

## HOUSE OF ASSEMBLY

Tuesday 16 February 1999

The **SPEAKER (Hon. J.K.G. Oswald)** took the Chair at 2 p.m. and read prayers.

### QUESTIONS

The **SPEAKER**: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 11, 13 and 51.

### PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon J.W. Olsen)—

Australian Financial Institutions Commission—Report, 1997-98

By the Minister for Human Services (Hon. Dean Brown)—

Development Act 1993—

Crown Development Report

Proposal for Four Development Applications to Establish an Electricity Power Station at Pelican Point and Associated Infrastructure in the Adjoining Locality

Public and Environmental Health Act 1987—Report of the Public and Environment Health Council 1997-98

South Australian Health Commission—Report of the South Australian Health Commission 1997-98

By the Minister for Environment and Heritage (Hon. D.C. Kotz)—

Wilderness Protection Act—Report, 1997-98

Onkaparinga Catchment Water Management Board—Report, 1998

National Environment Protection Council—Report, 1997-98

By the Minister for Local Government (Hon. M.K. Brindal)—

Corporation By-Laws—

Town of Walkerville—

By-Law No 1—Permits and Penalties

By-Law No 2—Bees

By-Law No 3—Height of Fences near Intersections

By-Law No 4—Caravans and Tents

By-Law No 5—Inflammable Growth

By-Law No 6—Recreation Grounds and Reserves

By-Law No 7—Streets and Public Places

By-Law No 8—Garbage Removal

By-Law No 9—Street Traders

By-Law No 11—Animals, Birds and Poultry.

### WATER OUTSOURCING

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

Leave granted.

The **Hon. M.H. ARMITAGE**: On Thursday 11 February 1999, the Leaders of the Opposition asked three questions without notice which sought to create an impression that the United Water outsourcing arrangements had been handled inappropriately by the Government. The Leader of the Opposition asked the Premier why Cabinet varied the terms of the water privatisation contract 'just days before the 1997 State election was called' to allow United Water to take on a large portion of the \$210 million environmental improve-

ment program of our sewerage works without its going to competitive tender. That assertion simply bears no relationship to the facts.

On 1 May 1995, the South Australian Government released a request for proposal—in 1995—which stated that the successful bidder would be required to 'develop and manage the capital works program within the project area. . . [and] manage the delivery of capital projects'. In seeking proposals from the three selected bidders for the Adelaide outsourcing contract, the SA Water request for proposal document specifically requested that the bidders submit proposals as to how the specialist engineering, project management, contract management and other skills that existed within SA Water could be developed and used in the best interest of the South Australian water industry. Bidders submitted details of these matters and further negotiations were carried out with the preferred tenderer, United Water. This is 2½ years before the State election and even before the outsourcing contract was signed.

*Members interjecting:*

The **Hon. M.H. ARMITAGE**: Absolutely wrong again. Negotiations with United Water over the proposed utilisation of the specialist engineering skills from SA Water were incomplete at the time the contract was signed. The outsourcing contract was signed on 18 December 1995. On that very day—not, as the Leader of the Opposition says, just days before the 1997 State election was called—18 December 1995, SA Water confirmed in writing its intention to enter into a cooperative arrangement, which would be negotiated in good faith and entered into on commercial terms.

In May 1996 Cabinet confirmed its intention to proceed with such an arrangement and, after a period of commercial negotiations, a variation to the Adelaide outsourcing contract was approved in June 1997 to bring effect to the cooperative arrangement envisaged. This was not a matter of fixing the contract, as was suggested by the Leader: it was a matter of finalising the original contract process started two years previously and which was identified in the original request for proposal.

Secondly, the Deputy Leader of the Opposition questioned me on why the Government awarded work without 'open, competitive tender'. The fact is that a worldwide search was conducted by an international consulting firm, Boston Consulting, to identify all the companies capable of undertaking the outsourcing task. Of this extensive list, seven companies responded to an expression of interest. When the process went to the request for proposal stage, the three selected bidders in the request for proposal stage were specifically requested to address the issues of specialist engineering, project management, contract management and other skills. Even had this arrangement not been contemplated at the time of the original request for proposal, I would be confident of the probity of the arrangement. Independent expert advice from the Boston Consulting Group, while recognising the role for competitive tendering, recommended that a strategic alliance was more appropriate for the procurement of design services for capital works.

Thirdly, the Deputy Leader of the Opposition sought to impugn the integrity of a private company—Currie and Brown. As I said in the House on that day, the mere fact that a company has done work for two parties who have a relationship does not establish a conflict of interest. I am advised that Currie and Brown, like any other group of professionals, manages conflicts of interest as they arise. Since the inception of United Water Technologies, I under-

stand that Currie and Brown has had only one commission from United Water Technologies, and that was for a project relating to a centrifuge for the Happy Valley water treatment plant for less than \$5 000. Quite clearly, this has nothing to do with the environmental improvement programs on which Currie and Brown consult to SA Water.

Currie and Brown has stated that it is mindful of the potential for conflict of interest if it accepts commissions from any company involved in the water industry and it would only accept a commission from United Water Technologies after approval by SA Water. There were other matters raised or implied in the Leaders' questions that were based on evidence that is before the Public Works Committee. As the committee has not reported as yet, I am not able to see the statements to which the Leaders refer, and obviously it would be inappropriate for me to respond further at this stage. But my initial advice is that the Leaders have not fairly reported the evidence before the committee.

This agreement is yet another example of the benefits that can be achieved through the type of partnership that the Government has established for the management of our water infrastructure. The Opposition, yet again, has attempted to impugn the contract process. The House would be aware that, yet again, it has failed.

## QUESTION TIME

### PILCHARDS

**The Hon. M.D. RANN (Leader of the Opposition):** My question is directed to the Minister for Primary Industries, Natural Resources and Regional Development. Did the preliminary report on the 1998 pilchard mortality event, prepared by SARDI scientists Ward, Westlake, McLeay and Jones, conclude that imported frozen pilchards were the most probable source of the virus that wiped out 60 per cent of South Australia's pilchard stocks and were the findings and recommendations of that report subsequently altered at the direction of the Minister's department; what changes were made and on whose instructions were they made?

SARDI was given the task of investigating the cause of the 1998 pilchard kill which wiped out 60 000 tonnes of pilchards in South Australian waters and which has been described by one prominent scientist as an environmental disaster in the gulf on the scale of the *Exxon Valdez*.

*The Hon. J.W. Olsen interjecting:*

**The Hon. M.D. Rann:** You don't think it is important to the fishing industry then, do you Premier?

**The SPEAKER:** Order! The Leader will come to order. The Deputy Premier has the call.

**The Hon. R.G. KERIN:** That question contains some pretty serious allegations but I am absolutely unaware of them. What I am aware of, though, is that, over a period of time, a lot of interference has occurred in terms of the whole management of the pilchard fishery by people who should not even be involved. A consultant has constantly fed questions to the Opposition and the Democrats. They have not been particularly good questions in that they do question the Government's decisions—in fact, that person was a signatory to the decisions—but it is then held up as some sort of political conspiracy. This has been going on for quite a while.

A lot of misinformation has been put out and it is with that in mind that I will follow through on the Leader's question. I am certainly not aware of any interference whatsoever in relation to the report.

## ELECTRICITY, PRIVATISATION

**Mr SCALZI (Hartley):** My question is directed to the Premier. In light of the comments made last week by former Labor Prime Minister Paul Keating, will the Premier explain the importance of the sale of ETSA and the benefits of devoting future Government expenditure to invest in the future of this State, rather than in interest payments to the big banks? Last week, speaking in support of Government asset sales, Mr Keating called for increased investment in people and education. He said:

This is what Governments need to do more of. We don't need to own phone companies, banks and airlines—but we do very much need to invest in human capital.

**The Hon. J.W. OLSEN:** I thank the member for Hartley for his questions.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. OLSEN:** I certainly noted former Prime Minister Keating's comments. They are consistent with the comments of Bob Hogg, Bob Carr and Michael Egan, and they are also consistent with Tony Blair's comments, no less. The Labor Party is recognising the reality as we move into the next—

*An honourable member interjecting:*

**The Hon. J.W. OLSEN:** Yes, and it is also consistent with the member for Hart's private views versus his public views. The South Australian—

*An honourable member interjecting:*

**The Hon. J.W. OLSEN:** No, Clive doesn't seem to understand that yet, although someone brought that to his attention. The South Australian ALP seems unable to decide what matters more—people, ideology or opposing simply for the sake of opposing, and that is what we have in the Labor Party in South Australia. As Paul Keating says, investing in people is what matters. Human capital is important for this State and this nation in the future. He is right to say that Governments do not need to own airlines, banks or electricity companies—and particularly generating facilities, I might add, that have a high level of risk to them. It was only in the month of January that the generators in this State lost \$4 million in one day. That is the sort of risk exposure that is about. Governments need to give their people a decent standard of living and provide decent health and education services by privatisation to free up funds and resources to reinvest in people.

They need to provide the infrastructure that will let economies grow and create jobs, and we have identified a whole raft of infrastructure that is rundown, out-dated or simply not efficient any more in South Australia that needs to be replaced to position this State as we go into the next century to give this economy the best opportunity that it can to grow. The Opposition does not seem to have woken up to that fact; it is in this ideological straitjacket as a result of its conference and, despite the fact that the members for Hart and Elder did a ring around in December/January to see whether they could get up another conference to look at the policy to change it over, they have not pursued that. However, they are not looking at policies that will position South Australia well into the next millennium. A few people in the Federal Labor Party are, though. They are waking up to this basic fact.

*An honourable member interjecting:*

**The Hon. J.W. OLSEN:** No, the barbecue is Sunday. I do not know whether the Leader has an invitation to the barby

on Sunday, but I'd hate you to be left out of the member for Hart's barbecue on Sunday. Federal Labor members are waking up to this fact.

*Mr Foley interjecting:*

**The Hon. J.W. OLSEN:** Haven't you asked him, yet? A few people in the Federal Labor Party are waking up to this fact. Of course, Paul Keating, when he made these comments, was launching the book for the Federal shadow Finance Minister, Lindsay Tanner, which calls for a rethink of some of Labor's attitudes towards privatisation. Another Federal Labor member, Mark Latham, has made crystal clear his views on Labor's current policy stance. This is what Mark Latham has to say about his own Party:

An intellectual vacuum has opened up in the Party's capacity to deal with rapidly changing social and economic events. This problem has been aggravated by Labor's style in opposition. The recent dumbing down of the Australian Labor policy looks unappealing and unnecessary. It is enough to break the heart of any thinking social democrat.

That applies in South Australia. The South Australian ALP is hopelessly stuck in the past. The editorial in the *Australian* today states:

There is no reason for Governments to own power industry assets when there are private sector interests prepared to pay for them, nor should Governments be forced into debt and high interest payments to ensure the power industry performs to society's expectations. The money saved can be used to provide community assets such as improved education and health facilities.

That is exactly what we are seeking to do in South Australia. It will be a year tomorrow since we indicated that we wanted to pursue this policy in the interests of South Australia. The *Australian* Editorial clearly indicates that that is the right policy direction for any Government around Australia to pursue. The South Australian ALP, however, would rather we pay millions of dollars, billions of dollars, to overseas foreign financial institutions rather than reinvest in our infrastructure. I put to the House that that is why its primary vote is stuck on 34 per cent—the same as it has been for the past five years. That is a period of achievement, is it not? It has been in Opposition five years yet, according to the *Sunday Mail* poll, its primary vote is exactly the same as it was in 1993—some achievement and some progress from the Opposition! I do not know whether Clyde was putting—

*Members interjecting:*

**The SPEAKER:** Order! I call the member for Elder to order.

**The Hon. J.W. OLSEN:** I do not know whether Clyde has put the kiss of death on the members for Hart and Elder. I am not sure about that, but given all the reminiscing that has gone on within the Labor Party in the past few days it is well to remember that Clyde is accredited with changing from Frank to Don. He did it once before: I am not quite sure where that puts the members for Hart or Elder, but for Clyde to say, 'If I were a member of Caucus, I would vote for Kevin and Pat.', perhaps involves some ominous signs; I am not quite sure.

