HOUSE OF ASSEMBLY

Tuesday 27 July 1999

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

ELECTRICITY CORPORATIONS (RESTRUCTURING AND DISPOSAL) BILL

His Excellency the Governor, by message, intimated his assent to the Bill.

QUELLTALER WINERY

A petition signed by 1 071 residents of South Australia reuqesting that the House urge the Government to inquire into the closure of Quelltaler Winery at Watervale was presented by the Hon. R.G. Kerin.

Petition received.

BILLA KALINA

A petition signed by 17 residents of South Australia requesting that the House urge the Government not to establish a radioactive waste repository in the Billa Kalina region was presented by Mr Hill.

Petition received.

FINFISH

A petition signed by 149 residents of South Australia requesting that the House urge the Government to impose a moratorium on the commercial taking of native finfish in the River Murray Fishery was presented by Mrs Maywald.

Petition received.

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 125, 126, 132, 143, 166, 181, 183, 186, 187, 199, 200 and 202; and I direct that the following answers to questions without notice be distributed and printed in *Hansard*.

ARMOUR, Mr C.

In reply to **Mr FOLEY** (4 August 1998).

The Hon. J.W. OLSEN: The Treasurer has provided the following information:

Mr Clive Armour received a total of $329 171 when his contract with ETSA Corporation terminated (31 October 1998). This amount consisted of $265 000 which is the maximum payment for 12 months employment costs, $50 000 which was provided to compensate for loss of disability and death protection which would have been available to Mr Armour from the Superannuation Fund had his employment continued and $14 171 in outstanding leave entitlements that he was owed upon his departure from ETSA Corporation.

Mr Armour has preserved his superannuation benefit (as is his right) and thus has not received a payout for superannuation accumulated during his tenure as Managing Director of ETSA Corporation.

ELECTRICITY, PRIVATISATION

In reply to **Hon. M.D. RANN** (18 February).

The Hon. J.W. OLSEN: The Treasurer has provided the following information:

As part of the Request for Proposal process, the Electricity Reform and Sales Unit considered the position of bidders in that process including the bidder National Power PLC. This consideration included:

- The legal identity and ownership structure of each bidder.
- The ultimate beneficial ownership of each bidder and its equity holders.
- Corporate arrangements and corporate governance issues.
- Each bidder's activities internationally and in Australia.
- Financial standing of each bidder.

For your information, National Power PLC is one of the successor generating companies created from the privatisation of the UK electricity industry.

National Power is listed on the UK Stock Exchange with a market capitalisation of $15 billion and is one of Europe's top 100 companies. Annual turnover is $10 billion a year which is earned from its operations in the UK and in the 20 other countries in which it operates.

In 1996, National Power led the Hazelwood Power consortium in the acquisition of the Hazelwood power station in Victoria. National Power invested over $1 billion in this station and has a 72 per cent ownership interest.

The Government requested that Morgan Stanley, Pacific Road, and Putnam, Hayes and Bartlett provide an independent and financial critique of National Power's standing.

Their views were almost identical in their positive assessment; this confirmed the reports sourced through the Government's London office, searches of the British media files, and verbal assessments arising out of extensive discussions with the UK Government.

National Power PLC is internationally reputable, financially sound and has extensive experience in the construction and operation of power stations. There is no doubt confidence that the required electricity generation capacity will be commissioned by the required dates.

PELICAN POINT

In reply to **Mr FOLEY** (10 March).

The Hon. J.W. OLSEN: The Treasurer has provided the following information:

On 25 March 1999 the Hon. Rob Lucas MLC made a Ministerial Statement in the Legislative Council tabling an initial Summary of Project Agreements in relation to the Pelican Point Power Station. In the interests of ensuring the main provisions of the Agreements were outlined as soon as possible, that initial summary was made available. The Government intends to submit a final summary of the project agreements to the Auditor-General in accordance with Section 41A of the Public Finance and Audit Act.

I am advised that ElectraNet SA is required by the National Electricity Code to provide access by all generators to the transmission network. The rules upon which access must be provided are set out in the Code.

Furthermore, the principles by which network charges are determined are also set out in the Code.

In other words, following an approach to ElectraNet SA by National Power that its generating output be connected to the electricity transmission system, ElectraNet SA has no alternative but to connect National Power to the electricity transmission system and to charge out the costs of that connection in the manner set out in the National Electricity Code.

A submission has been made by ElectraNet SA to the Public Works Committee on this matter:

In accordance with the National Electricity Code, it has been determined that the new transmission line will have regulated status. Accordingly, the total cost of connection to the electricity transmission, at $14 million, will be apportioned over time between:

- Connection charges, at $5 million, for those assets that are used solely by National Power to connect its power station to the grid.
- Through Transmission Use of System charges for that portion of the connection that is shared and used by others, at $9 million.

It is emphasised that there is no discretion for the State Government to act other than in accordance with the National Electricity Code.

POLICE, WORKCOVER CLAIMS

In reply to **Ms BEDFORD** (11 March).

The Hon. R.L. BROKENSHIRE: The Focus 21 review, to which I referred on 11 March 1999, is an extensive review of SAPOL organisation and operation. The review has resulted in

significant changes to departmental organisation and policing strategy to date, and is continuing.

SAPOL is likely to experience fewer claims for workers compensation in the current year (582 in 11 months) compared with 648 recorded in 1997-98.

No estimate of premiums to insure SAPOL with WorkCover has been sought.

POLICE OFFICERS, SERVICE

In reply to **Ms BEDFORD** (1 June).

The Hon. R.L. BROKENSHIRE: I have been advised by the South Australia Police that the only statistics recorded for the average length of service for serving police officers are for the following financial years:

1997	18 years 9 months
1993	17 years 2 months
1988	15 years 4 months

Statistics are not kept regarding the length of service of male and female police officers.

PAPERS TABLED

The following papers were laid on the table:

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

Regulations under the following Acts:
- Adelaide Festival Centre Trust—Authorised Person Development—Variation
- Road Traffic Act—
  - Expiation Fees Variation
  - Hook Right Turns
- Tobacco Products Regulation—Notices

South Australian Council on Reproductive Technology—
- Report, 31 March 1999

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

Daylight Saving Act—Regulations—Commencement

By the Minister for Industry and Trade (Hon. I.F. Evans)—

Criminal Law (Forensic Procedures) Act—Regulations—
- Qualified Persons

Office of Film and Literature Classification—
- Guidelines for the Classification of Computer Games
- Guidelines for the Classification of Films and Videotapes
- Printed Matter Classification Guidelines

Rules of Court:
- Magistrate Court—Magistrates Court Act—Forensic Procedures
- Supreme Court Rules—Supreme Court Act—
  - Documents Miscellaneous
  - First Schedule.

DRUGS BOOKLET

The Hon. J.W. OLSEN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. OLSEN: Each week at least one person in this State dies because of drugs. If people are dying because of drugs, that means we should be talking about drugs and what we can do to tackle the problem of drugs in this place, in our schools, in our homes and across the community. But we cannot talk about drugs. or at least talk about drugs in a sensible and informed way that will help save lives, if we do not have all the facts. Drug abuse is an emotive issue. It is a sensitive issue. That is why it is an issue that needs to be put into perspective.

Today every household around the State will start receiving a copy of the booklet *Talking About Drugs*. The booklet is subtitled *A Practical Guide to Reducing Harm from Drugs*, and that is exactly what it sets out to do. This Government wants to do everything it can to ensure that young people abstain from harmful drug use and to do everything possible to get those already affected off drugs. We want to work with the community to raise awareness of all the issues relating to drugs in order to prevent or reduce the harm that they cause.

This booklet can also help start the work by providing people with the facts on drugs that they should know. The material that it contains is based on health concerns rather than legal or other issues. It does not condone the use of illegal drugs. It does not point the finger at anyone. Instead, it adopts an honest, open approach which will give us details on drugs so that we can then deal with the issues when they arise.

Honesty and openness are our two greatest weapons against drugs, just as they are against the feeling of worthlessness, of depression, of just not being appreciated that leads so many people to take drugs.

The booklet gives families practical information on many issues relating to illegal drugs and on how to communicate with their children on this difficult matter. We cannot put drugs into the too-hard basket. After all, drugs affect us all. Some families are touched directly. Other people feel the impact through crime or the pressures placed on our health services and police.

That is why *Talking About Drugs* is going to every South Australian household. Yes, it concentrates on families and building relationships between parents and children. It does so because young people are the group in our society most at risk from drugs. But at the same time it lays out the facts of drug abuse. It puts drug abuse in perspective. It gives information on what are the most commonly abused illegal drugs and the level of their consumption. It gives us all this so that we can have an intelligent, informed community debate.

In my statement on this issue in March, I quoted from a letter I received from a mother who had lost a son to heroin. The letter stated:

> Drug addiction is an illness but, unfortunately, due to the stigma attached, the general public seem to believe that all addicts are scum and belong in the gutter, not worthy of help.

I do not agree, Mr Speaker. Every human life is valuable, and everyone at some time makes mistakes. We want to prevent people from falling into the trap of drug addiction. If we ignore the problem and stigmatise drug users as just junkies, as worthless, then we are failing in our duty to our fellow people.

Talking About Drugs aims to remove some of the stigma. It aims to tell the reality of that situation. It is then our job as a Government, as a Parliament and as a community, to work within the parameters of that reality to deal with the causes of drug addiction and to reduce to an absolute minimum the harm that drug addiction causes to our society.

Back in March I said that we needed a strategy that is comprehensive and that offers a number of potential solutions dealing with the beginning—preventing drug abuse in the first place—and the end, the results of drug abuse. We are already looking at piloting drug courts and working with the Commonwealth to tighten the net against drug smugglers.

The Government and the Minister are also looking at allocating up to $300 000 to ‘life education’ programs in our schools to make young people more aware of the issues surrounding drugs and drug abuse. *Talking about Drugs* is a crucial part of this first stage of preventing drug abuse. It will create a community that can discuss drug abuse in an

informed way. It will create a community that knows the facts and is not swayed by myth or prejudice. Most of all, it will create a community that knows that it has the power to make a difference and change our State for the better, and that will be the best outcome of all.

PUBLIC WORKS COMMITTEE

Mr LEWIS (Hammond): I bring up the one hundred and second report of the committee, being the Annual Report for 1998, and move:

That the report be received.

Motion carried.

The Hon. R.G. KERIN (Deputy Premier): I move:

That the report be printed.

Motion carried.

Mr LEWIS: I bring up the one hundred and third report of the committee on the Riverbank Precinct Redevelopment—Adelaide Convention Centre—Interim Report, and move:

That the report be received.

Motion carried.

The Hon. R.G. KERIN: I move:

That the report be printed.

Motion carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

Mr VENNING (Schubert): I bring up the thirty-fourth report of the committee, being the Annual Report 1997-98, and move:

That the report be received.

Motion carried.

The Hon. R.G. KERIN (Deputy Premier): I move:

That the report be printed.

Motion carried.

QUESTION TIME

TOBACCO LITIGATION

The Hon. M.D. RANN (Leader of the Opposition): My question is to the Premier, given his statement about drugs and their consequences. Will the South Australian Government join the proceedings or offer assistance to South Australian plaintiffs in the landmark class action in the Federal Court against major tobacco companies that, if successful, could result in billions of dollars in compensation for victims, their families and to health authorities that have borne the financial cost of smoking related illnesses?

On 27 May last year the Human Services Minister told this House that tobacco smoking is a major public health issue responsible for 1 800 deaths in South Australia each year, including 30 per cent of all cancer deaths and 25 per cent of all heart disease in South Australia. The Minister said that the cost of tobacco related disease in South Australia has been estimated at $750 million, comprising $50 million in direct costs and $700 million in intangible costs.

