police (Hon. S.J. Baker)—

Firearms Act—Regulations—Fees

By the Minister for Mines and Energy (Hon. S.J. Baker)—

Regulations under the following Acts—
Mines and Works Inspection—Fees
Mining—Fees

By the Minister for Industrial Affairs (Hon. G.A. Ingerson)—

Regulations under the following Acts—
Dangerous Substances—Fees
Explosives—Fees
Occupational Health, Safety and Welfare—Variations
Workers Rehabilitation and Compensation—Costs

By the Minister for Industry, Manufacturing, Small Business and Regional Development (Hon. J.W. Olsen)—

Regulations under the following Acts—
Harbors and Navigation—Fees
Motor Vehicles—
Fees
Fees and Provisions
Road Traffic—Fees

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

Regulations under the following Acts—
Sewerage—Scale of Charges
Waterworks—Testing

By the Minister for Health (Hon. M.H. Armitage)—

Regulations under the following Acts—
Controlled Substances—Fees
Consent to Medical Treatment and Palliative Care—Fees
Public and Environmental Health—Fees
Radiation Protection and Control—Fees
South Australian Health Commission—
Compensable and Non Medicare Fees
Health Centre Fees

By the Minister for the Environment and Natural Resources (Hon. D.C. Wotton)—

Regulations under the following Acts—
Botanic Gardens and State Herbarium—Fees
Crown Lands—Fees
Environment Protection—Fees
National Parks and Wildlife—
Fees
Keep, Sell Permit Fees
Pastoral Land Management and Conservation—Fees
Roads (Opening and Closing)—Fees
Valuation of Land—Fees and Allowances
Water Resources—Fees

By the Minister for State Services (Hon. W.A. Matthew)—

State Supply Act—Regulations—Authorities

By the Minister for Primary Industries (Hon. R.G. Kerin)—

Meat Hygiene Act—Regulations—Fees

By the Minister for Housing, Urban Development and Local Government Relations (Hon. E.S. Ashenden)—

Regulations under the following Acts—
Development—Fee Variations
Housing Improvement—Variations.

CORONER'S INQUEST

The Hon. M.H. ARMITAGE (Minister for Health): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.H. ARMITAGE: Yesterday, the Coroner released his findings of inquest concerning the death of Kenneth Maxwell Read. I have been briefed on the case by the Chief Executive Officer of the Intellectual Disability Services Council. IDSC welcomes the report and is already taking action to ensure that their services are improved. However, I would want to take the opportunity to indicate that the Government has concerns with a number of aspects of the report. IDSC will be pursuing specific issues in relation to the findings. On issues of general approach, I wish to address two particular findings of the Coroner. The Coroner found:

1. That IDSC when considering the placement of clients in community accommodation should make decisions about the appropriateness of such placement on the basis that the level of care to be provided should be no less than that which would be provided to a reasonably prudent member of the community who did not suffer from an intellectual disability.

2. That the allocation of resources to the area of community housing for the intellectually disabled should proceed on the basis that care should be provided in accordance with recommendation 1 (which I have just read) and that staff should not be put in a position of having to compromise such standards by reason of limited resources.

In the Coroner's conclusions, he identified the difficult situation of all care providers balancing off 'quality of life' issues against risk. There is no question that Mr Read's quality of life was significantly improved by living in the community and he, Mr Read, was adamant that he would never return to Strathmont Centre.

The Coroner concluded that Mr Read's seizures were unpredictable to the point where no protocol would guarantee his safety. He reported that Mr DeKuyer, the Manager, asserted that 'even if they had unlimited accommodation in which 24 hour assistance was available, Mr Read's placement would have been no different'. The Coroner found this attitude difficult to understand:

If Mr DeKuyer had such accommodation available, why had Mr Read not been placed in that by preference?

The Coroner went on to say:

In my opinion, this is a resource issue, pure and simple.

On this point, the Government firmly disagrees. In making this assertion, the Coroner did not take into account:

· that a move back to Strathmont Centre would have been retrograde;

· that having someone in the house would not necessarily have saved Mr Read's life.

I am informed by IDSC that the first and foremost consideration when placing clients is quality of life, which includes safety. The Coroner implies that in Mr Read's case he called for accommodation in which 24 hour a day direct observation or at least regular monitoring was available. IDSC does not provide 24 hour direct observation: clients are always alone in their own rooms or sharing and are checked periodically during the evening. In this case, the Coroner acknowledges that, even if more regular monitoring was provided, it would be only a slim possibility that the staff member would be present when the seizure occurred and 'the substantial probability is that the outcome would have been no different.'

I am concerned that Mr Read and other people with an intellectual disability are being underestimated by the Coroner. First, the Coroner's finding implies criticism that resource issues have resulted in a level of care being provided to people with an intellectual disability in the community which is lower than that which would be provided by a reasonably prudent member of the community who did not suffer from an intellectual disability. Mr Read was a relatively higher functioning client of IDSC in the sense that he was capable of daily living provided he received guidance and assistance in certain areas. He was capable of looking after himself to the extent of preparing rudimentary meals, attend to his own toilet and hygiene requirements, had a basic understanding of his medication routine and was generally capable of some self-preservation in the event of a fire or an emergency, for example.

I submit to the House that this level of self-care is approximately what we would expect of a child, yet I put it to you, Sir, that parents of children with epilepsy do not usually feel that it is appropriate to arrange 24-hour a day observation or regular overnight monitoring of their child. The Coroner is expecting IDSC to provide a level of care that is excessive and constrictive of a client's right to privacy. Mr Read suffered many seizures over the years, most of which were not detected, supervised or mediated in any way.

Secondly, the Coroner underestimates people with an intellectual disability by asserting that they do not have the capacity to form a judgment as to whether or not they should live in the general community. The Government strongly rejects this assertion. Mr Read had the intellectual capacity to make a judgment as to his domicile. He had experienced living in both Strathmont Centre and in community-supported accommodation. He had formed a strong determination to remain in the community. The Government does not propose to act against the wishes of people with an intellectual disability and force them back into institutions so that we can reduce the level of risk to clients to a level lower than that accepted in the wider community.

CONSENT TO MEDICAL TREATMENT AND PALLIATIVE CARE REGISTER

The Hon. M.H. ARMITAGE (Minister for Health): I seek leave to make another ministerial statement.

Leave granted.

The Hon. M.H. ARMITAGE: In 1995, after a lengthy period of debate and consideration, this Parliament passed the Consent to Medical Treatment and Palliative Care Act. The Act generally came into effect on 30 November 1995. However, section 3 of the Act made specific provision for there to be a delay in the commencement of the section 14 provisions. This section required that I establish a register where people who had lawfully made an advance treatment direction or a medical power of attorney under the Act could register that document. The delay in enactment was to allow time for that register to be put in place.

It gives me great pleasure to advise the House that last week I signed an agreement with the Chairman of the National Board of Management of the Medic Alert Foundation for Medic Alert to operate this register. The register provisions also came into effect and these arrangements are now in place. The Medic Alert Foundation is an international organisation with its national headquarters based in Adelaide. I am sure members would be aware of the good work done by the foundation but they may not be aware that it performs its significant role without Government funding. It takes pride in its independence and has very strong and broad support from professional, medical and emergency organisations, as well as the general public. This is another example of the considerable benefits that are accrued through our Government working in partnership with the non-government sector.

As we were planning the development of this service many people asked, 'Why don't you just set it up as a Government service? Wouldn't it be easier?' I am glad we took no heed of that advice. What we have done is use an existing body that has considerable experience in providing this type of service, considerable respect and standing for this type of service, and an existing efficient and effective infrastructure in place for this type of service (including personal identification cards and bracelets, computer database and a 24 hour telephone hotline), and we have said that we will not replicate this at great cost to the taxpayer. We will work in partnership to strengthen that organisation by giving it this role. Our next step will be to provide information to the community about this service, to reinforce the good work done by the organisation. I encourage members to promote it with their constituents.

MULTIFUNCTION POLIS

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. OLSEN: The State Government has been advised by the Commonwealth Government that funding for MFP Australia will end this financial year. There will be no transitional funding of $4.5 million for the MFP during 1996-97 as it moves to a Commonwealth-backed State project, as recommended in the Bureau of Industry Economics (BIE) Report on Friday. The final payment of $1 million for 1995-96 will be paid immediately. This requires a new strategy by the State Government to maximise a return on the current investment of $100 million. A number of steps will be taken to help focus the MFP and bring to fruition a number of key projects during the next 12 months.

· The MFP Development Act 1992 will be amended to reduce the number of board members from 13 to 7. This will not only amount to savings of more than $150 000 a

year but also provide a more effective decision-making process.

- MFP Australia currently reports to two parliamentary committees, the Economic and Finance Committee and the Environment, Resources and Development Committee on a regular basis. There will be a review of this requirement which has been costly and time-consuming for a relatively small administrative team.
- It is imperative that MFP Australia retains its international support and linkages. The International Advisory Board, previously funded by the Commonwealth Government, will be reviewed. However, a strong network of international advice and support will be maintained.
- The organisation will be trimmed, will be focused on key projects, and will work towards ultimately becoming self-funding.

The BIE report clearly indicated that MFP Australia had made significant progress in the past two years and was on track to achieve its agreed outcomes for 1995-96. It considered it as a 'long-term national and international economic, social and environmental development project for Australia, focused in Adelaide, but linked to activities elsewhere in Australia and overseas'. There are four key projects which are coming to fruition:

- the Bolivar pipeline feeding treated waste water to the Virginia marketing garden area;
- the wetland developments surrounding Gillman;
- the proposed Australia Asia Business Consortium;
- stage I of an urban development near Technology Park, to be considered by Cabinet in the next few months.

To assist the State Government in ensuring these projects and the future of MFP, I announce today, jointly with the Chairman of the MFP Development Corporation, Sir Llew Edwards, the appointment of a new Chief Executive Officer. He is Dr Laurie Hammond, one of the Asia-Pacific region's leading science and technology investment managers. He will begin on 1 July. Dr Hammond, who is currently CEO of the Foundation for Research, Science and Technology in New Zealand, is expected to take up his new position in about a month. He has demonstrated extraordinary abilities in research management and the management of public investment in research and development activities in New Zealand. After a worldwide search we have found an absolutely outstanding candidate, who has proven strengths as a leader and manager skilled in strategy and people management. In the past three years, Dr Hammond has transformed the FRST into an organisation that is focused and dynamic, responsible for 60 per cent of public spending on research and development in New Zealand—about $NZ310 million or $A266 million per annum. The initial appointment will be for one year on a salary of $245 000. There will be clear performance criteria, which will be reviewed after nine months, in March next, to consider extending the appointment if mutually agreed.

Mr Bill Steele, who has been Acting CEO for the past six months, will continue in the position of Deputy CEO and his former role as Executive General Manager, Urban Development. The board and I commend Mr Steele on his determination, enthusiasm and skill in driving the project forward during a critical stage of MFP development. MFP has produced some very significant, internationally recognised, tangible results and can still have a valuable part to play in developing Adelaide as a smart city and developing Technology Park and the University of South Australia campus as an 'intelligent' or 'innovative' precinct. I believe it would be a mistake for the South Australian community to believe that the withdrawal of the promise of future Commonwealth funding of $4.5 million—about 7 per cent of the MFP budget—paints a grim picture for the future of the MFP. In a letter to the Premier the Prime Minister, Mr Howard, has advised that the Commonwealth recognises the significant potential benefit the MFP project can have for South Australia and strongly affirms its support for continuation of the project. The MFP will continue to have access, on merit, to relevant Commonwealth program funds.'

In summary, the State Government now has an opportunity to ensure that there is a dynamic MFP team responsible for fostering and brokering creative and leading edge developments which not only build a better future for South Australians and create economic development but also can have an impact internationally.

QUESTION TIME

YOUTH UNEMPLOYMENT

The Hon. M.D. RANN (Leader of the Opposition): I direct my question to the Premier. When will the Premier's youth unemployment task force, due to report early this year, hand down its final report; and will the Premier now contact the Prime Minister, John Howard, and urge him not to cut any education, employment and training programs in the Federal budget that affect South Australia? ABS figures released today show that youth unemployment in South Australia last month rose by 30 per cent to 39.7 per cent, the highest of that in any State in Australia. The seasonally adjusted figures reveal that during 1996 there has been no jobs growth in South Australia whatsoever.

The Hon. DEAN BROWN: The employment figures came out this morning and, as the Leader of the Opposition actually advocated in his own budget speech this week, we should use the trend figures there. Those figures show that there has been a growth in employment of .7 per cent over the past 12 months. Therefore, the level of jobs is growing in South Australia. In fact, the figures show 22 900 extra jobs in this State compared with when we were elected. We acknowledge that, due to the financial problems created by the former Labor Government, the present Government has had to reduce the size of Government but, if the number of new jobs created in the private sector is taken into account, it is seen that there are more than 34 000 extra private jobs in South Australia. That is a significant growth in that period—and I repeat, 34 000 extra private jobs.

I acknowledge that youth unemployment is too high in South Australia. It is interesting to see that, for some reason, youth unemployment in South Australia is much higher even though our overall level of unemployment is about the same as that of a number of other States. The Youth Unemployment Task Force has been looking at the reasons for that. It would appear that the fundamental reason has been the very narrow base of the Australian economy which has been adversely affected because of the reduction in tariffs and because the Bannon and Arnold Labor Governments did absolutely nothing to restructure the South Australian economy for the 12 to 13 years they were in government.

I highlight that the clear evidence coming through is that young people have been affected by the reduction in the number of manufacturing jobs over the last 10 to 12 years, and the fact that the Bannon Labor Government failed to take

any action whatsoever to restructure the economy has left this State with a very narrow economic base. This Government has moved very quickly to make sure that we do restructure the economy. The clear evidence is that we are achieving it, first, in terms of expanding into the export market—and a significant jump in exports has been achieved, including in the manufacturing industry.

Until now, our manufacturing base has been producing largely for a State or, at best, a national economy. What we need to do is to produce for an international basis, and we are achieving significant benefits in that regard. Look at what we are achieving in the car industry. Look at what we are achieving across the total manufacturing sector where the number of companies exporting from South Australia is three times higher on a proportional basis than the national average.

Secondly, we are now developing and creating thousands of jobs in the new industry sectors that this Government has pursued such as information technology, tourism, wine and aquaculture. We are achieving real success there, but you will not do that in one year: it will take several years, after 20 years of neglect by Labor, to do anything about restructuring the State's economy. This Government has taken positive steps.

One interesting figure that the Leader of the Opposition did not quote was that the latest Morgan & Banks survey showed that 66 per cent of information technology companies are expecting to take on extra people over the next three months. So, yes, I am the first to say that youth unemployment in South Australia is far too high after years of neglect by the former Labor Government to restructure our economy, but this Government is working on it. In the areas where we are expanding the economy, particularly in information technology and tourism, we are creating jobs for younger people.

PETROLEUM EXPLORATION

Mr VENNING (Custance): Will the Minister for Mines and Energy inform the House of the status of petroleum initiatives being undertaken by resource companies in South Australia? Earlier this year South Australia's major oil and gas producer, Santos, announced that it is planning to spend $200 million over the next three years on exploration initiatives, and it is to be expected that other companies will be following that lead.

The Hon. S.J. BAKER: It is good news on the mining front, and there certainly has been an extraordinary increase in interest in South Australia, none more so than in the petroleum exploration area. I have been advised that in 1996 some $84 million will be spent in this State. That will represent about 40 to 50 per cent of the on-shore exploration effort across the whole of Australia, and that is good for this State. During the year, 63 exploration appraisal wells and 4 400 kilometres of seismic work will be undertaken, and the total cost of that program is about $84 million.

In terms of the Cooper Basin, Santos has three drilling rigs and has contracted to add a further three drilling rigs to its program in mid-June. We will see Santos with some 50 exploration and appraisal wells by the end of the year. Its contribution will be some 4 200 kilometres of seismic recording. Santos expects by the end of the year to have spent $70 million on exploration in this State as the first stage of its three-year commitment to spend $200 million on exploration.

Further exploration is taking place in the South-East of the State, and Boral Energy will have two rigs drilling during June and a minimum of eight wells being drilled during this year. In the North-West of the State two new exploration licences were granted on 23 May following the signing of an access agreement between the applicants and the Anangu Pitjantjatjara in February-March this year. The exploration drilling is expected to be under way in the Officer Basin by the end of this year.

In the Eringa Trough, adjacent to the South Australian and Northern Territory border, an application has been received from a United States oil and gas production company for all of the area promoted for licensing in 1995. They have registered their interest in that particular area. Another American company holds two licences north and north-east of Lake Eyre in the Eromanga Basin, and has plans to drill two wells before the end of the year with a rig imported from the United States. Beach Petroleum also holds licences in the Lake Torrens and Lake Frome area and plans to drill at least two wells this year partially financed by a United States explorer. There is a lot of activity in this State, and we wish all those explorers well, because the future for South Australia (extending well into the next century) in terms of petroleum, oil and gas is imperative, and it is great to see that amount of interest and effort in this State.

PARLIAMENT HOUSE SECURITY INFORMATION

Mr CLARKE (Deputy Leader of the Opposition): Is the Minister for Police aware of any attempt to unofficially use police resources to fingerprint materials supplied by the member for Florey, and will he ask the Commissioner for Police to ascertain whether there was any attempt to use unauthorised police resources in this matter?

The Hon. S.J. BAKER: The Deputy Leader of the Opposition was obviously asleep yesterday.

Members interjecting:

The Hon. S.J. BAKER: No, that is not true. I ask him to go back to the *Hansard* report.