The Opposition and the Opposition Leader's attitude to the ETSA sale clearly shows how ill-equipped it is for the current political realities. Members opposite are trying to divorce themselves from the current political and economic realities for South Australia. They are trying to ignore the fact and they are trying to gravitate towards the next ballot box. That is what they are trying to do and, as a result, they are stalling South Australia's progress in the meantime. The Opposition has no policies other than exploiting the fear of change. That

is what the Labor Party is on about and, as Mark Latham says:

A Labor Party unable to face up to these issues betrays not only its supporters but also its beliefs. All our talk about social justice counts for nothing unless we are willing to pursue new answers.

Amen to that!

## PILCHARDS

**The Hon. M.D. RANN (Leader of the Opposition):** My question is directed to the Minister for Primary Industries. Why did the Director of Fisheries fail to inform the Environment, Resources and Development Committee of this Parliament of the findings of the SARDI report on the 1998 pilchard mortality event when he gave evidence to the committee on the pilchard kill on 16 December last year, and will the Minister give an undertaking to this House to release the unedited, uncensored, original version of the report under the freedom of information application being lodged today?

**The Hon. R.G. KERIN:** FOIs are handled in the correct manner by my department, and I think an FOI application has already been lodged for this information. I have not seen the evidence that was given on 16 December. I am not sure what was said, or what the expectation was. I do not even know if the Director of Fisheries was actually asked—

**The Hon. M.D. Rann:** You're the Minister.

**The Hon. R.G. KERIN:** I am not the Director. Once again, this takes us to the heart of the game that is being played with the pilchard fishery and with the livelihood of those involved in it. This game has been going on for a long time, and the ERD Committee has to some extent been used as theatre for people to play out a game which is not about the future of the pilchard fishermen or the good of that fishery.

It is quite amazing that some of the accusations which have been made do not stand up whatsoever when one looks at the chronological order of events. Accusations have been made of my gifting people part of that fishery. The person who has been making those accusations was actually a signatory to that decision. That decision was made by the Pilchard Working Party, and Peter Blacker was a member of that working party and a signatory to that decision. That decision came to me, and my major concern was the fact that the 14 people who had been in the fishery for some time might be disadvantaged in the event of a pilchard kill such as we have had and the quota's having to be reduced.

**Mr FOLEY:** I rise on a point of order. The Deputy Premier has imputed an improper motive on Mr Peter Blacker, a former member of this Parliament. Will you, Sir, rule on whether that is proper?

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

**The Hon. R.G. KERIN:** Thank you, Mr Speaker. I am just putting some facts on the table. On seeing that, and having some concern for the people involved with that decision (I did not think that their representation was looking after them the way in which they should), I wrote to that committee and asked it to revisit the decision, to the extent that the first 3 500 tonnes, which was the old quota, be quarantined from future reductions so that the 14 fishermen would be looked after.

It is extremely interesting that the return letter from the Pilchard Working Party, once again signed by Peter Blacker, basically told me to go jump in the lake, stating, 'We are here to make these decisions. It is one in, all in, and we stick by our initial decision.' I have been criticised constantly,

particularly by members of that committee, for that decision having been made, and it has been pointed back at me. The Pilchard Working Party made that decision. Peter Blacker has been making a lot of accusations, which are not correct, and the paperwork proves that.

A lot of accusations have also been made about MOUs and other matters. None of these decisions has been made on MOUs. You cannot run a fishery by an MOU, but it is just as relevant to say that you cannot run a fishery on threat. The threats that have been made to me, such as 'Give it to them; overturn those decisions, or you will be criticised,' are exactly what has been happened over the last 12 months or so; they have been carried through.

On this matter, I do not think that the agenda of some of the people involved is the same as that of the pilchard fishermen. They have not been well served, and certainly some of the accusations made of me have been nothing short of scurrilous and have no basis whatsoever.

### EMPLOYMENT

**Mr HAMILTON-SMITH (Waite):** Can the Minister for Employment explain the importance of sound economic policies to the responsible management of the State and employment? In the most recent *Sunday Mail*, it was reported that Mr Terry Cameron, MLC, a former State Secretary of the ALP who resigned because of the negative attitude of the Labor Party towards the ETSA sale, said that people who had contacted him were concerned at the lack of leadership and direction on policy within the Labor Opposition.

**The SPEAKER:** Order! In calling the Minister for Local Government, I ask him to respond to the question as it applies to his portfolio.

**The Hon. M.K. BRINDAL:** I certainly will, Sir. There is nothing more fundamental to the creation of employment opportunities in this State than sound economic policies. So, if I address sound economic policies, I do so in that context, namely, that it is absolutely fundamental to the platform that will create stable employment opportunities. Opposition members will recall that last week, in an effort to come up with the best possible economic policies whereby employment could be promulgated, we gave this House an entire day to debate the issue of employment creation.

*Mr Foley interjecting:*

**The Hon. M.K. BRINDAL:** The member for Hart interjects. It was he who ran off in a childish tantrum after eight minutes and did not contribute a thing. The member for Hart still seems incapable of opening a disc. You would think that we had given him the keys to something that he could not get into. I quote to the honourable member the immortal words of the member for Elder, who said last week, 'You just don't get it, do you?'

*Members interjecting:*

**The Hon. M.K. BRINDAL:** In the equally quotable words of the Premier today, they should understand over there that what matters more than ideology is people and employment opportunities for the people of this State. Quite specifically, by blocking the ETSA sale, the Opposition is blocking what could be the greatest employment opportunity ever undertaken by a Government in this State. It is as serious as that. Every jobs workshop—

*The Hon. M.D. Rann interjecting:*

**The Hon. M.K. BRINDAL:** I suggest that the Leader of the Opposition concentrate on his own job, not the rest of South Australia's. Every jobs workshop pointed out that

education, specifically as it relates to training, was a major issue confronting South Australia. The Minister for Education has promised that, if we were successful in selling ETSA, massive amounts of money would be put into education. Investment in education is an investment in training, which is an investment in job opportunity in this State. If Opposition members doubt that, I suggest that they go and read anything written by any of the economists around the world about how you create stable employment platforms, whether in regional or national economies. By blocking—

*Members interjecting:*

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

**The Hon. M.K. BRINDAL:** I acknowledge the member for Peake as an expert on hypocrites: he is in a Party that seems full of them.

**The SPEAKER:** Order! The Minister will not inflame the situation.

**The Hon. M.K. BRINDAL:** Quite clearly, they are blocking infrastructure investment, and all economists agree that infrastructure is not only a long-term investment for this State but a legitimate way for employment opportunities to be created in an economy that needs a bit of a fillip, that is slightly on the flat side. Members opposite would rather see \$2 million a day spent on interest than invested in South Australia. That is their vision for this State's future. It is little wonder—

*Mr Wright interjecting:*

**The SPEAKER:** Order! The member for Lee.

**The Hon. M.K. BRINDAL:** I'll talk to you about your vision. It is little wonder that Clyde Cameron, so beloved of the Labor Party, said that the Leader of the Opposition does not have what it takes to win. It is no wonder that the member for Hart and the member for Elder have discovered a shared passion for crabbing and go off on little trips together over Christmas. It is no wonder that former ALP Secretary Terry Cameron has been able to poach senior Labor figures and trade unionists to his new Party. Last week—

*Members interjecting:*

**The Hon. M.K. BRINDAL:** I did not agree with everything former Prime Minister Keating said, but one of the things that he said was that it was quite easy to get bottoms on seats on any side of Parliament: what was hardest to get was an original idea. The Opposition proves that there has not been an original idea in here for a very long time. Mr Keating went on to say, as we have heard today:

We don't need phone companies, banks and airlines; what we do need—

**Ms HURLEY:** On a point of order, I believe that the Minister is flouting your original order of answering the question as it refers to his portfolio and is now straying into areas entirely separate from that.

**The SPEAKER:** I uphold the point of order in that the Minister is now straying into areas of debate, and I ask him to come back to the question he was asked.

**The Hon. M.K. BRINDAL:** Of late, Latham is read a bit more on this side of the Chamber than Keynes, and he said:

There are two types of Opposition. The first is an Opposition which sees its role as exploiting the change process. It tries to feed off the discomfort Governments invariably encounter in having to manage the consequences of economic and social change. . . The second type of Opposition involves agenda setting. This approach embraces the reform of public policy in response to the inevitability of economic and social change; what Tony Blair has called 'permanent revisionism'.

The Leader of the Opposition here likes to think he is a Tony Blair, but he does not have much vision for the future. He is Latham's first type of Opposition Leader, the type who offers no vision and tries to feed on fear. Labor has no options for employment in this State or for its economic management. Labor has no Tony Blair and it has no entree to Tony Blair. The polls—and even the grandees of his own Party—suggest that another British Labor comparison may be more accurate. This Leader is not Tony Blair: he is Neil Kinnock.

### PILCHARDS

**Ms HURLEY (Deputy Leader of the Opposition):** My question is directed to the Deputy Premier and Minister for Primary Industries. Did Dr Jones, one of the SARDI scientists who co-authored the report on the 1998 pilchard mortality event, write to the Director of Fisheries expressing concerns that the Director of Fisheries had deliberately misled the parliamentary Environment, Resources and Development Committee about the pilchard kill; what were those concerns; and will the Minister give an undertaking to release this correspondence under a freedom of information application being lodged today?

**The Hon. R.G. KERIN:** I am totally unaware of what the Deputy Leader is speaking about but, as with all FOI requests, we will look at the request and release what is appropriate.

### WATER OUTSOURCING

**Mr CONDOUS (Colton):** Will the Minister for Government Enterprises advise the House of the economic benefits to South Australia from the establishment of United Water Technologies?

**The Hon. M.H. ARMITAGE:** I thank the member for Colton for his question about this matter as it allows me to underline to the House the economic benefits of the arrangements which I identified had probity in my ministerial statement. As I identified, in June 1997 Cabinet approved a variation to the Adelaide outsourcing contract. This variation, despite attempts by the Opposition to muddy the waters, was clearly intended to be part of the agreement from the very beginning, and the actual agreement was only a matter of finalising the details before the variation was authorised. It does distress me that the Opposition continually refuses to address the issues.

*Members interjecting:*

**The Hon. M.H. ARMITAGE:** Indeed, the member for Hart is asking how I worked that out. I would suggest that the member for Hart obtain a copy of the ministerial statement and carefully read it through, because in that ministerial statement I detailed in absolute chronological order how the allegations of the Leader and the Deputy Leader last week were completely wrong. In doing so, I said that the United Water Technologies agreement—

*Members interjecting:*

**The Hon. M.H. ARMITAGE:** Yes, there goes the Leader of the Opposition; he is probably off to check the ministerial statement or something. But we should not be surprised, because he actually spends about 70 or 80 per cent of Question Time out of the House. As I indicated in the ministerial statement, the United Water Technologies agreement was envisaged in the request for proposal documents early in May 1995, and the broad agreement was documented in 1995 by SA Water. Cabinet gave approval in

May 1996, and final approval was given in June 1997. It would be terrific if, just once, the Opposition actually focused on the future rather than asking me in this instance to continue to be forced to give to the House history lessons.

*Mr Foley interjecting:*

**The Hon. M.H. ARMITAGE:** The member for Hart asks, 'When are we going to get the Pica factory?' I do look forward to the member for Hart asking me that formally; he has asked me on a number of occasions. I really look forward to his asking me about that because, as I have already identified to the House, that is up and has been in production since late last year. The variation of the contract successfully transferred the delivery risk to United Water and included an incentive arrangement whereby United Water did, in fact, receive a share of cost savings. Of course, that will get the Opposition up in arms, but it also gave it a share of any cost overruns. So, that seems like a completely legitimate arrangement. The arrangement—

*Members interjecting:*

**The Hon. M.H. ARMITAGE:** I must be terribly boring today, because the Leader of the Opposition has gone and at least three members of his backbench are actually asleep.

