HOUSE OF ASSEMBLY

Wednesday 13 November 1996

The SPEAKER (Hon. G.M. Gunn) took the Chair at 2 p.m. and read prayers.

CURREN, Mr A.R., DEATH

The Hon. DEAN BROWN (Premier): I move:

That this House expresses its regret at the recent death of Mr A.R. Curren, former member of the House of Assembly, and places on record its appreciation of his meritorious service; and that as a mark of respect to his memory the sitting of the House be suspended until the ringing of the bells.

Today the House would remember Reg Curren, the member of Parliament for the Riverland, as a man who was greatly dedicated to the riverland, its fruit growing, the conservation of water and the management of irrigation water along the river. He was a member of the Labor Party and served in this House of Assembly from 1962 to 1968, and then from 1970 to 1973. He narrowly won the seat of Chaffey in 1962 and 1965 and then lost it, on DLP preferences, to Peter Arnold in 1968. He won the seat again in 1970 over the Chowilla Dam issue. Of course, we all know what occurred with that Chowilla Dam issue.

The whole election was called over whether the Chowilla Dam should be built, which is what Don Dunstan, the Premier of the day, was supporting, or whether the Dartmouth Dam should be built, a proposal put forward by Steele Hall, the then Liberal Leader. The election was called and, of course, Don Dunstan won the election. Immediately following the election, Don Dunstan dropped the proposal to build the Chowilla Dam in preference to the proposal put up by Steele Hall. That scenario highlights that there is no justice in politics. Of course, Reg Curren, as the then member of Parliament, was directly involved in this very issue.

Reg Curren, of course, was wanting to ensure that the dam was built as close as possible to the irrigation area. In hindsight it is fair to say that it would have been an environmental disaster of enormous proportions, and I know that part of the river very well. Reg Curren served on a number of parliamentary committees, including the committee on land settlement, which in those days was a very important committee. He was a great advocate for establishing a citrus marketing board. He was an ex-serviceman, a bomber pilot during the Second World War and served five years with the RAAF before retiring as a flight lieutenant.

Reg Curren was a keen bowler in the local district and was a member of the Royal South Australian Bowling Association and an executive member for the Riverland. He was skipper of the team at Berri and he also was involved as a member of the Charitable Funds Commission and the Berri Community Hotel Committee. He was a warden of the church at Berri, a keen advocate for fighting for water conservation and also for the maintenance of higher education in country areas. He was very active for his local area, the Riverland.

In those days, the Riverland was always seen as the barometer—whoever won the seat of Chaffey, it seemed that that Party then governed the State. It did not occur in 1962, but it did in 1965 and again in 1968 and 1970. We can say now that the situation has well and truly changed. Reg Curren was a person who dedicated his life to public service in the Riverland, in this Parliament and to the people of South Australia. He was a man greatly committed to the citrus industry and to irrigation in the Riverland. It is appropriate that this Parliament remembers Reg Curren and his contribution to the State of South Australia, so I move this motion and ask members of Parliament to stand shortly in memory of Reg Curren and that contribution.

The Hon. M.D. RANN (Leader of the Opposition): In supporting the Premier's remarks, I pay tribute to Reg Curren on behalf of the Opposition and indeed the entire Labor Party. Reg Curren's whole life was involved in the Riverland and the Labor Party. Indeed, his brother, Bob, was also involved in the ALP as a candidate in that region. The Premier has already mentioned that Reg Curren was elected to this Parliament twice. The first time in 1962, when he defeated Mr King, he won by 15 votes—that is how close the contests were. He won again in 1965; he lost it in 1968 to Peter Arnold who became a Minister in the Tonkin Government; won it back again in 1970 from Peter Arnold; and lost it again to Peter Arnold in 1973. I did not know Reg Curren well, but had met him on a number of occasions when I worked for Don Dunstan and then later around the corridors of this Parliament and at ALP functions.

He was regarded by everyone as a very good and decent person—very well liked by both sides of Parliament—someone who was very straightforward, called a spade a spade, and I know that he had the respect of his opponents both in the Riverland and in this Parliament as a very honest, dutiful member. He was a prominent member of the ALP's Rural Policy Committee for many years. He was a committee member of the Riverland Society for Intellectually Handicapped Children. He was very involved in many causes in the Riverland. I understand that he died at the Riverland Regional Hospital at Berri at age 82, and one of his planks when he first ran for office in 1962 was the need for a regional hospital to service the Riverland.

The Premier has mentioned his wartime service as a bomber pilot and an officer. Following the war, he was granted a fruit block lease under the post-war reconstruction scheme. In life after politics he still became very involved in a whole range of Riverland issues. He was a board member of the Australian Dried Fruit Association, the people's warden of the Berri Anglican Church and ran the Legacy program for kids at Berri for a number of years. He was a past president of the Berri RSL and, as the Premier mentioned, an executive member of the Royal South Australian Bowling Association, chairman of the Berri Community Hotel, chairman of the Berri School Council and so on. He was involved in Neighbourhood Watch, a member of the Water Resources Committee, a member of the Caterpillar Club for airmen who bowed out of aircraft over overseas countries in the Second World War and was involved in many aspects with committees supporting the Riverland in terms of fruit growing.

In closing, I extend our very deep condolences to Reg's widow, Lydia, and their two sons and their families. He will be remembered by all those who knew him within our Party and this Parliament as someone who exemplified the very best traditions, and as a member of Parliament who loved and served his region and his area well.

Mr De LAINE (Price): As Labor Party Whip, I wish to be associated with this condolence motion for the late Reg Curren. As the Premier and the Leader has mentioned, Reg was the member for Chaffey from 1962 to 1968, and he had a second term from 1970 to 1973, having won the seat from

Harry King of the Liberal and Country League in 1962. He held the seat for two terms and then lost to the Hon. Peter Arnold of the Liberal Party in 1968 and again in 1973. The area was volatile in those years, mainly due to the concerns of Riverland people, in particular fruit growers from the area, in matters of water and irrigation. It was a very volatile area, hence the change from Labor to Liberal several times in those years. Reg was born in Loxton and passed away in Berri on 25 September this year, aged 82 years. As has been mentioned by both the Premier and the Leader, Reg had a distinguished career with the RAAF during the Second World War as a bomber pilot and retired from the Air Force with the rank of Flight Lieutenant.

I came to this Parliament some years after Reg's retirement from active politics but, since then, I have heard only good things about him. I am particularly indebted to the Hon. Geoff Virgo for information he was pleased to give me about Reg. On Reg's retirement from the Air Force, as the Leader said, he was granted a fruit block lease under the post-war reconstruction scheme, and he worked that block with his sons in later years. Reg was well liked and much respected, being a straight person and, as the Leader said, he called a spade a spade. This worthy attitude endeared him to people, particularly in this place, and he was respected by all political Parties.

Life after politics for Reg was almost as busy as when he was an MP, and he had extensive community involvement. I will not list his involvements, because they have been adequately covered by the Premier and the Leader. I close by saying that Reg made a long and magnificent contribution to his loved local community and will be sadly missed. On behalf of the State parliamentary Labor Party, I extend my sincere condolences to Reg's wife Lydia, sons Ian and Bill, and their families.

Mr ANDREW (Chaffey): I formally support this motion of condolence on the recent passing of Arthur Reginald Curren. In so doing I offer my personal sympathy to his wife Lydia, sons Ian, Bill and their families and also offer the respect and sympathy of the electors of Chaffey, in particular those constituents in the current electorate of Chaffey who were his constituents at the time he represented that district in this place. For most of the time that Reg was a representative in this place the area of Chaffey he represented consisted of the major Riverland towns of Renmark, Berri and Barmera—it was not until the early 1970s that Loxton and Waikerie were included in the district of Chaffey.

The Premier and the Leader of the Opposition have clearly indicated how Reg narrowly won a swinging seat a number of times, particularly over the issue of the Chowilla Dam. Reg was born in Loxton but grew up in Berri and has a well known Second World War record as a Lancaster pilot, retiring with the rank of flight lieutenant after a number of sorties over Europe. Reg took over his father's fruit block in Berri after returning from the war and became active in the local community. He worked hard in his community and understood it. He came to Parliament as a grass roots member, having been involved in many areas in the community: as Chairman of the Berri Hotel Board, within the church community, as a member of the Irrigation Advisory Board and in his formal involvement with the local RSL and the Air Force Association.

Reg was also a delegate to the State and Federal Council of the Australian Dried Fruits Association and was active in areas of the fruit industry. Reg was proud of his occupation as a fruit grower and was always prepared to put forward and promote the needs of the fruit growing industry. He was proud of winning Chaffey in those marginal elections and proud of the fact that he won Chaffey following attempts by both his brother and his father.

I will mention a number of other areas in which Reg held a strong belief and for which he was a strong advocate as member of Chaffey, namely, the improvement of roads and ferry crossings. He was active in achieving success with the Kingston Bridge, and before his death he would have been pleased to see the progress associated with the commencement of the Berri Bridge. He was extremely active and supportive of the fruit industry. He was an advocate for the creation in the mid-1960s of the Citrus Organisation Committee—a statutory authority that subsequently came to be the Citrus Board of South Australia, which still exists today. Reg Curren was an advocate of a new and large regional hospital in the Riverland. We have since seen the formation of the Berri Regional Hospital. He was also a strong advocate of irrigation rehabilitation, and I am sure that he was pleased to see the progress in that development over the past decade.

Although I did not know Reg Curren personally, over the past two or three years I had a number of discussions with him. When door knocking in the pre-1993 election period, I recall sitting in Reg's backyard and having a memorable and significant discussion. Understandably Reg was not interested in talking about Party politics, but we spent some time talking about the Riverland and its problems—the issues both current and future—and it was clear that Reg Curren reflected a passionate understanding of and empathy with the area he represented. He maintained that interest and concern. This was subsequently followed up earlier this year when I had afternoon tea with him in the RSL clubrooms in Berri where he spent a lot of time. He continued to convey that passion, interest and concern for the well-being and the future of the Riverland. I acknowledge and recognise the contribution that Arthur Reginald Curren made to the electorate of Chaffey and to the State Parliament. I support the condolence motion.

[Sitting suspended from 2.17 to 2.27 p.m.]

LEGISLATIVE REVIEW COMMITTEE

Mr CUMMINS (Norwood): I bring up the fourth report, fourth session, of the committee and move:

That the report be received and read.

Motion carried.

Mr CUMMINS: I bring up the fifth report, fourth session, of the committee and move:

That the report be received.

Motion carried.

QUESTION TIME

ALICE SPRINGS TO DARWIN RAILWAY

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier. Given the vital importance of private sector financial involvement in the Alice Springs to Darwin railway project, has the Premier spoken with the Chairman or Managing Director of Daewoo during the past month and is he confident that Daewoo will continue its involvement with the project? The giant Korean company Daewoo has pledged a massive financial involvement in the

Alice Springs to Darwin railway project if it has preferred contractor status and if there is no open call for expressions of interest.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Today the South Australian and Northern Territory Governments are announcing a joint statutory corporation to give the project the legal status it needs. The Opposition has supported such an approach, given the importance of the project to the revitalisation of South Australian industries and its boost to jobs and exports—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —but Daewoo's continued involvement could be crucial to an early start on this very important project.

The Hon. DEAN BROWN: I appreciate that, almost for the first time, the Opposition is supporting something that this Government is doing.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: They are very few and far between. It is about three years since we have done—

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: They have come out and supported us. It is an important project and it is essential that we get on and build this—

Members interjecting:

The SPEAKER: Order! The member for Mawson and one or two others continue to interject. I do not want any further interjections on my right.

The Hon. DEAN BROWN: It is important that we get on and build this project as quickly as possible. The contact with Daewoo is the Northern Territory Minister Barry Coulter, and he has been in touch with the company on numerous occasions. I have been in touch with other corporate bodies as well. The claim made by the Leader of the Opposition about massive support from Daewoo—

The Hon. M.D. Rann: $20 million plus. This is the first step of $600 million. Do you want to knock Daewoo—

The SPEAKER: Order!

The Hon. M.D. Rann interjecting:

The Hon. DEAN BROWN: I am not knocking Daewoo at all. I am highlighting that this is a $1 000 million project and we are looking for a substantial input of both equity and loan funds.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Leader of the Opposition.

The Hon. DEAN BROWN: There have been discussions with a range of corporate bodies but, until there is a final commitment from those corporate bodies, it is inappropriate to make any premature announcements.

Mr CUMMINS (Norwood): Will the Premier advise the House of the most recent steps taken by the South Australian Government to advance the case for the construction of the Alice Springs to Darwin railway and to create a rail corridor between Adelaide and Darwin? The construction of the Alice Springs to Darwin railway is a matter of significant interest to South Australia and has been on the agenda since the 1900s.

Members interjecting:

Mr CUMMINS: Do I hear a murmur in the background? The proposal has been mentioned frequently by the media in this State and by industry groups as being beneficial to the economic development of South Australia.

The Hon. DEAN BROWN: I am pleased to be able to announce to the House that at 3.30 this afternoon with the Chief Minister of the Northern Territory I will be signing a historic agreement whereby the South Australian and Northern Territory Governments will work very closely to manage the construction of the Alice Springs to Darwin railway. Under this agreement legislation will be introduced into both Parliaments to set up a corporate body, which will become the managing authority for the construction. That corporate body will carry out a number of key steps. First, it will make sure that we are able to secure the rest of the corridor land from Alice Springs to Darwin. About 55 per cent of that land has already been purchased but some delicate environmental and native title issues need to be dealt with in the purchase of the remaining land. We will then go to the Federal Government to secure its support in a number of areas, one key issue being to gain its support to use Federal Government powers to secure the land.

Other key issues involve, first, making sure that the Tarcoola to Alice Springs line is rolled into the project free of charge; and, secondly, ensuring that infrastructure bonds are available for this project. The agreement also indicates that $100 million from South Australian Government finances will be put into the corporation. Equally, the Northern Territory Government will put in $100 million. That money is in real dollars and so will increase in value with inflation.

The construction of this railway line from Alice Springs to Darwin is the most significant step taken in the past 80 years and opens up enormous opportunities for South Australia. It is estimated that it represents about $1 billion in value for this State, comprising $500 million in the contracts to build the railway line and another $500 million in increased trade and manufacturing here in South Australia, because we will be opening up a vast new array of markets in the Asian area. So, this project is probably the single most important project for South Australia going into the next century.

Our objective is to make sure that the work is started as quickly as possible. I stress the point that the corporation will not be raising the funds: equity and loan funds have to come from the private sector. We will have a managing authority—a managing corporation—which can put together the business case, together with the corridor land and the commitment from the Federal Government, and which will then be able to secure the private interests that could well make this project a reality within a few years. Although it will be a difficult target to achieve, our objective is to get the corporate body together by the end of next year so that we can go ahead with the construction of the line and complete the project by the year 2001.

BASIC SKILLS TESTING

The Hon. M.D. RANN (Leader of the Opposition): Will the Premier act to address the serious learning problems exposed by the Government's basic skills test for primary school children by reversing the Government's 1994—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: They seem to be a bit agitated, Mr Speaker.

The SPEAKER: Order! Certain people seem to be out of order.

The Hon. M.D. RANN: Still a bit more leadership rumbling?

The SPEAKER: Order! The Leader will ask his question.

The Hon. M.D. RANN: Will the Premier address the serious learning problems exposed by the Government's basic skills test for primary school children by reversing the Government's 1994 decision to cut the number of primary teachers, increase the size of all primary school classes and cut school services officers? There are 114 000 children attending 495 South Australian Government primary schools, and the basic skills test, conducted in August this year, has revealed that 20 per cent of year 3 children who undertook the test may need special help. The re-announcement—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Just wait for it.

Members interjecting:

The SPEAKER: Order! The Minister for Housing, Urban Development and Local Government Relations is out of order, and so is the member for Newland.

The Hon. M.D. RANN: I know they had a plotters' meeting last night without Lady Macbeth.

Members interjecting:

The SPEAKER: Order! There is a point of order. The member for Goyder.

Mr MEIER: The Leader is transgressing Standing Orders in commenting on the question, and you gave a clear indication earlier, Mr Speaker, that if members insist on commenting the question will simply be put.

The SPEAKER: That is a matter for the Chair.

Members interjecting:

The SPEAKER: Order! There has been an unnecessary level of interjection from both sides, which is not helpful to the proper conduct of the House. I ask the Leader to complete his question without further comment or interruption.

The Hon. M.D. RANN: Thank you, Sir. I need your protection. Today's re-announcement by the Minister for Education and Children's Services that the Government will return $3 million for special programs to address these problems equates to less than 25 per cent of the salary of one school services officer for each school.

The Hon. S.J. Baker interjecting:

The Hon. M.D. RANN: This is a Deputy Premier—no wonder he is under threat.

The SPEAKER: Order!

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Minister for Employment, Training and Further Education.

Members interjecting:

The SPEAKER: Order! The Leader of the Opposition has had a fair go.

Members interjecting:

Mrs Rosenberg: Shut up.

Mr Foley: Throw her out, Sir.

The SPEAKER: Order! If the Chair had observed the honourable member who made that comment, I would have taken appropriate action. I suggest to members on both sides that if they wish to proceed with Question Time they should demonstrate that they are really interested in asking questions. The Minister for Employment, Training and Further Education.

The Hon. R.B. SUCH: I suggest that the Hon. Rob Lucas might consider introducing basic skills testing into this place—

Members interjecting:

The SPEAKER: Order!

The Hon. R.B. SUCH: —and encompass some basic manners as part of the project.

Members interjecting:

The SPEAKER: Order! The member for Hanson will come to order.

The Hon. R.B. SUCH: The Leader of the Opposition has suddenly discovered an interest in education, and I welcome that because, as a Government—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. R.B. SUCH: I am the Minister who represents the Hon. Rob Lucas, and it is appropriate that I answer the question. This Government inherited a situation—

The SPEAKER: There is a point of order. The Deputy Premier.

The Hon. S.J. BAKER: The Leader really is a slow learner. There are Standing Orders in this place and they cover interjections.

The SPEAKER: Order! The Chair is very well aware of Standing Orders, and they apply equally across the Chamber. If members want to continue with Question Time they should conduct themselves as the public expects members of Parliament to conduct themselves, and they should allow the Minister to answer the question. I suggest to all members that they allow him to do so, that they should allow other members to answer questions and then allow the answers, or they will create some interest in the Chamber.

The Hon. R.B. SUCH: The first point I raise here is whether or not the Leader of the Opposition and his Party support basic skills testing. Some people in the community and certain people associated, sadly, with the Institute of Teachers (the Australian Education Union) have vigorously opposed basic skills testing—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I warn the Leader of the Opposition for the first time.

The Hon. R.B. SUCH: —which has been introduced to tackle the problem involving literacy and numeracy affecting a small percentage of youngsters in our schools. We inherited an education system, sadly, that was not delivering in those areas. Many employers who deal with teenagers today will say that they cannot employ them because many cannot read and write. Not that long ago teenagers speaking with the Premier were actually in tears, saying, 'We can't get a job; we can't read or write.' That is the situation we inherited, and it is a disgraceful situation when many people who have completed their schooling cannot not read and write. We are doing something about it, and the Minister for Education and Children's Services—

Members interjecting:

The SPEAKER: Order! The member for Unley and the member for Elizabeth are both warned.

The Hon. R.B. SUCH: The Government and the Minister are doing something about it. We introduced basic skills testing to gain a deeper and firmer knowledge of the situation so that it can be addressed, and that is what the Government and the Minister for Education and Children's Services are doing: producing and providing extra resources so that we can tackle the key issues of literacy and numeracy in our schools. I would think that the highlighted statistics vindicat-

ed our approach in introducing basic skills testing, and I hope that the Opposition will support the ongoing testing in our schools.

In terms of resources, South Australia's school system has the highest funding *per capita* of any State in Australia. We are committed to quality education and, despite having a very tough budget situation, we are putting more money into education; we will put more money into vocational education; and we are committed to having a quality education system that produces young people who can at least read and write, which is something many of them could not do under the Labor Government.

FIREARMS

Mrs ROSENBERG (Kaurna): Will the Minister for Police advise the House whether it is true that some firearms being surrendered are not being fully destroyed but being retained for other purposes; and, if true, will the Minister state the other purposes? If it is not true, will the Minister give a guarantee that each and every firearm surrendered has been or will be totally destroyed?

The Hon. S.J. BAKER: One thing about the gun legislation and the gun debate is that many rumours that have been circulated have normally been started by the gun lobby itself. One rumour was that we are actually stockpiling for the next invasion. I assure members that we are not doing that. We gave an undertaking to the people of South Australia that when the gun legislation came before this Parliament all firearms—

An honourable member interjecting:

The Hon. S.J. BAKER: I think there have been a few discharges on the other side. We gave an undertaking that when the gun legislation came before the Parliament every gun would be destroyed, and that is exactly what is happening today. A number of people have lobbied the Government saying that some very valuable firearms will be presented for compensation and that they should not be lost to history and destroyed. As a result of those representations well back earlier in the piece, we put in place a scheme affording owners the capacity to sell those firearms overseas, should they so wish, and so the people concerned can put those firearms on the international market so that they can be preserved.

Police have advised me that four valuable firearms have recently been surrendered in South Australia. A number of museums and other groups have come to the Government and said, 'We don't want these sorts of guns destroyed.' On the other hand, we have given an undertaking to the Federal Government to destroy all firearms. To date, the number of firearms destroyed in South Australia exceeds 39 000, involving $16 million in compensation. However, with respect to these four firearms—one is one of only two produced in the world, and another is one of only 26 produced in the world—I have given instructions that they are to be made permanently inoperable, so that they are effectively destroyed and are no longer a gun.

If representations are made to the Government and these guns simply no longer work, we will see whether there is potential for them to become museum pieces, which some people would wish. Over 39 000 weapons have been sawn through and will never be used. We are looking at the situation involving these old valuable guns—some of which you would never wish to fire, anyway—but I assure this House that they will all be effectively destroyed as guns.

HEALTHSCOPE

Ms STEVENS (Elizabeth): Why did the Minister for Health tell the House on 24 October 1996 that the renegotiation of the Healthscope contract was to enhance services, when Healthscope states that these negotiations are aimed at improving the company's profitability? In a minute dated 12 September 1996 the Managing Director of Healthscope informed the company's staff that 'discussions with the South Australian Health Commission on many of the issues relevant to achieving a satisfactory financial performance from the business are now proceeding'.

The Hon. M.H. ARMITAGE: I told the House that because it is true. Unfortunately, the member for Elizabeth is caught in a time warp and refuses to acknowledge that things are done differently now and—

The Hon. J.W. Olsen: And better.

