HOUSE OF ASSEMBLY

Thursday 19 February 1998

The SPEAKER (Hon. J.K.G. Oswald) took the Chair at 10.30 a.m. and read prayers.

SOUTH-EAST WATER RESOURCES

The Hon. D.C. KOTZ (Minister for Environment and Heritage): I move:

That the regulations under the Water Resources Act 1997 relating to the revocation of proclaimed wells Lacepede made on 29 January 1998 and laid on the table of this House on 17 February 1998 be disallowed.

It is not my intention this morning to speak a great deal on this matter. There has been a degree of debate in the public arena and in the area where this issue is of great concern, and it has caused a great deal of anger and anxiety over the period of a couple of years. The people in the South-East are well aware of what is being undertaken today.

I consider that the earlier move that was taken to break the existing deadlock and de-proclaim the Lacepede-Kongorong area has acted as a catalyst for the people of the South-East to get together and find an agreed position. I also believe that there is now a greater understanding of the water allocation issue and greater respect for the diverse needs of the varying industries of the region, and I am confident that we can move towards a final resolution of this issue during the coming months.

Throughout this very complex exercise I have sought to consult widely and to respond to the wishes of the broader South-East community. The action I now take is the direct result of that consultation. I would like to put on record my commendation of the actions of the members for MacKillop and Gordon in taking into consideration this whole difficult and complex issue, talking to the South-East community about all the varied aspects of this matter, and arriving at an agreed position which will enable us to move forward strongly.

I would also like to commend all the people of the South-East who supported those two members in coming to this agreed position. They sent me strong notice of their agreed position and their intent to support the two members through numerous faxes, letters and telephone calls. I would now like to turn the debate over to the members, and I ask that the record of today's discussion also include most of the comments that I previously made in a ministerial statement which is now on the public record.

Mr McEWEN (Gordon): I support the move that the Minister has taken today. Some people have said that she has done a triple backflip—she has done that with elegance and grace, and for that move I give her 9.6. It is important to briefly put this matter in context. What we are dealing with here is what the Premier described late last year as the gold of the twenty-first century. Water underpins the wealth of my electorate and the neighbouring electorate. To that end the stakes are high. Do not underestimate what we are dealing with.

Let me briefly give members some facts on the quantums. We are dealing with about 800 to 1 000 gigalitres of water. That is three times the amount of water that is presently used for irrigation along the river. It is about five to six times the total storage of all of Adelaide's dams. It is a huge amount of water; it is future wealth; and it will underpin future job creation. That is why the stakes are so high. At present we use about 350 gigalitres for irrigation, industry and the urban community. At this stage, the remainder is under-utilised.

A potted history reveals that the Catchment Water Management Act 1995 specifically excluded the South-East. The sensitivity of the matter was recognised and the fact that it needed to be dealt with in a strategic way. Early in 1997 a move was made to bring into place controls to manage this strategic asset. There were some difficulties. Controls were put into place as well as some interim management guidelines to proceed with the Water Resources Act 1997, which was proclaimed on 2 July.

There was a lot of debate about those interim guidelines. At best, it was a compromise. It had to balance the immediate users with those who wanted to secure the opportunity to use that water in the future. There were going to be winners and losers. In a difficult context some interim guidelines were put into place. Things moved along quietly until 29 January when two notices appeared in the *South Australian Gazette*. First, the Minister revoked the proclamation and, secondly, the Minister gave notice that she intended to establish a catchment water management board and use section 77 of the Water Resources Act 1997 to that end.

In the press the next day the Minister described her action as 'dramatic'. Indeed it was dramatic and it brought out for the first time, I believe, all the stakeholders who then revealed that they were prepared to compromise. To that point they were all taking entrenched positions. Certainly, the Minister precipitated a much more thorough debate when she took what she described as a dramatic step. Within a week myself and the member for MacKillop—the potential Minister—

Mr Brokenshire: Hear, hear!

Mr McEWEN: 'Hear, Hear!' thank you—met with the Minister and gave her an undertaking that we would deliver, in writing, an unequivocal guarantee from all the stakeholders that they would support a move to reproclaim the Lacepede-Kongorong wells. This meant that for the first time all the stakeholders would need to commit their position to paper. That in itself was a big step forward. We have now locked them in in terms of an acceptable stepping off point for all concerned. By 10 February we had the shadow Minister entering the debate. He added nothing to the collective wisdom of the debate and, to some degree, caused further alarm.

An honourable member interjecting:

Mr McEWEN: Yes, he described the backflip—and again I remind the honourable member that I gave the Minister 9.6 for that move.

Mr Koutsantonis interjecting:

Mr McEWEN: The honourable member wants it the other way up. Can't the honourable member read upside down? In a matter such as this we need to be particularly cautious about the language we use. This is not a political issue. This is an economic issue that underpins the prosperity of the richest area of the State. It is not a time to play politics: it is not a time to play games. We must be cautious in our language because much is at stake. Generations of investment in land are at stake, in terms of future plans. We must be particularly cautious how we deal with it.

The next step is to put in place a water management plan. We must step back and describe to the community how we intend to manage the next step. We have to put a management plan in place—and I am quite prepared to accept the South-East Water Conservation and Drainage Board to perform that

role and no other. It is an interim arrangement. I ask that the South-East Water Conservation and Drainage Board effect a management plan. In turn, they would need to step back from the process. We must then create a number of zones and, in each of those zones, work through water allocation plans. That is the key to our future, having an understanding from each of the stakeholders as to how water will be allocated and, separately from that, how water will be used. To allocate someone water does not give them and must never give them the opportunity to tie that water up.

When we spoke with the Minister we discussed the issue of not creating an opportunity where people could speculate or hoard in water. That is totally counterproductive. That is totally contrary to our long-term vision which is to use that water to underpin economic growth. What we are now attempting to do is separate the issue of allocation which protects someone's future rights and usage because we must attempt to maximise the usage in the short term. I believe we have moved forward. We have drawn a line in the sand. All the stakeholders are now committed to working with the interim guidelines until such time as we put a final water allocation plan in place in each of the zones. I support the Minister and I compliment her on her action.

Mr HILL (Kaurna): I support the move by the Minister, too, so I put her out of her misery on that point. However, I will make a couple of observations in the process. The previous speaker referred to the issue and said, 'It is not a political issue.' That is news to us on this side of the House and it certainly is for the previous members for the two South-Eastern seats because it was on this issue that the two new members for the South-East spent most of their time campaigning and were able to garner very many votes for themselves as a result of exploiting this issue in the most political of ways. After the election and in February this year an article appeared in the *Border Watch*, page 3, under the heading 'The Great Water Controversy'. The article says:

> Williams, McEwen take issue to Premier Olsen. The two independents are angry with Kotz.

If that is not political—

Mr Clarke: Are they Independents?

Mr HILL: That is up to them to answer. That is clearly political language. This is a political issue and it is very much about power in the South-East. It is very much about who has power and control over water in the South-East, and the local members know that. They are not on the same side on this issue. They are fudging that part of it because they are both supporting different groups in that community, but we will get to that in a minute. The point I intended to make is that on this issue the Minister really received her stripes in terms of being able to backflip. It is only over the past couple of days that I have understood how that came about. Two days ago the Premier gave us the biggest backflip in South Australian political history and today I heard on the radio that the Attorney-General has backflipped over the issue of the drunks defence.

Clearly, on their summer camp when they were going through all these exercises one of the major exercises they must have practised was the backflip—and the Minister for Environment certainly has got that right. We will go through the history of this backflip because there have been a number of backflips on backflips, somersaults, somersaults forward, triple pikes and the rest of it.

Mr Brokenshire interjecting:

Mr HILL: Forward rolls, thank you very much, honourable member. Last year at some stage the former Minister for Environment and Natural Resources attempted to introduce rules to regulate the use of water in the South-East. He was rolled by the former member for MacKillop who, as I understand it, was able to lobby the then Premier of the day and have his regulations changed so that water would be allocated in a way which was consistent with what the member for MacKillop wanted and which advantaged dairy farmers and intensive agriculture in the South-East. That was the *status quo* when this Parliament sat this year. After that the two new so-called Independents put enormous pressure on the Minister—and I guess on the Premier—to change the position that was then in place.

I imagine the two Independents said, 'Look, we would like to vote for you, but we have a few problems. We do not think the Minister is doing the right thing. Tell her to change her mind.' I am sure pressure was placed on the Minister to change her mind and she then did the first backflip, which was to get rid of the regulations put in place by the former Minister (Hon. Mr Wotton). That did not satisfy anyone and the Independents and the people of the South-East were absolutely up in arms and put more pressure on the Minister. After secret meetings behind closed doors, secret dealings, secret promises and who knows what else was done secretly—

Mr Conlon: Back room backflips.

Mr HILL: And we had another backflip, and this time we are overturning what we overturned a couple of weeks ago. I am happy to support that because we get back to something that makes sense to the people in the South-East. This does not settle the matter. This does not tell anyone in the South-East who will get what water. All of that will be put in the hands of the catchment board or a committee. At some stage in the future, perhaps 12 or 18 months down the track, it will be an issue again. It will not resolve the problems of the people in the South-East. The two Independents sitting side by side on the other side of the House will not be happy with it in 18 months' time—and it is not just me who is saying that; I have a very good source of authority.

I refer to the *South Eastern Times* of Thursday 8 January and a column written by a very venerable member, a former member of this House, the Hon. Renfrey De Garis. The article generally was commending the new member for MacKillop, but I imagine as he wrote it he very firmly had his tongue in his cheek because his association with the former member for MacKillop is well-known. In reference to the water issue he says:

> I would predict, that at the close of Mitch's first four years' service—

'Mitch' being the member for MacKillop—

> in his representation of MacKillop, the question of the use and control of underground waters, and the policies it will engender, will still not be satisfactorily answered.

So watch this space: there will be more backflips!

Mr WILLIAMS (MacKillop): I rise in support of this motion. Regarding former members of this place and the other place, the House might like to know that in the *South Eastern Times* on either 12 or 13 February Renfrey De Garis announced that not only was the next day, Valentine's Day, his fiftieth wedding anniversary but that the article in the *South Eastern Times* would be his swan song and that he was leaving politics forever.

The member for Kaurna quite rightly pointed out that politics are involved in this issue. They are, they have been and they will continue to be. The art of politics, I have been told for many years, is the art of compromise; the art of doing the possible rather than doing the impossible. What we need to do in the South-East is the possible, it is the pragmatic, and I believe that every day we move closer to that. The member for Gordon pointed out, quite correctly, the importance of water to the South-East and indeed to the State of South Australia; and, in my view, it is a pity that this House did not take more notice of this issue prior to today's debate.

I place on the record a few things that have happened in very recent times. With regard to the Minister's deproclamation, or action to virtually deproclaim the area on 30 January, I wrote to the Minister on the day before that and said:

> To my knowledge, no-one within the current debate has called for a lifting of the proclamation.

I further stated:

> Let me restate my position on water in the South-East. (1) Any use must be sustainable. (2) Land values must be preserved. (i) this can only be achieved through an equitable allocation policy. (3) Landowners should not be able to prevent other users from utilising available water. It is my belief that these three principles satisfy the requirements of all landowners and should be the basis of any future management policy.

The member for Kaurna suggested that the member for Gordon and I represent different people and have different views on what should be done in respect of the future water allocation policy in the South-East. I suggest that that is totally and grossly inaccurate. I believe that the member for Gordon and I share very similar views on the way to move forward and, in fact, where we should end up at the conclusion of this debate.

An honourable member interjecting:

Mr WILLIAMS: They are. I appreciate the Minister's efforts in trying to get through this impasse that has been occurring in the South-East for the past six or seven months at least. I have said that she has moved to break the log jam, and I believe that at last that may have occurred.

I also highlight a few key words that the Minister used in her statement to the House on Tuesday. She said that, for the first time ever, the people in the South-East have an opportunity to work cooperatively towards a water allocation policy that can be equitable. It is probably drawing too long a bow to say that it is the first time ever, but I believe the Minister is absolutely correct regarding the opportunity to work cooperatively and for a policy that is equitable, and I believe that the people in the South-East now have the will to move forward in that direction.

The Minister also said that she wished that the community would resolve equitably which means of water resource will be allocated in the South-East in the future. She went on to outline four main issues that will be addressed in the plan: first, the reproclamation; secondly, the recognition of the hydrogeological and the agronomic diversity of the Lacepede-Kongorong area, allowing for different water allocations in appropriate zones; thirdly, to establish a catchment water management board, using the South-East Water Conservation and Drainage Board as an interim water board; and, fourthly, to develop a final allocation policy consistent with COAG water resource use and competition principles.

I commend the Minister for pointing out those four issues. There will be some questions, certainly from my electorate, and I also believe from the electorate of Gordon, concerning the establishment of a water catchment board. I believe that our electorates would agree with that and see the need for it as an interim board to get through this impasse and to move on. Whether that is the way that the South-East should proceed into the medium and long-term future is certainly questionable, because there are many questions which need to be answered before the communities could accept that position. The main one revolves around artesian bores which, in the mid South-East, were put down 40 to 50 years ago and which are in much need of rehabilitation.

The community in the South-East need to know what the Government's future plans are for that rehabilitation. They need to know whether the water catchment board will be expected to set levies in the South-East for that rehabilitation work. In the Minister's advertisement in January, when she first deproclaimed the area, she said that she would be moving towards a catchment water management board and called for submissions. However, I believe that it will be very hard for the community to provide adequate submissions without questions like that being answered. But I agree with the member for Gordon and the member for Kaurna that this is a stepping off point. I hope that the people of the South-East can move forward from here and, with continued goodwill from the Minister and her department, I am certain that our communities can resolve this matter. I commend the motion to the House.

Mr LEWIS (Hammond): I join this debate because of my concern about the matters which have occupied the minds of the Minister and the members for MacKillop and Gordon in recent times in respect of the way in which any model that arises from the consultations will affect the way in which water is allocated elsewhere in the State in the future. First, I commend the Minister for the action she has taken, and I also commend the two members for their determination to see this matter effectively and properly resolved through public consideration of the facts, if you like—that is, a bit of education—as well as consultation on what kind of model ought to be adopted. They could not have achieved that without the cooperation of the Minister. I hope that, from this point forward, we look at the necessity to respect those factors that have been mentioned by the members for Gordon and MacKillop in the course of their remarks.

Let us recap. There are 350 000 megalitres of water a year, at least, available for economic purposes in the South-East. There is probably more, if we take into account the fact that brackish water up to salinity levels approaching the sea is ideal for aquaculture—though I will not detain the House on that point. For irrigation purposes, there are at least 350 000 megalitres a year. I concur with the member for Gordon that there needs to be zoning across the aquifers of the South-East to determine from where that water will be withdrawn for purposes of irrigation, and only withdrawn from that aquifer for irrigation if it is suitable for use on the soil at the surface above the water, or in some vicinity nearby for which it is economical to reticulate the water, either by pressure, pumping or by gravity, it does not matter.

I believe also that the member for Gordon was right when he said that there has to be a sensible basis for the allocation of that water as one of the resources in production. In my judgment, water has to be treated just like any other essential input into plant growth, such as fertiliser, such as the need to control pestilence and disease of one kind or another. They are costs of input and they recur crop by crop, harvest by harvest. Water ought not to be seen as the anchor of plants'

roots, such as land is. Water is a recurrent cost of growth input: it is a factor in growth that occurs according to the number of times a crop is planted or not planted. Water ought not to be tied up—I agree with that remark. It ought to be free to be traded on an open market once it becomes the possession of any one individual or corporate interest.

Further, I agree that we need to examine the benefits of tying up that water—indeed, it is quite wrong to do so—by allocating it in perpetuity. There are people who have water that they believe was allocated to them in perpetuity. That issue has to be addressed. Certainly, no water in future ought to be allocated to any user on the basis that they have it forever until and unless they sell it or lease it to someone else for a short time. I strongly disagree with that view. If we go into that model of allocating the resource, we will end up with the same damn mess we had in the fishery, where we had to go into a buy-back scheme at great expense to the public purse, and that caused great angst in the political process.

It is better to engage in the education process to which both the members for MacKillop and Gordon have drawn attention already, get the facts on the table and then develop a policy that is soundly based on good science contained in those facts. That will entail the use or allocation of water on the basis that it is tenured for five or probably eight years, where it will be written off against production income. At present, it cannot be if it is held as a capital item. So it is a factor in production.

The member for MacKillop emphasised the necessity for its use to be sustainable. Using the model for tenured ownership and right of access to that water I have just expounded, we can say whether or not it will be sustainable so far as we are aware on any given site at this time. However, in the event that something turns up, as has happened in the past in, say, the MIA some 70 odd years ago, where thousands of acres became unusable as a result of build-up of subsurface aquifers to the point where they killed off the space available in the root zone, resulting in the development of root diseases like phytophthora, we need to be able to see the use of that water migrate from one site to another without it being necessary for someone to buy the land on which the water was being used and then detach the water and shift it to another title that they own, and then sell off the land they no longer want.

That brings me to the next point the member for MacKillop made, that is, the value of the land can certainly be determined as to whether it is useful for irrigation. That is entirely proper. However, land value ought not include the value of the water. That ought to be transferable by separate certificate—by separate title, if you like—and it should be on a tenured basis. In my younger days, when I was a market gardener, I watched with great concern the destruction of the aquifer adjacent to the Torrens in the Torrens Valley, and I saw what was happening at Virginia on the Adelaide Plains with the stupid irrigation practices that were adopted there and the way in which permanent tenure was given in perpetuity to those people who got permission to sink a bore to use whatever water they wanted coming out of the ground—and they believed that it was not their responsibility to mete out, measure or in any other way take into account how much they were withdrawing and whether or not they were using it sensibly. Those actions resulted in the destruction of yet another basin.

I do not want to see the same thing happen in the Murray-Mallee on the Murray basin, where only 47 500 megalitres is available every year. Nor do I want to see the same thing happen in the South-East as we further develop that valuable irrigation resource, based on the 350 000 megalitres a year we have there. Let us do it sensibly. Let us get the facts on the table, lets us get people to acknowledge that facts are facts and build policies that are based on those facts that will be sustainable forever. In my judgment, if we go about it any other way, we are foolish.

I know I am a naive politician—even after 19 years I do not get far. However, at least the things I advocate which are understood and accepted have always been based on good science. When I first mention them, they are seen as objects of derision, fun and humour, and I do not mind that, so long as the serious content that I hope I put before the House and the broader community for the sake of the development of sensible policy is eventually taken into account, such as has been case with aquaculture.

I do not want to see this opportunity lost. In any case, I am prepared to go to the wall politically and see my political career end on this issue. Either we get it right in South Australia now in the way in which we develop for future use our underground water resources or, if we cannot get it right, I am prepared to put my neck on the block to prove that point. It is too valuable to the future community of South Australia, given the prosperity that can be derived from the sensible and sustainable development of water usage. It is too valuable an asset to be dealt with in any other way. It should not be exploited, and I do not want to be part of any process that would allow that to happen.

I commend the members for MacKillop and Gordon for the way in which they have dealt with this matter. I commend other members who have expressed concern about the way in which we have developed and utilised water resources in this State in the past. I particularly commend the Minister and the Government for being open minded enough to put to one side the sort of ego considerations that might have been involved and do what is obviously necessary in these circumstances. I cannot commend the Minister highly enough for taking that sensible step.

The Hon. D.C. KOTZ (Minister for Environment and Heritage): I wish to place on record my thanks for each member's contribution to this debate. I thank them all for their support, including the member for Kaurna. The member for Hammond certainly picked up some important issues that need to be addressed. I cannot understate the difficulties that obviously still apply. However, with a spirit of compromise, I am quite sure that we can proceed to the resolution we all seek for the waters of the South-East and, indeed, the waters across the State.

It is imperative that it is understood that our water resources are finite. In allocating water throughout the South-East, on the one hand, it is a matter of making sure that resources are sustainable and, on the other hand, that we find a balance where economic development can take place. It is the duty of us all to make sure that responsibility lies amongst the community and with the Government to make sure that the outcomes ensure the sustainability of our water resources and also ensure that economic development and growth take place in balanced measure.

It is not this Government's intention—and it is certainly not my intention—that, given the salinity problems we have had in the past, any measures we take in the future will mean that we should come in and remediate after the fact. Therefore, it is extremely important that the finite resource is protected and that the use of the water is respected by all who

use it. It is also important to note that salinity problems and any other degradation of our system are not acceptable. It is a means of making sure that in the future we put in the proper balances that comply with the needs of all water users in the South-East.

I have no further comment on the member for Kaurna's statements, because I did not find anything further that added substantially to the debate—other than the fact that he maintained the political line. I assure the honourable member that, as far as backflips are concerned, it is something that acrobatically I am not really into. Somersaulting forward, we have done that, and we will continue to do that. Roll forward, if you like to use the olympic term, we will do that continually. Backflips, we are not into. I once again thank all members for their contributions to this debate.

Motion carried.

PUBLIC WORKS COMMITTEE: CENTRE FOR PERFORMING AND VISUAL ARTS—ADELAIDE INSTITUTE OF TAFE

Mr LEWIS (Hammond): I move:

That the sixty-third report of the committee on the Centre for Performing and Visual Arts—Adelaide Institute of TAFE be noted.

The Centre for the Performing Arts and the North Adelaide School of Arts are both schools of the Adelaide Institute of TAFE which primarily focus on training young people for careers in the highly competitive arts and entertainment industry. The Department of Employment, Training and Further Education, as it was then named, proposes to construct a new six level combined centre for the performing arts and the visual arts in Light Square, housing theatres, studios, galleries, workshops and general classrooms currently situated on two separate sites. The estimated cost of that work is $23.7 million and the anticipated project completion date is December 1999. To summarise, the facilities to be accommodated in the proposed new construction include:

- workshops for set construction, sculpture, jewellery, ceramics and costume making;
- studios for painting, drawing, dancing, acting and printmaking;
- specialist spaces for lighting, sound, video photography and multimedia training;
- classrooms and computer rooms;
- a 250 seat theatre for training;
- experimental theatre space;
- exhibition gallery for training;
- Helpmann Academy offices;
- administration offices;
- tutorial and resource rooms;
- learning resource centre;
- staff accommodation;
- general stores facilities;
- toilets and first aid;
- and short term parking with unloading space for 10 cars.

The Public Works Committee understands that the existing buildings of the Centre for the Performing Arts in Grote Street have major occupational health and safety concerns, maintenance and refitting problems, heritage issues and difficulties arising from uncertainty of tenure and title of ownership.

Similarly, the buildings of the North Adelaide School of Arts in Stanley Street are antiquated and have some major maintenance liabilities requiring at least $1 million or so to address urgent works. In particular, the committee was advised in evidence that these facilities have become totally inadequate to satisfactorily accommodate the increasing demand of student enrolments, to enable changes to the curriculum to be made, to integrate new technologies and to implement new strategies relevant to those new initiatives.

Further, the committee recognises that this development will eliminate the duplication and inefficiencies that always arise through the operation of a dual campus and will enable the Institute of TAFE in Adelaide to better meet present and future visual and performing arts training needs.

Members of the committee acknowledge that the provision of a new combined facility in Light Square will provide substantial improvement in the quality, quantity and physical size of teaching spaces for the State's arts training. Initially, the proposed development will provide a more flexible framework for the integration of new techniques into the existing learning systems as well as facilitate the pursuit of excellence in arts training—not possible at present in consequence of the constraints of the inadequate facilities available to both the teaching staff and students.

Moreover, the committee can agree with witnesses that the new facility will enable the Adelaide Institute of TAFE to better meet student and industry needs and maximise existing and new technology in the area of arts training. The new facilities are expected to overcome those training and educational deficiencies, provide accommodation for courses that are currently planned but not possible to be provided and enhance access to educational services for members of the community. Therefore, they will be contributing to employment growth as well as facilitating an expansion of development in economic benefits that come with them to this State.

Finally, the committee feels that it must tell this House and the Minister for Education, Children's Services and Training that we are disturbed that DETAFE has flouted the law and already commenced demolition work on the site of the proposed project. I remind the House that it passed a law under which what has happened is, indeed, a breach. It is unlawful for any agency to commence work prior to the committee's making a report to the Parliament. In his recent report to the Parliament, the Auditor-General drew attention to this and I quote:

> Subsection 16A(2) of the Act [Parliamentary Committees Act 1991] prohibits the expenditure of public money on public works referred to the committee until after the committee has inquired into and produced its final report on the works in question.

The committee acknowledges that agencies wish to meet the project time lines contained in their proposals. However, we must remind the Minister that agency submissions must be comprehensively prepared and referred to the Public Works Committee in sufficient time to allow for approvals to be granted before construction as defined in Part 1(3) of the Parliamentary Committees Act 1991 commences.

Expressly noting the foregoing reservations, the Public Works Committee endorses the proposal to construct a new Centre for the Performing and Visual Arts and recommends the proposed public works.

Motion carried.

PUBLIC WORKS COMMITTEE: WEST BEACH BOAT HARBOR

Mr LEWIS (Hammond): I move:

That the sixty-fourth report of the committee on the Glenelg-West Beach development Stage 2—West Beach boating facility be noted.

The Public Works Committee has monitored the progress of the Glenelg-West Beach development since early 1995 and acknowledges that the second stage of the development is an integral part of the Holdfast Shores consortium's master plan. In particular, the proposed works for Stage 2 have the potential to be used as a catalyst for attracting major events in water sports to South Australia as well as providing a major stimulus for the recreational boating industry.

The former MFP Development Corporation proposed to undertake Stage 2 of the multiphase Glenelg-West Beach development. This project involves the construction of an all-weather, all-tide, offshore boat launching facility at West Beach designed to improve overall recreational boating facilities. The key feature of the proposal is that the boat ramp and associated breakwaters will be offshore. This will enable pedestrian and/or vehicular access to be maintained along the beach and minimise sand management works costs. The estimated cost of the proposed works is $11 million and the anticipated date for project completion is October 1998.

To summarise this project, it is expected to provide an integrated boating facility consisting of the following key components: boat launching facilities; short-term trailer parking; secure boat storage; a boat wash-down facility; sailing clubs; marine maintenance facility; landscaping; and site lighting.

The committee understands that West Beach is the only site along the central metropolitan coastline with sufficient space to provide adequate car and trailer parking to support such a facility without impacting unduly on the rights of existing occupiers in residential areas and/or areas elsewhere. In addition, the opportunity exists for the Sea Rescue Squadron and sailing clubs presently established in the area to have their current facilities and operations enhanced at the West Beach site.

Furthermore, members of the committee recognise that the proposed works will solve the long-term problems associated with the current lack of adequate boating facilities on the central metropolitan coast. These works will provide a larger and more suitable alternative site for boat launching facilities presently located at Glenelg. The West Beach facility will pave the way for the $180 million Holdfast Shores project to proceed at Glenelg. The committee accepts the proponent's evidence that the West Beach facilities are part of a total project which has the potential to deliver 2 500 construction jobs with 300 full-time jobs being the basis for increased State revenues as well as provide significant new impetus for the State's tourist industries.

The Public Works Committee notes that some witnesses have strongly disputed and challenged evidence tendered by officers from both the former MFP Development Corporation and the Coast Protection Branch about the environmental, social and safety aspects of the proposal. As a result of these diverse views, the committee recalled witnesses and sought independent expert advice to ensure that the inquiry was as complete and comprehensive as possible.

While members are satisfied that the social and safety aspects of the proposal have been adequately addressed by the Government, they acknowledge that there is uncertainty about the sand management aspect of the project and the possible effects the proposed development may have on the metropolitan coastline. However, based on the expert advice received, members consider that the proposed sand bypassing strategy will minimise the risks of damage to the coastline, particularly north of the proposed site.

The Public Works Committee notes that the Government accepts responsibility and any costs associated with the uncertainties and risks associated with this project and thereby the responsibility for comprehensively administering the sand management program and the general maintenance programs for the metropolitan coastline as far as sand is concerned in any event.

On the basis that the State Government is prepared to make the necessary financial commitment in perpetuity—and I emphasise that—to ensure the success of the proposed sand bypassing system and also based on having received assurances from the Coast Protection Branch that the proposed boating facility and its bypass facility for that sand will not result in any beach erosion, the Public Works Committee supports the proposal to undertake Stage 2 of the Glenelg-West Beach development and the West Beach boating facility. As such, the Public Works Committee endorses this and recommends the proposed public works, but let it be noted that this report was not unanimous: a dissenting report has been submitted.

Ms THOMPSON (Reynell): I submitted a dissenting report because, on the basis of the evidence received by the committee to date, I did not feel confident that the breakwater would not cause too much harm to our beaches to ever justify the economic benefits that it might bring. In his remarks, the Presiding Member has referred to the fact that the evidence of the experts who were brought before the committee, some of whom appeared before the committee before my time, was conflicting, so the committee looked at the evidence again and interviewed a number of witnesses. Again, their evidence was conflicting.

Each of the witnesses presented with some very impressive credentials, knowledge and background about the issue of tidal sand management, but it seems that it is very much an area in which science has not yet decided that it can predict adequately. Computer models were developed to try to predict the outcome of the sand flows in the area and the impact of the breakwater. However, there was no agreement on the variables that were inserted into the model. The model itself was agreed as being appropriate, but the variables that were required to determine the outcome were not agreed upon among the various experts to whom we talked as being appropriate. Thus the committee was really in a position of having to decide whom it would believe.

We had evidence before us that, in other parts of the world and Australia, structures similar to the one that is to be built at West Beach are being removed because of the damage that is being done to the environment. I think that there are better things to be done with taxpayers' money than building a structure and then pulling it down. I also believe that our beaches are far too precious to risk. I was disturbed, therefore, that we were prepared to act on the basis of what I considered to be inconclusive evidence before us when this Chamber had agreed a few weeks before to the production of further reports.

We had agreed that there would be reconsideration of the design of the breakwater to see whether it could be minimised, and we had had a verbal report that it was to be

minimised, but we had received no design certifications. We in this Chamber also had agreed that there would be a further environmental assessment report. As many of the witnesses stated and as public submissions to the committee indicated, although an environmental impact statement had been prepared, and although the proponents had made modifications to the design as a result of that environmental impact statement, the modifications themselves had not been properly assessed; indeed, they had undergone no formal assessment process.

As part of this assessment, I considered that the report would address the issue of the environmental impact not only of the third design but also of the second design of the breakwater. I was concerned that the committee proceeded very quickly to make a decision about a breakwater that will probably be there for all time. However, if some of the experts are right, it will not always be there and the cost of removal will be very expensive to the people of South Australia, with no guarantees that any of the people who can benefit from the breakwater—principally the developers of the Holdfast Shores project and perhaps some of the small boat owners (although the evidence about the benefit to small boat owners is not conclusive)—will benefit. We can be sure only that it offers some benefit to the marine rescue people, who will be able to get out much more quickly but, as we hope that we will not need any marine rescues, it is rather a high price to pay.

I felt that it was incumbent on me to indicate that I could not support the report at the time it was presented. I required further evidence in order to feel that I had fulfilled my duties under the legislation establishing the Public Works Committee, to this Parliament and to the people of South Australia.

Mr WILLIAMS (MacKillop): I support the report. The member for Reynell has brought some concerns before this House, and I would like to point out where those concerns arose from and the folly of those concerns. The Public Works Committee has probably spent more time and effort consulting on this issue than on any other matter on which it has reported. We have taken substantial evidence, and I agree with the previous speaker that some of that evidence is of a conflicting nature. I also agree that there are concerns, and I refer to those within the community regarding the management of the sand in that area.

Let me take the House back to the evening of Thursday 11 December when there was a deadlock conference of the two Houses over this matter. The conference reached agreement that the facility would be redesigned to incorporate the minimum length groyne needed to produce optimum sand management outcomes. Having heard some of the evidence that was given to the committee and having read the evidence that was given to it before I came into this place, I was already aware that the existing design had that specific purpose: the minimum size groyne for optimum sand management.

The length of the groyne has nothing to do with the function of the boat harbor: the intention is to position the groyne into a depth of water so that it will capture all the sand and drift moving along the beach so that that sand can then be transported to the north side of the groyne, rather than being lost into the gulf. That work had already been done and the committee, I believe, had already heard evidence confirming that the work had been carried out and that it was the right thing to do.

A further agreement from the deadlock conference was that an independent environmental consultant would prepare an assessment for public release. Nothing was mentioned about preparing an assessment for further consideration by either the Government or the Public Works Committee: it was to be an assessment for public release to help educate the public of Adelaide and the South Australian community in general about what was happening at West Beach, because much concern had been expressed and, I might add, a lot of misinformation had been passed around. I believe that that assessment for public release tried to cut through some of that misinformation. On that same evening, the Leader of the Opposition said:

> We want to make sure that the project goes ahead.

The Leader said that an independent consultant—and I stress 'independent'—had been engaged to prepare an assessment for public release. The previous speaker seemed to have some concern about the Public Works Committee's bringing down a report without having had the opportunity to assess the results of that further environmental study which was designed for public release. I do not believe that study would have impacted in any way whatsoever on the report or the work of the Public Works Committee. Section 12C(a) of the Parliamentary Committees Act defines the functions of the Public Works Committee as follows:

> to inquire into, consider and report on any public work referred to it by or under this Act, including—
>
> (i) the stated purpose of the work;
> (ii) the necessity or advisability of constructing it;
> (iii) where the work purports to be of a revenue-producing character, the revenue that it might reasonably be expected to produce;
> (iv) the present and prospective public value of the work;
> (v) the recurrent or whole-of-life costs associated with the work, including costs arising out of financial arrangements;
> (vi) the estimated net effect of the Consolidated Account or the funds of a statutory authority on the construction and proposed use of the work;
> (vii) the efficiency and progress of construction of the work and the reasons for any expenditure beyond the estimated costs of its construction.

I believe that the Public Works Committee had undertaken all those functions. It was unnecessary for the Public Works Committee to re-assess an environmental impact statement which was being produced purely to allay the public fears and to cut through some of the misinformation that had been put about.

Some of the nonsense that emerged from the deadlock conference between the two Houses on 11 December involved an agreement to redesign the height of the groyne. The agreement reached at that conference, between politicians who are not engineers, was that we would then move to design the groyne for a 10-year event. Members may recall that people from Manly Hydraulics were engaged by the Charles Sturt Council to provide information regarding this project. As a member of the Public Works Committee, referring to the design of this type of structure, I asked Mr Lord from Manly Hydraulics:

> Would a 10-year event be a standard procedure?

Mr Lord said:

> The normal design periods are for 50 or 100 year design waves. That is the normal planning timetable that is used. Depending on the importance of the structure you may choose a shorter period.

I then asked Mr Lord:

> That sort of time scale is used to minimise maintenance?

Mr Lord responded:

To minimise maintenance and also to minimise the size of the structure you are actually building. To design a site so that it never suffers any damage is extremely expensive and probably unwarranted.

Mr Lord was suggesting that it is normal practice to design a structure around a 50 or 100 year design cycle for storm events. The Government then, through that deadlock conference, reverted to a 10 year cycle of events. I suggest that the outcome of this whole sad and sorry situation has been more political than scientific, and I have absolutely no trouble recommending to this House that it support the adoption of this report.

Ms STEVENS (Elizabeth): This report was completed and lodged in my absence, but I wish to put on record my support for the minority report which was attached by my colleague the member for Reynell. I want to quote a couple of parts of that minority report so that members can focus on it. In her report, the member for Reynell states:

While I consider it appropriate to support both recreational facilities for the community and development initiatives, I believe it is incumbent on members of Parliament to ensure our children's assets are protected.

The honourable member further states:

With regard to this project, I report the following reservations:

1. I consider it inappropriate for the committee to finalise its report at this stage in the absence of the certified redesign specifications and the Environmental Assessment Report, both of which are expected to be available before the committee's next meeting on 28 January 1998.

Further, she states:

The absence of these documents impedes my ability to discharge my obligations under the Parliamentary Committees Act 1991 with regard to—

interestingly, both sections mentioned by the previous speaker—

the necessity or advisability of constructing it; and the present and prospective public value of the work.

I place on the record that if I had been present my name would have appeared on the minority report of the member for Reynell. I fully support the honourable member's report. I make a further point in relation to the member for MacKillop's statement. I know that he is a new member on the committee. However, to suggest that an environmental assessment report has nothing to do with the necessity or advisability of constructing anything or indeed with the present and prospective public value of a work is unbelievable. I think that the committee will have some interesting times ahead.

I was a member of the previous Public Works Committee, which heard extensive evidence prior to the election. Following the election, when this issue was gathering momentum in the community, the Public Works Committee endeavoured to meet as soon as possible. As members would know, parliamentary committees were established on 2 December and the Public Works Committee had its first meeting on 16 December. Interestingly, the first hour of that meeting was taken up with the Auditor-General, from whom the committee was seeking advice in regard to the criticisms that he made about the committee's investigations of a number of projects.

Those criticisms of the Auditor-General related to the previous committee's inability to obtain the level of information required to discharge its duties. The first hour of that day was taken up on those matters. The committee saw a great number of witnesses between 10 a.m. and 3.30 p.m. without any break. The committee was aware of the diverse views; it was aware of the strong reactions both for and against this project; and all members were keen to give people an opportunity to have their say. During that time a large number of questions on notice were put to witnesses because the committee just did not have the time required to go through all its questions.

I agree with the Presiding Officer that at that stage of the process the committee was endeavouring to put together as complete and comprehensive a report as possible. During that time mention was made certainly of the agreement that had been reached in the Parliament and it was stated that the environmental assessment report would be made available shortly, although we were not sure of the time line. At the end of that meeting the committee resolved to set its next meeting date, and 28 January was decided upon to allow time for the environmental assessment report and the other questions and redesigned specifications to be made available to the committee to enable it properly to discharge its duty.

Until that point things were going as they should. Only after that did things go off the rails. I again take issue with the member for MacKillop, who remarked on the folly of the concerns expressed by the member for Reynell and noted that more time and effort than ever before had gone into this report. As I just said, until that point a lot of time and effort had been put in to going through the report, assembling questions and asking for information. However, thereafter things changed remarkably.

I understand that the committee met on about 8 January but, without those important reports, it resolved to support and recommend this project. At that point the committee did not have the extent of evidence required to enable it to fulfil its obligations under the Act, and I agree absolutely with my colleague in her minority report.

I would like to make a couple of points about the committee's role. As I said before, the Public Works Committee was criticised in the Auditor-General's Report, and the Auditor-General made a number of recommendations to ensure that in future the committee made sure that it fulfilled completely its obligations under the Act. The current committee has had two meetings with the Auditor-General, who has made it clear that the committee needs to be very firm in order that its obligations are carried out as required.