The Hon. M.D. Rann interjecting:

The Hon. S.J. BAKER: No. What I said yesterday was quite clear. The Commissioner and I spoke about this. The Commissioner also read the paper and he then conducted his own investigation, as he should. I telephoned the Commissioner and he said, 'I have just conducted my own investigation. There has been no official—

The Hon. M.D. Rann interjecting:

The Hon. S.J. BAKER: Just wait. The Leader of the Opposition cannot help himself. The Commissioner said, 'There has been no official request. I have further investigated and there is no evidence that there has been any processing or any work done on fingerprinting from any outside source.' So, he conducted his own investigation as a result of the scurrilous claims made by the Deputy Leader of the Opposition. The Commissioner investigated those claims on his own behalf. I was in the process of telephoning him to say, 'Can you have this matter investigated to make sure?', and he said, 'There is nothing there.' So, I would hope that that is the end of that. If the Deputy Leader had listened to my explanation yesterday, he would have got that answer.

INDUSTRIAL RELATIONS COMMISSION

Mr BASS (Florey): Will the Minister for Industrial Affairs advise the House whether the South Australian Government's request for the dual appointment of all members of the South Australian Industrial Relations Commission to the Federal Industrial Relations Commission has been granted by the Federal Government? On 30 November 1995, I asked the Minister whether the previous Federal Government had agreed to South Australia's request. At that time, the Minister advised the House that the request had been rejected.

The Hon. G.A. INGERSON: This whole situation reflects clearly on the decision that the Australian public made on 2 March. It demonstrates clearly that there was a respect again for the State industrial relations system as well as the Federal system. Prior to 2 March, Brereton and Keating set out to destroy the States' system, and one way in which they attempted to do that was to make sure there were no dual appointments of the commissioners. It was almost unbelievable that the people who had been appointed by this Government for the first time in the history of industrial relations in Australia were not automatically granted Federal recognition.

It took almost seven months for Brereton to even bother to answer the request. When he did reply, it was to say, in effect, 'If you accept our unfair dismissal process, we may consider allowing these individuals to be dual commissioners.' These individuals happened to be the President of the Commission, Bill Jennings; Deputy Presidents Greg Stevens and Peter Hampton; and Commissioner Richard Huxter. Fortunately, since 2 March, we have seen the beginning of cooperation between the two systems and, again, we now have a respect of both the Federal and State commissions.

It is with pleasure that I announce that next week President Jennings, Deputy Presidents Stevens and Hampton, and Commissioner Huxter will be sworn in as dual commissioners in both the Federal and State systems. That may not seem to be a big deal. What it means now is that every South Australian company involved with the commission, whether at award level or unfair dismissal level, can now have its case processed here in Adelaide instead of having to go perhaps to Melbourne, Sydney or Brisbane. It was an absolutely absurd position that had been established by the previous Government, and it was done for absolutely political reasons. It means now that all the unfair dismissal cases—and hundreds of them go before the commission, most of which are fortunately resolved in one way or another before any major decision is made—do not have to go through that antiquated Federal system.

It is important that we congratulate the Federal Government on this issue, because it is now becoming evident that, when you have two like Governments that actually want to get on with running the State and the country, you can actually get something done. I congratulate the Federal commission.

PARLIAMENT HOUSE SECURITY INFORMATION

Mr QUIRKE (Playford): My question is directed to you, Sir. Did you give access to the member for Florey to the computerised security records of the Parliament to assist his investigation into the leaked source of a letter to the *Sunday Mail* and of a letter signed by the member for Davenport calling for changes to allow Upper House Liberal MLCs to vote in ballots for the leadership of the Liberal Party?

The SPEAKER: In response to the member for Playford, yesterday I clearly detailed to the House the reasons for the decision I took. The matters raised by the member for Playford this afternoon are quite outside the particular matter for which I granted permission. I suggest to the member for Playford that, if he wants to inquire of the member for Florey or any other member on any other matter, that is entirely a matter for him. Gauging by the question asked by the member for Playford, I did ask all members yesterday that, if they had any information in relation to this particular matter which would help identify either the individual or individuals who may be responsible for this matter, or if they had any suggestions which might assist in this regard, I would greatly appreciate hearing from them. I sincerely hope that, by the tenor of his question, the honourable member is not supporting that sort of activity.

VIRGINIA PIPELINE

Mr BUCKBY (Light): Will the Minister for Infrastructure report to the House on the most recent milestone reached this week by the Virginia to Bolivar pipeline, one of the four main areas of achievement for the MFP?

The Hon. J.W. OLSEN: In February it was announced in Parliament that prospective private sector equity partner consortium Euratech Ltd/Water Resources Consulting Services would be engaged to progress discussions with the Virginia Irrigation Association regarding construction of the Virginia pipeline project. When complete, the pipeline from Bolivar treatment plant, which currently removes and treats 65 per cent of Adelaide's sewage, will provide some 200km of distribution pipe network to users; treat and recycle up to 40 000 megalitres of safely treated sewage water, saving discharge into Gulf St Vincent, thus meeting the 2001 EPA requirements and guidelines; and increase Virginia production by some 30 per cent, resulting in an economic benefit of about $19.5 million.

In April a heads of agreement was signed between the parties, and negotiations are continuing. Antah Holdings Berhad of Malaysia controls 70 per cent of Euratech Ltd and is currently involved in infrastructure project negotiation in a number of Asian countries. In particular, Antah is investigating possibilities in Indonesia and Malaysia. In Indonesia alone, Antah is involved in three key projects which include:

· Band-ung (Eastern Java): development of an industrial park complex targeting major opportunities and effluent treatment and disposal of water supply;

· Sur-ar-nadu: development of transportation of potable water used for a large industrial development from Surabaya to Madura Island involving a water line approximately 43 kilometres long and 5.5 kilometres of submersible line;

· Sema-rang (Central Java): transporting potable water along a 16 kilometre pipeline to an industrial development area.

These three projects highlight the opportunities available in the nearby Asian region. Current statistics in Indonesia alone reflect a 30 per cent loss in transportation of potable water. The Government focus is on providing quality piping infrastructure throughout the region. Through the relationship established via MFP Australia's Virginia pipeline project, Euratech has offered to arrange a business development tour of these and other projects in Indonesia and Malaysia involving representation from Euratech, United Water, SA Water and MFP. The tour is part of the drive to involve South Australia's internationally focused water and environment

industry in current Asian infrastructure projects. The aim of the tour, proposed within the next few months, will be to assess the opportunities available for the participants to collaborate with Antah and work towards securing a role in these development projects and winning business for South Australia.

PARLIAMENT HOUSE SECURITY INFORMATION

Mr ATKINSON (Spence): My question is directed to you, Sir. Did you immediately inform police when you heard claims at the Government's Party room meeting on Tuesday or before that material had been improperly removed from the post boxes of members of Parliament; and, if not, why not? Under the Telecommunications and Postal Services Act, mail theft and interception is a criminal offence. For many years members of this Parliament have had confidence in the integrity and security of their mail in the belief that police would be informed of any theft.

Members interjecting:

The SPEAKER: Order! In response to the member for Spence, there has not been any complaint made to me by any member. I would be most grateful to hear from any member who believes that his or her mail has been interfered with, and I would then take the appropriate action. At this stage, however, no official complaint has been made to me. I would welcome the help and cooperation of the member for Spence and any other member who has any information in relation to the circulation of the material that has been called into question in recent days. I sincerely hope that the honourable member would not be a supporter of the distribution of that type of material.

ABORIGINAL CULTURAL TOURISM

Mr BRINDAL (Unley): My question is directed to the Minister for Aboriginal Affairs. Will the Minister inform the House of any Government initiative currently being taken to promote Aboriginal cultural tourism in this State?

The Hon. M.H. ARMITAGE: I thank the member for Unley for his very important question about a very important initiative, and I acknowledge his ongoing interest in matters relating to the Aboriginal Affairs portfolio. As Minister for Aboriginal Affairs I was delighted recently to co-host the launch of a new Aboriginal cultural tourism venture with my colleague the Minister for Tourism. The pamphlet that was launched is a joint project of the South Australian Tourism Commission, ATSIC and the Department of State Aboriginal Affairs. I commend the Minister for Tourism for bringing this project to fruition.

In South Australia we have a very rich natural heritage, which is clear to people who journey into our outback; but, as importantly, we have a strong cultural heritage as well. In this unique tourism project those two features complement each other beautifully. I believe that Aboriginal tourism is a great opportunity to help reinforce Aboriginal heritage. Tourism offers a number of benefits to Aboriginal people: they will be able to employ their young people in local industry and enable them to continue living on their lands; it will help to protect, preserve and promote Aboriginal sites; and certainly it is an enormous opportunity to reinvigorate Aboriginal cultural activities within the Aboriginal communities.

In launching this document, the Minister for Tourism and I were keen to identify the need always to be sensitive to the fact that Aboriginal people wish to retain control of Aboriginal tourism on their land. However, very importantly, this brochure is ample testament of the fact that Aboriginal people wish to be active participants in the tourism industry on their land because of the benefits—

Mr Lewis: Like Camp Coorong.

The Hon. M.H. ARMITAGE: As the member for Ridley says, like Camp Coorong. As one browses through the brochure one sees that Aboriginal people, communities and businesses are already very active in the promotion of cultural tourism, and one of the reasons for that is that they want to promote controlled access to their sites.

In the AP lands, Mimili Tours and Desert Tracks are already actively involved and provide sensational activities of a world-class standard which enable many people who come to Australia to enjoy experiences which they are unable to do in their own countries. As Aboriginal tourism in South Australia becomes more and more a feature, it will bring many more people into South Australia.

We are well positioned to be the gateway, and indeed the centre, of Aboriginal cultural tourism; our museum has an extraordinarily rich collection of Aboriginal artefacts. This brochure and the cooperative efforts of a number of Government agencies will only help to build on our already fine reputation. I recommend that every member of the House obtain a copy of the brochure and after Question Time book one of the tours.

PARLIAMENT HOUSE SECURITY INFORMATION

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to you, Sir. Given your welcome assurances to this House yesterday that as Speaker you would protect the rights and privileges of all members of Parliament, will you support an investigation by a privileges committee of this Parliament into the source and distributor of the letter circulated to all members of Parliament which clearly defames the member for Coles; the access given and uses made by the member for Florey of confidential parliamentary security information; and claims that the member for Florey improperly removed material from the letterboxes of members of Parliament?

The SPEAKER: If a matter of privilege is raised, it is a matter for the House and me, and I will consider it.

SHANDONG PROVINCE

Mr LEWIS (Ridley): My question is directed to the Minister for Primary Industries—

Members interjecting:

The SPEAKER: Order! I do not want any interjections. The member for Ridley.

Mr LEWIS: Following his recent visit to China, will the Minister say what commercial prospects and potential exist for South Australian producers and businesses from closer relations with Shandong Province?

The Hon. R.G. KERIN: I thank the member for Ridley for posing a question that is of importance to the State. This Government has continued to put emphasis on investment and export opportunities in China, particularly to gain some additional tangible benefits from our 10-year relationship with Shandong Province. I am pleased to report to the House

that there are exciting prospects for the development of a large beef cattle and cattle breeding operation in the Yellow River delta covering an area of approximately 10 000 hectares of land. Following extensive work by PISA on the viability of this project, a number of South Australian investors have come together to form the South Australia-Shandong Agricultural Development Company, which is presently developing a specific business plan to bring this beef cattle project to reality.

Two weeks ago I was involved in extensive negotiations with the local and provincial authorities to work through the issues of land area, price and equity. After considerable negotiation, we were able to agree on the basic issues required to give investors the certainty needed to advance the project to business plan stage. The project involves using South Australian irrigation technology and pasture management expertise to utilise what is currently, in the majority, wasteland. This project can be a win-win situation and has many benefits for both South Australia and Shandong.

In particular, there are much needed ongoing benefits to the beef industry in South Australia, which is very important at this stage. This project is also important to future trading relationships with Shandong. If we can progress this project, other identified opportunities could follow that will be to the benefit of South Australia and to Shandong Province. While many producers and investors feel that the Chinese market is too hard, it is vital that this market is not ignored. The sheer size of the market represents enormous long-term trading opportunities, and the Government is prepared to facilitate opportunities for those wishing to enter the market. The Government of Shandong Province is also committed to creating real trading opportunities. I look forward to South Australia capitalising on our 10-year relationship with Shandong and future trading opportunities being developed.

MEMBER'S PLAGIARISM

Mr FOLEY (Hart): My question is directed to you, Mr Speaker. Will you ask the member for Elder to apologise for bringing the Parliament into disrepute by plagiarising the contents of a book entitled *Making the Future Work* which opposes conservative economic policies for South Australia? The speech given by the member for Elder on 4 June in support of the Treasurer's budget contained selective and unacknowledged excerpts from a chapter in the book *Making the Future Work*, written by a person—

Members interjecting:

The SPEAKER: Order! The Minister for Tourism is out of order and so is the Deputy Premier. The member for Hart's question is out of order.

Members interjecting:

The SPEAKER: Order! The Chair will determine whether the honourable member is out of order.

Members interjecting:

The SPEAKER: Order! If the member for Hart wants to take objection, he should do it by substantive motion.

CHILDREN IN CARE

Mrs ROSENBERG (Kaurna): Will the Minister for Family and Community Services inform the House of plans to improve facilities for children in care? There has been an allocation of $850 000 in capital works expenditure in 1996-97 for the provision of new residential care facilities, and constituents have asked me how this will be used.

The Hon. D.C. WOTTON: I am very pleased to respond to this question from the member for Kaurna because it is a very important issue. Indeed, it is one that is brought to my attention on numerous occasions as to the best procedures that can be adopted in making sure that children under the care of the Minister are treated appropriately. Recent concerns expressed interstate highlight very clearly that every State has a high degree of care in respect of the protection and wellbeing of children, particularly children accommodated in Government care facilities.

It is incumbent on the Government and the community in general to rally in a positive way to assist children who, for a variety of reasons, are disadvantaged and cannot live at home. With this in mind, I am pleased to announce that construction will begin later this year on a new community residential care unit at Regency Park, replacing the current North Adelaide facility which is outdated and falls well below the standards expected by the community today. The new unit will resemble a large, modern brick complex and will be home to a maximum of 12 boys at any one time, mainly adolescents. Unlike the North Adelaide unit, the Regency Park community unit will be single storey and, most importantly, it will be purpose built. It will provide separate bedrooms and recreational areas for those who live in this facility.

The facility will be built at a cost of $850 000 and will be one of six such facilities in the State and follows the opening last year of new residential facilities at Lochiel Park. Children who live there under my direct care because of abuse by their parents or because of ongoing conflict at home will be supervised 24 hours a day by trained youth workers. The building of this unit highlights the Government's social commitment to improve the service and care provided for children, both for those living with their families and particularly for those living in residential care facilities under the care and control of the Minister.

BLAIKIE, DR D.

Mr CLARKE (Deputy Leader of the Opposition): My question is directed to the Premier. Given that the Premier faces a defamation action by the former Chief Executive Officer of the Health Commission, Dr David Blaikie, and that he will be identified by the Crown, can the Premier outline—

The SPEAKER: Order! As this matter is currently before the courts and therefore *sub judice*, it is out of order.

Mr CLARKE: I rise on a point of order, Mr Speaker. Unless you hear the whole question, Sir, I fail to see how you can rule that it is *sub judice*.

The SPEAKER: Order! The honourable member has clearly indicated that he wishes to refer to matters that are subject to consideration by the courts. He is aware, as is every member, of the *sub judice* rule, which has been in force for a long time. The matter is *sub judice* and the honourable member will have to wait until the matter has been determined by the courts.

Mr CLARKE: I rise on a further point of order, Sir. I have given only the lead-in to the question and, as you have not heard the question, you cannot rule that the matter is *sub judice* until you hear the question.

The SPEAKER: Order!

The Hon. S.J. BAKER: I rise on a point of order, Sir. As the matter is before the courts, the honourable member cannot refer to it in Parliament. The total question is out of order.

The SPEAKER: Order! I ask the Deputy Leader to bring his question to the chair.

ABORIGINAL LANDS

Mr CUMMINS (Norwood): Will the Minister for Housing, Urban Development and Local Government Relations outline the results of his recent visit to the Anangu Pitjantjatjara lands?

The Hon. E.S. ASHENDEN: I am pleased to be able to refer to that visit because I saw things that both concerned me and pleased me indeed. The first thing I saw was that there is undoubtedly a desperate need for additional funding for housing in those lands. As members would be well aware, I have already given a commitment that I will provide up to an additional $4 million for housing in those lands.

However, I also noticed during the visit that money provided by the previous Federal Government has been wasted in those lands. We need an approach that will look at not only the housing situation but also the other problems associated with the community such as health, the lack of self-esteem and the lack of employment. I have now entered into very detailed discussions with representatives of the Aboriginal community in order to set up a system similar to Umoona where the seeds are already in place and the Aboriginal community is establishing an extremely attractive housing development which is providing housing for the elderly in the community and meeting many other needs. However, undoubtedly this is due to the fact that that community has a leader who provides it with leadership.

Therefore, following my visit, I will look at providing not only funds for additional housing but also opportunities to the Aboriginal community itself to become involved in designing and building the housing. In this way the Aboriginal community will be given an opportunity to have gainful employment and to learn skills that can be used not only in this program but also in the future. During my visit to one community, which I will not name, I saw a new house being built by an Aboriginal contractor. He spoke to me and indicated his very real concern that, despite the fact that considerable training funds are available to assist the community, they are not being used to train the Aborigines in skills such as bricklaying and building.