The Hon. M.H. ARMITAGE: And better, as the Minister says—much better. If Healthscope or any other hospital group running any other hospital, be it private or public, is able to provide services which are such that the people benefit—for example, day surgery, cataract surgery or whatever—and which at the same time is cheaper, that is a plus for both sides and that is exactly what we are looking at. If we are able to do that through negotiating a contract which provides better and improved services, that is fantastic for the people of the north-eastern suburbs. Does the member for Elizabeth want the services to advance for the people of the north-eastern suburbs so that they use modern technology? Is that what the member for Elizabeth wants? Does the honourable member want this Government to utilise modern technology so that the people of South Australia benefit, or does she wish the people of South Australia to continue to have the same type of health service that her Government left after 13 years of absolute neglect?

EMPLOYMENT

Mr BROKENSHIRE (Mawson): Will the Premier advise the House of the recent trends in employment opportunities within South Australia and whether those trends reflect any improvement in confidence within employers, including small and medium size businesses? I am advised that a major human resource consultancy company, Morgan and Banks, has today released details of its final quarterly report for 1996 on employment expectations as recorded by its job index.

The Hon. DEAN BROWN: The Morgan and Banks job index for the latest quarter is out today and it is very encouraging indeed in showing that there is now the highest level of expectation of taking on additional people for 18 months; 28 per cent of companies expressed the view that they would take on additional employees over the next three months. It is interesting to see some of the industry sectors where that optimism exists. For instance, 25 per cent of health and electronic companies, 44 per cent of service companies and 27 per cent of people involved in the mining industry expect to take on additional employees. These are encouraging signs. It is a very detailed survey across the whole of the country. South Australia came out very well indeed compared with the other States of Australia, and it shows that there is a much more optimistic outlook in terms of employment in South Australia.

It backs up the figures we had from last week that showed that unemployment has dropped from 9.8 per cent down to

9.4 per cent. I was at a Quality Dinner last night at which Keith Conlon as compere said that we now have the lowest unemployment in South Australia for six years. We all know that Labor took unemployment to 12.3 per cent. It is now down to 9.4 per cent. I found it particularly interesting this morning to hear the Deputy Leader of the Opposition say that we should not take any notice of the Morgan and Banks' survey because, quite naturally, the company would play it up. For the past two surveys the Deputy Leader of the Opposition has been saying how credible the results were and the whole of the State should take note of how bad the results were. When there is a bad result for the Labor Party, the Deputy Leader of the Opposition wants to knock Morgan and Banks, but when there is a good result for the Labor Party he is out there trying to play it up. Members opposite cannot have it both ways: they cannot have their cake and eat it too, which is exactly what the Labor Party wants. What it really shows though, no matter what occurs in South Australia, is that we can bank on the Labor Party knocking it.

HEALTHSCOPE

Ms STEVENS (Elizabeth): Does the Minister for Health, as a senior member of Cabinet, have a conflict of interest in renegotiating the contract with Healthscope?

The SPEAKER: Order! I point out to the honourable member that she is not permitted to cast any improper motive towards anyone.

Mr Clarke interjecting:

The SPEAKER: Order! I warn the Leader of the Opposition for the second time. He knows—

Mr Clarke interjecting:

The SPEAKER: Order! I will name the honourable member. There has been a tendency for members on both sides to ignore the Chair when the Chair is addressing the House. No member has the right to get on their feet or comment. The next member who does it, no matter where they come from, will be named.

Ms STEVENS: A letter from the Chairman of Healthscope to all shareholders dated 12 September 1996 says that the contract to manage the Modbury Public Hospital has 'accumulated significant and quite unacceptable losses' and that negotiations are proceeding with the South Australian Government. The South Australian Government Motor Accident Commission purchased over 6.8 million shares in Healthscope on 1 July 1995 for $1.69 each and, based on the closing price yesterday of 75¢ per share, it is holding a loss of $6.439 million.

Members interjecting:

The SPEAKER: Order!

The Hon. M.H. ARMITAGE: The shares in Healthscope were bought by the former Labor Government—that is a point certainly worth making. Much as we have all tried to make this clear, the member for Elizabeth does not understand that the Government has a contract with Healthscope to provide services, and whatever machinations Healthscope as a company either does or does not have internally is absolutely irrelevant to the services that are provided. There is nothing that can be clearer than the fact that we have a service contract with the company and that company has its own dealings within its company arrangements. We have a service contract; that is what we are interested in.

As a Government we know that the taxpayers of South Australia have made $7 million because of the contract. We also know that the people who have gone to Modbury Public Hospital have returned a 97.9 per cent satisfaction level with the services such that they would recommend their friends and relatives to go to the hospital. That is a fantastic deal, yet the Opposition laughs at it. As the shadow Minister for Health during the dying days of the Labor decade I noticed escalating waiting lists and infrastructure such as I remind the member for Elizabeth was highlighted at the Queen Elizabeth Hospital under the previous Government. For example, the pigeon droppings outside the windows of that hospital were so bad they would become flyblown, and the maggots would crawl through the cracks in the wall of that major teaching hospital under the previous Government. Having crawled through the wall, they would then drop through the ceiling onto the patients in the X-ray department. That is what we took over.

If I had not seen that example of total neglect and total lack of care for the people in the public hospitals of South Australia, I would have found it difficult to believe that the member for Elizabeth, the member for Hart and the member for Giles (who I think was the Minister for Health at that time when all this infrastructure was falling apart) would laugh when I say that the Healthscope contract is providing services with which people are satisfied and there is a $7 million return to the taxpayers of South Australia. Frankly, that is a great deal. There are 11 people in South Australia who do not believe it is a great deal, and they are all sitting directly opposite me now. They are the only 11 people—

Members interjecting:

The Hon. M.H. ARMITAGE: No, there is one other; there is the Chairman of the Modbury Hospital Local Action Group, Mr Ken Case, who writes letters regularly. He made a tactical error because he authorised a lot of Peter Duncan's electorate material. I was wrong; I apologise for misleading the House. There are not 11 people in South Australia who do not like it, there are 12. Given that background, the answer to the question is that I have absolutely no conflict of interest, because my constituency is the people of South Australia, and I am determined to get them a better deal for health than they had under the previous Government.

WATER INDUSTRY

Mr BASS (Florey): Will the Minister for Infrastructure advise the House of the outcomes and benefits to South Australia of a recent trip to the United Kingdom by representatives from SA Water, the Department of Manufacturing, Industry, Small Business and Regional Development, United Water and private water industry companies where they met with similar water authorities and companies in the UK?

The Hon. J.W. OLSEN: I am pleased to respond to the honourable member's question. The trade mission was an important step forward in building a water industry in South Australia. The Government has committed a three year industry improvement program for companies in South Australia to enterprise improve to become internationally competitive and to get quality and standards of output to meet the requirements of World Bank/Asia Development Bank contracts in Asia. In addition, we wanted to ensure that we grow the industry in South Australia, assist companies to attract new investment dollars and bring in new technology research and development for small and medium businesses. The group in the Riverland which has the contract for the 10 water filtration plants in country areas, which is a consortium of AMP and Becktell, together with United at CGE Thames and the Manufacturing Industry Department,

plus SA Water, had meetings in the United Kingdom with a series of private sector companies.

The group also went to a water conference in the United Kingdom and had discussions with the United Kingdom trade department in terms of companies in the United Kingdom that want to put a base in the Asia Pacific region to go into the new marketplace. We put to them that, if they are considering locating in the Asia Pacific region, it ought to be Adelaide, South Australia where they locate. Just as we have been able to attract EDS and its Asia Pacific training centre to Adelaide, CGE Thames and Riverland have put offices in Adelaide as a base to go into the Asia Pacific. Working on the Michael Heseltine scheme of Partnership 2000, whereby South Australian companies going into Europe could do it through the United Kingdom, United Kingdom companies wanting to go into Asia should do it via a base in Australia. The response to the mission was extremely positive.

A number of general agreements have been signed between South Australian companies and prospective investing companies in the United Kingdom. With the support of the trade department of the United Kingdom Government, in March next year a trade mission will arrive from the United Kingdom comprising a number of private sector companies. Its clear objective will be to enter into partnership and joint venture arrangements with South Australian small and medium business. That might bring much needed investment capital or upgrade plant and equipment to meet the export opportunities that come from the water contract, or it might result in the establishment of a base here to access contracts in the Asia Pacific region.

As I mentioned previously, the export performance of this contract is going far better than I hoped. As I advised the House yesterday, $9 million was the target for the first year, and $31 million worth of orders were issued to South Australian based companies in the first nine months. So it augurs well. Not only is the minimum target of 628 more than achievable, the possibility of the 1.479 is now becoming a real prospect in delivering for South Australia in the future. I certainly welcome the interest that has been created as a result of this trip. I look forward to the return trip in March and further foreign investment coming into Adelaide and South Australia in an endeavour to underpin the Government's major policy objective of bringing new investment into this State, and with new investment comes new jobs.

HEALTHSCOPE

Ms STEVENS (Elizabeth): Given the statement by the Chairman of Healthscope that the Modbury Hospital contract has accumulated unacceptable losses, is the Minister for Health prepared to cancel the contract rather than increase payments to Healthscope to improve the company's profitability? In his letter to shareholders, dated 12 September, the Chairman says that accumulated losses on the Modbury contract are unacceptable to the company. A Health Commission document entitled 'Managing the Public Private Interface' states that the Government will renegotiate key provisions of the Modbury contract, including the definition of 'workload' and the method of calculating the price of services.

The Hon. M.H. ARMITAGE: The member for Elizabeth has taken aim fairly and squarely between her first and second toes and pulled the trigger. The Chief Executive's letter said that the losses are unacceptable to the company. She actually read it into *Hansard*.

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: We are not shareholders. The member for Hart clearly gets it wrong. As I indicated before, we have a service contract—

Members interjecting:

The SPEAKER: Order!

The Hon. M.H. ARMITAGE:—which is going famously. It is producing fantastic services with which 97.9 per cent of people are satisfied, and it is returning $7 million to the taxpayers of South Australia. I know that when you are playing with $3 billion of the State taxpayers' money, $7 million seems like petty cash. Members opposite have no concept of what it is like to save $7 million—

Ms Stevens interjecting:

The SPEAKER: Order! The member for Elizabeth is warned for the second time.

Members interjecting:

The SPEAKER: Order! The member for Peake will be the next member thrown out.

The Hon. M.H. ARMITAGE:—because members of the Labor Party and the former Labor Government are profligate spenders. They do not care less how they spend taxpayers' money, hence our terrible State debt. I can assure members of the Labor Party that most taxpayers in South Australia are thrilled when they get the same or better services at a $7 million benefit.

Mr Clarke interjecting:

The Hon. M.H. ARMITAGE: The Deputy Leader asks, 'Why renegotiate?' The answer is: because we do not want to be caught in a time warp. The *Rocky Horror Picture Show* is about to start again. I can see the Leader of the Opposition as Frank N. Furter leading the charge, 'Let's do the time warp again.' On countless occasions I have explained that this Government is simply not prepared to lock the people of South Australia, and in particular the people of the north-eastern suburbs, into methods of provision of care which are out-dated. We will move with the times. If we are able to provide more modern and efficient services to the people, that would be fantastic.

I re-emphasise that Healthscope in its financial dealings is separate from the contract—completely and utterly separate. If the contract has some losses, that is the concern of Healthscope, but if the constituents of South Australia—the consumers of health care—are getting better and more efficient health services with which 97.9 per cent are satisfied and which are $7 million cheaper, that is a bonus for everybody.

EDUCATION AND TRAINING

Mr LEWIS (Ridley): Will the Minister for Employment, Training and Further Education advise what, if any, new education and training programs can be provided for adults living in the communities of the southern mallee area and will he explain any new methods, new agency arrangements and new cost-effective technologies that can be used for the delivery of these programs?

The Hon. R.B. SUCH: I thank the member for Ridley for his question. This is an exciting development and the people of the southern mallee area, in particular those who make up the Southern Mallee Community Education Group, should be commended on their initiative, because it is an example of people power—people doing things to help themselves. The group formed earlier this year and is led by Leanne Isaacson, a person with a lot of get up and go. In the region, which has

a population of 6 200 people, taking in the council areas of East Murray, Pinnaroo, Lameroo, Peake and Coonalpyn Downs, they have organised a whole range of educational services.

They access TAFE, universities, schools and private providers and ensure that the people in that region have the latest in training. It is delivered by the Internet, flexible delivery of various kinds, computer assisted learning and personal delivery. Some of the courses they have organised include computing, photography, cooking, furniture restoration, leisure courses such as sewing and so on. In addition, they have run courses on farm chemicals, a fork lift certificate program and a nine week business management course operating on a Sunday, in relation to which they bring in a lecturer to train their members and others in business management techniques of particular application to rural communities.

This is a great example of people power, people getting together, working hard and ensuring that they can access adult community education funding. I am delighted that my department is able to provide finance. Because of the initiative of these people—like that of the people of Balaklava and elsewhere who have done a lot to help themselves—in addition to the financial grant I am providing computers to help them further service the total population of that region. In this Parliament we should never overlook country people, and in this case, where they get off their backside and do something for themselves, the Government should assist in all ways possible. I commend the member for Ridley for his strong support for the Southern Mallee Community Education Group Incorporated and congratulate all members of that group.

Mr Brokenshire interjecting:

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

HEALTHSCOPE

Ms STEVENS (Elizabeth): Will the Minister for Health guarantee that Healthscope will be required to meet its contractual obligation to construct a 65 bed private hospital at Modbury or will this commitment be dropped to enhance the financial position of Healthscope? On 30 November 1994 the Minister announced that a new private hospital funded by Healthscope would be operating at Modbury within two years. This year's capital works budget for the Health Commission includes $2.4 million for works to link the two buildings. The Select Committee on the Privatisation of the Modbury Hospital has been given evidence by the board of the hospital that there is a contractual obligation for Healthscope to develop this hospital.

The Hon. M.H. ARMITAGE: I am informed that the Healthscope company has engaged some of the most experienced and senior hospital designers from the international world and, much as it will pain the member for Elizabeth, I expect an announcement shortly.

MENTAL HEALTH POLICY

Mr BRINDAL (Unley): My question—

Members interjecting:

Mr BRINDAL: I know who I would use it on.

Members interjecting:

The SPEAKER: Order! The member for Unley will ask his question. He is not allowed to comment.

Mr BRINDAL: Will the Minister for Health advise the House of any Government initiatives to assist people with mental illnesses to maintain themselves in the community?

The Hon. M.H. ARMITAGE: I thank the member for Unley for his question, which goes to the heart of the most important revolution in mental health care for a number of decades. In 1996, under the Liberal Government, we have more than 300 mental health staff working in 19 community-based sites throughout the metropolitan area with a state-of-the-art information technology link into the country. On Monday it was an enormous privilege to launch the ACIS (Assessment and Crisis Intervention Service) teams—the new mobile mental health care teams—which will be working to assist people with a mental health crisis in the community where that mental health problem occurs.

The South Australian Health Commission will be spending $2.4 million to support four ACIS teams throughout metropolitan Adelaide. They will be an absolute tool in allowing people with a mental illness to live in the community in a way in which most people, as we move towards the year 2000, would want. The teams will consist of highly trained mental health workers, psychologists, psychiatrists, mental health nurses and so on to be able to respond to people in crisis. It is this mobile care in the community which has been lacking for so long and which was particularly lacking from the model of health care that the previous Labor Government left for us to pick up the pieces. Its model was to close all the institutions and provide nothing in the community.

The ACIS teams will be able to pick up the pieces of the people who need acute care in their homes and other locations such as doctors rooms, accident and emergency services and so on. If people have a mental health crisis in the community, there will no longer be a need for those people who have an illness (and I stress an illness) to be picked up by the police, with all the stigma and marginalisation that flows from such an event.

In case anyone expects that this ACIS revolution will see an end to institutionalised care, I point out that, at the end of this revolutionary program, 70¢ in every mental health dollar will still be spent in acute institutional care, such as the new 20 bed in-patient facility that I opened at the Lyell McEwin Hospital, the new 20-bed facility that I opened at Noarlunga, the 40 beds that we are putting in at the Queen Elizabeth Hospital and so on, such that people with a mental illness who need acute care can get it close to where they live.

The creation of the ACIS teams is one of the most important and great advances in mental health care in the State's history. It is another plank in this State Government's plan to ensure that there is better health care for every person in South Australia with a mental illness.

FIREARMS

Mr QUIRKE (Playford): My question is directed to the Minister for Police. How many persons complied with the 8 November deadline for photographic gun licences and when will the provisions of the new Act come into total force? The deadline for new photographic gun licences was on Friday last. Shooters are stating that the Minister's announcement of an informal extension in this place next week is proof that the system is too rushed.

The Hon. S.J. BAKER: I appreciate the honourable member's question as I have information. I am pleased with the progress made since we publicised the fact that there were

only a few days to go. I know that certain people had forgotten but were quickly reminded and had to wait in long queues in the process. Up to and including 8 November 1996, the official deadline, some 60 000 people had made application. We believe that about 106 000 people are eligible.

We know that a large number of people will not renew their licences. The exemptions for those people who want a C class licence will take some time to come though. We are satisfied with the progress being made, despite my warnings on a number of occasions. If the cut-off date had been 8 November or 31 December, or 7 September next year, there would still be people who had not signed up. We appreciate and understand that. I gave a warning about this issue inside or outside this House, because I was concerned that no-one had taken action. Particularly good progress is being made, but there are only one or two weeks that we will allow as leeway.

I assure the House that a police squad will not be knocking on people's doors. We will go through a practical exercise of reminding people of their obligations. We recognise the difficulty that some people are experiencing. We know that people overseas have not been able to get renewal forms. Obviously, some leeway has to be given in those conditions. We also know that those people who are applying for exemptions still have to wait for that to be determined.

It is practical to say that the system is working even better than I expected, that the difficulties created by putting a date on anything are being overcome and that we will take a very pragmatic view on how we can progress this matter. However, I have said that, if people who own firearms deliberately do not re-license, they will face grave difficulties. From that point of view, they are the only people in whom we are interested. I was pleased that the honourable member asked the question. With respect to the gun lobby, as I said, I hear a new rumour every day, and most of them are false.

An honourable member interjecting:

The SPEAKER: Order! The Deputy Leader of the Opposition will understand Standing Orders.

The Hon. S.J. BAKER: Some do represent the difficulties we have experienced, but most are false. On the other side of the coin, we have heard from the gun control lobby. I will ensure that everyone receives a copy of my response to the gun control lobby. The gun control lobby suggested that, in the light of the 300 000 unregistered firearms in South Australia, I should extend the cut-off date beyond 31 December, because it believed that that was agreed to in Canberra. What was agreed to in Canberra on 10 May was 31 December or any other time agreed to by the States. We will stick to the agreement made on 10 May in Canberra.

The suggestion that there are 300 000 unregistered firearms is an absolute joke. Someone in the paper speculated that this was the figure, and then someone said that it was the truth. We know that that is a very dangerous assumption to make. With respect to unregistered firearms, in the amnesty period about 3 000 guns were handed in, some of which are in category C.

I canvass another issue with this House: why would any jurisdiction wish to buy back unregistered firearms when Queensland is still trading in firearms? The capacity for movement of firearms across our border remains. I am not prepared to address any question on unregistered firearms until every State has closed its borders, put legislation in place and has a scheme under way. I will not allow truck loads of weapons to come across our borders simply because someone asks, 'Why have you not extended the date?' This scheme will work. If the gun control lobby, which I presume is on the side of a safer Australia—although it is not certain from this—checks its facts, it might get a more accurate answer.

AMBULANCE SERVICE

Mr LEGGETT (Hanson): Will the Minister for Emergency Services provide the House with details on the honour bestowed on the South Australian Ambulance Service at the Australian Quality Awards held last night? I note from media reports that the service was one of only nine South Australian companies and one of only three Government agencies honoured at last night's awards.

The Hon. W.A. MATTHEW: I thank the member for Hanson for his question and his genuine and ongoing interest in the Ambulance Service. As the honourable member stated correctly, last night the SA Ambulance Service was honoured, along with eight other South Australian companies, in the 1996 Australian Quality Awards. The Australian Quality Awards acknowledge outstanding achievements in organisation-wide implementation of the quality culture and its direct link to productivity and international competitiveness. Last night the Premier presented awards to South Australian winners at a presentation dinner linked by satellite to a national event in Sydney. The Ambulance Service, along with the Australian Securities Commission (South Australian regional office) and Kelly Services (Adelaide branch) were the only South Australian winners in the category of Commitment to Business Excellence.

The Ambulance Service, WorkCover Corporation (Achievement in Business Excellence category) and Home-Start Finance (AusIndustry Small Business Commitment to Business Excellence category) were the only State Government agencies honoured on the night. I congratulate last night's award winners and, in particular, the Ambulance Service and its employees, who can feel justifiably proud of the honour which acknowledges their commitment to business excellence.

The award highlights the enormous advancements and improvements made in the SA Ambulance Service over the past three years. On becoming Minister for Emergency Services in December 1993, I was shocked by the state of the Ambulance Service in this State. For a service that was purportedly committed to quality patient care, it had no strategic plan, had been hamstrung by its paramilitary operation mode and had an unsatisfactory board. Other criticisms levelled at the service, as it was under Labor, by my Chief Executive Officer, Ian Pickering, were that during the late 1980s and early 1990s the service had a poor industrial relations history, poor productivity, a lack of focus and poor dissemination of information. Members of this House may recall some of the furore surrounding my replacement of the ambulance board in 1994. I made no apology for that action then, and I believe that that action stands vindicated today.

Last night's award is proof that the service has responded well to the changes made by the new board and the Chief Executive Officer, Ian Pickering. Despite this, both the Ambulance Service and I acknowledge that many more improvements are still to be made. The award follows a quality improvement program introduced into the Ambulance Service in August 1995. The program was based on the Australian Quality Council Model, the 'Quality Committed Enterprise'. Selected Ambulance Service staff were trained

in the quality process. Together with chief executives they formed the nucleus of best practice teams which delegated projects emanating from the Ambulance Service strategic plan now put in place under this Government.

The service was encouraged to submit an independent audit arranged by the Australian Quality Council. This took place in September this year, after which the Ambulance Service was chosen as one of the State's finalists. The honour conferred last night is a credit to the ambulance board and the service management, but, most importantly, the ambulance staff who have responded positively and constructively to change in the service.

FIREARMS

Mr QUIRKE (Playford): My question is directed to the Minister for Police. How many photographic gun licences have been issued since 9 September, and when will the other 60 000 be available? A person who presents for a photographic gun licence is issued with a 28-day interim licence only. So far, some people have received them for 50 or 60 days.

The Hon. S.J. BAKER: The member for Playford is absolutely correct.

An honourable member interjecting:

The Hon. S.J. BAKER: You have to win one, John.

An honourable member interjecting:

The SPEAKER: Order! The member for Unley.