I intend, just as my colleague the member for Reynell intends, to follow the advice of the Auditor-General because I do not want to see another report about the Public Works Committee in a year's time. What happened in this case was a very poor example of proper and due process under the Parliamentary Committees Act. I agree with the minority support report and, along with my colleague the member for Reynell, I will ensure that to the best of our ability the committee does a better job in the future and, if such a situation arises again, there will certainly be more minority reports from us.

The SPEAKER: I call on the member for Mawson.

Mr BROKENSHIRE (Mawson): Thank you, Sir.

Members interjecting:

Mr BROKENSHIRE: It is a pleasure to be able to rise in this Chamber and not listen to the nonsense that is emanating from the other side and, indeed, to be able to contribute to a good debate with respect to the Public Works Committee report that has been handed down. I am pleased

to be able to support the majority report. Part of what I heard in the debate over the past 15 or 20 minutes reminded me of Fantasyland at Disneyland and part of it reminded me of 'real land'. I congratulate the member for MacKillop for showing the people of South Australia, my colleagues and me that it is refreshing and invigorating to see that we have sitting on the cross benches someone who is from 'real land' and who realises that, provided that the checks and balances are in place, we must support a project that is in the best interests of the absolute majority of the people of South Australia.

One of the sad things about this project is that politics has got in front of the best interests of South Australians. I look forward to talking more about that when I debate the motion moved by my colleague the member for Kaurna. I want to spend a couple of moments on specifics with respect to this report and the project. I have no doubt whatsoever that the report is accurate and that everything that was required to be in place to fulfil the duties of the committee has indeed been fulfilled. Indeed, I go so far as to say that, from the additional evidence with which I was involved in hearing, and having looked at the preliminary draft report that was set in place by the previous committee of which I was not a member, I do not believe any evidence was advanced which suggested that there should be any alteration to the project.

Whilst there were some conflicting reports between different people involved in the hearings, obviously one would expect that. However, when we look at where some of those people were coming from, we realise that we must put it in the right context.

There is a sad aspect of this project for South Australia, and certainly I look forward to standing on the new West Beach boat launching facility soon after it is built—although not in the way that former Premier Don Dunstan was going to stand on the end of the jetty and stop the big tidal wave. I look forward to holding up my placard to remind the people of South Australia that they will be paying additional money for maintenance and repair work when we get a big storm because of political games being played by some members on the Opposition benches.

It is absolutely absurd that the construction and engineering criteria for the project have been brought back to a one in 10 year storm event, rather than, as the member for MacKillop and the people of Manly indicated, a one in 50 or one in 100 year storm event. That is the only issue about which I am concerned.

When the people of West Beach weigh up the evidence, they will realise that they will be much better off as a result of this project, because it has been guaranteed in legislation that the sand replenishment program will proceed irrespective of who is in government in the future. I remind members that that is in place.

I also remind members that the committee was told in evidence that one of the reasons why the seabed is not in the best shape these days is the lack of attention paid over many decades to the sludge that was being pumped out of the Glenelg treatment plant into the sea. That is the main reason for the poor shape of our seabed.

We are doing something about that as well—another bonus for local residents. Local residents have checks and balances and protection, and the South Australian community will now have a facility from which they will get great recreational use. The Sea Rescue Squadron is called out for assistance from time to time not only by recreational fishers but also to assist people who are working on trawlers in the gulf when people get into trouble. Easy access has not been possible in the past. The squadron does a great job and its members should be entitled to safe boat launching facilities. That is all I want to say now but I look forward to saying more when we debate the Bill introduced by the member for Kaurna. I support the report.

Mr CONLON (Elder): I would like to make a few comments on the meanderings of the member for Mawson and the apologist discourse of the ruggedly handsome and fiercely Independent member for MacKillop. I must say that I was trying to spot the differences between the position of the fiercely Independent member for MacKillop and the member for Mawson, and I think I noticed a couple of commas in different places. However, I do congratulate him on a well researched speech and ask whether any of it was done in the Premier's office.

I draw the attention of the House to a couple of things that happened in breaking the deadlock on this issue. We spent two weeks pointing out to the Government the enormous problems associated with this groyne. We have since seen, through freedom of information, the Coastal Protection Board's opinion that sand management may not be possible—to the extent that this groyne may have to be deconstructed in future.

We raised all these concerns, but the Government was completely unwilling to address them or compromise in any degree, and was completely dictated to by a group of developers. We saw the unsightly scene of the Premier scurrying out of Parliament to find the developers at a restaurant to see what they would accept. We saw all this, and what did we get from the Premier? We got something we thought we could trust. We were told that an independent environmental assessment would be made and that the groyne would be redesigned to minimise the impact on sand management. We accepted that in good faith. As it turned out, it was worth as much as the Premier's earnest promises on the retention of ETSA which he made in the election campaign; they were made with as much good faith. I point out to the fiercely independent member for MacKillop that one of the stipulations the Premier wanted in that compromise—which was no compromise at all: it was simply our being misled, because we are so trusting—was that we would help to shepherd the matter through the Public Works Committee.

The Hon. I.F. EVANS: I rise on a point of order, Mr Speaker. The honourable member has referred to the Premier's 'misleading'; that can be done only by substantive motion and I ask him to withdraw.

Mr Conlon interjecting:

The SPEAKER: Order! The Chair will make a ruling. To imply as the honourable member has done strays into the area of an unparliamentary statement. I will take the opportunity here to make an observation from the Chair that there is a tendency in this Chamber to use words such as that or to imply that someone is not telling the truth. It brings down the atmosphere of debate in this House if members consistently make shots across the House implying that members are not telling the truth, or speaking as did the member for Elder.

Mr CONLON: I amend what I said by saying that we understood that something would happen other than that which actually happened. I am absolutely right in saying that one of the things the Premier asked to be written into the compromise was for Labor's assistance to shepherd this matter through the Public Works Committee. We said 'No'; that had to be removed because we said it was not proper. As it turned out, while the Premier was prepared to remove it, he

certainly was not prepared to forgo his intention of ramming the matter through the Public Works Committee as quickly as he could arrange it, with the assistance of the fiercely independent member for MacKillop. I will not say much more on this except that we do not believe that the deal that we made in good faith was kept. I have no doubt that the member for Kaurna will have something more to say about the substantive motion coming up, but I could not ignore the apologist discourse of the ruggedly handsome and fiercely independent member for MacKillop.

Motion carried.

CRIMINAL LAW CONSOLIDATION (INTOXICATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 December. Page 76.)

Mr HAMILTON-SMITH (Waite): I lead the debate on this side and will speak against the member for Spence's private member's Bill because, although his intentions in proposing the legislation are commendable, the Bill as it stands is a poor basis for law and will not achieve its objects. There can be little doubt—

Mr Foley interjecting:

Mr HAMILTON-SMITH: Is the member for Hart measuring up the Deputy Leader's chair? There can be little doubt that there can be an association between intoxication and crime; that association is usually between alcohol and crime. There is no proof that the consumption of alcohol, with or without the non-medical use of a variety of other substances, causes people to engage in criminal behaviour, but study after study over the past 30 years has shown that violent and property offenders have a disproportionately high rate of problems with alcohol and/or other drugs. I repeat there is no proof that there is a causative relationship between the two. As a matter commonsense most people know, either from personal experience or from observation of others, that alcohol disinhibits behaviour. It causes—or more accurately seems to allow—people to do things that they would not otherwise do, whether or not the inclination to do it previously existed.

In general terms it is widely believed that an intoxicated man is more likely to hit his spouse than the same man would be when he is sober. People in the criminal justice system—counsel, witnesses, judges and juries—act on the assumption every day, and that is because every day they are confronted with trials over the consequences of behaviour committed or alleged to have been committed while intoxicated. Often the victim is intoxicated too. So, the association between intoxication and crime is real, and that association is commonly appreciated by the community at large and in the way in which the criminal justice system operates in practice.

I enjoy issues of law and particularly repartee with the member for Spence, who has a sharp mind, but on this occasion I feel compelled to correct his logic on a few issues of law and precedent, because it is about legal principles. There is a principle which is also commonly appreciated by the community at large and in the way in which the criminal justice system operates in practice. It is that the moral and legal guilt of a person depends not only on what they do or fail to do but also on the intention with which they do it. The American jurist Oliver Wendell Holmes said that even a dog knows the difference between being kicked and being stumbled over. The community at large knows that there is a great difference between an accident and a deliberate act.

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

A quorum having been formed:

Mr HAMILTON-SMITH: The community at large knows that there is a great difference between an accident and a deliberate act. The deliberate or intentional act is more blameworthy than the accident. Accidents are just that: accidents. The law reflects that principle and has very largely done so for centuries. The development of the precise theory by which the criminal law reflects that commonly held principle and belief was worked out only about 50 years ago, but worked out it was. Put simply, it is that, for example, a murderer is a person who knowingly or intentionally kills another person. A person who kills another by accident is not a murderer. A rapist is a person who forces sex knowing that the other person does not consent, and so on. To use a more common example, a person should not be convicted of the offence of driving without a licence unless that person knows that they do not have a licence. To do otherwise would be widely regarded as unfair.

This principle is now embedded deeply in our concepts of criminal justice. It is so deeply embedded in our concepts of what is fair and just that it lies at the heart of the Australian rupture from the authority of the Privy Council in 1961. The English House of Lords decided in a case called *DPP v. Smith* that a person accused of crime could be judged to have intended the natural and probable consequences of his acts. This decision was condemned widely. What it said was that a person could be held by a court to have intended something that the person did not actually intend—a deemed intention. Put another way, the accused could be found to have known something he did not know.

The High Court disagreed in a case called *Parker*, decided in 1963. It disagreed so vehemently that that disagreement became the first breach in the tradition of harmony between the English courts and the Australian courts. In England, democracy had its way. What it said was significant. The *Smith* decision was reversed by statute. The common understanding of the core principle of criminal liability—liability for what is your fault—was restored. It has been in the centre of criminal law ever since.

The problem that we face in confronting this Bill is the collision between these two principles. The first is the association between intoxication and crime and the feeling that people who get drunk and who commit acts which look like crimes should be held responsible. The second is the central principle of fault: that people should be guilty of crimes only if they really actually in fact know or intend to do wrong.

Mr Atkinson: And if they are drunk they do not: that is what you are saying.

Mr HAMILTON-SMITH: Just listen. What are at stake here are the fundamental principles which underlie criminal responsibility for all crime. What does one do when the accused is so intoxicated that, whatever we think he or she should have known, he or she did not actually intend to commit the crime.

An honourable member: What about drink driving?

Mr HAMILTON-SMITH: Well, what do we do? The first principle, drunkenness should be no excuse, says guilty. The second principle, the requirement of fault, says not guilty. What to do? Both cannot be right. The criminal law had to confront this issue when it came to realise the conse-

quences of an insistence on fault at the centre of criminal responsibility. In 1920 in a case called *Beard*, the House of Lords handed down a decision on the point which it turned out was to dominate the law for over 50 years.

Mr Atkinson interjecting:

Mr HAMILTON-SMITH: I am about to tell you. The judgment was taken to mean that the law grouped all criminal offences into one of two classes. An offence was either one of specific intent or it was one of basic intent. These are concepts with which I would hope the member for Spence is very familiar. It had to be one or the other. An intoxicated accused could use intoxication to deny that he or she had a specific intent but was not allowed to use intoxication to deny that he or she had basic intent. This represented the common law until 1979. I should emphasise two things about this: first, since 1920 it has been absolutely clear that intoxication can excuse the commission of what would otherwise be a crime. No common law jurisdiction had denied the relevance of intoxication for all crime since 1920. In particular, intoxication will excuse for some crimes in every jurisdiction in Australia. Secondly, intoxication is not a defence: it is a denial that the fault required to be proven by the prosecution for guilt of the offence can be proven. It is a denial that the accused committed the crime at all. There is no drunk's defence.

In the 50 or so years that the *Beard* rules governed the common law, a lot of problems emerged with them. In the first place it was quite clear that, whatever the House of Lords meant to say in *Beard*, it did not mean to say what it was taken to have said. No-one could define 'specific intent'. So, each crime had to be decided on the case by case basis. There were lots of appeals and litigation and differences between jurisdictions about the 'right' answer, or whether there was one. Commentators and text writers condemned the rule as arbitrary, unworkable and nonsensical, and so it was, for it committed the same sin as the *Smith* rule. Where the crime was deemed to be a crime for basic intent, an accused was deemed to have an intention or knowledge that he simply did not have. The jury was to be told to ignore the facts. By the end of the 1970s the *Beard* rules were being challenged. As the member for Spence pointed out, in *Majewski*, the House of Lords took a lot of words to say that the *Beard* rules had absolutely no logic at all, but they could not think of anything better and it had been thought to be law for 50 years and that was that.

As the member for Spence also pointed out, in *O'Connor* the High Court split narrowly on the question. Three judges took the *Majewski/Beard* line, four judges took the view that the principle of the centrality of criminal fault should prevail over the illogical *Beard* rules. Since that time the common law in Australia has been different from the common law in England. The member for Spence says that he thinks the minority in *O'Connor* was right and that the English position is right. That is a matter of opinion, to be sure, but one thing is absolutely clear: his Bill does not in any way seek to replace the *O'Connor* majority view with the *O'Connor* minority view. It goes much further than that: it seeks to overrule both views with a third one (perhaps we should call it the member for Spence rule): that intoxication cannot be used to deny any lack of fault, whether it be specific intent or basic intent, whatever those phrases might mean. In short, he wants to make the law more artificial and more draconian than it has ever been.

The clash of principle to which I have referred has no easy and simple answer that is also just. The criminal justice system is, after all, supposed to be about justice. How might we learn from experience? What do other jurisdictions do? In England, *Majewski* is the law and that means that the law maintains the distinction between crimes of specific intent where intoxication is irrelevant and basic intent where it is not. The Supreme Court of Canada has decided that the *Beard/Majewski* rules offend the guarantees of the Charter of Rights and Freedoms and have adopted the *O'Connor* position. In Australia, Queensland, Western Australia and Tasmania all have a legislated criminal code something similar to the English law. New South Wales has also legislated a variation on English law but, recognising that the distinction between specific intent and basic intent cannot be deciphered, has enacted a list of all crimes deemed to be specific intent. Victoria like South Australia has *O'Connor* and the common law.

Mr Atkinson interjecting:

MR HAMILTON-SMITH: The Commonwealth and the ACT, now that you have asked, have enacted a similar position based on the recommendations of the model criminal code. In short, nowhere else has the legislative solution suggested by the member for Spence been adopted or, to my knowledge, suggested.

I refer members to the ministerial statement made by the Attorney-General in another place on 18 February. I do not intend to repeat it here. In my view the case he makes for opposing this Bill and the careful consideration of alternatives is highly persuasive. In so doing I make two things absolutely clear. First, his analysis and statements of opposition to this Bill are not solitary. As he points out, the Government has consulted with others on the honourable member's Bill, and the Chief Justice, the Legal Services Submission and the Law Society have all opposed it in whole. When the honourable member introduced the Bill previously the Bar Association also expressed its opposition to the Bill. It is not just that those consulted disagree with the principles involved: they also disagree that it is unworkable.

Secondly, my opposition to the Bill, and the opposition of the Attorney-General and all the others I have mentioned, is not based on misplaced sympathy for those who get drunk and commit acts which would otherwise be criminal offences. Sympathy has nothing to do with it. I do not condone that sort of behaviour and, in fact, condemn it. But, that is a far different thing from deeming people to be criminals when all the basic principles of criminal law worked out in detail over many years say they are not.

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

Mr SNELLING (Playford): Those accused of crime in South Australia should not be able to say they lacked criminal intent or were in an automatistic state merely because they had been consuming large amounts of alcohol and had become incapable. I am confident that more than 98 per cent of South Australians agree with me. I am not persuaded otherwise by the semantics of the Law Society's paper on the Bill, produced by Mr D.H. Peek, nor by the Attorney-General's ministerial statement yesterday. If Mr Peek's paper was suppose to convince me to turn away from the Bill of the member for Spence, it had the reverse effect. Its ethereal reasoning has no appeal. I am not interested in being initiated into the abstractions of the criminal bar: I just want justice to be done.

Mr Peek is annoyed that the Nadruku case in the Australian Capital Territories Magistrates Court has been

reported in South Australia. Members will recall that Canberra Raiders Rugby League player Mr Noa Nadruku drank 28 schooners, six stubbies and half a bottle of wine in an 11-hour binge. Mr Nadruku then punched 20-year-old student Sally Middleby and 20-year-old Rebecca Platten. He also bashed his wife when he caught up with her at a nearby bus interchange.

I noticed that Government members were wearing ribbons yesterday to show their disapproval of domestic violence. I hope they listen to my remarks and have a change of heart on this matter if they want their deeds to match their symbolism. Mr Nadruku was charged with assault, and his defence counsel argued that because Mr Nadruku had a blood alcohol level between .3 and .4 at the time of the assaults he could have been blacking out and been unable to form the criminal intent necessary to be convicted of the assault. The magistrate agreed and acquitted Mr Nadruku. Mr Peek writes:

> This decision has received a great deal of publicity, but one wonders if that is not largely due to the Rugby League connection. Certainly the press do not see fit to print the correct decisions of judges, magistrates and juries on the same or similar topics.

Cases like those of Mr Noa Nadruku are always reported because they rightly outrage public opinion. The media do not shy away from stories as good as this. Quite rightly the media do not spend the whole 30 minutes of the evening news bulletin nor the whole 10 minutes of an hourly radio bulletin nor pages and pages of the *Advertiser* reporting the dreary *Bleak House* style court cases in which Mr Peek plies his trade every week. We would be bored rigid by Mr Peek's correct views on everything. It says something about Mr Peek's understanding of his fellow South Australians that he cannot grasp why the media reports the Nadruku case but not those in which he is involved. That Mr Nadruku was a Rugby League player is of little moment in South Australia where the number of people following Rugby League is small and the number of people who follow the Canberra Raiders is even smaller. It is purely the silly result of the case that made the news.

Mr Peek's case against the Bill of the member for Spence struggles to overcome the stupidity of the Nadruku decision, which is based on the law, as Mr Peek wants it kept. So, he resorts to snobbishly remarking that the Nadruku case was decided by a 'magistrate (not a judge)'. Mr Peek tries to dismiss the Nadruku case by remarking, without any foundation:

> One should not assume that the person there concerned would have been convicted on the same facts in South Australia under the present law.

I ask, 'Why?' I cannot follow Mr Peek's reasoning, because the law in the ACT at that time was the same as the law in South Australia. In light of Mr Peek's nitpicking of the second reading speech of the member for Spence back in 1996, it is interesting that Mr Peek twice refers to the Nadruku case as having been decided in New South Wales when, in fact, it was decided in the ACT. Indeed, if the Nadruku case had been heard in New South Wales it would have been decided differently, because the self-intoxication law in New South Wales is one of which Labor approves. As the member for Spence told the House when he introduced the Bill:

> I am not wedded to this particular method of abolishing the drunks' defence. I would be happy with the method used in New South Wales whereby the defence was abolished only in respect of crimes of general intent rather than specific intent and crimes of specific intent listed in the schedule to the Bill. If members have a better idea, I look forward to their supporting the Bill's second reading and moving amendments in Committee.

I note that in a ministerial statement to another place yesterday, the Attorney-General said:

> The change which is the most simple and most principled is that which resembles the changes made by the ACT.

The Opposition is practical. If the Attorney will introduce a Bill based on the ACT's abolition of the drunks' defence after the Nadruku case, we will vote for it. Let him get on with it. The same Mr Peek then purports to quote the member for Spence and criticises him for saying of the equivalent of this Bill in the last Parliament:

> It is the principle of the law of England; it is the principle supported by three justices of the Supreme Court.

Mr Peek editorialises sniffishly:

> Presumably [Mr Atkinson means] the High Court in [the] O'Connor [case].

Hansard shows that the member for Spence said:

> It is the principle supported by three justices of the High Court.

Mr Peek is misquoting the member for Spence, perhaps the lowest trick in debating. In his attempt to refute the Bill, Mr Peek gives no examples of the principle working injustice in England, New South Wales, Queensland and Western Australia. Instead, Mr Peek uses two hypothetical examples. One is of a person inadvertently not declaring a grocery item at a supermarket checkout and being charged with shoplifting. This, for those members who do not know, is Mr Peek's catty little way of having a dig at one of the member for Spence's supporters, radio announcer Bob Francis, who was recently awarded an Australian honour and who was the subject a couple of years back of a sensationalist *Sunday Mail* story about his forgetting to pay for a flea bomb for his dog when he paid for his other groceries at Coles in the Central Market. Very witty, Mr Peek.

Mr Peek's second hypothetical is of a diner who leaves a restaurant having inadvertently forgotten to pay the bill. Mr Peek argues that, if the accused in these two cases had drunk alcohol before the alleged offence, the Bill would impute criminal intent to the accused where there was none. One does not need to be a lawyer to see how silly this argument is. How many innocent shoppers or diners have been wrongly convicted in England, New South Wales, Queensland, Tasmania and Western Australia where the principle of this Bill already applies? How many people accused of shoplifting or of evading payment of a restaurant bill plead self-induced intoxication as a defence? The answer to both questions is 'None', and Mr Peek knows it. Let me return to the text of the Bill. It provides:

> A person charged with an offence, who was in a state of self-induced intoxication at the time of the alleged offence, will be taken to have had the same perception and comprehension of surrounding circumstances as he or she would have had if sober; and to have intended the consequences of his acts or omissions so far as those consequences would have been reasonably foreseeable by that person if sober.

So, the question of self-induced intoxication does not arise unless it is pleaded by the defence and, in the fanciful hypothesis that would be pleaded in a shoplifting or restaurant bill case, the accused would be treated as if he were sober. If the accused pleaded in the alternative that he forgot to pay, then he would be assessed as if he were sober. And what is wrong with that? We may not be lawyers, Mr Peek, but we can see through your snow job. Were we to accept Mr Peek's argument here, the Bill could simply be amended in

line with ACT law. I support the Bill because it is commonsense.

Mr KOUTSANTONIS (Peake): I was disappointed to hear the member for Waite take a very left-wing, liberal view of self-defence. I am sure that his Party is disappointed with him. Perhaps he will feel more at home with the Democrats in the Upper House after that speech. I am weary of the drunks' defence being pleaded in answer to criminal charges, and it is about time that South Australia's laws were brought into line with interstate and overseas jurisdictions. Just why our Attorney-General and the Law Society should be the friends of criminals who use their drunkenness or intoxication with drugs as a last-resort excuse for crimes is something that I do not understand. It is clear, however, that both the Attorney-General and the Law Society do not like those South Australians who are not lawyers having a say about criminal law in this State. They use their jargon to try to exclude us from the decisions.

The Law Society's Mr Peek, who wrote a paper on the Bill, said that the High Court's 1980 case of O'Connor is not a drunks' charter. The Attorney-General said in a ministerial statement yesterday:

> The cases are so rare that the Director of Public Prosecutions has no record of such an acquittal in South Australia. . . It is reasonably common for the defence to try such an argument but it invariably fails.

I have a case before me entitled *R. v Shad Alan Gigney*, decided by Judge Lunn in the District Court on 22 May last year. Mr Gigney was charged with escaping from lawful custody and illegal use of a motor vehicle. It was undisputed that Mr Gigney 'nicked' a prison officer's car and drove out of the prison. Mr Gigney told the court that he had been drinking home brew in the prison that night. Judge Lunn said:

> For a conviction on count one, the prosecution must prove that Gigney intended to escape from lawful custody in that there was a conscious act of withdrawal from custody. Likewise for a conviction on count two, the prosecution must prove that Gigney intentionally used the car without the consent of its owner. . . Substantial intoxication from alcohol may produce a mental state so that what would otherwise be a criminal act is performed without the necessary *mens rea*.

That is, criminal intent, for the member for Colton. Judge Lunn then cites the High Court case of O'Connor.

Mr Brokenshire interjecting:

Mr KOUTSANTONIS: I will have more to say to you afterwards; hold on a second. Judge Lunn states:

> Whether that should be the law or not is not my concern. But for the O'Connor decision, the result of this case would have been the opposite. In law, it is not for the accused to establish any defence based on intoxication but for the prosecution to prove beyond reasonable doubt that the accused had the requisite intention for each offence. In this matter the prosecution has not been able to do so. On the whole of the evidence there is at least a reasonable possibility on each count that the accused's mind was so affected by alcohol at the time that he could not, and therefore did not, form the necessary intention to commit the offence. Accordingly, a verdict of acquittal is entered on each of counts one and two. Mr Gigney, you are discharged.

Under your laws.

Members interjecting:

Mr KOUTSANTONIS: Under your laws. The member for Colton wants families in his electorate to know that it is okay to drink and commit offences. The difference between the Attorney-General and me is simple: the Hon. Trevor Griffin thinks that Mr Gigney's drinking of home brew is a satisfactory excuse for gaol breaking and car stealing. I do not think it is satisfactory at all, nor do I think that members opposite think it satisfactory, either. The Attorney-General always likes to use murder as an example.

Mr Brokenshire interjecting:

Mr KOUTSANTONIS: So, you're happy with it? You're happy with the law? The member for Mawson just said that he is happy for it to happen.

Members interjecting:

Mr KOUTSANTONIS: The Attorney-General always likes to use murder as an example in the self-induced intoxication debate, because if an accused person is acquitted of murder he can then be convicted of manslaughter. However, in the great majority of crimes there is no alternative verdict. In nearly all cases where self-induced intoxication is successfully pleaded, the only verdict is acquittal of everything. Mr Nadruku—

The Hon. M.K. Brindal interjecting:

Mr KOUTSANTONIS: Name a case. Name one.

The Hon. M.K. Brindal interjecting:

Mr KOUTSANTONIS: You don't know, do you.

The Hon. M.K. Brindal interjecting:

Mr KOUTSANTONIS: Well, name one. Mr Nadruku, Mr Gigney and the others are all free to go, and that's the way Trevor Griffin, Michael Abbott and their mates, including the members for Unley, Colton and Mawson and those on the criminal bar like it. It is good for business if you are defence counsel.

Mr Peek's paper on the Bill for the Law Society is a good example of how the incestuous values of the legal profession sometimes diverge from common decency. South Australians do not think that people who commit crimes while high on drugs or with a skinful of alcohol should be able to plead that in mitigation—

The Hon. M.K. BRINDAL: I rise on a point of order, Mr Speaker. I believe that the member opposite accused me and others of incestuous values. He lumped us in with someone and then talked about incestuous values. I take objection to that, and I ask him to withdraw.

The SPEAKER: Order! There is no point of order. The member for Peake.

Mr KOUTSANTONIS: South Australians do not think that people who commit crimes while high on drugs or with a skinful of alcohol should be able to plead that in mitigation, let alone get off scot-free as Mr Peek argues. The argument that this Bill undermines the golden thread of *DPP v Wilmington*—namely the presumption of innocence and the ruling that an accused must not be assumed to intend the natural consequences of his acts—is a nonsense argument. The Bill operates only when self-induced intoxication with drink or drugs is raised by the defence. It excludes a particular excuse; it does not change the burden of proof. Mr Peek writes:

> One must be careful to avoid inadvertently affecting vast and important areas of the criminal law when attempting to address one particular perceived difficulty.

'Perceived difficulty', he says. Can you believe it? The young women who, out of the blue, were punched by Noa Nadruku in a drunken rage perceived the difficulty when he was acquitted. Mrs Nadruku perceived the difficulty when she was the victim of domestic violence. I am sure that the Department of Correctional Services perceived the difficulty when the District Court told Prisoner Gigney he was free to go. This difficulty is not a matter of perception. I support the Bill and any sensible amendment. Let us get the Bill into Committee as soon as possible. It amazes me when the Prime

Minister of Australia stands in the House of Representatives in Canberra and condemns any State of Australia or any Attorney-General who does not quickly fix this problem.

Mr Brokenshire interjecting:

Mr KOUTSANTONIS: John Howard, your Prime Minister, said that it was a disgrace that a person like Nadruku could get off scot-free by using the drugs defence. Here you are opposite defending your Attorney-General when he has sat blindly for the past four years and we have seen people get off scot-free by using this drugs defence. You should all be ashamed of yourselves.

The SPEAKER: Order! I ask the member for Peake to develop a debating technique while he is in this place of directing his remarks through the Chair and not directly across the Chamber.

Mr MEIER secured the adjournment of the debate.

EDUCATION (GOVERNMENT SCHOOL CLOSURES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 December. Page 78.)

Mr BROKENSHIRE (Mawson): I rise to oppose this Bill. In doing so I wish to state a few points about the member for Taylor's Bill. I was fascinated somewhat when I heard the member for Taylor introduce this Bill in the Chamber. The Opposition was previously in office for nearly 11 years. It certainly had the opportunity to put in place a Government Bill during that 11-year period to deal with this issue of school closures, which is so passionate for some members on the other side. Of course, this matter is passionate for all of us because we take a lot of pride in the schools that we represent and the schools that we attended.

It is often sad to see a school close. However, in the 40-odd years during which I have been alive I can recall numerous occasions, irrespective of the colour of the Government, when schools closed. I can also recall numerous occasions when new schools opened. In the southern region where we are seeing a lot of growth in the population a large number of schools have been built and opened over the past few years. Indeed, there are plans to open more schools in the future or to upgrade schools and reduce the backlog of maintenance that has been badly needed in schools for a long time.

If we thought for a moment about some of the school closures that have taken place in recent years under the Labor Government when it was in office, we could think of schools such as the Vermont Girls High School, the Mitchell Park Technical High School, the Goodwood Boys Technical High School, the Glengowrie High School, and a large number of primary schools. These are just a few of the schools which were closed when Labor was in power.

The closure of the Glengowrie High School was fascinating because it had not been open for very long, just a few years in real terms, and then it was closed and it became obsolete. When that school was built, the then Government did not catch up with what was happening with the demographics in the area. School closures and the opening of new schools are all about being business like in the conduct of the Education Department which is there to provide the best education for the young people of our State and which must also be responsible when it comes to the tight financial situation in which departments of the past found themselves and particularly the current Education Department finds itself because of the reasons that all members are familiar with regarding the State's financial situation.

I do not believe that this Bill is being put forward in the best interests of conducting a well-managed Education Department; this Bill has been brought into this place purely so that a few political games can be played. I think it is a sad situation when a member of Parliament tries to bring this sort of a Bill before the Parliament when, effectively, the Parliament will have to have a say in what happens in the day-to-day operations of the department. That is the decision—

Mr De Laine interjecting:

Mr BROKENSHIRE: No, at this point of time no schools will be closed in my electorate because the demographics demand that all those schools are required. When the Labor Government was in office it built the Woodcroft Primary School. As I have said on numerous occasions, the member opposite is a good member. I am pleased to see that he is still here, and long may he remain. I hope that members opposite realise the worth of his input to the Labor Party and support him, because he is one of their most balanced members.

Returning to the point, this primary school was built with a vision. I commend the previous Labor Government for this. I throw out accolades when they are due and I belt members opposite with brickbats when they are required. In its wisdom, the former Labor Government built and designed that school so that when it actually closes—and that may be 25 or 35 years away—it can be turned into nursing home type accommodation. Separate houses are being built there on separate titles so that they can be sold for housing. Clearly, the Labor Government was saying that at some stage—and I stress that it will be decades down the track—the demographics of that area would change. That is the basis of a school closure.

We must look at what is best for our young people. If you build a school to accommodate 400 or 500 primary school students, that is a viable school, and that school can be well-resourced and well-maintained, but down the track the demographics can change. They are changing rapidly in our State and, as we all know, we have the oldest population percentage in Australia. The school enrolment may fall back to 200 children. If a primary school up the road has the capacity to be improved and accommodate those 200 children and provide them with the very best resources, teaching staff, the largest number of SSOs possible and allow for financial input in order to maintain that school in its best possible condition and to add further resources to that school, then surely that is what is best for the young people. That is always taken into account when the department decides to close a school.

The very nature of this Bill—and one of the fundamental things I oppose—is that it effectively gives back the ultimate control to the Parliament. We might as well give Government away altogether if we start to introduce this sort of legislation. One day, and I hope it is a long time yet, the Labor Party will be back in Government. When it comes to sensible decision-making processes, and the fact that it would have a mandate, I would support the decisions that it makes in the day-to-day running of the business of this State and department. Obviously, I would not support it if issues were against the overall best interests of the State, but on the general day-to-day running of the business of the Government I would support it. I expect to see that support now by not having

these sorts of Bills put forward to try to build up emotional hype in people's mind and to try to get a grandstanding approach to the odd school that is closed.

I know for a fact that currently we are spending more money on education than ever before in the history of this State. That is fact: it is documented; no-one can dispute it. I also know that, in real terms, we can never put enough money into the areas of health, education and economic development. Unfortunately, there are times when a Minister has to make a decision in the best interests of the young people in that particular district when it comes to their educational opportunities and also obviously take into account the holistic approach to education and State budgets. I assure my constituents that any Minister, Liberal or Labor, will go through very careful procedures when they have to make a decision on a school closure. I have not seen a situation in the past where reasonable opportunity has not been given to that school community to be able to put their case forward.

The fact is that, once they have been given an opportunity, a decision has to be made by someone, and that person is the Minister. One of the fundamental structures of the Westminster system is having a Minister in charge of a department. As members of Parliament we sometimes have trouble trying to get a decision even on a JPSC matter which does not affect the broader community. How would you ever get a decision on a daily basis in this House when it comes down to parochial interest and political point scoring? It would be bizarre to think that we could run a State in that way.

In some ways I understand the member for Taylor has some good intentions. I ask the Minister for Education to look at this Bill and, in particular, at a few of the points relating to some of the consultation processes and ensure that they do occur. The current Minister is very committed and, I must say, is doing an extremely good job in his portfolio area. It was put in pretty good shape by the previous Minister and now the Treasurer. However, I ask the Minister for Education (Hon. Malcolm Buckby) to look at the member for Taylor's Bill and to note some of the points made about a few checks and balances and to ensure that consultation is done. That is as far as I would go with this Bill. The rest of it is political. It is here to try to grandstand. It is here to try to disrupt the best interests of young people's education and future.

I will give an example of how things occur at the moment. Many members would have seen the article in last week's *Sunday Mail* about Hackham East—and I expressed my disappointment about that article. It basically cited a situation where an opportunity was being given to the Hackham East Primary School and pre-school centre and that about $40 000, and probably more I would suggest, of taxpayers' money was to be spent by the department and that, because there was a kindy just down the road, how dare they spend that money just to make a shift 150 metres up the road. I am very proud of the fact that it was the education community in my electorate, the mums and dads of young people, who approached me to make representation to the Minister about relocating that pre-school to the junior primary and primary school campus. The parents drove that. There were community meetings with respect to the mums and dads in the junior primary school and the pre-school. The parents asked for this opportunity to occur.

I had a good case, which was well-researched and supported by the principals, the directors, the superintendents and all those people who, on a day-to-day basis, have a very good understanding and are passionate about education. The people who teach in my electorate are generally very passionate about their jobs and do a mighty great job with the young people. They saw the opportunity of being able to enhance young people's education in my electorate of Mawson and they will be given that opportunity. That was consultation. I did not have to bring that before the Parliament and say, 'Do my colleagues support the relocation of the pre-school onto the primary school campus?'

What a nonsense that would be. How would we ever get through all the other important jobs for which we are here, such as making laws, first of all, to protect people in this State and enhance the opportunities both socially and economically? That is the sort of thing on which we need bipartisan support. That is the sort of thing that we should be talking about in the Parliament, not the micro issues such as this that clearly should be under the care, control and guidance of the Minister for Education. That is a classic example of something good happening for education. The Minister very carefully and without a rush listened to the community and to some very visionary educationalists in my electorate and made the right decision.

At times, when there is a school closure, there will be a community that will not appreciate it, but, as I have often said to people when we talk about this matter, 'If the absolute majority of people in your electorate are middle-aged or retiring and that school has served its purpose and there is a new area in the south, especially in my electorate which is growing and which needs more resources and a new school, then obviously the Government has to make a decision.' The job is being done very well. This Bill is all about political point scoring and nothing else. I certainly oppose this Bill with a great deal of vigour.

Mr De LAINE secured the adjournment of the debate.

CORRECTIONAL SERVICES (VICTIM PROTECTION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 December. Page 79.)

The Hon. I.F. EVANS (Minister for Police, Correctional Services and Emergency Services): The Government opposes this Bill. We do not see—

Mr Atkinson interjecting:

The Hon. I.F. EVANS: If the honourable member listens to the debate he will understand that this legislation is not needed and that there is an administrative process already in place that does what this Bill intends. The Government's view is that this legislation is not needed. The Department for Correctional Services already has in place an administrative procedure that allows victims of crime to voluntarily register, if they are interested, and the parole board will advise them when someone is granted parole. The current procedure is that the victims have a voluntary choice to put their name on the register. If they voluntarily choose to put their name on the register, then there is a procedure in place to do what this Bill intends. The Bill intends that every single victim—and every single next of kin if the victim has already died—will have to be advised if someone is awarded parole. That will mean that even if the victim does not want to be advised—

Mr Atkinson: It does not mean that at all. You have not read it.

The Hon. I.F. EVANS: My advice is that, if the victim does not wish to be advised, then the simple fact is that they will still go through the process of being advised. There are

victims who for whatever reason—and very personal reasons—do not want to be notified. It also places a significant cost burden on both the police and the Correctional Services agency.

Mr Atkinson: Oh, dear!

The Hon. I.F. EVANS: Think about the practicality of this. There are people who are in prison for crimes committed 20 years ago. If the law is to be changed so that all victims of crime committed 20 years ago have to be notified, someone has to go back and establish exactly who are the victims of crimes committed 20 years ago, where they currently reside and where the next of kin of those people currently reside. I say to the member for Spence that that will put a significant burden on to the police and the Department of Correctional Services. How will this be funded, when it is possible that a world-wide search will have to be conducted to track down the victims of crimes committed by prisoners who may be coming up for parole tomorrow or the next day?

Mr Atkinson: If it is practicable to give notice.