The Hon. J.W. OLSEN: I concur in the Minister for Health's view that smoking is a major impediment in society and that it impacts on individuals. That translates into very substantial costs in the community in the provision of health services for those whose health has been affected by cigarette smoking. Of course, we have embarked on a program for education of people to encourage them away from smoking and to identify the health hazards involved. As to the question whether the Government would join plaintiffs in a court challenge, that is a matter that I will refer to the Attorney-General. The Attorney-General has already made significant inquiries about the United States case, and as I understand it reports have been prepared by the Government on circumstances relating to court cases in the United States, the detail of which I do not have at my fingertips.

The Hon. Dean Brown: The Solicitor-General made a special trip to North America to look at that.

The Hon. J.W. OLSEN: As the Minister reminds me, the Solicitor-General, at the request of the Attorney, in fact visited the United States to look at circumstances pertaining to joint actions. As to action of the South Australian Government, it would be with caution that we would enter into any legal proceedings, and there would have to be substantive argument for us to pursue that course. However, I will refer the question to the Attorney-General for a considered reply, based on the report and on advice that, no doubt, the Attorney will seek from the Solicitor-General.

DRUGS

Mr HAMILTON-SMITH (Waite): Will the Premier inform the House of the range of State Government initiatives set down to tackle the drugs issue?

The Hon. J.W. OLSEN: As I have indicated in the ministerial statement to the House, illicit drug use and drug addiction is an issue that affects all South Australians, and the booklet is one way in which the Government is addressing this important issue. In the last budget we announced a multi million dollar strategy to help fight the war against drugs. We have committed $4.6 million over the next two years to a strategy that will focus on getting people out of the criminal justice system and into rehabilitation, educating our children on the dangers of illicit drugs, providing support in a range of ways for those who want to get themselves off drugs, and developing programs to stop the spread of drugs within our prisons.

As I have outlined to the House on a number of occasions, one of the most important parts of any drug strategy is the diversion of addicts out of the criminal justice system. For a number of years South Australia has been running a drug assessment and aid panel which has diversion as its core component. This will be expanded as part of the drug strategy. However, this recent funding also includes funds for a Drug Court trial. That trial over the next year will undertake a feasibility study into establishing a Drug Court program in South Australia which will include a component specifically focused on Aboriginal South Australians. What we see as a vitally important aspect of the drug strategy is the education of our young children about the dangers of drugs, and, of course, the booklet to which I have referred today is a component of that.

Building on that, the police also will have a hotline for a day, and that is on 4 August. The hotline has been put in place to encourage people to contact the police with information on drug traffickers, in particular those involved with heroin. This will include encouraging senior school students involved by distributing in schools various promotional fliers. People might say that we should not be encour-

aging our children to become involved in this way. However, we want to encourage our children to advise the police of people associated within and around the education system who are trafficking. We want to weed from society these most contemptible people.

Mr Lewis: Some are not even people; they're animals.

The Hon. J.W. OLSEN: They are a contemptible group who, in a most insidious way, are reaching out to the vulnerable young people in society. We want to encourage people to take their heads out of the sand, so to speak, and realise that it is a problem that will not go away. We need to tackle it in a number of different ways and, in a realistic manner, provide a solution and do something about it. That is a socially responsible course of action to try to stop our children from being put in these situations in the first place.

I trust that the initiative taken by the Commissioner of Police for this 4 August hotline will enable us to identify those who are involved in drug and organised crime to assist our police in their efforts to stop the spread of drug trafficking in our community and, in that respect, protect the health and happiness of South Australians. The best way to do that is to get us moving away from this insidious drug trade in this country.

FLINDERS MEDICAL CENTRE

Ms STEVENS (Elizabeth): My question is directed to the Minister for Human Services. Why are patients in the Accident and Emergency Department of the Flinders Medical Centre being required to wait up to 24 hours for a hospital bed? Will a required reduction in expenditure of $5 million this year at Flinders Medical Centre mean even fewer patient services, and does the Minister agree with the Director of the emergency section that this is unacceptable?

The Director of the Emergency Department at the Flinders Medical Centre was reported today as saying that it is unacceptable that this month more than 175 patients have waited more than 12 hours in the emergency section for a hospital bed, and one 88 year old woman is reported to have waited almost 24 hours in the emergency room, while nearby another elderly woman was on a makeshift bed in a corridor.

A document released by the Flinders Medical Centre shows that the emergency section at the Flinders Medical Centre admits 116 emergency patients per bed each year, while the RAH admits 71 per bed, the Royal Brisbane 72 per bed and the Royal Perth 75 per bed. Why does Flinders not have more funds?

The Hon. DEAN BROWN: I can talk about the Emergency Department of the Flinders Medical Centre at first hand, because I was there last Tuesday night having a look at its operation. It is the second time I have been to the Accident and Emergency Department. I highlight the fact that the Flinders Medical Centre tends to be somewhat unique in that it has a very high level of accident admissions, and that is because it is the main accident and emergency department that covers all the southern metropolitan area, whereas the Royal Adelaide Hospital, the Queen Elizabeth Hospital and the Lyell McEwin Health Service in the north cover those areas. An extremely high number of people go in there.

One of the issues that we have asked the Flinders Medical Centre to look at is the number of beds it holds vacant each day to deal with accident cases that come in each night. The Royal Adelaide Hospital, which I also visited on Tuesday night, likes to hold up to about 50 beds free. So, depending on the level of activity each night, beds are available for people to move into very quickly.

The Flinders Medical Centre has been juggling its elective surgery with accident cases and it has been holding about 20 beds free. In fact, we think that is too low, particularly at this time of the year when you have the winter ills—and the member for Elizabeth was reported in the press this morning as saying that at this time of the year you get increased activity at accident-emergency departments because of the winter ills. We have been asking the Flinders Medical Centre to look at how many beds it ensures remain vacant so that there is quicker transition from the accident-emergency department into the normal wards of the hospital.

A number of people have inferred, quite wrongly, that patients in the accident-emergency department are sitting there without medical care. In fact, they have superb medical care during that period. Specialist emergency doctors and teams of nurses are present and are checking on them. Invariably, they are under heart monitors if they have a cardiac problem or on respirators if they have a breathing problem, so it is not as though they are not under close medical attention during that period. It would be ideal to get them from the accident-emergency department into the wards faster than they are currently doing.

An honourable member interjecting:

The Hon. DEAN BROWN: Yes, that is right, and on Monday night last week there were about 17 to 20 patients on beds in the accident-emergency department waiting to get into wards. I find that number unacceptably high and, therefore, we have asked the hospital to look at juggling its elective surgery to reduce the number of beds occupied by elective surgery patients, particularly at this time of the year, and to ensure that more beds are vacant to deal with the emergency cases that come in.

I stress the fact that this is a well-known practice. It is a difficult task because there is demand in both areas, that is, elective surgery and accident-emergency, but Flinders is looking at ensuring that it maintains an adequate number of beds. This is the reason why we had the meeting which was called by the Department of Human Services through Professor Brendan Kearney last Tuesday morning: we had the meeting to ensure that the hospitals were, in fact, juggling elective surgery beds with the accident-emergency beds. This is why we made sure that appropriate procedures were put in place before ambulances could bypass one hospital and go onto the next. Last Monday night we found that, in fact, junior staff (including in the ambulance service) had authorised ambulances to go past one hospital onto the Royal Adelaide Hospital. It was not just public hospitals involved: three private hospitals were involved as well. Now, it will require the senior chief operating officers within both the ambulance service and the hospital involved—and we have raised this with the private hospitals, so they do it as well—to grant approval to allow an ambulance to bypass one hospital to go to another hospital.

Last Monday night a number of hospitals were pulling out without notifying the Royal Adelaide Hospital. Last Monday night was an exceptional night. Flinders Medical Centre said that it was one the busiest nights it had ever experienced. Equally, the Royal Adelaide Hospital also said that it was one of the busiest nights it had experienced. I recognise there is enormous pressure. On numerous occasions, I have talked in this House about the demand. Let me give the figures in terms of the number of casualty patients coming—

Ms Stevens interjecting:

The SPEAKER: I warn the member for Elizabeth for continuing to interrupt.

The Hon. DEAN BROWN: Let me give the figures that show the explosion, almost, in that demand. In 1991-92, 361 000 non in-patients were going into our hospitals. By 1997-98, that number had increased to 455 000—an increase of almost 100 000, which is a very substantial increase over those few years. That shows the sort of pressure that is occurring, and it is occurring for a number of reasons. First, it is winter. Secondly, we have an ageing population, and we know that their chance of contracting winter illnesses is increased substantially, particularly if they have respiratory or cardiac problems. Thirdly, we know that in some areas of the southern suburbs there are difficulties in obtaining doctors' services after hours. This issue, which I have raised with the Federal Minister, is being worked on in terms of trying to improve the after-hours services of those GPs. So, if, in fact, people can access a GP service after hours they should do so, rather than go along to Noarlunga or Flinders Medical Centre.

Ms Stevens interjecting:

The Hon. DEAN BROWN: They say that at Flinders it will not make a huge difference but that at Noarlunga it will make a very big difference indeed. At Noarlunga, they are saying that up to 30 per cent are people who are coming to the emergency department who could otherwise be seeing a GP to deal with their illness. The interesting thing is that, when I talked about this and put in place our new procedures for Tuesday of last week, Tuesday night was a very quiet night, indeed, at both the Flinders Medical Centre and the Royal Adelaide Hospital. In fact, it was also interesting to see that the rest of last week was somewhat quieter than it had been in previous weeks.

However, we understand the pressures and we are working with the hospitals to make sure that we adequately deal with those pressures and that we maintain the highest standard of health care and treatment for those who need to access a hospital.

DRUGS

Mr LEWIS (Hammond): My question is directed to the Minister for Human Services. What explicitly is the Government doing to help drug addicts overcome and deal with their problem of addiction?

The Hon. DEAN BROWN: As we heard from the Premier's statement earlier today, we have an unfortunate number of people who die from heroin addiction and other forms of drug addiction. In fact, about 10 per cent of all the deaths in the 25-34 age group can be directly attributed to overdosing with heroin. That is a very high level, indeed, and as a Government we are concerned about this.

There are about 5 500 heroin addicts in South Australia. While about 16 000 people use heroin, about 5 500 of those, as I have said, have a dependency on heroin. Of those 5 500, about 2 000 are currently undertaking a methadone program. We are concerned to ensure that we try to increase the number of people who are on treatment, particularly those with addiction. We are also trying to ensure that we have a greater range of treatments available.

As the House knows, we started a rather unique trial last year—what we call the naltrexone trials—taking 100 people at random and allocating them either to rapid detoxification under anaesthetic or putting them through a normal detoxification program. In both cases, those people have now commenced a 12 month naltrexone program. The detoxification period is now completed, and we are now into that 12 months cycle where they are on naltrexone. It is too early to talk about the results—we want to obtain the results before talking about them publicly—but it is a very important trial. In fact, it is fair to say that it is the first really critical, objective trial with naltrexone being carried out in the whole of Australia.

We are also working with general practitioners and other community organisations to look at how GPs, using their own various methods, can put people with addiction through detoxification. One GP in particular in the southern suburbs is doing that superbly, indeed; he has tended to specialise in this area. I have sat down and talked to him, and in fact later this week I am opening a special unit within a hospital at McLaren Vale that will help to deal with the people involved and give them special treatment.

These persons go through the detoxification process over a 24 hour period. They need then specialist support, and preferably within a hospital environment, for a few subsequent days because that is the critical period. Unless these persons get that community support, they will be back mixing amongst their friends and colleagues who are taking heroin and, once again, they will succumb to the addiction.