The Hon. S.J. BAKER: We have a contract with a firm in Melbourne to do the processing, and it is the same firm which does driver's licences in South Australia. When the contract was signed, new equipment was needed. The new equipment was delayed. You will find that over the next week or two there will be many pleased firearm owners in South Australia. I have apologised for the delay, but it is out of our hands. As I said, we have a contract and we believed it would work properly. There have been some delays across the border, which always happens in Victoria, but the firm is getting on with the job. My understanding is that the first batch of 400 are in the mail already, or pretty close to it.

Mr Quirke: 400!

The Hon. S.J. BAKER: This is a super system. Within two weeks, my understanding is that the backlog will be cleared. That is how efficient the machinery is.

HOUSING TRUST PROPERTIES

Mr CAUDELL (Mitchell): Will the Minister for Housing, Urban Development and Local Government Relations advise the House of the number of new Housing Trust homes that have been built this financial year?

The Hon. E.S. ASHENDEN: I thank the honourable member for his question, because all of us in this House are only too well aware that, in his electorate, he has a large number of Housing Trust properties. Unfortunately, the number of new builds this year will be considerably less than we would have liked, and that is because of the difficulty that this Government has inherited as a result of the actions of the previous Labor Government.

Mr Clarke interjecting:

The Hon. E.S. ASHENDEN: Once again, the Deputy Leader does not like the truth to come out, but the truth is that from 1983 to 1993 the previous State Labor Government increased the debt of the South Australian Housing Trust from $700 million to $1.3 billion. Because of that, I have an interest repayment of $77 million every year. Not only did it increase the debt, but a substantial amount of that money was borrowed, not at concessional rates but at the full high interest rates of the day. The Bankcard mentality of the previous Government has meant that this Government is not in a position to build the number of houses that it would have liked. However, despite the difficulties that we have inherited, we are hopeful that we will be able to build approximately 200 houses this year. I have been provided with a letter from Ms Gay Thompson, which has been sent to the—

Mr Clarke: The next member for Reynell.

The Hon. E.S. ASHENDEN: I would not think so.

Members interjecting:

The SPEAKER: Order! There will be no further interjections.

The Hon. E.S. ASHENDEN: The reputation of Gay Thompson precedes her. If she were so fortunate one day as to be elected to Parliament, she would fit in very well with Opposition members, because the truth is the last thing she worries about. However, given the way in which the present member for Reynell works in her electorate, I have no doubt that she will be returned.

Members interjecting:

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

Mr Clarke interjecting:

The SPEAKER: Order! And so is the Deputy Leader.

The Hon. E.S. ASHENDEN: Despite the information that I have given the House previously about the changes that have occurred in the housing agreement and the fact that they were introduced by the previous Federal Labor Government, Ms Thompson had this to say:

> It is still difficult to get information on exactly what will happen to Housing Trust tenants as a result of changes introduced by the Liberal Governments at State and Federal levels.

How about that! That is the opening paragraph. This is the sort of misleading information being put out by the Labor Party, and I have already referred to the scare tactics. If only the truth would come out, but the Opposition cannot understand that. Let us get it firmly on the record that the changes that are occurring were well and truly introduced by the previous Federal Labor Government.

The previous State Government has put the Housing Trust in the position it is in today, so that, unfortunately, it will not be able to provide the new builds that it would have liked. One of the good changes that will come out of the new agreement is that the assistance that is provided to tenants will be provided to those not only in public housing but also in private housing, so although we will not be able to build the number of homes we would have liked, we will be able to provide assistance to more tenants in more houses.

FIREARMS

Mr QUIRKE (Playford): What steps has the Minister for Police taken to advise other jurisdictions of this State's inability to supply photo gun licences to South Australian shooters whose 28-day temporary licence has lapsed? Once the 28-day temporary licence has lapsed, South Australian shooters cannot travel to shooting events outside South Australia because they are not in possession of a current licence, even though they have paid for it, and technically are criminals in doing so.

The SPEAKER: Order! Although the honourable member has commented, I will allow the Minister to answer.

The Hon. S.J. BAKER: There have been delays in the system, and the progress is discussed on almost a daily basis between the jurisdictions. They are well aware of the problems that we have faced and we are getting them sorted out. We are asking the shooters to make sure that they carry their green slip with them, which acts as an interim authorisation, until they get their licence.

WORKERS' COMPENSATION

Mrs GERAGHTY (Torrens): Has the Minister for Industrial Affairs received a response to his letter to Crown Law seeking a legal opinion on whether insurance agents can swap information relating to injured workers? If so, when will we be advised of that legal opinion? If the opinion has not been received, will the Minister make a request for the opinion to be given urgently?

The Hon. G.A. INGERSON: The answer is 'No.' Crown Law will give its advice in due course. I recognise that it is a major issue and I will chase it up with Crown Law, but at this stage I have not received a reply.

COAST PROTECTION

Mr CONDOUS (Colton): My question is directed to the Minister for the Environment and Natural Resources. What work is being undertaken to help safeguard the future of South Australian beaches? The newly released Australia-wide survey by the Surfrider Foundation of Australia has highlighted a number of concerns that are impacting on our beaches. These include continuing litter problems, sewage outfalls and pollution from stormwater. With the obvious importance of our beaches to the State, what steps are being taken to help protect our coastline for the future?

The Hon. D.C. WOTTON: The coastline is vital to South Australia, and I hope that all members realise that for a number of reasons. If my memory serves me correctly, it was the report of the Surfrider Foundation which, two or three years ago, listed the Patawalonga as the most polluted waterway and Glenelg North as the most polluted beach in Australia. It is heartening that this status has suddenly been lifted from South Australia following the action of this Government, which has taken steps to remediate this matter after years of neglect.

The latest Surfrider report listed three areas of concern: litter; the proximity of waste water treatment discharge; and the quality of stormwater entering the sea. I am pleased to say that attention is being given to all three of these areas by the present Government. As to litter, legislation will be introduced during the current sitting to increase on-the-spot litter fines as well as begin a series of rolling actions to address issues of litter. Litter is also being addressed across entire catchments to prevent it entering the sea.

As members would know, a number of trash racks have already been constructed in the Patawalonga and Torrens catchments, with more to come. A floating boom trash rack was installed on a trial basis in the Sturt River channel at Novar Gardens yesterday to measure its effectiveness in removing litter and debris. A new polytech rubbish removal system is currently being installed at the Edwards Street drain at Brighton, and that has the full support of the Minister as the local member. That will have the capacity to remove debris to the size of a matchstick head before entering the ocean. The report also acknowledges that South Australia is currently the only State with container deposit legislation and recycles more than double the tonnage per individual than any other State in Australia. As for waste water, the Infrastructure Minister has already announced a community consultation program of over $150 million worth of planned upgrades to waste water treatment plants in South Australia, and that is certainly good news for our coastline.

Turning to stormwater, much activity is under way with much more to come under a plan that will eventually see stormwater rightly regarded as an untapped resource being diverted to wetlands and aquifers for storage and re-use. The State has already seen tremendous improvements in wetland and stormwater management. I refer to the wetlands at Salisbury and at the MFP which naturally filter water and improve its quality before it enters the sea. Construction of further wetlands will be stepped up in the future and, in addition, water monitoring stations have now been placed along the Torrens to monitor the quality of water.

In conclusion, I indicate that we have seen programs in this State to improve ecosystems and the health of our mangrove forests, and additionally a report into management practices along our coastline will be with me in the next few weeks. More than $600 000 is being provided in coast care grants and will be available soon for organisations involved in programs such as dune care and rehabilitation work along our coastline. Our coastline is currently being subjected to comprehensive programs of remediation in litter, water quality, habitat restoration and pollution control, and they are probably the most detailed programs that have ever been undertaken in this State. Solutions do not come overnight but, with the work being undertaken by this Government, the future of our coastline for recreation, fishing, tourism and much more is more assured than it has been in our recent history.

MATTER OF PRIVILEGE

Mr ATKINSON (Spence): I rise on a matter of privilege, Sir. I draw your attention to an article in this morning's *Australian* by Mr Peter Ward reporting proceedings in the House yesterday, in which he writes:

> This prompted bewigged Speaker Graham Gunn to exercise the loud impartiality for which he is so justly famous. He seemed to suggest that if the Opposition continued to oppose like that, he would do such things, name such names, that he would be the very terror of the Parliament.

On 16 November 1995 you ruled that reflections on the impartiality of the Chair in a newspaper published in this State were punishable as a breach of privilege. You quoted Erskine May to the effect that reflections upon the character or actions of the Speaker may be punishable as a breach of privilege.

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

The SPEAKER: Order! The member for Unley cannot take a point of order: there is a matter of privilege before the Chair. The member for Spence.

Mr ATKINSON: Sir, you went on to rule:

> The honourable member has gone far beyond what is acceptable and has reflected on me as Speaker and on the dignity of the House and the impartiality of the Chair. Our system operates effectively only if there is respect for the Chair.

You went on to say:

This unprecedented attack brings the whole parliamentary institution into disrepute and, as Speaker, I do not intend to tolerate this behaviour.

You further said:

This outrageous attack must be dealt with by the House in a manner to preserve the dignity of the House and to ensure that there is no repeat. . .

Clearly, the article by Peter Ward is ironic: it reflects on your impartiality adversely. I ask you to rule whether there is a breach of privilege in accordance with your ruling of 16 November 1995 and, if not, why not?

The SPEAKER: The Chair will consider the matter of privilege brought to the House's attention by the member for Spence and give a considered response as soon as possible.

GRIEVANCE DEBATE

The SPEAKER: The proposal before the Chair is that the House note grievances. The member for Mawson.

Mr BROKENSHIRE (Mawson): Last Friday evening, with my colleague the member for Kaurna, I had the pleasure to attend a public meeting facilitated through the Old Noarlunga Residents Association after direct liaison with the member for Kaurna. As the member and Liberal candidate for Mawson, I appreciated that opportunity. During that meeting it was clear that there were quite a few different views on what should be happening with respect to the proposed sewage treatment operation for Old Noarlunga—something that has been promised by successive Governments for nearly 20 years. I want to speak about those options in a minute. First I want to put on the public record that as the current member and the Liberal candidate for Mawson I will always listen to my constituents. Anyone in my constituency who was asked about this would confirm that that is the way I operate, and I will make the best representation I can. In fact, the member for Kaurna is currently organising the two of us to make a deputation to the Minister responsible, the Hon. John Olsen, the Minister for Infrastructure.

It was disappointing that on that night an issue that has been around for two decades and something that could be very good for Old Noarlunga was effectively hijacked by the political campaign of the Labor Party. We are already seeing how the Labor Party is starting to put forward untruths, innuendo and all the negativism it can possibly muster. I noted with interest some of the Labor plants who were at that public meeting and frankly did not even sign the register. I put on record that some of those whom I saw there were not even residents of Old Noarlunga, yet they asked questions of me as the Liberal candidate and sitting member for Mawson and made accusations and so on without even being residents. That was unfair on the residents.

I also put on record some of the other points that make life difficult for us. Whether or not some people want to accept this, the fact is that the financial position is very difficult. After 11 years of Labor we now have to meet $2 million a day in interest on State debt, notwithstanding all the other problems of which we are all aware. If that $2 million interest payment a day had not been caused by the previous Labor Government it would make our deputation to the Minister so much easier. It was a pity that the Labor Party did not acknowledge that to members of the community at the meeting the other night.

However, it was interesting to see that clearly the Labor Party has not learnt anything from the $6 billion of total debt it created over that period with the State Bank and SGIC debacles, and so on, or even from the fact that it did not put enough infrastructure into the south. I saw members opposite making policy on the run that night, and that is very sad. You can do anything in Opposition, because you do not have to answer to anyone, but when you are in Government you do have to be responsible to all people. We have to look at the sustainable future for the south and the State. We see today that surveys show that jobs are improving. Enormous capital works programs are happening in the south, there is a lot of expansion in the Hackham and Lonsdale industrial areas and the situation is turning around, but not as fast as one would hope. Therefore, it is not always easy to fulfil promises, particularly when you make promises that have no hope of being kept, as was the case with the Labor Party the other night. The promise I and my colleague the member for Kaurna made was simply that we will honour our commitment to make the very best—

Mr FOLEY: I rise on a point of order, Sir. I draw your attention to Standing Orders, which prohibit members from reflecting on other members. The member for Mawson is clearly referring to me at a public meeting last night and is doing so by making a poor reflection on me as a member.

The SPEAKER: The Chair did not hear the remarks to which the honourable member is referring.

Mr Foley interjecting:

The SPEAKER: Order! The Chair is looking to assist the member for Hart in his problems. Would he explain?

Mr FOLEY: I am sorry that you were not listening, Sir. The point was that the member was reflecting on me as a member, and I ask that the honourable member desist from doing so.

The SPEAKER: I uphold the point of order: if the honourable member reflected on another member, he is out of order and I ask him not to do so again. The member for Mawson.

Mr BROKENSHIRE: I hear your ruling, Sir, and it is interesting that the shadow Infrastructure Minister is so sensitive. I did not imply anything with respect to him, so clearly he has some sensitivity there. I was talking merely about Labor members not yet having learnt a thing. They are still running around making promises that they damn well know they cannot keep.

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

Mr QUIRKE (Playford): Before I start on the main substance of my contribution to the grievance debate this afternoon, I indicate that on Friday afternoon I went to see the firearms destruction outfit at work at Thebarton, and this debate provides an opportunity to make a couple of points for the record. I believe that all the personnel present—the police personnel and those civilians who are working in the system—are doing an excellent job.

Probably most of the community is happy that they are doing the job, and probably some members of the firearms community are happy that they are doing the job, but not all members are happy about surrendering up weapons they have owned for some years. When I visited the site I observed a dedicated bunch of people who were working extremely hard and who showed a degree of compassion to those persons who were obeying the law, as most shooters do. They executed their duties in the highest possible way. As the

shadow Minister, I am very satisfied with the work those people are doing—they were obviously selected for their personal skills, and I believe they are well used.

The surrender of firearms appears to be on track, but I can tell members something that is not on track: during Question Time this afternoon I asked the Deputy Premier how many photo gun licences had been issued since 9 September. I then asked him, 'When will the other 60 000 be supplied to shooters in South Australia?' We were told that 400 licences are in the mail. You know—

The Hon. E.S. Ashenden interjecting:

Mr QUIRKE: The Minister interjects and says, 'That leaves only 59 600 to be mailed.' I do not think those 400 licences are in the mail, either. I think that it would be an interesting exercise to place an advert in the *Advertiser's* lost and found column that read, 'Lost, photo gun licence, paid for two months ago. Where is it?' If we included the Deputy Premier's telephone number—which, no doubt, is what some members of the gun lobby would have done had we been in Government during implementation of this system—he would receive some interesting phone calls. At least a handful of those 60 000 people would like know where their licence is.

My purpose in making these remarks this afternoon is to highlight two issues: we are satisfied with the progress of the acquisition of banned semiautomatics in the State, those legally registered weapons that have been surrendered, and the destruction thereof. I make no comment about that. That process is good, and I believe it is in very good hands. However, I do think that the photo gun licence system should be streamlined. It was not the Opposition that determined that this scheme would start on 9 September and finish on 8 November: it was the Government. I do not know who is telling fibs to whom, but the Government has entered into a contract about which I am very concerned.

After two months all that we are told is that 400 licences might be in the mail by next week. As the Minister pointed out, that leaves 59 600. I understand that more than 400 people in South Australia yesterday presented themselves at various locations to meet their photo gun licence obligations. The department is getting further behind, even if the 400 licences turn up. I would like to hear from any person who has received one of these photo gun licences. I believe that this is something that needs urgent attention. Many people are not privy to the proceedings of this House, and they want to know where their licence is.

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

Mrs ROSENBERG (Kaurna): I raise today the issue of some increased services that some members of my electorate have been working towards for many years. I have lived in the area for 25 years, and I am aware of lobbying for improved transport services to Aldinga and Sellicks Beach for at least 20 of those 25 years. I am pleased to put on record today that the Minister has now accepted and announced that the Passenger Transport Board has awarded the contract for the Aldinga Beach bus service to Transit Regency. The awarding of this contract means some improved services to my area, which was probably not expected as part of the tender process.

The successful tender has certainly gone beyond expectations in the first instance. Five bus services currently operate between Aldinga Beach and Noarlunga Centre; that service has now been increased to nine services a day, with seven of those services being a return service to Sellicks Beach. According to the development plan, Sellicks Beach is part of metropolitan Adelaide, and it is currently serviced by one bus a day. The increase to seven services will have an absolutely wonderful effect on the young people of Sellicks Beach (the area in which I live) who are currently finding it extremely difficult to access work because there is simply no transport for them to reach areas such as Noarlunga Centre.

Because the area in which I live has a lower socio-economic standard, not many families have the second or third car required for young people of the ages of 16 and 17 to access work by driving themselves. The increase to seven services Monday to Friday is welcomed and will be well used. In addition, it has been recognised that Saturdays and Sundays exist in Aldinga Beach and Sellicks Beach.

An honourable member interjecting:

Mrs ROSENBERG: Yes it does. Saturdays and Sundays exist even in the deep south. The area has been recognised with four bus services on a Saturday. Those bus services will run to Silver Sands and Aldinga, and three of those services will be return services to Sellicks Beach. A service will be provided on Sundays and public holidays, which will operate between Aldinga and Sellicks Beach on three occasions during those days. The negotiations that have taken place took into consideration that the Noarlunga Health Service recently decided to consolidate community health centres within the southern area, and the McLaren Vale Health Centre was relocated to the newly built and opened Seaford Health Centre.

As part of this negotiation process, it was stressed that a service had to link Aldinga, Sellicks and the Seaford Health Centre because, as I have said, the socio-economic standard of some households in my area make it absolutely essential for young mothers, who might want to access CAMHS and CAFHS at Seaford, to access a direct bus service. This service has been announced as part of the tender. Negotiations will follow as to how that service will fit with the timetable for the direct service to Noarlunga Centre. I cannot stress enough the importance of the acceptance of this contract for the people of Aldinga Beach and Sellicks Beach.

For many years we have been totally and utterly ignored. In fact, in the words of a previous Minister, 'You have to freeze the services down there to stop development.' We were frozen all right; we were ice cold. It is about time we were recognised, and I congratulate the Passenger Transport Board. Most importantly, I congratulate Transit Regency because I know how much work it put into this tender process. I know how hard the tender was fought, and it was won by the service that currently accesses the area and has close contact with the current users of the service. Transit Regency's opportunity now to expand this service will benefit both the provider of the service and the community. I congratulate both the Passenger Transport Board and Transit Regency for this announcement today.

Mr SCALZI (Hartley): I comment on two topics today. First, the article in today's *Advertiser* headed 'Jobs surge puts State back on track'. The Government, the Premier and many members on this side of the House have been saying continually that we are on track. There is no doubt that we have gone through some tough times, but everyone knows that, if you have a mortgage, no-one is able to pay it off in three years, let alone if you have a second and third mortgage, as we did. The article says:

> Job opportunities in South Australia have reached an 18-month high, a national employment survey has found.

That is not what the Liberal Party is saying, but a national survey. I commend Leanne Weir, the reporter, for bringing a good story to our attention. All members should be proud that South Australia is heading in the right direction. That is what we should all be about, because we are heading in the right direction. There is no doubt that we have to be sensitive and that we have to concentrate on areas such as youth unemployment, but we are doing that. It is our priority—

Mr Quirke: If you are not careful you will be holding a piece of chalk in your hand.

Mr SCALZI: I do not regard holding a piece of chalk as anything bad. I am proud to be a teacher. I will be quite happy to be a chalkie in 20 years. If in 20 years the member for Playford is still here and the Labor Party has won Government, I am sure the member for Playford will be pleased that there is a good teacher in the South Australian teaching force. I would be happy to serve as a teacher.

Last week members opposite were continually saying that the Government looked arrogant, that it was not giving them a fair go and so on. I thought perhaps we could put things in a different perspective. The reality is that there are 36 Government members and 11 Opposition members. The 36 Government members each represent about 20 000 to 23 000 electors. We all represent an equal number of people. However, each one of us does not have the same opportunity to ask a question in this place or to make a grievance—and it is perhaps fortunate that I have had the opportunity to speak today and to ask some questions yesterday. However, each day the 36 Government members are allowed to ask 10 questions and the 11 Opposition members are allowed to ask 10 questions. Last week members of the Opposition complained that they were not given the opportunity to follow a line of questioning. Of the six questions asked by the Opposition last Wednesday, five were asked by the member for Hart all on the one issue.

That is the reality; they are the statistics. If members think about it, the Opposition holds 23.4 per cent of the seats in this House, but for 50 per cent of the time its members are able to ask questions and have the opportunity to put their Party's point of view to the South Australian people. The Government holds 36 of the 47 seats, which is 76.6 per cent of the seats in this place, but each day we can ask only 10 questions and have only 50 per cent of the time to put our point across. I believe that it is important to have a good Opposition. It is important that the Opposition has the opportunity to question the Government, but it is going a bit too far if we play persecution politics and say, 'We do not get a fair go.' If the Opposition was not allowed to ask questions and it did not have the opportunity to have three grievances each day, perhaps then there would be something in what members opposite are saying, but the statistics show otherwise.

Ms STEVENS (Elizabeth): I rise to share with members a letter we have received from someone who had an unsatisfactory experience at Modbury Hospital. I highlight this because, when we hear the Minister for Health day after day talking about the 97.8 per cent patient satisfaction rate at Modbury Hospital, it is important to consider one example at least of the other side of the issue. The letter states:

We are writing to you with a very serious concern that has affected our family and I am sure many others are in the same situation.

Two weeks ago our mother was in a bad state with shingles to the eyes. After three visits by different doctors, we were advised that she had to be admitted to Modbury Hospital. At 6 p.m. we rang an ambulance to take her there. She was not seen for four hours, but the doctor at the time was reasonably thorough with her and was concerned about her sight. He rang and made an appointment at the Royal Adelaide Hospital the following morning at 9 a.m. to have her sight checked. Unfortunately, they would not keep her in overnight, even though we explained that it was 11 o'clock at night and our father had already gone to bed and the unit was locked. They refused to change their minds and she then had to wait for an ambulance which meant that she arrived home at 2 a.m., to be up again by 7 a.m. to have carers organise her for the hospital.

She is 75 years of age, suffering an extremely bad case of the shingles, under stress and disoriented due to pain and being shifted around. After visiting the RAH in the morning she was taken back home, where she became terribly distressed and began suffering symptoms of a stroke. The nurse called an ambulance (their attendants also thought she was having a stroke) and she was taken directly to Modbury Hospital where she was left in a hallway for two hours before someone was able to see her. Later that day, after a visit from a doctor, we were informed that she hadn't suffered a stroke and we needed to find alternative arrangements for her immediately. This was impossible as it was 6 o'clock on a Friday afternoon and the chance of getting respite care usually finishes within working hours, approximately 4.30-5. Until the Registrar saw her, we didn't know whether they would keep her in overnight if we were unsuccessful. Fortunately, after several phone calls leaving messages stressing the urgency of the matter, we were able to get her into special care at the Lutheran Homes the next day.