The Hon. I.F. EVANS: Thank you; I am glad for that interjection. I thought the honourable member would say that the Bill says 'if it is practical'. That means that it is a voluntary action on behalf of the department, because the department has to judge whether it is practical. So, what the Bill does is take the voluntary option away from the victim and give it to the department because, if something is a bit difficult, the department will simply say, 'It is not practical.' This Bill does not define what is practical. If the department does not want to go to other places in the world or other States to try to find a victim or next of kin, it will simply say it is not practical. So, if an error occurs under the proposed Bill, all the department will say is, 'It is not practical.' Therefore, the Opposition's Bill is simply unworkable, because all the department will say, if an error occurs—and the honourable member has referred to some cases where the current administrative procedure—

An honourable member interjecting:

The Hon. I.F. EVANS: —does not adequately cover the victims—

An honourable member interjecting:

The SPEAKER: Order! The member for Spence will have ample opportunity in the Committee stage of the Bill to examine the views of the Minister and to reply in the interchange between the two of you.

The Hon. I.F. EVANS: The Bill gives the department the option to say on any occasion that the reason why it did not contact the victim was that it was impractical; it was simply not practical. That, to me—

An honourable member interjecting:

The Hon. I.F. EVANS: No, not at all. If the member for Elder reads the Bill (he is a lawyer, as I understand it), he will see that it clearly says 'where practical'. That means the department can simply come back and say that it was a bit hard and it could not find the person—and, frankly, it might even decide that it cannot be bothered— and all it has to say publicly is that it was not practical, and that is the end of it.

Mr Atkinson: Did they say that?

The Hon. I.F. EVANS: No, I am saying that is an option under the Bill. I am not saying that it happens currently. I am saying that this will place a huge burden on the various departments. It is unworkable in the form that is proposed. There is already an administrative procedure in place that allows victims and next of kin to voluntarily register with the department. The Government does not believe that there is any need to legislate for the sake of legislation, and that is clearly what this Bill does; there is absolutely no doubt about that. The Government believes, and advocates the position, that the discretion should be with the victim and the next of kin to voluntarily write their names on the register. It should not be the case that the department can simply say that it was a bit hard or, for whatever reason, it could not track down the victim or the next of kin.

The Attorney-General has already announced that the role of the victim in the criminal process will be thoroughly reviewed by his department in that area, and there is no doubt that this issue will also form part of that review. The Government's view is that this Bill is simply not needed: the procedure is already in place. The victims are very well catered for in the current procedures.

Mr Atkinson: It doesn't work.

The Hon. I.F. EVANS: The simple fact is that the law that is proposed by the Opposition also will not work.

Mr De LAINE secured the adjournment of the debate.

EDUCATION (GOVERNMENT SCHOOL CLOSURES) AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 11 December. Page 259.)

Mr MEIER (Goyder): I move:

That this debate be further adjourned.

I seek clarification from you, Mr Speaker. As we have debated the earlier Education (Government School Closures) Bill, what is the procedure with respect to the situation if we had wanted to debate this second Bill further at this stage?

The SPEAKER: It is desirable that both pieces of legislation on the Notice Paper covering similar issues be dealt with separately, but when a decision is taken on one it will, of course, have an impact on the other, and then the second one would not be able to be dealt with, having taken a decision on the first. However, it is competent for both to be on the Notice Paper at the same time.

Motion carried.

WEST BEACH BOAT HARBOR

Mr HILL (Kaurna): I move:

That this House—

(a) calls on the Government to honour its commitments made on 11 December 1997 regarding the West Beach Boat Harbor and in particular that 'an independent environmental consultant will also prepare an assessment for public release';

(b) condemns Liberal and Independent members of the Public Works Committee for forcing a vote on the West Beach Harbor before considering the promised independent environmental report; and

(c) expresses its opposition to the proposal to divert stormwater run-off through a pipeline into the Gulf at West Beach.

The first thing I would like to say to the residents of the West Beach area is that the Opposition remains opposed to the construction of a boat harbor at West Beach. That is a position which the Opposition has consistently held in this place, and our amendments to the Government's legislation last year in relation to the Glenelg development were designed to stop the boat harbor being built. What some of the critics of the boat harbor fail to understand is that we were unable to succeed in having the boat harbor prevented because the Opposition could not get sufficient numbers for our position in this place. A total of 21 of us voted in favour of the amendments that we put forward; no other members

from the other side, including the member for Colton, were prepared to support what would have stopped the West Beach Boat Harbor proceeding. Our amendments were designed to stop the West Beach Boat Harbor proceeding, not to stop the Glenelg development. Unfortunately, we did not have the numbers and we were not able to achieve what we set out to achieve.

Unfortunately, some people who are opponents of the West Beach facility thought that, somehow or other, the Opposition backed down. That is not the case. The Opposition did the best it could in the circumstances to get the outcome that those people wanted. As it happened, the Opposition could not do that because it did not get support, so it agreed to a compromise. It agreed to some amendments to the construction at West Beach in order to improve the facility for local people and to take into account the various concerns that were expressed about the environment.

The motion I have before the House today deals with some of those issues. In the first section of my motion, I ask that the House calls on the Government to honour its commitment to having an independent environmental consultant prepare a report into the West Beach harbor facility for public release. That was one of the conditions that was placed on the legislation by the conference of the two Houses which brokered a compromise on the legislation before the House last year. Unfortunately, there has been no independent environmental report—or, if there has been, it certainly has not been released and I have not seen it.

I understand that an environmental committee has been established to monitor the process established by the Government, but it would appear to me to be not terribly independent, because even the Conservation Council, which desired to be represented on that committee, was refused permission to be part of it. So, the elements of the compromise have not been met by the Government. The Government has let the Parliament down, it has let the people down and it has let the people of West Beach down, and that is something very much to be regretted and it is something that the Government should honour.

The second item deals with the Liberal and Independent members of the Public Works Committee, who rammed through the Public Works Committee approval for this facility before seeing the evidence that was to come from this independent environmental process. In fact, as I understand it, the committee was called together very early in January, at a time when it was difficult for members of the Opposition to participate in the committee. One of the members, the member for Elizabeth, was unable to be there. The other Labor member, the member for Reynell, was there on the understanding that it was a preliminary inquiry and that a later date would be set for the decision on West Beach.

Debate adjourned.

[Sitting suspended from 1 to 2 p.m.]

QUESTION

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

PAPER TABLED

The following paper was laid on the table:

By the Deputy Premier (Hon. G.A. Ingerson)—

Recreation and Sport, Department of—Report, 1996-97.

INTOXICATION AND THE CRIMINAL LAW

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I lay on the table a ministerial statement made in the other place by the Attorney-General yesterday.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

Mr VENNING (Schubert): I bring up the twenty-sixth report of the committee on the establishment of artificial reefs and move:

That the report be received.

Motion carried.

Mr VENNING: I bring up the twenty-seventh report of the committee, being the annual report 1996-97, and move:

That the report be received.

Motion carried.

The Hon. G.A. INGERSON (Deputy Premier): I move:

That the reports be printed.

Motion carried.

QUESTION TIME

ELECTRICITY, PRIVATISATION

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier. Who provided the so-called independent assessment in support of the privatisation of South Australia's power utilities which the Premier is refusing to make public but which the Premier claims convinced him that privatisation was necessary?

The Hon. J.W. OLSEN: Just today we have released the correspondence from the Chair of ETSA which was received by the Minister for Government Enterprises on 7 January. In that letter from the Chair of ETSA, he highlights the advantages and disadvantages, and the risks that the Government needs to take into account in relation to continued ownership of the electricity industry and operating companies in South Australia. It clearly indicates that there is no choice in this matter.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: Here we are, 2½ days in from one of the major policy announcements for South Australia, and what is the position of the Leader of the Opposition? What is the position of the Treasury spokesman, the member for Hart? I happened to be at a function last night, which the member for Hart also attended. At that function, a number of people put to me that, when they raised this issue with the Labor Party, it said, 'Of course, this is a view and a position that the Government would have to take but, for political reasons, we can't say that publicly.' The hypocrisy of a number of members is significant. As I understand it, the member for Hart is saying that he has an open mind on this matter.

Members interjecting:

The SPEAKER: Order! The member for Hart used the word 'lie'. I would like the honourable member to withdraw it, as it is an unparliamentary remark.

Mr FOLEY: The Premier was making an unfair allegation for blatant political purposes.

The SPEAKER: Order! I would like it withdrawn, without explanation. Will the honourable member withdraw?

Mr FOLEY: I repeat: the Premier is making a totally fabricated untruth, and he is doing so for Party political purposes.

The SPEAKER: Order! The member will be named forthwith if he does not withdraw the word 'lie'.

Mr FOLEY: I withdraw the word 'lie'.

The Hon. J.W. OLSEN: We ought to be having a substantive debate in this Parliament on these issues. The point is that the Leader of the Opposition is not prepared to face up to the issues, the importance of the issues and the debate on the issues. What is the choice facing South Australians? The choice for the Government on this issue is simply this: more debt, more taxes, fewer services or the sale of Government business enterprises. It is as simple and as stark as that.

If the Leader of the Opposition says that he is opposed to any sale, he is opposed to any tax increases, what choice does he have? More debt or fewer services—that is the choice of the Leader of the Opposition. It is incumbent upon this Opposition to say that, if the sale is not appropriate, what is? What does the Opposition want? What policy does it want to pursue? Does it want us to ignore the risks that have been identified today and in the course of the past six or seven weeks following the tabling of the Auditor-General's Report? A serious and grave situation has developed in relation to the electricity industry, with risks identified—

Members interjecting:

The SPEAKER: Order! The Leader will come to order, and so will the member for Ross Smith.

The Hon. J.W. OLSEN: A range of risks has been identified by no less than the public watchdog, the Auditor-General. When it suits the Leader of the Opposition—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN:—he writes to the Auditor-General to back up his claims. All I would simply say to the Leader of the Opposition—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I caution the Leader.

The Hon. J.W. OLSEN:—is take the opportunity of discussing this with the Auditor-General, and get clarity of the issues because it simply comes down to a choice. It is Hobson's choice, because at the end of the day there is no choice. More debt, more taxes, fewer services or the sale of ETSA—that is the choice confronting the Government.

Members interjecting:

The SPEAKER: Order! The House will come to order. I will repeat an observation I made yesterday: there are far too many interjections after the House has been called to order by the Chair. If members continue down that track, the Chair will start to react accordingly.

The Hon. R.B. SUCH (Fisher): Can the Minister for Government Enterprise elaborate on the advice provided by the board of ETSA regarding privatisation?

The Hon. M.H. ARMITAGE: I am delighted to respond to the member for Fisher's question and to inform the House about the letter that the Chair of the board of ETSA wrote to me on 7 January 1998 in which he advised the Government that the board recommended that the privatisation of ETSA should be pursued. As I said, he wrote to me on 7 January this year and advised me of the issues that the board considered in coming to the view that ETSA should be privatised. Those issues can be grouped into three categories: competitive market challenges, future growth opportunities and funding pressures. I should like to look first at the competitive market challenges, by quoting from Mr Mike Janes' letter to me dated 7 January 1998, as follows:

> Looking forward, ETSA will face increasing challenges to sustain and grow its business because:
> · competition in the South Australian market from electricity companies in New South Wales and Victoria is expected to erode ETSA's future earnings;
> · electricity industry revenue regulation is expected to reduce real electricity franchise prices in South Australia and reduce financial returns on ETSA's assets. This will erode the value of ETSA;
> · competing demands on ETSA's cash flows. . .

What became clear to the Government is that to do nothing could well destroy the Government's electricity assets, and our decision ensures that our assets will be ready for the challenges of the new millennium. To preserve ETSA and our electricity assets as a vibrant contributor to South Australia's economy, we need to allow change. Using mid-century solutions in an end-of-century emerging market is to risk frittering away our legacy.

The people of South Australia know only too well from the State Bank that taxpayers should not have to bear the risk of Government taking competitive risks. In stark contrast to the previous Labor Government, we have heard the warnings and we will heed the warnings. The second area that I mentioned in the Chair of ETSA's letter concerns future growth opportunities, and again I quote from the letter, as follows:

> In order to sustain earnings currently under competitive and regulatory threat and to grow future earnings, ETSA will need to pursue the strategic initiatives that it has identified including:
> · investment opportunities emerging from the convergence of utilities in the gas, telecommunications and water industries; and
> · retailing strategies targeted at securing ETSA's energy customers.

ETSA has never been set in stone. It has always been a vibrant enterprise, evolving to remain abreast of technology, and it had to be in order to be at the cutting edge of service delivery. However, the reality is that the technological explosion is changing the face of public utilities.

For argument's sake, in Britain, schools are linked to the Internet using power supply lines. ETSA will have to take risks in the future in developing its assets and services as part of this convergence of utilities, which was identified in the letter from the Chair. The Government fully supports ETSA's evolution, but we know that taxpayers should not have to carry the risks inherent in the development. As to funding pressures, again I quote from the letter from the board, as follows:

> ETSA's competitors will seek to grow further through strategic investment in regulated and non-regulated areas. They will do this using a range of mechanisms including acquisitions, joint ventures and business alliances. Unless ETSA has the financial flexibility and governance arrangements that enable it to undertake its strategic initiatives in a timely manner—

and Governments are not always able to work in timely manners because of prudential matters, and so on—

> ETSA risks becoming marginalised in its markets. In these circumstances it would be difficult for ETSA to maintain shareholder value. To implement these initiatives, ETSA will require access to new equity and new debt finance. Under the current State ownership structure, any new equity required would come from the State and new borrowing facilities would come from SAFA. Under a private

sector ownership structure the necessary access to new capital would come from private sector capital markets.

The Government knows that ETSA needs to have money invested in it to continue to grow, along with South Australia. But South Australians also need money for hospitals, schools, transport, police officers and so on.

We can only spend each dollar once, unlike the previous Labor Government, which seemed to lose, as the saying goes, a billion dollars here, a billion dollars there, and pretty soon you are talking about big money. That is the profligate way that the Labor Government looked at it. This Government is not willing to take money from schools, hospitals and public transport to become involved in the risky demands of the electricity sector.

The need to privatise the electricity sector is multi-faceted and acknowledged not only by the Government but by the board of ETSA itself. I call on the Opposition to face the facts, to heed the warnings and to learn from the State Bank disaster.

ELECTRICITY, PRIVATISATION

The Hon. M.D. RANN (Leader of the Opposition): Did the Premier, his Ministers or senior officials of ETSA have discussions with the Auditor-General regarding his concerns about the impact upon ETSA and Optima of national competition policy prior to the receipt of the Auditor-General's Report by the President of the Legislative Council and the Speaker of the House of Assembly in September, during the State election campaign?

The Hon. J.W. OLSEN: I certainly did not and, to my knowledge, no-one else did. The Leader talked about a range of employees, but I have no idea whether they might have or might not have. The simple fact is that I did not and, to my knowledge, no-one else did.

The Hon. M.D. Rann: Is that right?

The Hon. J.W. OLSEN: Yes.

The Hon. D.C. WOTTON (Heysen): Will the Premier provide further information that shows that the privatisation of electricity assets needs to be achieved quickly to attain maximum benefits?

The Hon. J.W. OLSEN: I thank the member for Heysen for his question. It is interesting that a well-known national identity has recently highlighted the exposure to taxpayers of delaying the process of privatisation. That identity is none other than Mr Bob Hogg, who was a former national secretary of the Australian Labor Party. Mr Hogg was appointed Chairman of an inquiry by the consultant merchant bank, Deutsche Morgan Grenfell, into the proposed sale of electricity assets in New South Wales. The former Labor powerbroker had some very sobering findings for his former colleagues in the New South Wales Government.

First, despite the opposition that Premier Carr is facing from Labor's union base in New South Wales, the Hogg inquiry supported the sale process of electricity assets in New South Wales. What is more, the inquiry warned the New South Wales Government that delaying the process could be a very costly exercise. It reported that a relatively quick sale could yield up to $25 billion for the New South Wales Government, whereas dragging it out over time could see the sale price reduce to $16 billion. That is a potential negative impact for New South Wales of $9 billion by not proceeding with the New South Wales sale. To put that into perspective, that is actually more than the current South Australian debt of $7.4 billion.

It is pretty clear from the body of evidence being collated around this country that both conservative Governments and Labor Governments are facing up to the reality of the policy options.

An honourable member interjecting:

The Hon. J.W. OLSEN: For the benefit of the honourable member on the back bench, I simply say this: as soon as the Auditor-General's Report was tabled in this Parliament quantifying the extent of the risk, as soon as we read the IPA report, which was released publicly in December last year—

An honourable member interjecting:

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

The Hon. J.W. OLSEN:—and as soon as the Chairman of the Electricity Corporation of South Australia raised a concern with the Minister for Government Enterprises, we took action and as a result of taking that action assessed the circumstances in South Australia. Those circumstances, as I described to the House, indicate that South Australia also has no choice.

So whether it is the Labor Premier, Bob Carr, in New South Wales or the South Australian Liberal Government, the simple fact is that there is no choice for us to pursue in this matter. I will not sit on my hands as John Bannon did—despite the warnings he was given—and allow a State Bank to fall over. We well remember that it was John Bannon who said that the first $1 billion was the end of it: 'We will put in this $1 billion and that will be the end of the matter.' Well, 3½ bail-outs and $3.15 billion later, we have ruled the ledger off on the State Bank. I will not be responsible for ignoring advice and allowing a set of circumstances such as that to recur in South Australia.

That will not be a legacy from the Liberal Government in South Australia as it was a legacy from the Labor Government. That means having the courage of your convictions and doing something about it, and it means fronting up and explaining why. As I have said, I have agonised over this decision in the course of the past six or eight weeks. It has been a very difficult and tough decision to make—very difficult. It was a very tough decision to make, but it is the only decision to make in this State's interests and, to that extent, I do not resile one bit.

Members interjecting:

The SPEAKER: Order! I draw the attention of members to Standing Order 142, particularly those members who seem hell-bent on disrupting the House this afternoon.

STATE BUDGET

Mr FOLEY (Hart): Does the Premier maintain that the current budget is on track to deliver the targeted $1 million surplus and the further surpluses over the following three years as projected in the 1997-98 budget?

The Hon. J.W. OLSEN: As I am advised by the Treasurer, the projected recurrent account surplus of $1 million will be met this year. That is despite the fact that, as a result of the Hammond and Harr High Court case that saw the removal of the rights to collect revenues on petrol, tobacco and other excise duties, it will likely cost us approximately $50 million, whereas we anticipated that would be principally a balance situation. The Commonwealth had assured us that it would put in place replacement taxation measures to ensure that the States were not disadvantaged.

The shadow Treasurer could make inquiries, as I am sure he has, with Treasurer Egan in New South Wales. I understand that New South Wales is short approximately $270 million on this issue alone. It is a matter that will be pursued at the Premiers' Conference in March this year. Despite that, and whilst we are still in February and we have a way to go before the end of the financial year, the projections are that the budget strategy this year will be maintained. Incorporated in that budget strategy is that continuing debt of approximately $7.4 billion. We are paying almost $2 million every day on interest on the debt. That almost $2 million a day in interest payments, which we inherited from the former Labor Administration, could build a lot of schools and hospitals and provide a range of services that South Australians want and are demanding.

That is why we have taken the tough policy decision, a changed policy decision, in relation to the electricity industry. Let me repeat the options: to take a risk with more debt; to increase taxes; to provide fewer services; or a sale of Government assets. They are the choices. I would like to hear the member for Hart announce Labor's policy on this. What is the policy? I can understand why the Labor Party would go into all these diversionary tactics, such as the cost of the pamphlet, communicating to the electorate and all these other issues. That is okay for a day or so; you have had your political fun. But you must face up to the policy issues. What is the Labor Party's position—

The Hon. M.D. Rann interjecting:

The Hon. J.W. OLSEN: Here he goes again. The Leader of the Opposition will not face up to his responsibilities. He will not face up to it. I ask the Labor Party: if the sale is not right, what is? What is the choice? What is the alternative policy? Because, when you look at it, you see that there is no choice if you are to be responsible. I ask the member for Hart: what is your policy?

Members interjecting:

The SPEAKER: Order!

ELECTRICITY, PRIVATISATION

Mr SCALZI (Hartley): Will the Minister for Government Enterprises advise the House of any further support that the Government has received regarding the sale of ETSA and Optima?

The Hon. M.H. ARMITAGE: The Government factually is receiving broad and firm support. It is appreciative of the support it has received from many quarters for its decision to sell the electricity assets. There is a growing realisation that the decision is soundly based and certainly in the best interests of South Australia. As an indicator of the support given, I bring to the attention of the House a press release issued by the Australian Institute of Company Directors—

Members interjecting:

The Hon. M.H. ARMITAGE: I note that the member for Ross Smith laughs; I note that the member for Spence laughs; and I note that the Leader of the Opposition and the Deputy Leader of the Opposition laugh. But the Australian Institute of Company Directors thinks that this is a good idea, and I will cite a paragraph from its press release:

> The institute is a strong advocate of the role of free enterprise private sector investment in generating the benefits of economic and employment growth. The proposed sales offer the prospect of both.

The Leader, the Deputy Leader and the members for Spence and Ross Smith, and probably others whom I did not see, are actually laughing at the prospect of increasing economic and employment growth. Frankly, that disturbs me a lot, because that is what government is all about: it is about providing the circumstances in South Australia that will see economic and employment growth—

The Hon. J.W. Olsen: More investment.

The Hon. M.H. ARMITAGE: And more investment, as the Premier says. Here we have people who actually make the employment decisions. These—

Ms Stevens interjecting:

The Hon. M.H. ARMITAGE: The member for Elizabeth laughs when I say that the company directors are the people who make the employment decisions. These are the people who have their fingers on the 'enter' buttons. These are the people who will make a decision to employ young South Australians, or not. They are encouraged by the Government's direction, and the Opposition laughs. Frankly, I think it is amazing. The institute highlights the fact that Government businesses need to have flexibility to respond strategically to evolving circumstances. Its press release states:

> Without that flexibility Government businesses cannot hope to be commercially competitive. If they are not competitive in today's business environment, then they quickly become a liability rather than an asset.

That is the fact. The fact is that, if we do not go down this path, our assets become liabilities. That is not something to which this Government particularly looks forward, hence the decision. Our electricity assets are entering a new wave of competition. We cannot ignore that. That is happening as we speak with the establishment of the national electricity market. But it is not appropriate that the success or failure of our assets in that national market should be at the expense of new schools, hospitals and services, and that is the choice. It is a stark choice but, nevertheless, that is the choice.

Our children's education, health care for the elderly and community care for people with a disability are all services which are too important to gamble on the future of a national electricity market by taking financial risks. The warning signs are there. The previous Labor Government ignored them. The Leader of the Opposition sat there, presumably month after month, and ignored the warnings. Some members opposite might like privately to ask the Leader of the Opposition what it was like sitting in Cabinet on the day when the then Premier said, 'I have some bad news for you: we are $1 billion down the drain and we were warned about this a couple of years ago but did not do anything about it.'

Once they have the answer to that they might like to ask the Leader of the Opposition how he felt when the then Premier came in the next time and said, 'I have some more bad news for you: we are now another $1 billion down.' How did the Leader of the Opposition like going out to the electorate of Ramsay where people need more services knowing that at that stage they were $2 billion down the drain because the Labor Party ignored the warnings? Members opposite might like then to ask him how he felt on the third occasion when the then Premier said, 'Have I got a story for you. This will make the front page of the newspaper. We have another bail-out; we are $3.15 billion down because you and my fellow Ministers did not heed the warnings.' It amazes me—

The Hon. Dean Brown: What about the fourth bail-out?

The Hon. M.H. ARMITAGE: As the Minister for Human Services reminds me, how did members opposite feel when the fourth bail-out came?

Members interjecting:

The SPEAKER: Order! The Minister will resume his seat.

Mr CLARKE: I rise on a point of order, Mr Speaker, with respect to Standing Order 98. The Minister is supposed to answer the substance of the question but has now diverted into the area of argument.

An honourable member: There is no point of order.

The SPEAKER: Order! I uphold that point of order. The Chair has been particularly lenient in the lead question and perhaps the second question because they are usually the important questions of the day that need to be developed. However, we are now into the third question and the Minister is starting to introduce into his reply opinion and debate. I ask the Minister to start to wind up his answer.

The Hon. M.H. ARMITAGE: Mr Speaker, as you know, I always accept your rulings. Yes, it is argument, but, Sir, it is the pertinent argument. It amazes me that the Opposition, carrying the burden of the State Bank and everything that that has wrought upon the people of South Australia, would criticise this Government for making a responsible decision in the face of all these warnings.

The Hon. M.D. Rann: Can you face honesty? That's what it's all about.

The SPEAKER: Order! Before calling on the next question I would ask for some order and would also point out that I have shown considerable tolerance towards interjections over the past three days. Interjections are getting to the stage of being disorderly, discourteous and distracting as far as the relationship between the interjector and the Chair is concerned. If members continue to interject they will find themselves being cautioned, warned and named.

Mr FOLEY (Hart): Will the Premier rule out tax and fee increases beyond CPI or any new taxes in the next State budget regardless of any sale or lease of ETSA and Optima? The Premier has said that it will take two years to sell or lease ETSA and Optima and that, therefore, proceeds from a sale or lease would not be received in the next financial year.

The Hon. J.W. OLSEN: Clearly, by taking this policy decision we would be demonstrating to the national competition commissioners in their judgment about competition payments to South Australia that we are pursuing a policy that will not put at risk those disbursements. As shadow Treasurer, the member for Hart ought well know that we have had the first tranche of those payments, and those payments will now roll in every financial year for the next nine years. That is why, with $1 015 million at risk, we have now decided to pursue this policy course. Perhaps the member for Hart, on behalf of the Labor Party, would like to tell the House what his policy is.

Mr Foley interjecting:

The Hon. J.W. OLSEN: What is your policy? The Leader of the Opposition has said that he is not at all in favour of any tax increases. The Leader of the Opposition has also said publicly that he does not want to support the sale of the Government business enterprise. So, he has only two choices left. First, he will have to increase debt, and if he does that he will increase costs; or he will have to carve into essential services for South Australians. One of those, for example, is the radio network required by emergency services. The Bannon Government was warned that the radio network needed replacing.

Mr Brokenshire: What did they do?

The Hon. J.W. OLSEN: They took no action.

Mr Foley: You have been in Government for four years.

The Hon. J.W. OLSEN: And we have been grappling with the $3.15 billion of debt that you gave us on day one of Government. What did we do? We started to look at these areas that required funding. In fact, we have called for tenders in relation to the Government radio network, because we do not want a set of circumstances where somebody's life is put at risk as a result of there being an inappropriate radio network for our emergency services. Yet that is what we inherited. The Minister for Human Services has clearly identified how the Queen Elizabeth Hospital is crumbling. Why is it crumbling and why when it rains is there water inside the hospital? Why? Because the Bannon Government starved it of any infrastructure funding, maintenance and refurbishment. We have inherited this run-down State infrastructure that we have to do something about. That is okay; we were elected to Government and we will do something about it.

But when members opposite criticise us for the policy decisions we make, they have a responsibility to ask, 'What is the alternative?' There is no alternative. That is where members opposite are caught. You need to explain to South Australians what the alternative is. The member for Hart was exuberant with a smile on his face when saying that the results of telephone polls would be against the sale of Government business enterprises. I would expect him to be so, because it was not a multiple choice question. Members of the public were asked, 'Do you want to sell?' and they simply said 'No'. But if in a multiple choice question we said, 'We can sell this Government business enterprise; or we can increase your taxes; or we can sell this Government business enterprise so that we avoid debt increases and having to mortgage our children's future', I wonder what the answer would be then.

At a dinner last night Robert Gottliebsen was asked—and the member for Hart heard him say it last night—about the Government's policy of selling these assets. Gottliebsen said, 'Well, what you have to understand is that you do not own the assets now, because the former Government mortgaged them.' Effectively, the then Government sold these assets by the mortgage it put over them eight years ago. Gottliebsen's point of view is clear and concise. When we talk about selling assets, all you are doing is getting rid of the mortgage. The people who really sold these Government enterprises were the Labor Government. You sold these assets 10 years ago.

Members interjecting:

The SPEAKER: Order!

Mr Foley: Why didn't you put a multiple choice question to the electorate?

The SPEAKER: Order! I caution the member for Hart.

Mr Foley interjecting:

The SPEAKER: Order! I warn the member for Hart.

STATE ASSETS

Mr CONDOUS (Colton): Will the Premier recount to the House examples of non-performing assets identified after coming into Government in 1993?

Mr Conlon interjecting:

The SPEAKER: I caution the member for Elder.

The Hon. J.W. OLSEN: I would be delighted to respond to the member for Colton's question, because what we have opposite is clearly a policy free zone—an Opposition that does not have a policy on anything. In terms of one of the most important areas confronting South Australia for the next decade or two, the basis upon which we will start the next

millennium, it does not have a view. All it can do is criticise. It does not have a view. It was that sort of policy free zone of the 1980s and 1990s that led to significant developments such as the Myer-Remm Centre. There was a major project pursued by the Labor Government. That Myer-Remm Centre cost us $1 061 million. What did we sell it for? We sold it for $151 million.

The Labor Party lost $900 million on that one building, the Myer building: $900 million. We can talk about 333 Collins Street, Melbourne. Because of its policy free zone, the Labor Party lost $560 million on that one building. That is the legacy the Labor Party, with its policy free zone, left to South Australians. That is what we are trying to clean up in order to move on to the future. I could talk about a range of other matters such as the State car fleet, the State Clothing Corporation, Scrimber and the Adelaide Station Environs Redevelopment. The Adelaide Environs was a $180 million project that ended up costing $340 million. The taxpayers' investment declined over $120 million on only that project.

We had the State Government Insurance Commission. We can look at the losses incurred in a whole range of initiatives then. Labor Party members were the custodians. In a range of these areas warnings were given to the ministry: these enterprises are in trouble; there is risk, there is exposure of taxpayers' money. What did they do about it? Absolutely nothing. And it is to their everlasting shame that they did nothing about it, because we are all paying a price for that. There would not be a member opposite who does not have for his or her electorate a list of requests for Government expenditure. I bet they all have a couple of dozen projects on which they want Government money spent—as do all of us. But we cannot meet those, because members opposite took no action when they got the warnings on those Government business enterprises, and they created a circumstance whereby Australia's largest financial collapse happened in South Australia—under a Labor Government.

Well might members opposite sit silently on that point. They might criticise us on this policy decision today, but we as a Liberal Government will never sit in this House in the future and be criticised for taking no action and allowing that set of circumstances to occur again. There will not be State Bank mark II in this State while there is a Liberal Government.

Members interjecting:

The SPEAKER: Order! The member for Colton. I warn the member for Elder. Someone might just pass on to the new member a message as to what the sequence of events is.

ELECTRICITY, PRIVATISATION

Ms HURLEY (Deputy Leader of the Opposition): Will the Premier rule out any increase in electricity charges, including the supply charge, beyond CPI in the next 12 months? There are concerns that the Government will lift electricity charges in an attempt to improve ETSA's and Optima's sale or lease price, to the cost of South Australian families and businesses.

The Hon. J.W. OLSEN: I suggest that the Opposition ought to get some new researchers, because that question was answered in the ministerial statement on Tuesday.

Ms Hurley: Answer it again.

The Hon. J.W. OLSEN: I will answer it again. The Deputy Leader tells me to answer the question again. Not only do they not have a policy, they cannot even raise some new questions on a major policy of this nature. So bereft are they of ideas, of research ability and of talent that they cannot do other than recycle questions of the past. Several members asked questions yesterday and I suggested that they were not in favour with the Leader of the Opposition or his staff because they had been given questions that would surely be embarrassing to them. One was about the release of the report in December-January, and the honourable member who asked the question was so ignorant of these matters that he was suggesting that the report ought to be tabled, which would totally compromise the sale process. That is what he would have done.

We want to go to the marketplace to get the best price for South Australians, but what members opposite want us to do is cripple it before we even get to the marketplace. That is their objective: to cripple it before we even get to the marketplace. Members of the Labor Party, after this third sitting day, on a major policy announcement, have demonstrated their total inability and capacity even to think through the issues. Not only do they not have a policy position on this matter—other than that they are opposed to everything—but they clearly do not understand the issue, and they have not, even on this third day, been able to get together a series of questions about this major policy issue. They can keep on the periphery, on the diversionary tactics, but we will concentrate on the major issue. We will make the decisions that will generate a better position for South Australia in the future.

Members interjecting:

The SPEAKER: Order! The member for Ross Smith.

An honourable member: That's you, Ralph.

Mr Clarke: No, I was being warned, you dickhead.

The SPEAKER: Order! I call on the member for Ross Smith to withdraw that remark as being totally unparliamentary.

Mr CLARKE: I withdraw the remark.

OUTSOURCING

Mr BROKENSHIRE (Mawson): Given the Government's decision to sell Optima and ETSA, will the Premier inform the House of the consequences of previous privatisations and outsourcing arrangements in this State?

The Hon. J.W. OLSEN: If we take the example of the Pipelines Authority of South Australia, which has been privatised to Tenneco Gas, we see that that has opened up a range of opportunities to South Australia and the gas industry through the development of new pipelines. It has opened up a position for South Australia now and in the future, and it has been a good by-product of the right policy decision for all the right reasons. Not only did it give debt retirement and security of tenure for employment and open up opportunities in the future but it clearly created an opportunity for further expansion. We can look at the metropolitan public transport system that has been outsourced, where there are clearly major benefits to the public of South Australia.

Mr Foley: Water?

The Hon. J.W. OLSEN: Let us look at that. I thank the member for Hart, who has been party to a great misinformation campaign for an extended period. The irrefutable fact for the member for Hart is that, with the operational costs for 1997-98, the first full year of the contract, the savings are $10 million. In 1996 net exports were $24.3 million, far outweighing the $9.5 million target. Indeed, 64 out of 69 performance targets were met and the other five were within 98 or 99 per cent of the performance targets, well above the previous performance targets of SA Water.

We can talk to a range of industry people. We can go to Mount Gambier and talk to a company that has won contracts as a result of the outsourcing contract. We can go to Pope Motors and speak to Ron Griffiths. If the member for Hart would like an introduction and a telephone number, I can give it to him, because he will find the opportunities that have been opened up and the employment that has increased as a result of that contract. What we are about is reducing costs to South Australian taxpayers, reducing debt to South Australian taxpayers, getting new investment in place and, as a result of that new investment, getting jobs for South Australians in the future.

ELECTRICITY, PRIVATISATION

Ms HURLEY (Deputy Leader of the Opposition): When was the Deputy Premier, as Minister for Infrastructure, first advised that ETSA would need to make allowance for a $96 million future loss in relation to the wholesale price of electricity, and why did he not tell the Premier of this fact? On 18 June last year the then Treasurer told an Estimates Committee:

> In terms of ETSA and Optima Energy, we analyse their performance on a quarterly basis and the board provides its best estimate of the future trading position.

On Tuesday the Premier told the House that he knew of this $96 million provision only in December last year, following the release of the ETSA annual report.

The Hon. G.A. INGERSON: Members opposite do not have to 'ooh' and 'aah'. When the annual report of ETSA was tabled in this House is when I became aware of it, as did the Premier and everyone else in this House.

Mr Clarke: You ought to be sacked.

The SPEAKER: Order!

INFLUENZA IMMUNISATION

Mr MEIER (Goyder): Will the Minister for Human Services outline the current status of the Government's commitment to the provision of free influenza immunisation for people over the age of 70?

The Hon. DEAN BROWN: Members will recall that during the State election campaign the Premier and the then Minister for Community Welfare announced a policy of free flu vaccine for everyone over the age of 70. This morning I have announced the details of that policy: free flu vaccine is now available for everyone aged 70 and over through their local general practitioner. In about two weeks they should make an appointment with their GP to receive that vaccine. The health authorities of this State would strongly recommend that everyone aged 70 and over and, if possible, people over the age of 65, plus anyone with heart disease, lung disease, kidney disease or diabetes also have the flu vaccine.

This morning a number of health officials have been talking about some of the risks involved. They highlight that there is the possibility of an epidemic. A flu epidemic has not occurred in South Australia for a number of years. There are signs that the Sydney virus/flu will be prevalent in Australia this coming winter and, because it has been in the northern hemisphere, they urge people to be prepared. Health officials are saying that people over the age of 70 in particular, but any older person, is very susceptible indeed. The risk is that, if an older person contracts the flu, there is a very high chance indeed that there would then be significant complications, whether it is heart complications, breathing complications or diabetes. According to the officials this morning, there is a significant risk that people will die from those complications.

The Government has negotiated arrangements for people aged 70 and over to go to their GP and receive the free vaccine. They pay the normal amount for the consultation with the doctor. I am delighted that in this way we are able to ensure high quality vaccine straight from the Health Commission to the doctors involved. That distribution chain is already under way. Through this process we can also be assured that the vaccine has been stored under refrigerated conditions. I am delighted to be able to put this policy into effect. Now it is up to the people involved. Last year about 70 per cent of people over the age of 70 were vaccinated for flu. We would like to see that as close as possible to 100 per cent, but, ultimately, it is up to the individuals aged 70 and over. They must understand and realise the potential risk, particularly if a flu epidemic occurs within the State.

ELECTRICITY, PRIVATISATION

Ms HURLEY (Deputy Leader of the Opposition): Given that two television news polls held last night, the first polling conducted on this issue, show overwhelming Opposition by South Australians to the move to privatise ETSA and Optima, does the Premier now intend to take into account the views of taxpayers in moving to sell off our power and other Governments assets? The Channel 7 news poll shows 92.3 per cent—

Mr Foley: How many?

Ms HURLEY: Ninety-two point three per cent of the 3 106 callers were against privatisation. The Channel 9 news poll showed that 86.8 per cent of 3 688 callers were against the privatisation of ETSA and Optima. That is your voters.

Mr Brokenshire interjecting:

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

The Hon. J.W. OLSEN: The Deputy Leader must have been otherwise engaged because I answered that question two questions ago. If the Opposition is too slow to pick up that the question has been answered and it needs a new, fresh question, I cannot help the Deputy Leader any further.

SCHOOL SERVICES CHARGE

Mr LEWIS (Hammond): My question is directed to the Minister for Education, Children's Services and Training.

Members interjecting:

The SPEAKER: Order! The member for Hammond has the call.

Mr Clarke interjecting:

The SPEAKER: Order! The member for Ross Smith.

Mr LEWIS: Is the Minister's department's school materials and services charge compulsory and, if not, does the Government intend making it so?

The Hon. M.R. BUCKBY: There is widespread support within peak parent groups and also within principal groups of a materials and services charge within the school community. Might I say that this school fee is nothing different, because South Australians have been making a commitment towards their children's schooling in public schools ever since this State was established. School councils constantly are making known the importance of this traditional charge and the difficulties that schools would face if they were not able to collect it. In April 1997 the Government made regulations which supported school councils to collect the

charge from parents who had the capacity to pay but failed to do so. The effect of this non-payment was that these parents were subsidising others within the school, many of whom had fewer financial resources than the non-payers.