As I said, we are going through a series of programs, both to increase the range of treatments available and to make sure that a greater percentage of that 5 500 persons are actually receiving the treatment. We are also working with pharmacists to ensure that methadone is more readily available for the methadone maintenance treatment.

Some people with addiction are not suited to the methadone treatments; they find that after 24 hours they are experiencing very severe withdrawal symptoms. Equally, as part of that program, it is important to have as many pharmacies readily available so that people are able to access a pharmacist as close as possible to where they live.

Other programs are also involved. We are assessing the outcomes of a number of research programs that are currently under way both in Australia and overseas. Another important initiative we are taking is to make sure that where an overdose of heroin has occurred more effective treatment is administered by the ambulance officers.

An education program has been in place with both the police and ambulance officers. The first and primary focus of the police and ambulance officers must be to deal with the overdose rather than to deal with the criminal element. In fact, because of that focus, it is regarded that South Australia has had more satisfactory outcomes and probably a much lower level of death from persons overdosing with heroin than is the case in some other States of Australia. Victoria, in particular, has had a very high level of deaths from heroin overdoses. I know that a number of other States are now looking at what is being done in South Australia in terms of putting the concentration on harm minimisation for those who have taken the heroin.

The Hon. M.H. Armitage: Hear, hear!

The Hon. DEAN BROWN: That program was initiated, by the way, by my predecessor (the member for Adelaide). As I said, that work has been recognised around Australia as a very effective treatment indeed. We are also making sure that there is greater awareness in the community. In fact, the booklet that has now been distributed by the Government around South Australia will help build that education program so that people are aware and able to diagnose a case of heroin

overdose and to ensure that appropriate treatment is taken as quickly as possible.

The task is enormous. The cost of heroin addiction to South Australia is somewhere between $100 million and $300 million a year. It is important that our community, and particularly Government services, are able to respond in an effective and responsible way to recognise that there is a problem. We will deal with that problem. We will not try to make out that the problem does not exist.

Heroin addiction within the community is significantly on the increase. It concerns me that heroin is now so freely available. This increase is as a result of the increased use of the needle exchange program, where there has been almost an explosion in terms of demand for clean needles. As a community we therefore have a responsibility both to educate people and to make sure that there is appropriate treatment for those who are addicted to the terrible and illegal drug, heroin.

HEALTH BUDGET

Ms STEVENS (Elizabeth): Will the Minister for Human Services tell the House what plans the Government has to implement the decision to reduce expenditure by $3 million each at the Queen Elizabeth Hospital and the Lyell McEwin Health Service, and can he confirm that these cuts will mean further reductions in patient services?

A member of the board of the North Western Adelaide Health Services has told the Opposition that, because of budget cuts, the Queen Elizabeth Hospital has already decided not to open an extra 32 bed ward to take additional patients during the winter months, and that proposals being considered to meet the Government cuts include the closure of a further 32 bed ward at the Queen Elizabeth Hospital, half a ward at the Lyell McEwin Hospital, the merging of the intensive care and high dependency units, and cancellation of all outpatients at the Queen Elizabeth Hospital every Wednesday.

The Hon. DEAN BROWN: The honourable member sat right through the Estimates Committee when we talked about this in considerable detail. I pointed out to the Estimates Committee—

Ms Stevens: Let's talk about it again.

The Hon. DEAN BROWN: Well, she has just acknowledged that these are exactly the same issues that were talked about all day during the Estimates Committee. Why has she raised them again here?

Ms Stevens: And I'll keep raising them.

The SPEAKER: Order!

The Hon. DEAN BROWN: When I raised them in the Estimates Committee, she did not respond. I do not want to go back over the full day's evidence before the Estimates Committee. Members of the House and the public can read that information, but I pointed out to the Estimates Committee that because—

Ms Stevens interjecting:

The Hon. DEAN BROWN: I will explain to the House what I explained to the Estimates Committee. Because we put unspent reserves that we were holding as additional expenditure over and above the budget last year, we were able to commit over $40 million of extra expenditure in the last financial year—

Ms Stevens: With extra activity.

The Hon. DEAN BROWN: —with extra activity. The budget money that we have received this year is an increase on what we received last year, but I do not have the $42 million of extra reserve, plus the $7 million of the one-off payment that the Federal Government made last year on early signing of the Medicare agreement—even though 'early' was fairly late. Therefore, there is about $49 million that I had available last year which is not available for spending this year.

Therefore, within the health sector, we will have to make effective savings on activity levels, compared to what was actually done last year, by about $36 million. About $6 million of that will come out of the country area, and about $30 million will come out of the major hospitals of the metropolitan area. I have indicated that therefore we will have to revert for this year, 1999-2000, to the budgeted activity level for 1998-99. That will mean that we will have to carry out about 14 000 fewer elective procedures than we actually carried out last year, because we carried out substantially more—about 14 000 more—than were budgeted for last year, because of the extra money.

So, there will need to be a reduction in activity levels. We are working through with the hospitals how to achieve this, but at the same time maintaining a high level of health care for the people involved. There is nothing new about this. I have been through it in much greater detail during the entire day of the Estimates Committee.

Ms Stevens interjecting:

The SPEAKER: Order! I warn the member for Elizabeth for the first time.

The Hon. DEAN BROWN: We acknowledge that the demand is very high within our public hospital system. It keeps going up by about 4 per cent compound each year, and we acknowledge what we have is a very difficult task about how to manage the elective surgery, the emergency cases, and the outpatients—

Ms Stevens interjecting:

The SPEAKER: Order! I warn the member for Elizabeth for the second time.

The Hon. DEAN BROWN: —in the hospitals. We acknowledge all of that. So, the honourable member has raised nothing new than was raised previously. In fact, I frankly and openly talked about that during the Estimates Committee. I invite her or any other member who wants details to go back through the *Hansard* pulls of that Estimates Committee.

DRUGS

Mr CONDOUS (Colton): Can the Minister for Police outline how South Australia Police are targeting street level dealers of illicit drugs?

The Hon. R.L. BROKENSHIRE: I thank the member for Colton—

Mr Koutsantonis interjecting:

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

The Hon. R.L. BROKENSHIRE: Perhaps the member for Peake is not interested in this very serious matter, but the Government is. For members to recall how important is this issue of targeting street level dealers, they only have to think about what happened in Victoria a few months ago when it was reported that more heroin users died than there were road fatalities in Victoria.

Recently, I went out with police from Hindley Street in the Adelaide precinct on the night shift from midnight to dawn and I was pleased to see the way in which police are working

on an intelligence basis, together with surveillance and working closely with the business sector in the Adelaide region. This is just one example of what police are doing in combating the street level dealers of illicit drugs. In October last year SAPOL announced that it would set up a special operation to deal with this issue, because it was such an important issue and one that was clearly growing not only in South Australia but in all States in Australia. The operation is known as Operation Mantle and I am pleased to see its results. Operation Mantle does not specifically target the Mr Bigs of this world, but it does target the street level drug dealers. The operation has confirmed a link between those involved in drug related offences and also other crimes which, again, backs up the Premier's point that drug use and illicit drug trafficking will lead to crime issues.

Operation Mantle involves six teams in six different local service areas. It is a combination of working through both the central area of crime investigation and drug and organised crime with officers at the local area, whether it be on the South Coast, out at Elizabeth or anywhere at all where we have the new local service area set up. Members may recall a recent announcement that Operation Mantle had made a major drug bust of street dealers involving areas from Holden Hill right across to Port Lincoln. Also, to reduce harm that may otherwise be involved, Operation Mantle officers are working with other agencies such as the Ambulance Service, Correctional Services and the Drug and Alcohol Services Council in establishing joint strategies to address this particularly serious issue.

The aims of Operation Mantle are: to reduce the impact of illicit drug trafficking and related crime and to increase the diversion and retention of illicit drug users and user dealers into rehabilitation and treatment programs. That is important, because it is not just about enforcement: we have to have a holistic and comprehensive strategy to combat the growth in drugs. The officers involved are also disrupting the activities of illicit drug markets at all levels. I would like to report to the House that there has been enormous success with Operation Mantle, and I would also like to place on record my appreciation of the efforts of all the police officers involved in this exercise. In fact, 86 people have been charged with possession of heroin and 77 for heroin dealing; 60 for amphetamine possession and 35 for amphetamine dealing; 251 for cannabis possession and 58 for cannabis dealing; and 26 for other drug possession and 12 for dealing in other drugs. That covers a period extending from October last year to May this year.

Also, the operation has led to the recovery of hundreds of thousands of dollars in both cash and stolen property. As I said earlier, SAPOL is not only looking at Operation Mantle from the point of view of the street trade but is also clearly focusing on the Mr Bigs. Good work has been done in that area as well through the Drug and Organised Crime Investigation Branch, and a specific operation is occurring there as well. I am very pleased with the efforts of police when it comes to enforcement, and I encourage the community to assist the police by letting them know when they see people trafficking in drugs.

MODBURY HOSPITAL

Ms RANKINE (Wright): Will the Minister for Human Services initiate an independent investigation and provide a report to the House into the treatment of elderly patients at Modbury Hospital? On Monday 12 July a 79-year-old man who suffered three strokes and who has significant communication problems was admitted to Modbury Hospital. With no consultation and without the authorisation of family members who have guardianship over his health, arrangements were made to transfer this man on 15 July to the Repatriation General Hospital with the full knowledge that no beds were available. As a result of family intervention he was readmitted to Modbury. At 12.30 p.m. the following day the family was advised that a bed was available at the Repatriation General Hospital and that he would be transferred.

At 6.30 p.m. that day the family attended the Repatriation General Hospital, but the patient had not arrived: Modbury Hospital had forgotten to book an ambulance. The next day the family received a message that he had been discharged and was on his way to the Hampstead Hospital when, in fact, he had been sent to the Repatriation Hospital. I will be happy to provide all details to any inquiry. I am concerned about how, if Modbury Hospital is prepared to treat my father in this manner, it will treat other elderly patients.

The SPEAKER: Order! The honourable member is now starting to comment.

The Hon. DEAN BROWN: I can understand that the honourable member would feel emotional and concerned if her father had been dealt with in that matter. Certainly, if the honourable member refers all the details to me, I will make sure that the matter is appropriately investigated, and by 'appropriately investigated' I mean other than just by the hospitals involved. As Minister for Human Services, I get a number of cases where people have been inappropriately treated. The first thing we insist is that there be an adequate and realistic investigation, that there be a full apology where that is appropriate and that we change procedures where we find that in fact those procedures have broken down previously or that appropriate procedures were not in place. I can assure the honourable member that we will do that in this case as well.

DRUGS, SCHOOLS

The Hon. R.B. SUCH (Fisher): In line with the National Schools Drugs Strategy, will the Minister for Education, Children's Services and Training say how the Government is progressing in achieving the goal of no illicit drugs in our schools?

The Hon. M.R. BUCKBY: It is sad to admit that drugs, alcohol and substance abuse have long been a part of our community. Often, we are confronted daily with evidence of those behaviours, whether it be substance abuse, alcohol abuse or harder drugs. Our schoolchildren are not immune to witnessing those behaviours, be it in public or, at times, even within their own families. Drug abuse is not just a problem for the nation, but it is a challenge for tomorrow's leaders, because it is imperative that parents, local communities and Governments deliver the same positive message: that young people must have the necessary skills and knowledge about drugs to make appropriate and informed choices regarding their personal safety, because those strategies will go some way to ensuring that young people get the message about drugs in our society.