*Members interjecting:*

**The Hon. M.H. ARMITAGE:** At least they have woken up—almost all of them. So, something or other is good about the Opposition making a lot of noise: it keeps its members awake. This arrangement has been used by SA Water to drive down costs. That is actually what the member for Colton particularly asked me to focus on, so let us look at some examples. The first major project to be handled under this arrangement is the dissolved air flotation/filtration plant at Bolivar for which stage 1 is being completed, and the full plant will be finished ahead of schedule in May 1999. That is a great project, and for this project alone the independently audited savings to the taxpayers of South Australia is 10 per cent of the total project cost through the United Water Technologies arrangement.

Members of the Opposition criticise that arrangement; presumably they wish it was not in place. I note that the member for Hart is nodding. What that immediately means is that the pettiness of the Labor Party would see a DAFF plant out there with an additional \$2.75 million spent on it—not saved through this arrangement. That is exactly the sort of economics for which the member for Hart and the Labor Party are world renowned. That \$2.75 million is only the pure financial benefit, because the combined SA Water-United Water project delivery system has many flow on benefits to local firms and to the State economy by enabling a number of Adelaide based consultants and contractors to be involved in delivering this DAFF plant.

Under the United Water contract, the economic benefits under the second year review show aggregated net exports of \$28.6 million, providing South Australia with \$52.9 million of exports in only the first two years of the contract, and this in a burgeoning, international class industry about which the Opposition does nothing but carp. Last week, I talked about the Schlumberger project and informed the House that the benefits from that contract, in fact, had a \$1 million advantage which Schlumberger held in terms of the net present value. That was wrong, because that \$1 million advantage actually applies to direct benefits over costs.

While in bids the net present value terms were within about 5 per cent of each other, the impact on gross State product of the Schlumberger proposal was almost \$50 million higher than that of the rival bid. The member for Hart does

not mind giving away \$2.75 million on the DAFF plant, because he indicated he did not want the United Water Technologies deal to have been done. I wonder whether the Leader of the Opposition is worried about a \$50 million injection to the—

**An honourable member:** He's not here.

**The Hon. M.H. ARMITAGE:** The Leader is not here. The Deputy Leader might choose to inform the Leader of the Opposition that this Schlumberger project has a \$50 million impact on gross State product. Lastly, let us look at the SA Water facts. In the last year of the Labor Administration, there was a \$47 million loss. That means that not only were South Australian taxpayers paying their water rates but they were actually paying again—they were paying another \$47 million to an incompetent Government. In 1997-98 this Government produced not a \$47 million loss but, out of the water contract, a \$170.7 million profit. That is a \$217.7 million turnaround. I know that the Labor Party does not really care about money, but most of my constituents would think that \$217 million is jolly well worthwhile getting a turnaround in.

*Mr Conlon interjecting:*

**The SPEAKER:** Order! I warn the member for Elder.

**The Hon. M.H. ARMITAGE:** In terms of the water contract, members of the Labor Party focus all the time on process. They do not like acknowledging that the contract is working and delivering \$217 million worth of turnaround. Members opposite do not like doing that, so they talk about process all the time. That was the import of the Deputy Leader and the Leader of the Opposition's questions. As I go out into my electorate of Adelaide—and I speak to the people regularly—I can tell the Labor Party that I just wish that it had concentrated on process when it was in government. I just wish it had not let the State Bank go broke because, when I go out to the schools and the people ask for new classrooms and more teachers, I cannot guarantee to give it to them. Why not? Because the Opposition just flagrantly wasted the money and now members opposite have the hide—

**The SPEAKER:** Order! The Minister will resume his seat. There is a point of order.

**Mr CONLON:** I take a point of order in relation to relevance. The Minister has made a ministerial statement today. He has now been going for seven minutes and abusing Question Time. If he has a point, perhaps he could come to it.

**The SPEAKER:** Parts of the Minister's reply could have been committed to a ministerial statement. I ask that he keep strictly to the reply as it applies to the question being asked.

**The Hon. M.H. ARMITAGE:** Unlike the Labor Government, this Government is committed to the future and that future is of a vibrant, world-class, export oriented water industry in South Australia and it is working already. New times and new visions seek new models from Government. We have a vision of the future. Every time the Labor Party looks at the future it uses the rear vision mirror.

*Members interjecting:*

**The SPEAKER:** Order! The Minister for Government Enterprises will come to order.

### MODBURY HOSPITAL

**Ms STEVENS (Elizabeth):** I direct my question to the Minister for Human Services. Given that the Government has announced as a new initiative in four successive budgets that maternity services at the Modbury Hospital would be

upgraded, and the Minister's statement to the House last week that this work is about to commence, will he explain yesterday's announcement that in future Modbury Hospital will pass maternity cases to the Lyell McEwin or the Women's and Children's Hospital? This year's budget includes \$8.6 million for the upgrading of the obstetrics and associated services at the Modbury Hospital. Last week the Minister told the House:

The State Government has committed money to the redevelopment of part of Modbury and that work is about to start.

Yesterday under the heading 'Health system under the knife', it was reported that the Government's long-term plan was to close maternity services at Modbury.

**The Hon. DEAN BROWN:** First, the honourable member is referring to the clinical reviews carried out, the first four of which have been or are in the process of being released. A total of 19 are to be carried out this year or early next year. For the first time in quite considerable detail they bring together a whole range of specialists in key areas of specialisation in the major metropolitan teaching hospitals of Adelaide and try to come to a very constructive position about where the specialist services should be provided in future. It is the first time it has been done in such a comprehensive way. It has been talked about, even going back to the Uhrig report, which talks about trying to ensure there is rationalisation and a plan and vision for clinical services. That process has been started.

It is worth highlighting to the honourable member and the House the process this has gone through. We have brought together large teams of practising surgeons, medical officers and clinicians who are specialists in each of these areas, to carry out this review. In many cases we have also brought in specialists from interstate and have had a small team of consultants helping to bring together these groups. If we look at obstetrics, for instance, 21 different specialists sat on that review. Other reviews had even more specialists involved. I will make a copy of the first four reviews available to the honourable member. I will give them to her after Question Time. They set down broad standards that should apply in terms of development, whether it be cancer treatment, cardiac treatment, renal treatment or obstetrics and paediatrics, in the major teaching hospitals. It looks at what sort of services should be delivered, what levels of service are required to maintain the skills of the teams and how best to deal with the growth and population that is largely to the south and north of Adelaide and looks at where the births are.

The honourable member has not had a chance to read the obstetrics review, but if she did she would find that one of the options being put forward was, in the medium term, to keep obstetrics going at Modbury. Therefore her question needs to be taken into account as part of the clinical review. One of the options put forward was maintaining obstetric services in the north-east in the medium term at least.

**Ms Stevens:** What is the medium term?

**The Hon. DEAN BROWN:** They set targets for the year 2001, 2006 and so on. As the demographics of Adelaide's population change, so therefore the location of service delivery needs to change. They argue there should be at least a service in the south of a particular standard (level two), a service in the north (a standard of level two), a centralised service at the Women's and Children's Hospital (at level three) and they argue, at least in the medium term, of the potential for one at Modbury, or the north-east as it is referred to. I stress that the process now is for these clinical reviews,

which invariably involve staff from each of the major hospitals in the review, to now go out to the staff and boards of the hospital for their comment and consideration before coming back to the Department of Human Services and to me for final decisions to be made.

It is not proposed to suddenly start implementing changes from next financial year. This is a vision of where health care should head in South Australia over the next 10 to 15 years. It is recognised that we have very good centres of excellence, such as the renal unit at the Queen Elizabeth Hospital—probably the best in Australia. We have a number of others regarded as the best in Australia. We have found that these specialist areas need to maintain a certain level of activity. They need to have the latest equipment and need substantial teams of specialists that can operate 24 hours a day seven days a week to maintain the standards. If you drop below those levels of service, the competence of the teams themselves tends to drop and the service then drops.

This is about providing for South Australians world-class health care over the next 15 to 20 years. These are not proposals drawn up by accountants or someone like that in order to save money. They are drawn up by the very people, the clinicians themselves, who are concerned about standards of health care in these specialists areas. I urge the Opposition, particularly the shadow Minister, to read the reports, to be involved in the broad consultation, and to encourage hospitals to be involved. It will be interesting, because the one message that has come through from the professionals in the health care area is that they hope this is not torpedoed by cheap politics when we are look at the long-term health care of South Australians, particularly in the metropolitan area. I am not accusing the honourable member of that. I warn her, though, that the opportunity is there to be part of delivering a better quality health care in the long-term for South Australians and I hope she will be part of that process.

### ELECTRICITY, PRIVATISATION

**The Hon. G.M. GUNN (Stuart):** My question is directed to the Minister for Industry and Trade.

*Mr Conlon interjecting:*

**The Hon. G.M. GUNN:** You are the expert in that field. Will the Minister outline to the House what benefits a competitive electricity market could have on the further development of the South Australian economy?

**The Hon. I.F. EVANS:** I thank the honourable member for his question and the whole national electricity market question is an important debate for South Australia and certainly for the long-term future of the South Australian industry base. We all know that South Australia has spent 50 years building up a strong manufacturing base through Holden's and Mitsubishi and all the industries built around them. We now have a strong manufacturing base that contributes very much to the gross State product and certainly to the employment of many South Australians and their families. The manufacturing industry is one of the State's largest energy users and I am advised that for some of the manufacturing businesses energy costs comprise 50 per cent of their costs. Therefore, anything that can be done to reduce those costs has to be in the long-term interests of those businesses, hence the privately run contestable market is ultimately in the long-term interest of South Australian industry.

Members have only to look at today's *Australian* editorial to realise that the Victorian Energy Regulator and the

Victorian Auditor-General have both recognised that that State's market has produced reduced tariffs for business. The Victorian Auditor-General now recognises that fact. So, the benefits that are available have now been made public. Is it any wonder that people such as Paul Keating, Mr Carr and Mr Egan have continued to say, 'Release the public moneys that are tied up in your electricity assets and put them to a social good.'

In layman's terms I put it in this context: the possible whitegoods merger of Email and Southcorp that is being floated at the moment poses a problem. Approximately 500 000 units per annum will be produced under the new merger. I am advised that the marginal cost of \$8 to \$10 per unit might sway where ultimately those goods are produced in the future; and, if that merger proceeds, obviously electricity costs affecting that marginal cost will play a very important part in the decision-making process as to the ultimate location of the manufacturing base. It is a fact that 500 000 units per annum at \$10 per unit is a \$5 million question. The Opposition and others may say, 'We will try to help out from our industry investment fund.' The Opposition's problem with that argument is simply this—

*Mr Foley interjecting:*

**The Hon. I.F. EVANS:** You would put the argument because Mr Rann was quoted in the media in January as saying that we should be supporting those businesses that already exist in South Australia. If the Opposition continues to run that argument the problem it comes up against is this: in the future South Australia will be faced with a Queensland Government that is essentially debt free. Queensland has significant trading enterprises that return approximately \$1.1 billion—I think was the figure used in the media recently—to its budget. South Australia is in the position of paying out \$700 million in interest, and the shadow Treasurer knows that. Queensland has a significant budgetary advantage over South Australia today, and that is at today's interest rates, not tomorrow's interest rates.

New South Wales has a \$15 billion debt. If New South Wales sells its power assets worth \$25 billion, it will have a \$10 billion surplus to invest and it can use the interest on that money to compete against South Australian industry. Victoria just sold some of its gas assets for \$1.6 billion—it expected to receive only \$1.1 billion. Victoria will be in a significantly better budgetary position than South Australia in one year's or two years' time—in fact, it is already.