Schools spent significant time, energy and money in trying to collect the charge from those who refused to pay their fair share of costs. Therefore, the new regulations were warmly welcomed by school councils, peak parent bodies and leading principals' associations, but not however by the Australian Education Union. Despite this community support, in July 1997 members of the Opposition and the Democrats in the Legislative Council adopted a negative stance on the issue which resulted in the Council disallowing the regulations.

The Government is committed to giving school councils back the power to enforce payment from those who can afford the charge. Naturally schools will retain the right to waive the charges for those parents who have longstanding financial difficulties. Therefore, the Government intends to remake the regulations shortly which will allow councils to collect the charges for 1998.

QUEEN ELIZABETH HOSPITAL

Ms STEVENS (Elizabeth): I refer to the Premier's statement to the House as follows:

The Queen Elizabeth Hospital is crumbling before our eyes for the want of $80 million.

What happened to the Government's plans for a joint venture between the Government and the private sector for a $130 million redevelopment of the Queen Elizabeth Hospital? On 19 January 1996 the former Minister for Health announced, 'Government plans a $130 million redevelopment of the Queen Elizabeth Hospital,' and said the Government would seek expressions of interest from the private sector for the financing, construction and operation of new public and private facilities to include purpose built same day surgery facilities and a 60-bed private hospital.

The Hon. DEAN BROWN: I indicate to the honourable member that she is correct. The Government under the former Minister called for expressions of interest for private health funds to help redevelop the Queen Elizabeth Hospital. The result of the expressions of interest after some negotiations with the parties involved is that a less than satisfactory offer was achieved from a number of companies that would ensure a competitive tendering process. I met with the board of the hospital and, as a result of that, it was decided not to proceed with the full RFP but instead to look at redevelopment of the hospital

Ms Stevens: So, $50 million less.

The Hon. DEAN BROWN: The options for the redevelopment of the hospital have not yet come to me from the board, so I cannot comment on that. Certainly the preliminary discussions involved a figure of about $80 million for the sort of redevelopment that they saw at least in the first stage. That is the figure that the Premier used—and quite rightly—because that was the preliminary estimate given by the board of the hospital to me. We are still awaiting its recommendation. I expect it to be with me over the next month, and then it will be considered as part of the Government's forward capital works program over the next three or four years.

ASIAN ECONOMY

Mr VENNING (Schubert): Given the financial crisis in Asia, will the Minister for Primary Industries advise the House what action is being taken to assist South Australian farmers in respect of developments in these important markets?

The Hon. R.G. KERIN: There is certainly no doubt about the importance of trade to Asia to a whole range of South Australian producers, processors and manufacturers. Our production of food, fibre and minerals in South Australia far outstrips our domestic demand in the Australian market. As much of our current production is already exported, obviously any growth in production or processing is extremely reliant upon us finding export markets for that product. The current financial crisis in Asia is causing considerable short-term pain right across our export industries.

However, with that in mind, it is absolutely vital that our effort is maintained, and even lifted within those markets. We must ensure that the markets see us as loyal and being there with them for the long haul. Our immediate aim, despite the current difficulties, must be to increase our market share and, as the Asian markets recover, to see that increased market share reward us for our efforts during the difficult period. Hopefully, with an increased market share, with the Asian markets inevitably recovering, we will see an increase in what we had previously.

In the coming months, I will be leading two delegations of industry people to Japan and Singapore. These delegations will include exhibitors at the prestigious Foodex Expo in Japan and the Hofex Expo in Singapore, both of which are very eminent showcase exhibitions in that area that attract people from around the world. Also joining the delegation is a range of growers and processors who wish to enter the export markets of Asia. They will undergo a comprehensive program whilst there to familiarise them with all the aspects of the export business.

This occurred in Hong Kong last year, when we had a group of people with us who visited the airport, the sea freight terminal and also a range of supermarkets and other markets to get a far better idea of how they operate. They also had the opportunity to sit down and talk to the buyers, bankers and traders in general, which was most helpful to them, and that has been quite successful. I commend the commitment of the South Australian producers and processors in joining us in this concerted effort to increase exports and jobs because, at the moment, with the news from Asia, it would be very easy for business people to back off.

South Australian rural and fish exports to Asia in 1996-97 were approximately $1 billion, which is very important for the State. The most likely impact of the Asian crisis is on consumer goods, especially food at the higher end of the market, such as dairy products, fruit and vegetables and live cattle. Wine, dairy products and fruit and vegetables figure in the top 20 State exports to several of the worst affected markets. Our highest value products to Asia in 1996-97 were cereals, wool, fish and meat, fruit and vegetables, dairy and oil seeds.

I believe that the wool industry is one example of the importance of Asia to our primary producers. Nearly 60 per cent of our rural wool exports go to Asia, and the impact of currency depreciation will certainly be considerable. It is not just sent there for processing: 48 per cent of the end product is sold to the Asian markets. The Government, in strong partnership with industry in South Australia, will maintain a strong effort in Asia and assure our long-term export future.

TOURISM CORPORATE PLAN

The Hon. G.A. INGERSON (Minister for Industry, Trade and Tourism): I seek leave to make a ministerial statement.

Leave granted.

The Hon. G.A. INGERSON: I am pleased to announce today a new corporate plan to lead the tourism industry into the next century. Tourism currently provides $1.9 billion a year to the State economy and sustains 26 500 jobs. This strategy aims to improve the industry's economic performance by $560 million and to create an additional 10 300 jobs within 10 years. These jobs will be for people of all ages, covering a wide range of skills, and will be spread across the State. This plan aims to develop a rich image of South Australia, one which promotes the diversity and unique characteristics of the State and focuses on the great personal experiences tourists can have here.

The work builds on the Tourism Means Business plan and has many components, including a State tourism infrastructure plan, which will identify long-term tourism facility needs across the State. A New Entrants Service will be set up at the Business Centre on South Terrace to provide relevant high quality advice and assistance to newcomers in the tourism industry. By providing a very high level of advice and support to newcomers in the industry, we will see a general lift in the professional and commercial focus of tourism operators.

Special project teams will be set up in regional areas to work directly with the regional marketing boards and industry to develop themes on tourism around the four key attributes of the State. Among the key themes are environmental tourism, backpacker tourism, heritage and cultural tourism, camping and caravanning and arts and wine tourism. We will establish a Travel Agents Helpline and will work with several areas throughout Adelaide to increase the flow of information on South Australian tourism. Under the strategy, we will upgrade our tourism packages which makes it easy for international tourism operators and specialist travel agencies to include South Australia in their product list. A new Internet site, which will be linked to existing tourism sites, will present South Australia to the world in a comprehensive and creative way.

At an international level, the focus is on special interest markets, which is our most valuable area which provides the greatest opportunities for industry growth. The key markets will be Germany, North America, European countries, the UK, Ireland and New Zealand. All these markets show great interest in experiencing unspoilt nature and indigenous culture. All appreciate good living, and the North American market is showing high potential in heritage and cultural areas.

At the local level, we will increase the number of locations where tourism information is available in the city. Some of our major events will enable us to give a different tourism focus in different months. For example, February and March are the arts and music period, while April and May will have a focus on racing, with the running of the Southern Racing Carnival. The September to November period will become the good living period, with the focus on wine, food and music activity. December and January has become a period for elite sporting events here in our State.

Domestically, we simply need to tell the key markets of Sydney, Melbourne, Brisbane and south-east Queensland what there is to do and see in South Australia. To this end, we will develop a high quality, 150 page magazine of holiday ideas which will be delivered to over one million households. This will be a useful guide as to what people can do and see in South Australia and will be a valuable reference for consumers in their own home, enabling them to make immediate inquiries and bookings. In summary, this plan will make it easier and more attractive for people to holiday in our State, which will mean greater growth and increased job opportunities for all South Australians.

CARRICK HILL

The Hon. DEAN BROWN (Minister for Human Services): I table a ministerial statement made by the Minister for the Arts in another place this afternoon.

GRIEVANCE DEBATE

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

Ms WHITE (Taylor): I bring to the attention of all members of the House the crisis that faces the child care industry at the moment. This is an industry that obviously involves a significant portion of South Australian families—I believe around one-third of all children in the State are in some form of paid care. One estimate I have seen is that 43 000 children are in care in South Australia in child care centres, either privately owned or community-based centres, in family day care, where paid carers operate from their own homes, and in after school hours care, vacation care programs and the like. Parents might get little change out of $200 a week for a single child. A significant part of their lives is spent working to pay fees, and these fees are biting; and they are increasing. This is simply adding a significant stress to families in South Australia.

There is almost as much confusion for parents and care givers about what the Federal Government has been doing in the child care area as there is amongst child care operators themselves. The Government's changes to funding, to administrative arrangements, to requirements of centres and to the child care assistance payments and child care rebate arrangements have stressed the industry, which has already been under considerable stress. That is especially over the past 12 months, which has seen a number of child care centres hit the wall and close their doors because of the massive cuts that we have seen in the Howard Government's past two budgets: $820 million has been cut from child care in the past two Liberal budgets. Last year, in South Australia we saw six child care centres close, and another two centres are about to close, with several seriously in doubt about their future viability.

In November, when I first took on the children's services portfolio, I was informed that the occupancy rate in child care centres around the State had dropped to 70 per cent. Now average occupancy is down to 50 per cent. There is a 50 per cent vacancy rate in centres, and those centres really cannot sustain their viability, unless they can get their utilisations up to around the 80 per cent occupancy again. It is not only the long day centres that are in crisis. On 27 April this year, all out-of-school-hours care programs must have complex new

administrative arrangements in place. At the same time, they will lose completely their operational subsidies from the Federal Government as they have been abolished. Many of these services say that they cannot remain viable and cannot continue to operate when this happens.

The Howard Government's policies in this area are undermining South Australian families. The effect is that cost cutting is reducing the number of centres that are operating, and that is driving up costs even further. It is pushing centres into reducing services to children, and fees are already climbing: As many parents will attest, centres are having to cut costs by cutting corners in staffing, and children are being put at more risk. Parents need affordable and high quality care for children. The majority of centres to which I have spoken say that they have had to increase their fees. A number of children have withdrawn from their services or reduced the hours of care. A number of people are having to alter work patterns or give up study, because they cannot afford child care fees. A significant number of parents in two income families are giving up one income, because they just cannot afford to put their children in care. A large number of staff are being cut from centres, and all that means that the quality of care is decreasing in South Australia.

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

Mrs PENFOLD (Flinders): As we have just heard, the Minister for Tourism has today launched an exciting plan to create 10 300 new jobs in 10 years, and to inject $56 million to tourism's annual turnover in our beautiful State. Already tourism is estimated to contribute $1.9 billion per year to the State's economy. A significant proportion of this revenue is generated on Eyre Peninsula, which has again been shown to be a popular tourism destination: whether it be for business or pleasure, a remarkable environment, the range of activities and the hospitality of our people are factors that draw visitors from all over the country and, indeed, the world. One of the biggest tourism events for the season, the annual Tunarama festival, this year hosted both the State and Federal Tourism Ministers. The Federal members for Grey and for Boothby and the State member for Waite, along with distinguished guests and some 13 000 to 14 000 visitors came to the festival, more than doubling the population of our host town, Port Lincoln.

It is testament to the organisational skills of the Tunarama committee that the event went so well and was trouble free. Visitors to the festival were welcomed to a town that, despite recent media reports, was warm and friendly. The people of Port Lincoln put on a fantastic show every year, and the festival continues to increase in size and popularity.

The weekend just past saw the annual Adelaide to Port Lincoln yacht race, which attracts boats from all around the country, and this year even one from California. The race is timed to coincide with Lincoln week, when the Port Lincoln yacht club organises a series of races in and around the bays of beautiful Port Lincoln. The influx of people from the race were in for a double treat: not only had they finished the race successfully but also they were in time for the inaugural Port Lincoln Long Lunch. The Long Lunch was organised by the local service club Zonta and was held at a number of local venues, with a bus provided to safely convey participants between locations. Hostesses looked after the business, and local arts, crafts and music were on show. The lunch was an enormous success and attracted many of the boaties, as well as many of the local residents.

Our local wineries were showcased, along with several wineries from other regions that were keen to get wider exposure for their products. Also showcased were the local food industries, with fare ranging from emu, kangaroo, tuna, prawns and calamari right through to a delicious pan-fried rib fillet and balsamic lamb salad. Zonta was not alone in its efforts to bring to life this event. It was supported by the Corporation of the City of Port Lincoln, the Port Lincoln Chamber of Commerce and Tourism, and the Eyre Peninsula Tourism Association, and they are to be commended on pulling together and promoting a great day for Port Lincoln and, indeed, the region. I look forward to the day becoming an annual event that may one day rival the festivals in the Barossa, Clare and McLaren Vale.

There are plans under way for a multicultural festival to be held in May that will celebrate the diverse cultures living on Eyre Peninsula. It is being organised by the recently formed Port Lincoln Multicultural Council, which will seek to address the needs of the local ethnic community. They stress that their aim is not to assimilate: rather, they seek recognition of their own cultures now that they have chosen Eyre Peninsula as their home. Surprisingly, the Port Lincoln tuna industry can add tourism to its already large list of successes. The farms are already an attraction in themselves. Some operators have suggested that they may expand to include recreational tuna catching tours, on which participants will be able to catch and keep big tuna, either to take home or to eat in one of our local restaurants. The idea is in the development stage but has the potential to attract sports fishermen and sashimi consumers from all over the world to our beautiful shores.

Port Lincoln and the beautiful region of Eyre Peninsula are going from strength to strength, and are tapping into the enormous natural and physical attributes. Tourism has the potential to increase considerably over the next decade, bringing with it the increased revenue and jobs, which our people, our region and, indeed, our State desperately need. The peninsula is truly a breath of fresh air and will be in the forefront of increased tourism opportunities for the State. Francis Wong, from Encounter Australia, and Kendall Airlines are assisting with our inbound tourism packaging for the top end of the market. Plans are being developed for better bus access between Port Lincoln and Ceduna, back-packer facilities at Port Lincoln, and better four wheel drive camping and caravan promotion, all aimed at increasing our market share in the future.

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

Mr KOUTSANTONIS (Peake): I bring to the attention of the House a piece of infrastructure in my electorate that has been left unrepaired for about six months. I received correspondence from a Minister in another place, the Hon. Diana Laidlaw, which is dated 2 February 1998 and which refers to the Bakewell Bridge. For those members who do not know where the Bakewell Bridge is situated, it is between Glover Terrace and Henley Beach Road. It is the major arterial that enters my electorate and, of course, that of the member for Hanson.

This bridge carries traffic over Railway Terrace: it is next to a school and has housing on both sides. There is a dual lane carriageway into my electorate. A number of motor vehicle accidents have occurred where cars have come off the bridge and spun around, causing death and injury. A cab driver died recently, a constituent of mine who lived in

Flinders Park died last year, and in another incident a group of teenage boys skidded off the bridge and landed in someone's front yard. I raised this matter in a grievance debate last year and asked what the Minister was doing about it. In a letter to me, she assured me:

> With regard to the side barriers, the two damaged sections of chain mesh have been temporarily repaired to a standard similar in strength to the original barrier.

That is a great untruth. The Minister has not been to the western suburbs to see this fence. I have photographs—which I will present to the press later—which show that not only has the Minister told me an untruth but she has misrepresented the true state of affairs about the fence. The fence has not been repaired. It is still a death trap and one day a car will slide right through the plastic protective barriers and land on a group of schoolchildren crossing the road at 3.30 p.m., during peak hour traffic. All the Minister can say is that it has been repaired to a similar strength or standard as before. The fact is that it has not been so repaired, and it is an outrage.

The member for Colton seems to be a little confused about where the Bakewell Bridge is, so let me just remind him. It is a bit far from Burnside, but he will find it if he comes down Portrush Road and Greenhill Road and turns right onto West Terrace: it is over the last main road before he reaches Port Road. If the member for Colton used the Bakewell Bridge often he would notice its state of disrepair and he would raise the matter with the Minister. No-one else has raised this matter, because the only people who get up and defend the western suburbs in this House are the member for Hanson and I. We are the only ones who show any concern for the well-being of our constituents.

Members will never hear any of my constituents say, 'Tom conned us.' They will not hear anyone say, 'Steph conned us.' It is about time this Government got its priorities right, stopped misrepresenting the electorate, and did some infrastructure work as it is supposed to. It is about time it stopped worrying about selling ETSA and pushing its ideology along and instead did some real work for the community, pushing some real projects to save lives for the betterment of all people in the western suburbs. The member for Colton is getting upset with me.

Members interjecting:

Mr KOUTSANTONIS: I will be upset. Hopefully in the next Parliament I will still be here, because I will stand up for my constituents. I will be fighting for them day and night, unlike the member for Colton, who is continually conning the people of his electorate with the West Beach and other projects.

I invite the Minister to come to my electorate. I know it is far from North Adelaide but I am sure that she could travel down Barton Road to have a look at the electorate. She could come to the Bakewell Bridge and see first hand the tragedy that is waiting to happen because of Government inaction. It would be two days work to fix this wall. I asked the Minister about this nearly three months ago and nothing has been done. If someone dies or someone is killed in a car accident on that bridge, it is on her head and on this Government's head, because they have failed to act.

Mr MEIER (Goyder): Earlier this week I commented on some aspects of the Constitutional Convention. I indicated that I was appreciative of receiving a communique from the Chairman, Ian Sinclair, and the Deputy Chairman, Barry Jones. I highlighted the three models for a possible Australian republic, whether Australia could become a republic and a possible starting time if that were to occur. On the last occasion I addressed this matter, I finished on the note that significant issues were at stake for the States.

The Commonwealth Government and Parliament would probably extend an invitation to State Governments and Parliaments to consider, first, the implications for their respective Constitutions of any proposal that Australia become a republic, and, secondly, the consequences for the Federation if one or more States should decline to accept republican status. This State Parliament will have to consider these issues sometime between now and any referendum. We need to give thought to whether we want to move down the same track as the Constitutional Convention or whether we take some alternative course.

Mr Atkinson: Or stay as we are.

Mr MEIER: Precisely. Members would recall that the member for Fisher proposed the option of establishing a royal family in this State, and I must admit that I smiled at that in the first instance. However, in speaking further about that proposal, it was pointed out to me that South Australia could benefit in an enormous way by having a royal family, which would become a tourist attraction. I acknowledge that that would help South Australia's tourism, but whether we would want to advance that suggestion is another matter, and that is not something that we should consider in the first instance.

The communique indicates that any move to a republic at the Commonwealth level should not impinge on State autonomy and that the title, role, powers, appointment and dismissal of State heads of state should continue to be determined by each State. While it is desirable that the advent of a republican Government occur simultaneously in the Commonwealth and all States, not all States may wish or be able to move to a republic within the time frame established by the Commonwealth. Furthermore, the communique stated that the Government and Parliament should accordingly consider whether specific provision needs to be made to enable States to retain their current constitutional arrangements. I dare say that is a matter that we will consider in future months.

Other issues were addressed at the Constitutional Convention, and I note particularly that it was recommended that the name 'Commonwealth of Australia' be retained, and that is most appropriate, given that we are a Commonwealth of the former colonies, and that Australia remain a member of the Commonwealth of Nations in accordance with the rules of the Commonwealth. Having been a Commonwealth Parliamentary Association delegate to a CPA conference last year, I highlighted to this House the importance of the Commonwealth, how important it is that we remain a member and the excellent work that the Commonwealth is doing throughout the world. It is seen as a body that many countries can call on for assistance, not only Commonwealth countries. Interestingly, a number of countries are seeking to join the Commonwealth. As a State, we will need to consider this issue further in the coming months and years.

Ms THOMPSON (Reynell): I rise to draw the attention of the House to a good news story but, like most good news stories, more could be told with a little more money. I speak about the FAME (Flexible Alternative Mobile Education) program or, as it is known locally to people around Hackham West and Reynella, the 'school in the bus'. The FAME project was designed to support 13 to 15-year-old children who are not attending school. Most of these children come from families that have complex difficulties. The families

generally need support to get through most days, and the children certainly need support if they are going to be able to develop lives that are fulfilling and healthy.

We know that most of our prisons are full of people who cannot read and write and who have not made it past year 6 or 7 at school. FAME provides a pathway for these children who are at risk of becoming inhabitants of prisons. I remind members that the cost of keeping someone in prison is about $60 000 a year: FAME caters to about 20 children a year for a cost of $80 000. FAME aims to find ways of introducing these children to a more regular life. Most of the children have been homeless at some stage during their participation with FAME. They need support not only to learn skills that will enable them to get jobs but also to live in an effective manner in our community.

Often they need support in dealing with their parents and their parents in dealing with them, so that the FAME program must be about not only education but also youth work—to liaise with the parents and often the many Government institutions with which the children and their parents have dealings because of the complexities of their lives. FAME works with its students to identify activities which they can learn and which will eventually provide them with a useful piece of paper. The children do things they see as having a meaning in their lives: not the generic education they see as pretty abstract and not very useful at all. The students are aged between 13 and 15 and the split is about 50 per cent male and 50 per cent female, depending on the number of participants.

Most of the students stay with the program for only four to five months. About half the number of students have already been reported as young offenders. Information obtained by FAME shows that most of these students (about two-thirds) are already frequent users of alcohol and sometimes of other drugs. About half use marijuana. They generally have an education level of about year 7 or 8 and, as I said, about half of them have already been homeless at some stage in their young lives. The types of activities that have been found to be useful to them include participation in Duke of Edinburgh programs which has the advantage of giving them a nationally recognised certificate, and work experience in community kindergartens.

Students have built several cubbyhouses in kindergartens in my electorate. Students learn right from the day they enter FAME to begin planning a life for themselves, because most of these children did not necessarily see that they had much of a life in the way in which they were already living. Cooking is an important skill development program for them because they learn about weights and measures, they learn to cooperate and communicate, and they produce something that their fellow students and staff can enjoy.

The program also finds that activities involving water seem to have a particularly calming and healing effect on these students, thus they learn structured activities in connection with water. All these activities take place as a result of the bus, which is run under the auspices of the Christian Brothers. The Brothers designed this program as part of their national program of Learning for Life. The program deserves support from our community in general; at the moment all the support is coming through the Christian Brothers and various other local activities.

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

The Hon. D.C. WOTTON (Heysen): Before I commence my contribution to this grievance debate, I make the point to the member for Reynell that I know something of the FAME project, and I commend her for raising this issue. The work being carried out in the area by the Christian Brothers and the opportunity that is provided to young people through that particular project is excellent. I guess that dozens of similar programs have been taken on board by the community, and for which the community has taken responsibility, without any funding from local, State or Federal Government. Those programs, which will survive only with the commitment of the local community, are some of the most effective we have in this State.

I want to speak briefly this afternoon about the Ash Wednesday fires of 1983, recognising the fact that this week is the fifteenth anniversary of those horrific fires: in fact, 15 years ago last Monday, on 16 February. Those fires, which caused about $400 million of damage across the State, claimed 28 lives, 14 deaths occurring in the Adelaide Hills and another 14 in the South-East of the State. The fires destroyed or damaged about 973 properties, 564 vehicles, 312 homes, one hotel and one service station, with the Adelaide Hills, South-East and the Clare regions being the hardest hit.

I had the privilege last Sunday of unveiling some plaques as part of a dedication to those people in the CFS (Country Fire Service) who served during those fires, particularly those people who served in the Adelaide Hills. It was a very moving occasion and I think it is good for us to reflect on the efforts of those people who served in that capacity. I was particularly pleased to be able to do that because it is not that long ago, about two years, that, in announcing the redevelopment of the Mount Lofty Summit, I indicated that I thought that it would be totally appropriate that the redevelopment of that fine tourism facility should stand as a memorial to those who served in the Ash Wednesday fires of 1983 which, of course, meant the demolition of the previous facility.

I thought that it was appropriate that this fine new facility should stand as a memorial to those who served with the CFS at that time, and particularly those who lost their lives. After that ceremony various relatives came to me, and have come to me since, suggesting that it would be appropriate for some sort of record to be made of those who lost their lives throughout the State on that occasion, and that a plaque should be unveiled somewhere in a prominent position indicating those people. I support that suggestion, and it is my intention to follow that through because it was a notorious day, as far as South Australia is concerned, and it is totally appropriate, I believe, that those people who lost their lives should be recognised.

As I say, it is my intention to follow that through. It is also an ideal opportunity for us to recognise the support that is provided in this State by the CFS and the commitment and dedication shown by all those people, wherever they might happen to be, because I would hate to think of this State's surviving without the support, dedication and commitment of those people who make up the Country Fire Service in this State.

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

INTERNATIONAL TRANSFER OF PRISONERS (SOUTH AUSTRALIA) BILL

Second reading.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I move:

That this Bill be now read a second time.

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

Leave granted.

The idea of allowing persons sentenced to imprisonment in foreign countries to serve part of their sentences in their own countries has been widely discussed in the past 20 years or so. Many countries have concluded bilateral prisoner transfer treaties and some are party to multilateral regimes. The primary multilateral prisoner transfer convention is the Council of Europe's Convention on the Transfer of Sentenced Persons that was signed in 1983. The Commonwealth Scheme for the Transfer of Convicted Offenders is another multilateral transfer regime.

The principal argument in favour of the international transfer of prisoners is humanitarian. The deprivation of liberty can be harsh for prisoners imprisoned in foreign countries because of absence of contact with and support from relatives and friends, language barriers, differences in diet and health care, alienation from local culture, intolerance of religious practices, ineffective vocational training and general prejudice against foreigners. A prisoner can be adversely affected both psychologically and physically, and his or her rehabilitation may be impaired. The international transfer of prisoners is said to enhance the prospects of rehabilitation of prisoners and their reintegration into the community. Rehabilitation is thought to depend on the prisoner having the benefit of family or community support. This support is more likely where prisoners are in the same country as their families.

The principal argument mounted against the international transfer of prisoners is that the transfer of prisoners would weaken the integrity of penal systems and undermine the effort to fight serious crime, particularly drug crime.

In July 1992 the Standing Committee of Attorneys-General agreed to develop a scheme to provide for the international transfer of prisoners. In 1995 the Standing Committee agreed that provision should also be made to enable war crimes tribunal prisoners to be transferred to Australia.

The scheme agreed to by the Standing Committee is that the Commonwealth will administer the scheme, pass legislation to bring treaties into effect, provide an administrative structure for transfers and regulate the status of prisoners who are to be transferred. States and Territories will pass legislation providing the necessary authority for the transfer of State and Territory offenders out of the jurisdiction and to permit the detention within their prisons of persons from outside their jurisdictions.

The Commonwealth legislation will only operate in those States and Territories that enact complementary legislation and enter into administrative arrangements relating to the scheme. Another step in the process is that Australia must enter into transfer arrangements with other countries.

The Commonwealth Parliament has now passed the *International Transfer of Prisoners Act 1997*. The House of Representatives Standing Committee on Legal and Constitutional Affairs examined the Commonwealth legislation. The Committee received both written and oral submissions on the bill. The Committee strongly supported the bill and made no recommendations for substantive amendment.

Humanitarian and rehabilitative reasons suggest that South Australia should participate in the international transfer of prisoner scheme established under the Commonwealth Act.

The State legislation is quite short. It provides for the necessary authority for the transfer of State offenders out of the State and permits the detention within South Australian prisons of persons from outside the jurisdiction. It also provides for the Governor to enter in to arrangements with the Governor-General. The State legislation by itself does not provide a picture of how the scheme will operate. Accordingly the Commonwealth Act is appended to the State Act so that anybody reading the State Act can understand how the scheme operates. The Commonwealth Act is not part of the State Act and cannot be amended by the Parliament.

The Commonwealth Act contains separate schemes for two types of prisoners: general prisoners and prisoners convicted by the international war crimes tribunals of war crimes in former Yugoslavia and Rwanda ('Tribunal prisoners'). The Act provides for transfers to be considered on a case by-case basis.

For general prisoner transfers between Australia and other countries, the transfer scheme is to apply to all offences without exception. It covers persons who have been convicted of a crime and sentenced to imprisonment or other deprivation of liberty, and includes persons who have been released on parole. Transfers will be consensual, requiring the consent of the person to be transferred, the Commonwealth Government and the Government of any State or Territory where the person will be held and the other country. A prisoner will not be eligible for transfer unless imprisoned under a final order and at least six months of the sentence remains to be served (unless the Attorney-General determines that transfer for a shorter period is acceptable). The crime for which the person is sentenced to imprisonment must be a crime in both the sending and receiving countries. A prisoner can only be transferred to Australia if the prisoner is an Australian citizen or is permitted to travel to, enter and remain in Australia indefinitely under the *Migration Act 1958* and has community ties with a State or Territory. The prisoners will be Commonwealth prisoners and the Commonwealth Act provides for the determination of sentences of transferred prisoners. Two methods of sentence enforcement are provided for. The first is that the sentence will be adapted only so much as is considered necessary to ensure consistency with Australian law. The second is converted enforcement where a different sentence will be substituted.

There are some differences in relation to Tribunal prisoners, which take account of the different nature of Tribunal prisoners. Prison cells in various countries have to be made available if persons convicted by the two international war crimes tribunals established by the United Nations Security Council are to serve their sentences. A Tribunal prisoner will not be transferred to Australia unless he or she has some connection with Australia and the Australian Government has consented to the transfer. Consent to the transfer by a Tribunal prisoner is not a mandatory requirement.

Participating States and Territories are to pay for the cost of incoming general prisoners. These costs include sending escort officers, returning prisoners (including air fares) and the cost of maintaining prisoners during the terms of sentences in Australia. The Commonwealth Act allows for recovery of costs and transfer expenses to be included in the terms of transfer, where appropriate. This costing arrangement is consistent with international practice that receiving countries bear the cost of transfer. The Commonwealth will be responsible for all costs associated with transfers of Tribunal prisoners.

If there is a net outflow of prisoners there may be significant savings to the State. However, no one really knows how many prisoners are likely to be moved in and out of South Australia (or Australia) each year under the scheme. It should be noted that under the scheme no prisoner can be transferred to or from South Australia unless the South Australian Government agrees to the transfer.

I commend the Bill to honourable members.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement of the measure.

Clause 3: Object of Act

This clause provides that the object of the measure is to give effect to the scheme for the international transfer of prisoners set out in the *International Transfer of Prisoners Act 1997* of the Commonwealth (the Commonwealth Act) by enabling such prisoners to be transferred to and from this State.

Clause 4: Definitions

This clause contains interpretative provisions.

Clause 5: Notes

This clause provides that notes in the text of the measure do not form part of the measure.

PART 2

CONFERRAL OF JURISDICTION

Clause 6: Powers and functions of Minister

This clause empowers a Minister of this State to exercise and perform any function conferred or expressed to be conferred on the Minister by or under the Commonwealth Act.

Clause 7: Powers and functions of prison officers, police officers and others

This clause empowers a prison officer, police officer and any other official of this State to exercise and perform any function conferred

or expressed to be conferred on the official by or under the Commonwealth Act or a corresponding law or in accordance with the arrangements referred to in clause 8.

Clause 8: Arrangements for administration of Act

This clause empowers the Governor to enter into arrangements for the administration of the Commonwealth Act.

PART 3
ENFORCEMENT OF SENTENCES OF IMPRISONMENT OF TRANSFERRED PRISONERS

Clause 9: Prisoners transferred to Australia

This clause provides that any relevant Australian law or lawfully observed practice or procedure concerning the detention of prisoners applies to and in respect of a prisoner transferred to Australia under the Commonwealth Act in the same way as that law, practice or procedure applies to and in respect of a federal prisoner serving in this State a sentence of imprisonment that is imposed under a law of the Commonwealth.

Clause 10: Prisoners transferred from Australia

This clause provides that the laws of this State relating to the enforcement of a sentence of imprisonment by a court of this State on a person cease to apply to a prisoner on whom such a sentence has been imposed who is transferred from Australia under the Commonwealth Act to complete serving such a sentence of imprisonment.

PART 4
MISCELLANEOUS

Clause 11: Regulations

This clause empowers the Governor to make regulations.

Ms HURLEY secured the adjournment of the debate.

PUBLIC SECTOR MANAGEMENT (INCOMPATIBLE PUBLIC OFFICES) AMENDMENT BILL

Second reading.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): 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.

In his audit overview for the year ended 30 June 1996, the Auditor General dealt with the question of incompatible public offices. One of his recommendations was that a detailed review should be made of existing potential incompatible appointments of public servants within ministerial departments. He recommended that where appropriate, remedial arrangements should be put in place to regularise the position so as not to prejudice public servants who have acted in good faith and who may be affected by the operation of the common law rule.

In the audit overview, the Auditor General discussed issues relating to incompatible public offices. Two offices may be described as being incompatible where there is an inconsistency or conflict between their respective functions. At common law in such cases the doctrine of incompatible public offices operates to either invalidate the second appointment, or to vacate the first appointment. The law is uncertain as to which of those two outcomes applies. The Auditor General expressed particular concern that incompatibility could arise where a public servant Board member is an employee in the ministerial department that has responsibility for the statutory Board in respect of which the public servant is a member.

The Government therefore proposes to amend the *Public Sector Management Act* to provide that where a public officer is appointed to a second or subsequent public office, the public officer is taken not to have vacated the first office (and is not to have been taken to have been invalidly appointed to the second or subsequent office) merely because of the potential for a conflict of duty and duty between the two offices, or by reason of any implication that the duties of either office require the full time attention of the officer.

It is also proposed to provide that the Governor may give directions in relation to incompatible offices that are held concurrently, and if the office holder concerned complies with those directions he or she will be excused from any breach that would have occurred.

The Government also proposes to instigate a targeted review of existing appointments to Government Boards and Committees to ensure that Chief Executives and statutory office holders are not holding incompatible offices and to include guidance and principles on the issue in relevant Government handbooks and publications, and in material produced by the Commissioner for Public Employment on ethical behaviour. I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Insertion of s. 70A

This clause inserts new section 70A into the principal Act. Section 70A excludes the doctrine of incompatible public offices in certain situations.

Subsection (1) provides that where a person holding an office is or has been appointed to a further office, he or she is not to be taken to have vacated the first mentioned office or to have been invalidly appointed to the further office simply because of a potential conflict between the duties of the offices, or because the duties of either one or more of the offices impliedly require the person's full time attention.

Subsection (2) provides that where a person complies with directions from the Governor in relation to an actual or potential conflict between offices held concurrently, he or she is excused from any breach that would otherwise have occurred.

Subsection (3) defines 'office' for the purpose of this new section.

Ms HURLEY secured the adjournment of the debate.

HIGHWAYS (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. DEAN BROWN (Minister for Human Services): 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.

There are two proposals contained in this Bill to amend the Highways Act 1926. The first is a proposal to impose meaningful penalties on motorists who drive on outback roads which have been temporarily closed following rain, thereby damaging them. In this part, it is proposed to amend section 12a of the Act to replace the Commissioner's discretion to delegate his powers or functions to any officer of the Department, with the discretion to delegate to any person; to amend section 26(3g) to increase the penalty from $100 to $1 250; to add a penalty of $2 500 for second and subsequent offences; and to give the court the power to order a person guilty of a contravention of this subsection to pay to the Commissioner the amount of any damage caused.

The second proposal is to improve the operation of the Act regarding controlled-access roads. It is intended to amend Part IIA of the Act to clarify the Commissioner's powers to control access to these roads, from and to private property; to increase the penalties for illegal access to $1 250; to give the Commissioner power to require a person to remove an illegal access and to restore the land to its former condition, with a penalty of $1 250 for failure to do so; and to introduce a maximum penalty of $125 per day for each day the illegal access continues to exist; and to give the court power to order the person to pay compensation for loss or damage arising from an offence.

Turning first to the temporary closure of roads. The Commissioner of Highways has the power to close a road temporarily if he or she is of the opinion that it is unsafe for vehicles or pedestrians or if it is likely to be damaged if used by vehicles or a class of vehicles. He or she may also erect barriers and warning devices as necessary for public safety. Interestingly , the only two parts of the Highways Act 1962 which carry penalties are this section and the sections on controlled-access roads, dealt with in the other part of this proposal. The penalty for contravening a road closure is $100. The penalty has not been changed since it was introduced into the Act in 1963 at 50 pounds.

After heavy rain, unsealed outback roads can be slippery and dangerous to drive on. They are also susceptible to damage if driven on in this condition. The damage often takes the form of heavily rutted roads. These conditions can cause vehicle accidents resulting in personal injury or even death. There is also the cost of repairing the roads to make them safe. After heavy rains at the end of winter this year, 3 vehicles rolled driving on the Birdsville Track. Re-grading of damaged roads costs $160 per kilometre, a cost which rises to $500 per kilometre if the road is rutted.

When such damage is caused by deliberate flouting of road closure signs and a disregard of the possible consequences on other road users, I believe it is time to act to impose penalties which recognise the seriousness of the breach and which bring them into line with penalties in other, more recent legislation. The resulting improved deterrence of this behaviour will have significant benefits for public safety and reduced road maintenance costs.

The Bill also contains a provision to allow the court to order the defendant to pay compensation for any damage caused by driving on a closed road.

In order to give greatest protection to both road users and the State's roads it is essential to have an authorised officer close enough to assess the condition of the road and exercise the Commissioner's discretion to close it and place warning devices (fences, barriers, notices, lights, etc.) as soon as possible. Currently, the Commissioner may only delegate his or her powers and functions to officers of the Department. This has caused delays in closing roads in remote areas. This is why the Bill proposes to give the Commissioner the ability to delegate his or her powers and functions to any appropriate person, for example park rangers, local council or Police officers.

The second proposal in the Bill concerns controlled-access roads. Part IIA was included in the Act in 1960 to enable the Commissioner of Highways to control where road users entered and left the State's major highways. The Main North Road between Pooraka and Gawler was the first stretch of road to be controlled (in 1960), followed by a portion of the South-Eastern Highway in 1964. At that time there was no requirement for the control of access proclamation to specify the routes and means of access whereby people may enter or leave the road: a notice accompanying the proclamations stated that all existing access points at the time of proclamation were deemed to be lawful.

Amendments to the legislation were made in 1972 to require routes and means of access to be specified on proclamations. The Crown Solicitor has advised that it could be interpreted that for controlled-access roads proclaimed prior to 1972, the Commissioner does not have the power to control access to and from private property, only from road junctions. The provisions should be amended to remove ambiguity which may lead to challenges to their validity. As road works are continuing, designed on the basis of the road being access-controlled, it is necessary to clarify the legislation.