As I said, I intend to provide not only funds for housing but also programs that will assist the Aboriginal communities to learn building skills and, in that way, provide employment opportunities and opportunities to build self-esteem in some of the communities where, unfortunately, that is lacking. I plan to begin that program within the next 12 months, and I hope that that will be the acorn from which a mighty oak will grow.

DEFAMATION, MINISTERIAL GUIDELINES

Mr CLARKE (Deputy Leader of the Opposition): Will the Premier outline the guidelines for Cabinet Ministers to receive taxpayer indemnity in defamation cases taken against them whilst in office, and how does this compare with previous Liberal policy that 'it is only in exceptional circumstances that taxpayers should provide an indemnity for Ministers of the Crown in respect of personal actions taken against them or by them'? That policy was set by the former Liberal Leader, John Olsen. In an article in the *Sunday Mail* of 19 May 1996 the Premier said:

> Any statement made by a Minister of the Crown is defended by the Crown. That is normal practice and I don't know of any exception to that.

When the former Labor Health Minister, John Cornwall, successfully sued for defamation in 1988, the Liberal Leader and now Minister for Infrastructure said:

> It would be grossly improper and equally quite offensive if (the then Premier) expected the taxpayers to foot the bill.

Mr Lewis interjecting:

The SPEAKER: Order! The member for Ridley is out of order.

The Hon. DEAN BROWN: I will ask the Attorney-General to bring forward the guidelines that are used. I point out that they would be the same guidelines as used by the previous Labor Government. In fact, on one occasion as an Opposition backbencher I was sued for defamation by a Labor Minister for some statements made inside the Parliament. He was entirely unsuccessful and ended up withdrawing, but he used entirely taxpayers' money to pay not only all of his costs but, as I understand it, even my costs. I point out to the honourable member that a practice has been used by Ministers from both sides of the House and, in fact, it has been used by a former Labor Minister against me personally.

STATE RESCUE HELICOPTER

Mr BECKER (Peake): Will the Minister for Emergency Services provide information to the House on the Government's intention to call tenders to operate the State Rescue Helicopter Service and the advantages to the South Australian community in doing so?

The Hon. W.A. MATTHEW: I thank the member for Peake for his close interest in this very important service that is provided to our State. The Government is about to call tenders for the operation of the State Rescue Helicopter Service. The call of tenders follows a review that was undertaken in October last year by Symonds Travers Morgan, a respected aviation consultancy group which recommended that a more cost effective service could be achieved through the competitive tendering process.

The review also found that the former Labor Government failed to negotiate a contract which provided the flexibility and full range of emergency services that are required to operate this service as our State would require; and it also found that a number of efficiency gains could be made. By way of example, some of the expected efficiency gains as a result of the competitive tendering process include the following: improved and consistent response times; improved command, control and communication systems for the helicopter service; a medium helicopter to be configured that enables the carriage of up to four patients and two stretcher patients along with a full medical team; a pilot and air crew to be supplied on a 24 hour standby basis by the selected contractor; all training for the air crew to be at the cost of the contractor; reconfigured helicopters to meet the expanding and more demanding emergency medical service roles; an additional pilot to be on standby when one helicopter is launched; and all specialised equipment to be provided at the cost of the contractor.

These things are already standard in the contracts for helicopter services provided in other jurisdictions. The current contract, which utilises two helicopters—a Bell 412 helicopter and a Bell 206B or Jet Ranger 3 helicopter—is based on the 24 hour availability of the aircraft and the

provision of just one pilot and no crew members. The predominant users of the State Rescue Helicopter Service are the SA Ambulance Service and the South Australian Police Force for search and rescue operations and surveillance operations. A number of other services also have had *ad hoc* use of the helicopter service, including the Country Fire Service, the Surf Life Saving Association, the Civil Aviation Authority and SGIC, which is the sponsor. In the past financial year the helicopters logged a total of 841 hours flying time.

The service costs some $2 million a year to operate. That cost is partially offset through sponsorship by SGIC. As all members would appreciate, the service is a vital and very necessary component of the operation of a number of agencies, so obviously the Government and its agencies want to ensure the service is utilised to the best of its capability. It obviously made good business sense to review the present operation, and that in itself resulted in significant changes to the nature of the future contract. The tender process will be overseen by a steering committee which comprises representatives from the SA Ambulance Service, the Office of Public Sector Management, the Crown Solicitors Office, Treasury and Finance and Services SA. Advice will also be provided by the South Australian Police Department, the Country Fire Service, the South Australian Health Commission and the Surf Life Saving Association of South Australia. It is expected that the successful tenderer will be announced by the end of July.

TORRENS HOUSE

Mrs GERAGHTY (Torrens): My question is directed to the Minister for Health.

Members interjecting:

The SPEAKER: Order! It is very difficult to hear the member for Torrens.

Mrs GERAGHTY: Will the Minister give an assurance that the excellent services of Torrens House, which caters for parents and families, will not be further reduced? Many concerned parents have contacted me expressing their concern that the review currently under way will see a marked decline in its ability to continue to provide valuable services to families. A letter sent to me states:

> Torrens House is a place of last resort for many parents under the enormous stress we experience when we are trying to do our best for our children and our future. Postnatal stress often leads to violence and neglect of children because we cannot cope with the task without help and support of a special kind that is not available anywhere else for us.

The Hon. M.H. ARMITAGE: I certainly recognise the enormous value of Torrens House to the community. Indeed, the honourable member may be interested to know that when I was in medical practice many years ago I used to spend at least one session if not two sessions a week there for a number of years. As she would know, Torrens House was at the base of the old Mothers and Babies Health Association, of which I was a member of the State committee. So, I will certainly not see it compromised in any way, and I am looking forward to the results of the review.

SMALL BUSINESS

Mr ROSSI (Lee): My question is directed to the Minister for Industry, Manufacturing, Small Business and Regional Development. Following the launch this week of a new automotive product by a small engineering firm at Brompton, Mullner Engineering, will the Minister tell the House about the success of this business and report on the confidence level of small business in general in South Australia.

The Hon. J.W. OLSEN: I thank the member for Lee for his question, because this small company is really a South Australian success story. Frank Mullner, who established his company in 1951 originally as Green Dragon Wheel Alignment Services in Pulteney Street, was an immigrant. Undertaking wheel alignments, he got tired of jacking up one wheel after the other, so he developed a hoist that would lift a car. He applied for a patent in 1963, and it was granted in 1972. In 1980 he bought out Repco Hoists in Melbourne and relocated Repco Hoists from Melbourne to Adelaide. Production has now increased from 20 units a month to 100. It is really an outstanding success story of a man who is now in his early 70s but who as a small business person in South Australia is continuing to pursue the development of economic activity. He is now the market leader in Australia, with a turnover of more $8 million, and he employs 50 people. With the support of the Centre for Manufacturing, his exports have increased from zero in 1991 to 4 million in 1995, accounting for 50 per cent of his revenue. Last year, his exports—the hoists now going into China—increased 137 per cent.

The success factors involve a continuous improvement program through reinvestment, automation, research development and excellent engineering skills. He is a small business operator who simply wanted, and was determined, to make it work. As a result, he is employing 50 South Australians. He has now expanded into a powder coating plant which is one of the most sophisticated in Australia and which was opened on Tuesday.

That underscores the confidence level in the small business community. The Premier and others have talked about good signposts for economic activity. Whilst I am the first to concede that we still have a long way to go in South Australian in rejuvenating, restructuring and rebuilding the economy, there are some very good signs for the economy of South Australia.

One only has to look at the small business survey results of recent days. According to that survey, *Yellow Pages*, 59 per cent of small business proprietors in this State were confident about their prospects in the next 12 months, compared with 52 per cent last quarter. South Australia is ahead of all the other States, with the exception of Western Australia. That survey covers some 1 200 business in six main sectors, with South Australia having the highest level of confidence for the five past quarterly surveys. South Australia has led the way nationally for the five past quarterly surveys. Small businesses make up 96 per cent of all businesses in South Australia; they are the key employer in this State. These are the people who for five quarters have been at the top in Australia regarding confidence about economic activity and the future. That omen is good for South Australia in our rebuilding, rejuvenating and restructuring the economy for the future.

Next week the Howard Federal Government will fulfil its pre-election commitment to call a national small business summit. One of the key items on the agenda of the small business summit next week will be a South Australian proposal, which was endorsed by the Cabinet of South Australia late last year, to reduce regulations for small business across the country. The Federal Government is committed to a 50 per cent reduction in the life of this Federal Government, and that is a very challenging task. South Australia's submission calls for performance monitoring of

businesses, and response times of Government departments that deal with small businesses, to be bench marked and reported annually. So, we will apply a discipline to Government agencies and departments to ensure that they are dealing with small business in a timely and responsive manner. The aim is to put the spotlight on them and encourage Government to improve its service to small business. It has been approved by the South Australian Government. It is now being considered; that initiative from South Australia is now on the national agenda for the summit next week.

Coupled with the business licensing proposal that was considered in South Australia, a joint initiative has been developed between the Commonwealth and South Australian Governments in aquaculture as a pilot for Australia. That shows how Governments can get together to look cooperatively at business regulation impediments on small businesses and to start streamlining, getting down the cost of compliance on small businesses so that they have greater retained earnings. That enables them to do what Frank Mullner has done—to put their money back into their business, re-engineer, improve and chase export markets. If that system and that culture can be put in place, we will lay a great foundation for South Australia in the future.

GLOBE DERBY PARK

Ms WHITE (Taylor): Will the Minister for Health move to grant Health Commission approval for a fogging program to eradicate mosquitoes in the Globe Derby area? As the local member, I first contacted the Health Commission a year ago—

The Hon. M.H. Armitage interjecting:

The SPEAKER: Order! The Minister will not interject.

Ms WHITE:—and the problem has not been fixed. The mosquito season will soon be here again, causing a significant problem to local residents. In addition, attendances at the Globe Derby harness race track, which is hosting the Interdominion major event next year, are affected by the significant mosquito problem.

The Hon. M.H. ARMITAGE: I have heard of a number of excuses and reasons for falling attendances at the track and, indeed, as someone who has been known to have a punt and who was identified in the register of interests as having had an interest in some incredibly slow horses in the past, I believe it is the first I have heard that the marauding plagues of mosquitoes are to blame.

Members interjecting:

The Hon. M.H. ARMITAGE: That is right. I am not sure of the role of the Health Commission in ensuring that the alleged mosquito plagues at Globe Derby will not affect tourism during the Interdominion. However, recognising the importance of the Interdominion to the tourism industry and to the recreation and sport portfolio and so on, I undertake to carry out a full investigation of this matter on the understanding not only that I get a free ticket to the Interdominion but also that I am told the winner of the race about five minutes early.

WEED CONTROL

Mr LEWIS (Ridley): My question is directed to the Minister for Primary Industries. Is there anything that the Minister can have his department provide to help us combat the ever-present menace to farmers and the national export income that they generate posed by weeds, especially in the identification of those weeds which we may not yet have on our farms? ABS figures show that we reap over $3 billion per annum from a wide range of agricultural products in South Australia. Scientists state that the early identification of new weeds on farms (or anywhere else for that matter) is widely known to enable immediate eradication, which is the best and most cost-effective way of dealing with them.

The Hon. R.G. KERIN: Weeds, even more so than mosquitos, are a major problem in South Australia. Weeds affect virtually everybody, whether in home gardens, ovals, recreational or environmental areas. However, nowhere do weeds have more effect and are more evident than in our cropping areas, where they cost farmers millions of dollars a season. The terrific rain we are having at present not only signals the start of the season but also will bring a blanket of weeds across our cropping areas—and they are weeds which will compete with our crops for moisture and nutrients. If PISA and industry are to meet our goals of industry development, it is vital that weed control constantly be improved. This is vital to high yielding quality crops, and good control is reliant on correct identification.

That brings me to the Wheat Management Resource Kit, which has been released this week. The development of the kit is an excellent example of PISA working with SARDI, Agriculture Victoria, the CRC for Weed Management, the Advisory Board of Agriculture, the Grains Research and Development Council and Agribusiness.

The development of the resource material, if it is done professionally, does not come cheaply and entails a huge investment in both time and money. The products being released this week are the best in Australia, and they are: the Weed Decide calculator; the Weeds: the Ute Guide; technical management notes; and a weed identification guide on disk and CD-ROM, copies of which have already been sold to America via the Internet. This kit represents what I believe to be an excellent investment in the Australian grains industries. It is the development of resource kits such as these which makes the task of introducing farmers to new and existing technology much more simple.

In South Australia alone, 2 500 farmers will be involved in weed management workshops this season. In a single season, this program has the potential to influence weed management across half the areas sown to cereals and grain legumes in the State. For every 1 per cent increase in crop yield through improved wheat management, this program has the potential to increase the income of South Australian grain growers by $10 million.

It is the tireless effort of PISA's district agronomists in coordinating and facilitating workshops that is critical to achieving economic development of the field crops industries through the adoption of on-farm technology. However, this outcome cannot be achieved without the full support and input of other partners in the process. Agribusiness is playing a far greater role in the extension of quality information to growers. It is the PISA-led development of technical information packages and resource kits that makes this process far easier. At the end of the day, the ultimate aim is the extension of clear and consistent messages to grain growers. Mr Speaker, I am sure that you and the member for Custance will be lining up for access to these kits, and I am also sure that there is enormous interest from other members in these excellent tools, which will increase farm productivity.

SITTINGS AND BUSINESS

The SPEAKER: Order! During the course of Question Time, the Leader of the Opposition handed me a detailed two-page letter which, on a cursory reading, appears to be a repeat of the questions that have been asked in the House during the past three days. I will certainly study the letter and, if it appears that a *prima facie* case is established, I will give precedence to an appropriate motion, but that obviously cannot take place before the next day of sitting.

NOTICE OF MOTION

Mr ATKINSON (Spence): I give notice that on Thursday 4 July I will move:

That the House appoint a Committee of Privileges to investigate the distribution and source of an anonymous letter about the member for Coles in the precincts—

Members interjecting:

The SPEAKER: Order! The Minister. The member for Spence has the floor.

The Hon. S.J. Baker interjecting:

The SPEAKER: Order! The Deputy Premier. The course of action proposed by the member for Spence is a serious matter and I ask that it be treated accordingly.

The Hon. G.A. Ingerson interjecting:

The SPEAKER: Order! I warn the Minister for Tourism for the first time.

Mr ATKINSON: I will move:

That the House appoint a Committee of Privileges to investigate the distribution and source of an anonymous—

Mr Cummins interjecting:

The SPEAKER: I warn the member for Norwood for the first time.

Mr ATKINSON: I will move:

That the House appoint a Committee of Privileges to investigate the distribution and source of an anonymous letter about the member for Coles in the precincts of the Parliament; the delegation of the investigation by the Speaker to the member for Florey, and the propriety of granting access to the member for Florey to computer records of members' comings and goings from the House, with a view to finding the distributor of the anonymous letter—

The Hon. M.H. Armitage interjecting:

The SPEAKER: Order!

Mr ATKINSON: It continues:

and another letter signed by the member for Davenport; and the propriety of documents being fingerprinted in an attempt to identify the distributor of the anonymous letter concerning the member for Coles.

The SPEAKER: In view of the fact that the Notice of Motion proposed by the member for Spence is the same as in the Leader's letter, there is now no need for me to take any action in relation to the Leader's letter.

Mr De LAINE: On a point of order, Mr Speaker, contrary to the arrangements, the Opposition has had only nine questions today.

Members interjecting:

The SPEAKER: Order!

Mr Clarke interjecting:

The SPEAKER: Order! The Deputy Leader is aware of the Standing Orders in relation to making threats across the Chamber: that is unwise and very foolish. I point out to the member for Price that there is not a requirement under Standing Orders. On this occasion, the Deputy Leader of the Opposition was given two calls. He was called to ask his question, which was ruled out of order; I then invited the Deputy Leader of the Opposition to bring the question to the Chair, and the Chair pointed out to the Deputy Leader how he should draft the question so that it would be in order, and he then received a second call.

The Hon. S.J. BAKER: On a point of order, Mr Speaker, could I request that the Deputy Leader of the Opposition withdraw the remarks he made across the Chamber indicating that, because he did not get his 10 questions—or messed it up along the way—he would take action in the Upper House to muck up our Bills.

Members interjecting:

The SPEAKER: Order! Members will resume their seats.

Mr Clarke interjecting:

The SPEAKER: Order! The behaviour of members, to put it mildly, is rather juvenile. I would suggest that, as elected representatives, they just contain themselves and direct their attention to the important issues they should be discussing. There is no point of order.

GRIEVANCE DEBATE

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

Ms GREIG (Reynell): I want to address an issue of great concern to me, an issue relating to misleading information generally known as lies. On 4 June the member for Playford raised a question in this House—

Mr LEWIS: On a point of order, Mr Speaker, I am unable to hear the member for Reynell, and I am equally certain that *Hansard* cannot hear her.

The SPEAKER: Order! There have been some problems during the week in relation to the building renovations. Unfortunately, there has been an inconvenience to members, and that is a clear reason why members should not interject or in any way interfere when other members are speaking. I call the honourable member for Reynell and, at this stage, take the opportunity to ask the staff to see whether the problem can be rectified.

Ms GREIG: On 4 June the member for Playford raised a question in this House relating to police station closures, and of particular interest to me was his reference to the Christies Beach police station. At the time I ignored the member for Playford's question, as those of us who live in the southern suburbs know that the question raised was utter nonsense and did not deserve a response.