To meet the challenge and to keep our school communities aware, my department has been working hand in hand with schools to develop local guidelines which are well known to students, parents and staff. It is one area where school councils, in particular, in developing drug strategies within the school, can play a very important role in what will be the

code of behaviour for that particular school by working hand in hand with its principal and staff.

The department's web site also provides useful information, but the key features of the Government's comprehensive schools drugs strategy include the following: the use of explicit drug education teaching from years reception to 12 and drug education teaching via health and physical education learning; developing consistent policies and practices, with $400 000 of funding recently approved by Cabinet to provide staff to support schools; and establishing new, on-site response teams to better deal with drug related incidents and to provide professional development to school staff to assist students in relation to information about drugs, the legal aspects of the same and availability of support services.

It is also where life education has played a particularly good role in administering information to students from reception through to year 12 in terms of what substance abuse will do to their bodies and in terms of the choices that young people have in recognising or deciding whether or not they will get involved in drug abuse. Most importantly, though, this strategy recognises that schools cannot tackle the problems alone and that the wider community must also take some responsibility. This can be done by clarifying the role of other Government and non-government organisations in drug education. In addition, my department is working with the Catholic and the independent school sectors.

It is particularly important to note that the level of collaboration among the three sectors has been excellent, and we are putting forward a request for proposal to the Commonwealth Government looking for funds from the Commonwealth, as well. Through MCEETYA, which is the national meeting of education Ministers, the department will contribute to a national framework for the better handling of drug related incidents at schools and, through that same body, the report will be the subject of national satellite broadcasts to principals, school counsellors and other members of the school community.

We cannot place enough importance on this issue. I work with a drop in centre within my local electorate and was there one night when a young fellow came in and said that his 17 year old mate had just died from a drug overdose. It was particularly touching, because this young fellow accepted that that was a part of life. He did not express a great deal of emotion. It was just a matter of his mate having died of a drug overdose and life moving on. It is an aspect we really must address within our schools to make young people aware of the dangers of drugs and aware that they have a life to lead, one that can be excellent in terms of their potential.

HEALTH BUDGET

Ms STEVENS (Elizabeth): My question is directed to the Minister for Human services. Given that the proposed inquiry by the Productivity Commission into health funding would take 18 months to report, what action is now being taken by the Minister to ensure that the crisis at our major hospitals that resulted in the Minister's announcing the cancellation of elective surgery does not occur again, and will the Minister give this House a guarantee that people urgently requiring hospitalisation will not be denied access? On Monday 19 July 1999, the Repatriation Hospital closed its doors for the first time in 57 years, and one 79 year old woman, who said she felt desperately ill and whose specialist wanted her admitted immediately for assessment, was turned away and told to go home and dial 000 if her condition deteriorated.

The Hon. DEAN BROWN: As we all know, the Premier and State and Territory leaders met last Friday and discussed the health issue and the problems with health care around the whole of Australia. It has been a matter of some considerable discussion. As the honourable member knows, it is an issue I have talked about widely for about two years. It is time that Australia had a major, intelligent debate about the whole structure of its health care. I delivered a speech to the national health summit, which I called the *Titanic* speech. I called it that because, of course, with the *Titanic* there were not enough life boats to go around. I highlighted that, as Australia had an ageing population, so the demand on our public hospital system was increasing. Equally the drop out from private health insurance was putting additional pressure on our public hospital system.

In recognition of this and understanding that the long-term structure of health care lies with the Federal Government, the State Premiers and Territory leaders met last Friday and considered a number of key issues. In particular, they were looking at long-term solutions and have therefore asked for a full inquiry by the Productivity Commission, an appropriate thing to do. I have pointed out that a number of short-term steps can be taken, and I urge that the Federal Government look at those. The first and one of the most important is to eliminate the gap for those people with private insurance who go into a hospital and have to pay three times. They pay their private insurance premiums—

Ms Stevens interjecting:

The SPEAKER: Order! The member for Elizabeth is warned for the third and last time.

The Hon. DEAN BROWN: —they pay the Medicare levy and they then have to pay a gap. I believe that this issue has caused many people with private insurance to go to a public hospital as a public patient. If that gap were eliminated, it would have a huge impact on the number of people with private insurance going into private hospitals. We estimate that in the Women's and Children's Hospital up to 25 per cent of all births involve women with private insurance who go in as public patients because they know that it will be $1 000 cheaper. It was reported to me by one of the TV crews last week that, in the case of a colleague of theirs who had private insurance and had gone into hospital as a private patient, complications occurred during the premature birth and the person concerned was asked to pay a gap involving accounts amounting to $20 000. As a result, there was a dispute with the private health insurance company involved.

I understand that that situation was resolved—and probably resolved by a generous public hospital helping out the person—but it highlights the enormous problems occurring because of the gap payment that is required. That matter is entirely in the hands of the Federal Government, together with the AMA and the private health insurance companies. They could move to eliminate that gap, as some companies such as Mutual Community have already done.

In fact, I am pleased to say that I am opening a conference tomorrow morning, and I am meeting this afternoon with a private insurance company to talk about how that gap can be eliminated. I am pleased to see that a number of private insurance companies are moving towards that. Mutual Community has Easy Pay, and I think we have a higher percentage of people in South Australia than in other States of Australia who are now able to access a hospital with either no gap at all or a fixed figure in terms of what they would

have to pay if they went in as a private patient. That is an important issue on which the Federal Government can move much sooner than the Productivity Commission's inquiry report being handed down.

There are a number of other measures involved, one being the maintenance of coordinated care—in fact, the expansion of coordinated care. We are finding that, particularly on Eyre Peninsula, we are reducing hospitalisation by up to 25 per cent for those participants involved in the coordinated care trials. The funding for existing trials finishes at the end of December this year, but we moving with the Federal Government and providing some funding to ensure that they are extended, which I would like to see happen.

The honourable member asked what measures would be taken in between to relieve some of the pressure. They are some of the measures we are taking. We are also looking at a number of other issues in terms of giving patients more information about the illnesses from which they are suffering and the treatment options available. We are making sure that we put more money and effort into preventive health, particularly for people with chronic illnesses, so that they are able to stay out of hospital. We were the first State in Australia to have a flu vaccination program for people 70 years of age and over. So, this Government has done more than any other in terms of preventive health and in putting screening and vaccination programs in place with a view to keeping people out of the public hospital system—and we will be maintaining those pressures.

CRIME PREVENTION

Mr SCALZI (Hartley): Does the Minister for Youth believe that young people can be part of the solution in tackling the war against crime?

The Hon. M.K. BRINDAL: On behalf of all South Australians, especially the young people of South Australia, I commend the Premier on the publication, which—

Members interjecting:

The Hon. M.K. BRINDAL: Well, members opposite—

Mr Foley: You start every answer like that.

The Hon. M.K. BRINDAL: —can laugh but on this side of the House we believe that we are giving credit where it is due—even to the Opposition when occasionally it comes up with a good idea. They were in government for over a decade and did nothing about this problem. The fact is that this Government has done something about this problem, and young people will applaud what is being done to address it, even if the Opposition does not.

Youth want to be part of the solution. The Premier pointed out that young people are those most at risk. It is also true to say that, among certain adults, there is a bit of a tendency to point the finger and say, 'Well, it is their problem,' and, by implying that it is their problem, that they are also the ones who should sort it out. As the Premier said, it is not just their problem; it is a problem for us all. Drugs touch the lives of every South Australian: they are not a respecter of house, suburb or income level. They touch every strata of our society, and they have even reached some who have a member of Parliament as a relation. It is a profound problem, and youth want to be part of the solution to it.

I know that the Hon. Frances Bedford and the Hon. Mr Lewis were among some members who attended the Youth Parliament. Those who did not—

An honourable member interjecting:

The Hon. M.K. BRINDAL: Yes, the Hon. Mike Rann was there, too.

An honourable member interjecting:

The Hon. M.K. BRINDAL: And too many others to name. Those who attended will know that the Youth Parliament has always had an interest in drugs. I would like to place on the record the following: in 1996 the Youth Parliament dealt with its Youth Drug Control Act; in 1997, the Heroin Regulation Act; in 1998, the Cannabis Industrial Horticultural Uses Act; and, in 1999, the Drug Education and Expulsion Powers in Schools Act. So, the Youth Parliament has clearly each year demonstrated that young people are, in fact, interested in a solution to the drug problem.

I intend to take this publication to Youth Plus (the new ministerial advisory committee) and to ask its members what constructive input they can make on behalf of young people, what we can all do as a Parliament on behalf of young people to in fact help—

Mr Koutsantonis interjecting:

The Hon. M.K. BRINDAL: I thank the member opposite. He reminds me of a quote from Banjo Paterson: 'Their eyes were dull, their heads were flat, they had no brains at all.' I did not realise that that poet, so long dead, knew the honourable member.

An honourable member: He was a visionary!

The Hon. M.K. BRINDAL: My colleague remarks that he was indeed a visionary.

The SPEAKER: Order! The Minister will come back to the reply.

The Hon. M.K. BRINDAL: As I said, it is easy for some sections of society to point the finger at young people and, in a sense, say that it is their problem. As the Premier has rightly said, it is a problem for us all. The Youth Parliament has repeatedly said that young people in this State want more of a say: they want to take more responsibility for their own lives. The initiative of Youth Plus will see that that happens. I think that this initiative of the Premier will give them a focus to assist this Government, all the Ministers on the front bench and, I would hope, this entire Parliament, to engage in a constructive debate about what is, after all, one of society's most serious issues, and a debate that can be undertaken in a mature way and in a way that will allow young people to work with us for the betterment of this State and, more importantly, for their own benefit in the years ahead.

HEALTH BUDGET

Ms STEVENS (Elizabeth): My question is directed to the Premier. Given the statements by the Minister for Human Services that this year's budget would cut $6 million from country hospitals and $30 million from metropolitan hospitals at a time when other States have made substantial increases to health funding, was the Federal Health Minister right when he said that the Olsen Government had only itself to blame for the severe problems being experienced in our public hospitals?

The Hon. J.W. OLSEN: The honourable member usually gets it wrong and the inference contained in her question today is again wrong. The honourable member needs only to speak to the Ministers for Health in Queensland, New South Wales and Tasmania, or the respective Labor Premiers in those three States, and she might get somewhere near the truth of the matter. The fact is that there is no State or Territory that is not under some significant pressure in relation to the provision of health services.

It will be unsustainable pressure in the course of the next three to five years and that is why constructively and unanimously the Premiers and Chief Ministers met last Friday (after a paper was prepared by the Queensland Labor Government with the support of the Victorian Liberal Government) to present a case to the Commonwealth Government. Why? Because every State and Territory is experiencing exactly the same type of difficulty and problem. If the honourable member looks back at the transcripts and news reports of the Bannon era, she will find reports in relation to health services exactly the same as the reports we are seeing into health services now—the same sort of headlines, the same sort of stories.

I suggest that if the honourable member does a little bit of homework she will ascertain the facts of the matter. The member for Elizabeth, instead of carping, criticising, opposing and being negative about everything she says, ought to look at some policy options for the future. I understand that if your State council keeps your extra 2 000 people you might get some infusion of new policy ideas into the Labor Party. Might well that happen because we do not see many policy ideas floating across from this Opposition.

Members interjecting:

The SPEAKER: Order!

The Hon. R.B. Such interjecting:

The SPEAKER: The member for Fisher will come to order.

The Hon. J.W. OLSEN: Well, you do have difficulty getting ideas from people who are not with us any more.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. Rann interjecting:

The Hon. J.W. OLSEN: I am glad I heard the Leader of the Opposition. I have not heard much from him in the past two weeks; he has been a little invisible, but I think I can understand why. But I return to the question from the member for Elizabeth: we are attempting to look constructively at the future and to take some steps that address the cause of the problem and not the symptoms. The honourable member, in every one of her questions today, has tried to address the symptoms which, in a policy sense, since they do not address the cause of the problem will therefore achieve no solution in the longer term.