My understanding is that Victoria's debt is about 7 per cent of its GSP: South Australia's is about 22 per cent. The question that South Australia must answer, and the answer the Opposition needs to get out to industry is this: how is any Government in South Australia going to compete if it is paying out \$700 million a year in interest? How will we support the existing South Australian businesses that come to us for assistance when we are up against Queensland, New South Wales and Victorian economies that are cashed up, have budget surpluses and no debt? That is the policy question the Labor Party needs to address. That is the answer the Labor Party needs to get out to businesses in this State. The simple fact is that it is 'No Plan Rann'.

*Members interjecting:*

**The SPEAKER:** Order! Members on my right will come to order.

*Members interjecting:*

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

*Members interjecting:*

**The SPEAKER:** Order!

### MODBURY HOSPITAL

**Ms STEVENS (Elizabeth):** Will the Minister for Human Services explain the statement published yesterday that 'there are some hard decisions for Modbury Hospital' and, given the continuing losses being made by Healthscope under the renegotiated contract to manage Modbury, last week's closure of the temporary private hospital, ongoing delays on the commencement of construction of the new private hospital and plans to close the maternity section, do the hard decisions include yet another renegotiation to pay Healthscope more or further downgrading of services?

*An honourable member interjecting:*

**The Hon. DEAN BROWN:** I heard an interjection as I rose to my feet that the honourable member asked this question, or a very similar one, last week, in which she made the same sort of accusations, and I say that is fair comment indeed. The honourable member knows that Modbury Hospital is delivering, through Healthscope, the same services as a public hospital but, in addition, has delivered additional services to the people of the north-eastern suburbs. I do not have the list with me but I will provide the list for the honourable member. I will table it tomorrow. I will read it to the House tomorrow so that the honourable member and all other members who represent the north-eastern suburbs and who keep asking these questions know very clearly the additional services that are being provided as a result of the work being done in contracting out the Modbury Hospital.

The fact is that because the facility is delivering the services more efficiently than when it was a public hospital run by the Government it is able to deliver services to more people, and I would have thought that that was a huge benefit. We make a 5 per cent additional contribution as a result of that contract at the Modbury Hospital with Healthscope.

We acknowledge that Healthscope is finding it difficult to make a profit on that contract. That just shows that the former Minister was a very good negotiator. The former Minister negotiated an extremely good deal. What is the honourable member trying to advocate—that we should be paying more for the same services? That is how it appears. I highlight that this Government is committed to ensuring that we maintain excellence in the public health system through the contract at Modbury. The evidence is that—

**The Hon. M.H. Armitage:** At least you acknowledge there are savings; that is the first time you have done that.

**The Hon. DEAN BROWN:** It has taken the honourable member, what, three years to acknowledge that much. What is interesting is that the Opposition just cannot come to grips with the fact that this contract is saving the Government money and that, as a result, we are able to treat more patients. We are able to treat more people because we are delivering the services more efficiently than previously. They are the facts. We know that the Opposition does not like the facts, but the important aspect is that Modbury Hospital is working well indeed. We know that. Additional services are being provided and I will provide the House with that information tomorrow.

### EDUCATION FUNDING

**The Hon. R.B. SUCH (Fisher):** Will the Minister for Education, Children's Services and Training provide details

of the Productivity Commission's report on the expenditure on education by various States throughout Australia?

**The Hon. M.R. BUCKBY:** I have made the point a number of times in this House that South Australia leads the nation in educational expenditure. We now have an independent umpire, the Productivity Commission, putting this statement beyond all reasonable doubt. The Productivity Commission's research shows not only that resourcing of the education sector by the South Australian Government is well ahead of average performance of other State and Territory Governments, but it also shows that the Liberal Government's commitment of providing resources to education in South Australia is now well ahead of the Opposition's record when it was in Government in 1993.

The difference is even more pronounced with respect to Government schools: South Australia, 11.2 students per staff member (Australia 12). South Australia has the best student-staff ratio in Government schools of any State except Tasmania. Expenditure per student by the South Australian Government in Government schools is also well ahead of national average on the latest figures quoted by the Productivity Commission. That figure is \$5 931 per student against an Australia-wide figure of \$5 770. New South Wales spends nearly \$200 per pupil less than the national average and \$350 less than South Australia on Government schools, despite the fact that it gets a Commonwealth contribution in specific purpose payments for schools per pupil higher than that of any other State. That is a Labor Government.

*An honourable member interjecting:*

**The Hon. M.R. BUCKBY:** That's right. As the Deputy Premier says, the Labor Government is spending \$350 less per student than we spend on students in South Australia. Perhaps we can compare this Government's spending on schools in 1997 with the Opposition Labor Party's spending in 1993. According to the Productivity Commission, on every measure spending per student in South Australia in Government schools grew between 1993 and 1997. In primary schools, it grew from \$4 346 to \$4 734 per pupil; in secondary schools, it grew from \$6 857 to \$6 948; and out of school expenditure grew from \$340 to \$481. These facts show that the Liberal Government's commitment to education and the resources it makes available are far ahead of both national norms and of Labor's performance while it was in power in South Australia. They are objective and undisputable facts, put together by the Productivity Commission on a national comparable basis. It is no wonder that the Labor Party wants to abolish the Productivity Commission, because the answers it delivers just does not suit its rhetoric.

### GLENELG-WEST BEACH DEVELOPMENTS

**Mr CONLON (Elder):** My question is directed to the Premier. What guarantees has the Government given the Holdfast Shores Consortium regarding maintaining minimum depths of water within the Glenelg harbor, and what will be the additional cost to taxpayers to meet these guarantees?

*Members interjecting:*

**The SPEAKER:** Order! The honourable member will come to order.

**Mr CONLON:** They're a feisty mob today, aren't they?

**The SPEAKER:** Order! The honourable member will proceed with his question.

**Mr CONLON:** The Opposition has a leaked copy of a report prepared by an officer in the commercial advice section of the Premier's own department—



*Members interjecting:*

**The SPEAKER:** Order! Members on my right will come to order.

*Members interjecting:*

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

**Mr CONLON:**—which details a litany of problems that have beset the product. The report states that the Baulderstone report of 1995 failed to anticipate the effects of accumulated seagrass, that \$600 000 has already been spent removing seagrass and that it could cost \$4 million to deepen the harbor. In relation to the Government's requirement to maintain the depth of the water in the Glenelg harbor, the report states:

You could steer a very large boat through this clause in the agreement.

That is fortunate, because you cannot steer a very large boat through the harbor!

**The SPEAKER:** Order! The member is now commenting.

**The Hon. M.H. ARMITAGE:** It is interesting to note that the member for Elder talked about a litany of problems with this project. In answering the question, I wish to emphasise the words 'with this project', because this Government does have a project at Glenelg whereas the previous Government did not. The previous Government went through—

*Members interjecting:*

**The Hon. M.H. ARMITAGE:** As we are talking about litanies, I should mention that the previous ALP Government had a litany of failures. I am informed that it had five attempts to get up a project, and not one of them got out of the starting gates—not one. One of the things that I do as Minister for Government Enterprises, amongst many other things, is to sign the contracts of people who have bought homes in Holdfast Shores off the plan. Hundreds of people have invested really large sums of money in some instances, medium sums of money in other instances and smaller sums in the final instances in buying residential property in a project of which this Government is justifiably proud. I know that the ALP hates this sort of thing going on, because it is actually a badge—

*Mr Conlon interjecting:*

**The SPEAKER:** Order! The Minister will resume his seat. I warn the member for Elder for the third and last time. I remind the member for Elder that his argument is between him and me. As the Chair, I am the one who asks you to stop interjecting. If you defy the authority of the Chair, it is between you and me. It has nothing to do with being inflamed or egged on by members on my right. If members continue to ignore me, there is a consequence. The member has now been warned for the third and last time today.

**The Hon. M.H. ARMITAGE:** I reiterate that many South Australians have invested a lot of money collectively in a project which is up and running. It is a good project. I could ask the House, metaphorically, 'Is it good that South Australians are investing this sort of money into Glenelg?' Yes it is. Why is it good? It is because it provides employment and a buzz in that area; and it is good for tourism, because of all the shops, restaurants and so on which will be there and which are proving very popular, also. Yes, it is good for South Australia. Is it something that members of the Opposition want? No. Why not? It is because they actually do not want anything to go ahead in South Australia. They are absolute knockers of every bit of progress. Members of the

Opposition simply do not want people in the industry to be employed. They do not want the plumbers to be able to put the plumbing into the buildings. They do not want the people who actually put down the floor coverings to have a job. They do not want those people to spend the money that they earn in this project in other areas in South Australia. Why? It is because they are knockers.

**Mr FOLEY:** I rise on a point of order, Mr Speaker. The Minister is clearly debating the matter and not addressing the substantive question.

**The SPEAKER:** Order! I uphold the point of order in that, once again, the Minister is moving out into the area of debate; I ask him to come back to a factual reply to the question.

**The Hon. M.H. ARMITAGE:** The other point that I would make is that the majority of the homes which I sign off as Minister for Government Enterprises have a marina with them. Do you think intelligent South Australians would invest a lot of money in marinas if there was a long-term, insoluble problem in the mouth? Of course not. This is a great project. The Government is delighted because it is going ahead, and I would remind members of the House that it almost did not go ahead. Why? It is because members of the Opposition were such knockers and blockers that they almost did not allow the dominoes to fall because of the West Beach boat launching facility. We know that they spent a lot of time supporting the protesters there. That is another great facility which the people of South Australia are enjoying. Rather than being concerned about this project, the Government is delighted that it has brought it to fruition.

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#### MEMBER FOR ROSS SMITH

**The Hon. I.F. EVANS (Minister for Industry and Trade):** I table a ministerial statement made by the Attorney-General in another place and also a report by the Director of Public Prosecutions.

#### NGARKAT NATIONAL PARK

**The Hon. D.C. KOTZ (Minister for Environment and Heritage):** I seek leave to make a ministerial statement.  
Leave granted.

**The Hon. D.C. KOTZ:** I wish to take this opportunity to pay tribute to the braveness of the firefighters who recently fought a blazing bushfire in the Ngarkat Conservation Park. Through the combined efforts of the Country Fire Service, National Parks and Wildlife South Australia, Parks Victoria and the Victorian Department of Natural Resources and Environment, property losses were restricted to around 10 kilometres of boundary fences. When the fire burned out into small areas of freehold land to the north and the south of Ngarkat Conservation Park, it was quickly brought under control. However, unfortunately the inferno burned out some 110 000 hectares of native vegetation. This is around 30 per cent of the entire park.

The fire broke out during the evening of Wednesday 27 January 1999 in the Ngarkat Conservation Park and, by the following day, the fire had grown from some 200 hectares at 7.30 a.m. to approximately 45 000 hectares at 10 o'clock on Thursday night. The intensity of the fire and its rapid

speed made it extremely difficult to control. The brave men and women—

**The SPEAKER:** Order! My comments are directed, once again, to the cameramen: you know the rules.

**The Hon. D.C. KOTZ:** Thank you, Sir. The very brave men and women fighting the conflagration had to deal with a situation in which the fire would jump cleared breaks of over 15 metres. In one particular case, a rolled break of some 50 metres was crossed by the fire despite the presence of more than 10 large CFS trucks and their crews.

The effort to control and to put out the fire was organised through the Australian Interagency Incident Management System with a designated controller and control team. The system has been adopted by the CFS and National Parks and Wildlife SA to combat major incidents. Firebreaks were established along the edge of the fire and bulldozers were used to construct control lines. Firefighters patrolled the lines and worked to stop the fire from crossing them. Air bombers were also brought in to try to retard the spread of the fire and reduce its intensity. After much effort and angst, the fire was finally subdued on Sunday, 7 February.

It is standard procedure after a bushfire to conduct a review. The review for the Ngarkat fire is under way and takes the form of a number of debriefs which will be held at various localities including Karoonda and Bordertown. Any concerns or suggestions for future action will be considered during this review process. It is unfortunate that there has been some media scuttlebutt and incorrect statements made in this House about the way in which the fire was fought preempting the results of the review. In such dramatic incidents there will always be views on how things might have been done better or should have been done before, and sometimes these views can simply be put down to the benefit of hindsight and sometimes they may be good suggestions. That is the purpose of the review: to assess the way in which a fire was fought so that we can learn and do better next time.