However, the member for Playford's question has raised angst in sectors of my community, particularly with elderly people who take their Police Force for granted, and rightly so. As you can imagine, this scaremongering type of question has created some concern, and for our Police Force it has created a lot of unnecessary work. For the past few days, our officers have been busy consoling and reassuring members of the public that they are available 24 hours of the day and that the station is not closed.

Chief Inspector Oldman maintains very high standards in the Christies Beach division, and Senior Sergeant Peter Morrison ensures that a duty of care for our community is a

priority for all officers working in his Christies Beach police station. If the member for Playford had taken the time to do his homework, he would have discovered the following, which I easily discovered from Christies Beach police upon asking.

Christies Beach, which is the only 24 hour station in the division, has never been closed within the memory of serving officers. On occasions the night shift staff may lock the front door for security reasons, relying on an intercom system on the front door to greet callers and admit them to the station. A bold sign on the front door adjacent to the intercom panel reads:

> Attention. For security reasons, this door may be closed at times. Please press the silver button to your left and speak to an officer.

This has become necessary to enable staff to provide a duty of care required for prisoners whilst maintaining a safe working environment. Such door closures could occur at any time at the discretion of the duty sergeant, but in practice they rarely occur other than on night shift.

Members opposite may recall that they introduced this measure, which is a good measure; it takes only a telephone call. Instead, we have caused a lot of angst among the community; we have upset our officers, and if the member for Playford has any decency in him, he should apologise to my local police station, the Christies Beach Police Division, and also to the local community for this information and the upset he has caused.

The Hon. M.D. RANN (Leader of the Opposition): We have seen some more extraordinary scenes in the Parliament during this week. I understand that yesterday, like Noah's Ark, two by two, various faction leaders were marched into the Premier's office, and they have actually set up a committee to manage the bad behaviour and bad relations between different elements of the Liberal Party. So, what we have in this State, in the Liberal Party—in the Government of South Australia—is a two ring circus, each one with a different ringmaster: one the Premier, one the Minister for Infrastructure, and each with a separate set of clowns performing.

Today I have given the Speaker of this House a letter, and I will read it into *Hansard* for the benefit of all members. It states:

> Dear Mr Speaker,
> In accordance with parliamentary procedure, I write to ask you to give precedence in the House today to a motion to establish a committee to investigate possible breaches of the House's privilege. These possible breaches are:
>
> 1. Distribution in the precincts of Parliament by a member of an anonymous sheet allegedly defamatory to another member and the source of that letter. Is this a breach of privilege and does it matter whether the defamation is merely civil or reaches the criminal standard?
>
> 2. Your delegation to the member for Florey of an investigation into the anonymous letter and, in particular, your permission for him to inspect the hitherto confidential computer records of members' comings and goings from the House. Is it a breach of the House's privilege for the Speaker to delegate an investigation of a possible breach of privilege to another member of no special status, and is it a breach of privilege to grant special access to the computer records to one member only? Did you breach your authority in giving access to this information and doing so without the approval of the Joint Parliamentary Service Committee?
>
> 3. Whether the member for Florey, in the course of his investigation authorised by you, removed letters from other members' letterboxes without their permission and, whether he removed the letters with or without permission, proceeded to have the letter or letters tested for fingerprints with a view to making allegations against another member of the House. Is the fingerprinting or threatened fingerprinting of letters issued by a member, albeit anonymously, an attempt to intimidate a member in the course of his or her duties? The distribution of anonymous letters, while reprehensible, is not and never has been a criminal offence unless the content of the letter is so seriously defamatory as to constitute criminal defamation.
>
> 4. Whether the Speaker also provided access to computer information to assist an investigation into the leaking of a letter signed by the member for Davenport to the *Sunday Mail*.
>
> I would appreciate your ruling on whether the House may debate this important matter forthwith.

The motion, which has already been foreshadowed, provides:

> That the House appoint a Committee of Privileges to investigate the distribution and source of an anonymous letter about the member for Coles in the precincts of the Parliament; the delegation of the investigation by the Speaker to the member for Florey; the propriety of granting access to the member for Florey to computer records of members' comings and goings from the House with a view to finding the distributor of the anonymous letter and another letter signed by the member for Davenport; and the propriety of documents being fingerprinted in an attempt to identify the distributor of the anonymous letter concerning the member for Coles.

That is the submission we have made today to the Speaker. In response to the Deputy Premier's comments about the Police Commissioner's investigation, I want to know whether in fact the Police Commissioner arranged for the member for Florey to be interviewed about whether or not he removed those letters from the boxes of the Parliament.

My fundamental point is that all of us, when we go home at night, hope that our post boxes have not been tampered with, have not been robbed or stolen from. All of us, I would imagine, out there in the community and in this Parliament, would believe that, when a person writes to a member of Parliament, those people who reveal their intimate details of problems they might be having can do so in good faith, and that letters and documents will not be stolen from the letterboxes. I want to know whether the member for Florey has been interviewed, and I want to know what this Parliament will do to ensure the integrity and security of the letterboxes of members of Parliament.

Mr LEWIS: I rise on a point of order, Mr Deputy Speaker. Under Standing Order 133, I ask whether or not any proposition is before the House about contempt. That Standing Order provides:

> A member who complains to the House of any statement published, broadcast or issued in any manner whatsoever is to give all details that are reasonably possible and be prepared to submit a substantive motion to clearing the person or persons in question to have been guilty of contempt.

What are the allegations which are being made by the Leader of the Opposition as are required to be made under Standing Order 133?

The DEPUTY SPEAKER: The Leader predicated his remarks on the assumption that the member for Spence was in fact moving the very substantive motion to which you may be referring. I believe that the procedure is in train.

The Hon. S.J. BAKER (Deputy Premier): I am a little concerned that the Leader of the Opposition walks into the House, makes allegations, walks out again and drops his bundle. He is talking about—

Members interjecting:

The Hon. S.J. BAKER: Well, I hope that he does try to stitch me up outside, because he could pay a very heavy price for it. The Leader of the Opposition is talking absolute garbage. No-one has complained that anything has been removed from their boxes. Has anyone complained? Is the Leader of the Opposition suggesting that, with the approval of any member, material cannot be taken from a member's

box? If that were the case, everyone in this Parliament would be in breach. Obviously, that is a stupid suggestion; it is an absolute nonsense. It is garbage that the Leader of the Opposition continues to pedal in this House. Is he saying that, because material has been delivered to a box, members do not have the right to take up a matter of slander, libel or death threats? Is that situation sacrosanct? Is that what the Leader of the Opposition is suggesting?

What standards does the Leader of the Opposition want in this Parliament? I would like to know, and I would like members opposite to answer that question. Members opposite and the Leader of the Opposition are saying that members cannot stand up for themselves in this Parliament if they receive an anonymous piece of paper in their box.

Mr Clarke interjecting:

The Hon. S.J. BAKER: The Deputy Leader says that there are appropriate procedures in place. This has already been the subject of debate and I wish he would listen instead of going to sleep in the House or interjecting. I raise a serious matter here: no complaint has been made of any material being unlawfully removed from a box—quite the opposite. I instance the discussion on 5AA this morning and the fact that one member of the House could get very rich as a result of the comments made by the Leader of the Opposition in the House today. He has said quite clearly:

> Anyone who removes mail from the letterbox, that is a serious crime under the Postal and Telegraph Act.

I inform the Leader of the Opposition that the Postal and Telegraph Act disappeared in 1975—that shows how up to date he is. But there is something more important that he said on radio—and I would like the House to listen because it is the same garbage that has been said in the House, but on this occasion he said it outside the House, and I quote:

> I want to know from the Speaker of the Parliament whether he regards it as a serious impropriety in terms of the Parliament.

He has suggested that an impropriety has been committed. I believe that, if a link is determined between the people mentioned and this particular incident, a judge could rule only one way: that a person in this Parliament has been libelled. I hope that the Leader of the Opposition has plenty of money, because if I were the member concerned I would have him for every cent he owned. If the Leader of the Opposition wants to carry on like this, if he wants to take the incident further than it should be taken, so be it, but I inform the House that if a member wants to put himself at risk, if a member wants to denigrate the Parliament to the extent that has occurred, let that member pay a price. I ask all members to obtain a copy of the transcript, because we are all well aware that the Leader of the Opposition has committed a breach and has gone too far.

It amuses me; he said that there has been a breach of privilege, yet the same breach of privilege has been committed by the reading of unauthorised letters in this House. What greater breach of privilege have we seen in this Parliament—maligning people, misusing information for his own—

Mr Clarke interjecting:

The Hon. S.J. BAKER:—no—for his own base ends. I believe that we should have an investigation into the Leader of the Opposition. In the interim it may be that we can have an important inquiry concerning the Deputy Leader's and the Leader of the Opposition's roles in this debacle. Next time the Leader of the Opposition wishes to make a point, he had better check the law first and check the proprieties observed within this Parliament because, in my view, they have been breached again and again.

Mr BROKENSHIRE (Mawson): Tonight on the news, and in the print media tomorrow, messages should be sent to the community that the Deputy Leader of the Opposition in this Chamber said today that he would threaten the State's future. He said that he would threaten the State's future on the basis that he would make sure that amendments to fundamental Bills designed to get the State out of the mire into which he and his Party put this State would not pass the Upper House. He claimed that there has not been enough Question Time: Question Time has been extended since we came into office. Many privileges have been extended to the Opposition that we did not have when we were in Opposition.

Today, when the member for Reynell and Chief Inspector Trevor Oldman stated the facts on ABC Radio with Keith Conlon, the comments from the Opposition were, 'Well, it did the job anyway.' I have heard and watched them today admit that they have fully fabricated the story about the closure of 24 hour police stations. Unfortunately, that will not be reported by the media tonight and the people of South Australia will not be aware of the unsatisfactory situation existing in this Chamber because the Leader of the Opposition and the rest of his troops are not prepared to do the job they should be doing as a reputable and respectable Opposition.

Let us look at the *Adelaide Review* of June 1996 and see why the Opposition is running this fraud and furphy at the moment. Here it is in black and white—and I would like the community to analyse it because it is very factual:

> The question being, should he (Mike Rann) be the Leader at the next election?

It states that there is conjecture within the Labor Party that 'is damaging, because, bluntly, there is no-one at present' with capacity past Mike Rann to replace him as Leader of the Opposition. That statement shows how lacking in ability the Opposition is. The article talks about festering discontent with the performance of the Leader of the Opposition; 'discontent which shows no signs of dissipating'. It talks about 'nasty egos, the frustration and the genuine concern' by some members to roll the Leader of the Opposition if they have the chance. The article continues to talk about the 'subterranean personal agenda' of Opposition members to grab his job.

Mr Clarke interjecting:

Mr BROKENSHIRE: It goes on to state that at the moment he is the best available and the Opposition has to wear it. The true facts are that the Opposition does not want to wear it and that Labor is the Party that is in turmoil. Because the Government is succeeding, and because the media have been disappointed about not being able to nail it on anything, because of the work it is doing, unfortunately the media are getting behind the diatribe and ridiculous rot the Opposition is putting out.

The article talks about the fact that Mike Rann is one of the former Government's old guard who fouled up when in Government, and it talks about the fact the Opposition does not work well together as a Party—that there is jealousy and backstabbing. It also states that the Deputy Leader of the Opposition, Ralph Clarke, is still in a bitter bun fight with the person who should be the Leader, the member for Playford (Mr John Quirke); it talks about the poor performance in parliamentary strategy and about the Leader of the

Opposition's behaviour being feral; and it talks about the fact that the Leader of the Opposition looks desperate and describes him as someone who for one day would rather have a quick media kick than a calculated, maintained attack: in other words, he does not have the ability to be Leader of the Opposition. It further states that the Leader of the Opposition's feral behaviour cannot be helped because 'he goes off when he sees a microphone'.

Mr Clarke interjecting:

Mr BROKENSHIRE: It states that the Leader of the Opposition 'engenders more lack of trust than most'; that the Leader has the 'me too' mentality. The article also states that he 'twists facts to cause personal damage', as he did with Mr Roger Sexton of the Asset Management Task Force, and that he manipulated the report put out by the Auditor-General. It states that the Leader of the Opposition 'grossly manipulated in media releases and in Parliament' what was happening because he had nothing but a vendetta to pursue.

It says that he is not a perfect leader—and we all know that—and then goes on to say, 'But then again, the Party doesn't have one.' In other words, the real truth is that the Labor Party in South Australia is in total disarray. I hear it in the corridors—I hear what is going on in respect of the backstabbing and the fighting. The media should give the people of South Australia the opportunity to see just what a joke these people are. The Leader of the Opposition was out of the House for half of Question Time and came in just for the grievance debate so that the cameras could home in on him as he pulled all his troops around him so that they could get a mention in the media.

Mr QUIRKE (Playford): It has been a long week and an interesting week, and during Question Time and the grievance debate there were some interesting contributions. A couple of amazing things happened today. The first is the absolute flurry of activity. I have watched members walk up to the Speaker—and I can guess what they were saying—and then talk to a series of people with whom they would not normally bother. It has been an interesting week also because I have just been savaged, as has my good friend the Deputy Leader, by the second string. I am sorry to say it, but those members are the second string because they have not been around very long. I will deal with one of those savagings in a moment.

I was very interested to hear the suggestion that a member on this side wrote the letter. Let me say now that not only did I not write the letter—and I am sure some of my colleagues would testify that they could not write such an eloquent letter or one with such comments—but I did not know anything about it until the conclusion of the Party meeting on Tuesday morning. After that, every time I went to my door to go down to the loo or to go out somewhere else, another member of the Liberal Party was there ready to tell me what had happened during that morning's meeting. I found this a bit strange. At the end of the day I found that a group of individuals were not happy with the events that had allegedly taken place.

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Playford has the floor. Members will have their own chance shortly.

Mr QUIRKE: I refer now to the member for Reynell's comments about my being ashamed and the hint of a suggestion that I told lies about the Christies Beach Police Station. Let me tell her a few facts. First, I have no argument with the member for Reynell. I have not had much to do with the member for Reynell. I have always assumed that she is one of several people in the same vein as the Sean Penn film *Dead Man Walking*, which received an Academy Award not so long ago. The member for Reynell made a number of charges: that it was invented, that it was lies and that it did not happen. She then went on to say that everybody down in Christies Beach knows that, if the police station door is locked, you go around to some silver mechanism and you press a button on the intercom. I did not hear exactly all those comments because of the noise in the Chamber and the poor amplification system.

The other day the Deputy Premier opened his mouth, put both feet in and was actually apologetic about it afterwards. He was shocked that he actually said that a 24-hour police station does not have the door open 24 hours a day. The image of someone using the intercom system and being strangled while the one cop in the station is out the back in the cells is fine by me. If that is what the Government wants to sell, that is fine by me. Another thing that I found fascinating occurred yesterday when, in answer to a Dorothy Dix question, I got another free kick when the Deputy Premier said that everyone knows about the intercom system and that it is appropriate that 24-hour police stations, which are in a particular area because of need, close the door for the security of the personnel inside.

If the Government wants to make those sorts of comments, what Opposition would not use them? Quite frankly, that is not good enough. I had a telephone call some three weeks ago, not from Christies Beach but from Elizabeth. There were two police officers on duty at the time and they had to close the door. Other information has come to the Opposition today from Port Adelaide and from other police stations about the traffic squad, so let me say that there will be more of this.

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

Mr CAUDELL (Mitchell): I wish to make my comments today on a report that has been published entitled 'South West Adelaide—Opportunities from Council Mergers'. It is a discussion paper prepared by Michael Barry from Prodirections Pty Ltd. It concerns merger proposals for the cities of Marion, Brighton and Glenelg. So that no-one accuses me of plagiarism, I wish to say from the outset that the quotations come directly from this paper. It states:

> This discussion paper has been commissioned by the City of Marion as part of its responsibility to report to the Local Government Boundary Reform Board and its own community on options for the merger of councils in adjoining areas. The paper does not purport to carry the endorsement of the City of Brighton or the City of Glenelg and nor does it necessarily reflect the considered view of the City of Marion. Rather, the City of Marion has commissioned a report from an independent consultant to canvass the issues and options based on its preferred scenario of voluntarily merging with one or more adjacent councils. This report is clearly based on supporting the City of Marion's preferred option but also seeks to objectively identify possible disadvantages and impediments to the merging of these councils.

The report goes on to look at a merger between Brighton and Marion, a merger between Brighton, Glenelg and Marion and a merger between Glenelg and Marion. The paper continues:

> . . . this discussion paper does not purport to be a detailed analysis of the feasibility of the three options—indeed such an analysis is not possible or appropriate without the full participation of affected councils.

With this in mind, I have written to the Premier and to the Minister for Housing, Urban Development and Local Government Relations requesting that the Local Government

Reform Board carry out an audit of all three councils and put the results to the residents of the area.

The population projections included in the report indicate that a merger of Brighton, Glenelg and Marion councils would result in the largest council in the metropolitan area, accounting for more than 10 per cent of the population of the metropolitan area. Amalgamation of all three councils would result in an expenditure budget of $56.4 million for the combined three councils, which is 2½ times greater than the current proposal before the Local Government Reform Board in respect of Brighton and Glenelg.

The new council of Brighton, Glenelg and Marion would result in a saving of elected members for that area. In fact, there would be 16 elected members covering five wards, compared with the present arrangement whereby 30 elected members represent 10 wards in the Brighton, Glenelg and Marion council areas. Under any of the electoral models for the new councils it is assumed that the new administration would have an enhanced focus on customer service to allow elected members to increase their focus on policy, strategic planning and other critical aspects of governance.