All of the above is totally unnecessary for older people who have difficulty coping with continual change, let alone suffering stress and further loss of memory and health.

We are appalled at the system and, in particular Modbury Hospital as this is the closest public hospital for them. Do our old people have no worth because they are no longer of any value to society? If it had not been for them our country wouldn't be where it is today.

Can you please do something to stop the suffering? I realise there are many who use the system inappropriately but surely they (the doctors/sisters) can differentiate between them and the genuine cases. We are not numbers, we are people.

When I was really doubled over in pain for a number of hours, I was raced over to the hospital because, at that time, it was the only one offering emergency care (even for those with private cover) and I was left for hours with no attention. Eventually, they saw me and by that time the pain had subsided so they rang my husband and told him to pick me up and make sure I see a doctor that day. Very helpful I thought. I wonder how many die, or are seriously impaired because they have had to wait. Fortunately, through trial and error and having to pay to get second opinions, I know what my problem is now and can monitor it myself.

Thank goodness there are some alternatives for those who have private health funds. Should it really be this way? The public is never told the truth in the media, so it is all a big scam.

I will be handing this letter to the Minister for Health and I will await his response. But I would like to—

Mr Clarke interjecting:

Ms STEVENS: Yes, probably it will take a very long time to get that response. I make a couple of points. Certainly, there are issues in all public hospitals, but do not let us forget that the contract for the private management of Modbury Hospital has been an unmitigated failure.

Mr Bass: That's your opinion.

Ms STEVENS: It is my opinion, and it is also an opinion backed up by Healthscope. Healthscope, the company, admits that it has quite unacceptable losses in relation to this contract, and I believe that the Government has been negligent in its duty to the people of South Australia in entering into it in the first place.

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

Mr BRINDAL (Unley): I, too, refer to a serious and rather profound matter. I have to apologise to the House for the behaviour of one of my dinner guests a week ago, when I had—

Mr Brokenshire: So you should.

Mr BRINDAL: The member for Mawson realises what I am about to say. A week ago, I had into dinner my wife and two other guests, Mr Lucas Bennett and Ms Natasha Bennett. Unfortunately, Mr Bennett suffers from incontinence. The first thing he did was to get into the lift and disgrace himself in front of the Noarlunga East Rotary Club, in the presence of the member for Mawson and all his guests. I apologise to the member for Mawson and his guests, who were seen perceivably to shift to the other side of the lift. He then went to the—

Mr Atkinson: That is natural.

Mr BRINDAL: It is not. The member for Mawson and I are as one on many issues. It was an aberration that we should be seen to be so far apart in any event. He then went into the—

Members interjecting:

Mr BRINDAL: He is known to leak very often. He then went into the dining room, where he proceeded to indulge in the grossest exhibitionism and also a degree of sexism in that he sat in the chair and ogled—and that is the only word for it—the women who work in the dining room. Then, when they came across, he proceeded to play coy. His table manners were appalling, and it was a generally bad exhibition. I apologise to those who were present.

I remember that you, Mr Deputy Speaker, were present in the Dining Room, as was the Attorney-General and several others. However, the most insulting moment of all came when Mr Bennett decided that he would take as his mentor and his role model the Hon. Mr Weatherill from another place. As a Liberal member of Parliament, I believe that was something of an insult. Sir, you, as Deputy Speaker and as Chairman of Committees, have been in this place for a long time, and we could have no better role model than you, the Attorney-General or even the member for Mawson. There are any number of Liberals from whom to choose but this person chose Mr Weatherill.

The DEPUTY SPEAKER: Order! The honourable member should not be casting aspersions on other members, irrespective of the House. The point has been made beyond the bounds of propriety.

Mr BRINDAL: Thank you, Sir. He ignored the rest of the party until it was the time of leaving, and then he further embarrassed us by being rather loud about not wanting to leave Mr Weatherill. I apologise to the House for this person's behaviour. I will have him here again. The only excuse I can make is that he is only 18 months old and he is my grandson. I thank the House for its indulgence and assure the House that this will make wonderful reading when the same young man is 18 or 21 years of age.

WATER RESOURCES BILL

The Hon. D.C. WOTTON (Minister for the Environment and Natural Resources) obtained leave and introduced a Bill for an Act to provide for the management of the State's water resources; to repeal the Catchment Water Management Act 1995, the Water Resources Act 1990 and other Acts; and for other purposes. Read a first time.

The Hon. D.C. WOTTON: I move:

That this Bill be now read a second time.

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

Leave granted.

Water resources management in South Australia, as elsewhere in Australia, continues to face challenges of the most fundamental importance to the sustainable development of the State. The proper use and management of the State's water resources is essential for maintaining and enhancing our total quality of life. This means achieving sustainable economic development and fulfilling important social and physical needs, while ensuring that the health of the water resources and the associated ecosystems are protected. As one of a range of measures needed to reach these goals, we must to ensure that South Australian legislation can address these issues and help bring about the best possible management of our precious resources.

In September last year, after a comprehensive program of community consultation, I presented to Parliament the State Water Plan entitled '*Our Water, Our Future*', outlining South Australia's needs for a strategic framework for management of water resources, which needs are not being met by the current legislation. The framework reflected certain trends in State and national approaches to water resources management which have emerged over recent years, and included strategic aims such as:

- *meaningful community participation* in the management of natural resources, recognising the role of the community in implementing plans through on-ground works and measures, and the right of the community to participate in the setting of natural resources management goals and objectives;
- *an integrated approach to natural resources management*, recognising that it is not sensible to continue to manage water resources in isolation from other natural resources, and from other responsibilities relating to, for example, the control of development, pollution, and pest plants and animals;
- *a greater transparency and certainty of decision making*, based on community-developed and Government approved management plans;
- *a greater emphasis on the collection and availability of relevant data*, recognising the importance of adequate information to assist decision-making; and
- *a separation of the roles* of water service delivery (that is, commercial water supply such as SA Water's domestic supplies) from water resources management (that is, looking after the health and availability of the resource in its natural state), to avoid conflicts of interest.

These strategic aims are reflected in the principles endorsed by this Government through its participation in a number of national agreements and strategies, and State initiatives. The Water Resources Bill has been prepared with these aims firmly in mind.

Following eight months of wide consultation over community opinions and aspirations on the review of the Water Resources Act 1990, in May 1996 I released for public consultation a draft Water Resources Bill, which was accompanied by an Explanatory Report and an Index to the Bill. Four months of intense public and stakeholder consultation ensued, with numerous public meetings and detailed briefings given by myself and Departmental staff. A great number of written responses were received, showing the breadth of community interest in this most important of legislative initiatives.

All responses were reviewed by myself and Departmental staff. A great many were extremely constructive, and have been taken on board and are reflected in the Bill which I table today.

I was greatly assisted throughout the review process by a Committee of Members of Parliament. Those members, Kent Andrew, Member for Chaffey (Chair); Robert Brokenshire, Member for Mawson and my Parliamentary Secretary; Malcolm Buckby, Member for Light; Dorothy Kotz, Member for Newland; Peter Lewis, Member for Ridley; and Ivan Venning, Member for Custance, put careful effort into reviewing various drafts of the consultation papers and the draft Bill, and their views on community requirements and concerns have been invaluable.

The central features of the Water Resources Bill are:

The principles of ecologically sustainable development

The Bill has only one stated Object: the establishment of a system for water resources management which will achieve the ecologically sustainable development of the State's water resources. That is, a system which will provide the maximum social, economic and environmental benefits for present generations, while still allowing those same benefits to be reaped by future generations.

Environmental water needs are explicitly recognised throughout the Bill, in planning for resource management and in the allocation of water resources to consumptive users, and measures for protecting the environment against unforseen

consequences of consumptive use or other activities affecting water dependent environments.

The Bill takes a holistic view of water resources, ensuring comprehensive consideration of all types of naturally occurring water as well as possibilities for use and development of alternative sources such as wastewaters.

Integrated resources management

The need for better integration and co-ordination of efforts in natural resources management has been raised as a major issue for natural resource managers at all levels. The Water Resources Bill is an important step towards the resolution of this matter.

The Bill provides for integration in the management of water with related natural resources at a number of practical levels, as well as at strategic levels. These measures include consistency in planning and streamlining of applications under various related Acts to carry out works or activities. Effective integration will be further facilitated by a series of consequential amendments to other Acts.

A significant provision in the Bill that will assist in integration at the operational level is the ability to vest an existing appropriate body with the powers and functions of a catchment water management Board. I believe that this provision amongst others will be shown to be a most important step towards effective integrated resource management at the local level. It could be used, for example, to resolve the separation of surface and groundwater management that presently exists in the South East of the State.

Devolving greater responsibility for management to local communities

Building on the success of the existing catchment water management Boards established by this Government through legislation passed at the beginning of last year, the Bill provides for communities to take a much greater degree of responsibility in the management of local water resources where they are willing and able to do so.

These opportunities are provided to an important extent through the transparency and accountability that will accompany the use of community-developed management plans for all managed water resources. However, most importantly is the opportunity for the public to have a more direct management role through the establishment of catchment water management Boards.

The membership of the Boards is fundamental to the success of this program of community involvement in management of resources. Criteria for nomination of members to Boards is skills and expertise in a relevant field (recognising that fields other than strict resource management may be appropriate to make up a Board).

The types of skills, experience, local knowledge and understanding that will need to be brought to Boards will differ in each region. The Bill provides a broad range of possibilities, although it keeps as core skills local knowledge and active community membership, resource use and management, conservation, and local government. The openness of the selection process, with the emphasis firmly placed on essential skills, will ensure that the best people with the most appropriate skills will be assembled to achieve the visions for management of the resources of each area. I propose to seek the widest possible range of nominations through open advertisements. I will then select members with necessary skills, with the assistance of the Water Resources Council, an independent body established by the legislation, which is widely representative of the diversity of interests to be taken into account.

South Australian Water Resources Council

The Bill provides for a Water Resources Council as a 'peak' body, charged with very specific functions of a strategic nature. The Council will comprise five experts; four of whom will be selected by the Minister from nominations of key interest groups: the Local Government Association, the South Australian Farmers' Federation, the Conservation Council of South Australia and catchment water management Boards.

The function of the Council is to assess, five-yearly, the efficacy of the State Water Plan in achieving the Object of the Act. The Council will also assess catchment water management plans and water allocation plans as directed by the Minister, and may investigate and assess other issues relating to the administration of the Act.

Management of all water resources through water management plans

In keeping with the thrust of this Bill to provide much greater opportunities to those who will be affected by water resources decisions, to participate in determining the goals, directions and techniques for that management, the Bill provides that all water resources will be managed through water plans developed, prepared and regularly reviewed through a comprehensive process of consultation.

The plans range from the State Water Plan, setting the State wide strategic directions for water resources management, but also able to provide 'nuts and bolts' management for resources through plans of local committees, to Board's catchment water management plans, or plans of local councils where no Board has been established for the area, and water allocation plans, dealing with the management criteria for licensed resources. Conditions for licensed resources may even include on-site water management plans to be developed by licensees.

'Property rights' system for water licences

The Bill allows full transferability of both licences and the water allocations endorsed on them. It also creates a register of licences through which third party interests in water licences (such as the interests of mortgagors) can be protected, and through which an effective market in water allocations can evolve.

I commend this Bill to the House.

PART 1
PRELIMINARY

Clauses 1 and 2

These clauses are formal.

Clause 3: Interpretation

This clause provides definitions of terms used in the Bill.

Clause 4: Act binds Crown

This clause provides that the Crown is bound and that all agencies and instrumentalities of the Crown must endeavour to act consistently with the State Water Plan and all other water plans.

Clause 5: Application of Act

This clause provides that the Bill is subject to Acts and agreements set out in the clause.

PART 2
OBJECT OF THIS ACT

Clause 6: Object

This clause sets out the object of the Act.

PART 3
RIGHTS IN RELATION TO WATER

Clause 7: Right to take water

This clause sets out rights in relation to the taking of water. It is important to keep in mind the broad definition of "to take" water in clause 3 of the Bill.

Clause 8: Declaration of prescribed water resources

This clause provides for the declaration of water resources by the Governor on recommendation by the Minister. The Minister must undertake a process of public consultation before making a recommendation.

PART 4
CONTROL OF ACTIVITIES AFFECTING WATER
DIVISION 1—CONTROL OF ACTIVITIES

Clause 9: Water affecting activities

This clause controls activities that affect water by requiring a water licence or authorisation under section 11 for the taking of water or a permit for other activities referred to in the clause.

Clause 10: The relevant authority

This clause defines the relevant authority for the purposes of granting a water licence or a permit.

Clause 11: Certain uses of water authorised

This clause enables the Minister, by notice in the *Gazette*, to authorise the taking of water from a prescribed water resource.

Clause 12: Activities not requiring a permit

This clause sets out activities for which a permit is not required.

Clause 13: Notice to rectify unauthorised activity

This clause enables a relevant authority to direct a person who has undertaken an activity without authority to rectify the effects of that activity.

Clause 14: Obligation of owner to maintain watercourse or lake

This clause enables a relevant authority to direct the owner or occupier of land to maintain a watercourse or lake that is on or adjoins the land.

Clause 15: Minister may direct removal of dam, etc.

This clause enables the Minister, on the recommendation of a catchment water management board, to direct the owner of land on which a dam has been lawfully erected to remove it. This clause and

clause 146 provide for compensation to be paid to the owner of the land and the occupier of the land for the loss of any water held by the dam.

Clause 16: Restrictions in case of inadequate supply or overuse of water

This clause enables the Minister to prohibit or restrict the use of water if the available water cannot meet the demand.

Clause 17: Duty not to damage watercourse or lake

This clause places an obligation on the owner and occupier of land to take reasonable steps to prevent damage to a watercourse or lake on or adjoining the land.

DIVISION 2—PERMITS

Clause 18: Permits

This clause provides for the granting of permits. The granting of a permit must not be inconsistent with a water plan—*see* subclause (3).

Clause 19: Requirement for notice of certain applications

This clause requires public notice of applications for permits if the relevant water plan provides for such notice. The clause allows interested persons to make representations to the relevant authority before a decision is made on the application.

Clause 20: Refusal of permit to drill well

This clause enables an authority to refuse a permit to drill a well on the ground that the water is so contaminated as to create a risk to health.

Clause 21: Availability of copies of permits, etc.

This clause requires the relevant authority to make copies of permits and representations under clause 19 publicly available.

DIVISION 3—PROVISIONS RELATING TO WELLS

Clause 22: Well driller's licences

This clause provides for the granting of well driller's licences.

Clause 23: The Water Well Drilling Committee

This clause continues the Water Well Drilling Committee in existence and sets out its functions and provides for its powers.

Clause 24: Renewal of licence

This clause provides for renewal of well driller's licences.

Clause 25: Non-application of certain provisions

This clause enables wells of a class prescribed by proclamation to be excluded from provisions of Part 4.

Clause 26: Defences

This clause provides a series of defences relating to the drilling, plugging, backfilling, etc., of a well.

Clause 27: Obligation to maintain well

This clause imposes an obligation to maintain wells.

Clause 28: Requirement for remedial work

This clause enables the Minister to direct action to be taken to prevent the degradation or wastage of the water in a well.

PART 5

LICENSING AND ALLOCATION OF WATER

DIVISION 1—LICENSING

Clause 29: Licences

This clause provides for the granting of a water licence. Subclause (3) sets out the grounds on which the Minister can refuse to grant a licence. A licence is a vehicle for the water allocation and any conditions that are necessary or desirable in relation to the taking of water by the licensee.

Clause 30: Variation of water licences

This clause provides for the variation of licences.

Clause 31: Surrender of licence

Clause 31 enables a licensee to surrender his or her licence.

Clause 32: Availability of copies of licences, etc.

Provides for the public availability of copies of licences.

DIVISION 2—ALLOCATION OF WATER

Clause 33: Method of fixing water allocation

Sets out the bases on which water allocations can be fixed.

Clause 34: Allocation of water

Provides for the allocation of water. Where water in addition to that already allocated is available from a resource a water allocation may be obtained from the Minister. Otherwise a water allocation must be purchased from another licensee. Allocation by the Minister must, in the first instance, be by public auction or tender. The allocation of water may be subject to conditions and the total allocation at any one time to a licence may comprise a number of components subject to different conditions or having a limited or unlimited term.

Clause 35: Basis of decisions as to allocation

Sets out the basis of the Minister's decision to allocate water.

Clause 36: Allocation on declaration of water resource

Provides for the allocation of water on the declaration of a water resource. The main purpose of the section is to preserve the rights to water of existing users.

Clause 37: Reduction of water allocations

Provides for circumstances in which the Minister can reduce water allocations.

DIVISION 3—TRANSFER OF LICENCES AND WATER ALLOCATIONS

Clause 38: Transfer

Provides for the transfer of licences and for the transfer of part of the water allocation of a licence separately from the licence.

Clause 39: Application for transfer of licence or allocation

Provides for applications for the transfer of a licence or part of the allocation of a licence. Transfer of part of the allocation of a licence to another licence is achieved by the variation of both licences.

Clause 40: Requirement for notice of application for certain transfers

Requires public notice of an application for transfer of a licence or the water allocation of a licence if the relevant water allocation plan provides for public notice. Any person who desires to do so may make representations in writing to the Minister before the application is granted.

Clause 41: Basis of decision as to transfer

Sets out the basis for a decision to grant approval for the transfer of a licence or the water allocation of a licence.

Clause 42: Endorsement and record of dealings

Provides for endorsements on the licence.

DIVISION 4—BREACH OF LICENCE

Clause 43: Consequences of breach of licence, etc.

Makes it an offence to contravene or fail to comply with a condition of a licence and provides that the Minister may cancel, suspend or vary a licence in certain circumstances.

Clause 44: Effect of cancellation of licence on water allocation

Provides that the water allocation endorsed on a licence that has been cancelled is forfeited to the Minister. The Minister must endeavour to sell the allocation and subclause (5) provides for distribution of the proceeds of sale.

PART 6

ADMINISTRATION

DIVISION 1—THE MINISTER

Clause 45: Functions of the Minister

Sets out the functions of the Minister under the Bill.

Clause 46: Minister must report to Parliament

Provides for an annual report by the Minister to Parliament.

Clause 47: Minister to keep register of licences and permits

Requires the Minister to keep a register of water licences and permits.

Clause 48: Minister may delegate

Enables the Minister to delegate his or her functions, powers or duties under the Bill.

DIVISION 2—THE WATER RESOURCES COUNCIL

Clause 49: Establishment of the council

Establishes the Water Resources Council.

Clause 50: Membership of the council

Provides for the membership of the council.

Clause 51: Functions of the council

Sets out the functions of the council.

Clause 52: Further provisions relating to the council

Refers to schedule 2 which contains further provisions relating to the council.

DIVISION 3—CATCHMENT WATER MANAGEMENT BOARDS

Clause 53: Establishment of boards

Provides for the establishment of catchment water management boards by the Governor on the recommendation of the Minister.

Clause 54: Recommendation by the Minister

Sets out the procedures that are required before the Minister makes a recommendation.

Clause 55: Nature of boards

Determines the nature of boards.

Clause 56: Common seal and execution of documents

Provides for the common seal of a board and the execution of documents.

Clause 57: Membership of boards

Clause 58: Presiding member

Clause 59: Other members

Clauses 57, 58 and 59 are provisions relating to the membership of boards.

Clause 60: Further provisions relating to boards

Refers to schedule 2 which contains further provisions relating to boards.

Clause 61: Functions of board

Sets out the functions of boards.

Clause 62: Board's responsibility for infrastructure

Clause 62 makes boards responsible for the maintenance and repair of infrastructure.

Clause 63: Powers of boards

Clause 63 sets out the powers of boards.

Clause 64: Board's power to provide financial assistance

Clause 64 enables boards to provide financial assistance to constituent councils and other persons.

Clause 65: Other activities of board

Regulates other activities of a board.

Clause 66: Delegation

Enables boards to delegate their functions, power and duties.

Clause 67: Entry and occupation of land

Sets out the powers of a board to enter and occupy land.

Clause 68: By-laws

Enables a board to make by-laws that can be made by a council in relation to water resources or infrastructure.

Clause 69: Representations by South Australian Water Corporation

Provides for South Australian Water Corporation to make representations to a board if the Corporation discharges water into a watercourse or lake in the board's area.

Clause 70: Staff of board

Provides for employees to be appointed by boards.

Clause 71: Exclusion of functions and powers of councils, etc.

Provides that where functions and powers of boards and councils or controlling authorities overlap, the functions and powers of boards take precedence.

Clause 72: Water recovery and other rights subject to board's functions and powers

Clause 72 makes certain rights subject to the performance of functions and exercise of powers by a board.

Clause 73: Vesting of works, buildings, etc., in board

Enables the Governor, on the recommendation of the Minister, to vest council infrastructure or land in a board.

Clause 74: Accounts and audit

Clause 74 provides for the auditing of the accounts of a board.

Clause 75: Annual reports

Provides for the preparation of an annual report by boards.

Clause 76: Appointment

Provides for the appointment of an administrator to reorganise the management and operations of a board in the circumstances set out in subclause (2).

Clause 77: Appointment of body established by or under another Act

Enables the Governor on the recommendation of the Minister to appoint a body (such as a soil board) established under another Act to act as a catchment water management board under this Act.

Clause 78: Recommendation by the Minister

This clause provides that clause 54 applies to the appointment of a body under Subdivision 8.

Clause 79: Application of other Subdivisions

Clause 80: Conflict of functions or duties

Clauses 79 and 80 are machinery provisions,

DIVISION 4—WATER RESOURCES PLANNING COMMITTEES

Clause 81: Establishment of water resources planning committees

Provides for the establishment of water resource planning committees.

Clause 82: Nature of committees

Sets out the nature of committees.

Clause 83: Membership of committees

Provides for the membership of committees.

Clause 84: Functions and powers of committees

Sets out functions and powers of committee.

Clause 85: Further provisions relating to committees

Schedule 2 sets out further provisions in relation to committees.

DIVISION 5—COUNCILS AND CONTROLLING AUTHORITIES

Clause 86: Responsibility of councils and controlling authorities

Sets out the responsibilities of councils and controlling authorities.

DIVISION 6—AUTHORISED OFFICERS

Clause 87: Appointment of authorised officers

Provides for the appointment of authorised officers.

Clause 88: Powers of authorised officers

Sets out the powers of authorised officers.

Clause 89: Hindering, etc., persons engaged in the administration of this Act

Makes it an offence to hinder or obstruct an authorised officer.

PART 7
WATER PLANS
DIVISION 1—STATE WATER PLAN

Clause 90: The State Water Plan

Provides for the State Water Plan.