Both the Country Fire Service and National Parks and Wildlife SA have much experience in fighting fires in South Australian parks. Within the Ngarkat Conservation Park, firebreaks and internal access tracks are maintained as part of an ongoing program of fire prevention works. Throughout our State, district rangers prepare annual fire prevention programs for parks within their districts. These plans are based on CFS district fire prevention plans, park management plans, prevention plans, seasonal conditions and previous fire experience.

The close working relationship between National Parks and Wildlife staff and the CFS ensures that the plans address any outstanding local issues. The plan does work. Over the last 10 years, only 1.5 per cent of all rural fires in South Australia started in parks and reserves. It is worth noting that some four times as many fires enter reserves from private land than escape from reserves. The CFS volunteers and National Parks and Wildlife staff who fight fires deserve credit for the success in preventing and fighting bushfires. When a fire does break out, we rely on them to protect lives and property, and their efforts deserve our unconditional appreciation, which I am sure all members of this House will join with me in passing on to them.

#### MEMBER FOR ROSS SMITH

**Mr CLARKE (Ross Smith):** I seek leave to make a personal explanation.  
Leave granted.

**Mr CLARKE:** I rise to make a personal explanation to the House with respect to the events of last week, surrounding a trial I was involved in, which was based on a number of allegations made against me by one Edith Pringle. From the time this matter first surfaced publicly, in May last year, my private life has been the subject of extraordinary media publicity, which has been extremely invasive of not only my own personal life but that of my immediate family. I will not be commenting on the events that led up to my arrest, or to subsequent events or, indeed, to the allegations that were made against me. The purpose of my making this personal explanation is to place on record in this House the reasons given by the Director of Public Prosecutions for his decision, and his decision alone, to withdraw the charges against me and also the comments of the trial judge presiding over my trial. In addition, I wanted to record my thanks to a number of people for their support over the last nine months.

The basis of Australia's criminal justice system, which we have derived from the great legal traditions of the common law, is that an accused person is innocent until proven guilty. Unfortunately, the presumption of innocence was discarded by certain elements of the media, in the reporting of this whole matter, since it first began in May last year and, indeed, even since the Director of Public Prosecutions' decision to withdraw those charges against me, there has been ill-informed comment by some members of the community.

I regret that some members of the women's movement consider that the cause of women, the subject of domestic violence, has been weakened. Let me assure those people that I abhor violence to women. I ask those people to respect the presumption of innocence so far as it applies to me. I do and will continue to respect their concerns for women exposed to domestic violence.

The Director of Public Prosecutions makes his own decision with respect to the withdrawal of charges. I was not aware of his decision until moments before it was announced in an open court. Many serious allegations were made against me, and others, in open court which have been publicised in a sensational and extravagant manner. Whilst I welcomed the DPP's decision to withdraw the charges, I also regret that I was not able to give evidence, under oath, and be subjected to cross-examination by the DPP, so as to refute those allegations. I also know that the early closing of my trial prevented other witnesses from giving evidence under oath, and being subjected to cross-examination, so as to prove that other allegations made by Ms Pringle were false. In particular, I refer to the allegations made by her against the Leader of the Opposition. I know those allegations to be false.

As to the weight, if any, that any person wants to give to the evidence and the sensational allegations made against me and others last week in court, I simply quote for you the words used by the Director of Public Prosecutions, Mr Paul Rofe, when he made his statement to the court that he was withdrawing the charges. He said:

I wish to make a brief statement to the court. The prosecution's role in criminal proceedings is to assist the court to arrive at the truth and to do justice between the community and the accused according to law and the dictates of fairness. After certain evidence given by Ms Pringle, particularly yesterday afternoon, I find myself unable to discharge my primary duty as prosecuting counsel to put the case to the jury. I have sufficient concerns with some aspects of her evidence and cannot, therefore, ask the jury to return a verdict of guilt based on the evidence. Accordingly, I enter a *nolle prosequi*.

I did not go to St Peter's, so I probably got the Latin pronunciation wrong. I am sure the member for Spence will correct me. I also draw your attention to the comments made by the

trial judge who, after the conclusion of Mr Rofe's statement, said:

It is entirely your decision, Mr Rofe, but if I might say so, I think it is very well based. I will translate that into English for you, ladies and gentlemen of the jury. 'Nolle prosequi' are two Latin words meaning roughly 'I decline to further prosecute'. It is a right that sits with the prosecuting authorities throughout the case. It can be exercised at any time right up to the time of your verdict and, in fact, many years ago I saw it exercised as a jury was walking back to give a verdict. The practical effect of it—

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

**Mr CLARKE:** I seek leave to continue my remarks.

Leave granted.

**Mr CLARKE:** He continues:

The practical effect of it is that the trial is over. Your function is finished. My function is finished. Mr Rofe has told you his reasons and, as the DPP, it is his right. It happens to be, as I said, not that it is anything to do with me, in my opinion a very, very proper course to take in the circumstances.

I leave the members of this House to consider those words and to come to their own conclusions. I note the statement made by Mr Rofe, through the Attorney-General in another place today: I will not refer to it, but it confirms the tenor of the statement he made to the court last week. The media coverage of my trial and at all other relevant times from when these allegations first became public has been extraordinary. I call upon the media to review their performance. They would do well to ponder an article written by British journalist, Paul Johnson, in the *Spectator* dated 16 January this year where he commented on the intrusive style of Britain's tabloids, as follows:

The corruption of the press operates according to a media Gresham's Law: bad coverage drives out good. The intrusive methods of the gutter tabloids have been adopted by the upmarket tabloids and increasingly by the broadsheets. The *Times* and *Guardian* have been long lost causes, and now even the *Telegraph* papers are beginning to publish confessional material. A malodorous wet-rot is spreading upwards from the sewer and all this repellent stuff is eating up the column inches available for serious news. Indeed, the old distinction between popular and quality papers has gone.

This coverage of myself—

**The SPEAKER:** Order! I caution the member. This is a personal explanation and he may not attack the media or any other person.

**Mr CLARKE:** This coverage of myself was facilitated by the deliberate leaking of records to be used at the trial. At the trial they could be cross-examined on and subjected to the normal judicial process of scrutiny. Use of them by the media has not been so constrained.

Some of my political enemies deliberately sought not only to damage me but also to damage the Leader of the Opposition through scurrilous backgrounding of journalists and the selective passing around of copies of documents which they should never have had in their possession. At least one State Liberal member of Parliament, Angus Redford, MLC, has owned up to having had these documents for several months, although he denies that he showed them to anyone prior to my trial commencing. That is stretching credulity to the limit, and I do not believe a word he says about it.

I accept that politics can be rough and it can be hard, and I have never complained when my political enemies have tackled me on policy issues. I draw the line at the use of private matters, which are the subject of legal action before the courts, to assassinate my character, impugn my motives

and to attack my Leader. Those who indulge in that type of behaviour will reap what they sow.

In conclusion, I want to refer briefly to those people who enabled me to survive the last nine months. I want to thank my family, my parents, my brother, my sister and my extended family. I thank the hundreds of well-wishers who have telephoned my office or who have come to me personally and have given me their best wishes and understanding. I thank members of the Labor Party in my electorate, whose unwavering support has been very much appreciated, and I thank community leaders and members of the community within my electorate who went out of their way to support me, even when much of the media publicity surrounding me cast me in a very poor light. They never shunned me and encouraged me to stay in politics. To Linda Martin, my electorate officer, I offer my sincere thanks for all her help and support. Members of the Labor Party, both parliamentarians and ordinary branch members, I thank you.

I want to make special mention of three people. The first is the Leader of the Opposition, who has displayed great courage and commitment to one of his colleagues by offering me support during a very stressful time. I thank him for his handling of this whole matter, where he was not only loyal to a Party colleague, as is the Australian way, but also exercised his leadership of a great political Party by ensuring that its interests were protected whilst at the same time ensuring that I was dealt with in a firm, fair and compassionate matter. I regret very much that false allegations were made against him and have been sought to be used by his political enemies—

**The SPEAKER:** Order! The member must come back to a personal explanation.

**Mr CLARKE:** —to try to hurt him, because those allegations are false and will be seen to be so. I thank my wife Mary, from whom I have been separated for just over two years. She has been a constant source of encouragement and support. She could have chosen not to, but not only was she prepared to offer the moral support I so much needed: she was also prepared to give evidence under oath on my behalf. Last, but my no means least, in fact the most important of my supporters, I thank my daughter Katherine, whose love and support of her father have allowed me to live through this and clear my name. That is all I ever intend to say about this whole sorry, sordid tale. Thank you, Mr Speaker.

## GRIEVANCE DEBATE

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

**Mr WRIGHT (Lee):** On 3 February, the Minister for Recreation, Sport and Racing announced that the fees and levies applied to the two soccer clubs at the Hindmarsh Soccer Stadium would temporarily be suspended. That has raised a number of very important questions. I would like to quote from the *Advertiser* of 3 February, as follows:

The repayment problems are the latest to beset the redevelopment plan over the past two years which has battled delays and cost blow-outs.

On that day the Minister announced that levies being paid by Adelaide City and by the Sharks, which were made up of a \$2 levy for general admission and a \$3 levy for grandstand admission, would be temporarily suspended. Members need no reminding that this was a \$6 million commitment to be

paid by the two soccer clubs as part of financing the redevelopment of the Hindmarsh Soccer Stadium. The Minister also went on to say that he estimated that the payment was worth about \$23 000 per week, which I estimate to be approximately half a million dollars per annum, based upon the 28 home games which are played at the Hindmarsh Soccer Stadium.

Many questions can be raised in regard to this latest saga with respect to the redevelopment of the Hindmarsh Soccer Stadium and as a result of the recent announcement by the Minister, but I would like to put on the public record six questions that most readily come to mind as a result of this most recent backflip by the Minister in regard to this very sorry saga. First, is the Government considering buying the Hindmarsh Soccer Stadium? Secondly, what is the total value of the Hindmarsh Soccer Stadium? Thirdly, for how long is the \$6 million worth of loans going to be temporarily suspended? Fourthly, what is the burden to the taxpayer? Fifthly, does the Minister now accept the warnings of the Public Works Committee? Finally, does the Minister agree with the Presiding Member of the Public Works Committee, Peter Lewis, who said, 'The redevelopment of the Hindmarsh Soccer Stadium is a cock-up.'?

Many questions have been raised by this issue, and it is another example of the many concerns that have been raised on this side of the House and by the Public Works Committee with respect to the public policy that has been followed by this Government in regard to the redevelopment of the Hindmarsh Soccer Stadium. We on this side of the House have warned time after time about the cost blow-out and about this proposal not working. It is a very good example of the unfair expectations that have been put on Adelaide City and the Sharks because the two clubs simply cannot meet the debt. The proportion of levies that is being charged to each of the clubs has not worked, and the result is another cost blow-out. It is another very sorry saga in this whole sordid exercise.

The Government has not done its sums properly. It has expended \$29.6 million on the redevelopment of the Hindmarsh Soccer Stadium without going through the correct processes of Government and without going through the proper procedure of public policy. This is a very bad example of public policy and it is game, set and match. Once again, this highlights to all of us, to the public at large, and certainly to Adelaide City and the Sharks, that the Government put in place a formula which was never going to get off the ground and which could never be successful. In conclusion, I suggest that the Public Works Committee, with all its warnings and with all its soundings, has been proved totally correct.