The report goes on to show the various savings of the three councils if they were to combine. A saving in dollars per annum of $3.5 million would be achieved by a combined Brighton, Glenelg and Marion council. This figure is based on 1994-95 scenarios. Based on happenings in the city of Marion recently, this figure would increase to $5 million based on an extra $750 000 in rate revenue associated with the new Westfield development and a saving of $800 000 on the new waste management contract for the City of Marion. Much has been said in relation to the net debt of these three councils, however an amalgamation of the three councils would see the net debt for the new council at $142 per rateable property or $65 per head. This is less than half that of the average of metropolitan councils.

PARLIAMENT HOUSE SECURITY INFORMATION

Mr BECKER (Peake): I seek leave to make a personal explanation.

Leave granted.

Mr BECKER: I consider I have been smeared by innuendo by poor subediting in an article in today's *Advertiser* titled 'Fighting in public must stop'. The article states:

> The Premier, Mr Brown, has called for discipline from factions of warring State Liberal MPs in the wake of a bitter row threatening to split the Party. An angry Mr Brown summoned the nine MPs involved. . . Those called in included two dumped Ministers and factional 'dries' Mr Dale Baker and Mr John Oswald. They were accompanied by Mr Colin Caudell (Mitchell), Mr Iain Evans (Davenport) and Mr Angus Redford (MLC).
>
> Moderates Mrs Joan Hall (Coles), Mr Sam Bass (Florey), Mr Heini Becker (Peake) and Mr Steve Condous (Colton) were in the other group.

I knew nothing of an anonymous—

Members interjecting:

Mr BECKER: If this was not Parliament, I would take further action against the Deputy Leader. I knew nothing of an anonymous defamatory letter concerning the member for Coles until the issue was raised at Tuesday's Liberal Party meeting. I consider the *Advertiser* article poorly edited and inform the Editor that, unless a correction is made, I will consider using Standing Order 133—

The DEPUTY SPEAKER: Order! The honourable member's explanation is going into debate regarding matters outside the House.

Mr BECKER: I realise that, Mr Deputy Speaker. The point is that I believe that I have been injured by the article. I place on record that I know nothing about it, I am not involved and I have nothing to do with the issue.

Mr CONDOUS (Colton): I seek leave to make a personal explanation. I refer to Standing Order 133—

Members interjecting:

Mr CONDOUS: Can I have my say, Sir, or not?

The DEPUTY SPEAKER: The honourable member did not wait until leave was granted.

Leave granted.

Mr CONDOUS: It is very important that it is on the record, Sir, because I want to exercise my right at a later date. Standing Order 133 provides:

> A member who complains to the House of any statement published, broadcast or issued in any manner whatsoever is to give all details that are reasonably possible and be prepared to submit a substantive motion declaring the person or persons in question to have been guilty of contempt.

An honourable member interjecting:

Mr CONDOUS: I said 'to reserve it for a later date'.

The DEPUTY SPEAKER: Order! Standing Order 133 has already been questioned by, I think, the member for Spence. It was brought to the attention of the Speaker some time ago. The Speaker then ruled that the import of Standing Order 133 was different from that of the original Standing Order 162 which, I believe in the old Standing Orders, referred specifically to matters of privilege. Those matters are left out under Standing Order 133, which changes the context of the Standing Order. As a result of that, the Standing Order has been referred to the Standing Orders Committee for review and possibly rewriting. I suggest that, if the honourable member believes he has some case to make based on that Standing Order, it may well be that he is unaware of those intended changes.

Mr ATKINSON: Mr Deputy Speaker, I rise on a point of order. I am a member of the Standing Orders Committee and we have not yet deliberated on this point, but the literal meaning of Standing Order 133 is that the member for Peake and the member for Colton before going any further in criticising the *Advertiser* must submit a substantive motion. I ask you, Mr Deputy Speaker, to rule that this personal explanation cannot continue until a substantive motion—

The DEPUTY SPEAKER: Order! The Speaker has ruled that he does not intend to interpret the Standing Order in its present form.

Mr ATKINSON: Well, the Speaker is ignoring the plain meaning of the words.

The DEPUTY SPEAKER: The member has no further point of order. I have already said—

Mr ATKINSON: The Standing Order is being held in contempt. It is very clear. It says:

> . . . and be prepared to submit a substantive motion declaring the person or persons in question to have been guilty of contempt.

The DEPUTY SPEAKER: Order! The Speaker has already ruled previously on this matter. It is before the committee, as was acknowledged by the member for Spence. Therefore, I suggest that my present interpretation is correct.

Mr CONDOUS: I refer to this morning's *Advertiser* and an article by the political writer, Greg Kelton, as follows:

> The Premier, Mr Brown, has called for discipline from factions of warring State Liberal MPs in the wake of a bitter row threatening to split the Party.

The sentence about which I am very angry states:

> An angry Mr Brown summoned the nine MPs involved.

In what were we involved? Mr Kelton does not say but implies that those nine MPs were involved in this incident. First, I never received the anonymous letter at all. I have never been invited to a factional meeting of either group. I did not know about the incident until it was raised at the Party meeting on Tuesday morning. I did not speak about the matter in the Party Room when it was raised, and I have not discussed it—and I am not interested in discussing it—with any member of Parliament. I believe that this reporting is totally irresponsible, because when a constituent reads something like that they would believe—

Mr ATKINSON: Mr Deputy Speaker, I rise on a point of order.

The DEPUTY SPEAKER: The honourable member is expressing an opinion and therefore is reverting to debate rather than simply making a personal explanation. The honourable member has made his point. The member for Colton is debating the issue by expressing an opinion rather than stating a straightforward matter of fact.

Mr CONDOUS: That is right, yes.

The DEPUTY SPEAKER: Personal explanations must be a straightforward matter of fact rather than the expression of an opinion.

Mr CONDOUS: I am trying to say that at no stage have I been involved in any of this, yet the implication in the paper gives the impression—

Mr Atkinson interjecting:

Mr CONDOUS: Yes, it does because I have had six phone calls about it already. It gives my constituents the impression that their local member has been involved in some form of infighting within factions, which is totally incorrect. It is totally irresponsible of Mr Kelton simply to sensationalise and make those sorts of statements—

The DEPUTY SPEAKER: Order! The member is debating the issue again—

Mr CONDOUS:—and question the integrity of members. I intend to take the necessary action to have that implication retracted by the *Advertiser*.

ESTIMATES COMMITTEES

The Legislative Council intimated that it had given leave to the Minister for Education and Children's Services (Hon. R.I. Lucas), the Attorney-General (Hon. K.T. Griffin) and the Minister for Transport (Hon. D.V. Laidlaw) to attend and give evidence before the Estimates Committees of the House of Assembly on the Appropriation Bill, if they think fit.

DE FACTO RELATIONSHIPS BILL

Adjourned debate on second reading.

(Continued from 29 May. Page 1558.)

Mr ATKINSON (Spence): Before 1563, people could marry without sacramental or statutory forms. In England at common law it was good enough for the parties to declare before others that they took each other to be husband and wife and then consummate the marriage. Royalty and the aristocracy exchanged their vows before a bishop or priest during a nuptial Mass. But, for the masses, proof of a declaration was sufficient, even if the declaration was made in the corner of a pub. After the Council of Trent in 1563, banns were required to be published, that is, notice of intention to marry thrice given in order to allow objections.

Lord Hardwicke's Marriage Act 1753 required marriages except for those of Quakers and Jews to be solemnised according to the rites of the Church of England in the presence of a minister and two other witnesses. This Act prompted many English people to evade its formalities, such as parental consent, by eloping to the Scottish border town of Gretna Green, the first town north of the border on the road from Carlisle. In Scotland until 1940 marriage could be contracted by mutual declarations of consent to take each other as husband and wife in the presence of two witnesses.

Common law marriage survived Lord Hardwicke's Act but, in *Regina v. Millis* 1844, the House of Lords held that a valid marriage at common law could be contracted only by an exchange of consent in the presence of an episcopally ordained clergyman. I do not know where that left English Presbyterians and Baptists at common law. 'Common law husband' and 'common law wife' are expressions that now survive as synonyms for *de facto* husband and wife. It means couples who are married by habit and repute but not by law.

I mention this history to sustain the point that civil or statutory marriage and sacramental marriage have not always been common in the English speaking world. What passes as a *de facto* relationship today might well have been deemed a valid marriage at common law before *Regina v. Millis* 1844, and *de facto* relationships might thus have carried consequences of property division upon divorce that civil marriage carries today. If that were so, we would not have needed this Bill.

The promoters of the Bill tell us that there has been a sharp increase in the number of *de facto* relationships so that, if they are considered as a proportion of total marriages, they comprise 8 per cent. When I was a child, before 1974, divorce was more difficult to obtain in Australia than it is now. Under the old forms of divorce, one had to establish cruelty, adultery, desertion or some other reason for being granted a divorce. I knew friends of my father who lived in a *de facto* relationship rather than have one or both of them go through the expense and embarrassment of a divorce from their lawful spouse, followed by remarriage to their current partner. Although divorce has been almost farcically easy since the passage of the Family Law Act 1974, there are still some men and women who form a marriage-like domestic relationship with each other and who do not want to go through the formalities of civil marriage and live under the shadow of the Family Law Act—not much of a shadow, I would have thought.

In my opinion, the Family Law Act 1974 has been a charter for male irresponsibility, and feminists ought to recognise it as a device for trading in the old wife, inaugurated by male politicians with 1960s values. Those of us who think the Family Law Act 1974 has cheapened marriage should keep the vows we took during our sacramental marriage and try not to think about how flimsy is our civil marriage, revocable at 12 months notice. Speaking for myself, I would like to see a higher form of civil marriage reintroduced for those brides and grooms who would like to commit themselves to something more than Family Law Act marriage. This form would resemble sacramental marriage and be dissolvable only on the proved fault of one of the

parties, rather like the old forms of divorce, the newspaper reporting of which used to entertain us so much. Those who are happy with the current form of civil marriage could choose to enter that. It would be a matter of choice, but today changes to our law offer only new choices that derogate from moral standards, not higher moral choices.

Members may be surprised, therefore, when I say that, old fashioned though I am about marriage, I have no difficulty in giving legal consequences to *de facto* relationships, because I think that to do so is just. As legislators we have to take society as it is, not as we would like it to be. I also think there is no compelling reason to deny to homosexual couples the advantages of the Bill. Some might say that the Bill undermines civil marriage by creating a lesser legal union of two people, but in my opinion there is not much left in civil marriage to undermine. For me, my civil marriage was just red tape, consequential on my sacramental marriage.

A second reason for the increased number of *de facto* relationships is their use as a trial before marriage. A third reason for the increase is the large number of men who do not want to accept the responsibilities of marriage nor risk sharing their assets with their *de facto* wife upon the dissolution of the relationship.

Mr Clarke interjecting:

Mr ATKINSON: The member for Ross Smith interjects, 'Smart, I would have thought.' I shall come to the member for Ross Smith later. Many of these men have shared their assets with a first or second wife upon divorce and have no wish to share their assets with women again. It is these men at whom the Bill is aimed. What are the property arrangements now upon the dissolution of a *de facto* relationship? Years ago it was common for the partners to such a dissolution to take with them such of the assets as they had brought into the relationship and the assets they had individually acquired during the relationship. For the man, this meant he could take his house, his car and his superannuation. The woman might have kept house for years and raised his children, but she was not entitled to his assets at law. This was an unjust outcome, but the courts, reflecting the values and public opinion of the time, took the view that living in sin—that is, a man and a woman living together as husband and wife without a civil marriage certificate—was a scandal and that the courts should not recognise such an arrangement.

In recent decades the courts began to feel that this outcome was unjust. The courts invented a fiction to overcome the injustice and applied the doctrine of 'constructive trust' to *de facto* relationships. That is to say the courts held that, although the man might own the house and the chattels in law, equity required that he hold part of their value in trust for the woman if she had contributed to their acquisition. The equitable doctrine of constructive trust bears some similarity to the United States doctrine of unjust enrichment, but our doctrine is constrained by precedent. A *de facto* wife whose contribution to her *de facto* husband's acquisition of assets was home making and home making alone might not recover anything under the doctrine of constructive trust. She might have to prove that she contributed money or helped with the family business.

The most recent High Court case on constructive trust was *Muschinski v. Dodds*, which was heard in August 1984, judgment being delivered in December 1985. I shall discuss this case at some length, because it is representative of so many legal disputes between separated *de facto* couples, and it is the leading Australian case on the doctrine of constructive trust that the Bill seeks to supersede. Hilda Regina Muschinski and Ronald Herbert Dodds had lived together at Ingleburn in New South Wales from 1972 without marrying. In 1975 they decided to buy a dilapidated sandstone cottage on land at Picton, New South Wales.

It was their intention that Mr Dodds restore the cottage and erect a prefabricated house in which they could live on the lot. It was agreed that Mrs Muschinski would use the cottage as an arts and crafts shop once it was restored. Mr Dodds said he would not be in the venture if the property was not put in both names. Mrs Muschinski put up the $20 000 to buy the cottage and land by selling her home at Ingleburn. The property was then conveyed to the happy couple as tenants in common. The Wollondilly council refused permission to erect the prefabricated home. Mr Dodds received much less from his divorce settlement than he had expected and he did not restore the cottage. In May 1980 the couple separated permanently.

The Hon. S.J. Baker interjecting:

Mr ATKINSON: The Deputy Premier says, 'It didn't last long.' Mrs Muschinski and Mr Dodds lasted for eight years, and that is much longer than the average *de facto* relationship. I shall give the Deputy Premier some statistics on that very point later, since he has invited those statistics.

Mrs Muschinski claimed to be entitled to the beneficial interest in the entire property because, she argued, Mr Dodds held his half on constructive trust for her, as the person who paid the entire purchase price, until he discharged the presumption of constructive trust by performing his side of the bargain. Mrs Muschinski failed before Mr Justice Waddell in the New South Wales Supreme Court, and she also failed before three justices of the New South Wales Court of Appeal. Remember, this is only a $20 000 cottage and land. But Mrs Muschinski would not give up and she appealed to the High Court in an action which, I will wager, cost much more than the value of the Picton property. A similar burden of costs in the South Australian jurisdiction was mentioned in debate in another place. The case was heard before five justices of the High Court and the leading judgment was delivered by Mr Justice Deane. This is what he said about the doctrine of constructive trust:

> In its basic form it was imposed, as a personal obligation attaching to property, to enforce the equitable principle that a legal owner should not be permitted to use his common law rights as owner to abuse or subvert the intention which underlay his acquisition or possession of those rights. . . Viewed in its modern context the constructive trust can properly be described as a remedial institution which equity imposes regardless of actual or presumed agreement or intention. . . Equity regards as done that which ought to be done. . . The fact that the constructive trust remains predominantly remedial does not, however, mean that it represents a medium for the indulgence of idiosyncratic notions of fairness and justice. As an equitable remedy, it is available only when warranted by established equitable principles or by the legitimate process of legal reasoning, by analogy, induction and deduction, from the starting point of a proper understanding of the conceptual foundation of such principles. Thus it is that there is no place in the law of this country for the notion of a constructive trust of a new model, by whichever name it is described, imposed by law when justice and good conscience (in the sense of fairness or what was fair) require it. Under the law of this country proprietary rights fall to be governed by principles of law and not some ruse of judicial discretion, subjective views about which party ought to win and the formless void of individual moral opinion.

An honourable member interjecting:

Mr ATKINSON: The member for Ross Smith has pointed out that Mr Justice Deane is now Australia's Governor-General. Later Mr Justice Deane concluded an historical review of equity law by saying:

Undefined notions of justice and what is fair had given way in the law of equity to the rule of ordered principle which is the essence of any coherent system of rational law.

You might think, from listening to that magisterial exposition of the equitable doctrine of constructive trust, that Mr Justice Deane was saying that the rules of equity had been set in concrete so as to promote the highly desirable quality of certainty in our law and that they were not to be bent to accommodate new developments such as the increase in the number of *de facto* couplings.

What the court might have gone on to say, if prompted, was that it was there to apply the law as it most certainly existed, not to legislate, that is, not to pass new laws to cover new situations. I think the court is right to approach the problem in this way and I only wish that the High Court still held this view. Instead, some current High Court judges are keen to make, and do make, politically-correct new laws which they wish the elected parliamentarians had made but which, owing to our benighted, populist and reactionary nature, we have not made. But that is another matter.

To satisfy the curiosity of the House, I add that Mrs Muschinski won her appeal, so the equitable doctrine of constructive trust cannot be as rigid as Mr Justice Deane said it was. Perhaps he was just raising the excitement of the parties by foxing a bit. I should add that the approach of Justice Deane and the majority was not shared by justices Brennan and Dawson, who dissented. They would have sent Mrs Muschinski away empty handed.

We, as legislators, cannot leave the law applying to the division of property between separated *de facto* couples in this state. What we are doing today is to make a new law to take the place of the doctrine of constructive trust. The Bill, by clause 11, provides that, when considering an order for the division of property between a *de facto* couple who have split, the court must consider the financial and non-financial contributions made directly or indirectly by or on behalf of the *de facto* partners to the acquisition, conservation or improvement of property of either or both partners. That is the guts of the Bill. The court should also consider the financial resources of either or both partners and must consider homemaking or parenting contributions. I agree with that formula. The sooner it becomes law, the better. Homemaking and mothering contributions—for mothering contributions they usually are—should be taken into account in the division of property.

An honourable member interjecting:

Mr ATKINSON: I hear the member for Ross Smith indicating his assent: I hope he will support amendments to the taxation system to reward homemaking as it should be rewarded. Clause 10 of the Bill authorises the court to order the transfer of property from one *de facto* partner to another; the sale of property and the division of the net proceeds between the partners in proportions decided by the court; and the payment of a lump sum by one partner to another. Another advantage of the Bill is that the law applying to the division of property upon the break-up of a *de facto* relationship will be certain compared with the law of constructive trust, and disputes may be heard as a minor statutory proceeding or in the Magistrates Court or the District Court.