Clause 91: Amendment of the State Water Plan

Requires the Minister to keep the State Water Plan under review and to amend it or replace it whenever necessary.

DIVISION 2—CATCHMENT WATER MANAGEMENT PLANS

Clause 92: Catchment water management plans

Sets out the required content of catchment water management plans.

Clause 93: Proposal statement

Requires the preparation of a proposal statement before a plan is prepared. Members of the public must be invited to make submissions in relation to the proposal statement.

Clause 94: Preparation of plans and consultation

Provides for preparation of the draft plan and for public and other consultation during preparation and on the draft plan after it is prepared.

Clause 95: Adoption of plan by Minister

Provides for adoption of the plan by the Minister and for consultation before adoption.

Clause 96: Amendment of a Development Plan

Provides for amendment of a Development Plan where a report setting out proposals for the amendment is included in the plan.

Clause 97: Review and amendment of plans

Provides for periodic review and amendment of plans.

Clause 98: Time for preparation and review of plans

Allows for the first plan to be of limited scope. This provision is necessary because of the long time required to prepare a comprehensive plan.

Clause 99: Time for implementation of plans

Allows for the implementation of a draft plan that has not been adopted if the Minister and the constituent council agree to implementation of the plan.

Clause 100: Availability of copies of plans

Provides for the public availability of copies of plans and submissions.

DIVISION 3—WATER ALLOCATION PLANS

Clause 101: Preparation of water allocation plans

Provides for preparation of water allocation plans.

Clause 102: Proposal statement

Clause 103: Preparation of plans and consultation

Clause 104: Adoption of plan by Minister

Clause 105: Amendment of a Development Plan

These clauses correspond to clauses 93 to 96 inclusive.

Clause 106: Amendment of allocation plans

Provides for the amendment of plans.

Clause 107: Availability of copies of plans

Provides for availability of copies of plans.

DIVISION 4—COUNCILS WATER MANAGEMENT PLANS

Clause 108: Local water management plans

Provides that a council may prepare a local water management plan.

Clause 109: Proposal statement

Clause 110: Preparation of plans and consultation

Clause 111: Adoption of plan by Minister

Clause 112: Amendment of a Development Plan

These clauses correspond to clauses 93, 94, 95 and 96 respectively.

Clause 113: Amendment of plan

Provides for the amendment of plans.

Clause 114: Preparation of plan, etc., by controlling authority

Enables a council to establish a controlling authority under the *Local Government Act 1934* to prepare a local water management plan on its behalf.

Clause 115: Availability of copies of plans

Provides for public availability of plans and submissions.

DIVISION 5—GENERAL

Clause 116: Consent of the Minister administering the Waterworks Act 1932

Provides that the Minister must not adopt a plan under Part 7 that affects the quality or quantity of water flowing into the waterworks without the consent of the Minister administering the *Waterworks Act 1932* or the consent of the Governor.

Clause 117: Validity of plans

Provides for validity of plans.

Clause 118: Amendment of plans without formal procedures
Enables straightforward amendments to be made without formal procedures.

Clause 119: Water plans may confer discretionary powers
Enables plans to confer discretionary powers. This provision is common in regulation making powers.

PART 8
FINANCIAL PROVISIONS
DIVISION 1—LEVIES IN RELATION TO TAKING WATER

Clause 120: Interpretation
Defines terms used in Part 8 Division 1.

Clause 121: Report as to quality of water in watercourse, etc.
Clause 121 provides for the Minister to prepare a report relating to the management of water in a proclaimed water resource and the estimated cost of implementing management proposals.

Clause 122: Declaration of levies by the Minister
Enables the Minister to declare levies.

Clause 123: Special purpose levy
Provides for the declaration of a special purpose levy.

Clause 124: Liability for levy
Sets out provisions relating to liability for levies.

Clause 125: Notice to person liable for levy
Provides for the service of a notice of the amount payable by way of the levy.

Clause 126: Determination of quantity of water taken
Sets out provisions as to the determination of the quantity of water taken for the purposes of determining the amount payable by way of levy.

Clause 127: Interest
Provides for the payment of interest on unpaid levies.

Clause 128: Cancellation of licence for non-payment of levy
Provides for cancellation of a licence if a levy is not paid.

Clause 129: Levy first charge on land
Provides that an unpaid levy is a first charge on land.

Clause 130: Sale of land for non-payment of a levy
Enables the Minister to sell land if a levy is not paid.

Clause 131: Discounting levies
Provides for discounting levies to encourage early payment.

Clause 132: Declaration of penalty in relation to the unauthorised taking of water
Provides for the declaration of a penalty in relation to the unauthorised taking of water. The other provisions of the Division will apply to the penalty as though it were a levy.

Clause 133: Appropriation of levies and interest
Provides for the application of levies and other money paid under the Division.

Clause 134: Accounts and audit
Provides for the auditing of the Water Resources Levy Fund.

DIVISION 2—CONTRIBUTIONS BY COUNCILS TO BOARDS

Clause 135: Contributions
Requires councils to contribute to the costs of a catchment water management board in their areas and provides for the shares in which the councils will pay that contribution.

Clause 136: Reduction of council's share
Provides for the reduction of a council's share by rebates, remissions and exemptions.

Clause 137: Payment of contributions
Sets out the time for payment by a council of its share.

Clause 138: Imposition of levy by constituent councils
Enables a council to impose a levy on ratepayers to recover the amount of the share paid by the council.

Clause 139: Administrative costs of councils
Provides that the board must pay the administrative costs of councils in complying with the requirements of Division 2.

DIVISION 3—REFUND OF LEVY OR RATES

Clause 140: Refund
Provides for the payment of a refund of a levy to a person who has implemented water usage or land management practices that are designed to conserve water or to maintain or improve its quality.

PART 9
CIVIL REMEDIES

Clause 141: Civil remedies
Provides civil remedies.

PART 10
APPEALS

Clause 142: Right of appeal
Sets out rights of appeal.

Clause 143: Decision or direction may be suspended pending appeal
Provides for the suspension of a decision that is subject to a right of appeal.

PART 11
MISCELLANEOUS

Clause 144: Constitution of Environment, Resources and Development Court
Sets out the constitution of the Environment, Resources and Development Court when exercising jurisdiction under the Bill.

Clause 145: False or misleading information
Makes it an offence to provide false or misleading information.

Clause 146: Compensation
Provides for the payment of compensation.

Clause 147: Immunity from liability
Provides for immunity from liability of members, employees and delegates of authorities under the Bill and immunity from liability of authorised officers.

Clause 148: Determination of costs and expenses
Makes it clear that the costs of an authority under the Act that are to be paid by a person who has failed to comply with a notice are the full costs that would be charged by an independent contractor.

Clause 149: Interference with works or other property
Sets out offences relating to interference with infrastructure, works and other property.

Clause 150: Vicarious liability
Clause 151: Offences by bodies corporate
Clause 152: Evidentiary
Clause 153: General defence
These clauses are standard clauses.

Clause 154: Proceedings for offences
Provides for the commencement of proceedings for offences.

Clause 155: Money due to Minister, etc., first charge on land
Makes money due to the Minister or another authority under this Act a first charge on land.

Clause 156: Exemption from Act
Enables the Governor by regulation to provide exemptions to the Bill.

Clause 157: Service of notices
Provides for service of notices.

Clause 158: Regulations
Sets out regulation making powers.

Schedule 1 sets out classes of wells which are exempt from the requirement for a permit.

Schedule 2 sets out common provisions in relation to the Water Resources Council, boards and committees.

Schedule 3 sets out transitional provisions.

Ms HURLEY secured the adjournment of the debate.

POLICE (COMPLAINTS AND DISCIPLINARY PROCEEDINGS) (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. S.J. BAKER (Minister for Police): I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill contains miscellaneous amendments to the *Police (Complaints and Disciplinary Proceedings) Act 1985*. The Act has now been in operation for 11 years and in that time there have been no substantive amendments. This suggests that the Act has stood the test of time but suggestions to improve the operation of the Act have been made by the Commissioner of Police, the Police Association and both the former and present Police Complaints Authority (the Authority). Amendments are also required as a result of the administration of the Act being committed to the Attorney-General rather than the Minister with responsibility for the Police.

It is important to put this Act into a proper context. It has to be recognised that the Police Complaints Authority was established in 1985 to provide an independent body to review complaints against the police. At the same time the responsibility of the Commissioner of Police under the *Police Act 1952* for the discipline, the command, and the operation of the police force in South Australia was retained.

Where the Commissioner charges a member of the police force with a breach of discipline and the member does not make an admission of guilt to the Commissioner, the proceedings on the charge are determined by the Police Disciplinary Tribunal which is established under the *Police (Complaints and Disciplinary Proceedings) Act*. The tribunal comprises a Magistrate and there is a right of appeal to the Supreme Court—a significant protection against abuse. Section 39(3) of the Act requires the Police Disciplinary Tribunal to be satisfied beyond reasonable doubt that an officer committed the breach of discipline with which he or she has been charged.

When this Bill was introduced last session the Government indicated it was inclined to the view that the burden of proof in disciplinary proceedings should be changed to proof on the balance of probabilities and would be consulting further on this matter. The Government has now decided that the burden of proof in disciplinary proceedings will not be changed—it will remain the position that the burden of proof will be proof beyond reasonable doubt. The Minister for Police, who is engaged in discussions with the Police Association in relation to amendments to the Police Act, will be discussing other issues relating to discipline with them.

Police officers are, by virtue of their office vested with significant powers and discretions and are held out to the public as being fit and proper persons to exercise those powers. As such they take their place amongst other publicly regulated and accredited professions and occupations ranging from doctors and lawyers to security officers.

The amendments contained in this Bill cover a wide area. Some of the amendments are of a technical nature while others represent changes in policy.

Informal Complaint Resolution

The Commissioner of Police and the former Police Complaints Authority, Mr Peter Boyce, agreed on a system for the informal resolution of minor complaints against the police. The system has been in operation since 1 January 1994 and is operating well but it is desirable that the *Police (Complaints and Disciplinary Proceedings) Act 1985* be amended to reflect the current practice for resolving all complaints against the police and that they have a statutory basis and put beyond doubt that informal resolution is permissible.

There are real advantages in having a scheme for the resolution of minor complaints by informal means. Not all complaints against the police are serious and many do not warrant a full scale investigation which may lead to disciplinary proceedings. Rather the offending behaviour can best be treated as a management issue and dealt with at that level.

Under the scheme for the informal complaint resolution agreed to by the former Authority and the Commissioner a complaint is a minor complaint if it:

- relates to demeanour, discourtesy, rudeness, abruptness or any similar act of incivility;
- alleges a non-aggravated neglect of duty, including a failure to respond promptly, return property, make inquiries, lay charges, return telephone calls and other failures to provide adequate service;
- is based on a misunderstanding of facts or law and may be resolved by explanation;
- is based on a misunderstanding of police practices or procedures which may be resolved by explanation;
- is about police driving or parking behaviour which is not aggravated or is able to be reasonably explained;
- is made by a person who is obviously disturbed or obsessive and the allegations have either been made before or, by their nature, are consistent with the complainant's known state of mind;
- concerns incidents of unnecessary force, which may include mere jostling, pushing, shoving without any attendant features such as intimidation or attempts to obtain a confession.

The categories of minor complaints are not delineated in the Bill. 'Minor complaint' is defined in clause 3. The question whether a complaint is a minor complaint is to be determined according to an agreement between the Authority and the Commissioner or a determination of the Minister in the event of disagreement. Notice of the matters that may be dealt with informally must be laid before Parliament. This provision maintains public accountability while at the same time providing flexibility in the matters that may be dealt with informally. The last thing anyone wants to see is the administration of the Act bogged down on fine technical legal points about what is or is not a "minor complaint" under the Act.

The mechanics of how a complaint is dealt with informally are contained in clause 10 which inserts a new section 21A in the Act.

A complainant retains the right to have a complaint investigated under the other provisions of the Act. The Commissioner and the Authority also retain the right to have a complaint investigated under the other provisions of the Act. This is important because no information obtained in relation to the subject matter of the complaint may be used in proceedings in respect of a breach of discipline before the Police Disciplinary Tribunal.

Power to Delegate

The Act does not contain any power for the Authority to delegate. This means that the Authority has to do everything him or her self. This causes problems not only in the every day operation of the Authority but also when the Authority is absent on leave or ill and there is nobody who can perform the functions of the Authority.

New section 11A provides that the Authority has power to delegate similar to the Ombudsman's power of delegation under section 9 of the *Ombudsman Act 1972.*

Complaints to which the Act applies

A member of the police force can, in the same way as any member of the public, make a complaint to the Authority about another member of the police force. Hitherto this has not been spelt out in the Act. This is now spelt out in clause 8, new section 16(4)*(ca)*.

A further change is made to section 16 to allow investigation of complaints made to a member of the police force by or on behalf of another member of the police force provided the complaints are made in writing in a form approved by the Commissioner. It is illogical that the Authority can investigate a complaint made by one police officer about another if the complaint is made to Authority but not if it is made to another police officer.

The vast majority of complaints by one police officer about the conduct of another would not be of interest to the Authority but it is desirable for the Authority to have the power to investigate them or to require further investigation in cases where the outcome appears unsatisfactory. The type of internal complaints which it would be appropriate for the Authority to investigate are those which:

- involve issues which are of public interest, importance or significance;
- relate to possible criminal action or serious breaches of discipline by members in the course of, or arising from, their duties as members of the police force;
- relate to matters of practice, procedure and policy on the part of the police force and which may impact upon the community at large.

The Authority and Commissioner of Police will need to develop a protocol to govern when the Authority becomes involved in internal complaints.

As in any other employment situation, members of the police force are prone to complain about their fellow employees. The amendment to section 16(5)*(a)* requiring a complaint made to a member of the police force about another member to be in writing in a form approved by the Commissioner should ensure that mere grumbles are not subject to investigation under the Act.

Necessity for a Complaint

The Authority is unable to conduct an investigation about police conduct if there has been no complaint. There is often considerable criticism of police action as a result of publicity. In the past issues have been raised in Parliament concerning police conduct which could not be pursued in the absence of a complaint. Where all the relevant criteria of the Act are satisfied the Authority should be able to invoke the Act and investigate the complaint. New section 22A provides for this.

The power to investigate without complaint is a power which is unlikely to be used frequently. In addition to the instances already referred to it would enable the Authority to investigate patterns of conduct shown in individual complaints to obtain an overview.

Section 22A contains a mechanism for the Minister to resolve any disagreement between the Authority and the Commissioner of Police about a matter the Authority has decided to investigate on his or her own initiative or the methods employed in that investigation.

Section 22A refers to the Authority raising a 'matter' for investigation. Because there is no complaint it is not appropriate to refer to a complaint. The reference to a 'matter' in this section has required references to 'complaint' in many sections of the Act be changed to 'matter'.

Disclosure by witnesses

Section 48 of the Act as it exists at present, by implication, prevents police officer witnesses from disclosing anything about the investigation of a complaint. There is no provision requiring civilian witnesses who have been interviewed by the internal investigations branch or the Authority to maintain confidentiality in relation to the

investigation. It may be important for witnesses to maintain confidentiality in relation to an investigation so that the investigation is not jeopardised. There is, however, no reason for a blanket requirement that witnesses, either police or civilian, maintain confidentiality in relation to an investigation.

Sections 25 and 26 of the Act are amended to provide that the Authority may direct witnesses not to disclose that an investigation is being or has been carried out or that he or she has been requested or required to provide information if the circumstances warrant it.

The amendments specifically provide that a person is not prevented from consulting a legal practitioner in relation to the matter under investigation or some other person with the Authority's approval. A member of the police force whose conduct has been under investigation may also divulge the outcome of an investigation and comment on it.

Information about the Complaint

Section 25(7) requires a member of the internal investigation branch, before giving a member of the police force a direction to furnish information, to inform the member of the general nature of the complaint. Section 28(8) which deals with investigations by the Authority requires the Authority to inform the member of the general nature of the complaint.

The person against whom a complaint has been made should be entitled to know more than the general nature of the complaint and the provisions have been amended to provide that the police officer is to be informed of the particulars of the matter under investigation.

Offences

Section 25 provides that a member of the police force who furnishes information or makes a statement to a member of the internal investigation branch knowing that it is false or misleading in a material particular may be dealt with in accordance with the *Police Act 1952* for breach of discipline.

There is no provision which penalises a civilian witness who gives information or make statements to the internal investigation branch knowing that they are false or misleading in a material particular. It is only an offence for a witness to give false information or made false statements to the Authority.

New section 25(8a) makes it an offence for a civilian witness to furnish information or make a statement to a member of the internal investigation branch knowing that it is false or misleading in a material particular.

Directions to Investigating Officer

Under section 26 the Authority oversees the investigation of the complaint by the internal investigation branch to a certain extent but there is no power for the Authority to direct an investigating officer. The Authority can notify the Commissioner of any directions he or she considers should be given by the Commissioner as to the matters to be investigated or the methods to be employed in relation to the investigation.

The present section is in accordance with the structure of the Act whereby the internal investigation branch is not under the control of the Authority. In an extreme case the Authority can investigate the complaint him or herself under section 23(2). However, there may be situations where it would be appropriate for the Authority to be able to give directions to an investigating officer as to the matters he or she wishes to be investigated and when and how they should be investigated. This would enable the Authority to direct that certain avenues of inquiry be addressed and to require the investigating officer to provide reports to the Authority about the progress of the investigation.

Giving the Authority the ability to direct police officers has implications for police resources and the Commissioner may well object to the use the Authority is making of his officers. Accordingly, the amendments provide that the Commissioner may object to what the Authority is proposing. If the Authority and the Commissioner are unable to agree about the directions the Authority wishes to give the Minister resolves the disagreement.

Administration of the Act

The administration of the Act was committed to the Attorney-General in December 1993. Prior to this the Act had always been committed to the Minister in charge of police. There is good sense in having the Act committed to the Attorney-General because it clearly keeps the responsibility for policing and administration of the police separate and independent from complaints oversight. Several provisions require amending as a result of the Act being committed to the Attorney-General.

Section 26(5). As already mentioned, Section 26 deals with the power of the Authority to oversee the investigation of complaints by the internal investigation branch. Section 26(1) provides that the Authority may give the Commissioner directions as to how matters should be investigated. If the Authority and the Commissioner are in disagreement the Authority can refer the matter to the Minister who may determine what directions (if any) should be given by the Commissioner (s. 26(5)). Section 26(6) provides that a determination under subsection (5) that relates to complaints generally, or to a class of complaints, shall not be binding on the Commissioner unless embodied in a direction of the Governor under section 21 of the *Police Act 1952*.

Section 21 of the *Police Act 1952* provides that the Minister (ie the Minister responsible for the administration of the police) must cause a copy of any directions made by the Governor to be tabled in Parliament and published in the Gazette.

To enable the Minister for Police to comply with section 21 of the *Police Act 1952* a new section 26(5a) is inserted which requires him or her to be notified of any determination made by the Minister under section 26(5).

Section 28(9). This section refers to the Attorney-General furnishing a certificate to the Authority to the effect that it would be contrary to the public interest for material to be disclosed, by reason of the fact that the material would involve the disclosure of deliberations or decisions of Cabinet. The reference to Attorney-General is changed to Minister as it is the Attorney-General who is the Minister administering the Act. A similar amendment is made to section 28(16).

Section 34 deals with recommendations of the Authority and the consequential action taken by the Commissioner. The section requires the Commissioner to give effect to a recommendation of the Authority or to refer the matter to the Minister. Section 34(5) provides that the Minister shall not determine whether action should be taken to charge a member of the police force with an offence or breach of discipline except in consultation with the Attorney-General.

The section goes on to provide that when the Minister makes a determination the Commissioner shall take all such steps as are necessary to give effect to the determination and that a determination of the Minister that action should be taken to alter a practice, procedure or policy relating to the police force shall not be binding on the Commissioner unless embodied in a direction of the Governor given under section 21 of the *Police Act 1952*.

Section 34(5) does not recognise that it is the Director of Public Prosecutions who now determines whether criminal charges should be laid and it is amended to provide that the Minister should consult with the Director of Public Prosecutions and, in relation to disciplinary matters, the Minster responsible for the administration of the police.

Section 51 provides that nothing in the Act prevents the Authority or the Commissioner from reporting to the Minister upon any matter arising under, or relating to the administration of the Act. This is expanded to make it clear that the Commissioner and Authority can to report to the Minister responsible for the administration of the police about matters arising under the Act.

Duplication of Registration of Complaints.

Section 29 requires the Authority to keep a register of complaints and section 27 requires the officer in charge of the internal investigation branch to maintain a register containing the prescribed particulars with respect to each complaint referred to the branch for investigation or further investigation.

This is an unnecessary duplication of resources. The Authority should assume responsibility for maintaining a register in respect of all complaints made under the Act. Accordingly section 27 is repealed. The repeal of section 27 does not prevent the Commissioner from maintaining a separate police complaints information database with a view to analysing trends if that is thought desirable.

Reasons for Decision

Section 45 provides that the Tribunal is required to give parties to proceedings before it reasons for its decisions. The Tribunal is not required to give the Authority the reasons for its decisions. It is important for the Authority to know the Tribunal's decisions. Accordingly section 45 is recast to require the Tribunal to provide the Authority with the reasons for its decisions if requested by the Authority.

Secrecy

Several changes are made to section 48. Section 48 deals with the divulging or communicating of information obtained in the course of an investigation.

Section 48(2) prohibits the release of information except as required or authorised by the Act or a relevant person. The effect of section 48(2) in conjunction with section 48(5) is that the Authority

can authorise the release of information obtained by Authority staff but not information obtained directly by the Authority. The Commissioner of Police is in a similar position in relation to information obtained by him and his staff.

This is anomalous and the anomaly has been removed by excluding the Authority and Commissioner from the definition of 'prescribed officer'.

Section 48(4) provides that a 'prescribed officer' is not prevented from divulging or communicating information in proceedings before a court. A 'prescribed officer' is the Commissioner of Police, the Authority, a person acting under the direction or authority of the Authority and a member of the internal investigations branch or any other member of the police force.

In recent times there have been attempts by defence counsel to subpoena Authority and police files relating to the investigation of complaints in the hope that there may be something in the files which may discredit police witnesses in criminal trials. These 'fishing expeditions' are disruptive not only to the Authority and the police but also to the trials of criminal matters when the subpoenas are sought as a matter is to go to trial. However, a blanket prohibition against the production of these files in criminal trials may lead to a miscarriage of justice where information obtained during the course of investigating a complaint is relevant in a criminal prosecution. Accordingly, provision is made for the information to be divulged to a court where the interests of justice require it to be divulged. The information may also be divulged in proceedings under the *Royal Commission Act 1917*.

Information obtained by or on behalf of the Ombudsman in the course of an investigation cannot be disclosed except for the purpose of the investigation or to a Royal Commission. The same sort of protection is given to information obtained in the course of an investigation of a complaint about police conduct by new subsections (4) and (5).