**The Hon. D.C. WOTTON (Heysen):** I was very pleased to learn recently that a draft management plan for the Great Artesian Basin has been released for public comment. Over many years I have had a particular interest in this vast area. It is an enormous area of the State's north and, of course, a lifeline for the pastoralists and communities of the region. The plan looks at the major problems facing this vital water source, particularly the extent of water use and pressure losses and how these problems can be addressed. It has been estimated that some \$220 million will be needed over 15 years to rectify the problems, a small amount given that the basin supports some \$3.5 billion of export production each year. I understand that the Government is currently spending some \$300 000 a year as part of a major program to prevent bores in the Great Artesian Basin from flowing uncontrollably, and similar amounts have already been promised for the

next two years. Like all South Australian water reserves, the Great Artesian Basin offers us only a finite source and must be treated with a considerable amount of respect.

I also want to talk briefly about the very effective campaign that has been carried out in that same area by the Lake Eyre Catchment Protection Group, which, over a five year period, has been attempting to ensure that the Lake Eyre world heritage issue was finally put to rest. It has been successful in that, and the people of the Lake Eyre catchment can now look to the future with some certainty. No longer do they have to worry about losing control of properties with which their families have been involved over generations; no longer do they have to spend almost every waking moment worrying about their children's future or their financial future. I am very much aware of the input that this small group of pastoralists and people who have a interest the State's north has had, and the very successful campaign that it has conducted over that time.

The decision that was made last year by the Minister for the Environment (Senator Robert Hill) not to proceed with the nomination of the Lake Eyre catchment to the world heritage list was a welcome one, particularly for the pastoralists and the families of that area, and a very sensible one, I suggest, for all South Australians and all Australians. I, along with the members of the Lake Eyre Catchment Protection Group, would congratulate Senator Hill for making the decision. I am aware, as we all are, of the very strong lobbying he received during his term in office, and he is to be commended for the final decision.

The decision reflected the very strong case put by the people of the outback, represented by the Lake Eyre Catchment Protection Group. The members of this group put in countless hours of their time every week, spent large amounts of their own money and made sacrifices to prove that their cause was just. There are a number of people to whom one could refer particularly, but I would like to note the work put in by the late Grant Oldfield, David Brook (the spokesperson), Cheryl Oldfield (the secretary) and Daryl Bell (the chairperson of this group). I would like to commend them for the work they have carried out and for the greater understanding that people now have for the Lake Eyre basin as a result of the commitment that this group has shown and the success that it has reaped in ensuring that the Lake Eyre world heritage issue has finally been put to rest.

**Ms BREUER (Giles):** I want to ask how you, Mr Speaker, or perhaps some of your colleagues on that side of the House and certainly many of my colleagues on this side of the House would feel at the next Crows-Port Power game if you were not able to watch that game and not find out the results until later. This is exactly what is happening to the residents of the north of the State. My purpose in this grievance today is to ask the Premier to intervene with his Federal colleague (the Minister for Communication) and with the 7 Network and make representation on behalf of the people of remote South Australia to ensure that they are able to access channel 7 programs. These programs have been lost because of an agreement between Imparja Television and QQQ, Queensland satellite television.

As members may be aware, Outback television services are provided via satellite. These satellite signals are in the process of changing from analog to digital. Imparja Television, which serves the whole of that part of the State, recently entered into an agreement with the northern Queensland television station QQQ to share satellite transmission

footprints. I believe—and I am in the process of collating this information, so what I am talking about today is what I believe; I am still following up some of this information—that the arrangement is connected to the change from analog to digital transmission. As a result of the agreement between Imparja Television and QQQ, the National 7 network has actually withdrawn all channel 7 programs from Imparja Television, so viewers in the northern part of the State no longer have access to programs such as *Home and Away*, *Blue Heelers*, and AFL football.

Can members imagine life without being able to see a Crows-Port Power football game, a Crows game, a Port Power game, or a Western Bulldogs game? I believe that it is a fundamental right in South Australia to be able to watch your football team play live. In Purnong, for example, the only option for residents at this stage is for their progress association to re-broadcast from North Queensland QQQ at a cost of something like \$14 000, which is just not possible. My office has had calls from all over the northern part of this State: from Coober Pedy, from Roxby Downs, from Woomera, from Andamooka, from Ceduna and from stations in the north. The office has been inundated with people who have concerns—and the major concern of course is not *Blue Heelers* or *Home and Away* but the AFL football, which they will not be able to enjoy this winter.

I believe that it is important for people to feel part of South Australia. Certainly, if you do not know who the Crows or Port Power are in South Australia at the moment, you might as well not be here! In fact, it was great joy for me when I was up in the Pitjantjatjara lands last year to actually go into each little place, and you had to ascertain before going in there what the kids barracked for in that area, because if you picked the wrong team you were in big trouble. You could tell by the colours the goal posts were painted at the local ovals. So, it is important to residents in that part of the State to be able to enjoy the same sorts of benefits that we in the more settled areas of South Australia take for granted.

People in metropolitan Adelaide would not condone this. People in metropolitan Adelaide have the advantage of actually being able to go to a live football match but, in areas farther out—for example in Whyalla (my area)—it is not easy to go to the football; for a start, it is hard to get tickets. But we can actually watch it on our local television stations. It is almost an impossibility for people farther north to get here and watch a football match. So, it is essential that these people have these sorts of services available to them. They rely very much on their media for the news of what is going on in this State. I know that ABC radio is very much appreciated in those areas because often it is the only radio station that they have, so it keeps contact and makes them feel part of South Australia and part of our world.

I believe that if people have their own satellite they are able to access these programs, but not everyone can afford the satellites, plus it takes a long time for that technology to be put in.

**Mr McEWEN (Gordon):** Briefly, I wish to build on a theme that I have woven through earlier contributions, a theme about our wishing to live in a society, not an economy. I believe that we wish to recreate vibrant local communities. We all agree that rural communities have been savaged by recent State and Federal Government policies and that the key to revitalising rural communities is wealth generation through economic activity.

On earlier occasions I have quoted McKinsey and Karpin, Porter and Kenichi Ohmae, Swann, Prevezer and Stout, Henton, Melville and Walesh and, of course, Peter Doueker. All point to the fact that it is local empowerment that is the best way forward. If local capacity does not exist, it is our responsibility to nurture it. Do not give us fish: help us fish.

We need a devolution of both functionality and autonomy to the lowest possible level. We need to explore in advance the concept of subsidiarity. We are really talking about civic entrepreneurs. We need nimble, local civic entrepreneurs delivering responsive economic solutions, giving us a market edge and ensuring success in the global market place. What we are on about is convergence—convergence of globalism, the digital revolution, changing demographics and devolution. We need to rebuild civic society based on civic entrepreneurship.

I am not advocating our reverting to the agrarian society: I am advocating our embracing a concept of the global village and the global market place. I am challenged by the concept of 'wealth' in the industrial economy—wealth held and controlled by vast corporations which have diminished the autonomy of local communities and projected them as parochial and even bigoted. Local partnerships can rebuild local communities. We can build our own points of present, our own telcos and our own local super schemes. We can do a great deal. We can build our own richly imagined future.

These comments are leading somewhere: they are about proposed amendments to the Local Government Act, because the new Bill embraces nothing of what I am talking about. The new Bill is not a way forward. We have not moved on from the pain of structural reform to functional reform in local government. The new Bill fails to advance true reform in partnership, and we must not allow it to continue. We must not allow this opportunity to be lost. We have a responsibility at this time to restructure the relationships, to rebuild the spheres of Government and to return civics to the local community. We must revisit civics and redefine civic entrepreneurship. If we do not, this will be an opportunity lost.

**The Hon. M.D. RANN (Leader of the Opposition):** Earlier today, the Attorney-General in another place tabled a letter from the Director of Public Prosecutions, Paul Rofe QC, in relation to the prosecution of the Ralph Clarke matter. It followed comments made by me in my defence last week in this Chamber. I do not intend to go over my statement of last Thursday. I explained then that I spoke in response to the false and untrue allegations made against me in order to clear my name. The fact is that lies were told about me under privilege in court last week, and because of the extraordinary collapse of that trial when Mr Rofe entered a *nolle prosequi* I have not been afforded the chance to defend myself.

I find it both curious and disappointing that Mr Rofe has chosen to criticise me for making my defence under privilege when the accusations against me were also made under privilege, the privilege of a court of law and untested by cross-examination. I also think it is important to point out a development in the Clarke trial which was never reported and which I believe has become more significant in the light of today's statement by Mr Rofe which, incidentally, was also made under parliamentary privilege.

Before Mr Rofe entered his *nolle prosequi* in order to stop the trial, he foreshadowed a legal move before the court to oppose a list of witnesses, including me, from being called to give evidence. This occurred on the second day of

proceedings, and the transcript of the case makes that perfectly clear.

In other words, if Mr Rofe had had his way and succeeded in this argument, I would not have had the chance to defend myself in the court, even if the trial had continued. So, if there was no reply, there could be no natural justice. At the time, the judge said:

It troubles me a little that such things should have been put and may not be capable of clarification here.

Soon after, the judge added:

The media coverage is concentrated very heavily on what it is alleged that the present Leader of the Opposition had to say, and it would be a shame if that could not be cleared up one way or another.

I see the courtroom manoeuvre by Mr Rofe as a vindication of my decision to speak out in Parliament last week. People unfairly smeared in court or in Parliament should have the right of reply—the right to defend themselves against untrue accusations. That should be the basis of justice.

While I am pleased that my comments have encouraged Mr Rofe to more fully explain his reasons for a *nolle prosequi*, questions remain within the legal fraternity over his handling of the case. Mr Rofe has criticised me for what I said about perjury. Well, last week, following the Cramond report, a new rule was established in this place: that Ministers do not need to tell the truth in Parliament.

I do not want under this Government for people to feel that they do not need to tell the truth in our courts as well. I hope this is the last time that I need to speak about this matter, but I repeat one thing that I said last week: domestic violence is an important issue, and the community needs to confront it truthfully.

**The Hon. R.B. SUCH (Fisher):** I refer to young people in the workplace and to the quite disturbing claims of some constituents of mine about their daughter. For obvious reasons I will not identify the people, but a letter which is addressed to me dated 15 February 1999 and which I received yesterday states:

Over the past year my daughter has been seeking employment as a qualified nail technician. On three occasions now she has been subjected to exploitation by way of having to work long periods without pay to show her skills. What is the Government doing about the merciless, uncaring business owners who are deliberately exploiting our youth? There are other cases that we are aware of in the hairdressing industry. I am sure other industries have the same problem. It seems to us that the Government needs to take a strong hand on this issue and legislate that no person shall be required to work for no payment.

Work experience at school is a very different matter and when performed properly is encouraging our youth to seek employment. Having to work for weeks on end with no pay after leaving school, performing demeaning tasks, only to be told at the end, 'Ring us in two weeks and we will let you know.' We should be sending the message to these people that this type of exploitation is not acceptable.

We fully intend to gather as many victims and their families so their stories can be given to the media, in an attempt to send the message to the business community and the Government that we are no longer prepared to sit back and let our children be exploited.

We have also been trying to gain information on traineeships for our daughter as a beautician, only to find there are none available. Who decides what jobs will be provided funding for traineeships? Sincerely. . .

First, I believe that the people who are abusing our young people represent a very small percentage of the business community. However, other accusations have been put to me that trainees are taken on board, in effect used as cheap labour, and that at the end of the traineeship, even though there is no guarantee of a job, a small minority of employers

use these positions cynically as a means of obtaining cheap labour.

That is not what traineeships are about. This practice, which my constituent has highlighted, where people are taken on for unpaid work experience that stretches on for weeks and in some cases months, is just not acceptable. There have been many instances, particularly in the hairdressing and related beautician areas, where that practice has unfortunately continued. Accordingly, I wrote to Minister Buckley yesterday, with a copy being sent to the Hon. Michael Armitage, asking for the Government to take urgent steps to ascertain the extent of this problem and then to deal with it, because it is totally unacceptable for young people, or indeed people of any age, to be used in this way. The sooner that practice stops the better the community will be and certainly the life and hopes of young people will improve.

I refer also to Youth Week, which occurs later this year from 16 to 23 October and which is a very valuable contribution to highlighting the achievements of our young people. No-one would believe that we have just one week and that is it: it is an on-going appreciation of what young people do and an opportunity for them to contribute at any time during the year; likewise for senior citizens and other groups in the community.