The penalty for offences in relation to controlled-access roads was originally $100 and has never been increased. There is no provision for continuing offences or the payment of compensation for damage caused in committing an offence. The former Department of Transport has experienced difficulty with repeated destruction of property by people gaining access to controlled-access roads through unapproved places. Increased penalties and powers to recover damages will indicate that the offences are serious and act as a deterrent.

In its totality, this Bill will improve road safety and reduce damage to essential infrastructure.

This Bill will lie on the table until February.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 12A—Commissioner may delegate

Clause 3 amends the power of the Commissioner to delegate set out in section 12A. The provision is modernised and expanded to include all public sector employees, members and employees of councils or any other persons.

Clause 4: Amendment of s. 26—Powers of Commissioner as to roads and works

Clause 4 increases penalties under section 26 and includes a provision that will enable a court when convicting a person for an offence under section 26 to order him or her to pay compensation to the Commissioner for the damage caused.

Clause 5: Amendment of s. 30A—Power to proclaim controlled-access roads

Clause 5 amends section 30A of the principal Act to make it clear that a proclamation under subsection (1)*(b)* can declare that part of a controlled-access road will cease to be part of a controlled-access road.

Clause 6: Amendment of s. 30DA—Access to property

Clause 6 amends section 30DA to make it clear that the Commissioner can close both lawful and unlawful means of access to a controlled-access road.

Clause 7: Amendment of s. 30E—Offences in relation to controlled-access roads

Clause 7 amends section 30E of the principal Act. Part 2A of the *Highways Act* was designed to provide for control of access between private land and controlled-access roads. Provisions included in the Part (*eg* section 30B dealing with compensation) only make sense on the premise that access to and from private land is controlled. The Crown Solicitor feels however that there may be an argument that the control of access only applies between the controlled access road and side roads. The purpose of new paragraph *(a)* of subsection (1) is to make it quite clear that this is not so. The other paragraphs of this clause provide for increased penalties, continuing offences and compensation arising from an offence.

Clause 8: Amendment of s. 39D—Regulations

Clause 8 increases the penalty that can be imposed by regulation under section 39D.

Clause 9: Insertion of s. 42A

Clause 9 inserts a general service provision into the principal Act.

Clause 10: Amendment of s. 43—Regulations

Clause 10 increases the penalty that can be imposed by regulation under section 43.

Ms HURLEY secured the adjournment of the debate.

LIQUOR LICENSING (LICENCE FEES) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): 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.

Since the Liquor Licensing Act 1997 came into operation on 1 October 1997 it has become clear from the reaction of many clubs that the small volunteer club industry believes that the cost of complying with the requirements of the Act in relation to the approval of persons in a position of authority and the approval of responsible persons is unreasonable given the nature and scope of these clubs.

To the industry's credit, clubs do not disagree with the Act's requirements that clubs must be fit and proper or with the responsible service and harm minimisation objects of the Act.

The Liquor Licensing Act 1997 resulted from an independent review of South Australian liquor licensing laws conducted by Mr Tim Anderson QC. Mr Anderson QC sought written submissions by public notice in the Advertiser and received 78 submissions including submissions from the Licensed Clubs' Association, the South Australian National Football League Inc, Surf Life Saving South Australia and several licensed clubs. The Anderson QC review recommended the adoption of all of the recommendations of the Licensed Clubs' Association with the exception of the right to sell liquor for carry-off.

In his report Mr Anderson QC stressed that 'responsible service principles must be an integral part of my proposed new licensing scheme.' He went on to recommend many responsible service and harm minimisation initiatives including a recommendation that 'at all times when the licensed premises are operating the premises must be personally supervised or managed by the licensee or an approved manager' and that 'an approved manager must, while carrying out his or her duties on the licensed premises, wear an identification card'.

In making these recommendations Mr Anderson QC had the benefit of submissions from all sectors of the industry and the general community and personal knowledge of other Australasian jurisdictions. There is no doubt that the Anderson QC recommenda-

tions reflect as he put it that 'it is a fact of life that the community as a whole suffers emotionally and financially from the abuse of liquor'. The Liquor Licensing Act 1997 and Regulations were subject to extensive and on going consultation with a working group comprising industry, health and regulatory agencies on which the club industry was represented by the Licensed Clubs' Association.

The Act had total support from all sectors and the club industry more than any other sector of the industry has benefited significantly from the new Act. Clubs now have identical trading rights as hotels for on premises consumption without the obligations required of a hotel. Clubs can now purchase liquor either retail or wholesale and can trade with the general public. The club industry in general, not just the Licensed Clubs' Association, has been agitating for these changes through local members for many years and Mr Anderson QC supported the club industry's submissions.

However, it is clear that not all clubs want the liberal trading rights which have been won for clubs, preferring to continue trading with members and guests only.

This Bill recognises that distinction and provides for a limited club licence which is deemed to be a club which does not hold a gaming machine licence and which will only trade with members and a limited number of their invited guests. A club with a limited club licence will not be required to have its committee of management approved but will be required to advise the Liquor and Gaming Commissioner of the composition of its committee and must remove a committee member if the licensing authority determines that a committee member is not fit and proper. In addition there will be no application fee for the approval of responsible persons or the manager of a limited club licence. It should be recognised that the concession in terms of costs is significant. Revenue foregone is at least $600 000.

There has also been some opposition to the responsible persons provisions of the Act from the holders of other licensed classes, particularly small wineries who operate cellar door sales outlets, who contend that the style of their operations is such that the requirement to have an approved responsible person on the premises at all times the business is open to the public is unduly onerous.

Again there has been no criticism of the underlying principles.

The Government has listened to this criticism and is concerned that the key message of the Act of harm minimisation and responsible service which has been genuinely embraced by all industry organisations is being overshadowed by this concern over the financial burden of compliance. This is not in the interests of the community or the industry and therefore this Bill also provides the licensing authority with discretionary power to exempt a licensee from the requirement to have the business personally supervised and managed by a responsible person at all times it is open to the public where in the authority's opinion the limited scope of the business is such that the grant of the exemption will not compromise the responsible service and consumption principles of the Act.

It is intended that there will be continuing consultation with all relevant stakeholders over the Christmas—New Year period to ensure the basic principles upon which the new Act is based are upheld but with minimal, if any, hardship to small businesses. It is hoped that those who have concerns will take the opportunity to make a contribution to the consultation process.

The last thing the Government wants is to place unreasonable burdens on small business—on the basis of the wide ranging consultations in developing the Act and the Regulations the Government did not believe it had placed unreasonable burdens on those businesses.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment of s. 4—Interpretation

This clause strikes out the definition of manager in light of the amendments to section 97. The meaning of the term is to be left to the context of the provision in which it appears.

Clause 4: Amendment of s. 36—Club licence

The amendment establishes a further category of club licence—a limited club licence. The licence is for a club that does not have gaming machines and is not open to the general public. The club is required to provide personal details about members of the committee of management of the club to the Commissioner and is required to remove a person from the committee if the Commissioner is of the opinion that the person is not a fit and proper person to be such a member.

Clause 5: Amendment of s. 71—Approval of management and control

The amendment provides that no fee is payable for approval of a manager of a club subject to a limited club licence.

Clause 6: Amendment of s. 97—Supervision and management of licensee's business

The amendment enables the licensing authority to allow a licensed business (in view of the limited scope of the business conducted under the licence) to be managed in a way that does not involve constant personal supervision and management by the licensee or a director or a person approved as the manager. Another person may be approved for the purpose or alternative arrangements may be approved if the licensing authority believes that the arrangements will not compromise the responsible service and consumption principles.

Clause 7: Amendment of s. 98—Approval of assumption of positions of authority in corporate or trust structures

Section 98 currently requires approval of each person in a position of authority in a trust or corporate entity that holds a licence other than a limited licence. The amendment extends the exemption to holders of limited club licences.

Ms HURLEY secured the adjournment of the debate.

LEGAL PRACTITIONERS (QUALIFICATIONS) AMENDMENT BILL

Received from the Legislative Council with a message drawing the attention of the House of Assembly to clause 13, printed in erased type, which clause, being a money clause, cannot originate in the Legislative Council but which is deemed necessary to the Bill. Read a first time.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): 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.

South Australian lawyers are admitted to practice by the Supreme Court. A person who wishes to be admitted to practice must satisfy the Supreme Court that he or she has complied with the Supreme Court's *Rules of Court Regulating the Admission of Practitioners 1993*. The rules set out the academic and practical requirements for admission. The Board of Examiners, a body established by the Rules and composed of the masters and a number of practitioners, enquires into every application for admission and reports to the Court upon suitability for admission. The academic and practical requirements for admission reflect largely the standards set by the Council of Chief Justices, as recommended by a subcommittee of that council, the 'Priestly Committee'. The monitoring and maintenance of those standards in South Australia is currently the function of the Board of Examiners.

The judiciary and the legal profession have, for some time, been concerned about the administration of the admission rules and the conduct of courses of instruction for the acquisition of the academic and practical qualifications required by the rules.

The Supreme Court Judges are of the view that they are not able to monitor to any appropriate extent the compliance of academic subject content with the standards set out in the Rules. The Board of Examiners does not have the capacity to satisfy itself as to academic content and standards. The Board of Examiners' duties have changed little in the last thirty years. They reflect the needs of a much smaller profession when there was only one university, the only practical requirements were articles of clerkship and when the profession was a far more domestic profession than it is today. The evolution of practical legal training has, over the last twenty years, left the Board unable, to a large extent, to discharge its responsibilities adequately.

In September 1995 the Supreme Court Judges approved in principle the establishment of a single representative body to determine the academic and practical requirements for admission to legal practice, as well as to ensure the provision of post-admission practical legal training. The catalyst for this was concern over the immediate future of one of the courses available for post-admission training, but took place against the background of concern about the current system.

The Chief Justice then established the Admissions Procedures Review Committee ("the committee"). This widely representative committee reported to the Chief Justice in May 1996. It recom-

mended that there should be a single body to control the academic and practical requirements for admission. The committee made detailed recommendations for a scheme to regulate admission and post-admission requirements.

In every other jurisdiction in Australia overall control of the profession is vested in a body outside of the Supreme Court, being representative of the profession, including the Attorney-General or his or her nominee.

This bill implements the scheme recommended by the committee, subject to some minor variations.

A new body called the Legal Practitioners Education and Admission Council (LPEAC) is established. This is an overall controlling body responsible for policy and other broad issues. A Board of Examiners subordinate to LPEAC will process and vet applications for admission. The committee was of the view that it would be unwise to expect one body to deal effectively with the myriad of policy issues and the defining of standards of qualification, whilst also dealing with the day-to-day examination of individual applications.

The composition of LPEAC is set out in new section 14B. The membership is drawn from the judiciary, the executive, legal practitioners, and legal educational institutions. A non-voting law student is included in the membership of LPEAC.

LPEAC's functions are set out in new section 14C. The body's functions can be described to be to set the requirements for and standards to be met for admission as a legal practitioner. LPEAC will have control over all aspects of admission and post-admission training and qualifications. This will include being able to require any practitioner to attend and complete any courses of post-admission study as a pre-requisite for admission or renewal of a practising certificate. However, LPEAC will only be empowered to impose such courses for the first two years after the issuing of a practising certificate, with discretion to extend that period in individual cases. Any other requirement for post admission education will require the Attorney-General's approval.

LPEAC will have the power to make rules necessary for carrying out its functions.

On occasions, LPEAC may require more extended advice or consultation and has been given the power to appoint advisory committees to provide it with expert advice.

The accountability of LPEAC is an important consideration that has been addressed by:

- representation by or of the Attorney-General;
- a requirement that LPEAC furnish an annual report to the Attorney-General to be tabled in Parliament;
- the requirement under the *Subordinate Legislation Act* 1978 that any rules promulgated by LPEAC be placed before each House of Parliament; and
- a right of appeal to the Supreme Court where LPEAC makes decisions that affect an individual's right to practice.

A new Board of Examiners is created. The function of this body, which is subordinate to LPEAC, is to examine each application for admission and report to the Supreme Court, as it does now, as to the eligibility and fitness for admission of an applicant and compliance with the admission requirements.

The Board of Examiners is subject to any rules of LPEAC and to any advice or direction by it as to any matter of policy or practice. When considering individual applications it can, if necessary, refer to LPEAC for guidance on standards and the like.

The committee recommended that the Board of examiners be comprised of a Master of the Supreme Court (as chairperson), a person appointed by the Attorney General and six legal practitioners appointed by the Chief Justice.

However, the Chief Justice, on behalf of the Judges, recommended that the number of practitioner members of the proposed new Board of Examiners should be no less than twelve. Given the nature of this body's duties, this is a desirable alteration. To ensure balance, the Attorney-General appoints two nominees. A quorum of the Board of Examiners is the presiding member and five members. It is essentially a body of practitioners. Whereas LPEAC is a policy body and requires a broad-based membership, the Board of Examiners is an examining body, the expertise for which is to be found squarely in the domain of the profession.

The Supreme Court will remain the admitting authority. The Supreme Court will receive reports from the Board of Examiners as to the qualification and fitness of any applicant for admission. The Supreme Court will continue to maintain the roll of practitioners. There has been no change in the Supreme Court's disciplinary role, including the inherent power to strike off.

Practising certificates are issued and renewed by the Supreme Court, under Part 3 of division 2 of the *Legal Practitioners Act*, and the Supreme Court maintains a register of practising certificates. However, it is the Law Society that carries out the bulk of the work and its staff are engaged in most of the administration. The Law Society also administers the trust account inspection system that includes auditing.

The committee recommended that the functions presently discharged by the Supreme Court concerning the issue and renewal of practising certificates be transferred to the Law Society of South Australia. The committee concluded that the Law Society is best placed to ensure that the compulsory insurance procedures and auditing requirements are met before practising certificates are issued or renewed.

The responsibility for the issue and renewal of practising certificates has been left with the Supreme Court but the Supreme Court has been given clear power, in new section 52A, to make rules assigning these functions. It is expected that the Supreme Court will assign all of these functions to the Law Society.

The advantage of the proposed new structure is that the specific functions necessary for sound administration of the admissions process are to be placed with bodies that have the greatest expertise in discharging them. This is to be contrasted with the present system where those functions are poorly ascribed to bodies inappropriately constituted to deal with them.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 5—Interpretation

This clause makes consequential amendments to the definitions contained in section 5 of the principal Act.

Clause 4: Insertion of Part 2A

This clause inserts a new Part 2A into the principal Act as follows:

PART 2A
THE LEGAL PRACTITIONERS EDUCATION AND ADMISSION COUNCIL AND THE BOARD OF EXAMINERS
DIVISION 1—THE LEGAL PRACTITIONERS EDUCATION AND ADMISSION COUNCIL

14B. Establishment of LPEAC

The Legal Practitioners Education and Admission Council ("LPEAC") is established as a body corporate and the membership of LPEAC is specified.

14C. Functions of LPEAC

The functions of LPEAC, which relate to determining the qualifications necessary for legal practitioners in the State, are set out in this clause.

14D. Conditions of membership

This clause provides for terms of office of members of LPEAC.

14E. Procedures of LPEAC

This clause deals with procedural matters such as the quorum and voting requirements for LPEAC.

14F. Validity of acts and immunity of members

This clause provides for the validity of acts of LPEAC, notwithstanding any vacancy in membership, and immunity from liability for members of LPEAC.

14G. Advisory Committees

LPEAC may appoint advisory committees as it sees fit.

14H. Annual report

LPEAC must present an annual report to the Attorney-General to be laid before both Houses of Parliament.

DIVISION 2—THE BOARD OF EXAMINERS

14I. Establishment of Board of Examiners

The Board of Examiners is established as a 15 member body.

14J. Functions of Board of Examiners

The Board of Examiners is to have the functions and powers conferred under the principal Act or by LPEAC.

14K. Procedures of Board of Examiners

This clause sets the quorum for meetings of the Board of Examiners and provides that other procedural matters are to be determined by LPEAC or the Board.

14L. Validity of acts and immunity of members

This clause provides for the validity of acts of the Board of Examiners, notwithstanding any vacancy in membership, and immunity from liability for members of the Board.

Clause 5: Amendment of s. 15—Entitlement to admission

This clause amends section 15 of the principal Act (which deals with admission as a barrister and solicitor) to require compliance with rules made by LPEAC relating to qualifications for admission and to provide for referral of each application for admission to the Board of Examiners for its report and recommendation.

Clause 6: Substitution of s. 17A

Proposed section 17A deals with the issue of conditional practising certificates. Under the proposed provision, a practising certificate will, if the rules made by LPEAC so require, be issued subject to conditions as to education, training and experience. LPEAC may however exempt a practitioner or class of practitioners from any such requirements. LPEAC is also authorised to delegate any of its functions under this provision to the Board of Examiners.

The provision provides a right of appeal to the Supreme Court against decisions of LPEAC or the Board of Examiners under the provision.

It should be noted that under proposed section 14C a rule requiring legal practitioners with more than two years experience to undertake further education or training may only be made with the concurrence of the Attorney-General.

Clause 7: Repeal of s. 20A

Clause 8: Amendment of s. 29—Alteration to memorandum or articles of association

Clause 9: Amendment of s. 33—Audit of trust accounts, etc.

These clauses remove specific provisions allowing the exercise of Supreme Court powers by the Registrar. Proposed section 52A may be used to delegate any Supreme Court functions to the Registrar if appropriate.

Clause 10: Amendment of s. 38—Regulations

This clause amends section 38 of the principal Act to allow the regulations to prescribed qualifications for auditors.

Clause 11: Insertion of Division 14

This clause inserts a new section 52A specifying that the Supreme Court may make rules assigning functions or powers under Part 3 of the Act.

Clause 12: Amendment of s. 57—Guarantee fund

The proposed amendments to section 57 would allow money from the Guarantee fund to be used to cover expenses incurred by LPEAC.

Clause 13: Amendment of s. 95—Application of certain revenues

This clause amends section 95 to provide for payments to the Law Society in respect of any functions assigned to the Society by the Supreme Court under the Act and for payments towards meeting LPEAC's expenses.

Clause 14: Further amendments of principal Act

This clause provides for the making of further amendments to the principal Act set out in the schedule.

Clause 15: Transitional provision

This clause provides for the continuation of conditions imposed on practitioners under the current section 17A of the principal Act and for the enforcement, by LPEAC, of such conditions.

SCHEDULE

Further Amendments of Principal Act

The schedule makes a number of amendments to the principal Act of a Statute Law Revision nature.

Ms HURLEY secured the adjournment of the debate.

STATUTES AMENDMENT (CONSUMER AFFAIRS) BILL

Received from the Legislative Council and read a first time.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I move:

That this Bill be now read a second time.

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

Leave granted.

The *Statutes Amendment (Consumer Affairs) Bill 1997*, proposes amendments to various legislation in the Consumer Affairs portfolio.

The amendments are mostly of a minor nature and are largely concerned with bringing consistency in the legislation dealing with licensing. In some cases, the amendments are for uniformity of administration, providing the Office of Consumer and Business Affairs with certain housekeeping changes.

A comprehensive review of all legislation in the Consumer Affairs portfolio has taken place over the last 3 years.

The Legislative Review Team which was established to review the legislation saw through the process of the enactment of new legislation or the amendment of existing legislation which was to be retained. The Legislative Review Team completed its review and was disbanded late in 1995.

The new legislation and amended legislation has now been in operation for varying lengths time and in the administration some anomalies, inconsistencies and minor oversights have become evident. The amendments in the *Statutes Amendment (Consumer Affairs) Bill 1997*, seek to address those matters along with other minor amendments which are required for effective administration of the legislation concerned.

There has been a process of consultation during the preparation of the Bill and a draft copy of the proposed amendments were distributed for comment to relevant industry and consumer groups.

The key amendments in the Bill are as follows:

In the former Builders Licensing Act and Commercial and Private Agents Act, there were provisions which prevented persons disqualified from working in industry by using for example, another person, such as a family member, as the license holder, while the disqualified person worked as an employee of the licence holder. The Bill carries froward that requirement to the transitional provisions in the new Acts. A similar provision has recently been reinserted into the *Second-hand Vehicle Dealers Act 1996*. The provisions in essence, restore the status quo to prevent persons disqualified from working in the building or security industries from operating *de facto* in those industries in any capacity.

Building Work Contractors Act 1995

Under Section 33, the builder is required to take out insurance where a person enters into a building work contract for renovations/ alterations costing in excess of $5 000 in order to give the home owner a warranty. To avoid the need for insurance, the builder may split the contract into two components—labour and fixtures, and the owner is billed for both. The building owner misses out on building indemnity insurance when the work contractor splits the contract into two components. The Act is amended to close this loophole.

Business Names Act 1996

This Act is amended to allow for a Postal Address for a business name or other relevant information to be disclosed on the Register. Many rural businesses have requested that they be allowed to include their postal as well as their residential address on the public register. At present there is no provision for a postal address to be recorded.

Consumer Transactions Act 1972

It is proposed to repeal section 6AA inserted by the Consumer Transactions (Miscellaneous) Amendment Act 1995. The section extends the provision concerning consumer leases under the Act to leases outside the jurisdiction of the Consumer Credit Code, such as leases of an indefinite period or where the cost of the hire does not exceed the value of the goods.

A number of credit providers have complained that this provision is unworkable and have raised concerns that this provision has altered the uniform nature of the Code. Hire agreements which are outside the Code are presently protected in the same way as other consumer transactions through the Fair Trading Act 1987, and the Consumer Transactions Act 1972. As a result of these concerns, the provision was not proclaimed. It is repealed by this Bill.

Land Agents Act 1994 and Conveyancers Act 1994

An amendment inserts a provision to allow for an appeal to the Administrative and Disciplinary Division of the District Court from a refusal by the Commissioner to grant a licence or registration.

There is no current provision for an appeal if it is needed and these appeal provisions appear in all other licensing Acts administered by the Commissioner.

Residential Tenancies Act 1995

This amendment to section 36 removes a reference to the Magistrates Court and substitutes it with 'the appropriate court' as many retirement village matters involve sums of money which exceed the Magistrates' Court jurisdiction.

A new provision (s. 105A) is inserted in the Residential Tenancies Act enabling the Governor to make regulations prescribing terms which must be included in every rooming house agreement.

The provision in the Residential Tenancies Act for Codes of Conduct for rooming houses were not brought into operation with the new Act. The main concern about the draft Code was that it imposed criminal sanctions on residents in inappropriate circumstances and a penalty of $200.00 was set. The draft Code required,

among other things, that residents keep their rooms clean and pay rent on time. These requirements meant that a rooming house resident could be liable to a criminal penalty when a tenant is not.

It is considered that this concern is best met by setting out some standard terms in rooming house agreements which would attract civil sanctions (action for breach of a rooming house agreement) rather than criminal sanctions.

Retirement Villages Act 1887

Under the Retirement Villages Act 1987, residents have a charge over the property of the village under Section 8, in order to secure the (often large) entry fee. The Bill amends Section 8 to ensure that nothing in the Real Property Act affects the residents' priority charge over the property of the village.

In *Brown v Commonwealth Bank*, the Supreme Court recommended that this charge be reconciled with the principles for the Torrens Title system in the Real Property Act.

Second Hand Vehicle Dealers Act 1995

Under Section 23 of the Act a dealer has certain duties to repair vehicles within a specified warranty period, provided the vehicle was sold for a price greater than $3 000 or if the vehicle is less than 15 years old. Where a vehicle is sold for less than $3 000 but is not road worthy, the dealer is obliged to repair the vehicle to a road worthy standard. The present wording of the Act imposes no duty to make road worthy vehicles sold which are more than 15 years old for which the purchase price exceeds $3 001.

The Bill clarifies the roadworthiness requirement to ensure the same protection for all vehicles. Consequently, every second-hand motor vehicle sold by a dealer to the public must be made road worthy.

Security and Investigation Agents Act

This Act is amended to include a provision from the former Commercial and Private Agents Act requiring persons who employ security and investigation agents to employ appropriately licensed employees. Where a person is employed to do work defined by the Act, it is necessary for them to be licensed to undertake that work. The provision will ensure there is an onus on the employer to employ persons who hold the necessary licence for the work to be performed.

Jurisdictions which provide for assessors to the Courts

In jurisdictions which require the appointment of assessors to the Courts, technical amendments have been made to clarify that it is either 'a judicial officer of the Court' or, 'a Judge of the Court' who determines whether assessors will sit with the Court. Currently the wording of the section in various jurisdictions refers to the judicial officer who is to preside at proceedings. In certain instances, a matter brought to the Court may first be proceeded with by an officer of the Court before being brought before the judicial officer or a Judge of the Court. The amendment clarifies the determining of the presence of assessors in Court proceedings.

Penalties

The Schedule revises certain of the penalties across the occupational licensing legislation.

All occupational licensing legislation within the Consumer Affairs Portfolio provides penalties for unlicensed activity both in disciplinary proceedings and in summary proceedings. The maximum penalty for this kind of activity in most Acts is $8 000.

In a recent case, two defendants (husband and wife) were jointly fined a total of $6 000 in the Administrative and Disciplinary Division of the District Court for breaches of the *Second-hand Vehicle Dealers Act*.

The defendants pleaded guilty to 12 counts of carrying on the business of a dealer without being licensed and 3 counts of making false representations about the history of the vehicles in the course of 3 of those sales. The Commissioner for Consumer Affairs was represented at the trial by an officer from the Crown Solicitor's Office and at the hearing it was argued that a very substantial fine was required. In the event a fine of $6 000 was imposed.

Following the trial a Report was received from the Crown Solicitor commenting that the maximum penalty of $8 000 was insufficient, particularly where the conduct complained of was serious. In the case in question, selling many vehicles without a license, making considerable profits and misleading purchasers was very serious conduct. It was suggested that the penalty should be $20 000 or even higher.

Accordingly, work was undertaken to ascertain what the penalty levels for unlicensed dealing should be. In Queensland for example, new legislation before the Parliament will increase the penalties for (amongst other things) persons acting as unlicensed real estate agents, auctioneers, commercial agents and second-hand vehicle dealers to 200 penalty units which currently equates to $15 000. In South Australia the penalty for the summary offences of undertaking building work without a licence is already $20 000, while for travel agents it is $50 000.

Given that a range of occupations are subject to legislative licensing regimes it is considered desirable that there be some consistency in the penalties for unlicensed activity able to be imposed. The penalty of $8 000 for unlicensed activity does appear to be low, and the amended Schedule raises the penalties currently at that level to a $20 000 maximum. The maximum penalty should act as a deterrent and a suitably high penalty should be available for the most serious cases of offending. Of course, it will remain a matter for the Courts to determine the appropriate penalty in any given circumstance.

The opportunity has also been taken to increase the penalties for trust account offences for land agents and conveyancers to a similar level.

I commend this Bill to honourable members.

Explanation of Clauses

The provisions of the Bill are as follows:

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

Clause 3: Interpretation

PART 2

AMENDMENT OF BUILDING WORK CONTRACTORS ACT 1995

Clause 4: Amendment of s. 3—Interpretation

This amendment provides that for the purposes of Part 5 of the Act a series of contracts for domestic building work is to be regarded as a single contract. Consequently, building indemnity insurance will be required under Part 5 if the total value of work under the contracts is $5 000 or more.

Clause 5: Amendment of s. 24—Participation of assessors in disciplinary proceedings

This amendment removes the requirement for the judicial officer who is to preside at disciplinary proceedings to determine whether the Court is to sit with assessors and leaves this matter to any Judge of the Court.

Clause 6: Amendment of s. 39—Participation of assessors in proceedings

This amendment removes the requirement for the judicial officer who is to preside at proceedings in the Magistrates Court (or District Court under section 40(2)) relating to domestic building work to determine whether the Court is to sit with assessors and leaves this matter to any judicial officer of the Court.

Clause 7: Amendment of Sched. 1—Appointment and Selection of Assessors for District Court Proceedings under Part 4

Clause 8: Amendment of Sched. 2—Appointment and Selection of Assessors for Magistrates Court Proceedings under Part 5

These amendments are consequential.

Clause 9: Amendment of Sched. 3—Repeal and Transitional Provisions

This amendment ensures that people who were at the commencement of the Act disqualified from being licensed or registered cannot be employed or engaged in the business of a building work contractor in any capacity while they remain disqualified.

PART 3

AMENDMENT OF BUSINESS NAMES ACT 1996

Clause 10: Amendment of s. 11—Register and inspection of register

The amendment enables the Commission to include additional information in the register at the request, or with the consent, of the person to whom the information relates (eg post office box addresses of rural businesses).

PART 4

AMENDMENT OF CONSUMER TRANSACTIONS ACT 1972

Clause 11: Repeal of s. 4

Section 6AA was inserted into the Act by a 1995 amendment Act and then renumbered as section 4. It extends Part 10 of the Consumer Credit Code to a consumer lease within the meaning of the *Consumer Transactions Act*. The commencement of the section inserting new section 6AA was suspended when the amendment Act was brought into operation. This amendment strikes out the inserted section.

PART 5

AMENDMENT OF CONVEYANCERS ACT 1994

Clause 12: Amendment of s. 7—Entitlement to be registered

Currently, the educational qualifications for conveyancers are set out in the regulations. This amendment enables the Commissioner, subject to the regulations, to determine alternative qualifications considered appropriate. It also removes the reference to the qualifications being educational and so provides greater flexibility.

Clause 13: Insertion of s. 7A—Appeals

This amendment enables an applicant who is refused registration as a conveyancer to appeal to the District Court against the decision.

Clause 14: Amendment of s. 48—Participation of assessors in disciplinary proceedings

This amendment removes the requirement for the judicial officer who is to preside at disciplinary proceedings to determine whether the Court is to sit with assessors and leaves this matter to any Judge of the Court.

Clause 15: Amendment of Sched. 1—Appointment and Selection of Assessors for Court

This amendment is consequential.

PART 6

AMENDMENT OF LAND AGENTS ACT 1994

Clause 16: Amendment of s. 8—Entitlement to be registered

Currently, the educational qualifications for land agents are set out in the regulations. This amendment enables the Commissioner, subject to the regulations, to determine alternative qualifications considered appropriate. It also removes the reference to the qualifications being educational and so provides greater flexibility.

Clause 17: Insertion of s. 8A—Appeals

This amendment enables an applicant who is refused registration as a land agent to appeal to the District Court against the decision.

Clause 18: Amendment of s. 46—Participation of assessors in disciplinary proceedings

This amendment removes the requirement for the judicial officer who is to preside at disciplinary proceedings to determine whether the Court is to sit with assessors and leaves this matter to any Judge of the Court.

Clause 19: Amendment of Sched. 1—Appointment and Selection of Assessors for Court

This amendment is consequential.

PART 7

AMENDMENT OF LAND VALUERS ACT 1994

Clause 20: Amendment of s. 10—Participation of assessors in disciplinary proceedings

This amendment removes the requirement for the judicial officer who is to preside at disciplinary proceedings to determine whether the Court is to sit with assessors and leaves this matter to any Judge of the Court.

Clause 21: Amendment of Sched. 1—Appointment and Selection of Assessors for Court

This amendment is consequential.

PART 8

AMENDMENT OF PLUMBERS, GAS FITTERS AND ELECTRICIANS ACT 1995

Clause 22: Amendment of s. 23—Participation of assessors in disciplinary proceedings

This amendment removes the requirement for the judicial officer who is to preside at disciplinary proceedings to determine whether the Court is to sit with assessors and leaves this matter to internal Court arrangements.

Clause 23: Amendment of Sched. 1—Appointment and Selection of Assessors for Court

This amendment removes the requirement for the judicial officer who is to preside at disciplinary proceedings to select assessors to sit with the Court and leaves this matter to internal Court arrangements.

PART 9

AMENDMENT OF RESIDENTIAL TENANCIES ACT 1995

Clause 24: Amendment of s. 36—Enforcement of orders

This amendment provides that where the Tribunal makes an order for a monetary amount that exceeds the jurisdiction of the Magistrates Court the order may be registered in the District Court and enforced as an order of that court.

Clause 25: Insertion of s. 105A—Implied terms

The proposed section contemplates regulations prescribing terms of rooming house agreements. Terms included in the regulations will be able to be enforced by the Tribunal.

It is envisaged that codes of conduct for rooming houses will be made covering matters for which a criminal sanction is appropriate.

Clause 26: Amendment of s. 119—Tribunal may exempt agreement or premises from provision of Act

This amendment is consequential to new section 105A and contemplates the Tribunal granting exemptions in relation to the terms of rooming house agreements in appropriate circumstances.

PART 10

AMENDMENT OF RETIREMENT VILLAGES ACT 1987

Clause 27: Amendment of s. 9—Contractual rights of residents

The amendment ensures that the contractual rights of residents are given effect through a priority charge despite any provisions of the *Real Property Act* to the contrary.

PART 11

AMENDMENT OF SECOND-HAND VEHICLE DEALERS ACT 1995

Clause 28: Amendment of s. 23—Duty to repair

The amendment ensures that vehicles over 15 years old or driven over 200 000 km remain subject to the roadworthiness requirements although they are not otherwise subject to the duty to repair.

Clause 29: Amendment of s. 25—Participation of assessors in proceedings

This amendment removes the requirement for the judicial officer who is to preside at proceedings in the Magistrates Court related to the duty to repair to determine whether the Court is to sit with assessors and leaves this matter to any magistrate.

Clause 30: Amendment of s. 30—Participation of assessors in disciplinary proceedings

This amendment removes the requirement for the judicial officer who is to preside at disciplinary proceedings to determine whether the Court is to sit with assessors and leaves this matter to any Judge of the Court.

Clause 31: Amendment of Sched. 1—Appointment and Selection of Assessors for Magistrates Court

Clause 32: Amendment of Sched. 2—Appointment and Selection of Assessors for District Court

These amendments are consequential.

PART 12

AMENDMENT OF SECURITY AND INVESTIGATION AGENTS ACT 1995

Clause 33: Insertion of s. 12A

A new section is inserted to make it an offence for a person to employ an unlicensed person as an agent.

Clause 34: Amendment of s. 28—Participation of assessors in disciplinary proceedings

This amendment removes the requirement for the judicial officer who is to preside at disciplinary proceedings to determine whether the Court is to sit with assessors and leaves this matter to any Judge of the Court.

Clause 35: Amendment of Sched. 1—Appointment and Selection of Assessors for Court

This amendment is consequential.

Clause 36: Amendment of Sched. 2—Repeal and Transitional Provisions

This amendment ensures that people who were at the commencement of the Act disqualified from being licensed cannot be employed or engaged in the business of an agent in any capacity while they remain disqualified.

PART 13

AMENDMENT OF TRAVEL AGENTS ACT 1986

Clause 37: Amendment of s. 18A—Participation of assessors in disciplinary proceedings

This amendment removes the requirement for the judicial officer who is to preside at disciplinary proceedings to select assessors to sit with the Court and leaves this matter to any Judge of the Court.

Clause 38: Amendment of Sched.—Appointment and Selection of Assessors for District Court

This amendment ensures that people who were at the commencement of the Act disqualified from being licensed cannot be employed or engaged in the business of an agent in any capacity while they remain disqualified.

SCHEDULE

The schedule contains further amendments converting divisional penalties, removing obsolete provisions declaring offences to be summary offences and altering the provisions for prosecution periods for summary offences to bring them into line with the *Summary Procedure Act* as amended by the *Summary Procedure (Time for Making Complaint) Amendment Act 1996*.

The schedule also contains amendments increasing the penalties for unlicensed activities and for trust account offences for land agents and conveyancers and increasing the fine that can be imposed in a disciplinary action.

Ms HURLEY secured the adjournment of the debate.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.
(Continued from 18 February. Page 392.)

The SPEAKER: In calling the member for Wright I advise the House that this is the honourable member's maiden speech.

Ms RANKINE (Wright): I congratulate you, Sir, on your appointment as Speaker of this House. I take this opportunity to thank you for the goodwill and guidance that you have provided to the new members as we learn the ways of this House.

It is with a great deal of pride and an even greater sense of responsibility that I address this House today in my inaugural speech as the member for Wright.

Two years ago I went to the people of Salisbury, Wynn Vale, Golden Grove and Fairview Park and told them who I was and what I believed in. I told them that I believe in the value and wisdom of older residents. I believe that, after years of working and fighting for our country, they have earned the right to feel safe and secure. If they need health care, it will be there for them; if they need assistance to maintain their independence, they will get it; and, if they need nursing home care, it will not just be for those who have the money to pay for it. These are the people who made their contract with Australia and who have paid their dues. I told them that I believe in our young people and that they must be our priority. I told them that I believe in our young people. I never cease to be amazed at the talent they display as I visit my local schools and meet and talk with them at their community and sporting clubs; at their potential, their commitment to their community, their strength of character, their confidence and, for many, the way they confront the very difficult personal obstacles they are forced to overcome on a daily basis. I told them that I believe in our work force. I believe that, despite the attacks they suffer constantly, we have a highly skilled, highly motivated and highly productive work force in South Australia.

It is these people who have put their faith in me, and I will be doing my best to honour that faith.

On the opening day of this Parliament His Excellency the Governor outlined the priorities of this Government. He said that the Government was committed to creating an economic climate in this State which encourages and delivers employment growth throughout the State. If only those jobs that had been promised constantly over the past four years had come to fruition we would not have an ever increasing unemployment rate: we would have a shortage of workers in this State. Yet under this Government our unemployment rate continues to rise. Last week it reached 10 per cent. It seems that this is the only area in which we now lead mainland Australia.

His Excellency said that the Government is committed to delivering a secure business climate conducive to expansion. This is to be applauded. If ever a sector has suffered over the past four years it has been the small business sector. One only has to take the time to speak with local shopkeepers and small business operators in my electorate who will tell you, in no uncertain terms, that they are doing it tough and that their battle continues.

The Government is committed to nurturing an enviable quality of life for everyone who chooses to live in this State. Clearly, this is a worthwhile goal, but it is vastly different from the aims and aspirations we have witnessed over the past four years.The people of this State were told constantly that an average lifestyle was all we could expect. They were told that average class sizes in our schools in average facilities and aiming for average standards for our children were all that they could provide.

They were told constantly that average policing numbers and average health services were also good enough and they should not expect better. We are so far behind the rest of this nation in job creation that the aim of this Government now is to reach the national average of unemployment. This is a disgrace for any Government, let alone one that came to office in 1993 on the promise of 200 000 jobs within 10 years.

This Government has pledged a commitment to engendering trust in the political process by ensuring a productive level of debate within Parliament and to indicate by example—and I stress 'by example'—that Governments are accountable to the people. We witnessed a perfect example of its type of trust on Tuesday afternoon when we heard the Premier announce to this House that the major power utilities of this State, ETSA and Optima Energy, will be sold off.