Offences in Relation to Complaints

Section 49(1) provides that it is an offence to make a false representation where the complaint would not, apart from the false representation, be liable to be investigated under the Act. The penalty for an offence under section 49(1), which is presently $2 000, is increased to $5 000 or imprisonment for one year which better reflects the seriousness of the offence.

Similarly the penalty for an offence under section 49(2) is increased to $5 000 or imprisonment for one year. The offence under section 49(2) is the offence of preventing or hindering a person making a complaint.

Variation of Assessment

There is no power for the Authority to vary an assessment made under section 32 which the Commissioner has agreed to.

There have been instances where new information has come to light after an assessment had been agreed to by the Commissioner. When this happens it is desirable that the Authority's assessment can be varied if need be in the light of the additional information and section 50 is amended accordingly.

Statute Law Revision

The Parliamentary Counsel has done a statute law revision of the Act which includes expressing the Act in gender neutral language.

It is important to recognise that an independent and effective review of complaints against police will assist in maintaining public confidence in our police force. These amendments contribute to that goal.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clauses 1 and 2 are formal.

Clause 3: Interpretation

Clause 3 inserts a definition of minor complaint into the principal Act. It provides that a complaint is a minor complaint that should be the subject of an informal inquiry if according to an agreement between the Authority and the Commissioner or a determination of the Minister—

1. It relates only to minor misconduct; or
2. The complaint is otherwise of a kind that warrants an informal inquiry only.

The Authority and the Commissioner may reach an agreement for this purpose and in the event of disagreement the Minister may determine the matter. The Minister must cause notice of an agreement or determination to be given to the Minister responsible for the administration of the police force and to be tabled before both Houses of Parliament within 15 sitting days of the date of the agreement or determination.

Clause 4: Substitution of ss. 9 and 10

Clause 4 is a drafting amendment to bring the principal Act into line with the *Public Sector Management Act 1995*.

Clause 5: Insertion of s. 11A

Clause 5 inserts a new section into the principal Act to provide that the Authority may delegate to a staff member of the Authority any of his or her powers or functions under the principal Act.

Clause 6: Amendment of s. 13—Constitution of internal investigation branch of police force

The proposed new section 22A provides that the Authority may raise matters for investigation on his or her own initiative. As a result, it is not accurate to refer in the principal Act only to complaints—matters may be investigated that have not arisen from a complaint. Clause 6 makes this consequential amendment to section 13 of the principal Act.

Clause 7: Amendment of heading to Part 4

Clause 7 is a consequential amendment—*see clause 6* explanation.

Clause 8: Amendment of s. 16—Complaints to which this Act applies

In its current form section 16 of the principal Act allows complaints made to be made by members of the police force only to the Authority. It excludes complaints made by a member of the police force to another member. The amendment will allow a complaint to be made by a member to another member if it is in writing in a form approved by the Commissioner.

Clause 9: Amendment of s. 19—Action on complaint being made to Authority

Clause 9 is a consequential amendment.

Clause 10: Insertion of s. 21A

Clause 10 inserts a new section into the principal Act to provide for the informal resolution of minor complaints.

The proposed section provides that where the Authority determines that a complaint is a minor complaint that should be the subject of an informal inquiry, the Authority must notify the Commissioner of the determination and refer the complaint to a member of the police force. The complainant must be notified that such a determination has been made and told that they may, during the informal inquiry or within 14 days of receipt of particulars of the outcome of the informal inquiry, request that the complaint be formally investigated. The Commissioner must ensure that a report of the results of the inquiry and any action taken is prepared and delivered to the Authority as soon as practicable. At any time before or within 14 days after receipt of a report the Authority may determine that the complaint be investigated under the other provisions of the principal Act. Information obtained in relation to the subject matter of a complaint during an informal inquiry cannot be used in proceedings in respect of a breach of discipline before the Tribunal unless the proceedings are against a member of the police force who has allegedly provided false information with the intention of obstructing the proper resolution of the complaint.

The proposed section also provides that the Authority may delegate any of his or her powers under the section to the Commissioner and that these may be the subject of further delegation by the Commissioner.

Clause 11: Insertion of s. 22A

Clause 11 inserts a new section into the principal Act to provide that the Authority may, on his or her own initiative, raise a matter for investigation if it concerns possible misconduct, or a pattern of misconduct, affecting a member or members of the public that has become a matter of public interest or comment or may raise questions as to the practices, procedures or policies of the police force. If the Commissioner disagrees that a matter raised by the Authority should be the subject of an investigation, he or she may notify the Authority of that disagreement and if the matter cannot be resolved by agreement between the Authority and the Commissioner the Authority may refer it to the Minister for determination.

Clause 12: Amendment of s. 23—Determination that matter be investigated by Authority

Clause 12 makes consequential amendments to section 23 of the principal Act—*see clause 6* explanation.

Clause 13: Amendment of s. 24—Effect of certain determinations of Authority

Clause 13 makes consequential amendments to section 24 of the principal Act—*see clause 6* explanation.

Clause 14: Amendment of s. 25—Investigations by internal investigation branch

Clause 14 makes consequential amendments to section 25 of the principal Act—*see clause 6* explanation. It also inserts a provision that provides that where a member of the internal investigation

branch seeks information from a person for the purposes of an investigation, that person must not, if so directed in writing by the Authority, divulge or communicate to any other person the fact that an investigation is being or has been carried out or that he or she has been requested or required to provide information. The maximum penalty for the offence is $2 500 or imprisonment for six months. This provision does not prevent a person from whom information has been sought from consulting a legal practitioner or some other person with the Authority's approval and it does not prevent a member of the police force whose conduct has been under investigation from divulging or communicating particulars of the outcome of the investigation. A legal practitioner who has been consulted, or a person who has been consulted with the Authority's approval, is prohibited from divulging or communicating any information obtained as a result of that consultation. The maximum penalty for the offence is $2 500 or imprisonment for six months.

Currently, where a member of the police force about whose conduct a complaint has been made is given directions by a member of the internal investigation branch they must be told of the general nature of the complaint. The proposed amendment provides that they must be told the particulars of the matter under investigation.

The clause also inserts a provision that a person other than a member of the police force who furnishes information or makes a statement to a member of the internal investigation branch knowing that it is false or misleading in a material particular is guilty of an offence. The maximum penalty for the offence is $2 500 or imprisonment for six months.

Clause 15: Amendment of s. 26—Powers of Authority to oversee investigations by internal investigation branch

Clause 15 makes consequential amendments to section 26 of the principal Act—*see clause 6* explanation. It also makes provision for the Authority to give directions directly to the officer in charge of the internal investigation branch as to the matters to be investigated, or the methods to be employed, in relation to a particular investigation under the principal Act. The Commissioner may, by writing, advise the Authority of his or her disagreement with such a direction and, in that event, the direction will cease to be binding unless or until the matter is resolved by agreement between the Authority and the Commissioner or by determination of the Minister. The Minister responsible for the administration of the police force must be notified, in writing, of any determination made by the Minister.

Clause 16: Repeal of s. 27

Clause 16 repeals section 27 of the principal Act. It required the internal investigation branch to maintain a register of complaints. The Authority does this under section 29 of the principal Act.

Clause 17: Amendment of s. 28—Investigation of matters by Authority

Clause 17 makes consequential amendments to section 28 of the principal Act—*see clause 6* explanation. It also inserts a provision that provides that where the Authority seeks information from a person for the purposes of an investigation, that person must not, if so directed in writing by the Authority, divulge or communicate to any other person the fact that an investigation is being or has been carried out or that he or she has been requested or required to provide information. The maximum penalty for the offence is $2 500 or imprisonment for six months. This provision does not prevent a person from whom information has been sought from consulting a legal practitioner or some other person with the Authority's approval and it does not prevent a member of the police force whose conduct has been under investigation from divulging or communicating particulars of the outcome of the investigation. A legal practitioner who has been consulted, or a person who has been consulted with the Authority's approval, is prohibited from divulging or communicating any information obtained as a result of that consultation. The maximum penalty for the offence is $2 500 or imprisonment for six months.

Currently, where a member of the police force about whose conduct a complaint has been made is required by the Authority to provide information or attend before him or her they must be told the general nature of the complaint. The proposed amendment provides that they must be told the particulars of the matter under investigation.

Clause 18: Substitution of s. 29

Section 29 of the principal Act provides that the Authority is to maintain a register containing particulars of each complaint made to him or her or of which he or she has been notified under section 18. The proposed amendment provides that the register is also to contain particulars of each matter raised by the Authority for investigation on his or her own initiative.

Clause 19: Amendment of s. 31—Reports of investigations by internal investigation branch to be furnished to Authority

Clause 19 makes a consequential amendment to section 31 of the principal Act—*see clause 6* explanation.

Clause 20: Amendment of s. 32—Authority to make assessment and recommendations in relation to investigations by internal investigation branch

Clause 20 makes consequential amendments to section 32 of the principal Act—*see clause 6* explanation.

Clause 21: Amendment of s. 33—Authority to report on and make assessment and recommendations in relation to investigation carried out by Authority

Clause 21 makes a consequential amendment to section 33 of the principal Act—*see clause 6* explanation.

Clause 22: Amendment of s. 34—Recommendations of Authority and consequential action by Commissioner

Clause 22 makes consequential amendments to section 34 of the principal Act—*see clause 6* explanation. In its current form, section 34 provides that the Minister can only make a determination to charge a member of the police force with an offence or breach of discipline after consultation with the Attorney-General. The proposed amendment provides that consultation is to occur with the Minister responsible for the administration of the police force and the Director of Public Prosecutions instead of the Attorney-General.

Clause 23: Amendment of s. 35—Commissioner to notify Authority of laying of charges or other action consequential on investigation

Clause 23 makes a consequential amendment to section 35 of the principal Act—*see clause 6* explanation.

Clause 24: Amendment of s. 36—Particulars in relation to matter under investigation to be entered in register and furnished to complainant and member of police force concerned

Clause 24 makes consequential amendments to section 36 of the principal Act—*see clause 6* explanation.

Clause 25: Amendment of s. 39—Charges in respect of breach of discipline

Clause 25 makes a consequential amendment to section 39 of the principal Act—*see clause 6* explanation.

Clause 26: Substitution of s. 45

In its current form, section 45 provides that where a party to proceedings before the Tribunal requests reasons in writing within seven days of the decision the Tribunal must give reasons in writing. The proposed amendment provides that the Tribunal must also give reasons in writing if the Authority makes a request within seven days of the Tribunal making a decision.

Clause 27: Amendment of s. 46—Appeal against decision of Tribunal or punishment for breach of discipline

Clause 27 makes a consequential amendment to section 46 of the principal Act—*see clause 6* explanation.

Clause 28: Amendment of s. 47—Application to Supreme Court as to powers and duties under Act

Clause 28 makes a consequential amendment to section 47 of the principal Act—*see clause 6* explanation.

Clause 29: Amendment of s. 48—Secrecy

In its current form section 48 prevents the Authority and the Commissioner from divulging information acquired under the principal Act without the permission of the Minister. This restriction is removed by the amendments proposed under the clause. Section 48 will continue to contain prohibition of unauthorised disclosure of information by past or present officers of the police force or persons acting under the direction or authority of the Authority. The current exception to this allowing disclosure in court proceedings or breach of police discipline proceedings is narrowed under the clause so that it applies only to proceedings in respect of an offence or breach of discipline relating to the subject matter of an investigation under the principal Act, or as required in proceedings under the *Royal Commissions Act 1917*, or as required by a court in the interests of justice. The clause adds further exceptions allowing consultation with a legal practitioner or some other person with the Minister's approval in relation to a matter under investigation and it allows disclosure by a member of the police force whose conduct has been under investigation of the outcome of the investigation. The clause also makes it clear that the Authority or the Commissioner cannot be required to disclose information acquired under the principal Act except where the requirement is made in proceedings in respect of an offence or a breach of discipline relating to the subject matter of an investigation, or in proceedings under the *Royal Commissions Act 1917*, or where the requirement is made by a court in the interests of justice. A legal practitioner who has been consulted, or some other

person who has been consulted with the Minister's approval, is prohibited from divulging or communicating any information obtained as a result of that consultation. The maximum penalty for the offence is $2 500 or imprisonment for six months.

Clause 30: Amendment of s. 49—Offences in relation to complaints

Clause 30 amends section 49 of the principal Act by increasing the maximum penalties under the section from $2 000 to $5 000 or imprisonment for one year.

Clause 31: Amendment of s. 50—Authority may revoke or vary determinations, assessments, etc.

Section 50 currently allows the Authority to revoke or vary a determination made by the Authority under this Act. The proposed amendment provides that the Authority may also revoke or vary an assessment or recommendation made by the Authority under this Act.

Clause 32: Amendment of s. 51—Authority and Commissioner may report to Ministers

In its current form section 51 provides that the Authority or the Commissioner may report to the Minister on any matter arising under the principal Act. The proposed amendment allows them to also report to the Minister responsible for the administration of the police force.

Clause 33: Amendment of s. 52—Annual and special reports to Parliament by Authority

Clause 33 makes a consequential amendment to section 52 of the principal Act—*see clause 6* explanation.

SCHEDULE

Further Amendments of Principal Act

The schedule contains statute law revision amendments to the principal Act.

Mr CLARKE secured the adjournment of the debate.

ANZ EXECUTORS & TRUSTEE COMPANY (SOUTH AUSTRALIA) LIMITED (TRANSFER OF BUSINESS) BILL

Adjourned debate on second reading.

(Continued from 22 October. Page 285.)

Mr ATKINSON (Spence): The Opposition supports the Bill. There are two ANZ trustee companies operating in South Australia, the first being ANZ Executors and Trustee Company (South Australia) Ltd, which was set up pursuant to statute in 1985 and the second ANZ Executors and Trustee Company Ltd, which is also known as ANZ Trustees and which received statutory recognition in South Australia in 1988 and is the holding company of the first mentioned company. The ANZ Bank wishes to amalgamate these two trustee companies. Testators have already included each of these companies in their will, so there are some people with ANZ who have one company nominated as trustee in their will and there are other testators who have the other ANZ trustee company nominated in their will. However, ANZ wants to bring together these two trustee companies, both of them having been recognised in South Australian statute.

If ANZ were not to approach Parliament to have the companies merged, it would have to combine the function of the two companies progressively and keep two sets of records going until one was no longer relevant and was not mentioned in any wills or trusts. In the alternative, ANZ could go to every testator or person who had created a trust and ask them to amend their trust or will. Neither is a particularly satisfactory approach, especially since some of these testators can no longer be found or are no longer capable of making a will or a codicil. ANZ has approached the Parliament to have these two trustee companies merged by this Bill, which is in the nature of a private Bill, and the Opposition is happy to support the Government's move to merge them.

The Hon. S.J. BAKER (Deputy Premier): I simply thank the Opposition for its support for the Bill. As the member for Spence outlined to the House, it is a process which allows for this amalgamation. It does not impact on the rights of the individuals or the beneficiaries under the estates: it simply provides a workable solution.

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

SOUTH EASTERN WATER CONSERVATION AND DRAINAGE (CONTRIBUTIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 October. Page 373.)

Mr CLARKE (Deputy Leader of the Opposition): The Opposition supports the Bill. I should follow the advice I gave the member for Spence and sit down. As a person of few words, I nonetheless feel obligated to take this matter a little further. The Opposition's understanding of the Bill is that it is consequential on 1995 amendments to the 1992 Act to provide a mechanism for the collection of the community contribution. It is interesting to note that with respect to this issue, and as a rhetorical question, when is a tax not a tax? Why do not people call it what it is? Since the Brown Government was elected we have debated all manner of services that have been charged for, but they are never called a tax. They have been known as imposts, levies and now contributions.

Effectively, this Bill is necessary for the collection of the contributions to be made by the community, including some penalty that may have to be imposed for non-payment of the levy in terms similar to that contained under the Local Government Act. The shadow Minister for primary industries and rural affairs in another place will be undertaking wide community consultation on this issue in the South-East. We are aware of the interest amongst a number of people in the South-East regarding this legislation and I understand that it causes some angst amongst people who would otherwise be naturally regarded as supporters of the Liberal Party in that part of the State. Our shadow Minister will be spending a fair bit of time in the South-East consulting with the local community and assisting the Minister in particular to come to grips with the difficulties that some in the community have with respect to the payment of this community contribution.

Those remarks will suffice for my contribution today, because I do not want to risk the member for Custance entering the Chamber and wanting to make his contribution on this piece of rural legislation, as only the member for Custance knows more about agriculture than I do. We support the Bill.

The Hon. R.G. KERIN (Minister for Primary Industries): I thank the Deputy Leader for his contribution and for his somewhat guarded support of the Bill. I, too, look forward to the Hon. Ron Roberts travelling to the South-East: I am sure that he will learn much while he is there. It is a Bill about flexibility in reaction to much consultation with the local community. Funding issues are always difficult and this will help the local community work through it. It is not a tax: it is about getting things done regarding productivity in the South-East. The big winners will be the community. We want things to happen in South Australia as that is one area in

which productivity is threatened. This measure will enhance the long-term sustainability and productivity of that area.

Federal and State Governments are picking up three-quarters of the bill in total—a substantial portion—and there has been much debate as to how the local contribution should be raised. Funding issues are never easy, but these amendments are to help the local community as not all are doing well because of wool and beef prices. This will help them it through it.

In summary, this legislation will allow for collection through a complex levy arrangement for differential rates according to the different zones of the catchment. That is a matter of equity. We will never get total equity, but we aim to get as much equity as is practical. The Bill provides for an incentive for early payment (including a payment or levy in the first year without discount) and the ability to pay the levy over a longer time frame than the project is budgeted for but with an interest component. That is for those who want to make the payment over a longer time frame to make it more affordable. It is about the ability to refund a levy against the project if applicable, to give us some flexibility. It is about the ability to apply a penalty for late payment unless waived by the board through the hardship provision. That, again, puts flexibility into the system. It is about our ability to apply the levy during the 1996-97 year, and that is about getting the project up and running, which is also very important. I again thank the Deputy Leader for his support.

Mr Clarke interjecting:

The Hon. R.G. KERIN: It adds to the Deputy Leader's knowledge on all subjects agricultural, which I acknowledge. I look forward to support in the other place as it is important that we get this Bill through to provide flexibility in terms of fairness for those land-holders in the Upper South-East who will benefit enormously in the longer term.

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

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 October. Page 338.)

Ms HURLEY (Napier): This Bill contains a number of provisions which the Minister in his second reading explanation said had to be in place before the elections in May next year. I am not sure that that is the case with all the provisions, but the Opposition as usual is happy to be cooperative in achieving meaningful reform to the Local Government Act. There are several provisions in this legislation that the Opposition is happy to support, the first being postal voting. It has been shown in a number of other States of Australia that postal voting has increased the participation of people in local government elections.

The Labor Party has always been very keen to increase the participation rate in local government elections because, if we are talking of accountability, one of the most important ways of ensuring accountability of any Government and ensuring the responsiveness of any Government is to get people voting and giving their opinion at the ballot box. With the increasing responsibility and range of functions which local government is performing and which the Opposition strongly supports, it is important to get a concomitant amount of accountability of local government to the electorate. It is important that we see increased democracy as the amount of money and the level of services performed by local government increases.

Postal voting is seen as a way of increasing the level of democratic participation by people in local government voting. If this is a successful method, I would be happy to see compulsory postal voting as a method in local government elections. Compulsory voting at local council elections has long been Labor Party policy. There has been some resistance to this in the community, and let us hope that postal voting is an important first step to achieving strong participation in local government. The Opposition is happy to support this aspect of the Bill.

Another provision which the Opposition is happy to support is three-year terms for elected councillors. This should allow for better management of councils by elected councillors not only in terms of financial management but with respect to urban planning and development and environmental and social planning. In terms of greater responsibility and the greater range of functions that local government has, I believe that one of its most important responsibilities is that of urban planning and development. I would be happy to see councils increase the level of commitment they give to this aspect—and I believe they have been increasing it.

In South Australia, and particularly in the City of Adelaide, more attention needs to be paid to urban planning and development. It is important to the overall economic development of this State and to the continued development of our pleasant lifestyle in South Australia that urban planning be given a strong focus in overall management. This is very much a matter for local councils. But that is not to downplay the importance of financial management in local councils. It is very important that councils have long-range financial plans and the ability to manage their financial affairs more effectively. Of course, having three-year terms is not the be all and end all of this situation: we need more cooperation among all levels of government in order to assist local councils with better financial and long-term planning.

From consultations I have had with local government bodies, I believe that this is a better arrangement for councillors. When councillors are elected in May each year the budget for that year is set largely by necessity, and councillors often have meaningful input into only one budget before they face re-election. A three-year term makes practical sense for those councillors. I am also aware that volunteer councillors make a big commitment of time and resources in taking on their role. The three-year term is a good compromise between the current two-year and four-year terms which were canvassed widely earlier. I am also happy to support this move to three-year terms.

Another major aspect of this Bill is an attempt to clarify the provisions for open government within local council areas. The section 62 provisions require council affairs to be conducted in public, unless under certain prescribed areas. I and the Opposition firmly believe that all government should be more accountable. We have often asked for the State Government to be more accountable and open in its practices and procedures. It is good for government to be more open; it is good for government to be scrutinised. It has been observed that many Governments, almost from the time they are elected, develop a tendency to make their decisions more and more in secret and to keep to themselves the way that they operate. This does not make for good government. As much as possible, all decisions and all meetings should be open and free for the public to vet. I support open govern-

ment, and that includes the third tier of government—local government.

The Bill contains sanctions if councils do not comply with the new provisions. The Opposition is concerned that, in the context of the Local Government Act, the sanction of sacking the council is a little too heavy-handed. I foreshadow that the Opposition will move an amendment which somewhat tones down this provision for sanctions. We appreciate that, if a council consistently violates section 62 and the necessity for open government, a remedy should be available to members of the public and people involved in local government who feel aggrieved by that unnecessary secrecy. We recognise the need for practical sanctions to be available in the case of councils that flout the legislation.

I recognise that even the Opposition's amendment requires the Minister for Housing, Urban Development and Local Government Relations to direct this sanction. I understand that some people in local government are not happy with this arrangement. I sympathise with that attitude, because the tendency has been to make local government more autonomous as a tier of government. I strongly support that and believe that, in general, local government behaves very well, operates as a tier of government aware of its responsibilities and obligations and does not want the Minister intervening in its affairs.

I have a great deal of sympathy for that but believe that it is an inherent contradiction of the way local government operates that it is subordinate to State Government legislation. I have a lot of sympathy with the call for local government to be given constitutional recognition as a tier of government. If that happens it will solve a lot of the difficulties we have with the Local Government Act and the requirement for ministerial intervention as the only sanction if legislation is not complied with.