The Premiers and Chief Ministers agreed that, in the future, the present problems will continue to compound and exacerbate. We want to take some corrective action, in a policy sense, that will require engagement with the Commonwealth Government. State and Territory Governments cannot unilaterally make these decisions and address the cause of the issue: it must be with the engagement of the Commonwealth Government. That is why, unanimously, the Premiers and Chief Ministers—and three colleagues of the honourable member opposite sit around that table currently—have agreed that the Productivity Commission ought to prepare a report.

That will enable the Governments of Australia (State and Federal) to put their case before the Productivity Commission. It will provide an opportunity to hospital administrators, health professionals and health funds. In other words, it would open up an opportunity to all those who have a view in identifying the cause of the current situation to provide a solution to these problems that all Governments and Territories are facing. I know the honourable member will not be making a submission because she does not have a solution to anything. We need to go beyond being so superficial to ensure that this matter will be addressed in a constructive way.

We have asked the Commonwealth Government to put in place a Productivity Commission and, given that the Prime Minister has put such significant store on the Productivity Commission's—

Ms Stevens interjecting:

The SPEAKER: Order! I name the member for Elizabeth for continuing to interrupt the House when she has been brought to order on numerous occasions. Does the honourable member wish to be heard in explanation?

Ms STEVENS: I would like to be heard. I found the Premier's last retort to me across the Chamber—

The SPEAKER: Order! That is not the point of the debate. The honourable member's argument is with the Chair for continually flouting the authority of the Chair, for continuing to ignore the Chair when she has been brought to order on many occasions. The Chair is not interested in the political debate that has occurred across the Chamber, but rather the authority of the Chair and the Chair's ability to control the House. The honourable member's explanation is to describe why she chose to ignore the Chair continuously.

Ms STEVENS: Sir, I understand and respect your position, but I must say that some of the tenor of the comments from the Premier in particular—

The SPEAKER: Order! That has nothing to do with the debate. The debate is between the honourable member and the Chair and why the honourable member continued to ignore the Chair when it continually brought the honourable member to order.

Mr Venning interjecting:

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

Ms STEVENS: I apologise, Sir, if it seemed that I was ignoring your rulings. I must say that I was very disturbed by the sort of personal comments directed at me from the Premier, in particular; hence—

Mr Atkinson interjecting:

The SPEAKER: Order!

Ms STEVENS: —I did not follow your ruling and I apologise for that.

The SPEAKER: The Chair has noted that today the behaviour in the Chamber has not been too bad; in fact, it has been quite reasonable. The member for Elizabeth is not a bad offender in the eyes of the Chair. I will let this particular occasion be a very strong warning to the honourable member that she cannot continue this scatter gun interjection across the Chamber, albeit on a quiet level, and think that she will continue to get away with it. The honourable member should take this as a warning today. I accept the honourable member's apology but it will not be accepted in the future.

The Hon. J.W. OLSEN: The purpose of the Productivity Commission is to enable a range of interest groups to make a—

Mr Atkinson interjecting:

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

The Hon. J.W. OLSEN: —presentation to the Productivity Commission. It is an opportunity to engage the Commonwealth Government. In recent times the Commonwealth Government, in particular the Prime Minister, has given great store to a Productivity Commission report in relation to gambling. The Leaders of the respective States and Territories therefore took the view that this would be an opportune way in which we could (in not a Commonwealth versus State and necessarily only a Commonwealth funding versus State

situation) look at a range of issues in relation to health services in this country.

Some of the examples put forward at the Premiers' meeting, in terms of some State's attempts to address specific issues and how they had been thwarted by some of the health professionals in those States, certainly led me to have some degree of real concern. It is proposed that the Productivity Commission would take about 12 months to release its draft report and within six months (18 months from now) have the final report prepared. It is a genuine attempt by the respective States and Territories to address the issue of health and to create out of that a long-term policy solution that does fix the health services in this nation to meet the needs of Australians.

The bottom line is that all Governments want to service the health needs of Australians. That is the purpose of the Productivity Commission request; it was the purpose of the meeting of the Premiers; and it has certainly been the purpose of the Health Ministers from the respective States championing the cause of change to ensure that we have a health service and system in this country that meet the needs of every Australian in the future.

GRIEVANCE DEBATE

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

Ms RANKINE (Wright): This afternoon I briefly outlined in a question to the Minister for Human Services the circumstances surrounding my father's hospitalisation in Modbury Hospital. I would like to take the opportunity now to expand on some of my concerns in relation to this matter, which I believe raises a series of very serious questions.

I want to know why Modbury Hospital was prepared to take an elderly man from his hospital bed and late in the day transfer him to a hospital knowing full well he would probably have to sit and wait all night for a bed. I cannot imagine that this could happen in any of our other public hospitals. This did not happen because his family had requested the transfer, and clearly it was not about his health needs or his welfare. I believe it was because the hospital was aware that he was a TPI pensioner, a gold health card holder, and the hospital simply wanted him off their books. They wanted to transfer the cost, irrespective of the impact it would have on him.

But this is not just about my father. I do not expect him to get any better or any worse treatment in a public hospital because of my position. This is about every elderly patient in the north-east who is reliant on the Modbury Hospital for their health care. Like so many older Australians, my father served in the armed services during the Second World War. He now lives with the legacy of that service and daily battles with the health problems that are a direct result of it. He deserves better, and so does every other elderly patient who accesses the public health system in this State. They have paid their dues, and it is the responsibility of this Government to ensure that they are provided with quality health care.

The circumstances surrounding my father's stay in Modbury Hospital are appalling. This man is precious to his family. I do not accept the treatment he received, and I do not expect anyone else to be subjected to this treatment of their elderly parents, either. This Government must ensure that the needs of elderly patients—of any patients—are the highest priority of this and every other hospital. Their priority must not be allowed to be shunting them out just to balance their books. I do not accept the disregard shown to my family whose over-riding concern is the well-being of our loved one. I do not accept other families being disregarded in such a manner. They have an absolute right to be consulted and advised about what is happening.

This Government must ensure the rights of families and see that they are properly consulted about the treatment of their parents and their grandparents. Imagine my dismay, after trying for two days to speak to a doctor about my father's treatment, on walking into his ward only to find someone else in his bed. Like I said, after two days I was spoken to by an intern. I could not contact the doctor who was responsible for his care. I found my father in the discharge lounge—which is an empty ward with a couple of chairs in it—in his pyjamas and slippers, with no blanket and two brown paper bags containing his belongings.

As I said, I tried to get information from the doctor responsible and, despite two large notes being pinned on his case notes, that contact was not forthcoming. This doctor was involved in the decision to transfer my father, as I understand, and I do not want to hear a response back that junior medical staff or nurses are responsible for this instance. In contrast, when my father attended the Repatriation Hospital finally on Saturday afternoon, a two minute call from the doctor immediately followed his consultation with my father, and I want to register my appreciation to that hospital for their care.

The reason given for his transfer was that he would need to be in hospital for another week. He arrived on Saturday afternoon at the Repatriation Hospital and was discharged Monday. What happens to elderly patients who do not have close family members or people who can advocate on their behalf? I hate to think where my father would have ended up if it had not been for me and my sister.

Mr HAMILTON-SMITH (Waite): I rise to talk on a matter that was brought to the public's attention this morning in the *Advertiser* under the heading 'Forces in firing line'. It deals with what I consider to be a most important issue: that is, the conditions of service for the men and women of the Australian Defence Force. The *Advertiser* article, together with subsequent information I have obtained from the relevant Minister's office, indicates that, through taxation changes planned by Federal Treasury, there is to be fringe benefit tax reform under the 'pay as you go' new tax system. These changes to fringe benefits tax will require income tests for surcharges and Government benefits by requiring employers from the 1999-2000 FBT year of income to identify on group certificates the grossed up taxable value of an employee's fringe benefits, where the taxable value for benefits exceeds $1 000.

As the *Advertiser* article pointed out this morning, this initiative is at risk of imposing upon members of the Australian Defence Force quite a significant new burden to their personal finances. Members of the Defence Force, by virtue of their service, receive a number of benefits on top of their annual salary. These benefits include such things as provision of married quarters or a temporary rental allowance, as the case may be, a living out allowance, cost of removal from one home to another when the service posts them from one State to another (something that occurs fairly regularly in service life, usually on a two year rotation), home loans at a favour-

able interest rate and compensation for loss in the value of a home if required to sell due to postings forced upon service personnel by the service.

There is a range of other small benefits, not very valuable, but benefits which are important to the average man and woman in the Australian Defence Force. It appears that all these will be assessed for purposes of fringe benefits tax and that, as a consequence, a range of entitlements that servicemen and women presently have available to them may be diminished. The Armed Forces Federation has described these changes as astonishing. In my view, that is simply being generous. These changes, if the *Advertiser* article this morning is correct, will be plain stupid.

Members of this core of service in the Australian Defence Force are not just employees; they are not just wage earners: they are serving the country. They are defending the country. It is not just a job. They have a condition in their contract of employment that says, 'If called upon by your employer, you will give up your life for your country.' I know from personal experience while commanding a peace-keeping force in Egypt that, in one year alone, about 20 per cent of the married members of the group I had under my command experienced marriage difficulties leading to separation and in one case divorce. That is fairly consistent with overseas service on peace-keeping missions. They move from year to year, and the families must endure considerable hardship.

Members hired in country areas where the cost of living is relatively inexpensive may find themselves posted to places like the centre of Sydney or Melbourne where rental and living costs are extraordinary. They cannot afford it. They cannot afford to pay the exorbitant rental and living costs in these places that are forced upon them by the services. They must have some form of accommodation arrangements made. In South Australia we have hundreds of submariners, Air Force and Army personnel who now risk incurring a penalty if they are a non-custodial parent. They may lose child-care assistance or other benefits, such as disability pensions for dependants and remote location allowances, because of this silly measure.

Fair go! These people are special. These are good young people working to defend us. This is not just a job for them: this is service to the Australian Army, Navy and Air Force. If that is the way we are going to treat them, we will get what we deserve. It is not too late to change what is occurring. Minister Scott can do this, and I commend him to the task.

Ms BEDFORD (Florey): Today, I want to talk about live theatre, particularly community productions. It has been my great pleasure recently to attend two productions, one in the regional area of Whyalla and another involving a local group from my area with the production in the Union Theatre at the University of Adelaide. I would like to talk about each production.

In the regional area, the Whyalla Players put on a production of *Annie* and, through my association with the member for Giles, I went to Whyalla to attend the play and was thoroughly impressed with the professionalism of the cast and crew and the community involvement in the production. It is a great night's theatre to watch live productions, especially with live bands and orchestras. The musicians in the orchestra looked particularly young, and the orchestra is to be commended on its professional presentation of the music for *Annie*.

The cast was exceptional, with over 30 people being involved, ably assisted by a golden retriever named 'Sheldon', who obviously stole the show when he walked onto the stage. The cast was held together by the outstanding performance of the person in the lead role, Kate Breuer. I am very impressed with her ability and I can only wish her well in the future. It was a great night's entertainment. The community was there but there were only two performances, I understand. It was an absolute thrill to meet the President, Stewart Payne; the Secretary, Glenise Smith; the Vice-President, Ann Clapp; and the Treasurer, David Clapp.