I turn now to the other provisions of the Bill. The definitions clause provides that a *de facto* relationship is one between a man and a woman who, although not married, have lived together on a genuine domestic basis as husband and wife. Owing to amendments made in another place by the Australian Labor Party and the Australian Democrats, a *de facto* relationship can also include a homosexual relationship between two people who live together on a genuine domestic basis.

Mr Scalzi interjecting:

Mr ATKINSON: The member for Hartley asks, 'How do you define that?' Just as we have defined it. I think it is as easy to measure as it is in respect of heterosexual couples. In my travels around my electorate, I have come across three homosexual couples who have a genuine domestic relationship, and it has endured for a long time.

Mr Rossi: How do you know they were homosexuals? Did you watch them in the act?

Mr ATKINSON: The member for Lee's interjection does deserve—

The DEPUTY SPEAKER: The honourable member need not respond to the interjection. The member for Lee is out of order making the interjection.

Mr ATKINSON: No, on this occasion the member for Lee's interjection ought to be recorded for posterity. The answer is that, in the one case of a couple who remain in my electorate, they told me. When people tell me what their sexual orientation is, I am inclined to believe them.

Clause 9 provides that, before the Bill can apply to a *de facto* relationship, the couple must have lived together for three years or that there is a child of the relationship. Whenever MPs gather to deliberate privately on the Bill, the men foreshadow the arrival of the removal van at the dwelling of the *de facto* couple two years and 11 months into the relationship. The Government has responded to this male predilection for avoiding their responsibility to their partner in clauses 5 and 6 of the Bill by allowing the partners to make a cohabitation agreement to be enforced as a contract. The agreement can specify the division of property at the end of the relationship. The agreement must be in writing and signed by each party. You can bet that the most common form of these agreements will be those in which the man specifies that he keeps all the property he brings into the relationship with the woman.

The Bill provides that the cohabitation agreement is enforceable as a contract when the couple is dividing property at the end of the relationship, but if the agreement would result in serious injustice the court may vary or set aside the agreement in favour of the rules set out in clause 11. So far, so good. But, the 12 blokes and the heiress that make up this Government do not rest there. In the Government version of the Bill, a couple can exclude the court from looking at the division of the property upon separation and thus exclude the rules set out in clause 11 of the Bill if the couple sign a certified cohabitation agreement.

I just want to pause there to say that, throughout this legislation, we find a word unknown to the English language. We find the word, 'certificated', and I do not know what that means. It seems to me that it means the same as 'certified', a word with fewer keystrokes and simpler and understood by all. So, let me indicate that I would want a very good explanation from the Deputy Premier about why we have to invent a new word, 'certificated', to replace the word 'certified' that has been doing a good job for centuries.

The Government has proposed to make signing such a certified cohabitation agreement easy, but Labor and the Democrats in another place have made the certification of such an agreement rather more difficult. Under our version, a cohabitation agreement can be certified by the couples each consulting a different lawyer, having the lawyer explain the agreement to them, giving the lawyer credible assurances that

he or she is not acting under coercion or undue influence, disclosing to each other all material assets and, finally, each signing in the presence of his and her lawyer.

The Opposition would like the additional requirement 'that the certified agreement be entered into in the utmost good faith'. We are suspicious of cohabitation agreements that seek to exclude the courts from looking at their provisions. As the Australian Democrats have said in this connection:

> The common argument is that no-one can protect people from themselves. However, the law can and does defend vulnerable people and the role of the court should remain.

That statement is a Democrat jewel, and I propose to keep it in a safe place until we have the debate on prostitution and drugs. The Australian Family Project, a study conducted under the auspices of the Australian Institute of Family Studies, found that *de facto* relationships lasted on average two years; a quarter lasted one year, half ended after two years, and three-quarters were finished after four years. This means that, leaving aside those relationships that produce children, the Bill will catch fewer than half the *de facto* relationships in South Australia and, of those, some will be excluded by certified agreement.

It has been suggested that another way of tackling the problem of property division at the end of a *de facto* relationship is for the State of South Australia to refer its constitutional coverage of this topic to the Commonwealth, and stand by while the Commonwealth plonks it with the Family Court. I agree with the parliamentarian who said that the procedures of the Family Court would need to be changed before we committed more State disputes to its jurisdiction. Quite apart from this, I think the referral would be a bad move constitutionally, especially when Queensland is the only State that has done this or proposes to do it. Moreover, the argument over whether the law should embrace homosexual couples is something that people of good will and, indeed, States may legitimately disagree with, and this issue would prevent the Commonwealth Parliament legislating on the matter for all Australian jurisdictions. If the Commonwealth Parliament did legislate for homosexual couples, some States might swiftly withdraw their referrals.

When the Deputy Premier presented the Bill to the House, he did so in the form it had come from the other place. The definition of '*de facto* relationship' in clause 3 now includes a homosexual relationship between two people who live together on a genuine domestic basis. In his second reading speech on the Bill, the Minister neglected to mention this definition and the fact that he and his Government would be moving to strike it from the Bill. I think that is a deliberate oversight and one that does the Government no credit. If the Government must strike from this Bill—

The Hon. S.J. Baker interjecting:

Mr ATKINSON: No. I support the Bill in its current form, and if the Deputy Premier had been listening carefully he would acknowledge that I have given compelling reasons why I support it in its current form, and that is that the argument that somehow this Bill, by creating a lesser form of relationship, might derogate from civil marriage is not, in my view, an argument because, with civil marriage, there is not much left to derogate from, and I hope that is clear to both the member for Newland and the Deputy Premier.

So, if the Government must strike this homosexual provision from the Bill, let it give us the reasons in the second reading speech instead of ducking for cover and shamefacedly using its numbers at the Committee stage to delete the definition without debate.

Mr Rossi interjecting:

Mr ATKINSON: I ask that the member for Lee withdraw the reference to me as a 'hypocrite'.

The DEPUTY SPEAKER: The member for Lee is interjecting improperly. I ask him to withdraw the use of the word 'hypocrite'. It is not good parliamentary language.

Mr ROSSI: I was stating a fact that the member was saying that we are using our numbers in this House—

The DEPUTY SPEAKER: The honourable member is coming very close to contempt of the Chair and, like with Queen Victoria, the Chair is not amused. I ask the honourable member please to formally withdraw.

Mr ROSSI: I shall refuse to withdraw and am leaving the House.

The DEPUTY SPEAKER: The Chair has no choice but to name the honourable member. I ask the honourable member to consider what is an act of gross impudence towards the Chair. I will give the honourable member a couple of seconds to think this over, otherwise he will be named. I ask the honourable member to withdraw. The Chair has no alternative. I have no discretion.

Mr ROSSI: I withdraw the word 'hypocrite', but the member for Spence definitely has double standards.

Mr Clarke interjecting:

The DEPUTY SPEAKER: I thank the member for Ross Smith. The honourable member is acting in gross defiance of the Chair. He is qualifying the withdrawal. I simply cannot tolerate behaviour of this kind from either side of the House. I ask the honourable member unequivocally to withdraw his last comment. The honourable member is stretching the patience both of the Chair and of the House.

Mr ROSSI: I am trying to get advice, Mr Deputy Speaker, so I am afraid that you do have to give some leeway.

The DEPUTY SPEAKER: The honourable member is acting in gross ignorance of parliamentary procedures.

Mr ROSSI: I will withdraw the comment.

The DEPUTY SPEAKER: I thank the honourable member. The member for Spence.

Mr ATKINSON: I find that an extraordinary application of the Standing Orders: an Opposition member would have been out on his ear five minutes ago. In my travels around my electorate I have met three homosexual couples—two male and one female—who live or lived together on a genuine domestic basis and had done so for a long time.

Mr Condous: Were you on your bike?

Mr ATKINSON: Yes, I was on my bike on each occasion. In my opinion, justice demands that they be given the advantages of the Bill just like heterosexual *de facto* couples. A *de facto* relationship is not sacramental marriage. Having said that, I must concede that the only couple who still live in my electorate have approached me about the Bill and told me they do not favour this clause. The reason is that they regard the gay movement's lobbying for the definition as—to use their word—hubristic, and likely to cause complications for some homosexual couples and to evoke a backlash among straight people.

The Australian Council for Lesbian and Gay Rights has written to Senator Sid Spindler, who has proposed the Sexuality Anti-Discrimination Bill, to ask him to withdraw that clause that treats same sex relationships on the same basis as *de facto* heterosexual relationships.

Mr Brindal interjecting:

Mr ATKINSON: The council's spokesperson, Ms Robyn Walsh, writes:

> We have to recognise that there is a deep division in our communities about the best way for the legal system to recognise our relationships. For this reason, and in contrast to the broadbrush approach taken by Senator Spindler's Bill, we believe that it is more efficient and effective to deal separately with same sex relationship recognition in areas like superannuation, wills, child-care, workplace entitlements and the health system.

Lesbian and Gay Community Action prefers a 'wait and see' approach on this matter, but the President of the AIDS Council, Mr Will Sergeant, supports the definition as it now stands in the Bill. He says:

> Gay and lesbian relationships should not be denied the normal protection of the law. Some gay men and lesbians may not wish to associate themselves with the trappings of heterosexual relationships but the choice should be made available.

Mr Rossi: We're not stopping them from doing anything; we are just not recognising them.

Mr Brindal interjecting:

Mr ATKINSON: I agree with the opinion of Mr Sergeant. Those gay and lesbian couples who do not want the trappings of this proposed law can make their own cohabitation agreement or otherwise evade the provisions of the Bill. Now is the appropriate time to include homosexual relationships in the legal definition of *de facto* relationships.

In conclusion, the Bill is retroactive in that it applies to *de facto* relationships that were formed before its proclamation. I do not think that the Bill can be criticised on that account because those who would be subject to it have at least two means of avoiding its provisions. I commend the Bill to the House in its current form: it is a just proposal.

Mr ROSSI (Lee): I oppose the Bill in its entirety. In February I spoke to my colleagues about the Bill and I opposed it on two grounds. First, I am becoming tired of the situation involving laws of the State *vis-a-vis* Federal laws. A number of transgressions have occurred in the past with the Federal Government enforcing its views on the States, namely, in relation to foreign treaties and, most recently, the matter involving a reduction of the speed limit in South Australia from 110 to 100 km/h. The State Government is now interfering with the Federal Constitution. Part V of the Federal Constitution states that marriage is the responsibility of the Federal Government, and divorce and matrimonial causes, parental rights and the custody and guardianship of infants are all recorded under the Federal Constitution. Why is the State Government interfering with the Federal Constitution?

In relation to the comment by the member for Spence concerning homosexuals, I do not believe that anyone has any right to interfere in the lives of two adults or in what they do behind closed doors. However, when a couple, whether both males or both females, try to tell me how to behave in public, I believe that they are interfering with my rights and the rights of the majority of people in Australia.

The member for Spence has also stated that he has three homosexual couples living in his area and that he recognises that they are homosexuals because they have told him they are. Are they telling the truth? Are they telling a lie? Who knows? The only way to tell whether two people are involved in a homosexual relationship is to observe them in the bedroom. If two adult males live in the same house, either working or claiming unemployment benefits, they are entitled to be treated as two individual adults. What happens if they live together and it is not recorded anywhere? One person could be working and the other person could be claiming unemployment benefits. A female single parent could be claiming child endowment.

The Commonwealth Government will find out whether or not they are entitled to benefits after only a period of three years has elapsed, if they record with a lawyer the appropriate certified document which has been registered or sent to the Commonwealth Department of Taxation. What happens if they do not do that? For a period of at least three years they receive unemployment benefits, child endowment and rent relief. What happens if they are caught? Do they have to refund the money? You cannot get blood out of stone; they have spent it on food, clothing, gambling or travelling overseas. The refund to honest taxpayers is lost forever. I do not oppose homosexuals being recognised—if they must be recognised—if they register with the Taxation Office—

Mr Atkinson: Wait for the Bill.

Mr ROSSI: No, I am not waiting for the Bill, because I believe that there are holes in the Bill. Any couple can notify the Taxation Office that they are living together, and as from that date they will be treated accordingly. Until they are registered and recorded, they should be treated as individuals.

Mr Brindal: Are you registered?

Mr ROSSI: Yes, I am registered; I have a marriage certificate which I did not obtain from a lawyer after paying $90.

Mr Atkinson interjecting:

Mr ROSSI: Immediately I signed that certificate, I was eligible for certain entitlements from the Commonwealth Government. I am not allowed to get a single parent pension and I am not allowed to live in two South Australian Housing Trust homes with my family—only one. What happens with people in *de facto* relationships? A number of people in my electorate have two Government houses and they swap the nights that they sleep at each other's house. At whose expense do they live like that? That of the honest taxpayer. I am not saying—

Mr Brindal: They must be stupid, because they pay two lots of rents.

Mr ROSSI: No, they get subsidised rental. Using the honourable member's definition, it is we the honest people who put up with them who are stupid. We allow marriages to break up, and we recognise these types of relationships when they should be treated just as a business relationship. If I bring $200 000 into a relationship, and somebody else brings in $50 000, and subsequently there is a breakdown in the relationship, the money should automatically be split up in those proportions. What is so hard about that? That occurs in a normal partnership between two adults. Why should it involve *de facto* relationships? Even though we have no authority to do so, why should we define in our legislation what marriage and children are?

Mr Brindal interjecting:

Mr ROSSI: Yes, we do. It is in there. The member for Spence was upset at the word 'hypocrite'. I have looked at the dictionary—

Mr Atkinson: Here we go!

Mr ROSSI: Either you are a Christian or you are not. You either support this Bill or you do not, and as far as I am concerned—

Mr CLARKE: I rise on a point of order, Mr Deputy Speaker. The member for Lee is transgressing your ruling, Sir, with respect to his unreserved withdrawal of the word 'hypocrite'.

The DEPUTY SPEAKER: Any attempt to define a word upon which the Chair has already ruled is against parliamen-

tary procedure. I am quite sure that the honourable member was unwittingly transgressing, but I ask him to leave the dictionary alone and return to the subject of the debate.

Mr BRINDAL: I rise on a point of order, Mr Deputy Speaker. I am sorry to do this to my friend, but the member for Lee just said that 'Either you are a Christian or you are not,' and he tried to say that people who are Christian would not vote for this Bill, and I object to that strongly.

The DEPUTY SPEAKER: The honourable member will have the opportunity to make his contribution to the debate.

Mr ROSSI: The honourable member will have his chance to say what he feels about this Bill and I will have mine. The electorate will have their say when they judge us at the next election. The Bill refers to a homosexual relationship between two people who are living on a genuine domestic basis. How do you know that they are living on a genuine domestic basis unless you put surveillance cameras on them? What is the difference between getting a registered agreement from the Office of Births, Deaths and Marriages and getting a certificated agreement from two independent lawyers? People are making a commitment, so why not do it the right way, which is not necessarily the religious way, at the Office of Births, Deaths and Marriages? Why does have it have to go through two independent lawyers? Where does the Bill say that those certificated copies have to be registered in a Government department?

Mr Atkinson: It is a Government Bill.

Mr ROSSI: It is a Government Bill, but it could be a private contract, for that matter, and I could keep three copies in my bank safe. Where does it say that the Government has to recognise that until there is a dispute? Until there is a dispute, that certificated copy does not necessarily have to be given to anybody. Therefore, people who live in such a relationship can get unemployment benefits, child endowment, rent relief and every other Federal Government handout until they are caught in 20 or 30 years. Is that fair for the honest taxpayer? I do not think so.

Mr Atkinson: The Howard Government can do something about it.

Mr ROSSI: Your Government didn't. I agree that it should do something about it, and I hope that the few words I have said today are heard in Canberra and something is done about this, because I am totally opposed to these deceitful, dishonest relationships that present Governments try to encourage. We should encourage family unity rather than splitting up and ripping off honest taxpayers' money.

Mr Atkinson: Are you going to vote against the Bill?

Mr ROSSI: I am definitely going to vote against the Bill, and I will vote against any Bill that breaks down family cohesion. I apologise to the Minister and my Party because of my stand, but I am firmly against this Bill. It strikes a very strong chord in my heart, and I will oppose any Bill that is similar to this one.

Mr SCALZI (Hartley): I support the original intent of the Bill, but I cannot support the Bill in its current form. Like members of the Government in another place, I agree that there is a strong need for legislation in this area, and that is why the Government introduced this Bill with regard to *de facto* relationships and property. It is important because, regardless of what stance we take and what religious beliefs we have, we must deal with reality. We must ensure that equity and justice are done and that individuals—men and women—have equal access to the law and children are protected in such relationships. It is very important that that is acknowledged. I make no judgment on individuals. I make no judgment on whatever belief a person holds, and I would—

Mr Atkinson: I take it you are a relativist.

Mr SCALZI: No, I am not a relativist. I am a democrat, a liberal democrat, in the true sense of the world. A small 'l' liberal, if members prefer. I believe that we must acknowledge the diversity of our society.

Mr Clarke: So will you vote with us?

Mr SCALZI: I cannot support the Bill in its current form, and I stated that clearly, because I believe it interferes with the original intent of the Bill.

Mr Clarke: There are homosexuals out there.

Mr Atkinson: I have seen a couple kissing on SBS.

Mr SCALZI: Have you? I support a person's humanity, regardless of their behaviour, and I do not wish to pry into people's private behaviour.

Members interjecting:

The SPEAKER: Order! Everyone has had a fair go.