It is not only ETSA and Optima Energy, however: there is a swag of them. The Lotteries Commission, the TAB, the Motor Accident Commission, HomeStart and WorkCover are all set squarely on the Premier's auction block, just waiting for the hammer to fall.

How on earth can this Government lay claim to engendering trust in the political process when it has engineered the greatest political deception in the history of this State? Only five months ago the Premier categorically denied that he was heading down this track. Throughout the election campaign, when we were out there telling people that this was part of the Liberals' grand plan for South Australia, we were howled down. 'But trust us,' this Government says. 'We did not lie to you,' it says. 'We just changed our mind.' Be assured, however, that it will be held accountable.

The people of this State will not forgive this deception and will not forget. Whilst former Liberal Premier Sir Thomas Playford is often touted as the great visionary for this State, John Olsen will go down in history as the great destroyer. It might even be of some comfort if we could say that he is selling off everything that is not bolted down—but that is not the case. He is busily unscrewing every bolt he can find: the lot is going.

This Government has pledged itself to restructuring the Public Service in order to provide cost-effective, quality service delivery. I am sure that no-one has any problem with a well run, efficient Public Service. I certainly do not. The difficulty here is that, under this Government, restructuring does not mean doing it better: it means slashing jobs and cutting services. It means fewer teachers, fewer support staff in schools, fewer police—and the list goes on.

This, of course, results in reduced services, a Government doing less with less but demanding more and more of its work force. Daily we hear horror stories coming out of our understaffed, overstressed hospitals. We hear of instances where people have been in real danger and unable to get police assistance because police resources were stretched to the limit. The Government has listed as one of its priorities the promotion of tolerance and understanding in South Australia. This is particularly important, I believe, as the people of this nation are grappling to come to terms with the undeniable rights of our indigenous people and the disgrace-

ful acts inflicted by past Governments. This is something we must come to terms with as a nation. We have no future if we are not prepared to recognise our past.

However, I must express my dismay when, in the lead up to the Australia Day celebrations, we had a member opposite suggesting that, before we allow residents of this nation to accept Australian citizenship, we should test them on written and oral English, test them on our institutions, our culture and our history. Is this the Liberals' way of promoting tolerance and understanding? I grew up in the north-eastern suburbs of Adelaide, an area heavily populated with Italian migrants. These men and women worked feverishly day and night to provide their children with the opportunities they never had. On Tuesday we heard another example of this when the member for Peake addressed this House and told us of the hardships that his grandparents and parents endured and of the sacrifices they made to give their children and grandchildren a chance.

These people, particularly the women, did not have access to English classes and, even if they did, they would not have had the time. They did not have the opportunity to get out and about. They were too busy caring for their families and tending their market gardens from early morning until late at night.

I sat quietly with an old friend recently, just before Australia Day, who told me about his experiences in coming to Australia as a young child. He talked mainly about his mother, about how she and her babies huddled in fear in the basement of their home as the Allies bombed them during the invasion of Europe. He told me how his parents decided to pack up their six children and bring them to Australia in the hope that life would be better. He told me how hard his parents worked, how they struggled in a new land with a new language and a new way of life.

They put in their best. They committed themselves and their family to this nation. That might not be good enough for some people, but it is good enough for me. What an absolute insult to suggest that these people should be subjected to a written English test or a test on our history and culture in order to assess their commitment to this country. Perhaps we should consider inflicting similar testing on members of Parliament before allowing them to enter this place. I wonder how many would make the grade. It is time that we realised that to accept citizenship of this nation is a tremendous gift on their part to us. This Government claims that it is continuing to make decisions in the best interests of the long-term future of this State and its people. Unfortunately, it seems to have so little faith in its decisions and so little faith in its people that it is not prepared to give them the opportunity to make a judgment for themselves.

Prior to the 1993 election, the Government said that there would be no privatisation of the water service—and what happened? It promised cheaper water—and what happened? During the October election campaign it again pledged that ETSA was not for sale—and what happened? It is claiming that the subsidies for country customers will stay, concessions will stay and prices will reduce. I wonder what will happen.

If these decisions are so good for us, if they are of so much benefit to this State, why did the Government not have the courage to put them before the people? We know the answer to that, of course. Here we have a Government that is hell bent on selling off anything it can lay its hands on; any enterprise that is profitable. This is a Government of secrecy and sleazy deals. Open Government and accountability have no place in the Liberal vocabulary.

We are constantly subjected to bleating from members opposite that it is all the State Bank's fault. They say, 'If it were not for the losses incurred, we would not have to do these things.' It is time that some of these matters were looked at with a little objectivity. John Bannon was constantly berated over the losses incurred by the State Bank, not because he was in there running things, having his say, but because he had a hands-off role. I would like to know the difference between John Bannon (as the former Treasurer), because of legislative restrictions, having a hands-off role in the running of the bank and this Government having a hands-off role in the responsibility of the running of our water services, our hospitals, our buses and our power.

How can we ever expect anyone to have confidence in our State and in our work force when daily we are sending the messages that we do not have the skills to manage our water services, we cannot run a profitable power supply and we do not even have the expertise to run our buses? And they wonder why industry is packing up and saying goodbye to South Australia.

Importantly, the Government says that it wants to show all South Australians that, by its determined goal of a better South Australia, it has listened to and acted upon the message of 11 October. A very clear message it was, indeed, and I take this opportunity to congratulate my colleagues on their wonderful victory. One could be forgiven, however, for thinking that perhaps the Liberals' hearing is not quite what it should be.

Overwhelmingly the people said 'We want jobs. We want jobs for our young people and we want job security so we can nurture our families and plan for their future.' They said that they are sick and tired of the excuses being put up by this Government to slash Public Service jobs. They recognise, even if this Government does not, that you cannot have a healthy private sector without a healthy public sector: the two are intrinsically linked. They said that they want their children's education treated not as an expense but as an investment in the future of this State. They said that they want high quality, affordable child-care. They were already suffering the significant effects of the Federal Liberals' cuts to child-care of over $800 million around Australia.

The parents of over 43 000 South Australian children in child-care are now being forced to make financial decisions about the care they can provide for their children. Their decisions are no longer based on standards, quality or the individual needs of their children. Parents recognise these cuts for what they are: a clear attempt at forcing women out of the paid work force back to where they believe they belong. Well, I have got news for them: the women of this country will not cop it.

It is a matter of fact historically that far less importance has been placed on the need for women to earn a livable wage and less value placed on the work women do. Women have been segregated into specific areas of employment often reflecting their roles at home and they have been required to carry the burden of unpaid work in society. They have fought long and hard for their rightful place in our society, to be recognised for their abilities and to be justly rewarded. Despite the wonderful result we experienced on 11 October with the election of 10 women on the Labor side of this House, there is still a long way to go.

The people said they want to see leadership. They were sick and tired of the Premier's constant harking, his constant negativity and his inability to provide a vision for the future. They clearly warmed to the conviction to the people of this

State, the enthusiasm and, most of all, the honesty displayed by the Leader of the Labor Party. Two years before the election Mike Rann embarked on a program of meeting and listening to the people of this State. He listened to city people, country people, parents, grandparents and the young. He listened to special interest groups, business people, workers and their unions. Mike Rann went out to the people. It was not Mike Rann slinking out the back of buildings hiding from children. It was not Mike Rann renting crowds and busing them into functions to provide a favourable audience. Mike Rann made himself available to the people and the people listened to him.

When the people of Wright met with Mike Rann and told him in no uncertain terms that they wanted no phone towers in their recreation park, Mike listened. He gave a commitment that, if elected to Government, he would stop the tower going ahead in the park. The week after the election, the week after this Government was supposed to have heard the message from its people, a multi-national company escorted by a large contingent of police snuck into the Cobbler Creek Recreation Park and erected a telephone tower. So much for listening. When we tried to make contact with the Minister for Environment—who, incidentally, the day before had withdrawn permission for Vodafone to access the park—he was not available. When we tried to speak to the Minister for Police, again he was not available. Where were they, you may wonder—shut up in a Party room meeting busily trying to shore up their ministerial positions.

I have never before witnessed such disappointment, despair and disillusionment in a community. Not only were they denied access to Government Ministers, the great listeners, but the actions of the police had to be seen to be believed. I am talking about conservative, law-abiding citizens—mothers and fathers with babies, grandmas and grandpas. At no time had there been any acts of violence perpetrated by these people. At no time had they inflicted damage on any property, yet they were confronted by a huge contingent of police. As the local member I tried constantly throughout the day to consult with the officer in charge of this operation, Chief Inspector Zeuner. Unfortunately, to no avail. Yet officials of Vodafone were not treated with such contempt. They were constantly consulted and in fact left the site for some hours in the company of Chief Inspector Zeuner to plan (so I am reliably informed) the removal of residents. The police also under the instruction of senior officers were used to break an industrial ban that had been placed on this site.

I have lodged a number of questions on notice seeking, among other things, the cost of this police operation. I await the answers to these questions with great anticipation, especially in light of the fact that both councils in my electorate, the Salisbury council and the Tea Tree Gully council, have been called upon to pay for bicycles to enable police bicycle patrols to commence in our area.

I have no gripe with 'pedal police' or with our hard-working Police Force in general. They do a great job and the bicycle patrols appear to be a very effective crime fighting weapon. However, I find it totally unacceptable for more resources than were used when Australia's most wanted bank robber was suspected of being in a Hutt Street bank recently to be used against a small contingent of committed, caring residents, yet there is no money to buy a few pushbikes for our local police. Instead, funds are sought from local councils and local business. This is a disgrace and clearly has the potential to affect the independence of our Police Force in this State.

I have briefly mentioned in this House previously my concern about the Police Department's Focus 21. The Salisbury area has suffered a considerable cut in police numbers, and the Tea Tree Gully patrol base has been moved into the vacated Para Hills Police Station until such time as the Government provides a new station. I call on this Government to locate any new police station within the Golden Grove area. This is the fastest growing section of the Tea Tree Gully council and it makes sense to me to put the police station where the people are.

The state of the Salisbury East Campus of the University of South Australia also remains an issue of great concern to both me and local residents. This institution was a real and visible monument to local students that tertiary education was a reality and that it was something to which they could realistically aspire. This is particularly important in areas such as Salisbury.

The fact is that, despite rhetoric to the contrary, where you come from does make a real difference to your education standard and your occupation. Evidence exists to show that family background, the working status and income level of parents can have a significant impact on the education standard and occupation of their children. Mobility in occupational standards occurs in Australia, but mobility from working class to middle class or upward mobility is not great. It is not just a case of working hard or having talent. Class, poverty, race and gender are all significant contributors to the employment and educational standards people attain. With all its wonderful facilities this university campus, this signal to our young people, to women and Aboriginal people that they could go to university, that they had a campus within their community in which they could feel comfortable and accepted, remains vacant and unused—a clear signal to the people of this area that they are not a priority.

I feel compelled to make a few brief comments about the constant attacks by conservative forces on our industrial relations system and the deplorable circumstances we are currently witnessing on the water front in Melbourne. The Australian industrial relations system, which has recognised the imbalance of power between workers and employers and which recognised the valuable role of trade unions in addressing that imbalance and which has provided a vehicle for conciliation and arbitration of disputes, has served this nation well. It has been a flexible system which has constantly evolved throughout this century.

In 1890, it was the maritime union which came under attack in order to break the back of the union movement. The unemployed were brought in to break strikes, and the substantially weakened unions were unable to fight the reduction of wages and conditions affecting their members. Witnessing the deplorable attempts to break the back of the trade union movement on the wharves of Melbourne is truly going back to the future. Make no mistake, this is an attack on the wages and conditions of every worker in this country.

There are a number of people whom I would like to thank and without whom I would not be here today. I would like to express my appreciation to those trade unions that assisted me in a range of ways, in particular Trevor Smith and the Forestry Division of the CFMEU and my union the Australian Services Union. I would also like to thank our former Party Secretary (now the member for Kaurna) for his advice and assistance. My deep appreciation also to our new Party Secretary, Kaye Sutherland, Ian Hunter and the staff of the

ALP, not only for their valuable support and expertise but also for their patience, understanding and friendship.

I also appreciate the great assistance that I have received over a number of years from the Leader of the Opposition's policy staff. I thank Emily's List and those wonderful women who make up this organisation, not only for their financial support but the emotional support they lent me during the campaign. Joan Kirner and Carolyn Pickles in particular are a great example to all women of what we can achieve.

To those people who put in hours and hours of their personal time to assist me, I offer my sincere thanks. There are far too many to name them all but it would be remiss of me not to register my thanks to Lyn Byrne, my campaign manager, Bob Korbel, Bill Johnston, Tony Bush, Bob Heffernan, Ben Sporton, Gillian Aldridge and Margaret Watkins. These people were available whenever I needed them, and they did a magnificent job. Many others staffed my campaign office, stood on polling booths and did whatever was needed. To all of them, my heartfelt thanks.

Four people, in particular, have had a significant influence on the political direction of my life—first and foremost, my parents, who instilled in me the ideals and values I hold so dear. They did this by the way they lived their lives. Denis Crisp, a former Mayor of Port Pirie and, more importantly, a great friend, has been a major inspiration—a person of undeniable courage and integrity.

Over the past 12 years, I have had the privilege of working closely with Labor Leader Mike Rann. Last night, one of my colleagues suggested that I should entertain this House today with a dialogue of the many humorous stories I have stored working with Mike over the years. I am saving that one up for retirement. A book on the life and times of Mike Rann's personal assistant could, I believe, be an interesting read for quite a few people. Anyway, it is something that I can continue to bluff Mike down with every now and again.

I would like to place on the record my sincere thanks to Mike for his continued support, encouragement, advice and friendship. He is a person of great vision and commitment. Knowing him and working with him has truly been a great privilege.

My very special friend Angela Duigan, my sister Natley Barclay, my two sons, Matthew and Brett—I would not have survived the past two years without them. I will do my best to honour the faith that they have put in me and the faith of the people of Wright.

Ms HURLEY (Deputy Leader of the Opposition): I first of all congratulate the Speaker and also you, Sir, on your appointments and look forward to working with both of you over the next parliamentary term. I also congratulate those members of the Opposition who have delivered their maiden speeches, which show the depth and range of their talent. They have all been different, unique and interesting and we look forward to seeing some of the philosophies expressed brought to fruition during their terms in Parliament.

I congratulate too the member for Waite on his maiden speech. He carefully and clearly enunciated his philosophy—a philosophy that I do not agree with. Nevertheless, he did explain the reasons why he entered politics, and I congratulate him and wish him well. I remember sitting on this side of the House after the election in 1993, when the Liberal Party achieved government, and listening to the maiden speeches of Government members. There were many of them, and the new members were very confident that they would remain and that a Liberal Government would solve the problems of this State. Yet we have to think back to 1993, when the rest of Australia was in the middle of a recovery, when things were just starting to move, and look at what happened subsequent to the Liberal Party being elected. South Australia never had any benefit from the recovery throughout the rest of Australia: it seems to have missed out completely.

The massive sackings in the Public Service that followed the Liberal Government's accession to power was one of the key factors in South Australia missing out on the recovery. It put a damper on what was happening in this State. In addition, the Government did not take appropriate measures to grab hold of the opportunities that were being seized in other areas of Australia.

Over those four years, South Australia has sunk further and further behind the rest of the mainland States, and now it is in an extremely depressed state: we are now seeing double digit unemployment when unemployment in the rest of Australia is hovering at about the same levels of the past four years. Now we have the Premier announcing that, as a result of the poor state of the South Australian economy, we have to sell off more of our assets. The Government was not honest during the election about its intentions as to the sale of ETSA and Optima, and I do not believe that it has been honest about its reasons for the sale. Over the past several days, we have been hammered by a Government Minister saying that one of the major reasons for the sale is the debt that the former Labor Government left behind. Yet in the 1996-97 budget speech, the then Treasurer said:

> We have broken the back of the debt burden we inherited.

He further said:

> In all it does, the South Australian Government is allowing the private sector and all South Australians to move forward together to a much more secure future, confident we are back on track. This is the South Australian way—increasingly recognised and respected world-wide. This is the new South Australia—Confident, Competitive, Creative and Caring.

Later he said:

> Mr Speaker, with this budget—the Government's third—the debt and the deficit are under control.

He further said:

> The underlying deficit is firmly on the path to surplus in 1997-98—as promised.

He also said:

> In eliminating the underlying non-commercial sector deficit, the Government's aim was to generate a sufficiently large surplus on the current account to fund social capital in the form of schools, hospitals, prisons and so on—without borrowing.

And now we have the Premier saying that that is not true at all, that he is not able to fund schools, hospitals, prisons and so on without the sale of our assets.

Secondly, the Government has been dishonest in saying that the reason for sale is because of South Australia's entering the national electricity market and implying that that requires privatisation. Neither the Minister for Government Enterprises nor the Premier has said so directly, but that has been the implication in many of the statements made—that entering the big, wide, competitive national market means that the South Australian Government is not able to manage its assets, or ETSA, sufficiently well for us to compete. He is saying that, in spite of the Treasurer's former statement that South Australia is recognised and respected world-wide, we are not competent and capable of handling the national electricity market. That is simply not so.

The national competition principles do not require South Australia to sell off ETSA or Optima. They require that we separate out various aspects of power generation, transmission and distribution, and it is possible to do that by separating out those sections of a public company.

The third component where the Government has not been entirely honest in its reasons for sale is that it did not know of the future risks of entering the national market. For over a year, the New South Wales Government has been talking about the risks involved and the reasons why the New South Wales Government wants to privatise its utilities, yet time and again, before and during the election, the South Australian Government said that it did not need to privatise Optima or ETSA. It is difficult to believe that neither the Government nor its advisers were listening to what was happening around South Australia in the power market.

It is difficult to believe that they were not aware of the arguments that New South Wales was putting. The New South Wales Government, in talking honestly to the Labor Party in that State and to the people of New South Wales, clearly outlined those risks and the down side to entering the national market. It is impossible to believe that the Premier was unaware of those risks until the Auditor-General's Report was released in December.

One of the major problems that the South Australian public will have with this proposal is that the options were not honestly put before them during the election. The Premier said today that television station polling on this issue did not allow people to make a multiple choice, that a 'Yes' or a 'No' answer was required and that the exercise was, therefore, skewed. He ignored the opportunity of the election campaign to put that multiple choice to voters to clearly explain the alternatives. They hoped to skate past the election period and to quickly bring in the privatisation proposal in the first term.

The Government has not been honest with the people but expects them to have forgotten about it in three or four years, by the time they have to face an election again. I do not believe that this will happen: I believe that the voters of South Australia are far more intelligent than that. After all, the Government and the voters of South Australia already have the example of what happened when South Australian water was privatised in the form of management outsourcing. The people of South Australia have learned that they have not benefited from that. They have learned that the Liberal Government managed the contract negotiations poorly, and that the end result of that outsourcing was that they pay more for water. That will be the bottom line for the Government as to who will benefit from this privatisation. Experience has shown that it is not the people of South Australia who have benefited from that outsourcing. We will probably experience what has been experienced in Victoria—brownouts and blackouts, and a decreasing standard of service.

There has already been a little taste of what happens in the reduction of ETSA staff during the corporatisation process. One would suggest that, in the preparation for sale, there have been an increasing number of blackouts and brownouts, and a deterioration in the service that has been provided by ETSA. Indeed, the member for Elizabeth raised this very issue in talking about the number of lights which have been out in Elizabeth and surrounding areas and which have not been dealt with for over a month. As the member for Wright just said, the people of South Australia, who are looking for confidence and security in their Government, will not find it in this Government, because they have no confidence in the Premier's statement or that the Government's plans have been clearly laid out before them. They can have no confidence that they will be able to plan for the future when the Premier is not outlining the Government's true agenda.

The Opposition, while being confident of its chances at the next election, is not taking it for granted. The Opposition will use this time to develop strong alternative policies. It will develop policies that it will put before the South Australian people and take into government. It will be totally honest and up-front with the people of South Australia, as it has been consistently honest and up-front in the past. We have consistently opposed the privatisation of key assets such as power, education and health. We maintained that position all through the election, and we will maintain it now. We will take that point of view to the people of South Australia at the next election and confidently expect to be on the Government benches after the election, in a position where we hope to be able to fix some of the problems caused by the current Liberal Government.

When Liberal members made their maiden speeches in 1993, they talked about Liberal Governments being good financial managers, fixing up the financial messes of Labor Governments. The people of South Australia have not seen that in this Liberal Government, and I doubt that they will see it in this term. What will probably happen is that a future Labor Government will be put in to fix the financial and economic mess caused by this current Liberal Government.

Mrs GERAGHTY (Torrens): I wish to place on the record my congratulations to the Speaker on his appointment. I am sure that he will manage the affairs of this Chamber extremely well, although he may be tried from time to time. I would also like to congratulate all new and re-elected members, particularly those on this side of the House; it is most pleasing to be surrounded by like colleagues. Many issues are of great concern within our communities, particularly the lack of jobs for our young people and those over 40 years of age, and the declining access to essential public services because of this Liberal Government's cutbacks, which are creating greater financial hardships for already struggling families, our youth and the elderly.

Mike Rann has continually called for a bipartisan approach to job creation so that the Government and Opposition can work together in the best interests of this State, yet those calls continue to fall on deaf ears. The Premier chooses to ignore the calls, even though it is clearly what our communities want, as indicated at the last election. They are tired of Premier Olsen's arrogance; they do not support his privatisation agenda; and it has not led to jobs for their families, nor improved essential services such as health and dental care, water, power or education—and dental care is something about which we will hear a lot in this Chamber in the future.

The privatisation of ETSA and Optima has now been announced. The Government's deception and dishonesty in the way it shielded from South Australians at the last election its real intentions to privatise ETSA and Optima by categorically stating that neither would be sold shows the contempt it holds for South Australians. That this is a new radical change of policy direction for the Government is a falsehood. From this very low and very deep pit, this Government will have to climb to salvage any credibility with the South Australian community in order to gain any public support for the sale or lease of our power industry or, indeed, ever to be believed again. The Premier said:

> It has always been my stated intention that those assets stay within State ownership.

The Premier's stated intention was a different kettle of fish from his real intention to privatise our State energy supply. Every political move that the Premier and Government have made has been to set up ETSA for privatisation. His Deputy, the member for Bragg, was reported in a radio interview in September just last year stating that full privatisation and management privatisation were both options being looked at by a new Liberal Government. When asked whether outsourcing was an option of ETSA's management in the lifetime of the next Parliament, he replied, 'Of course it was.' He went on to say:

> There are a whole range of options for the Government . . . including the investment of the private sector in future development and privatisation.

ETSA has been promoted as a juicy morsel, amply profitable, to be taken over by a private company. According to the now Premier, in 1995-96 ETSA 'returned an outstanding performance' before returning tax of $178.2 million (*Hansard*, 3 October). For 1997 a profit before tax of some $208 million has been returned, giving the Government a dividend of $556.8 million. It is the future continuity of these returns that will be lost to the State Treasury and the community if this asset is privatised.

I listened to the debates on the Electricity Bill. On occasions I felt that some Government members came close to grasping the fundamentals of what our communities and our State stand to lose by an ideological, privatisation-led approach to the future of the South Australian power industry. Certainly since its restructuring, ETSA Corporation is not the same structure that was put in place by Sir Thomas Playford on 9 April 1946.

Many people do not fully understand the recent separation of ETSA's functions. However, what they do understand, certainly now, is that, with past outsourcing and proposed privatisation of ETSA Corporation's functions and responsibilities, the decline in services which is already very apparent will increase with privatisation and when the economic rationalists on the Government side of the House finally eliminate any State role in the power industry. Sadly, the community, particularly the rural community, will bear the ramifications of privatisation.

I was heartened to hear the member for Stuart ring the bells of caution about treading down the path of privatising our power industry. The member for Stuart expressed concerns that placing such an important resource at the whim of the private capital market and into the national grid system would be to the detriment of supply and services, particularly to rural communities. Quite so, and that is because the profit motive of privately owned corporations will replace equity and the responsibility to service the whole community, including those who are disadvantaged—something that a State-owned power utility provides.

The member for MacKillop was heard on ABC radio a day ago saying that the reasons and arguments that shaped the Playford policy in the 1940s have now 'largely disappeared'. That is not so and it could well be that the honourable member's constituents will beat a path to his door should he support the privatisation of ETSA and Optima, as costs rise alarmingly and services deteriorate as is the case with the privatisation of our water supply.

The debate in the House in the 1940s was not dissimilar to the debates that we are currently having over the corporation's structure and the control of power generation, supply, price and quality of service. South Australia was once dependent upon the Eastern States for coal supplies, and the arguments that were applicable then, as they are today, were that South Australia was at the mercy of the vested interests and needs of the Eastern States because of unreliable supplies of coal through logistical difficulties of distance.

Sir Thomas Playford and the Labor Party of the day clearly saw that, if South Australia developed and controlled its own power industry and provided a reliable, safe supply of electricity to industry and the community at a fixed uniform price, industry would be attracted and jobs would be created. On 27 March 1946, arguing the benefits and the necessity of a State-owned power industry, Playford supportively quoted the then High Commissioner of Australia (Hon. S.M. Bruce) to emphasise his conviction, and I quote from *Hansard*, as follows:

> Take all the argument and clamour that is going on today with regard to Government ownership and private enterprise. . . the complete achievement of the political dogmas they preach is quite impracticable. The apostles of private enterprise realise that there are certain activities such as transport, electrical power and other vital services which should be controlled by the State on behalf of the people as a whole.

If he had only known what was to be done to our hospitals and water supply, he no doubt would have included those in his comments as well. That South Australian Liberal Premier was prepared to put the interests of the community first.

The difference between the Playford era and today is that we have a Premier who does not recognise social equity and the common good. This Premier is pursuing an economic rationalist agenda and the pitfalls of this are clearly visible in our State. For instance, the restructuring of ETSA to facilitate entry into the national grid has been at a tremendous cost in terms of job losses. It has had a significant adverse effect on services and reliability of supply because, according to sources in the industry, ETSA and SAGC do not have sufficient labour resources in the metropolitan and regional areas to maintain equipment, making maintenance a second priority.

Let us look at the impact that is having on the quality of service in country areas, not to mention the loss of jobs in areas such as Wudinna and Streaky Bay. There are now only two linesmen at Wudinna, where there were 10, and two linesmen at Streaky Bay, where there were once seven. No wonder the member for Stuart was concerned at the Government's economic rationalist approach and the effect on rural communities, and that was before the announcement of the fire sale. I wonder what the honourable member has to say now.

His concerns are at odds with the Premier's recent statement that privatisation will bring about 'improved efficiencies'. In fact, the comments made by the member for Stuart reinforce the fact that the Government's industry restructuring and privatisation agenda are not working and have major social and economic disadvantages, particularly for country people, because the loss of just one job and wage has a major effect on a small rural community.

During the storm on 31 August 1997, ETSA maintenance workers had to operate on 20-hour shifts. Labour hire firms were called in to make up the labour shortfall, a safety issue in its own right, yet some consumers were without power for 48 hours. This will get much worse as jobs are shed through redundancies under privatisation. In the past, there were regular inspections of transmission and distribution lines. These inspections are now done only randomly. The likelihood of an 11 000 volt line falling onto the consumer 415 volt line creating a higher volt exposure to domestic appliances

has increased. It is worse still for the rural consumer, where a 275 000 volt line could fall because of reduced maintenance, creating a far greater risk of wildfires that could devastate property, threaten life and leave country towns and regions without power for long periods.

Under a privatised structure, if work is contracted out on the basis of the lowest tender and the contractor's work is inferior or cheaper and lesser quality materials are used, who if anyone is liable for poor quality power and frequent blackouts to the consumer if the equipment fails? There are just so many questions to be answered, yet the Government rushes forward in its privatisation quest.

The Minister is on record in the *Advertiser* of 2 December 1997 as saying that the reliability of power supply could not be guaranteed in periods of high peak usage during summer months, which is an appalling admission given that South Australia was once the national leader in reliability of supply. In response to a question from the member for Norwood on 4 December 1997, Minister Armitage stated that, with an increasing number of homes and an increased use of air conditioners, the Government would have to grapple with the issue of demand on supply, an obvious admission that the Government has failed over recent years in its planning to assess future community electricity needs and to invest in the relevant infrastructure.

The member for Schubert raised concerns over power cuts that we have experienced and the future reliability of our power supply and cost ratio in the national grid. He said:

> Are we to be at the whim of the Eastern States when they have an over requirement for power? Are we the poor cousins whose power is to be cut off?

These are precisely some of the questions that we have raised. We have already seen the commitment that the Eastern States have to us, when they ensured that their needs were met first during the storms of late 1997 and power supplied to South Australia was a second consideration. Those questions are even more pertinent today.

The morale of the work force is extremely low, a situation created by continued restructuring and employees not even knowing whom to report to on occasions. Morale is even lower now since this announcement. All the workers want to do is get on with their job, even though they do not know how long that job will last. In a media release this week, the Minister for Government Enterprises said that 'there will be no forced retrenchments'. However, ongoing low morale in the work force will accelerate with the uncertainty that follows privatisation, which usually results in job and skill losses to the industry and the State.

Many workers have already taken retrenchment packages, left the trade and even the State. Many in the industry are concerned that ETSA Corporation is not training apprentices in powerline trade skills. ETSA Corporation is taking on approximately four apprentices this year, which adds to the four it put on in 1997. Usually those apprentices find that there is no job at the end of their time. These young trade skill workers have a very uncertain future in a changing industry. Thankfully, though, this time the final year apprentices were at least given a three-year employment contract, but that was due to union pressure. Under a privatised system, will the new owner have even a minimal level of commitment to training our young people in the power industry? Surely, members—

The Hon. M.K. Brindal: What's your plan?

Ms GERAGHTY: We can talk about that later. The member for Unley can tell me what his plan is but there isn't one, is there?

The Hon. M.K. Brindal interjecting:

Ms GERAGHTY: Yes, sell it off, that is the plan. Surely Government members could not regard the loss of jobs and under-utilisation of skills and ongoing job insecurity in the power industry as serving the best interests of South Australia and South Australians. The promise of cheaper electricity appears to be another failed promise. As a result of the increase in our water bills and the under-funding of necessary infrastructure—and we certainly remember the big pong—since the change to private management of our water supply, we should learn not to become over-optimistic about getting cheaper electricity.

What faith can we have in this Government's promises about anything any more? The member for Hammond raised the need to look at alternative power generation sources, and I, too, am a great supporter of looking at other ways to power our energy needs. Solar, wind and tidal power are resources we can utilise for our future energy needs, particularly more so with the uncertainty of future reliable supplies of power and pricing stability beyond the year 2002.

The Hon. M.K. Brindal interjecting:

Ms GERAGHTY: As I have said—

The Hon. M.K. Brindal interjecting:

Ms GERAGHTY: Volcanic rocks are wonderful for barbecues and good for saunas. As I have said previously, a vital State resource such as electricity generation and supply should not be left solely in the hands of the private market forces, which are about corporate profits and usually at the expense of equity and the common good of the community. In simple terms, it means: pay more for power in country areas and reduced and under-funded services—not a rosy prospect to which we can look forward. Coming into the year 2000, why should we be forced to live with future concerns about a proper and what could be an inefficient power and water supply?

I turn to the issue of the waterfront and the appalling provocative stance taken by the Federal Government and the lack of comment from this Liberal Government. The Olsen Government should be denouncing the actions of their Federal colleagues. South Australia's waterfront has an excellent record. The Federal Government's covert involvement with the mercenaries who were being trained to wage a war on workers in the dock industries should be of grave concern to all Australians. Gone are the days when workers could exercise their rights to seek fair and just working conditions. Now we can expect Governments to wage war on us by training our armed forces to attack us—their fellow Australians.

I wonder how the majority of service personnel feel about this. Howard's Liberal Government will be long remembered, not just for this outrageous act on waterside workers but for its disgraceful industrial relations policies, and for the lies perpetrated to divide Australians over native title, as was raised at a recent public meeting on native title. Who is the Federal Government protecting: the pastoralists, the mining companies or, worse still, the overseas interests who hold pastoral leases and who have little or no commitment to this country? I remind members that recently our State Minister for Transport attended the launch of the memorandum of understanding between the Maritime Union and the vehicle division of the AMWU, which ensures that vehicles from our

Holden and Mitsubishi plants are not subject to shipping delays due to industrial action.

This memorandum of understanding was instigated and devised by union officials, such as Paul Noack and Rick Newlyn, who put jobs first, not confrontation or control. If we question what is happening at the Port Melbourne docks several issues need to be examined. Why now has the National Farmers Federation taken such a great interest in the docks? I understand that very little, if any, primary produce goes through Webb Dock, and less than 10 per cent of the total tonnage that goes through Port Melbourne is primary produce. Clearly, this is an outright attack on workers designed and instigated by Peter Reith.

It was he who spent more than $1 million in consultancy reports on how to destroy the union and, if successful, he will no doubt use more taxpayers' money to destroy the rest of the union movement so that the Liberal Government can hold workers to ransom. The general public and the workers, though, do know what is going on. Maritime workers have made the changes the Government claims were essential for an efficient waterfront: they have improved the productivity of their work practices; they are highly skilled and efficient; and they have greatly improved reliability of services, yet it just is not enough.

We do not need to ask what the Dubai trainees are doing now, because they are on the docks putting their training into practice. We can only ask ourselves: what other training will they be given and which industries will be next to be attacked? Peter Reith and Howard are hell-bent on destroying the union movement, removing the support base representing workers which educates them so that they understand their rights and which stands by them in employer/employee disputes. Howard and Reith will use any kind of thuggery to do this. They want a work force that can be controlled by intimidation and threats, and we know that means lower wages and loss of fair and safe working conditions.

Unions have accepted that times have changed and are changing and, while they are about protecting their members through sensible negotiation and changes in the work place, most are not about to compromise on safety conditions or on a fair and just wage, and nor should they. We do not want to end up with the appalling working conditions and wages of some third world countries.

In closing, I thank the Torrens community for its support and confidence in re-electing me. I am very proud of the swing of 16.6 per cent from the 1993 election. I thank my sons of whom I am very proud; my husband, Bob, who directed the campaign in his usual calm style; and I particularly thank my mum-in-law, Ila Geraghty. My mum-in-law had a complete knee replacement about two weeks prior to the election and she was there every day helping us do the usual things one does through the election. I put on the record my grateful thanks to her. She is an absolute dear.

The Hon. M.K. Brindal interjecting:

Ms GERAGHTY: She was up and running within a couple of weeks once she got the hang of the walking sticks. I mention a very dear and loyal friend, Bob Taylor, who passed away recently. Even knowing that his time was incredibly short, he was there every day of the campaign with us, helping out. I know we will miss him. Finally, I mention a group of children from the Gilles Plains Primary School who were here for a tour last year. They were truly a delight; mostly from struggling backgrounds but so well behaved and interested in the things we do here.

During our wanderings over the House we encountered the member for Hammond. He informed the children that his electorate was named after Ruby Hammond, much to the delight of the Aboriginal children in the group. On behalf of the children I thank him for his time. One day I hope I have the fortune to see some of these children or those from other schools in Torrens elected as representatives of the people. They will serve their communities well, for they will understand how important it is to listen and care and that everyone, no matter their circumstances or background, has the right to a fair go.

Mr CONDOUS (Colton): In speaking in the Address in Reply, I congratulate the Governor on his presentation. Normally I would go straight into talking about things going on in my electorate. However, I will digress because on two occasions in December, during the first session of this new Parliament, the member for Peake attacked me because I live in the eastern suburbs. This afternoon he carried on his attack by telling me that I would not know where the Bakewell Bridge is. Obviously he has done no research at all on Steve Condous because if he had he would have found out that his life has been one of royalty compared with my beginnings.

In his Address in Reply he told us about his mother and father and I respect them because they are well respected people in the Greek community, something he has yet to earn. What he did not tell us is that they were business people who ran a very successful business at Glenelg and he was able to live a very lucrative life because of the success of his mother and father in business.

Coming back to me, I am proud of the fact that I was one of the babies born in the late 1930s in the Queen Victoria Hospital opposite the Victoria Park racecourse, on the freebies because my father could not afford to do anything else. For the first eight years of my life I lived in a little street called Liverpool Street at the top end of Hindley Street opposite what was then the West End Brewery. We were Australian born, of Greek migrant parents, and could not afford very much in those days. In fact, I can remember having a pair of shoes for school and a pair of sandshoes for when I came home but most of the time most of us would walk around barefooted.

After eight years I then moved to the top address of 193 South Road, Mile End, attended Thebarton Primary School for six years and went to Adelaide High School for the last five years of my secondary education. Bakewell Bridge, which he says I know absolutely nothing about, was the bridge over which I used to walk or catch the bus to school every day. I have lived in the western suburbs longer than he is years old presently. His trouble is that he tends to engage his mouth before he engages his brain and that has been very evident in the early part of this parliamentary session; he does not know what he is talking about.

He also threw across to me that he will be here in four years and I will not. Only history will reveal that. If I were him I would be very worried because presently three very prominent and well respected people in the Greek community want to run against him in four years. They go to the same church as he does, so he has no advantage left there. Furthermore, these people are business people who have been in the community for a long time and simply want to knock him off because they do not believe he can make a competent politician. Let us leave all that at rest now because I have said enough about him and he is not worth talking any more about.

Mr Koutsantonis interjecting:

Mr CONDOUS: Don't worry about your margin—margins are nothing. The other thing I must say about him—and the member for Unley will be interested to hear this—is that on at least three occasions a week I handle problems for his constituents. I have said to them, 'It is unethical for me to handle your problems when you are in another electorate and you should go and see your member.' They say, 'Mr Condous, I would rather forget about the issue than go to the member because I have no respect for him, so why should I go and see somebody I do not respect?' If he thinks his margin is great with the great roll that happened in the last election, he should get out and start door knocking.

Since being elected in 1993 I made a bold statement that I would make sure that none of the schools closed in my area. At the election of 1997 that was correct: the seven schools I had remained there. This did not happen on its own but happened because I could see that there was an enormous potential and future in Henley Beach that had not been realised by people. People had seen it previously as an area in decline and decay. A shopping centre was not trading well and many old places, especially on the beach front, had been allowed to deteriorate badly.