The effort that went into this production reflects what we saw at the end of the day. The Stage Director, Robyn Payne, did a superb job and everyone involved is to be commended. I left Whyalla thinking how good it is to see a community working together like that. I cannot imagine how many nights of rehearsal went into it but it was an absolutely outstanding success.

The other recent production I attended was that of *Oklahoma*, which was put on by the Marie Clark Singers, who would be well known to people of the north-eastern suburbs. The Marie Clark Singers work hard in many areas of the community and provide entertainment in nursing homes and the like. They are also involved in Australia Day ceremonies. This was a particularly ambitious production although, from looking at their program, I see that they do this quite often. I was very impressed with their production, the commitment of the players and the amount of effort that went in generally. The costumes were outstanding and they had a tremendous orchestra working very hard under the able leadership of a female conductor whose name momentarily escapes me, but it was a very good orchestra.

The importance of these productions is reflected in the audience that they attract. Many people attended the matinee which I attended, and the auditorium was almost filled. These people were mostly over their 50s and looking for live entertainment that is not full of violence and swearing. While there are many favourite musicals, *Oklahoma* is one that they obviously enjoyed greatly on the day, as they were singing along and tapping their feet. Everyone was having a thoroughly good time.

Theatre and live theatre are very important because the arts unite communities. People work hard on their productions, it is a community effort and everyone is a winner in something like this. We have musicians and actors encouraged, and I must admit that, as I see each production, each person has grown remarkably in his or her ability to project their voice and hone their stage craft.

The Marie Clark Singers put on a couple of productions each year, and I notice one of the next ones is going to be a totally Australian venture. I am looking forward to seeing it, as I understand that it is an original production. The commitment of these people throughout the north-eastern area is absolutely outstanding. There is not much more that I can say, except that I thoroughly recommend that members attend the last couple of performances at the Union Theatre, University of Adelaide, if they are able to do so. It is a really good day's entertainment.

Mr VENNING (Schubert): I wish to share with the House a concern of mine. On Thursday 10 June I was Acting Deputy Speaker during the ETSA leasing debate. I was totally frustrated because I heard the worst speech I have had the displeasure of hearing and, being in the Chair, I was unable to vent my displeasure. However, I do so now. The speech was delivered by the member for Peake, Mr Tom Koutsan-

tonis, and it is recorded at page 1717 of *Hansard* for members' perusal.

The member for Peake delivered the most personal attack I have ever heard on a member of this House—indeed, on one of its most honourable members—namely, my Leader and our State Premier, the Hon. John Olsen. I have known John Olsen probably longer than any other member in this place and, to hear him referred to in the course of such disparaging and untrue remarks infuriated me. To hear the Hon. John Olsen referred to as a 'failed used car salesman' is a slur not only on Mr Olsen but also on used car salesmen. To say that he 'failed in that regard and he has failed as Premier' is a comment I cannot let go unanswered.

I then asked the member for Peake to cool down, but he continued. It is obvious that the member lacks a mentor in his parliamentary ranks. I am sure that if the Hon. Hugh Hudson, the Hon. John Bannon or the Hon. Don Hopgood were in the House they would never have allowed a new chum of theirs to deliver such a personally abusive speech.

Many members in this place get pretty steamed up, but we do not reflect on members' pasts or their person: it is one of the few rules of this place that is generally adhered to. For the record and for the member's benefit I state that I have known John Olsen ever since I was 16 years of age, and we are almost the same age. I was there on that day in January 1964 when John's father, Stan, died at the wheel of the family speed boat, with John, who was then only 18 years of age, at his side.

John had been working in the Savings Bank for some three years and, on his father's untimely death, John went home to Kadina to run the family business of J.R. Olsen & Sons and also to support the family. J.R. Olsen & Sons was a very reputable and valued business in the Mid North of South Australia at Kadina. I should know, because we had dealings with them, as did so many other farmers in our community and in the communities of other towns in the Mid North and indeed across the State.

This family business had the excellence franchises of Chrysler, Dodge, Mopar Group, Rootes Group, Case Tractors and, later, Mitsubishi. The family also had Mobil franchises and owned Kadina Radiators. It employed many loyal local people and some are still there, even though the business was sold four years ago.

The name 'Olsen' is well respected in the region, and the business continues under the Olsen name. Yes, John sold new cars and, therefore, he sold second-hand cars, too. However, he also sold tractors, trucks and a whole host of farm merchandise. He was very respected in business and in the rural community.

John was the State President of the South Australian Rural Youth Movement and was elected town Mayor in 1974, the youngest person to have held that office. Later, after holding many key local and State positions, he was asked to stand for the presidency of the Liberal Party in South Australia.

My father, Howard Venning, knew the capacity and integrity of this high achieving young man and retired in 1979 to allow John to enter this place as the member for Rocky River. I served John as his SEC President along with other community positions and learnt to appreciate his strengths, the greatest of which is his determination to achieve the vision he has for his community, his State and, therefore, his family.

I noted that the television show Burke's Backyard a few weeks ago depicted the Olsen I know well: a family man proud of his family and relaxed in his achievements, and I think he has every reason to be proud of his and Julie's achievements.

John Olsen has, and always has had, my support, and his leadership is appreciated by our Party and his support within the Party has never been better. I acknowledge that the member for Peake apologised for his speech shortly after making it, but I remind him that his words are on the record and, if I am allowed to give a younger member any advice, it is that you have to temper that anger because to readers for ever on, the mood is lost but the words are not. I think, and I hope, that the member regrets his outburst, and I hope he has learnt from it.

Ms THOMPSON (Reynell): I rise today to draw attention to the lack of rehabilitation facilities in the south and to the distress caused to families when Options Coordination is unable because of its limited funding to deliver the service it promised to people with disabilities and their families. Today, I want to recount the story of Graham Jones and his parents, Roy and Meryl. This is not quite their names, but it will serve my purposes. I do so because Roy and Meryl came to me absolutely distressed about the future their son faces and about their ability to care for him as they grow older because his problems may get worse: they dread the thought of what will happen to Graham when they die. Mr Deputy Speaker, I am sure that you know that that scenario is not unusual: it is felt too often by senior members of our community, and it causes great and unnecessary distress to them, their relatives and supporters.

The story of Graham Jones is different from most that I hear. Graham is now 41. He became an invalid at the age of 39 when he had a stroke. Before his stroke, Graham was an active worker, a skilled worker, at Mitsubishi. He was used to being able, if he wanted, to work seven days a week. As a result of the stroke, Graham has been left with considerable residual disabilities, including paralysis on one side and blindness on the other, which makes things even more complicated. One of the first things Roy and Meryl talked to me about was the fact that what happens with strokes is not now really understood in the community. You hear about great tennis players having a stroke and vowing to play tennis again. Roy and Meryl think that Graham will never play tennis again, that people do not understand just how severe the residual from a stroke can be, particularly in a relatively young person; and there is the fact that there are so few rehabilitation facilities for such a young person.

Graham spent eight months in Julia Farr, and during that time he had access to occupational therapy, although during their constant visits his parents did notice that there seemed to be less and less available in Julia Farr as time went on because of restrictions there. Graham was discharged with an electric wheelchair to his home, his partner and their children; however, the family was not able to function given the complexity of caring for a father who no longer had the role that he had previously. The family collapsed, and Graham was found accommodation in a Housing Trust unit.

But there the problems did not really end: in one way that is where they started. The drain on the pockets of Graham and on his parents, who are pensioners in their 70s, was considerable. All sorts of little things were needed: an outside light to enable the carer to come at night, bolts for the windows and various, minor accommodations in the home. Options Coordination did provide personal care, but the parents were distressed by there being no rehabilitation. The major support in terms of rehabilitation came from the Royal Society for the

Blind which put him in touch with such organisations as Newspapers on the Phone and which organised right-hand computer lessons for him so that he could have some access to the world and develop some skills through computing.

His parents have organised his rehabilitation. They found that All Hallows, a facility for people over 60 at Mitchell Park, could provide occupational therapy for him at the cost of $10 a session twice a week. It costs $40 return fare by taxicab even with the Access Cab support, but he does not have that, so his aged parents take him there twice a week. They also take him to Balyana for hydrotherapy, involving another $3.50 a session, once and sometimes twice a week.

The Hon. M.K. BRINDAL (Minister for Local Government): Today I pay tribute to Mr Gordon Johnson AM, JP who passed away in Adelaide on 19 July after suffering a stroke two days earlier. Gordon will be well known to many members of this Parliament and to elected members and staff of local government for his contribution over many years both to State and local government and to the community. Gordon was born in Pinnaroo and, having grown up on a farm in the area, spent many years in business in the town. He had a particular interest in and love of the theatre, and one of his early pursuits involved the formation of the Pinnaroo Players, who successfully performed locally and in competitions in Adelaide. Gordon maintained his interest in the arts throughout his life and in more recent times served as a member of the South Australian Country Arts Trust and the Riverland Regional Cultural Trust.

A long and distinguished career in local government commenced for Gordon Johnson in 1964 when he became a member of the then Pinnaroo District Council. He served on the council for 16 years and held the offices of both Deputy Chairman and Chairman, the latter for eight years. Gordon was elected President of the Local Government Association of South Australia in 1976 and was President for three years. In 1979 he was elected to the office at a national level as President of the Australian Local Government Association. For over 15 years Gordon also served this State as a member and then Chairperson of the South Australian Local Government Grants Commission. He was greatly respected for this work and for his efforts over a 20 year period as Chairman of the South Australian Dog Advisory Board and its replacement, the South Australian Dog and Cat Management Committee.

As well as working tirelessly for his local community as a member and office holder of many organisations, Gordon's contribution to State and local government included local government delegate to the Australian Constitutional Conventions in Hobart and Perth, Chairman of the former Upper South-East Local Government Association, member of the South Australian Local Government Jubilee 150 Committee, and member of the Bicentennial Committee. In more recent years Gordon focused his attention on work in Pinnaroo and has been active in helping to set up the Pinnaroo Tourist and Heritage Commission. He was also well known as a marriage celebrant. Gordon Johnson was a man of great integrity. He rose to the highest levels of office in local government and held many important public positions, but he never lost the ability to relate to people from all walks of life. Wherever Gordon travelled he was a great ambassador for this State and, in particular, the country communities of South Australia. He will be greatly missed. On behalf of this House I express my deepest sympathy to Gordon's wife, Jean, and to their son, Christopher.

In the few minutes left to me I would like to comment briefly on the comments of the honourable member who just spoke. I do not think there is any member of this House who does not share compassion for those who suffer physical or mental disability. In the case of the honourable member's contribution, the person had suffered a stroke at the age of 39. Every member of this House will know of or have in their electorate people who are born with differing mental capacities from their own, some of whom have traditionally found homes in Minda and like institutions. Indeed, 15 years ago people mentioned by the previous speaker would probably have found a home in Julia Farr with much greater permanency than they have now.

Every member of this House—and it does not matter whether you are sitting temporarily on the Opposition or Government benches—shares compassion for such people. The problem in this House and what makes it much more difficult for the Government than for the Opposition is that in government we have the responsibility to do something about it. While all in our community have great compassion for people such as that, there is sometimes a reluctance among our community to pay the level of taxation necessary to do all that we in this Chamber would like to do for the people most in need. I put it to this House that, while we all can show compassion, that is the easy bit. If we really have compassion for such people, it is our job as members of Parliament, no matter which side we sit on, to get out there in the community and let the public know that, if the services are not good enough, additional taxation measures need to be brought to bear so that we can better accommodate the least able in our society. We can come in here and make pretty speeches, but until we are prepared to do that they mean nothing.

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

SELECT COMMITTEE ON WATER ALLOCATION IN THE SOUTH-EAST

The Hon. G.M. GUNN (Stuart): I move:

That the committee have leave to sit during the sittings of the House this week.