I am particularly interested in Youth Week, having instigated it many years ago. Similarly, I am interested in National Youth Week, which is taking off with the support of the Federal Government. However, what needs to be addressed and but cannot be so addressed in the short term is the way in which councils are funded. It is not an easy matter, because I was grappling with it when I was Minister. My council, the City of Onkaparinga, has 34 453 young people aged between 10 and 24 years, and it gets \$2 000, and a small country council gets \$1 300 for 239 young people. There is no perfect easy answer to funding these sort of activities, particularly when you have only \$100 000 or so to allocate, but even the neighbouring council, the City of Mitcham, gets the same amount as the City of Onkaparinga and has not even half the number of young people, with only 13 146 young people.

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#### TRANS-TASMAN MUTUAL RECOGNITION (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.  
(Continued from 10 December. Page 608.)

**Ms HURLEY (Deputy Leader of the Opposition):** This Bill facilitates the recognition within Australia and New Zealand of regulatory standards and allows goods produced within Australia to be exported to New Zealand and vice versa where the producers have only to ensure that their products comply with the laws in the place of production, even though the goods may not comply with all details of regulatory standards in the place to which they are exported. Similarly with occupations, a person registered to practise an occupation in Australia can seek automatic registration to practise an equivalent occupation in New Zealand or vice versa. I understand that the Commonwealth, New South Wales, Victoria and New Zealand already have this legislation in place and that other jurisdictions have legislation before them.

I also understand that in the event of any difficulties arising as a result of this legislation there is a complaints procedure and a possibility that certain goods or occupations might be regarded as exempt from this legislation, so that the regulations in one place might apply on a stand-alone basis.

This legislation also follows on from the Mutual Recognition Bill within Australia which allowed similar provisions for goods and occupations to be recognised in all States of Australia. This legislation was introduced by a Labor Government in 1993. The then Liberal Opposition opposed that Bill, took it to a conference and on 30 April 1993 the Bill lapsed because the conference could not reach agreement. The Bill was then resurrected later that year in August and eventually passed.

It is worth while to reflect on the problems that the Liberal Opposition had at that time with the Bill. The then Deputy Leader of the Opposition, Stephen Baker, outlined some of the problems. For example, he said:

We do not believe in the referral powers to the Commonwealth. He said, referring to the rejection of the Bill:

However, since our rejection of the Bill we have had representations from the broader community about certain losses that South Australia would suffer if the Bill did not pass. We have had businesses now talking about some of the down sides if we do not reconsider the Bill. So, I do not have any problem with the fact that we have brought people out and made them come to us and say, 'Look, in certain areas of professional operation and in certain areas of business we will not be able to access interstate markets without some form of recognition that flows between the States.'

The Labor Opposition has no intention of being nearly so difficult as the then Liberal Opposition was, and certainly we are not making people come to us before we hear their views. However, I would be very interested to know what caused the change of heart by the Liberal Party in now embracing a mutual recognition between Australia and New Zealand, and I would be interested to see what in its view has now changed. For example, Stephen Baker went on to say:

The easy option is to use mutual recognition as the driving force, using the lowest common denominator and forgetting about national standards.

He continued:

However, if mutual recognition is to be the driving force, as the South Australian National Farmers Federation recognised, it will be anything goes and we will have States with lower standards prevailing. It could be that the Commonwealth's desire to implement national standards will give way to the much easier option of allowing whatever prevails in the marketplace to dictate the standard. That is not much good for South Australia or certainly for Australia and that is one of the problems with the legislation.

He further states:

So, I have a fear that, unless South Australia is ultimately vigilant in this matter, we may end up sacrificing some of our extremely high standards.

The then Deputy Leader of the Opposition went on to move an amendment which removed 'South Australia' from the definition of one of the participating pieces of legislation. His argument, as I understand it, was that South Australia might adopt the Commonwealth Act but not be drawn in with participating legislation and therefore could adopt only those parts of the Act that it saw fit to adopt.

These sentiments were echoed by other members of the then Opposition, including the member for Bragg (Mr Ingerson), the then member for Murray Mallee (Mr Lewis) and the National Party member (Mr Blacker). So, in the face of concern by such eminent members, I am

interested to see on what grounds the Government has changed its mind on the dangers of this sort of legislation.

I am, however, very much in favour of the free flow of trade between our jurisdictions. I think that it is a practical move in terms of exports to New Zealand. I think it is very sensible that, where regulation is reasonably close, goods be allowed to flow freely. In terms of equivalent occupations, where a person is registered to practise an occupation in either New Zealand or Australia, they should have the ability to transfer their skills between these two countries. I am aware that there is quite a lot of cooperation between Australia and New Zealand already in terms of ministerial councils and discussion about regulatory standards, as well as standards for training in various occupations. The Opposition is happy to be responsible regarding this Bill and to support it.

**The Hon. J.W. OLSEN (Premier):** The Government thanks the Opposition for its support on this measure. I want to address two aspects of the Deputy Leader's remarks. First, concerns were expressed by the then Deputy Leader of the Opposition in 1993. I make the point that, in the period 1993 to 1999, much has changed in the world, particularly with respect to moving into a global marketplace. Given the pressures of a global marketplace in terms of quality and standards of goods, to be successful you must benchmark against world's best practice and, unless you do, you simply do not survive. Whereas six years ago there might well have been a substantial variation in the quality of goods, light goods and services from one country to another, the opening up of the international marketplace has given a clear focus to Governments in the commercial sector that survival is dependent upon quality of service and the standards being maintained. The discipline of the marketplace in itself has brought about a set of circumstances that would dissipate those fears.

In addition, I am advised that primary industries last year responded to a review and acknowledged that, in fact, the concerns that were expressed previously had not in practice materialised. So, the issues that gave cause for concern did not come to fruition. In that respect, in response to the Deputy's remarks, there are two reasons why I believe the circumstances of concern in the past are not matters of concern today. I, again, thank the Opposition for its support of this measure.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4.

**Ms HURLEY:** Subsection (2) provides:

The adoption under subsection (1) has effect for a period of five years commencing on the day on which this Act comes into operation. . .

Why has that period of five years been put in place and what will happen at the end of that five year period?

**The Hon. J.W. OLSEN:** I am advised that the mutual recognition Act includes a five year clause and that this clause brings the South Australian legislation into line with that Act.

**Ms HURLEY:** I refer the Premier to the second part of my question: what will happen at the end of that five year period? Will there will be a review similar to the mutual recognition Bill?

**The Hon. J.W. OLSEN:** Not dissimilar to the past, there will be a review and, if Governments were happy with the

outcome of the mutual recognition legislation, Governments would negotiate its renewal.

Clause passed.

Clause 5.

**Ms HURLEY:** I found within the Bill provisions for appeal if there seem to be problems with either goods or occupations in terms of transferring between jurisdictions. I wonder whether there is any provision for agreeing beforehand regarding the sorts of regulations that should be put in place between Australia and New Zealand so that problems can be headed off before they arise.

**The Hon. J.W. OLSEN:** I am advised that there are no formal regulations but that each State or jurisdiction makes its own provisions for the operation of the Act. There is a greater amount of information exchange between the jurisdictions to ensure that the general thrust and provision of, first, the Act and the Trans-Tasman Mutual Recognition Act are, in effect, complied with.

Clause passed.

Clause 6 and title passed.

Bill read a third time and passed.

#### **ROAD TRAFFIC (PROOF OF ACCURACY OF DEVICES) AMENDMENT BILL**

Second reading.

**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.

The Bill amends Section 175(3) of the *Road Traffic Act, 1961*, in three ways. Section 175(3)(b), which provides for a certificate of accuracy of a speedometer or stopwatch, is varied to reduce the frequency of testing of speedometers. Section 175(3)(ba), which provides for a certificate of accuracy of a traffic speed analyser to be proof of the accuracy of the machine for the day of the test, is amended to extend the proof of accuracy to the day following the test. Both subparagraphs are also amended to provide that a police officer of the rank of inspector or above may sign the certificate, thus including all ranks above inspector.

The first amendment is to Section 175(3)(b). This subparagraph has been in existence in its current form since 1938. The certificate produced pursuant to the subparagraph is proof of the accuracy of the speedometer for the 14 days preceding and following the day of the test.

The accuracy of police vehicle speedometers is important. When following and timing a vehicle exceeding the speed limit on the road they are used to measure the speed of the offending vehicle. They are also used to ensure speed cameras are measuring correctly. The legislation requires that the accuracy of the traffic speed analyser component of the speed camera be verified against a speedometer of known accuracy.

Since the Section came into force 60 years ago, the accuracy and reliability of speedometers has greatly improved. Analysis of data from 1352 speedometer tests carried out on SAPOL vehicles from April 1997 to July 1998 shows that the speedometers did not lose their accuracy during this time. This suggests that reducing the frequency of tests to every 3 months will not result in vehicle speeds being incorrectly measured.

Testing every 3 months is also at the more conservative end of the testing frequency for police services across Australia. Police in NSW and Victoria only test their vehicles on purchase and on sale. ACT police vehicles are tested every 6 to 12 months. The NT police force tests its traffic vehicles irregularly. In Western Australia, police vehicles are tested every 3 months and in Queensland, every 60 days.

The police vehicle speedometers are checked for accuracy by the RAA in its speedometer test bay. This speedometer testing instrument is certified using NATA accredited instruments which are calibrated against a national standard. Reducing the testing frequency requirement from 14 days to 3 months will save SAPOL \$24 000 to \$30 000 per annum.

The second amendment is to Section 175(3)(ba), which currently allows a certificate showing that a specific traffic speed analyser was tested on a certain day and shown to be accurate to a specified extent, to be produced as proof that the machine was accurate to that extent for all measurements taken with it on the day it was tested.

The Bill extends the period for which the test will be held to be proof of accuracy to the following day. This will take into account situations where the Police use a traffic speed analyser during the evening of one day and into the early morning of the next day but only do a test of the machine on the first day. Currently, even if the results of the second day were taken within a few hours of the test, they are not covered by the certificate. The amendment will overcome this deficiency.

Finally, both subparagraphs currently specify that the certificate should be signed "by the Commissioner of Police, or by a superintendent or an inspector of police". The Bill will change this to "by the Commissioner of Police, or by any other member of the police force of or above the rank of inspector". This will allow all ranks of inspector and higher to sign the certificate, and will give the police greater flexibility.

The Bill will enable the Police to more efficiently and effectively administer the Act.

#### Explanation of Clauses

##### *Clause 1: Short title*

This clause is formal.

##### *Clause 2: Amendment of s. 175—Evidence*

This clause amends section 175 of the principal Act, which deals with evidentiary matters in relation to proceedings for certain offences.

Subsection (3)(b) of section 175 currently provides that a police certificate to the effect that a specified stopwatch or speedometer was tested and shown to be accurate to a specified extent on a particular day is (in the absence of proof to the contrary) proof of those facts and proof that the stopwatch or speedometer was accurate to the same extent on the 14 days preceding and 14 days following the day of the test for the purpose of measuring the speed of any motor vehicle (whether or not the speeds measured or other circumstances differed from those of the test).

This clause extends the period during which a certified speedometer is taken (in the absence of proof to the contrary) to be accurate from a period of 14 days either side of the day of the test to a period of 3 months either side of the day of the test. The clause also increases the range of police officers who (in addition to the Commissioner) can issue such a certificate to include all officers of or above the rank of inspector, rather than just inspectors and superintendents as at present.

Subsection (3)(ba) of section 175 currently provides that a police certificate to the effect that a specified traffic speed analyser was tested on a particular day and was shown by the test to be accurate to a specified extent is (in the absence of proof to the contrary) proof of those facts and proof that the analyser was accurate to the same extent on the whole of the day of the test for the purpose of measuring the speed of any motor vehicle (whether or not the speeds measured or other circumstances differed from those of the test).