There are a number of other provisions, mainly of a technical nature, in the Bill which the Opposition is happy to support. In many respects it is difficult to give a final view of this measure with the Local Government Act review taking place. It would have been better to consider the provisions in this Bill in the context of the overall review. However, we appreciate that it is important to get these measures in place before the May elections next year and that local government needs some certainty in the provisions it takes to the elections. The Opposition is happy to support these provisions at this time.

Mrs ROSENBERG (Kaurna): I briefly put on record my support for some provisions of the Bill, in particular the provision which allows for three-year terms for elected members. The three-year term will overcome some considerable problems that elected members have. With councils currently being elected for a two-year term most councils have already largely constructed their budget papers by the May elections. So, councillors elected in May defend for the first 12 months the attitudes of previous councillors and the decisions of a previous council, because the budget is already set in concrete, and they have only one year in which to achieve the priorities for which they claim to be elected. Straight after that budget period, they are into another election. As a former councillor, I believe that that is particularly destabilising for councils, and it makes it difficult to set up some sort of continuity in terms of three, five or 10-year plans. A three-year term is a far better one.

A two-year term makes it very easy to attract into council those people who are really only interested in one issue. In the time that I was involved in local government, it was my experience that a lot of councillors were elected on one issue. If they knew that they had three years of service ahead of them, those people would think more carefully about becoming a councillor and having to put in three years. With a two-year term, it is easier for a council to turn over completely because of a major issue, whether it be a development issue or something that a previous council did with which residents disagreed. Out of the woodwork come a whole raft of dissidents who, knowing that they have to last only two years, get themselves elected and overturn council completely, which is very destabilising for the council and, more importantly, for the residents whom they claim to represent. I support that provision wholeheartedly.

I turn now to the option of postal voting. The low turnout at council elections must be of concern to everyone involved in local, State and Federal Government. I do not believe that it can be blamed on the voluntary system, but rather that a lot of people in the community either do not see the relevance of local government or do not clearly distinguish between State and local government. The postal voting system offers increased representation because, even if people do not have the opportunity to doorknock every house and introduce themselves, they have an opportunity to be put on the record in terms of postal voting. In the council area in which I live, a recent postal vote poll which concerned amalgamations achieved a return of over 50 per cent. When compared with the usual voting turnout, if that sort of return does not say to that council that postal voting is a much more successful way of getting true representation of the community, I do not know what does.

In terms of open access to meetings and documents, it is pretty fair to say that most people in the community do not take any notice of what happens in local government, except when there is a major controversial issue. Such issues are most likely to be made confidential by council. The perceived problem of confidentiality of councils is greater because it is more often noticed by those people who want the information about some controversial development or the wages of the CEO. It is also true to say that the knowing of the information makes absolutely no difference to the decision that will be made in the long term. It really is more of a stickybeak, 'I want to know' attitude rather than a need to know. I have a personal experience of the sort of thing that can be construed because something is declared confidential. If for no other reason, it is important that councils try to achieve as much as they possibly can out in the open.

I accept that some things need to be kept confidential. They are listed clearly in the Bill and I agree with all of them. The councils which have written to me and which have drawn a line of comparison between the decisions made by Cabinet and council are taking it a little too far. I do not believe that the decisions of State Cabinet and those of local government can be validly compared.

The Hon. E.S. Ashenden: There is also the point about the separation of powers.

Mrs ROSENBERG: That is exactly right. If we can deal with that, we will achieve a balance between what the community needs to know and what the community wants to know. Because of the times and personal experience I have had with members of my community, I have read this Bill very carefully. It answers those questions and I support its provisions.

Mr WADE (Elder): I support the Bill. Over a number of years, concerns have been brought to my attention about the failure of councils to inform people of road closures and other changes within a council area. Today I should like to give an example of such an occurrence in February 1996 which concerned the City of Marion. A road closure was initiated by the council but a ratepayer or resident was not advised. That person went to the Ombudsman and, in summary, the Ombudsman stated:

It appears that no press advertisements were placed in the *Advertiser* or the Messenger Press newspapers. This is contrary to council's policy 7202 section 3.

That is as far as it goes. Any council can breach its policies with impunity, and I am very pleased that the Bill takes that into account and makes councils accountable to their residents for their own policies. If they are in breach of them, they will be accountable to the residents for being in breach of them, and that is a good step. But that is only step 1.

I turn now to step 2. If a council puts in a development plan to the Development Assessment Commission and the commission is required to advise people what the council is doing and fails to do so, we are in the same boat. If a person has not been notified, that person cannot appeal against the decision because only someone who has been advised of the decision can appeal. The first step is to fix the council problem and the next step is to amend section 38, subsections (5) and (12), of the Development Act. Then the circle will be complete. If a council does the right thing in advising residents of a change and then gives it to the Development Assessment Commission which does the wrong thing and does not advise residents of that change, the residents will have an opportunity to appeal. I applaud the Minister for the steps he has taken in this area, and I look forward to the Committee stage of this measure.

The Hon. E.S. ASHENDEN (Minister for Housing, Urban Development and Local Government Relations): I thank the Opposition for its support for this Bill. I particularly thank the shadow Minister for the way in which she has made herself available for meetings and discussions with me on this Bill and the way in which, between us, we have been able to put to this House a Bill that has the support of both Parties. The amendments that will be moved also have the support of the opposite Party in each case. I am certain that, as a result of this, substantial improvements will be made to the Local Government Act.

I also thank my colleagues for their contribution to this debate. It was very interesting to hear the contribution of the member for Kaurna, who obviously feels as strongly as I do that we must make councils more open and accountable, and also to hear the remarks of her colleague indicating that we need some teeth in the legislation to ensure that what we are looking to achieve we will achieve.

Generally, as the shadow Minister stated, the Bill is predominantly designed for the elections in May next year where there will be amalgamated councils. At the same time, I have taken the opportunity to introduce some other amendments, one which I have felt very strongly about since I was a councillor, that is, the tightening up of section 62 to ensure that council meetings are open to the public and that associated documents are also freely available. In my short time in local government, I saw the way in which section 62 could be abused.

Frequently in the early days when I was in council members would tend to move under section 62 simply because they did not want to the public to know how they voted. That was never the intention of that section. I am also pleased to ensure that there will be a sanction in relation to this area, because again I can remember attending a meeting as a councillor when the council moved to go in camera. I opposed that motion and asked the then most senior officer what would happen if we were in breach of the Act. The response I received was that it really did not matter because there are no penalty clauses whatsoever. So, the Act says that it cannot be done but nobody can do anything if there is a breach. I am glad that at last I have the opportunity to rectify that.

I again thank the Opposition for its cooperation on this Bill. I also thank the Local Government Association for its cooperation. I will move an amendment in relation to rate holidays. Mr Jim Hullick, the Secretary-General, made himself available at very short notice to meet with me and discuss that. He indicated to me that he had no problem in providing approval in principle for the Government to proceed with that amendment. Again I thank the Opposition, because unfortunately the advice that I forwarded to the member for Napier in relation to this amendment went astray, which meant that the first she knew of it was about half an hour ago. I realise how difficult it is for an Opposition when it learns of a proposed amendment only at such short notice, but again she went to a lot of trouble to indicate to me that the Opposition would support the amendment. I apologise to the honourable member for that, but we certainly did try to send her the amendment. I thank her and the Opposition for their cooperation.

Bill read a second time.

Mr MEIER: Mr Deputy Speaker, I draw your attention to the state of the House.

A quorum having been formed:

The Hon. E.S. ASHENDEN (Minister for Housing, Urban Development and Local Government Relations): I move:

That it be an instruction to the Committee of the whole House on the Bill that it have power to consider new clauses relating to road closures and rebates of rates.

Motion carried.

In Committee.

Clauses 1 to 8 passed.

Clause 9—'Access to meetings and documents—code of practice.'

Ms HURLEY: I move:

Page 5, lines 20 to 27—Leave out proposed new section 65AAB and insert new section as follows:

Ability of Minister to initiate an investigation

65AAB. (1) If the Minister has reason to believe that a council has, in the conduct of its affairs, unreasonably excluded members of the public from its meetings under section 62(2) or unreasonably prevented access to documents under section 64(6), the Minister may initiate an investigation into the matter.

(2) The Minister may appoint a person to carry out an investigation on behalf of the Minister.

(3) The Minister must, before making an appointment under subsection (2), give the council a reasonable opportunity to explain its actions, and to make submissions, to the Minister.

(4) Section 30(2) to (7) (inclusive) apply with respect to an investigation by a person appointed under subsection (2) as if the person had been appointed as an investigator under section 30.

(5) If the Minister, at the conclusion of an investigation under this section, considers that the council has unreasonably excluded members of the public from its meetings under section 62(2) or unreasonably prevented access to documents under section 64(6), the Minister may give directions to the council with respect to the exercise of its powers under either or both of those sections.

(6) However, the Minister cannot give a direction under subsection (5) unless the council has been given a reasonable opportunity to make submissions to the Minister in relation to the matter.

(7) A council to which directions are given under this section must comply with those directions.

(8) This section does not limit the operation of Division XIII Part II.

As I mentioned earlier, the Opposition appreciates the need for sanctions if councils do not follow the procedures set out in the legislation in relation to public access to meetings and documents. I understand that in the distant past some councils have continually breached provisions of the legislation, and under the legislation it has been difficult to find an effective way to impose a sanction on those councils to bring them into line with the legislation. However, I believe that section 65AAB in the current Act, which provides a Minister with the ability to initiate an investigation, goes too far and is an overkill solution where the Minister believes that a council may have excluded members of the public from its meetings. My amendment gives the Minister the ability to initiate an investigation if he believes there is a problem and, having conducted that investigation, he is able to give council directions to remedy the problem. I believe that this is a sufficient sanction if the council does not comply with the provisions of the legislation.

It means that, if a council continually breaches the legislation, the Minister is able to give the council direction and, if it does not comply with that direction, he can take action against the council in the courts and force it to comply with the provisions of the legislation. I believe that this is a sufficient remedy in cases of a breach of the legislation. I do not see that we need to increase the provisions of the existing Act to the point where a council can be sacked. I would be reluctant to see any widening of the ability to sack a council, as I believe the current provisions of the Act are sufficient. It could be argued that, if a council does breach the section 62 provisions, the Minister could, under the current provisions, institute proceedings to sack the council. The amendment provides a reasonably efficient halfway point for the Minister to take action, if there is sufficient reason to do so.

The Hon. E.S. ASHENDEN: The Government is happy to accept the amendment put forward by the Opposition. Should a council not 'do the right thing', the amendment sets in place the procedure outlined by the member for Napier. I believe that it is a very fair procedure. It requires that a council be given every opportunity to explain what has occurred and why. However, if a council flagrantly, or perhaps frequently, breaches the Act, the amendment provides for action to be taken. The amendment sets out a process and procedure that is fair to all. When this amendment becomes part of the Act, councils will be required to abide by these aspects of the legislation. As I said, the Government is quite happy to accept the amendment put forward by the Opposition.

Amendment carried; clause as amended passed.

Clauses 10 to 25 passed.

New clause 26—'Rebates of rates.'

The Hon. E.S. ASHENDEN: I move:

Page 9, after line 25—Insert new clause as follows:

26. Section 193 of the principal Act is amended by inserting after subsection (5) the following subsections:

(6) A rebate of rates or charges under subsection (4)(a) may be granted for a period exceeding one year, but not exceeding 10 years.

(7) A council may grant a rebate under this section that is up to (and including) 100 per cent of the relevant rates or service charge.

The amendment is designed to provide councils with a clear power to provide a rate holiday, as it is known. In other words, it gives a council the opportunity to rebate future rate income from property. During my recent trip overseas, I found that local authorities in the United Kingdom and the United States use the rate holiday mechanism, as it is called, very widely. The most frequent way in which it is used is when a developer wants to develop a site on which a rate is already due and payable. It is usually a fairly low rate because the site is run down, it may even be vacant land and, if we are looking at improved values, as I say, the rate is relatively low.

The rate holiday applies for a certain period, usually up to 10 years. The authority says to a developer, 'We will peg the rate at the present level rather than your paying the rate at the improved value of the building you plan to erect on the site.' The amendment provides councils with the power to say to an investor or developer, 'We are prepared to assist by providing a rate holiday.' The council can provide a rate holiday for up to 10 years, and the amount is up to 100 per cent. This concept has certainly proved to be very useful to local authorities overseas, and I am certain that it will be very useful to local government in South Australia.

New clause inserted.

New Clause 27—'Closure of streets, roads, etc.'

Mr ATKINSON: I move:

Page 9, after line 25, insert new clause as follows:

27. Section 359 of the principal Act is amended—

(a) by inserting after subsection (2) the following subsections:

(2a) The council cannot, except in accordance with this section, pass a resolution under subsection (1) or (2) if it would have the effect of a prescribed street, road or public place being closed (whether wholly or partially) to all vehicles or a class of vehicles—

(a) for a continuous period of more than 6 months; or

(b) for periods that, in aggregate, exceed 6 months in any 12 month period.

(2b) If the council proposes to pass a resolution of a kind referred to in subsection (2a), the following provisions apply:

(a) the council must first give notice of the proposal in a newspaper that circulates generally throughout the State, inviting interested persons to make submissions on the proposal within a period, being not less than 4 weeks, specified in the notice; and

(b) the council must give written notice, personally or by post, to—

(i) each ratepayer who is the owner or occupier of land that abuts the prescribed street, road or public place, being land that is wholly or partially within the council's area; and

(ii) each affected council,

inviting submissions to be made on the proposal within a period, being not less than 4 weeks specified in the notice; and

(c) the council must, in deciding whether or not to pass the resolution, take into consideration all submissions made in response to an invitation under paragraph (a) or (b); and

(d) such a resolution cannot be published in the *Gazette* until confirmed by the Minister for Transport; and

(e) the Minister for Transport must consult with the Minister to whom the administration of this Act is committed before confirming such a resolution.;

(b) by inserting after subsection (4) the following subsection:

(5) In this section—

"affected council", in relation to the closure of a prescribed street, road or public place, means a council into the area of which, or along the boundary of which, the street, road or public place runs;

"prescribed street, road or public place" means a street, road or public place that runs into, or along the boundary

> of, the area of a council other than the council proposing the closure.

Public roads are an important public asset. Some roads in this State are owned by the Commonwealth, namely, the national highway, some are owned by the State Department of Transport, and others are owned by local government. I do not think the public follows closely which roads are owned by which level of Government. In the inner suburbs of Adelaide there are roads which are important to link the suburbs with the City of Adelaide and which are owned by local government. So it comes as a surprise to the public when some of those roads are closed. The closure of a road is often against the broader public interest but occurs because the local municipality that controls the road decides that it is in the interests of residents of that municipality—even though it may be against the interests of the vast majority of the motoring and cycling public.

I believe that the public were strongly opposed to the closure of Beaumont Road linking Greenhill Road with south Adelaide, and I believe the public were strongly opposed and, indeed, surprised when Barton Road linking Hawker Street, Bowden, with western North Adelaide was closed. However, the City of Adelaide was able to close both those roads because it owns them. The City of Adelaide has plans to close both War Memorial Drive and Jeffcott Road. It may have plans to close other important crossings from the suburbs to the city of Adelaide, but they are the only two of which I am currently aware.

Councillor Mewett of the City of Adelaide circulated a letter to all members of the parliamentary Labor Party denying that the city council had plans to close Jeffcott Road or War Memorial Drive. Councillor Mewett is a relatively new councillor; she is not aware of the council's long-term plans. I must tell her that both Jeffcott Road and War Memorial Drive are on the agenda and, indeed, in 1994 the council went within one vote of closing War Memorial Drive.

As things stand, the State Government has no authority to act on behalf of the public interest to prevent the closure of those very important crossings into the City of Adelaide. If the Adelaide City Council decided to close those roads, there is nothing the Minister or the Government could do. They could probably try to do minor things, such as refuse permission for the road signs, under the Road Traffic Act—

Mr Clarke interjecting:

Mr ATKINSON: Yes, as the Deputy Leader interjects, they could, of course, sack the council to prevent its doing that. I shall not comment on whether it would be proportionate to sack the City of Adelaide for closure of a major crossing from the suburbs. I have a private view on that, but I am constrained by the views of my colleagues in the Parliamentary Labor Party.

The proper and lawful way of going about the closure of a road is contained in the Roads (Opening and Closing) Act, an Act which was passed during the third Bannon Government and which was unanimously agreed to by the Parliament. It contains very sensible provisions for the permanent closure of a road, as follows: if, let us say, a municipality wants to close one of its roads, it gives notice of its intention in the public notices section of a newspaper circulating in the district; it then invites adjacent land-holders and people who have an interest in that public road to make representations (either written or oral) to the council about the proposed closure; and the council has to have a hearing at a duly constituted council meeting where members of the public can make representations about the value of that road for or against its closure.

Having done that, if the council still decides to close the road, it can pass a resolution to that effect and send that resolution to the Minister for the Environment and Natural Resources, who then refers that proposal to the Surveyor General. The Surveyor General studies the proposal and comes back with a recommendation to the Minister for the Environment and Natural Resources, who makes a decision and then announces it to the House. The State Government takes final responsibility for whether or not a road is closed, and that seems to me, given that public roads are such an important public asset, a fair and good procedure.

However, it is a procedure that the Adelaide City Council sought to avoid in respect of Barton Road. When it was forced to go through that procedure, the Surveyor General recommended against the closure of Barton Road because, in the Surveyor General's opinion, it was a valuable public road, an historic road, and it had attracted about 900 objections to its closure. Therefore, the Surveyor General recommended to the Minister that it stay open. The then Minister (Hon. Kym Mayes) accepted that recommendation and told the House, much to the chagrin of an interested land-holder, namely, the member for Adelaide. Nevertheless, that was the decision of the elected Government of the day.

In order to subvert that decision of the responsible Government, the Adelaide City Council resorted to section 359 of the Local Government Act, which I propose to amend. Section 359, which was inserted in the Local Government Act in 1986, provides:

> (1) The council may by resolution, supported by a majority of all members of the council, exclude vehicles generally or vehicles of a particular class from a particular street, road or public place or part of a particular street, road or public place.
>
> (2) The council may by resolution revoke or vary any such resolution.
>
> (3) Subject to the Road Traffic Act, 1961, the council may erect such barricades or other traffic control devices as are necessary to give effect to a resolution passed under this section.
>
> (4) A resolution passed under this section cannot take effect before it has been published in the *Gazette* and in a newspaper circulating in the area.

When that section of the Act was passed in 1986, it was the intention of neither the Government nor the Opposition that that section apply to anything other than temporary closures of streets or roads, and the Minister said so in the second reading speech. Indeed, the current Minister for Transport, who was then Opposition spokesman, said the same. The Hon. Diana Vivienne Laidlaw said:

> A further amendment to section 359 is to close public pathways and walkways on a temporary basis.

She went on to say that the amendment related to street fairs and the like. So the proper application of section 359 of the Local Government Act is to close temporarily streets and roads for events such as the parade of grand final teams or the Australian Central Credit Union Christmas Pageant, to close King William Street for the Anzac Day march and to close a suburban street perhaps for a street party on a temporary basis.

When that section was first inserted into the Local Government Act in its modern form, it went in under a heading, prepared by the office of Parliamentary Counsel, 'Temporary closure of streets or roads'. Mysteriously, a few years later, that head note disappeared. We shall never know why, but when it was amended it was the only head note in an Act of more than 800 sections that was changed. When

local government advertises closures, under section 359 of the Local Government Act, in the *Gazette* it heads the notice 'Temporary Closure'. If section 359 is not about temporary closures, why do most local government bodies, including the City of Adelaide, when they gazette closures under section 359 of the Local Government Act, head that advertisement 'Temporary Closure'? Only one advertisement I have seen in the *Gazette* has not been headed 'Temporary Closure' and that was the one used to close Barton Road, North Adelaide.

A number of my constituents have recently received traffic infringement notices for driving their motor vehicles through Barton Road at North Adelaide and two of those people, namely, Mr James Lethangromites and Dr Doug Allen of North Adelaide, have had their infringement notices withdrawn by the police on the very eve of those matters going to court. Why were they withdrawn? It was because the Barton Road closure will not stand up in court. But the bad news for the Minister for Health and the member for Adelaide, and the bad news for his sister-in-law, is that we have more cases going to court. One day we will get into court and we will argue this case because, if you read section 359, you see that there is nothing in it that says it is an offence to ride your bike or drive your car through a road closed under section 359. Why do you think that is? It is because, on the day of the Anzac Day march or the Christmas pageant, barricades are erected so that people cannot go onto King William Street while those roads are closed.

This section was only ever intended to be a temporary closure provision. Who would drive their car down King William Street in the midst of the Christmas pageant or the Anzac Day march? No-one would do that. So it was never contemplated that there would need to be an offence section, because the council would have the area barricaded off by 44 gallon drums and ribbons—

An honourable member interjecting:

Mr ATKINSON: —or the blue line, as the Deputy Leader of the Opposition says. He enjoys the Christmas pageant more than most of us. In fact, he is a Santa Claus figure for the Parliamentary Labor Party. There is nothing in section 359 which creates an offence, and that will be discovered when the matter goes to court. The Government ought to be concerned not merely about the closure of Barton Road but about the potential of local government, particularly the City of Adelaide, to act in a very selfish way which ignores the rights of people who live in other municipalities. It ought to be concerned that more crossings into the city will be closed by the City of Adelaide should it survive.

This Government wants to make Michael Abbott QC of Barnard Street a commissioner on behalf of the Government to control the City of Adelaide. When Michael gets in, you will not have any crossings left except Main North Road. He would close that too, except that it leads to the rest of world. You will have to have a flying fox to get into North Adelaide if Michael Abbott becomes a commissioner in charge of the City of Adelaide. I have given the Minister the warning; it is now on the public record. Barton Road might be skin off my nose—

An honourable member interjecting:

Mr ATKINSON: The member for Lee might sneer at me and ask, 'Who cares about the closure of Barton Road?' As a matter of fact, some of his constituents do, and I have their names and addresses; they are on database.

Mr Rossi interjecting:

Mr ATKINSON: I don't know about that. The Minister and the Government ought to be concerned that other crossings into the City of Adelaide will be closed, and I refer to War Memorial Drive, Jeffcott Road and other crossings that we do not yet know about. It may be that down the track that will be a political problem for some Liberal Party members. I suggest the Minister give some thought to what ought to be the law applying to the closure of local government owned roads.

I have a suggestion for him, and it is contained in my amendment—and I knew that you, Mr Chairman, were always confident that I would get around to the amendment. The amendment provides that, if the local government road runs between two different municipalities, as Ashley Street runs between the City of West Torrens and the Town of Thebarton, if the closure under section 359 will be not temporary but permanent, there ought to be a procedure to deal with that whereby the interests of the wider public are considered.

Mr Rossi: You're a hypocrite.