Motion carried.

ROAD TRAFFIC (ROAD RULES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 July. Page 1835.)

Mr HAMILTON-SMITH: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Mr ATKINSON (Spence): The Opposition has studied the Bill carefully and we support it, although we will be asking questions and we have one amendment. The Bill applies national road rules to South Australia. It tries to achieve consistency between the States and Territories while minimising the effects in each jurisdiction. There are some entirely new provisions for South Australia, such as the

requirement for motorists at night to dip their headlights when following a vehicle, and there is also a very specific diagram in the rules about how traffic must merge. The road rules will be in the form of regulations, that is, subordinate legislation and not part of the Road Traffic Act.

The Government takes the opportunity of this Bill being before Parliament to include the authority for local government to close roads other than by permanent closure under the Roads (Opening and Closing) Act. It is interesting that the position I have taken over the past nine years in the House was supported by the Parliament during the debate on the City of Adelaide Bill, despite the fierce resistance of the member for Adelaide and the Minister, and now the Government has conceded that I am right by taking my provisions from the City of Adelaide Act and making them part of the Road Traffic Act. I thank the Government for conceding that I am right on the principle of road closures by local government that are not permanent. However, there is still some disagreement between the Government and the Parliamentary Labor Party on the question of transitional provisions.

The Opposition agrees with the Government on the benefits to be achieved by national road rules. Motorists on holiday will benefit, and so will interstate transport drivers, people moving interstate to live and international tourists on fly-drive holidays. Offences under the old road rules that were punishable by the due care provision of the Road Traffic Act have now been codified and, if one refers to this bulky document containing nearly all the road rules under the Road Traffic Act, one sees that many of the due care offences are illustrated by diagrams and quite detailed rules on matters such as merging, overtaking, keeping a safe distance behind another vehicle and not obstructing other vehicles.

Of course, there was not merely the carrot of benefits for South Australian motorists in this: for the Government there was also the stick of having our competition payments withdrawn or reduced under the national competition policy if we did not go along with and enact these national road rules. The national road rules do not cover dangerous driving, drink driving, causing death or injury or failure to stop at an accident, and they do not contain the fines and penalties for breach of the rules. That is a matter that is still left to the State Parliaments and State Governments. Just as an aside, I am concerned about the tariff for sentencing in South Australian courts for offenders against the prohibition on causing death or injury by dangerous driving. I wonder whether some of our District Court and Supreme Court judges really understand the depth of public anger about the conduct of some of these offenders. Their sentencing of late has a tendency to be lenient and this is a matter that the Parliament should look at quite carefully.

One of the matters dealt with in the national road rules involves motorists giving way to a bus pulling out from a kerb after picking up passengers. South Australia adopted that provision early, before this Bill. There is a provision that motorists may drive only a maximum of 100 metres in a bus lane or 50 metres in a bike lane if that is necessitated by traffic conditions. The road rules bring in standard parking distances from corners or traffic lights. The rules stipulate that a motorist should indicate for five seconds before pulling out from a kerb. An interesting provision in the national road rules is that a driver stopped at traffic lights on a side street coming into a main road can turn left on a red light, provided it is safe to do so. I noted that Ballarat has a custom in the main street whereby one can cross the main highway (Sturt Street) even on a red light when it is safe to do so, but that has not been authorised by these rules.

A matter of personal interest to me is that cyclists under the age of 12 will now be allowed to ride on our footpaths. I have difficulty with that because when my children ride their bicycles with me I insist that they ride on the road with me, as I am afraid that on a footpath there is always a danger that a car will back out from a driveway which is obscured by a high fence and knock them over.

Ms Ciccarello interjecting:

Mr ATKINSON: The member for Norwood interjects about the relative dangers of children riding on roads with their parents or riding on footpaths. For myself, I prefer that my children continue to ride on the road rather than a footpath, but they will be permitted to ride on a footpath by themselves under the national road rules.

Another matter which disturbs me is that the Bill before the House abolishes the ability of local government to prohibit skateboarders, in-line skaters and roller-skaters from using particular streets in a municipality. Local government had that authority under the Road Traffic (Small-Wheeled Vehicles) Amendment Bill of, I think, 1996, and now the Minister in her enthusiasm to promote in-line skating and skateboarding on our footpaths has taken away from local government the ability to declare a certain footpath unsuitable for that kind of activity. I think that is a personal and most unsatisfactory intervention by the Minister. I know it is true that few councils exercised this ability to declare certain footpaths off limits to skateboarders and in-line skaters, but I do think it is a useful authority for councils to have, particularly for footpaths near retirement villages.

The national road rules now allow motorcyclists to travel two abreast. It also prohibits the time honoured activity of passengers riding in the open section of a utility—so I guess there will be no more visits to the Port River for my sons in the back of the next door neighbour's ute. The national road rules also, quite properly, prohibit people travelling in a trailer and prohibit reversing for longer than is necessary. With those remarks, the Opposition supports the principle of the Bill, but we have one amendment to move and some questions to ask.

The Hon. DEAN BROWN (Minister for Human Services): I thank the honourable member for his comments on this Bill. He has raised a number of issues and I will ensure that the Department of Transport looks at those issues and that the Minister in another place pays some attention to them. The honourable member has raised a number of concerns about fairly minor issues, and I urge members to support the Bill through the Committee stage.

Bill read a second time.

In Committee.

Clauses 1 to 42 passed.

Clause 43.

Mr ATKINSON: The Minister will recall that when he was Premier there was heated debate in this Chamber on the Road Traffic (Small-Wheeled Vehicles) Amendment Bill which enabled in-line skaters and skateboarders lawfully to use all footpaths except those which were prescribed by local government as off limits. The Opposition's preferred position on that Bill in 1996 (and I think six Government backbenchers, including the then member for Hanson and the member for Coles, supported us) was that in-line skates and skateboards should be prohibited from all footpaths except those

footpaths and streets which were prescribed by local government as, if you like, 'play streets'.

The Government told us at the time that we were being quite unreasonable and that we should give local government authority to prohibit skating and skateboarding on certain footpaths where it would be dangerous to do so. Now we find, only three short years later, that the Government is taking away from local government the ability to prohibit in-line skates and skateboarding on all footpaths. Why is this so?

The Hon. DEAN BROWN: Until now, they have been prescribed by local government. They are now prescribed under the road traffic regulations, and local councils are invited to nominate areas to be prescribed in the regulations. Very few have apparently done so.

The Hon. M.D. RANN: I think this is a matter that does need some attention. I participated in that debate several years ago, because I was aware of concerns in my own electorate, particularly from elderly people, about the safety hazard that would apply. I must say that at the time we were given assurances about the powers and rights of councils to move to protect their citizens.

I can tell the Committee that I had a close encounter with this when a friend of mine, some years ago, was walking an elderly friend down a street and a skateboarder was jumping on a skateboard. The thing became temporarily airborne and severed her kneecap. As a result of that incident, an otherwise very able-bodied, fit person who, together with her husband, travelled around the world frequently, is now required to use two sticks.

Now that it appears that the powers of councils are significantly eroded, what would be the compensation arrangements in these circumstances? As I understand it (and I do not have all the details of that incident), the young person concerned then proceeded to leave the scene of the accident and, of course, without identification such as number plates, and so on, it was difficult to ascertain who was responsible. The fact is that someone was permanently disabled as a result of this accident. No-one is suggesting that it was deliberate, but it was certainly negligent. I would like to be able to assure my constituents in Salisbury about the compensation arrangements if such an accident did occur again.

The Hon. DEAN BROWN: I am sorry to be seeking advice here, but this is rather technical. I perhaps, unintentionally, misinformed the House earlier. If we go back (and I am not sure exactly how long ago), there was a period prior to about 1993 or 1994 where it was done by individual local councils, and they did it under their existing by-laws. My understanding is that it was very much hotchpotch: it varied from area to area, and different approaches were taken. The Government then tried to bring it all under the regulations under the Road Traffic Act. What is being done here is identical to what has been applying—and I appreciate that the Leader of the Opposition has raised a specific issue and a matter of some concern in terms of the impact of this on an individual.

The power is there for members, if they have constituents who have a concern particularly about certain streets (and I can say that there are one or two streets that I know where, because of the nature of the street, and particularly if it has a reasonable sort of decline, one tends to find more of these skateboards than in other areas), or particular areas (it does not have to be one street but the whole area), to approach the local council involved and ask that some restriction be placed on those areas, if there is a public safety issue at stake. So, there is the power for councils to identify either streets (and if they do that they have to have signs) or whole areas and they can, in fact, under the regulations, be gazetted as areas where skateboards are disallowed. So, there are powers there, and I urge members, if they have concerns about particular areas, to take up those concerns through that means.

Clause passed.

Clauses 44 to 57 passed.

New clause 57A.

Mr ATKINSON: I move:

Page 21, after line 6—Insert:

Certain road closures to cease to have effect

57A.(1) The closure of a prescribed road to vehicles generally or vehicles of a particular class in force under s.359 of the Local Government Act 1934 at the commencement of this section ceased to have effect (unless already brought to an end) six months after the commencement of this section (and the relevant council must, on the closure of a prescribed road ceasing to have effect pursuant to this subsection, immediately remove any traffic control device previously installed by the council to give effect to the closure).

(2) However, subsection (1) does not apply if the closure of the road is, before the expiration of the six month period referred to in that subsection, confirmed by action taken by the relevant council under section 32 of the principal Act (as enacted by this Act).

(3) In this section—

'prescribed road' has the same meaning as in section 32 of the principal Act (as enacted by this Act).

Under the—

The Hon. Dean Brown interjecting:

Mr ATKINSON: Not only here comes Barton Road, but here comes Silkes Road ford as well. Under section 359 of the Local Government Act, the authority was given to a council to close, by mere resolution, a road temporarily. The closure had to be notified in the *Government Gazette* but no-one had to be consulted. If the closure was between two different council areas the other council area did not have to be consulted. That was bad law almost from the moment it was inaugurated, because it was expected by the Minister and by the Opposition spokesman at the time that the clause would be used only for the Christmas pageant, the Anzac Day parade, street fairs and the like, to quote then Opposition spokesman Laidlaw. In fact, what it was used for was permanent closures and, in particular, it has been used by the Adelaide City Council to close Barton Road, North Adelaide now for 12 years, and it has been used by the Tea Tree Gully Council to close Silkes Road ford without the consent of the Campbelltown Council for a number of years.

As members know, I have objected to this on many occasions. Not only have I tried to amend Government Bills but also I have introduced my own private member's legislation to solve the problem. So, it was gratifying for me when the House accepted my proposal on this in the City of Adelaide Bill, and it is now even more gratifying that the House today, on a Government Bill, has accepted my proposal to apply across the whole State. So, those who have mocked my campaign (such as the member for Hartley) ought to be aware that, arising out of my campaign, we have a new, sensible law on road closures by local government other than closures under the Roads (Opening and Closing) Act that applies across the whole State. What that means is that the member for Adelaide, who has railed in a most personally insulting way for years against my proposal, finds himself in the invidious situation where his own Government accepts my proposals, and not just in respect of the City of Adelaide, but in respect of the whole State. So, I thank the Government for that.