I instigated a plan to get new restaurants into Henley Square. In the past four years eight new restaurateurs have established their businesses in Henley Square, and because of that we were able to change the image of that area. In fact, in a lot of food and wine articles in the *Advertiser* and in magazines some of the restaurants there are regarded as the best in the State. By establishing these fine eateries in Henley Square, together with the enormous amount of money that was spent on education in the past four years in our seven schools, we started to attract young second home buyers who wanted to take the next step up. They realise that the western suburbs beaches and the area of West Beach, Henley and Grange offers great opportunities for both parents and children alike. We now have an area that, with the number of older people declining and the number of young families increasing, is changing rapidly. They love the beach and they enjoy dining in the square. They know that they are only 10 minutes from West Lakes shopping centre and Glenelg and about 15 minutes from the city.

This Sunday, the Henley Food and Wine Festival will take place. Over the past four years its status has built up so that it now attracts over 25 000 people on the Sunday. This event, through my efforts, is supported by Sensational Adelaide such that we have provided grants to enable it to occur.

In the electorate of Colton we have also made huge inroads in terms of sporting and recreational facilities for young people. Through my efforts and through the requests of the West Torrens Cricket Club we have moved its junior side to Henley Oval. This has given hundreds of young boys the opportunity to play with under-age teams, to graduate to A-grade district cricket and, if they have the ability, to progress to Sheffield cricket so that one day they may be able to play for Australia in the best arena of international cricket. Through my efforts, Henley High School has been given the status of running a specialised coaching academy which will encompass some 25 sports for all children in the western suburbs—from Mile End to West Beach and from Brighton to Port Adelaide.

The other day I was pleased to learn that the Minister of Education has now made moneys available for a joint scheme with Henley High School and Charles Sturt council to establish six new courts at Cudmore Terrace for tennis and netball. The money for these courts was requested from the previous Labor Government, but it was never made available. I also acknowledge the Deputy Premier's contribution two months ago, in conjunction with the Henley and Grange Youth Club and the Charles Sturt council, of $150 000 to establish a new and elite $500 000 gymnastics centre. This will be used by elite young gymnasts as well as those boys and girls who wish to take on gymnastics as a sport at secondary level.

The new centre, to be established on Henley Oval, will provide gymnastics and aerobic activities for people of all ages and will operate seven days a week. For the first time in the western suburbs, the new centre will cater for Kindergym, which will allow children four years of age and over to commence and participate in gymnastics at an infant age. In addition, the new development will provide the Little Henley District Athletics Club with access to its own toilets. When I went doorknocking in 1992, this was a major concern. Parents had been concerned for six years because their children had to walk 250 metres to the toilets. This was considered extremely dangerous, because the children risked being abducted when placed so far from their sporting facility. I know that the association is absolutely delighted and that it sees this as a major step forward for its athletics club.

We have seen recent demonstrations with respect to the West Beach boat harbor. While I can quite easily understand the residents' concerns, I point out that a political game is being played in terms of this whole scenario. Ninety-five per cent of the people have been concerned about one thing, that is, sand replenishment. They have said to me, 'If we can be guaranteed that the sand will be replenished on a regular basis and pumped onto our beaches, we don't have a problem with the redevelopment.' The other day we saw on television a group of people outside my office who were screaming and carrying on. I was decent enough to send out my personal assistant to say that I was quite happy to meet a delegation of three people. That offer was refused. Also, I offered to meet the other 37 who were there in groups of three over a period of two weeks, to talk to them about what was going on.

Members should bear in mind that, prior to the decision being made here in December, the former Mayor of Henley and Grange (Harold Anderson) and I had appointments with four Ministers and the Premier to put forward alternative ways of overcoming the problem. Mr Anderson's suggestion was that we launch from the northern end of the Patawalonga and go out through the gates. That was rejected on the basis that fishermen who wanted to go out at two o'clock in the morning would cause noise as they were travelling past houses to get out of Glenelg. My suggestion was that we go the Singapore way, to reclaim land and build adjoining to the existing Glenelg groyne so that we could launch from there.

The problem with that was that the residents were not prepared to have 300 cars and trailers outside their houses all day. There are no homes at all where it is being built; it is totally isolated. That is the simple reason for it. I can understand that. I had done the numbers. Looking around at what was going on in that December meeting, I knew that the vote would go through at 26 votes to 21. It would have been quite easy for me to have said to the Premier that the easy way out was simply to allow me to cross the floor and to retain totally the support of the community. But that was a coward's way out, because all it would have achieved was a populist vote without doing anything for the people I represent.

So, I went to the Premier and told him that I would support the Party on one condition, that is, that I was allowed to have a clause put into the legislation giving parliamentary indemnity to ongoing sand replenishment programs in the western suburbs forever. He agreed to allow me to do that. Crown Law then drew up the amendment—and it is well worded in *Hansard*—and it was included. At least I know that, when the day comes that I decide to leave this Parliament, I can visit Henley Beach and West Beach and know that there will always be sand on the beaches. The constituents' fear was put into them because, during the Bannon area when the Hon. Kym Mayes was Minister for the Environment, for four years there was no sand replenishment at all. Even the Henley and Grange Residents Association said to me, 'We were starting to walk on rocks and pebbles, and we don't want to go through that again.'

An honourable member interjecting:

Mr CONDOUS: No, that is your supporters saying that. That is what happened. As I said previously, 95 per cent of the people simply want to know that they can walk on sand. If they can be guaranteed of that, they have no problem at all with the development. But let us take the other 5 per cent. The hard core is 40 people, of whom I would say 90 per cent are Labor voters and the other 10 per cent are Democrat voters, who see it as very important to continue this political game. And that is exactly what they are playing down there.

When I went out to face the group at the front of Parliament House in December last year, all the Labor politicians also came out. It was marvellous how every Labor politician and everyone in the group that was protesting all knew each other by their first name. It was a marvellous game.

Ms Geraghty interjecting:

Mr CONDOUS: I tell the honourable member now they knew plenty of you by your first names. Most of them are ticket holding members of the ALP and members opposite know it because dear old Bridget Bannear and the member for Ross Smith schemed up the whole thing. These are the same people who were at West Beach when they were talking about developing a hotel on the foreshore during Bannon's time. Everyone was protesting about what was going to happen to the poor dolphins.

Mr Koutsantonis: Same people?

Mr CONDOUS: Well, not all of them but at least half of them were the same people. Do you know that Lawrence Lee from Zhen Yun said, 'Steve, I have an agreement with Bannon. He has told me in a month's time'—because he was doing a lot of development in the city while I was Lord Mayor—'my agreement will be ready and we will go along and develop that hotel which will employ 350 young people'. One month later he came to me again at the Town Hall and said that because of the pressure being exerted at West Beach Bannon had got cold feet and told him that the deal was over. As a result not only did we lose the development and 350 jobs but the worst thing was that he sued us for $13 million. Not only did we not get the development but we had to pay him $13 million.

The Hon. M.K. Brindal: He won, did he?

Mr CONDOUS: That is right, yes, he won the case—$13 million for stuffing him around. That is what it was all about. Eventually all those dolphins were transported by air. They now live in Sea World at Surfers Paradise. They are all performing, they have all had babies, everything has gone well and we have lost the development because the Government did not have the guts to go ahead with it. Let us look at your report card. Your report card on tourism developments does not get an A. Let us talk about Jubilee Point. You tried three times to get a development at Glenelg and every time the pressure groups, that vocal minority, scared the hell of out of you and you could not go through with it. Look what happened at Mount Lofty. You could not get a kiosk built for 15 years after the big fire.

You could not get the Mount Lofty cable car going because the environmentalists told you that you would destroy all the trees even though the thing was going to be 60 feet above the tallest tree. A country such as Switzerland has a thousand of them running right across the mountains and nothing has been destroyed. Then look at Granite Island; you could not do anything there. You got scared on the Kangaroo Island units development because they told you it would be destructive. It is a sad case that you have not been able to create tourism ventures for young people and provide some young South Australians with work.

I cannot understand this because you are supposed to represent the working class people of South Australia. I say that that is a load of garbage. All you represent are yourselves. As the member for Ross Smith said 'for the old snouts in the trough'—that is all you are bloody representing in this place. Why? Because you did not even stop to think that in opposing the West Beach development you could have jeopardised the Holdfast Shore development because it could not have gone ahead unless the Glenelg Sailing Club was rehoused.

The ACTING SPEAKER (Mr Lewis): Order! The honourable member for Colton will address his remarks through the Chair.

Mr CONDOUS: What you would have done, had you been silly enough to repeat your past performance, is deprive 3 000 construction workers of work for four years. The other thing is it would have also jeopardised 650 jobs for young people who will be working down at Holdfast Bay when this development is opened. We can afford to lose 650 jobs: I mean, we have so many young people out of work that we could afford to say, 'I'm very sorry but you can't be doing anything at all.'

The tragedy of it all is that during the 11 years of the last Labor Government, the number of opportunities that we had to consolidate good tourism ventures in this State went begging yet we financed, through the State Bank, tourism development in Western Australia and Queensland. We helped Queensland get more tourists in there, and in the end we lost the money. At least if we had lost the money in South Australia, we would still have the ventures here. We would have lost the money, but in doing so we could have created something that gave employment to everybody.

An honourable member interjecting:

Mr CONDOUS: Unfortunately, for that small minority group—and believe me during my time as Lord Mayor I had them in the City of Adelaide as well—

An honourable member interjecting:

Mr CONDOUS: That is what you say, too. You know. I believe you. I have faced 14 elections and I am still around. I have not lost an election yet. I have faced 14 elections, three as Lord Mayor. Have a look at the table: the Adelaide City Council has been there 156 years and the only Lord Mayor to do three terms is me. Do not tell me about elections because you are only a novice; you are only a union hack—that's all you are.

Let us get back to these minority groups. When I was Lord Mayor these minority groups wanted to preserve every building in the City of Adelaide. They called it all 'heritage'.

Every building was heritage. They did not care that people bought property in the City of Adelaide knowing that they could develop in good faith but did not do it because these groups were trying to hold them up. The same thing exists down there. You have to take the personalities that are involved in this small group. What have they each achieved in their own lives? What contribution have they made to the community? Absolutely nothing. They have been non-achievers and non-contributors, and many of them are on the dole and on social security—not because they choose to be on unemployment benefits but because they want to be on unemployment benefits.

Ms GERAGHTY: I rise on a point of order. I think the member's remarks are most offensive and on behalf of those people I ask him to withdraw.

The ACTING SPEAKER: There is no point of order.

Mr CONDOUS: I know for a fact that 12 of the 40 who were out there were on unemployment benefits. My strong belief is that the Labor Party still has at least another eight years in Opposition. The huge flow of Democrat votes to the Labor Party that enabled them to win their 10 seats will not be repeated at the next election. The performance of the Liberal Government over the next four years will be rewarded by return of confidence in the constituents which will allow us to govern in 2001.

The Hon. Mike Elliott from the other place has yet to apologise to the people of South Australia for allowing the defector, Cheryl Kernot, to lie to the people of South Australia. She urged the people to vote Democrat knowing at the time that she was defecting to the Labor Party. Labor now have her on their side, but my prediction—and I believe I will be right—is that the jealousy of the Labor members and the rivalry within the Labor Party will make her a liability. She has also instilled an enormous amount of mistrust in people who were Democrat voters. I am confident that this Liberal Party will perform in the interests of every South Australian and will be re-elected.

I could talk about the success stories under the Liberal Government over the past four years, success stories such as the wine, agriculture, aquaculture, information technology and record car manufacturing industries—just to same a few. However, time does not permit me to go further. Our problem was that we were never able to sell our good news because we were hindered by our own stupidity and weakness. I believe we have learnt a lesson and that, because of it, we will become a stronger Government to benefit the future of all South Australians.

A recent article in the *Australian* by Matthew Abraham stated that we would spend our time trying to make up names for the Leader of the Opposition. I watched with interest the other day as maiden speeches were made, everyone kissed, embraced and shook hands, and carried on, and I wondered what was going on, because I had read an article in the *Advertiser* by Phillip Coorey which stated:

> A senior Labor MP quit the Opposition frontbench yesterday as all-out factional warfare erupted in the ALP over moves to dump Mr Ralph Clarke as the Party's Deputy Leader.

The article further stated that Mr Ron Roberts said, 'I spit in the face of their offer.' According to another newspaper article, the former Deputy Leader of the Opposition said, 'I will not forget', and also said that he intended to settle some scores.

I know Terry Groom: we have had many conversations, and he is a pretty nice little bloke. He is a good worker and a good honest bloke and, when I think that he was dumped from this Parliament for the now Deputy Leader of the Opposition, I am amazed, as I am amazed about what is going on in the Labor Party—because it is like chalk and cheese. The now Deputy Leader of the Opposition was elected by the machine, but I can tell you now that she will never be referred to in this House as 'the mean machine'—not likely at all.

As for the Leader of the Opposition, believe me, everyone in the Labor Party is not in love with him. They have already dubbed him with a name. It has been quoted in the newspaper on many occasions that he grooms himself and dresses like the British Prime Minister, and his own crowd have now named him 'Phoney Tony'. What a disgrace! Members opposite are all supposed to be in love: they are all kissing and hugging each other. I was worried that the member for Ross Smith might go over and kiss the member for Peake—and then we would not have known what was going on. What would Abraham then have reported? Abraham is a very accurate scribe. I can remember that last year he said that the Premier was trying to get his wife off an accident claim and not have her prosecuted—and she had not even had an accident. If it were me, I can tell you that I would have taken at least $25 000 from Mr Murdoch for a statement such as that. I tried to convince the Premier to take $25 000 from Mr Murdoch for that statement, when his wife had not even had an accident, but he decided, out of decency, that he would not do it.

In my 30 years in politics I have been involved with some very great politicians on the other side—the Hudsons, the Corcorans and those sorts of people. They do not exist today on the other side. It is a tragedy that the Opposition has gained 10 people but the quality is pretty poor. We have had three weeks of sittings and, boys, you have had three strikes and you are all out.

The Hon. R.G. KERIN secured the adjournment of the debate.

ADJOURNMENT

At 5.20 p.m. the House adjourned until Tuesday 24 February at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 17 February 1998

QUESTIONS ON NOTICE

PUCCIO, Mr R.

1. **Mr ATKINSON:** Why has Mr Romolo Puccio, of Woodville South, been informed by the Department of Education and Children's Services that he is not eligible to be employed as a teacher by the Department?

The Hon. M.R. BUCKBY: Mr Romolo Puccio has been attempting to obtain employment with the Department of Education, Training and Employment since April 1996 following his dismissal from the Mater Christi School in the Catholic Education system in 1995. I am advised the allegations which resulted in Mr Puccio's dismissal related to inappropriate conduct. I am further advised Mr Puccio lodged an appeal with the Australian Industrial Relations Commission (AIRC) on the grounds of unfair dismissal from Mater Christi, however his appeal was not upheld.

Following receipt of information concerning Mr Puccio's dismissal, the Department sought advice from the Crown Solicitor's Office as to whether Mr Puccio's application for employment should be accepted. After reviewing the AIRC judgement, the Crown Solicitor advised there would be considerable risks associated with employing Mr Puccio. Evidence within the judgement indicated Mr Puccio had clearly been warned on a number of occasions that his conduct was unacceptable, but he declined to heed this advice and continued with his inappropriate behaviour. Crown further advised that if the Department were to employ
Mr Puccio and he repeated his behaviour, the Department would be open to serious criticism and the possibility of legal action.

I am advised that the Department gave Mr Puccio the opportunity to provide a written submission addressing the Department's concerns prior to a determination being made regarding his application.

The decision by the Department not to employ Mr Puccio was made after careful consideration of all of the relevant circumstances, including information provided by Mr Puccio himself. This decision has been reviewed on at least three occasions, confirming the original outcome.

GARDEN EAST DEVELOPMENT

3. **Mr ATKINSON:** Why did the Government enter into a third-line forcing arrangement at the Garden East development whereby purchasers were obliged to retain Fenwick Ennis Real Estate as the rental managers if they decided to seek tenants?

The Hon. M.H. ARMITAGE: At an earlier stage of the Garden East development, the contracts entered into by purchasers of properties in the development included a clause which provided that, if the property was to be offered for rent or allowed to be rented for residential purposes, then the purchaser agreed to appoint the developer of Garden East, Liberman Group Pty Ltd, or its nominee, to let and manage the property on behalf of the purchaser. That clause constituted a covenant between the developer and purchaser only and the Government was not party to that particular contractual arrangement.

The clause was originally included in sale contracts at the request of the Liberman Group as it provided significant benefits, not only to Garden East as a whole, but also to individual property owners to ensure that rental properties are managed in a consistent way by one party who operates from the site and can better address issues such as maintenance and the strata and other arrangements affecting the total development.

Upon the third-line forcing question being brought to the attention of the Liberman Group, they voluntarily agreed not to seek to enforce the provision against any purchaser and gave each purchaser the option of cancelling any existing management arrangement entered into on the basis of that provision. The Liberman Group advises that they are not aware of any purchaser that has taken up the option and cancelled their existing property management agreement. In addition, the clause in question was deleted from all subsequent contracts.

ADELAIDE CASINO

4. **Mr ATKINSON:** When will the Government release the names of the second-round tenderers for purchasing the Adelaide Casino and, if the names are not to be released, why not?

The Hon. M.R. BUCKBY: The sale of the ASER assets includes the sale of the Casino, Hyatt Hotel and Riverside Centre. Bidders interested in purchasing some or all of these assets have been shortlisted and are currently undertaking due diligence before submitting a final bid for the assets.

Sensitive negotiations with shortlisted bidders regarding the terms and conditions of the sale will be undertaken by Government during the due diligence phase. In order to ensure the bidding process remains as competitive as possible, the Government will not be releasing the names of the shortlisted bidders for the ASER assets. A competitive bidding process is required to achieve the best possible price for the assets.

It is intended that the name of the preferred bidder(s) for the ASER assets will be released by the Government after final bids have been submitted and evaluated and external approvals, including probity checks of Casino operators by the Gaming Supervisory Authority, have been received.

SECOND-HAND DEALERS AND PAWNBROKERS ACT

5. **Mr ATKINSON:**

1. Why hasn't the Second-Hand Dealers and Pawnbrokers Act 1996 been proclaimed?
2. Has a consultative committee on the draft regulations been appointed and, if so, who has been appointed?
3. When will the consultative committee on the draft regulations be convened?

The Hon. M.H. ARMITAGE:

1. The Second-hand Dealers and Pawnbrokers Act will be proclaimed when the necessary regulations are finalised and necessary Police administrative processes are in place.
2. No consultative committee has been appointed.

A set of draft regulations was issued for public comment on 10 September 1997. To date, only seven (7) groups or individuals have provided written comments on the proposed regulations.

Work is now proceeding on the finalisation of the regulations and the development of operational Police processes, procedures and education which must be put in place before the legislation can be proclaimed.

3. See above. No consultative committee will be appointed.

DIVISION PENALTIES

6. **Mr ATKINSON:** Why has the Government decided to phase out divisional penalties in favour of nominating specific dollar fines in Bills and Regulations?

The Hon. M.H. ARMITAGE: The Attorney-General has provided the following response:

Division penalties were introduced in 1988. The intention was that the monetary amounts in the Divisions would be periodically adjusted to take account of inflation. This was not done. As the divisional amounts failed to keep pace with inflation offences were placed in a Division with a higher penalty than applied to penalties for older comparable offences.

When the Government was looking to increase the Division penalties in mid-1995 it became apparent that any increase in the Divisional penalties would result in the penalties for those offences that had been pushed up a Division would end up with a penalty that was higher than was justified.

Even though Division penalties have been abolished the correlation between the terms of imprisonment, the amount of fines and expiation fees is maintained. Cabinet approved the following scale of imprisonment, fines and expiation fees:

Imprisonment	Fine	Expiation Fee
15 years	75 000	
10 years	50 000	
7 years	35 000	
4 years	20 000	

Imprisonment	Fine	Expiation Fee
2 years	10 000	
1 year	5 000	315
6 months	2 500	210
3 months	1 250	160
	750	105
	250	80
	125	55
	75	30

The Parliamentary Counsel ensure that these are the penalties now used in statutes, unless there is a good reason to depart from the scale. For example, the implementation of a uniform scheme may result in some other jurisdiction's penalties being adopted in South Australia.

GAMBLERS' REHABILITATION FUND

12. **Ms STEVENS:**

1. In 1994-95 did Treasury receive $1 million from the Independent Gaming Corporation and $0.5 million from the Adelaide Casino making a total of $1.5 million to the Gambler's Rehabilitation Fund and if so, why was only $517 500 transferred to the Fund during 1994-95?

2. In 1995-96 did Treasury receive $1.5 million from the Independent Gaming Corporation and $0.5 million from the Adelaide Casino making a total of $2 million to the Gambler's Rehabilitation Fund and if so, why was only $1.374 million plus interest of $8974.63 transferred to the Fund in 1995-96?

3. How much was paid into Treasury by the Independent Gaming Corporation and the Adelaide Casino in 1996-97 for the Gambler's Rehabilitation Fund and how much was transferred to the fund?

The Hon. DEAN BROWN:

1. In 1994-95, a total of $1 500 000 was received by the Department of Treasury and Finance and paid into Consolidated Account representing contributions of $1 000 000 from the Independent Gaming Corporation and $500 000 provided by the Government from the levy applied to gaming machines at the Adelaide Casino.

A total of $543 000 was transferred into the Gamblers' Rehabilitation Fund in 1994-95. The time required to establish a new program and for community service agencies to prepare for the delivery of services meant that the Program did not become operational until late in the 1994-95 financial year.

As a result, it was prudent not to allocate the full $1.5 million which could not possibly have been expended without compromising accountability for the use of public funds. The allocation of these funds was made on the recommendation of the Gamblers' Rehabilitation Fund Committee, chaired by Mr Dale West from CentreCare.

It was not the view of this committee that further funds were required in 1994-95 and, of the funds allocated, a proportion was committed to the provision of services by community agencies in the first part of the 1995-96 financial year.

2. In 1995-96, a total of $2 000 000 was received by the Department of Treasury and Finance and paid into Consolidated Account representing contributions of $1 500 000 from the Independent Gaming Corporation and $500 000 provided by the Government from the levy applied to gaming machines at the Adelaide Casino.

The Government's contribution of $500 000 in relation to the Adelaide Casino levy was transferred by way of appropriation to the then Department for Family and Community Services for distribution to a variety of community agencies in late 1995 for the provision of material and financial assistance to families in need.

Of the $1.5 million available from the Independent Gaming Corporation, $1.374 million, plus interest, was transferred to the Fund. Upon advice of the Gamblers' Rehabilitation Fund Committee, it was determined that the full $1.5 million would not be required in 1995-96 in order to meet commitments made to the range of community based agencies to provide rehabilitation and support services for gamblers and their families. As previously stated, a number of agencies had also received prepayments for the 1995-96 financial year, further reducing the funding commitment for that year.

3. In 1996-97, a total of $1 500 000 was received by the Department of Treasury and Finance and paid into Consolidated Account representing the annual contribution of that amount provided by the Independent Gaming Corporation.

Due to legislative changes to the taxation system operable from the beginning of the 1996-97 financial year, as set out in the Gaming Machines (Miscellaneous) Amendment Act 1996, the tax surcharge on gaming machines at the Casino was absorbed by the revised taxation arrangements.

The Government has, however, maintained its commitment by providing, from 1995-96, an additional $500 000 in appropriation to the Department of Human Services (formerly the Department for Family and Community Services) to fund Community benefit payments. In 1996-97, the funds were committed to a Families at Risk Program and were expended on the Keeping Families Together services provided by community agencies such as Anglicare and Port Pirie Central Mission.

In 1996-97, a total of $2 583 015 was paid into the Gamblers' Rehabilitation Fund representing the $1 500 000 annual contribution from the Independent Gaming Corporation, $1 083 000 of contributions paid into Consolidated Account in 1994-95 and 1995-96 that had not previously been credited to the Fund and $15 from the sale of publications.

All contributions previously received, since the establishment of the Fund in 1994-95, were paid into the Fund during 1996-97 and ongoing contributions from the Independent Gaming Corporation are now paid into the Fund as they are received, rather than being transferred on an 'as needs' basis as has applied previously.

13. **Ms STEVENS:** What are the details of receipts and expenditure for the Gambler's Rehabilitation Fund for 1996-97 including all receipts from Treasury, all expenses paid from the fund including air fares, catering and consultants, all amounts paid to the Department of Family and Community Services and all grants made during the year including the names of recipients and the amount of each grant?

The Hon. DEAN BROWN: In 1996-97, the Gamblers' Rehabilitation Fund was credited with $2 583 015 in receipts being:

- $1 500 000 from the Independent Gaming Corporation;
- $1 083 000 of contributions paid into Consolidated Account in 1994-95 and 1995-96 that had not previously been transferred to the Fund; and
- $15 from the sale of publications.

Total payments from the Fund in 1996-97 were $1 564 386, represented by—

- Grants $1 432 063
- Salaries and related payments $103 724
- Other Expenses $14 597
- Air Fares $12 367
- Catering $1 635

Other expenses consist primarily of advertising, conference/workshops, resource material, courier and postage expenses, telephone costs, minor equipment, taxi fares and other travel.

The names of recipients and the amount of each grant are specified on the accompanying schedule.

The majority of expenditure in 1996-97, $1 423 063, was committed to agencies providing gamblers' rehabilitation, support and counselling services or towards the training of staff in this sector and the successful community education program which increased public access to the Break Even services. This accounted for 91.5 per cent of the total expenditure from the Fund.

A total of $132 323 was expended on services provided by the former Department for Family and Community Services including funding towards the Break Even Service System Coordinator, client data system development and management of the Fund.

Funds expended by the Department include a commitment to costs incurred in the operation of a free call telephone number giving public access directly to Break Even agencies which was advertised in the community education campaign.

Gamblers' Rehabilitation Fund—Grants Expenditure—1996-97

Metropolitan Services	$
Relationships Australia— Central and East Metropolitan	128 000
Adelaide Central Mission— Southern Metropolitan	146 000
Anglican Community Services— Northern Metropolitan	134 500
Salvation Army—Western Metropolitan	64 039
Wesley Uniting Mission—Western Metropolitan	68 966

Sub-total—Metropolitan Services	541 505
Country Services	
Relationships Australia—Riverland, Murraylands	88 500
Centacare Whyalla	80 900
Centacare Whyalla—Remote Area Program	68 750
Lifeline—Mount Gambier	87 070
Port Pirie Central Mission	79 556
Sub total—Country Services	404 776
Specialist and Other Services	
Aboriginal Services	
Aboriginal Sobriety Group	21 626
Aboriginal Drug and Alcohol Council	25 000
Adelaide Central Mission—Training	90 000
Community Education—Bottomline Agency	178 750
Australian Bureau of Statistics	700
Miscellaneous Groups—Self Help Groups	
Gamblers in Crisis	1 000
Partners and Families of Gamblers	500
Pokies Anonymous	1 000
Central Methodist Mission	1 000
Media Consultants	
C Rowe & Associates	6 500
E W Davis	12 000
Flinders Medical Centre—Anxiety Disorders	62 000
Field Services—Library resources	3 333
Sykes & Associates—Systems Development	375
Research Projects	
University of Adelaide	5 000
Flinders University	7 000
Multicultural/Ethnic Specific Services	
Wesley Uniting Mission	40 833
Overseas Chinese	29 165
Sub-total—Specialist and Other Services	485 782
Total Grants Expenditure	1 432 063

SCHOOL LAND SALES

15. **Ms WHITE:**

1. What are the forward estimates for capital receipts from the sale of land and buildings for each of the years 1998-99 to 2001-02?

2. Which properties will be sold to achieve the forecast revenue?

The Hon. M.R. BUCKBY: The years 1998-99 to 2001-02 Capital Receipts will include funds received from the sale of some major properties already announced to be closed, such as:

Mawson High School
Sturt Primary School
Camden Primary School
Netley Primary School
Croydon Primary School
Croydon Park Primary School

The level of estimated receipts from sale of surplus land and property, and details of individual properties included in the forward capital works program are part of budget negotiations and are therefore confidential.

Over the next few years it is anticipated that the level of receipts from sale of surplus land and property available to support the capital works forward program will decline due to a reduction in the number of school restructures, particularly in areas where larger values of property are concerned.

STURT STREET SCHOOL SITE

16. **Ms WHITE:**

1. What options are being considered and what decisions have been taken concerning the future of the Sturt Street School site and buildings?

2. When will a decision be made?

3. How much has been spent on security since the school was closed?

The Hon. M.R. BUCKBY:

1. The Sturt Street Primary School closed at the end of the 1996 school year. At that time, a strategic plan for office accommodation for the then Department for Education and Children's Services (DECS) was being developed. A component of this plan was the centralising of Curriculum Units to the Education Centre and the Sturt Street site. A range of concept plans and cost estimates were developed to meet this objective.

Following the amalgamation of DECS and the Department for Employment, Training and Further Education (DETAFE) to form the Department of Education, Training and Employment (DETE), this project was suspended pending the establishment of a new office accommodation strategy to reflect the needs of the new department.

2. It is expected that a decision will be possible by the middle of 1998.

3. Police Security Service Division (PSSD) have advised that patrols of the Sturt Street site commenced on 3 January 1997 at a cost of $3 840.

Some minor expenditure has also occurred at the site to maintain the security of the buildings.

ENVIRONMENT IMPROVEMENT PROGRAM

23. **Ms HURLEY:** What are the details of works to be carried out under the Government's announced $200 million Environment Improvement Program at the waste water treatment plants at Bolivar, Port Adelaide, Glenelg and Christies Beach in particular;

(a) what is the schedule for the works to be undertaken at each of the plants;
(b) what is the estimated cost of the works at each of the plants;
(c) what is the timetable for completion of works at each of the plants; and
(d) what are the new standards for quality of effluent to be met including reductions in biological nutrients and nitrogen for each of the plants?

The Hon. M.H. ARMITAGE:

(a) Upgrading proposals for work which will be undertaken at each of the metropolitan wastewater treatment plants as part of the Environment Improvement Program are currently being developed by SA Water with the approval of the EPA, as follows:

Bolivar

- A comprehensive upgrade of the Bolivar plant for odour control will be undertaken, with an added benefit of a reduction in nitrogen in the treated wastewater. A new filtration/disinfection plant will be constructed to provide suitable quality water for reuse.
- Odours will be eliminated beyond the plant boundaries by a combination of control in sewers, covering of key treatment processes and the collection and treatment of odours, replacement of some processes and improvements in the lagoon system and sludge handling.
- The existing biological filtration has been responsible for most of the historical odours at Bolivar and will be replaced by an essentially odour free activated sludge process. The new process will also prevent any recurrence of the notable odour from the stabilisation lagoons which occurred earlier this year.
- A new dissolved air flotation filtration process will also be constructed to provide water suitable for reuse through the Virginia Pipeline Scheme. It is expected that most of the summer flows will be able to be reused for irrigation of crops in the Virginia area. The potential for increased reuse in the future will largely depend on the cost and technical viability of storage of winter flows for summer reuse; such as might be possible with Aquifer Storage and Recovery. The CSIRO will shortly be commencing a three year study into Aquifer Storage and Recovery of filtered Bolivar effluent.

Port Adelaide

- A comprehensive Biological Nutrient Reduction (BNR) upgrade of the treatment plant is proposed to reduce both nitrogen and phosphorus nutrients discharged to the Port Adelaide River. This upgrade will provide extensive replacement of ageing structures.
- New tanks will be built to replace existing ones.
- Outfall improvements have been budgeted, and design and construction will be implemented following the conclusion of the Adelaide Coastal Waters Study.

Glenelg

- A BNR upgrade of the treatment plant is proposed. The upgrade will reduce nutrients (particularly nitrogen) discharged to the marine environment, and reduce the potential for odours. New tanks will be built and existing ones modified.

- An additional $9 million has been budgeted for a possible future outfall extension. However, design and construction will be deferred until the Adelaide Coastal Waters Study has been completed and the need for outfall improvements has been determined. The Adelaide Coastal Waters Study (which has been scoped by the CSIRO on behalf of the EPA) is expected to provide an integrated understanding of the ecological, physical and chemical processes in sediments, water and biota of the coastal waters. SA Water is committed to ongoing research towards possible impacts from its activities and will be partially funding the Adelaide Coastal Waters Study.

Christies Beach

- A BNR upgrade of the treatment plant is proposed. The upgrade will reduce nutrient loads (in particular nitrogen) discharged to the marine environment, and reduce the potential for odours. This upgrade will increase plant capacity to cater for future growth. New tanks will be built and existing ones modified as appropriate.
- An additional $9 million has been budgeted for a possible future outfall extension. However design and construction will be deferred until the Adelaide Coastal Waters Study has been completed and the need for outfall improvements has been determined.
- Up to 20 per cent of treated water from the Plant will initially be reused on horticultural crops in the Willunga Basin under an agreement with the Willunga Basin Water Company, resulting in an overall reduction in nutrient loads. However, this scheme is not part of the approved EIP for Christies Beach but has been developed independently and will provide additional environmental benefits.

(b) Bolivar (including odour control, filtration and contribution to the Virginia Pipeline Scheme) $106 million

Port Adelaide (including new plant incorporating nutrient reduction, and outfall extension and diffuser) $44 million

Glenelg (including process upgrade for nutrient reduction, outfall modifications, and possible future outfall extension) $35 million

Christies Beach (including process upgrade for nutrient reduction, capacity upgrade, outfall modifications, and possible future outfall extension) $25 million

(c) Bolivar

- Odour control measures will be progressively implemented with the major process upgrade incorporating the new activated sludge plant to be completed by late 2000.
- DAFF—Stage 1, providing reduced output of 30 megalitres/day will be available by end of November 1998; with Stage 2, incorporating the full plant completed by November 1999.

Port Adelaide

- Conceptual design of the treatment plant upgrade is well advanced and construction will be completed in 2001.

Glenelg

- Preliminary design of the treatment plant upgrade is underway and construction will be completed in 2001.

Christies Beach

- Preliminary design of the treatment plant upgrade is underway and construction will be completed in 2001.

(d) The quality targets for nutrients in the effluents to be discharged to marine environments have been established in recognition that:

- Nitrogen is the limiting nutrient in ocean environments.
- Nitrogen and Phosphorus are limiting nutrients in estuarine environments.

Bolivar

The combination of the process upgrade for the Bolivar plant (which will reduce the average treated wastewater nitrogen concentration to approximately 15 mg/L), together with the significant reuse in the Virginia region, will slash the load of nutrients discharged to Gulf St Vincent from 3500 tonnes per annum of nitrogen in the incoming wastewater to only approximately 180 tonnes per annum.

The upgrade and reuse will also provide significant reduction in phosphorus load discharged to the Gulf, mainly as a result of the reuse of water for irrigation.

Port Adelaide

The proposed upgrade for the Port Adelaide plant will reduce the average treated wastewater nitrogen concentration to 10 mg/L and the average phosphorus concentration to 2 mg/L.

The incoming wastewater nitrogen load of 545 tonnes per annum will be reduced to approximately 130 tonnes per annum, and the incoming wastewater phosphorus load of 104 tonnes per annum will be reduced to approximately 26 tonnes per annum, prior to discharge to the Port Adelaide River estuary.

Glenelg

The proposed upgrade for the Christies Beach plant will reduce the average treated wastewater nitrogen concentration to 10 mg/L and provide some reduction in phosphorus concentration as an additional benefit.

The incoming wastewater nitrogen load of 965 tonnes per annum will be reduced to approximately 170 tonnes per annum as a result of the upgrade prior to discharge to the marine environment.

Christies Beach

The proposed upgrade for the Christies Beach plant will reduce the average treated wastewater nitrogen concentration to 10 mg/L and provide some reduction in phosphorus concentration as an additional benefit.

The incoming wastewater nitrogen load of 575 tonnes per annum will be reduced to approximately 110 tonnes per annum as a result of the upgrade prior to discharge to the marine environment. The nutrient load discharged to the ocean will be further reduced following the establishment of the Christies Beach to Willunga reuse scheme, with the quantum dependent on the development of the scheme and the demand generated.

ENVIRONMENTAL LEVY

24. **Ms HURLEY:**

1.How much revenue did the 10 percent Environmental Levy on Sewage Accounts generate in 1994-95, 1995-96, 1996-97 and what is the estimated revenue for 1997-98?

2. What are the details of all projects, including costs, funded from this levy in each of the above financial years?

The Hon. M.H. ARMITAGE:

1. An environmental levy of 10 per cent on sewer rates was introduced in July 1990 for a five year period, commencing with the 1990-91 financial year. In November 1994, Cabinet approved that the levy be extended to June 2000. The environmental levy assists the implementation of projects which minimise environmental impacts and meet legislative requirements.

Revenue from sewer rates is a major element of the Corporation's income stream. For 1997-98, sewer rates will raise $174 million (including a levy of $15 million), of a total budget revenue of $519 million.

The Corporation's income remaining after providing for operating, maintenance and financing expenses (or profit), is used, together with depreciation, to fund capital expenditure, dividends and tax payments to Government. Details for 1997-98 are as follows:

	$m
Revenue	519
less Operations, Maintenance, Depreciation & Interest	370
add back Depreciation & Amortisation	98
Funds Generated From Trading, used to fund	247
	$m
Contributions to Government	166
Capital Expenditure	81
	247

The Contributions to Government includes both Dividend and TER Company Tax.

Turning now to the Environmental levy details, revenues and expenditures for 1994-95, 1995-96, 1996-97 together with estimates for 1997-98 are shown below.

	Revenue $000's	Expenditure $000's
1994-95	13 048	7 131
1995-96	14 780	9 894

1996-97	15 752	5 794
1997-98 (estimated)	15 540	19 212
Totals	59 120	42 031

Over this time, around $59 million has been raised from the levy and expenditure totals $42 million. The balance of $17 million yet to be spent will be applied to the EIP program in 1998-99 (see below).

The levy income has enabled SA Water to accelerate the environmental enhancement program without incurring additional borrowings. Key initiatives include:

- Metropolitan WasteWater Treatment Plant Environmental Improvement and Rehabilitation programs ($31.4 million)
- Country WasteWater Treatment Plant Environmental Improvement programs ($3.7 million)
- Adelaide Hills Sewer Extension ($2.7 million)
- Aldinga Sewerage Scheme & WasteWater Treatment Plant ($3.2 million)
- Rustlers Gully Sewer Program ($1 million)

By the year 2000 it is projected that the levy will have raised around $136 million. Actual expenditure on environmental projects is projected at around $186 million.