Mr ATKINSON: No, I am not a hypocrite. I ask the member for Lee to withdraw.

The CHAIRMAN: Order! I did not hear what the honourable member said. The Chair was just about to draw to the attention of the honourable member that, under Standing Orders, he has the right to speak on the first, second and third occasions for up to 15 minutes. That time has already been exceeded. If other members wish to speak, I will have to give other members the opportunity. The honourable member has the right to come back to his amendment; he does not have unlimited time.

Mr ATKINSON: I shall follow your guidance, Sir, and wait for the Minister's response. I also ask that the member for Lee withdraw the allegation that I am a hypocrite.

The CHAIRMAN: Order! The honourable member should not speak in an adverse manner of members. I ask the honourable member to retract that. If the honourable member used that term, it is not appropriate to use it, and I ask him to withdraw it.

Mr ROSSI: I did use that term.

The CHAIRMAN: Order! The Chair has asked the honourable member to withdraw, not to debate the issue.

Mr ROSSI: I will withdraw the comment.

The CHAIRMAN: I thank the honourable member. I invite other members to speak to the amendment or the Minister to respond.

The Hon. E.S. ASHENDEN: I understand that the honourable member has not yet concluded his argument. At this stage, he certainly has not convinced me of the correctness of his argument.

Mr ATKINSON: Let us see whether in another 15 minutes I can convince the Minister of the merit of this proposition. As long as he remains the Minister for Housing, Urban Development and Local Government Relations and as long as he brings into this place amendments to the Local Government Act, he shall receive this homily on every occasion. I ask him to bear that in mind. My amendment applies only in those two circumstances where they coincide, namely, where the road runs between two different municipalities and it is proposed that the closure be for more than six months. What I propose is similar but not identical to the provision under the Roads (Opening and Closing) Act.

The member for Adelaide has made the point many times that the City of Adelaide is not the only municipality to have tried to use section 359 to close roads permanently. The Minister is right about that: there are a number of municipalities, including the one in which I live—the City of Hindmarsh

and Woodville—which have closed local suburban roads permanently using section 359 rather than go through the procedure of the Roads (Opening and Closing) Act. However, none of those closures has ever been controversial, because the closure has been entirely within one municipality, and in those circumstances it is entirely appropriate that the local municipality decide the matter. Everyone who is affected by the closure of, let us say, Belmore Terrace, Woodville, lives in the City of Hindmarsh-Woodville and can have a say in whether Belmore Terrace is closed permanently. It affects only that suburb and only that municipality.

The difference with the closure of Barton Road and the projected closures of Jeffcott Road and War Memorial Drive is that the vast majority of people who use those roads do not live in the City of Adelaide. If they are to have any say politically in whether those roads are closed, they can have it only through the medium of the State Parliament, because they get no say in the City of Adelaide. They are not residents and they are not ratepayers. Of course, this is a good illustration of what the Minister is objecting to in the current conduct of the City of Adelaide. The closure of Barton Road and the projected closures of Jeffcott Road and War Memorial Drive symbolise very neatly the utter contempt that the councillors of the City of Adelaide—particular those from North Adelaide—have for the economic welfare of the State and for the interests of people who live outside the city walls. There could be no better illustration of why the Government wants to sack the Adelaide City Council than the closure of Barton Road. However, the Minister will not use that example, because the closure in the first place was organised by his colleague the Minister for Health and member for Adelaide, but that is another story.

What I am offering the Minister is a procedure whereby the State Government and Parliament can take responsibility for the closure of a major public road, running between two municipalities, and its closure on a permanent basis. I propose, first, that the council would have to give notice of its proposal to close the road. It does not have to do that under section 359 now: it can just spring it on you. Secondly, anyone affected should have a right to make a representation to the council; and, thirdly, once the council passes the resolution, it has to pass it onto the Minister for Transport, who has had the right to veto the proposal. If the Minister goes away and thinks about it and leaves the question of the member for Adelaide and the Barton Road closure out of his mind, if he just looks at the general merits and looks at this matter normatively, he will understand that it is a good and just measure of public policy to balance the interests of a municipality with the interests of the general public. And he would find much merit in this proposition. I put it to the Committee on the basis that generally it is in the interests of us all that a fair method be found of reconciling the interests of a particular location and its municipal council on one side and the interests of the general motoring and cycling public on the other.

The Hon. E.S. ASHENDEN: We do not accept the amendment. The honourable member is probably already aware that I am in the process of rewriting the Local Government Act. We are almost to the point where the first exposure draft will be released for public consultation. The current powers under the Local Government Act concerning road closure, together with the road closure and traffic control powers under the Road Traffic Act and the Summary Offences Act, will be rationalised in the main review of the Act. It is proposed that significant powers in relation to road closure be revised and we will be looking to relocate them into the Road Traffic Act.

There will be another opportunity for the honourable member to again wax lyrical on this matter. I understand that the road was closed while his Government was in power and I wonder why he feels so strongly that he is now trying to get this Government to make a change when his own Government did not make that change. However, I will let that go. I assure—

Mr Atkinson interjecting:

The Hon. E.S. ASHENDEN: I am sure you will not. I assure the honourable member that this whole matter will be completely revised with the rewriting of the Act.

Mr ROSSI: I refer to the previous unparliamentary language I used. The member for Spence's amendment provides:

> The council must give written notice personally or by post to each ratepayer who is the owner or occupier of land that abuts the prescribed street.

Before that amendment was put forward the honourable member mentioned that electors in my area are opposed to the closing of Barton Road. According to his amendment there is no way that people four kilometres away from the site are to be given notice. While his Government was in power the then Attorney-General (Mr Sumner) and the Federal member (Mr Duncan), both of whom live in North Adelaide, were opposed to the opening of Barton Road. I also remind the member for Spence—

Mr Atkinson: Not Duncan—where did you get that from?

Mr Lewis: From me—don't you know where he lives?

Mr Atkinson interjecting:

Mr ROSSI: When the honourable member's Government was in power he could easily have crossed the floor and, as there was only a majority of one, got his own way, but he now expects the Liberal Government to do his dirty work. If I were the Minister for Transport or the Minister responsible for local government I would divert the buses along Torrens Road and close the damn street once and for all. I am totally opposed to the amendment moved by the member for Spence.

Mr ATKINSON: I am delighted that the member for Lee has raised that point and I am pleased to hear that the Minister for Local Government Relations is considering redrafting section 359 and putting it in the Road Traffic Act. I think the Minister and I can make beautiful music next year. I think I can see a deal coming up, provided the provision is retrospective.

The member for Lee needs to read the amendment closely, because he has simply looked at proposed new subsection (2b)(b) about the council's giving written notice personally or by post to affected ratepayers, but he has not looked at paragraph (a), which provides:

> The council must first give notice of the proposal in a newspaper that circulates generally throughout the State, inviting interested persons to make submissions on the proposal within a period, being not less than four weeks, specified in the notice;

That is the answer to his question. Those of his constituents, including Mr Metsla of Seaton, who want Barton Road open or any other road not to be closed would see the notice circulating in the *Advertiser*. So, his point is not a point at all. I have made provision for his constituents to be aware of the closure of relevant roads. What would happen if the City of Hindmarsh Woodville decided to close Fife Street near his home with the result that people who live in the electorate of Lee, in Woodville West and Seaton, could not get into Woodville South or Beverley through that lighted intersec-

tion? There would be an outcry. People in Woodville West and Seaton would write to the member for Lee as their local member saying, 'What are you going to do about it?' Under section 359, as currently drafted, nothing could be done about it.

Mr Lewis interjecting:

Mr ATKINSON: The member for Ridley says that no-one would want to go to Croydon. That is the kind of snobbery we expect from the Liberal Party, the kind of snobbery that underlies the closure of Barton Road, North Adelaide. The members for Adelaide and Ridley believe that no-one would ever want to go from North Adelaide to Brompton or Croydon, but they are wrong. What would happen if the City of Hindmarsh and Woodville decided to close Trimmer Parade, so that the member for Lee could not get from his home on Findon Road to the golf links *via* Trimmer Parade and instead had to go miles out of his way down to Grange Road or up to Port Road? He would be angry about it, would he not?

I am saying that there ought to be some method of controlling local government closure of roads where they run between two municipalities and where they affect the general public. The Minister makes the point, which the member for Lee reinforced, that the closure of Barton Road, although done by the then Adelaide City Council, was not prevented from happening by the then Labor Government: that is a good point to make. When I brought the Government's attention to this vile closure in 1990, the Government started to act, and when the council was forced by a Supreme Court decision into applying under the Roads (Opening and Closing) Act to have the road closed permanently, which would have prevented the Hawker Street-Hill Street bus from operating, the then Government through Minister Mayes quite properly refused the application. But then, when the council used the strategy of section 359 of the Local Government Act—the temporary closure provision—to get around the Minister's decision under the Roads (Opening and Closing) Act, I went to the then Minister of Transport (Hon. Barbara Wiese) and the then Local Government Minister (Hon. Anne Levy) and asked them to act, and it is true: they did not act or not until it was too late.

During the election campaign the Minister of Transport threatened to withdraw the permission for the Adelaide City Council to have 'No entry' signs and 'No left turn' signs on Barton Road and tried to use her power under sections 17 and 18 of the Road Traffic Act to withdraw her permission for those signs to be erected. The council simply wrote back and said, 'Well, no, Minister, we don't care whether you withdraw permission because there is an election in two weeks—we will look at it after that.' That was a very good reply.

Yes, I and my constituents were let down by two Ministers in the then Labor Government: there is no doubt about it. One did the right thing—the Hon. Kym Mayes—but the other two did not: that is right. I feel very let down, but unlike the member for Lee I did not think it was justified for me to cross the floor and bring down the Arnold Government on the basis of that. Maybe I was wrong—maybe we should have gone to the polls earlier. Although bringing down the Arnold Government over Barton Road may have been popular in Bowden, Brompton and Ovingham, unfortunately there are 14 other suburbs in my electorate, the residents of which might not have been so keen on my betrayal of a Labor Government. I felt it was worth keeping in a Labor Government. I did not want to send the State to a general election over Barton Road, so I did not cross the floor: that is the answer.

Mr ROSSI: In response to the member for Spence's argument about closing off Fife Street, Woodville South, and Trimmer Parade, Woodville West, I remind the honourable member that most of the streets of Woodville South were totally closed off irrespective of the views expressed by people outside those suburbs. Some years ago all the streets along Ledger Road and parts of Ledger Road were closed off, and it was not until local constituents of the area protested to the Woodville council that those roads were reopened. It was only the people directly affected by the road closures who were effective in getting the council to reverse its decision. People who live away from those sites have no rights in defending local issues.

The honourable member referred to crossing the floor. I am upset with the previous Labor Government for two reasons. I refer to the Queen Elizabeth Hospital health issue, when the then local member, Kevin Hamilton, also refused to cross the floor. As the Minister for Health said today, worms from outside the windows were getting inside those windows. I thought that the treatment of gangrene with worms was effective only during the Second World War and not in the 1990s, as occurred under the previous Labor Government. There are lots of things that members of the previous Labor Government did not do but should have done. For example, they took over six years to find fault with the State Bank, and they are now trying to tell us how to run EDS and other enterprises.

New clause negatived.

Title passed.

Bill read a third time and passed.

EQUAL OPPORTUNITY (APPLICATION OF SEXUAL HARASSMENT PROVISIONS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT DEBATE

The Hon. E.S. ASHENDEN (Minister for Housing, Urban Development and Local Government Relations): I move:

That the House do now adjourn.

Mr LEWIS (Ridley): It strikes me as pathetic that on the one hand we see the Labor Party crowing about the misfortune of many young South Australians whenever there is a downturn in the labour market or an indicator to that effect, yet when we find on the other hand that there has been an upturn in the labour market and some increase in the number of jobs they say nothing. Neither the member for Ross Smith, who prates his commitment to the advancement and development of the State's economy, nor his erstwhile Leader, at least for the meantime (as we know from the Labor Party factional divisions over the past few weeks, both are temporarily in their roles) is prepared to sing a song for South Australia's sake: everything they say is for their own sake. That distresses me immensely.

Today, very good news was reported to us from figures released yesterday about which members opposite could have made positive, constructive comment to give school leavers greater hope of gaining employment in the short run but, no,

nothing at all has been said about that. In every instance they take the opportunity to knock whatever achievements we have made, or otherwise attempt to discover something which they believe has been done wrongly, even though they have probably done the very thing of which they accuse Ministers in this Government of doing. What a disappointment!

I now refer to a problem involving the current law as it stands under schedule 4, section 9(2) and (3) of the Electricity Corporations Act 1994. Subclause (2) allows the Electricity Trust, now that it is a corporation, to continue as it has in the past (but not so accountable to a Minister as it was in the past in terms of going about at any reasonable time) to examine the infrastructure which reticulates electricity around the State. Subclause (3) provides:

> . . . reasonable notice of an intention to enter residential premises or land under this clause to the occupier of the residential premises or land; and. . . where vegetation clearance work is to be carried out on the land—at least 60 days written notice.

I am talking about not just terrestrial entry to premises, because I believe that the defence currently being run by the corporation is that it has the power to enter private land under that clause and it is the reason given by the corporation for its use of helicopters to inspect powerlines in country areas. In a general sense, that is an excellent efficient inspection method. But in certain circumstances, if the corporation has such power, it needs to notify land holders right across rural South Australia of its intention to exercise that power in a general way right now. We must not allow it to get any worse. We must enable those land holders to register their concern about using helicopters over their properties for the inspection of powerlines where to do so endangers the lives of the animals of the land owner.

I say this because we are increasingly diversifying our rural production not just in crops and so on but in the range of animals we use in keeping with the necessity to diversify our regional economies—to give them greater security so that they are not subject to the cyclical price fluctuations in cereals or wool, or lamb or beef, and diversify the range of products by using other animals. I have spoken at length about the wisdom of farming native animals, and there are other exotic animals that also provide profitable enterprise.

Those animals to which I refer in this instance are animals that are excited to the point of agitation and self-destruction by helicopters at low altitude. I refer to emus, ostrich and deer. The corporation has already done considerable damage to land-holders' flocks by not giving proper notice of its intention to use helicopters for powerline inspection. If it had done so it would have enabled land-holders to safely and securely pen their emus, ostriches and deer.

For instance, I refer to the unfortunate consequences recently for Mr and Mrs Temminck of Ki Ki, who conservatively have estimated losses of about $2 000. In my judgment, it is a good deal more than that. One emu had to be destroyed and other emus suffered severe damage to leather through damage to their skin. Once it was discovered that another emu had a broken foot, it also had to be destroyed. Fences were damaged when the emus attempted to escape and ran headlong into them. Those fences had to be repaired. Other emus went off the lay. Clearly there is a necessity for the corporation to write to land-holders in the settled areas of South Australia where rural pursuits are undertaken and ask them to register whether they have timid animals in husbandry so that, when such inspections are undertaken, those land-holders, in particular, can be contacted well ahead of time to advise them of the time of the inspection in order to prevent this sort of thing happening again.

I know of another instance where a deer farmer lost 20 does and one stag when, just after becoming active in the rut, the stag became overexcited and attacked the females, which he thought were under attack from the whirlybird. It took only a matter of eight to 10 minutes for the fallow stag to simply impale the does through their diaphragm or the soft tissue of their loins and belly. They were lost. Seven does were saved but the stag himself rammed the fence and twisted off an antler and broke his neck. That was several thousand dollars worth of damage in a matter of 10 minutes as a result of the corporation's insensitivity. It is not good enough to use the defence that it has under schedule 4, clauses 9(2) and 9(3), to which I have referred.

I now draw attention to what I consider to be an iniquitous problem of WorkCover's mismanagement of its responsibilities to the State's injured workers. Present legislation and administrative procedures leave far too much power in the discretionary hands of bureaucrats to determine what kind of treatment, if any, can be given to an injured worker. In this instance I make my plea on behalf of an occupational therapist, Anne Jackson, who treats injured workers in Murray Bridge and elsewhere and who has had her patients' treatment curtailed arbitrarily, without any medical evidence to support the curtailment, by a WorkCover officer named Mr Ron Smith who ought to have known better.

I have looked carefully at the kind of treatment that has been provided by Anne Jackson, as she has pointed out in her letter to me. The treatment, which is known as IFAS therapy, is producing outstanding results, getting people back to work far more quickly and cheaply than they would otherwise in the opinion of treating doctors using older, more traditional methods. Where they and other physiotherapists have given up, she has used this IFAS treatment and, in no time at all, pain has been relieved, muscle action has been restored, eliminating muscle spasm, and the patient has been back to work much to their delight and to that of their family. I have to say that that kind of arbitrary judgment, exercised by a WorkCover officer, is quite unacceptable to me and everyone else in this Chamber.

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

Mrs GERAGHTY (Torrens): I concur wholeheartedly with the latter part of the honourable member's speech. On behalf of the parents, children and staff at the Hillcrest Primary School, I raise serious matters of concern regarding inappropriate building procedures and a lack of supervision and occupational health and safety requirements by the building contractors. I visited this site on 8 November and looked through the school. I witnessed an environment which could be described only as chaotic and more akin to a bomb site than a primary school. In reply to a question from an honourable member in the Upper House regarding building procedures, the Minister for Education and Children's Services stated that strict guidelines and procedures applied in relation to work carried out by Services SA to all Government buildings, including his department, in relation to building projects.

I will begin by describing what I saw on my visit of 8 November. Pieces of timber masonry and rubble were left lying around in areas where the children play. From the outset, the department should have relocated the operations of the school entirely during the renovations. It did not expect

the renovations to take so long or for the problems that developed to occur, although it should have been foreseen and structured into the overall plan. I hope that a fiasco of this nature, which encompasses critical health risks, does not occur again. It is clear that the strict guidelines and procedures that were supposed to be applied by Services SA have been severely lacking in this case and that the children, the parents, the staff and I deserve an explanation and a apology for the shoddy way in which they have been treated.

I have spoken to staff and parents and I have been informed that they had to request that piles of rubble, which included bricks and metal, be screened off to stop the children playing on it and injuring themselves. The materials that one teacher described to me could have been used as missiles by children and I am aware that, in one case, one child picked up a brick and threatened some of the other students. I also saw power tools strewn around the school complex, and it appears that this was a regular occurrence, when the children were in attendance at the school. Connected power tools were left lying around, so the children could have just walked up and touched one and a serious injury could have resulted.

The building contractors seemed to have a complete and total lack of awareness of the safety needs of the children and staff and, to confirm this lack of occupational health and safety awareness, I saw a contractor hammering away at a wall with a hammer and chisel, yet for his own protection he was not wearing safety glasses. I would like to know why the occupational health and safety guidelines and procedures were not being supervised according to the standards and who was responsible for that supervision. Someone won a lucrative contract, but they were not supervising it.

Contractors were using school radios for their own entertainment while undertaking building work. They did not ask permission and, consequently, equipment such as radios went missing only to be found later in an obscure part of the school. A spread of asbestos dust was caused by the fact that contractors hacked at the asbestos materials with a saw. That, combined with the inadequate procedures put into place in removing materials, meant that asbestos crashed to the floor, and I cite the toilet complex where this occurred.

Staff are concerned as to how asbestos was removed in the main building renovations, where the major structural bulkheads were removed. They were concerned that asbestos lagging was removed merely by bashing it with a hammer and the use of saws. What effect will the dust accumulation have on children and staff? I understand that one staff member had time off because of breathing difficulties that she had never experienced before. It appears from comments made to me that the building contractors were completely oblivious of the need to change or clean the filtering system within the airconditioning network after the asbestos dust had been recognised.

I would like to be assured that this will be done as a matter of priority. I also request that a report be produced by the building contractor as to how all asbestos materials have been removed. I think the parents, staff and children need to know that the procedures and guidelines of the Occupational Health, Safety and Welfare Act have been adhered to and that the Government was looking after their health and safety. The supervisory nature of the building renovation work appears to have been a total shambles. The building contractors asked the staff to gather furniture and educational materials away from the walls, only to find when they returned the next day or after the weekend that no work had been done at all. They were not kept informed or given briefings on the procedures of work to be undertaken or completed.

Assurances were given that the painting of ceilings and walls in classrooms would be completed by the resumption of school on the next day or after the weekend. On many occasions this simply did not happen. No satisfactory overtures were made to staff regarding the massive inconvenience caused by moving furniture and educational materials backwards and forwards until the work was eventually completed. Building contractors did not use cover sheeting, and consequently furniture and educational materials were continually covered in building dust.

The staff have endured more than one could reasonably expect, given the circumstances in their workplace. They have tried to keep their classrooms free of dust, only to find themselves back at first base. Naturally, they are concerned for their health and of course that of the children. Staff have made the observation that the building work appears to be uncoordinated, with contractors appearing and disappearing and with work being left incomplete. On the one hand new door outlets have been fitted to the toilets so that children could have access to the facilities directly from the playground. However, on the other hand, the doors were sealed and the children still had to traipse through the school corridors to access the toilets from the inside. In some cases it is simply because the door handles were not put back on the doors or the doors needed painting, yet the builders had moved onto another section to work. In one corridor close to the reception area, part of the ceiling would be less than 7 feet. I guess one would wonder why this was so, given that ceilings have to be of a proper height.

In one room, which appears to be the home economics facility, electrical plug outlets appear to be ludicrously sparse. On one entire wall, where one would have thought electrical plug facilities should be, none exist—this is on a bench where they may be doing some cooking—and a couple of plug outlets have been placed on an opposite wall in an obscure area so there are power cords running across the room. Some of the airconditioners that are attached to the classroom walls have gaping holes in their sides where I guess some young enterprising child could get up and poke in a finger, and in some cases the sides of the units appear to be broken away to put cable in without any care for the unit at all.

Library staff arrived at school one morning to find bookshelves pulled away from the wall where builders were undertaking work. Staff were given no prior warning that this work was to be undertaken. It appears that outside (and we are talking about a school that is under renovation) the drinking fountains that are affixed to the wall have no cover over them at all, so there is no shading. The veranda that is attached to the library building appears to fall in the opposite direction so that the water runs back into the gutter but, because of its height, it maximises light and reduces shade, defeating the entire purpose of the veranda.

Staff have recognised, and most have stated to me, that they knew they would have to put up with some inconvenience while the school was undergoing renovations but that they certainly were not prepared for the conditions under which they have had to work. Everybody recognises that Hillcrest Primary School has had its disadvantages and that the renovations will improve the school to create an excellent facility, something that the residents in the area have been waiting to see for a long time. One cannot blame parents, however, for expressing their view that schools in the eastern suburbs would not have had to put up with this or have their

teaching staff and children abused as a result of the way that the building project at Hillcrest Primary School has been managed—or, in this case, mismanaged.

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

Motion carried.

ADJOURNMENT

At 6.5 p.m. the House adjourned until Thursday 14 November at 10.30 a.m.