Mr SCALZI: It is not the place of the member for Hartley, the member for Spence or the member for Ross Smith—or any member—to place judgments on individuals on what they do in private. Under South Australian law there is a given right and it should not be interfered with. That does not mean that, because there is a given right about what people do in private, we should give recognition to certain behaviour where there is no permanence in that behaviour. We should not base a law on something that is not permanent. Homosexuality is not necessarily permanent behaviour, and I do not believe—

Ms White: Neither are some marriages.

Mr SCALZI: They are not permanent, that is true. However, a *de facto* relationship or a putative spouse is used in the sense of 'in place of.' In place of what? There is a broad spectrum of behaviours. As I said, I do not wish to pass judgment on any behaviour that takes place in private.

Mr Clarke: You are denying them these rights. You are discriminating.

Mr SCALZI: The member for Ross Smith says that I am discriminating. He has not been listening to me. I made it clear from the beginning that I do no discriminate against individual behaviour that takes place in private, the same as I wish other people not to discriminate against my behaviour in private. That is a given right, and I will be the first to defend that in this place, outside or anywhere else, but that does not give us the right to make laws which are based on behaviours that are not necessarily permanent. My definition of a '*de facto* relationship' is a permanent relationship between a man and a woman instead of marriage; that is, the man remains constant and the woman remains constant. I am referring to a relationship between the female and the male species.

The SPEAKER: The honourable member should keep his comments to the Bill.

Mr Clarke: You did not study genetics, did you?

Mr SCALZI: No, I did not study genetics and obviously the member for Ross Smith did not, either. I am not as learned in the legal area as my friend the member for Spence, but on this side of the House we take conscience issues seriously. Members opposite would have noticed that on this side of the House we have different opinions, and we are allowed to express our different opinions. I find it incredible that Labor Party members in another place all vote in unison. That defies genetics. There should be a variation amongst a large group such as that. I believe that it was supposed to be

a conscience vote, but it is coincidental—and one should celebrate the unison—that they all agreed.

Members interjecting:

Mr SCALZI: Some of the comments coming from members opposite are incredible. An article in the *Advertiser* reported on the vote in the other place. The article was headed, 'Gays on verge of rights victory.' That is what it is all about. It is not giving access so that they can have the same property rights as human beings. Will the Opposition pass laws to give the same rights to two brothers or two sisters living in the same house? Why not give them the same rights? Why do we have to differentiate? In 1992, 8 per cent of couples were in *de facto* relationships in South Australia: that is reality. We have to deal with that reality.

We also know that 69 per cent of *de facto* couples are aged between 15 and 34 years of age. That implies that children are involved. It is very responsible of the Government to come up with legislation that takes into account not only the rights of individuals in those relationships—regardless of one's belief—but also protects the children of those relationships. It would be negligent of any Government not to take that into account in a civil society, in a secular society.

We are not a religious based Government. We have separation of religion and State, and we have to take that into account. We have to realise that some couples wish to live in a *de facto* relationship and it is their perfect right. When that relationship breaks up, they should have access to the law similar to a married couple. To extend that to homosexual couples is going too far. Why does not the Opposition come up front and say that it supports gay marriages? Why does it not come up front and say it supports the adoption of children by gay couples? Why does it not come up front and say that it supports gay couples being involved in invitro-fertilisation? Why does it not come up and say, 'These are the rights that should be accredited to them'?

The rights of property should be available to a *de facto* couple, just like any other couple. Equally, we should say that a gay couple should be recognised, if that is what members opposite are proposing, so that the *de facto* gay couple has equal rights. In other words, there is a logic, there is a sequence. The Opposition is trying to bring in a law at the extremities without first acknowledging the rights of gay couples. The amendment does not make sense: it is illogical. If we were to support the Bill in its current form with the amendment, we would find that at present there are couples of the same sex living in the same household. I do not know what they do in private, but at present they are entitled to receive two single pensions. If we change the law, would that mean that we should investigate who is living in a *de facto* gay relationship and who is not?

Does not the Opposition understand that its amendment has not been thought out properly and it could lead to further problems down the track? Parliament has to protect the rights of individuals. We are not here to legislate for behaviour that is not necessarily permanent. Members opposite, when I first stated that, giggled and chuckled. For example, a couple with a child might decide, after 10 years of marriage, to split up and one or both of them might enter into a gay relationship. How does the Opposition deal with the discrepancies between the two? Has that been thought out?

I have stated consistently today that I do not wish to discriminate against individuals, no matter what their behaviour. For example, with regard to employment I would be the first one to defend them. I am simply stating that the Bill in its current form will lead to more problems than it solves. It moves away from the intentions of the Government to provide justice and to put commonsense into something which is a reality. The reality is that 8 per cent of South Australians live in a *de facto* relationship. The reality is that 69 per cent of that 8 per cent are in an age group where children are most likely to be involved, and it would be negligent of this Government if it did not pass legislation to take that into account.

It is irresponsible to go further than that. If the Opposition and the Democrats—who are elected on proportional representation, although they continually use their power disproportionately to their level of representation—wish to change that, they should bring in laws which say that gay marriages are legal. Let them introduce legislation that allows gay couples to adopt children and let them face the public with that. Then we can talk about *de facto* gay relationships, because we will have a point of reference. At the moment we have no point of reference; we have something that has crept in for people who want to refer to *de facto* relationships when it suits them and to married couples when it suits them and to go back to single couples when it suits them, for welfare. There is no consistency, because we are frightened of what people outside might think.

I will not discriminate against an individual, regardless of his or her sexual preferences, but I will say that this amendment has gone too far and that the South Australian public will not accept it. Let us be honest about it and put it up front. It is quite incredible that members opposite can vote in unison and that there is not a wide range of opinion amongst the Opposition. Where is the conscience vote that it prides itself on in matters such as this? I can tell members opposite that it operates here and that we tolerate it. We have differences of opinion and we are proud of them in this Party. The Liberals have that.

As you can see, we can all speak on issues from a different point of view. We are not gagged; we are not told how to vote or how not to vote on these issues, and the public wants members to exercise their vote on issues such as this. I am sure that the public would wish the Labor Party and the Democrats in another place to do likewise—to exercise their conscience, not to vote together.

I cannot support this Bill in its current form. I congratulate the Government on the intention of the original Bill in that it recognised the need for legislation in this area. It is important that it get through. It is a pity that members in another place do not have the same wish to give justice to the South Australian public, to the people who are involved in those relationships and to the children of those relationships.

Mr CLARKE (Deputy Leader of the Opposition): I will be very brief, as always. All I want to do in support of the Bill is simply to address the only point that the member for Hartley made which I found made any sense whatsoever. He said that somehow or other this measure puts the cart before the horse and that, if we were dinkum about it, we should recognise gay marriages and the like. The fact is that homosexual couples are living together now, relationships break down and there is a dispute over property division. Those people are being required to go through a more arduous and expensive course than a heterosexual couple would be involved in, where there were no children. If there are children involved in a homosexual relationship and there is a dispute, it goes before the Family Court.

An honourable member interjecting:

Mr CLARKE: That also applies with respect to homosexual relationships: those involving children—and that can occur—go to the Family Court. We are dealing with homosexual couples who have no children, who are living together and who decide, as might a heterosexual couple, to split up for whatever reasons, and there is an argument as to property. This has been happening since time immemorial; it is happening today and will be happening tomorrow, next week and so on. This Bill, which was passed in another place, provides a very simple method to address their concerns and an equitable way for their relationships to be terminated and their assets disposed of where there is a dispute—the same as for heterosexual couples.

Regarding the proposal that we should postpone the argument until such time as we debate gay marriages and the like, that would be perpetrating an injustice on this small group of people who are incurring unnecessary cost while we in this Parliament and the community debate—maybe years down the track—whether or not we recognise gay marriages or the adoption of children in a homosexual relationship. That is the issue we are debating at this moment; that is, do we continue to discriminate against homosexual couples who live in a *de facto* relationship and who have property disputes?

Why should we impose on them a more onerous and costly burden in dividing up their assets? Why should we perpetuate that injustice on that group of people over a heterosexual couple who equally go through a very traumatic breakdown in a relationship and have somehow or other to work out a property settlement? It is as simple as that. It is not about recognising gay marriages or the adoption of children: it is about addressing a real issue, now, and in an effective manner. I would urge members opposite to support the Bill from another place, because it removes that area of discrimination.

Frankly (and I will finish on this note), either you believe in not discriminating against a person based on their race, colour, religion, sexual preference, disability or whatever, or you do not. This is a Bill with which, without shaking the foundations of society, we can very easily give a bit of fundamental justice to this group of people. We expect no better from the member for Lee. I can really only put it down to his not really understanding anything that goes on in this House, let alone what is comprehended under this Bill.

Mr Rossi interjecting:

The SPEAKER: Order! The member for Lee has been cautioned, counselled and warned by the Deputy Speaker. Those rulings stand, and I do not want to have to speak to him again. The member for Unley.

Mr BRINDAL (Unley): It does not give me much joy to stand here and agree once again with more of the Opposition's comments than with my own colleagues, but my colleagues understand my point of view on this, because we have talked about it many times before. It is a conscience matter, so I wish to lay down a point of view, which is not universal among my colleagues. I do not believe that this is a matter about marriage or sexuality. Indeed, if a Bill came in here to recognise gay marriage I do not know whether I would be in favour of that, because marriage is defined in usage and custom as a rite of the Christian church and as a similar rite in other churches. It is also defined in law, and I do not know whether the concept that we understand as marriage can ever or should ever be extended. But this is not about gay marriage: it is about a relationship between two people. The fundamental of the argument is whether, in defining a relationship between two people, it is right to exclude a particular category of people while including another category of people. That is what it gets down to.

The member for Hartley said that 8 per cent of people in South Australia are living in *de facto* relationships, that about 69 per cent of those were of child-bearing age and that therefore this Bill was necessary to protect children. I would suggest to the member for Hartley that he learn—fairly quickly—that the Family Law Act of this Commonwealth of Australia protects anybody who in a relationship has issue. Whether or not they are married, they are covered by the Family Law Act and, as the Deputy Leader pointed out, the same applies to a same sex couple, one of which had progeny from a previous marriage if there is a dissolution of that marriage. So, unlike what the member for Hartley says, this Bill is not about children or issue: it is about power in relationships.

The fact is that this Parliament and every Parliament in our system since time immemorial has sought to pass law. Why do we pass law? We pass law for the better governance of the people, and generally we pass law that protects those who are weak and disadvantaged in society from those who are strong. I challenge any member of this House who has ever been in any sort of relationship, even if it is only in a relationship with their parents, not to realise that in every relationship there is a power situation: there invariably is a weaker and a stronger individual.

The Hon. S.J. Baker interjecting:

Mr BRINDAL: The Deputy Premier says that he can concur with that. This law seeks to create equity in economic terms in a situation to which both people in the relationship have probably made an economic contribution. There is an economic input by parties at the end of a relationship—

Mr Scalzi: Our law should be based on economics, then.

Mr BRINDAL: The member for Hartley says that our law should be based on economics. I know taxation law, and I know that every law that this Deputy Treasurer brings in seems to be based solely on economics. I found the member for Hartley's contributions taxing, but I did not interrupt him.

The member for Hartley also argued that, for some reason, heterosexual relationships were given a degree of permanency. I would like the member for Hartley to tell that to many of my friends who have, by rite of the church, been blessed with a sacrament until death do them part, but they do not necessarily continue living with the same partner. Some of my friends have had two or three wives and various other permutations. Some of them are now single, others are not. The fact is that in any human relationship there is no permanency. This Bill is not about the protection of children or about relationships in which there is permanency: this Bill is about equity when a voluntarily entered into relationship breaks down. It is about equity in the separation of a relationship.

I commend the Government for introducing the Bill in its original form; I think it makes a positive step forward. Unlike the nervous Nellies that I have heard around the community saying that it denigrates marriage, it does not: it has nothing to do with marriage. All it does is seek to offer protection to those who are not protected.

An honourable member interjecting:

Mr BRINDAL: I will give the member for Lee a good example. Two friends of mine, who were both teaching in the tribal lands in the north-west reserve, lived together for 13 years. They eventually became engaged only because another male was interested in the female of the partnership.

The male then decided that he wanted another relationship, so he said, 'Our relationship is over.' She looked to take half the assets that they had built up over 13 years. Unfortunately for her, and very fortunately for him, the very expensive car they owned he had paid every cent towards; and the two blocks of land that they had acquired and the house on one of them, he had paid every bill over the 13 years. The result was that, while she had fed and clothed him and provided every cent for his maintenance so that he could acquire substantial assets, when they came to split up, she was entitled to nothing.

She took the matter to court and the court quite simply said, 'We don't care what your relationship is. There are no children. You were not married. Let's see who made the contributions.' He produced all the bills and all the receipts. She had nothing. She had only fed and clothed him, done his laundry and looked after him. She had allowed him to acquire the assets and then he ripped her off. If the member for Lee or anyone else in this Chamber says that that is just, I would say that they do not know what justice is.

That is the Bill as the Government has brought it into this House. I think that the Attorney-General, members of the Opposition and members of this Party—all members of this Chamber—who see the wisdom in the nature of the Bill, even in its original form, are to be commended. It is an important and significant piece of social legislation. I acknowledge the courage of the member for Spence in his contribution. I have never known him to err from the general point of view taken by some of the organisations around Adelaide. I warn him that he may well be in as much trouble as I will be in over this issue, because they will not like him.

Mr Clarke interjecting:

Mr BRINDAL: The member for Ross Smith says that he has been re-endorsed. I can assure the member for Ross Smith that, whether I last in this place 18 more months or 18 more years, I will at least leave this place knowing that I stood up for what I believed in. If any person in the Liberal Party is so petty and small-minded as to deny the very platforms of our Party and to deny me, on a matter of conscience, the right as I speak, perhaps it is not the Party that I should be in.

Mr Clarke interjecting:

Mr BRINDAL: I mean that. I do not know any member of my Party who has ever denied to any other member of the Party the right to speak and the right to hold an opinion. That is something that we hold very valuable and very dear. There are those who might criticise our individual points of view but, when they start criticising our right to hold them, they do not understand the Party to which they belong. I would actually give them a membership to your Party; it seems much more applicable.

I urge all members to think about this—this Bill is not about what you do with your sexuality: it is about relationships and equity. The story I related to the House concerned a male and a female. It could equally have concerned two males, one of whom used the other to acquire wealth, goods and services for himself, and then discarded the other. That, to me, is offensive and wrong, and the law should protect people who bind themselves together in relationships.

I agree with the member for Hartley when he, in many ways, seeks to protect and enshrine concepts that I grew up with, too—concepts of marriage, family and things like that. But they are concepts which belong to our own morality and are enshrined in the Family Law Act and other Acts. We live in a pluralist society and, while it is right for us to protect and enshrine certain values, it is equally right for us to protect and not to discriminate against the values held by others. I think this legislation in its amended form—and I commend the Upper House for amending it—seeks to do just that—not to put marriage at a second-rate level, not to do anything other than offer greater protection to those who need it. I intend to support this Bill in whatever form we can get it through this House, but in the first instance I will certainly support and commend to all members of this House the Bill as amended.

The Hon. S.J. BAKER (Deputy Premier): I take a point of difference with the member for Unley, and I take a great point of difference with the member for Spence. I express my disappointment with the member for Spence. I was going to talk for about half an hour, but we do not have that time. I would like every member to read the contribution of the member for Spence. Here is a man who I thought had a lot of principles: I have now seen one principle thrown down the tube of expediency. I did think he had some substance, but I would like members to go back and remember what the member for Spence said, namely, 'It would be my preference to have the marriage solemnised with the sacrament.' We are talking about what is a marriage and what is regarded as a marriage without the certificate—the *de facto* relationship.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: Well, he had better change the terminology. I will read from the *Solemnisation of Matrimony*. First, it was ordained for the procreation of children.

Mr Atkinson: Is that right?

The Hon. S.J. BAKER: That is exactly right.

Mr Atkinson: It is from the *Book of Common Prayer*.

The Hon. S.J. BAKER: Well, it happens to be common to all the Christian churches.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: That makes it even worse. The issue is the clear distinction of saying, whatever the relationship, there are some lines. The relationship of marriage is clearly understood. *De facto* relationships have been defined by law. You cannot, in a dishonest way, go through the back door and say 'We will treat this simply as a matter of property distribution,' because the issue goes further than that. The original Act relies on the definition of marriage and then the *de facto* relationship that flows from that but not ordained by a certificate, a solemnisation or a sacrament. I ask all members to go through the speech of the member for Spence, because it is the greatest hypocrisy that this Parliament has seen.

Mr Brindal interjecting:

The Hon. S.J. BAKER: Well, he is certainly not blessed. He then said that that was marriage and the *de facto* relationship was born well back in time but has now been reinstituted in a different form. That is a quick summary of what the member said. He then went onto the issue of constructive trust. That was his get-out clause, because the concept of a constructive trust has been developed simply because of that collection of goods which has been accumulated, and there had to be some way of representing the collective effort of two individuals, and in this case we are talking about males and females.