This reflects expenditure on the Environmental Improvement Programs at the four Metropolitan WasteWater Treatment Plants (including Odour Reduction at Bolivar) which will accelerate in the next two years as construction begins. Estimated expenditure on these projects increases from $16.2 million in 1997-98 to $46.7 million in 1998-99, $55 million in 1998-99 and $32.9 million in 1999-00, with a total of $210 million by 2003.

2. Details of environmental levy for the period 1994-95 to 1997-98 are attached as Attachment A.

Annexure

	Levy Revenue	Capital Expenditure
	$000's	$000's
Prior Years:		
1990-91—1993-94	44 254	34 510
Quoted Years:		
1994-95	13 048	7 131
1995-96	14 780	9 894
1996-97	15 752	5 794
1997-98 (estimated)	15 540	19 212
Total Quoted Years	59 120	42 031
Total to Date	103 374	76 541
Projected Years:		
1998-99—1999-00	32 602	110 925
2000-01 and beyond	0	117 072
Total Projected Years	32 602	227 997
Grand Total	135 976	304 538

UNITED WATER CONTRACT

25. **Ms HURLEY:**

1. Has United Water complied with section 10.8 of the Water Contract which requires United Water to prepare, implement and update on an annual basis an Environmental Management Plan for the assets managed to ensure compliance with all environmental laws, protection policies and approvals applicable during the term of the contract?

2. On what date was the Environmental Management Plan lodged with SA Water and has the requirement for an annual audit been met?

3. Will the Minister table a copy of the plan and all audit reports?

The Hon. M.H. ARMITAGE: United Water has complied with section 10.8 of the Adelaide Outsourcing Contract in that an environmental policy statement was initially developed and endorsed by the United Water Board in November 1996. This policy is displayed in all United Water principal offices and plants.

Following development of the policy, an environmental management plan was developed during 1996-97 in consultation with SA Water and the EPA. This plan was publicly launched on 30 April 1997 before representatives from SA Water, EPA, AWWA and the SA Conservation Council. The launch was also reported in the Advertiser.

A more detailed action program has now been developed from the plan and this was forwarded to SA Water in October 1997.

In terms of the contract, United Water is required to commission on an annual basis, an independent audit of its performance, and to submit to SA Water a copy of the audit report within 30 days of its receipt by United Water.

United Water envisage an initial audit of the current plan in early 1998 to check progress and apply corrective action if necessary. The plan will then be reviewed in May/June 1998 and United Water will produce a new plan starting July 1998. United Water then envisage a final audit of the preceding year in July 1998, with a copy of the audit report to be provided to SA Water. These actions will be repeated in subsequent years.

I am happy to provide a copy of the United Water Environmental Management Plan for your information as this is a public document.

I do not propose to table a copy of the audit reports because these are commercial requirements between United Water and SA Water. However I will be happy to provide information about United Water's performance against the plan.

EFFLUENT DISCHARGE

28. **Mr HILL:**

1. What are the annual licence fees paid by SA Water under licence to the Environment Protection Authority to discharge effluent to the Gulf St Vincent from the Bolivar, Port Adelaide, Glenelg and Christies Beach Sewage Treatment Works?

2. What standards apply to the quality of effluent discharges into the Gulf and what requirements to upgrade the quality of effluent have been included in the licences granted to SA Water to operate these plants?

The Hon. D.C. KOTZ:

1. The following annual licence fees are paid to the EPA by SA Water:

Bolivar STW	: $190 146
Port Adelaide STW	: $31 032
Glenelg STW	: $99 937
Christies Beach STW	: $33 642

2. The 'standards' that apply to the quality of effluent discharged to the Gulf are those contained in the *Environment Protection Policy (Marine) 1994* based on Australian and New Zealand Environment and Conservation Council (ANZECC) Guidelines. Under transitional arrangements, SA Water is obliged to comply with these guidelines by 2001. Environment Improvement Programs (EIP's) submitted by SA Water are directed to this requirement.

The EIP's recently endorsed by the EPA will be appended to each licence and reflect the following:

Bolivar STW

- Total nitrogen in treated wastewater, 15 mg/L average with a minimum target of nitrogen load reduction to the marine environment of 86 per cent by 2001. This will be achieved via plant upgrading and the re-use of initially 22 500 ML of effluent for irrigation purposes in the Northern Adelaide Plains.

Port Adelaide STW

- Total nitrogen and total phosphorous in the treated wastewater, 10mg/L and 2mg/L average respectively. Minimum reduction in nitrogen load to the marine environment of 76 per cent by 2001.

Glenelg STW

- Total nitrogen in treated wastewater, 10mg/L with a minimum reduction in nitrogen load to the marine environment of 65 per cent by 2001. Negotiations on effluent reuse are continuing.

Christies Beach STW

- Total nitrogen in the treated wastewater, 10mg/L average with a reduction in nitrogen load to the marine environment of a minimum of 68 per cent by 2001. Further reductions in nitrogen load and effluent going to the marine environment will be achieved by irrigation, the first phase of which will see 25 per cent of the effluent being used in the Willunga Basin by 1999.

The EIP's go further than simply addressing the quality and quantity of effluent being discharged to the Gulf, with significant investment in infrastructure to eliminate odour, particularly from the Bolivar STW.

In summary, what has been agreed as a minimum to date is a good package with a base line expenditure of $210 million. The gulf will be the major benefactor with an overall minimum reduction in nitrogen load of 80 per cent. Plants will produce a high quality effluent fit for safe and sustainable irrigation and in the case of the Bolivar STW, a minimum of 50 per cent of their flow will initially be redirected for this purpose. Odour management will improve at

all plants and in particular a significant investment at Bolivar should result in the elimination of the background trademark odour that is always present along Port Wakefield Road. Included within the package is a commitment to ongoing monitoring to determine whether the EIP's are successful as well as commitment to the 'Protecting Gulf St Vincent Study' which will provide answers to enable the gulf to be managed sustainably from a pollution perspective.

The monitoring program is important as it will demonstrate whether the agreed environment improvements have gone far enough to eliminate the environmental harm SA Water's discharges presently cause. SA Water will be required to do more if harm persists.

PARKS AGENDA

32. **Mr HILL:**

1. What was the total cost of producing, publishing and distributing the three glossy publications released in July 1997 to promote the Government's 'Parks Agenda'?

2. What was the cost of the public functions held to 'launch' these publications?

3. How many copies of the 'Parks Agenda' publications were distributed by mail and what are the names and addresses of all organisations and individuals who were forwarded a copy?

The Hon. D.C. KOTZ:

1. The total cost of producing, publishing and distributing the three publications (together forming the Parks Agenda Package) released in June/July 1997 was $54,247.25 (see Attachment 1). Approximately 2,000 packages were distributed.

The Parks Agenda Package was made up of a specially designed glossy cardboard display folder, a *South Australia's National Parks* brochure, an 8 page glossy Parks Agenda brochure, and a 16 page 2 colour Parks Agenda Policy Document.

The production and publishing costs include the production of 8,000 display folders and 8,000 8 page Parks Agenda brochures that were not used in the distribution of the above packages, yet were used by the Department at a later date. The total cost also includes the production of 28,000 South Australia's National Parks brochures, printed primarily and for use independent of the promotion of the Parks Agenda.

The exact distribution cost of the Parks Agenda Packages is unable to be supplied as this was picked up corporately by the Department. I am, however, able to provide an approximate distribution cost of $3,382, calculated at $2 postage per item for a total of 1691 packages.

2. The Parks Agenda was officially launched at the Parks & Wildlife Festival, Belair National Park, on June 9 1997. The cost of this launch totalled $24,550.39 (see Attachment 2). It must be noted, however, that the Parks & Wildlife Festival is an annual event, designed as a fun day in the park for the general community, and the Parks Agenda Launch was simply incorporated into the day's events. Over 5,000 people attended the festival.

The Parks Agenda was subsequently launched to a corporate audience at a function held at Ayers House on June 24 1997. The cost of this event was $4,650.85 (see Attachment 3).

The total cost of the public functions held to launch the Parks Agenda and the related publications was $29,201.24.

3. 11,691 copies of the Parks Agenda Package were distributed by mail. Individuals' names and organisations have been supplied (see Attachment 4). Recipients' addresses have been withheld for reasons of privacy.

The package was distributed to individuals within the following groups:

- Australian and New Zealand Environment and Conservation Council
- Environment Australia
- Consultative Committees
- Friends of Parks Inc
- Local Councils
- House of Assembly
- Local Government Association
- Legislative Council
- South Australian Tourism Commission
- Conservation Councils
- Native Vegetation Council
- South Australian Development Council
- Wilderness Advisory Committee

Packages were also distributed to:

- South Australian Federal Members of Parliament
- All public and independent schools in South Australia
- South Australian Government Departmental Chief Executives

Attachment 1

Production and printing costs—Parks Agenda Publications

Display Folder—printing and film work x 2000 copies	$1,562.45
SA National Parks brochures—printing x 2,000 copies	$858.33
2 x Parks Agenda brochures (8 pg and 16 pg)	$14,496.46
Development, production, printing of 2000 8 pg and 2000 16 pg brochures	
TOTAL	$16,917.24
Approximate distribution cost of 1,691 packages at $2 each	$3,382.00

Attachment 2

Parks and Wildlife Festival—Parks Agenda Launch Expenditure

	Actual
Setup	
Parks Agenda display layout	$500.00
Public address system and electrical work	$1,720.00
Total	$2,220.00

Attachment 3

Corporate Launch of The Parks Agenda—Expenditure

	Actual
Invitations etc.	
Printing invitations, name tags, etc.	$868.60
Calligraphy	$220.00
Printing parks-business brochure	$149.50
Setup	
Hire of Henry's Brasserie & Wine Bar, Ayers House	$500.00
Didgeredoo	$100.00
Wine labels	$100.00
Piccanninie Ponds picture	$157.45
Agenda imagery on panels	$180.00
Uniforms	$1,951.65
Photography	$419.65
Sundries	$4.00
Total	$4,650.85

Attachment 4

Park Agenda Pack Listing

ANZECC

Senator the Hon. Robert Hill, Minister for the Environment.

The Hon. Peter McGauran M.P., Minister for Science and Technology.

The Hon. Pam Allan M.P., Minister for the Environment.

The Hon. Marie Tehan M.L.A., Minister for Conservation and Land Management.

The Hon. Brian Littleproud M.L.A., Minister for Environment.

The Hon. Cheryl Edwardes M.L.A., Minister for the Environment.

Hon. Peter Hodgeman M.H.A., Minister for Environment and Land Management.

Mr Gary Humphries M.L.A., Minister for the Environment, Land and Planning.

Hon. Mike Reed M.L.A., Minister for Lands, Planning and Environment.

Hon. Simon Upton M.P., Minister for the Environment.

Hon. Dr Nick Smith M.P., Minister of Conservation.

Hon. Paul Mambei M.P., Minister for Environment and Conservation.

Mr Gerard Early	Acting Head	Biodiversity Group
Mr Robert Butterworth	Acting Head	Environment Priorities and Coordination Group
Dr John Radcliffe	Deputy Chief Executive	CSIRO Australia
Ms Robyn Kruk	Director-General	National Parks and Wildlife Service
Mr Mark Stone	Executive Director	Parks, Flora and Fauna
Mr John Womersley	Director	National Parks and Wildlife Service
Mr Keiran McNamara	Director of Nature Conservation	Department of Conservation and Land Management

Mr Max Kithcell	Director	Parks and Wildlife Service
Dr Colin Fuller	Director	Parks and Wildlife Commission of the Northern Territory
Mr Murray Hosking	Manager	Policy Directorate
Mr Pius Pundi	Secretary	Department of Environment and Conservation
Mr Dennis McAllister	ANZECC Secretariat	Environment Australia
Mr Butterworth	Head	Environment Priorities and Coordination Group
Mr Robert Butterworth	First Assistant Secretary	Environment Priorities and Coordination Group tion Group
Dr Tony Fleming	Assistant Secretary	Environment Priorities and Coordination Group tion Group Economics, SOB & ERIN
Dr Tony Press	First Assistant Secretary	Environment Priorities Coordination Group Environment Forest Taskforce
Ms Anne-Marie Delahunt	Assistant Secretary	Environment Priorities & Coordination Group Forest Task force 1
Mr Mark Tucker	Assistant Secretary	Environment Priorities & Coordination Group Forest Taskforce 2
Dr Margaret Clarke	Assistant Secretary	Environment Priorities & Coordination Group International & Coordination
Ms Sharon Sullivan	Head	Australian & World Heritage Group
Mr Brian Babington	Assistant Secretary	Australian World & Heritage Group Australian Heritage and Education
Dr Rosemary Purdie	Assistant Secretary	Australian & World Heritage Group Group Identification and Conservation
Dr Martin Wardrop	Secretary	Australian & World Heritage and Wilderness
Ms Anthea Tinney	Head	Environment Protection Group
Ms JoAnne DiSano	First Assistant Secretary	Environment Protection Group
Mr Ian Carruthers	Assistant Secretary	Environment Protection Group Air pollution and Climate Change
Mr Mark Hyman	Assistant Secretary	Environment Protection Group Chemicals & the Environment
Mr Gerry Morvell	Assistant Secretary	Environment Protection Group Environment Assessment
Dr Arthur Johnston	Director	Environment Protection Group Environmental Research Institute of the Supervising Scientist
Ms Dianne Gayler	Assistant Secretary	Environment Protection Group Environmentally Sustainable Industry
Mr Stewart Needham	Assistant Secretary	Environment Protection Group Office of the Supervising Scientist
Mr Early	Head	Biodiversity Group
Mr Gerard Early	First Assistant Secretary	Biodiversity Group
Ms Allison Russell-French	Assistant Secretary	Biodiversity Group Biodiversity Conservation
Mr Tim Richmond	Assistant Secretary	Biodiversity Group Parks Australia South
Mr John Hicks	Assistant Secretary	Biodiversity Group Parks Australia North
Mr Peter Woods	Assistant Secretary	Biodiversity Group Strategic Planning and Management
Dr Andrew Campbell	Assistant Secretary	Biodiversity Group Sustainable Landscapes
Mr Malcolm Forbes	Assistant Secretary	Biodiversity Group Sustainable Water
Dr David Kay	Assistant Secretary	Biodiversity Group Wildlife Australia
Dr Ian McPhail	Head	Portfolio Marine Group
Ms Allison Russel-French	First Assistant Secretary	Portfolio Marine Group

Consultative Committees

Mrs Gay Watson	Lower South East
Ms Marlene Olliver	Fleurieu
Mrs Allison Sears	Fort Glanville
Mrs Denise Dent	Upper South East
Miss Helen Kniter	Apiary Industry
Mrs Cheryl Vale	Murraylands
Ms Denise McCourt	Eyre
Mrs Pauline Steiner	Kangaroo Island
Mrs Jennifer Lombladt	Yorke
Mrs Judy Brown	North
Mrs Allison Saers	Lofty/Barossa
Mr Stephen Callery	Sturt
Mr Bruce Evans	Fauna
Mrs Joanne Flavel	Coorong District
Miss Wendy Smith	Far North
Miss Lisa Kernick	Mallee
Mr Gary White	Far West
Mr Mike Harper	Bookmark Biosphere Trust

Consultative Committee Presidents

Ms Shirley Davidson	Yorke
Mr Wally Klau	Northern
Mr David Seaman	Lofty/Barossa
Mrs Eve Macrow	Sturt
Mr Colin McKechnie	Fauna
Professor Harry Wallace	Coorong
Mrs Sharon Bell Far	North
Mr John Samuel-White	Mallee
Mrs Helen Mahar	Far West
Mr Kevin Smith	Bookmark Biosphere Trust

Friends of Park Groups

Helen McSkimming	Aldinga Scrub
Mrs Helen Scutchings	Althorpe Island
Ms Birgitte Sorenson	Angove
Mrs Mary Lane	Anstey Hill
Mrs Beth Pitman	Belair
Ms Anne Taylor	Black Hill/Morialta
Ms Linley Elliott	Brookfield
Mr Mike Harper	Bookmark Supporters
Mr Colin Wakelin	Brownhill Creek RP
Mrs Vicki Natt	Butcher's Gap CP
Mrs Rosalie Brown	Campground Hosts
Mr Tom Prowse	Canunda & Beachport
Ms Sally-Ann Millard	Gape Gantheaume
Ms Sonja Gunther	Central Fleurieu Parks

Ms Veronica Sullivan	Cleland
Ms Merry Hughes	Cobbler Creek
Ms Kathleen Speed	Coffin Bay
Mr Dermot Hannafin	Community Liaison Unit
Ms Joanne Flavel	Coorong
Mrs Joyce Lawrence	Deep Creek
Mr Keith Simmonds	Dutchman's Stern
Mr Bronte Gillard	Far West Parks
Mr Charles Crisp	Ferguson CP
Mr Jeff Jones	Ferries-McDonald & Monarto
Mr Keith Crossman	Flinders Ranges
Mrs Joy Noakes	Fort Glanville
Mrs Pam Smith	Parks Inc
Mrs Marlene Friebe	Great Victoria Desert
Ms Penny Rendle	Hallett Cove
Ms Heather Dunkin	Harding Springs
Mr Joe Heptinstall	Heritage Committee
Ms Shirley Davidson	Innes
Mr Roger Hewish	Canunda
Mrs January Clipstone	Kaiser Stuhl
Mr Anthony Maguire	Kangaroo Island Glossy Black Cockatoo
Mr Jill Knott	Kenneth Stirling CP
Ms Susan Grund	Kimba District Parks
Mrs Colleen Mitchell	Lake Eyre
Ms Elaine Lawson	Little Dip CP
Ms Tracey Bateman	Marble Hill
Ms Shirley Benlow	Mark Oliphant
Mr Geoffrey Thompson	Marino
Mr David Rio	Monarto Fauna Comp.
Mr Jason Cotton	Morialta Picnic Ground Working Party
Ms Wendy Morris	Mount George
Ms Maureen Christie	Mount Gambier Area Parks
Mr Nigel Gillett	Mt Remarkable
Ms Simone Poznanski	Mylor
Mrs Angela Mertens	Nelshaby Reserve
Ms Pam Taylor	Newland Head
The Secretary	Ngarkat CP Border Track Project Committee
Mrs Ev Campbell	Old Government House
Mrs Gail Rees	Onkaparinga
Miss Libby Johnson	Para Wirra
Mrs Julie Elliott	Reevesby Island
Mrs Helen Hague	Riverland Parks
Ms Laurice Heaven	Sandy Creek
Mrs Helen Scott	Scott
Mr Don Reid	Scott Creek
Mrs Lesley Hunkin	Simpson Desert
Ms Jo Freedendal	Southern Eyre Peninsula
Ms Ann Angel	Southern Mallee Parks
Mr Ralf Chambers	Spring Gully
Ms Christine Schmucker	Streaky Bay District Parks
Mr John R. Michell	Sturt Gorge
Mrs Bev Greer	Telowis Gorge
Mr Rodney Villis	Totness
Ms Keryn Dawes	Troubridge Island
Ms Moira Samuel-White	Upper South East
Ms Jean White	Wildlife & Habitat Support Group
Mr Graham Churchett	Black Hill/Morialta
D.C. of Crystal Brook	Friends of Bowman Park
Mr Peter Sperou	Friends of Bushland Park
Mr Colin Edwards	Friends of the Heysen Trail.

Friends of Parks Presidents

Mr Peter Page	Aldinga Scrub
Mr Michael Lucieer	Althorpe Island
Mr Lawire Bruggemann	Angove
Mrs Angela Stuart	Anstey Hill
Mrs Lynda Knight	Belair
Mr Graham Churchett	Black Hill/Morialta
Mr Ray Wallis	Brookfield
Mr Kevin Smith	Bookmark Supporters
Mr Malcolm Elliott	Brownhill Creek RP
Mr Fernley Burgoyne	Butcher's Gap[CP
Mr Laurie Gardiner	Canunda & Beachport
Mr Steve Berris	Cape Gantheaume
Ms Paula Rawson	Central Fleurieu Parks
Dr Michael Sullivan	Cleland
Mr Arthur Seager	Cobbler Creek
Mr Tom Bott	Coffin Bay
Professor Harry Wallace	Coorong
Mr Chris Royans	Deep Creek
Mr Andy Joy	Dutchman's Stern
Dr Geoff Bishop	Ferguson CP
Mrs Christine Jones	Ferries-McDonald & Monarto
Mr Athol Jackson	Flinders Ranges
Mr Derek Baker	Fort Glanville
Mr Terry Friebe	Great Victoria Desert
Mr Bob Major	Hallett Cove
Mrs Eve Macrow	Heritage Committee
Mr Trevor Taylor	Innes
Mr Trevor Morgan	Streaky Bay District Parks
Mrs Coraline Mudge	Telowie Gorge
Mr Andrew Crompton	Totness
Mr Peter Bartram	Troubridge Island
Mr John Samuel-White	Upper South East
Mr Brian Knill	Wildlife & Habitat Support Group
Mr Clint Garrett	Whyalla
Mr Ray Kraft	Kaiser Stuhl
Mr Ivan Probert	Kenneth Stirling CP
Mr Austen Eatts	Kimba District Parks
Mrs Vicki Natt	Little Dip CP
Mr Ernie McKenna	Marble Hill
Mr John Swinburne	Mark Oliphant
Mr Des Speight	Marino
Ms Kim Hunter	Monarto Fauna Comp.
Mr Barry Rossiter	Rotary Club of Morialta
Mr Bob Lewis	Mount George
Mr Orzio Cultreri	Mt Gambier Area Parks
Mr Richard Wundke	Mylor
Ms Elle Green	Nelshaby Reserve
Mr Denzel Murfet	Newland Head
Mr David Henderson	Old Government House
Mr Colin Malcolm	Onkaparinga
Mr Ted Hughes	Para Wirra
Mr Ashley Verner	Riverland Parks
Mr Matthew Moar	Sandy Creek
Mr Tony Scott	Scott
Mr Tom Hands	Scott Creek
Mrs Marlene Friebe	Simpson Desert
Mr Ian Abbott	Southern Eyre Peninsula
Mr Bill Venning	Southern Mallee Parks
Mr Carl Hartman	Spring Gully
Ms Trica Curtis	Australian Trust for Conservation Volunteers
D.C. of Crystal Brook-Redhill	Bowman Park
Mr Peter Sperou	Bushland Park
Mrs Kay Kutcher	Church of Jesus Christ Latter Day Saints
Dr Allan Moskwa	Feral Pest Control Friends
Mr Mike Vorwerk	Field and Game Association
Mrs Joan Beer	Field Naturalists Society (Friends of All Parks)
Mr Geoff Johnston	Grasby Memorial Park
Mr Colin Edwards	Heysen Trail
Dr Caroline Crawford	National Trust Mt Lofty Reserves
Secretary	Native Orchid Society of SA Inc
Mr Adrian Stokes	Nature Conservation Society
Mr John Geerts	SA Association 4WD Clubs
Dr Jennifer Gardner	Waite Arboretum
Ms Chris Whiteside	Youth Hostels Association
Mr John Hunwick	National Parks Association
Mrs Pauline Steiner	Kangaroo Island Parks
Ms Linda Niemann	Windy Point

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Mr Kym Kelly	Attorney-General's Department	Chief Executive
Mr Ken Macpherson	Auditor-General's Department	Auditor-General
Mr Denis Ralph	Department for Education & Children	

	Services	Chief Executive
Mr Brian Stanford	Department for Employment, Training & Further Education	Chief Executive
Mr John Scanlon	Department of Environment & Natural Resources	Chief Executive
Mr Ray Dundon	Department of Information Technology Services	Chief Executive
Mr Ian Kowalick	Department of the Premier & Cabinet	Chief Executive
Mr Rod Payze	Department of Transport	Chief Executive
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Mr John Paget	Department for Correctional Services	Chief Executive
Mr Stuart Ellis	Country Fire Service	Chief Executive
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Mr John Cambridge	Economic Development Authority	Chief Executive
Mr Clive Armour	ETSA Corporation	Managing Director
Mr Richard Deynell	Department for Family & Community Services	Chief Executive
Mr Bob Solly	Department of Housing and Urban Development	Chief Executive
Mr Matthew O'Callaghan	Department for Industrial Affairs	Chief Executive
Dr Laurie Hammond	MFP Development Corporation	Chief Executive
Mr Andrew Andrejewskis	Department of Mines & Energy Resources	Chief Executive
Dr Sev Ozdowski, OAM	Office of Multicultural & International Affairs	Chief Executive
Mr Eugene Biganovsky	Ombudsman's Office	Ombudsman
Mr Dennis Mutton	Department of Primary Industries SA	Chief Executive
Mr Simon Forrest	Department of Recreation & Sport	Chief Executive
Mr Ian Pickering	SA Ambulance Service	Chief Executive Officer
Mr John Derbyshire	SA Metropolitan Fire Service	Chief Executive
Mr Geoffrey Pitt	South Australian Totalizator Agency Board	Chief Executive
Ms Carole Hancock	South Australian Tourism Commission	Chief Executive
Mr Ted Phipps	South Australian Water Corporation	Chief Executive
Mr David Rathman	Department of State Aboriginal Affairs	Chief Executive

Councils

City of Adelaide
Anangu Pitjantjatjara
The Barossa Council
District Council of Barunga West
Wattle Range Council
District Council of Berri and Barmera
City of Burnside
City of Campbelltown
District Council of Ceduna
City of Charles Sturt
Clare and Gilbert Valleys Council
Cleve District Council
District Council of Coober Pedy
District Council of Coorong
District Council of Copper Coast
Adelaide Hills Council
District Council of Elliston
Council of Flinders Ranges
District Council of Franklin Harbour
Corporation of Town Gawler
Regional Council of Goyder
District Council of Grant
City of Holdfast Bay
Kangaroo Island Council
District Council of Kapunda & Light
District Council of Karoonda/East Murray
The Corporation of the City of Norwood, Payneham & St Peters
District Council of Kimba
District Council of Lacepede
Southern Mallee District Council
District Council of Le Hunte
District Council of Lower Eyre Peninsula
District Council of Loxton Waikerie
District Council Lucindale
District Council of Mallala
Mid Murray Council
City of Marion
City of Mitcham
District Council of Mount Barker
District Council of Mt Remarkable
Rural City of Murray Bridge
District Council of Naracoorte
City of Happy Valley, Noarlunga & Willunga
Northern Areas Council
District Council of Orroroo/Carrieton
District Council of Peterborough
City of Playford
City of Port Adelaide Enfield
City of Port Augusta
City of Port Lincoln
Port Pirie City & Districts
City Council of Prospect
District Council of Renmark Paringa
District Council of Robe
Municipal Roxby Downs
City of Salisbury
District Council of Stirling
Alexandrina Council
District Council of Streaky Bay
District Council of Tatiara
City of Tea Tree Gully
District Council of Tumby Bay
City of Unley
District Council of Victor Harbor
Wakefield Regional Council
Corporation of Town Walkerville
City Council of West Torrens Thebarton
City Council of Whyalla
District Council of Yankalilla
District Council of Yorke Peninsula
Outback Areas Community Development Trust
West Beach Trust

House of Assembly Members

Hon. Harold Allison	Member for Gordon

Mr Kent Andrew	Member for Chaffey
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Mr Michael Atkinson	Member for Spence
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Mr Ralph Clarke	Member for Ross Smith
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Local Government Association

Cr John Ross	President
Mayor Joy Baluch	Vice President
Mayor Rosemary Craddock	Vice President
Cr Brian Hurn	Vice President
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Mr Jim Hullick	Secretary General
Ms Jacqui Kelleher	Executive Office to Secretary General
Mr Chris Russell	Director Policy
Mr Brian Clancey	Senior Adviser, Policy & Legislation
Mr Peter Bensch	Communications officer
Mr Des Mundy	Director Corporate Services
Mr Nick Scarvelis	Director Strategic Services & Infrastructure
Ms Katie Whitehead	Research & Policy Officer
Ms Wendy Campana	Director Reform Strategy
Ms Theresa Nottle	Executive Assistant, Reform Strategy
Ms Lynn James	Employee Relations Officer
Miss Anna Martino	Customer Service Officer
Ms Karol Oxton	Records Management Officer
Ms Dianne Rawlins	Financial Officer
Mr Ross Manthorpe	Environment Resource Officer
Mr Ken McCann	Chief Executive Officer Dog and Cat Management Board
Ms Janine Jackson	Administrative Officer Dog & Cat Management Board
Mr Fred Graham	Aboriginal Development Officer
Ms Anna Vallejo	Development & Training Officer, Local Government
	HASS/HOME Assist Program
Mr Brian Harvey	Steds Consultant
Mr Damian Moroney	Coastcare Coordinator
Miss Catherine Vine	Trainee

Legislative Council Members

Terry Cameron	Cameron
Trevor Crothers	Crothers
Legh Davis	Davis
Henry Dunn	Dunn
Michael Elliott	Elliott
Kenneth Griffin	Griffin
Paul Holloway	Holloway
James Irwin	Irwin
Sandra Kanck	Kanck
Diana Laidlaw	Laidlaw
Robert Lawson	Lawson
Judith Levy	Levy
Robert Lucas	Lucas
Paola Nocella	Nocella
Bernice Pfitzner	Pfitzner
Carolyn Pickles	Pickles
Angus Redford	Redford
Ronald Roberts	Roberts
Caroline Schaefer	Schaefer
Julian Stefani	Stefani
George Weatherill	Weatherill
Robert Lucas	Lucas
Terance Roberts	Roberts

South Australian Tourism Commission

Mr John Lamb	Southern Television Corporation
Mr Phillip Styles	Phillip Styles Marketing P/L
Mr Bob McLean	St Hallett Wines
Ms Nicky Downer	Downer, Koch Marketing
Ms Roslyn McLeod	Tour Hosts Pty Ltd
Mr Leon Holmes	375 Portrush Road
Ms Margie Gregg	Mt Lofty Summit Restaurant
Mr John Potter	C/- Norwood Football Club
Mr Michael Angelakis	Angelakis Bros.
Mr Bill Spurr	South Australian Tourism Commission

Senators

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Mr Grant Chapman
Hon. Rosemary Crowley
Mr Alan Ferguson
Ms Jeannie Ferris
Mr Dominic Foreman
Hon. Robert Hill
Ms Meg Lees
Hon. Nicholas Minchin
Hon. Chris Schacht
Ms Natasha Stott Despoja
Hon. Amanda Vanston

MPs

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Hon. Alexander Downer	Mayo
Mrs Trish Draper	Makin
Mr Martyn Evans	Bonython
Mrs Christine Gallus	Hindmarsh
Ms Susan Jeanes	Kingston
Hon. Ian McLachlan	Barker
Mr Rodney Sawford	Port Adelaide
Dr Andrew Southcott	Boothby
Mr Barry Wakelin	Grey
Ms Trish Worth	Adelaide

Conservation Councils

Action Group For The Protection of Coffin Bay Waterways
Adelaide Bushwalkers
Anthropological Society
Association of South-East Field Naturalists' Societies
Australian Conservation Foundation
Australian and New Zealand Solar Energy Society, SA Branch
Australians for an Ecologically Sustainable Population—SA Committee
Bicycle Institute of SA
Bird Care and Conservation Society

Civic Trust of South Australia
Coolabah Club
Echidna Care
Economic Reform Australia (SA)
Federation of SA Walking Clubs
Field Geology Club of South Australia
Friends Naturalists Society of SA
Friends of Goolwa & Kumarangk
Friends of Port Moorowie Inc
Friends of Willunga Basin
Gawler District Environment and heritage Association
Gould League of South Australia
Greenpeace
Highbury Environs Against Refuse Tips (HEART)
Institute for Earth education
Kangaroo Island Eco-Action
Marine Life Society of South Australia
Mt Barker District Environment Association
Mt Lofty Ranges Conservation Association
National Trust of South Australia
natural History Society of SA
Nature Conservation Society of SA Inc
North East Hills environment Conservation Association
Orienteering Association of SA
People for Public Transport
Permaculture Association of SA
Port Adelaide Residents Environment Protection Group
Rail 2000 Inc
Royal Zoological Society of South Australia Inc
Scientific Expedition Group
Scuba Divers Federation of SA Inc
Society for Growing Australian Plants
Society for Underwater Historical Research
Soil Association of South Australia Inc
South Australian Herpetology Group Inc
South Australian National Parks Association
South Australian Ornithological Association
Southern Districts Environmental Group
Spencer Gulf Environmental Alliance
St Agnes Bushwalking and natural History Group
Stirling District Environment Association
Surfrider Foundation (SA Branch)
Toyota Landcruiser Club of Australia (SA)
Trees for Life - SA Branch
Urban Ecology Australia Inc
Wilderness Society (SA Branch)
Wildwatch
Yankalilla District Environment Group
Yookamurra Society Inc

Native Vegetation Council

Dr Nigel Monteith
Mr David Moyle
Dr Andrew Black
Ms Ali Ben Kahn
Mr Peter Davis
Mr Michael Gaden
Mr Graham Smith
Mr Murray I'Anson
Mr Clyde Hazel
Mr Andrew Cambell
Ms Sue Rymer
Dr Jose Facelli
Mrs Prue Henschke

South Australian Development Council

Mr Ian Webber AO	220 Stanely Street
Ms Patricia Crook	Marketing Director
Mr Robert Gerard	Chairman/Managing Director
Mr Andre Gwinnett	Chairman
Dr Ed Tweddell	Group Managing Director and CEO
Mr Pearce Bowman	Executive General Manager
Ms Dagmar Egen	State Manager
Mr Perry Gunner	Chairman
Professor Margaret Sedgley	University of Adelaide
Dr Don Williams	c/- Kinhill Engineers Pty Ltd
Sister Deirdre Jordan	Chancellors Office
Mr W.F. Scammell CBE	Chancellor
Professor Ian Chubb	Vice Chancellors Office
Professor M. O'Kane	Vice Chancellor

Wilderness Advisory Committee

Ms Joan Gibbs	Dept Conservation and Park Management University of SA, Salisbury Campus
Mr Eric Bills	Presiding Member Wilderness Advisory Committee
Mr Rob Lesslie	Member Wilderness Advisory Committee
Mr Garry Thompson	Member Wilderness Advisory Committee

COBBLER CREEK

33. **Ms RANKINE:** Why did police refuse to remove representatives of Vodafone from the Cobbler Creek Recreation Reserve on 16 October 1997 when police has been provided with a copy of a letter from the Minister for the Environment to Vodafone, dated 15 October 1997, withdrawing permission for Vodafone to be in the reserve and to proceed with further work?

The Hon. M.H. ARMITAGE: Police have a responsibility to attend incidents involving community protests and industrial disputes in order to prevent a breach of the peace, protect life and property and preserve public order. Police are instructed not to become involved in the incident except to prevent a breach of the peace, protect life and property and preserve public order by the following means:

- Maintaining strict impartiality.
- Informing the parties of their peace keeping role.
- Refraining from intervention or preventative action unless specific breaches of the law are committed.
- Maintain fairness, integrity and impartiality.

On 16 October 1997, police at the Cobbler Creek reserve were shown a photocopy of a letter signed by the Minister of Environment and Natural Resources concerning the authority of Vodafone to be present on the Reserve. The Police Forward Commander at the incident then made inquiries to validate the information contained in the photocopy of the letter..

At about midday on 16 October 1997, the Minister for Environment and Natural Resources, Mr Wotton, issued a press release indicating that he had sought advice from the Crown Solicitor in relation to legality of Vodafone's construction and whilst personally opposed to it, acknowledged that it was their lawful right to do so.

Police do not arbitrate on these issues and remain impartial at all times.

35. **Ms RANKINE:**

1. Who requested the police presence at Cobbler Creek Recreation Reserve on October 16 1997 when a number of local residents protested against Vodafone entering the park to erect a communications tower?

2. When was this request made, how many police attended and from which units?

3. Was the STAR Force involved?

4. What was the cost of the police operation?

5. Who was videotaped ad photographed during the day?

6. As there were no arrests and no offences committed, what was the purpose of photographing residents and how long will the videotapes and photographs remain on file?

The Hon. I.F. EVANS:

1. Police were not requested to attend but were advised that Vodafone were to enter the site. Police have a responsibility to attend incidents involving community protests and industrial disputes in order to prevent a breach of the peace, protect life and property and preserve public order.

2. There was no request for police attendance. Police were advised on Wednesday 8 October 1997 that Vodafone intended to enter the building site. Police initially attended with four members and were present at the site throughout the day during which there was considerable consultation between the parties and respective solicitors.

At about 4 p.m. on 16 October 1997, police had a meeting with Vodafone representatives to discuss the action to be taken by Vodafone. Vodafone advised police that they were going to continue with the construction of the tower which was their legal right.

As a consequence of this advice, police gathered resources in order to ensure the safety of both protesters and Vodafone employees

and to prevent any breaches of the peace whilst Vodafone was going about its lawful business.

A recent Tasmanian Court judgment identified that police have a responsibility to uphold the law and an obligation to stand by to prevent a breach of the peace when a person or company is going about their lawful business.

On Duty police from the following units were gathered in order to ensure police had enough resources to deal with the situation.

5 Members Southern Traffic Division
6 members Northern Traffic Division
6 members S.T.A.R. Division
8 members Northern Command Response Division

3. STAR Division were involved.

5. Only members on duty at the time were involved in the operation. There was therefore no additional cost. Police were doing their required duty.

6. Police took video evidence of police action during the operation as an aid to any subsequent investigations and in case of any complaints against police being lodged. Protesters also took video footage of police officers and Vodafone employees during the day.

7. SAPOL's Police Solicitors Service advise that the video tape will be kept for at least seven years for evidentiary purposes in case of civil litigation.

ON-THE-SPOT FINES

38. **The Hon. G.M. GUNN:** Have police officers been given instructions or encouragement in relation to the number of on the spot fines they are expected to issue?

The Hon. M.H. ARMITAGE: No.

SOUTER, Mr M.

40. **Mrs GERAGHTY:** Has Mr Malcolm Souters' trial on fraud charges been delayed owing to the Dietrich principles and, if so, what conditions must be fulfilled before the matter can proceed?

The Hon. M.H. ARMITAGE: The Attorney General has provided the following response—

The trial of Malcolm Souter on 63 counts of fraudulent conversion has been delayed on the basis of the principles enunciated in the High Court decision of *Dietrich v The Queen* (1992) 177 CLR 292.

The Legal Services Commission and the State Government have granted financial assistance to the accused in the sum of $120 000. This sum has yet to be accepted by the accused on the basis that until counsel retained by him makes an assessment of the case he cannot say whether this sum will be sufficient. The cost of this preliminary exercise and who should do it remain the subject of negotiation between the Legal Services Commission and the accused. Until these issues are resolved the trial has been stayed by order of the Supreme Court.