This clause extends the period during which a certified traffic speed analyser is to be taken (in the absence of proof to the contrary) to be accurate from the whole of the day of the test to the whole of the day of the test and the whole of the following day. The clause also increases the range of police officers who (in addition to the Commissioner) can issue such a certificate to include all officers of or above the rank of inspector, rather than just inspectors and superintendents as at present.

**Mr ATKINSON** secured the adjournment of the debate.

#### **ADJOURNMENT DEBATE**

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

That the House do now adjourn.



**Ms STEVENS (Elizabeth):** In the light of a recent announcement, it is timely to consider again just what has happened in the Modbury Hospital outsourcing experiment since its inception in February 1995. On 8 February 1999, it was reported in the *Financial Review* that Healthscope had announced that the company would not be able to pay an interim dividend and had issued a profit downgrade for the full year due to more problems with the contract to manage the Modbury Public Hospital. Healthscope said that it would have more losses on the contract and not break even on it, as signalled in October 1998, after the Modbury contract had been renegotiated to provide additional payments to the company. On 9 February 1999, Healthscope announced that the 'temporary' Torrens Valley Private Hospital, located within the Modbury Public Hospital, would close because of under utilisation.

From these announcements, one could only conclude that there are questions about whether Healthscope will proceed, as required by the company's contract with the Government, to construct the new Torrens Valley Private Hospital and serious concerns about how long Healthscope—and the company's long suffering shareholders—can continue to maintain services at Modbury while making significant financial losses. It is ironic that the former Premier and now Minister for Human Services, Dean Brown, must now sort out what appears to be the impending Modbury Hospital privatisation contract disaster, engineered by his former Health Minister, Dr Michael Armitage.

The pity is that the former Minister is no longer responsible, and I would like to remind the House of some of the things he said about his plans for Modbury and the Opposition on this issue. On 18 October 1994, he said:

Although the members opposite have never run a business and have no idea about these sorts of matters—and well may the member for Elizabeth laugh, schoolteachers do not do these sorts of things—in the commercial world.

On 22 November 1994, he said:

As I have said on countless occasions, this is a win:win situation for the people of the north-eastern suburbs and the taxpayers of South Australia.

A media release of 30 November 1994 stated:

The Minister for Health, Dr Michael Armitage, today said Modbury Hospital would be a millstone around the neck of Labor at the next election. By the next election the Modbury Public Hospital will have had nearly three years of private management, the Modbury Private Hospital will be up and running.

On 7 February 1996, he said:

The question which the member for Florey asked is, 'What is the Government's attitude to the private management of a public hospital?' We are compelled by the facts which I have just given to the House to acknowledge that private management is a real option for public hospitals.

On 27 June 1996, he said:

If the private providers' return is unsatisfactory, that means that the contract that the Government wrote is a very tight one for the private sector. In other words we have out negotiated the private sector.

There is no better example of the costs to the community—and in this case the costs to the contracting company—of a botched attempt to pass control of a public hospital to the private sector than the Minister's work at Modbury.

On 3 February 1995, the Government announced that, for the first time in Australia, a private operator had assumed control of the management of a currently operating public hospital under a \$700 million, 20 year contract. The Minister

said that the deal would save taxpayers \$6 million a year and that benefits to the community would include:

- the construction and management by Healthscope of a \$14.5 million, 65 bed private hospital adjacent to the Modbury Public Hospital;
- increased services and facilities available to the people of the northern suburbs; and
- a unique system of community consultation to allow the community to have direct access to the highest level of management.

Of course, what happened is something quite different:

- On 29 June 1995, the Minister admitted that 'up front' costs amounted to \$17 million;
- There was a massive loss of staff morale as the hospital lurched from one crisis to another as the Government maintained a veil of secrecy over the details of the contract;
- The Modbury Hospital Action Group reported in August 1995 that patients were being turned away;
- The Government refused to release to the public a copy of the contract with Healthscope citing 'commercial confidentiality';
- In response to an application under freedom of information, the Government withheld over 500 secret documents;
- By February 1996, after one year of outsourcing, waiting lists at Modbury had blown out by 12 per cent;
- On 12 September 1996, Healthscope announced that it had made 'significant' losses under the Modbury contract over two years and had difficulty in creating a 'productive' relationship with the Government;
- The promised private hospital was not built but the Government gave Healthscope approval to construct a temporary private hospital within the Modbury Public Hospital building.

Then in August 1997, the Government announced that Healthscope would establish a \$12.7 million permanent private hospital within the Modbury Public Hospital and admitted that a new contract had been negotiated with Healthscope for the management of Modbury. For its part, Healthscope announced in the company's 1996-97 annual report:

We have renegotiated the management agreement for Modbury Public Hospital.

Resolution of the contract in August 1997 was welcome and will enable Healthscope to stem the losses associated with it. In his 1998 report, the Auditor-General said that the renegotiated contract provided more money for the provision of the same activity as was intended at the time of the original agreement.

Even under this new deal, it was reported that Healthscope was still losing money, and this probably accounts for recent decisions to cut services, such as cutting the hours of emergency surgery from 7 a.m. to 10.30 p.m. seven days a week to 10 a.m. to 6 p.m. only six days a week.

Apart from the cuts to services and the loss of public confidence resulting from this experiment, one of the aspects that has not been quantified is the inordinate amount of time and money this failed experiment has consumed. The cost over three years has been enormous in terms not only of salaries and consultancies, etc. but also of distracting the Health Commission and hospital management from other important issues, such as the delivery of services. After all

this, we now learn that Healthscope is incurring further losses and that the temporary private hospital has closed.

On 10 February 1999, the Minister for Human Services explained in Parliament that the temporary hospital had been closed because it had been averaging only one patient a night. The question is, 'What does this mean for the future of plans to build a permanent private hospital in the Modbury building at a cost of \$12 million to Healthscope and, significantly, at a cost of \$8 million to the Government for associated works?' The Minister also told the Parliament that Healthscope has reinstated physio services cut in January, but this was contradicted by the General Manager of Modbury in a local newspaper, and the Minister explained this contradiction in terms of the fact that Modbury's own organisation had failed to pass on the message to the site manager.

The former Premier now faces the problem of a non-sustainable management contract, cuts to services and doubts over whether the Torrens Valley Private Hospital will be built. According to press reports, he also faces hard decisions about the future of services at Modbury Hospital as a result of the newly announced rationalisation. These problems are problems that he now has to fix. He cannot blame the Federal Government this time, because it is purely, simply and totally a State Government issue, and he cannot blame anyone else. We wait in eager anticipation for new developments.

**The Hon. G.M. GUNN (Stuart):** I am pleased to participate in this adjournment debate, as last week the House discussed at great length the issue of employment and what ought to be done to stimulate and to increase the ability to provide employment for South Australians. One thing that disappointed me from those lengthy discussions over many hours is the apparent lack of understanding and of incentives for people to take on new employees. The first thing that comes to mind is that very few small employers will take the chance of employing someone because of the current unfair dismissal laws. It is quite simply a case of people not being prepared to take the risk of being saddled with someone who does not meet their expectations or who is quite determined to make life difficult for the employer.

At the end of the day, the employer must be in a position to meet the bills. Unfortunately, there seems to be a complete lack of understanding of the difficulties involved. I do not know how many members in this Chamber have employed people and know the difficulties. If one has not been in that position, one can go on as long as one likes about protecting the rights of employees, but unless there are viable employers there will be no employees—none whatsoever. By making life difficult, one can prevent the employment of people. The Labor Party and others can work themselves up into a lather, but at the end of the day the person who is paying the bills must have the say. If it is any other way, then employers will not take them on. It is as simple as that.

The second thing is the unnecessary red tape and bureaucracy that are involved for WorkCover and superannuation, and all the other add-on costs. Those things cannot be overlooked.

*Ms Key interjecting:*

**The Hon. G.M. GUNN:** I do not know whether or not the honourable member agrees, but I point out that what I am saying is absolutely spot on; one only has to talk to people to find that that is so—and it is an area in which I have had some experience. There is no way that people in sections of the rural industry are prepared to take the chance to put on permanent employees. They have no idea of what next year's

income will be and they cannot afford to carry people unless they are efficient and productive—or none of them will be there.

Another matter which has been overlooked is that, if we are going to create long-term and genuine employment, there must be a change of attitude in South Australia. Either we want development and expansion or we do not. It appals me that every time someone puts forward a proposition to have a development, whether in the mining or construction industry or somewhere else, the announcement is barely put up before a group of people want to find fault with it and stop it. It does not matter what it is. I just wonder where people from groups such as the Conservation Council, the Conservation Foundation, Greenpeace and the Wilderness Society think South Australia should end up.

It is unbelievable that this Parliament has neither the wit nor the wisdom to allow for exploration in Yumburra Conservation Park near Ceduna. It is absolute stupidity beyond explanation: here we have a potential development which would be developed responsibly and which has the possibility to create great opportunities for that area where few opportunities exist at present. No-one appears to recognise that fact. If we do not allow development, how will we create opportunities for people?

We also have the ongoing saga of misrepresentation, blatant untruths and scurrilous scaremongering in relation to Beverley and Honeymoon uranium mines. I have never heard such a lot of concocted nonsense as I have heard from certain individuals and groups in relation to those projects. Those projects are in the long-term interests of the people of South Australia. They are already providing valuable employment to the people working there, yet these so-called informed groups, who thrive on misrepresentation and media sensationalism, want to stop them. What happens to the people who are employed? I thought the people making these statements were concerned about the environment. Do they want us to build more coal burning power stations? I thought they were concerned about the greenhouse effect, but it appears they have double standards.

Then we have the anti-farmer elements who want to make life as difficult as they can for the rural industry. It does not matter what the farmers want to do, they load them up with taxes, charges, regulations and controls to make life as difficult as possible. Recently, constituents have been coming to me and saying that some of the people who are carrying out assessments under the Pastoral Act have lost the plot. Farmers' incomes are plummeting. Very few members in this House would want to live on an income which a lot of those people receive. Now they want stock numbers reduced so as to give less income and no chance of survival.

In the past three years, the reduction in the return per bale of wool has been horrendous. The flow-on effects to the community will be significant as a result of the lack of spending and the lack of opportunity that these people have. They have difficulty educating their children but, nevertheless, the bureaucracy in its wisdom will pursue these people.

Let me say to those people involved: others will not sit idly by and put up with this nonsense any longer. Cases have been brought to my attention. All I say is that they are living in the world of cuckooland and they do not have the final say. The Minister has the final say, and I look forward to some commonsense applying. If the Minister does not apply commonsense, it will all be tipped out on the floor of this Chamber in the very near future. The next time one of my constituents comes to me to report that he has been the victim

of unfair assessment and harassment by these unreasonable officers, then I will tip the lot out here and give the officers concerned a mention in dispatches.

Some of them have the effrontery to tell them to extend their water schemes, but they have no idea what it would cost. Most of them would love to do it, but they do not have the money. One cannot spend \$20 000 if one does not have it. They probably have a substantial overdraft. I just wonder where these people are coming from. The farmers are having a battle to maintain what they have. All of them would like to put up more fences, build more dams, put up windmills, do all those sorts of things, but they do not have the resources.

Members only have to talk to stock agents and financial institutions to know. Some academics are going out and writing reports yet they do not know in which paddock they are. Members should be aware of some of the efforts made by these people to become good pastoralists. Young pastoralists of the current generation are very aware of their responsibilities. They are aware that they must protect the land for

the next generation and that they must carry out good pastoral practices. They are aware of that. Most of them are better educated and have had better opportunities. But I am concerned about what will happen to the next generation. It will be difficult to hold them on the land because they will not be able to make a living unless the situation changes rapidly.

I bring these matters to the attention of the House out of frustration and concern. The time has arrived when the majority of people on the Pastoral Board must be practising pastoralists, and we must look closely at how many public servants are on it because they will be paid whether they perform or not.

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

Motion carried.

At 4.34 p.m. the House adjourned until Wednesday 17 February at 2 p.m.