I do say that the law as ordained, as passed by this Parliament, refers to a male and female. If the Parliament wants to debate the rights of those who wish to have a homosexual relationship and have it recognised in some form, so be it, but do not been dishonest about the way in which the legislation is debated. The Bill as we see it today is a

dishonesty to that extent: it has come down from the Upper House and does not reflect what the Government is attempting to achieve. It is dishonest to say that we will add something onto the end of it, but it really is not altering the construction of the Bill. We are talking about the De Facto Relationships Bill. If the member wanted to talk about constructive trusts encompassing all sorts of relationships outside of what is regarded as a marital relationship, so be it. He could have—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: No, the member for Spence has had his time. He could have had the situation where two of my aunts lived together for a number of years after their husbands had died. You could take the situation where family relatives live together for many years, and there do happen to be disputes and sometimes they break apart. If the honourable member wanted to talk about constructive trusts as they apply in other relationships, so be it. If he wants to make it easier for those constructive trusts to actually work, so be it.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: There we go. This is the De Facto Relationships Bill, and in fact we have a definition on which we rely in the law. As I said, it is dishonest to say we that are talking about the same thing. If the member for Spence wants to tell the Parliament that he is interested in the principle and that he will introduce tomorrow a Bill allowing for gay marriages or whatever, then he is entitled to do so. It can be debated on its merits, and I guarantee that you will not see the member for Spence for dust.

I am sure that the people who do have some regard for the member for Spence, for whatever reasons, would feel let down by what the member for Spence is doing in this House. They would feel let down, because they know the member for Spence does not support these provisions. The honourable member has found an excuse to support the provisions, but they would be very disappointed by his actions in this House. We know that some people would be disappointed in the member for Spence. He has sold his soul to the Labor Party machine.

In these debates Liberal Party members have the freedom to decide on the value and the argument as to how they should stand in this House. We have seen here an example where the only standing taking place in this House is members opposite standing on the member for Spence. I hope that all the people who support the honourable member—and there are one or two in his electorate—read this debate and understand his point of view.

I make the point that we can deal with the Bill on its merits. The Bill, as it was introduced, seeks to deal with one issue. If the member for Spence or any other member wishes to deal with all the other relationships or living arrangements, so be it. This Parliament can accommodate that. But the honourable member for Spence should not equilibrate the issue of homosexual relationships with what is regarded by the law as marriage and what is regarded by the law as a *de facto* relationship. The amendments are dishonest, because the ALP has not had the guts to argue the case in principle: it wants to do it by a backdoor amendment.

In terms of what the Bill sought to achieve when it was introduced to the Parliament, there is no dispute. Only one person in this House said that from his point of view he does not want the capacity to determine the settlement of property to proceed in the form that we have seen it, either here or in another place. He is the only person who has said that; he is entitled to those beliefs; and he will record his vote accordingly. I will not commend the Bill to the House in its current form, but I do note the contributions of many speakers.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Definitions'.

The Hon. S.J. BAKER: I move:

Page 2, lines 9 to 13—Leave out this definition and insert:

'*de facto* relationship' means the relationship between a man and a woman, who although not legally married to each other, live together on a genuine domestic basis as husband and wife;.

This matter has been fiercely debated in the House. I hope that we will not spend too much time redebating the issue. This definition was in the Bill that was brought before another place. The matter has been strongly debated. I do not think that we need to spend much time on this, although it is every members' right to do so.

Mr ATKINSON: I oppose the amendment. I do not believe that this is a Bill about marriage: it is about *de facto* relationships.

Mr Clarke interjecting:

Mr ATKINSON: As the member for Ross Smith says, the matter of marriage is reserved to the Commonwealth Parliament: it is not a matter for the State Parliament. The definitions in this Bill do not rest on the Family Law Act: they are independent, and it is up to this Parliament to set what the definitions are.

It seems to me that there are people in my electorate who are of a homosexual orientation and some have monogamous domestic relationships. Upon the dissolution of those relationships they should have the same rights and liabilities on property division as heterosexual *de facto* couples. Neither heterosexual *de facto* couples nor homosexual *de facto* couples have chosen to bring themselves within the Family Law Act by contracting a civil marriage.

This clause is not about sanctioning the idea of homosexual marriage: we are moving not one step closer to homosexual marriage by supporting this clause. We are dealing with people who choose to live in a domestic relationship outside the bond of marriage. Having chosen to do that, it seems to me that we should not discriminate on the basis of their sexual orientation. I urge the Committee to oppose this amendment.

The Committee divided on the amendment:

AYES (23)

Andrew, K. A.	Armitage, M. H.
Ashenden, E. S.	Baker, S. J. (teller)
Bass, R. P.	Becker, H.
Brokenshire, R. L.	Buckby, M. R.
Condous, S. G.	Greig, J. M.
Gunn, G. M.	Hall, J. L.
Kerin, R. G.	Kotz, D. C.
Lewis, I. P.	Matthew, W. A.
Meier, E. J.	Rosenberg, L. F.
Rossi, J. P.	Scalzi, G.
Venning, I. H.	Wade, D. E.
Wotton, D. C.	

NOES (10)

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

Majority of 13 for the Ayes.

Amendment thus carried.

The Hon. S.J. BAKER: I move:

Page 2, lines 21 to 24—Leave out these lines and insert:

(b) the party gave the lawyer apparently credible assurances that the party was not acting under coercion or undue influence; and.

The reason for the Government's reverting to its original proposition is that the way in which the amendment has come forward would place the whole agreement at risk. Particularly in respect of relationships of very short standing and a long history of accumulation of assets, there is no guarantee that all those assets will be notarised at the time of the agreement being struck.

Mr ATKINSON: The Deputy Premier is confusing this clause with another. In another place, the Labor Party tried to insert a clause to the effect that a certificated cohabitation arrangement must be an arrangement entered into in the utmost good faith. What 'the utmost good faith' means in this context is a requirement to disclose every asset of each of the cohabitants. The Deputy Premier does not need to delete that clause from the Bill, because the other place did not include it. So, he is confused in his notes. He seeks to delete a clause which reads:

A requirement for a certificated cohabitation agreement that the party gave the lawyer apparently credible assurances that the party was not acting under coercion or undue influence.

That is an entirely different clause. The Parliamentary Labor Party tried to make the making of certificated cohabitation agreements difficult to transact, because such agreements exclude the review of the courts.

During a *de facto* relationship, what might happen is that the husband might draw up a certified or certificated cohabitation agreement, which excludes the *de facto* spouse, the woman, from any share of the assets in any circumstances, and goes on to exclude the courts from reviewing such an agreement. Such agreements are potentially unjust but, under the Government's Bill, if you have them certificated, whatever that means, then they cannot be reviewed by the courts on the grounds of their injustice. That is, the whole Bill is excluded. The parliamentary Labor Party tried to introduce a series of qualifications that would make it difficult to sign such agreements, and would ensure that when a woman signed such an agreement she was fully aware of just what it was she was signing.

One of these requirements is the clause that the Deputy Premier seeks to delete, namely, that the party gave the lawyer—and I say 'woman' because in these circumstances it is the woman who is usually more vulnerable; that is not always but commonly the case—apparently credible assurances that the party was not acting under coercion or undue influence. Well, what is wrong with that? I would have thought that it ought to be in there. The Government sought to resist that clause in the other place. If it now agrees to put in that clause, I am a happy man.

The Hon. S.J. BAKER: The issue relates to the materiality of assets, if the member for Spence had read it. Some difficulties are associated with contracting out of a relationship and in the materiality of the assets. The New South Wales Law Reform Commission considered and rejected it for those reasons. That is why we have only one area of disagreement, which does not happen to be about coercion but the disclosure clause, about which the New South Wales Law Reform Commission said it was not a workable clause and should not be used. I hope the member for Spence will support the amendment.

Mr ATKINSON: The Deputy Premier is most persuasive. He is right and I am wrong.

Amendment carried.

Mr ATKINSON: For years we have got away with using the word 'certified', if a certificate was granted by someone, in this case a lawyer. Will the Deputy Premier explain to the House why 'certified' will not do and why we must have 'certificated'? What is the difference, and when was the word certificated invented?

The CHAIRMAN: The dictionary, honourable member.

The Hon. S.J. BAKER: I think it shows a great deal of flexibility and, in fact, certification itself does not mean that there is a certificate used. In this case a certificate is used, so it is certificated rather than certified, which implies another form and could be anywhere. A person can certify anything by signing. This is a required certificate. 'Certificated' has been used. We might have entered the world of new language and actually added something to the MacQuarie Dictionary, but I think everyone understands the terminology.

The CHAIRMAN: It is in the Oxford Dictionary and has been for a long while.

Clause as amended passed.

Clauses 4 to 6 passed.

Clause 7—'Consensual variation or revocation of cohabitation agreement.'

The Hon. S.J. BAKER: I move:

Page 4, line 13—After 'written' insert 'or oral'.

As the member for Spence would know from his commercial and contract law studies, oral agreements are as binding as written agreements. In some cases it is harder to know whether the oral agreement was ever made but they are still binding in law and we have provided for 'oral' in the amendment.

Mr ROSSI: How many times can a variation or revocation of a cohabitation agreement be made orally? I could say one thing this minute and, in an hour, I could change it. Who is going to be the witness of what I said last? It is a dangerous amendment and I oppose it. The Bill should remain as it is written.

The Hon. S.J. BAKER: The issue is really about the division of assets, where it might be said, 'You can have the car and you can the house.' If the court is called upon to make a determination, that is the agreement that is reached. It is the same as if the member for Lee makes an agreement to do some work and is paid for that work. The same requirements apply in law. We are talking about the distribution of assets, and that can be oral or written. It is better if it is written because it is there for all to see.

Mr ROSSI: In my business dealings in the past, things were done orally but I always followed up with a written agreement as to the position, recording the time and date and the parties involved. If it is so easy to come to an agreement orally, there is no need to pass this Bill.

The Committee divided on the amendment:

AYES (25)

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.	Condous, S. G.
Evans, I. F.	Greig, J. M.
Gunn, G. M.	Hall, J. L.

AYES (cont.)

Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Lewis, I.P.
Matthew, W. A.	Meier, E. J.
Rosenberg, L. F.	Scalzi, G.
Venning, I. H.	Wade, D. E.
Wotton, D. C.	

NOES (10)

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

PAIRS

Leggett, S. R.	Blevins, F. T.
Penfold, E. M.	Quirke, J. A.

Majority of 15 for the Ayes.

Amendment thus carried.

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

That the sitting of the House be extended beyond 6 p.m.

Motion carried.

COMPETITION POLICY REFORM (SOUTH AUSTRALIA) BILL

Returned from the Legislative Council without amendment.

PUBLIC FINANCE AND AUDIT (POWERS OF ENQUIRY) AMENDMENT BILL

Returned from the Legislative Council without amendment.

ELECTRICITY CORPORATIONS (SCHEDULE 4) AMENDMENT BILL

Returned from the Legislative Council without amendment.

STATUTES AMENDMENT (ABOLITION OF TRIBUNALS) BILL

The Legislative Council requested a conference, at which it would be represented by five managers, on its amendments to which the House of Assembly had disagreed.

DE FACTO RELATIONSHIPS BILL

In Committee (resumed on motion).

Clause 7 as amended passed.

Remaining clauses (8 to 17) and title passed.

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

That this Bill be now read a third time.

Mr ROSSI: Divide!

While the division was being held:

The SPEAKER: Order! There being only one member on the side of the Noes, I therefore declare that the Ayes have it.

Bill read a third time and passed.

ADJOURNMENT

At 6.10 p.m. the House adjourned until Tuesday 2 July at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 4 June 1996

QUESTIONS ON NOTICE

RAMADA GRAND CONFERENCE

71. **Ms HURLEY:**

1. Who attended the conference at the Ramada Grand Hotel on 20 and 21 November 1995?

2. Will the Minister table a copy of the findings and conclusions of the conference?

3. Was Option 3 which proposes the diversion of Sturt Creek through the sandhills at West Beach ranked number eleven of twelve options considered by the conference?

The Hon. E.S. ASHENDEN:

1. The participants were:

Name	Organisation	Title
Mike Nolan	Henley & Grange City Council	Chief Executive Officer
Bob Boorman	Holdfast Shores	Joint Project Director
Kathryn Bellette	Environmental Protection Authority	Senior Storm Water Officer
Doug Aylen	Glenelg City Council	Chief Executive Officer
George Robertson	West Torrens City Council	Mayor
John Tree	Federal Airports Corporation	Manager, Technical Services
Julian Miles	West Beach Trust	Chairman
Kim Read	BC Tonkin & Associates	Managing Director
Mark Parnell	Australian Conservation Foundation	State Campaign Co-ordinator
Pat Harbison	pH Environment	Consultant, Henley & Grange Council
Paul Manning	MFP	Environmental Manager
Rod Hook	Urban Projects Authority	Project Director, Glenelg/ West Beach Project
Tony Read	Kinhill Engineers	Manager, Engineering
Trevor Starr	West Torrens City Council	Chief Executive Officer
Don Read	Friends of the Patawalonga	President
Terry Stewart	Urban Projects Authority	Project Manager
Harold Anderson	Henley & Grange Council	Mayor
Doug Wallace	Rust PPK	Director
Warwick Stuart	Urban Projects Authority	Urban & Community Planner
Anthony Psarros	City of Henley & Grange Residents Assoc	Representative
Caroline Chapman	Environmental Impact Assessment Branch DHUD	Manager
Ron Shattock	West Beach Trust	Chief Executive Officer
Robert Jenkins	Tourism SA	Project Officer
Facilitation Team		
David Stevens	Value Management International	Managing Director
Geraldine Wilson	Senior Secretary	Urban & Community Planning

A copy of the report on the Value Management Study is available. The purpose of the Value Management Study was to provide information for the EIS process, and aimed to:

- provide information to stakeholders;
- assist stakeholders to understand existing options and identify any further options to achieve the project objectives; and
- identify options to be reviewed in the EIS process.

The workshop was not a stand alone process. It helped to identify areas where further investigations were required for the EIS. The information in the EIS Amendment Report released on 10 May 1996 for a 6 weeks consultation period, updates and supersedes the information in the Value Management Report.

3. The answer is no.

Firstly, there is no proposal to divert the flow from Sturt River through sandhills at West Beach. The area at the end of Barcoo Road which is being considered for a boat launching facility and the possible discharge is devoid of dunes. In fact, it has been a clean fill disposal site and is protected by a rock wall.

Secondly, the workshop identified and discovered eleven possible options for the management of stormwater flows. These eleven options were subsequently reduced to seven; four of the options having been ruled out due to cost or technical difficulty.

Of the seven remaining options, the group concluded, on the basis of information available at the time, that:

- an open channel ranked lowest against overall evaluation criteria;
- the options which ranked the highest against the evaluation criteria were those which provided for partial diversion of flows from the Sturt River and the other contributing creeks through a culvert or pipe.

Further information on this is available in the EIS Amendment Report.

INDUSTRIAL AFFAIRS DEPARTMENT

75. **Mr CLARKE:**

1. Has the Minister been given a target for cutting expenditure by the Department for Industrial Affairs for 1996-97 and if so, what is the target?

2. What plans does the Minister have for developing training programs and the introduction of information technology in the Department's inspectorate?

3. Will the Minister give a guarantee that inspectorate positions will not be cut in the 1996-97 budget?

The Hon. G.A. INGERSON:

1. $100 000 is the targeted Department for Industrial Affairs expenditure reduction for 1996-97.

2. Department for Industrial Affairs' plans for developing training programs and the introduction of information technology in the Department's inspectorate are being addressed as follows:

With the introduction of local area networks, more computers are being made available in Offices, including the windows based software used in conjunction with these machines. Training has been made available to staff in such Microsoft programs as Word, Excel, Power Point and Schedule.

Training will be further developed and provided in software that supports the administration of legislation, in particular the three major systems currently in various stages of development, i.e.

- Plant Registration;
- Petroleum Products (SLIMS—State Licensing Information Management System);
- Single Channel Reporting Of Accidents.

A major initiative in the 1996-97 year will be the commencement of the development of a data base for inspectors to assist in the undertaking of key operational and planning functions.

In addition, other training and development issues, completed or scheduled to occur before the end of the financial year, comprise the following major items:

- Advanced Investigation Course (Two Courses run)
- Advanced Investigation Course Appreciation for Managers
- Cultural Diversity
- Presentation Skills
- Cross Border Exchange of Inspectors
- Tertiary Study Assistance

Training and development planned for financial year 1996-97 comprises:

- Dangerous Substances Coordinators
- Dangerous Substances Competency
- Major Hazardous Facilities
- Expert Advisers Role (Emergency)
- Transcript Typing Courses
- Photographic Training
- Inspector Competency Development
- National Inspectors Conference
- Tertiary Study Assistance

3. The maintenance of appropriate core services relating to Occupational Health and Safety is a high priority for this Government. The Consolidation of Regulations under the Occupational Health Safety and Welfare Act 1986 represented a comprehensive overhaul of South Australia's workplace safety regulations and the Government is aware of the importance of the role of the inspectorate in ensuring compliance through its work with industry.

As a result of those regulatory changes the demands upon the general Occupational Health and Safety Inspectorate have significantly changed and funding in the order of $260 000 was allocated within the Department for Industrial Affairs budget to areas of targeting, national uniformity and training. Information Technology requirements were substantially upgraded. As indicated, Training and Development initiatives and data base requirements will be further enhanced during the 1996-97 year.

The Department has an ongoing commitment to review the delivery of its services in the context of the changing industrial environment. For example, the introduction of the new occupational health safety and welfare regulations facilitate the provision for private sector involvement in certain inspection functions (for example, in relation to Plant).

The Department for Industrial Affairs will continue to review its services to determine the most appropriate deployment of resources to achieve optimum service outcomes.

TRAIN TICKETS

88. **Mr ATKINSON:** When will the Minister reply to the Member for Spence's letter of 9 January about ticketing procedures on the changeover between peak and interpeak periods on the trains?

The Hon. J.W. OLSEN: An answer to the letter from the Member for Spence was provided on 15 May 1996.