But there is, of course, the question of how we handle these so-called temporary closures under the now repealed, or about to be repealed, section 359 of the Local Government Act? Most of these closures under section 359 are closures wholly within one local government area, and it seems to me that, if a council wants to close a road that is wholly within its area and does not lead to another local government area, really there can be no quarrel in principle with that because the proper mechanism for review is the local government election in that municipality. If people in a particular municipality want reopened a road closed under section 359 of the Local Government Act, they simply vote for different councillors. However, the difficulty arises where the road closed under the so-called temporary closure provisions of the about to be repealed section 359 of the Local Government Act runs between two different municipalities. The two that I have identified, of course, are Silkes Road ford and Barton Road at North Adelaide. So, my proposed amendment does it this way. It provides:

> The closure of a prescribed road to vehicles generally or vehicles of a particular class in force under section 359 of the Local Government Act at the commencement of this section ceases to have effect (unless already brought to an end) six months after the commencement of this section (and the relevant council must, on the closure of a prescribed road ceasing to have effect pursuant to this subsection, immediately remove any traffic control device previously installed by the council to give effect to the closure).

My proposed amendment also provides:

> However, subsection (1) does not apply if the closure of the road is, before the expiration of the six month period referred to in that subsection, confirmed by action taken by the relevant council under section 32 of the principal Act (as enacted by this Act).

So, I say to the Tea Tree Gully Council, to the Adelaide City Council and to all other councils who have closed a road, under the temporary closure provision, leading into another municipality, that they have two options before them. One is that they now go through the proper procedures of consultation with the adjoining council and obtain that council's consent, or they go through the procedures under the Roads (Opening and Closing) Act to close the road permanently and obtain the Government's consent. Really, it is quite a reasonable proposition and one which I would have thought the House would support unanimously. However, if the House is more concerned with the real estate value of 72 Molesworth Street (which I know a majority of members are), the matter will be, I believe, moved as an amendment in the Upper House to one of the Local Government Bills and the Government will be forced to accept this provision in the Local Government Act or it will not get its local government package through—and I am sure that, at that moment, the Government will see reason.

On the matter of section 359 of the Local Government Act, I note the conduct of the member for Adelaide. On 4 August 1998 the member for Adelaide told the House:

> The member for Spence said quite clearly about the Barton Terrace closure that I, as the member for Adelaide, had had it installed. That is absolutely factually incorrect, and I repeat: I challenge the member for Spence to do one of two things—provide evidence or be quiet about it.

If that was not emphatic enough, on 23 March 1999 the member for Adelaide said:

> I do wish to bring to the attention of the House the fact that my interest and involvement in the closure of Barton Road on legitimate advice which the then council 15 or 20 years ago received was nil, despite what the member for Spence continues to allege.

I placed a freedom of information request with the Adelaide City Council about just who closed Barton Road, North Adelaide, and I have a very interesting list of names and addresses of people who were involved in that initially unlawful closure. Interestingly, one of the documents I received was addressed to the City Manager, City of Adelaide, Town Hall, King William Street, Adelaide, and it states:

> Dear Sir,
> The quality of life of residents in upper North Adelaide has improved considerably since the closure of Mildred Road at the Barton Terrace West/Mills Terrace intersection. The City of Adelaide traffic count completed after the closure showed huge reductions in Monday to Friday traffic flow. We support the closure.

The Hon. M.D. Rann: Who signed it?

Mr ATKINSON: The Leader of the Opposition asks, 'Who signed it?' On 20 June 1992, Susan Armitage of 72 Molesworth Street, North Adelaide, signed it and, right underneath her signature, Michael Armitage signed it.

The Hon. M.D. Rann: Disgraceful.

Mr ATKINSON: Not only that, but they took this petition around and got their neighbours to sign it and, as a result of that representation, the Adelaide City Council went on to close Barton Road lawfully for the first time. I would like to hear the member for Adelaide explain this turn-up.

The Hon. DEAN BROWN: First, the member for Adelaide is not here.

The Hon. M.D. Rann: No, he is not.

The Hon. DEAN BROWN: I wonder whether the honourable member asked the member for Adelaide to come into the Chamber because he intended to mention this matter. If the honourable member intended to raise the issue he should have at least informed the member for Adelaide of that fact. It is ludicrous for the honourable member to sit in this Chamber and raise an issue like this on a specific Bill for which the member for Adelaide, as a Minister, is not responsible. The member for Spence knows that the member for Adelaide will not be here but asks a rhetorical question such as that and expects a reply.

Mr Atkinson: Why is he not here?

The Hon. DEAN BROWN: I have been around this place long enough to see the sort of games being played by the member for Spence on this particular issue. We all appreciate that the member for Spence has been campaigning on this issue for years. He goes on all the late night radio programs. We could say that he is obsessed by it. All I ask is that we deal with the present amendments to the Road Traffic Act. The member for Spence can play his games involving Barton Road and talk about this matter perhaps under the Local Government Act or wherever he wants to; but, for goodness sake, let us get on and deal with the legislation before the House, which is important and relevant legislation to achieve largely uniform road rules across Australia. I do not think Barton Terrace has much to do with achieving uniform road rules across Australia.

Mr ATKINSON: The position which the Minister is putting is in conflict with the Minister for Transport and the Minister for Local Government, because the Minister for Local Government, in debate on the City of Adelaide Bill, said, 'Let's not do this question of temporary road closures on the City of Adelaide Bill; let's do it in the Local Government Bill.' When it came to the Local Government Bill the Minister said, 'Let's not do it on the Local Government Bill; let's do it on the Road Traffic (Road Rules) Amendment Bill.'

I suggest that if the Minister at the table checks *Hansard* he will find that the Minister for Local Government, on behalf of his Government, has asked me to raise this matter here today. He said that this was the proper forum in which to deal with it. I did not entirely take the Minister at his word because there will also be amendments moved in another place by the Hon. Nick Xenophon to—

An honourable member interjecting:

Mr ATKINSON: A convert not merely on the merits of Barton Road but, in particular, on the merits of Silkes Road ford. But the principle is clear and it has been accepted by the Government in this legislation. Now we are arguing about only the transitional provisions. The Government has accepted my argument on the principle of how these road closures are handled. Indeed, it has picked up legislation that I wrote and made it a Government Bill. Thank you, very much. The Government could have perhaps been more gracious to acknowledge that I was the author of the major clause in its Bill.

Members interjecting:

The CHAIRMAN: Order!

Mr ATKINSON: Secondly, the Minister says, 'Let's not deal with this; this is all about national road rules.' It is not entirely about national road rules because, if he had listened to my second reading contribution, the Minister would have realised that the Government has included the question of road closure as an addition to national road rules. This clause with which we are dealing and the parent clause in the Bill are not about national road rules; this aspect is not national uniform legislation. I have some pretty good arguments about Barton Road but I am not arguing that they should prevail in all other jurisdictions: I am quite happy that they prevail statewide in South Australia. This is an addition which the Government made to the Road Traffic (Road Rules) Amendment Bill, and it is entirely in order for me to comment on that clause and to seek to amend it.

Moreover, no less an organisation than the Local Government Association is canvassing the possibility that my additional clause is a worthwhile addition to the parent clause. In the association's overview (which presumably it has sent to all members of Parliament) on this Bill, it says that it is worried about what will happen when section 359 of the Local Government Act is repealed, and the association writes:

> However, it has not been clear as to what is intended to become of existing road closures under section 359. In light of the frequency with which section 359 is being used to date, it is important for councils to be made aware of the Government's proposal for existing section 359 road closures. There currently appear to be only two possible options:
>
> i. Either all existing orders will remain valid and effective; or
>
> ii. Existing orders will be subject to a sunset clause after which they will expire and councils will be required, if necessary, to remake the controls under the Road Traffic Act 1961. The potential consequences that may flow from this approach require that any proposed transitional provisions are made known to councils in sufficient time for adequate consultation to occur.

I think that the Local Government Association has a point. My proposal is that all section 359 closures wholly within a particular municipality and not affecting another municipality be explicitly ratified and continued and that the legislation ought to say something about that, but that road closures under section 359 between two different municipalities or affecting another municipality be subject to a sunset clause of six months. During that six month period those road closures—and I think that there is only a handful of them in the State (of which Barton Road and Silkes Road ford are two)—should then go through the current process.

I am happy for the Barton Road closure and the Silkes Road ford closure to go through the process which the Government is proposing. It is a good procedure. If that is not satisfactory to the councils concerned they can apply to close those roads permanently under the Roads (Opening and Closing) Act, which is the dedicated Act for permanent road closures. So, I am afraid that the Minister in his last contribution got it completely wrong. I hope he has now been correctly advised, and I am sure he has been. I wonder if he now will respond constructively to the proposal that I am putting.

The Hon. DEAN BROWN: The honourable member thinks that only two major closures are affected under this, and a small number of others—I think he said perhaps six others.

Mr Atkinson interjecting:

The Hon. DEAN BROWN: Yes, I understand fully. In fact, the Department of Transport has been notified by the Office of Local Government that apparently it believes there could be a very large number of cases where local government has used this, and very significant resources would be involved in having to go back under section 359 and recheck all those cases. Apparently there are a lot of areas where there has been a partial closure because of new roadworks which partially close a road where it intrudes into another type of road or another council area.

I am briefed by the Department of Transport that a huge number of cases would be involved, that it would take considerable resources, and that there would be great difficulty in just identifying them all. We would have either to remove the devices that have been installed or take some other appropriate action. In fact, it would take considerable time at any rate just to go through that process.

Mr Atkinson interjecting:

The Hon. DEAN BROWN: The honourable member is trying to come up with a solution for Barton Road, thinking that no other areas of the State are affected, whereas in fact there are a large number of areas, and the honourable knows it is very dangerous indeed to introduce legislation to hit a specific area.

Mr Atkinson interjecting:

The CHAIRMAN: Order!

The Hon. DEAN BROWN: It has always led to bad legislation when you try to solve a particular problem in the eyes of the honourable member, such as Barton Road, although I am not sure that others see it as a problem, even though the honourable member does. Therefore, to introduce such an amendment is the inappropriate way to deal with it.

Mr ATKINSON: It is significant that the Minister was unable to name a single example other than Silkes Road ford and Barton Road involving a section 359 closure running between two different municipalities. I will give an example. I think Gilbert Street, Ovingham, will be another example. There will be a handful, perhaps a dozen, across the whole State.

The lengths to which this Government is prepared to go in order to look after the financial interests of the member for Adelaide is just extraordinary. This proposal has been before the House on a number of occasions. During those months that this has been before the House, the Government has been unable to come up with any concrete examples of administrative difficulty. The real difficulty would be if all section 359 closures were to fall down. That would create a lot of expense

and a lot of administrative difficulty, and I think that is what the Minister is trying to say: yes, if all section 359 closures across the whole State fell down, that would be a problem. In my view, there has to be some way of explicitly ratifying those closures. I think that is a good idea. I agree with the Minister; he would be right if he were referring to all section 359 closures. But in fact he is referring only to the very rare example of a section 359 closure that is a prescribed road under his own Government's legislation.

As for the Minister's mocking my efforts on this question over the years, it is noteworthy that over the years I have put up proposals for solving this problem statewide and, yes, I originally got involved in the problem through Barton Road. That is correct: it is the original cause, but it has now led to good legislation which the Government has wholly adopted. So, the genesis of one of the major clauses in the Government Bill is Barton Road and my campaign, and the Minister should be more gracious to accept that what he calls my obsession now has its fulfilment in Government legislation, namely, the Road Traffic (Road Rules) Amendment Bill which is before us. However, when the Minister tries to say that the number of section 359 closures running between different municipalities is so large that it is too great an administrative burden to sunset them, he is gilding the lily.

The Hon. DEAN BROWN: I think Parliament should know that I received this amendment during Question Time today.

Mr Atkinson interjecting:

The Hon. DEAN BROWN: Well, it was handed to me late in Question Time today, so the honourable member has in fact only just tabled this document. In fact, there is a date and time on it, namely, 27 July (today) at 1.24 p.m. It is the first time that the Department of Transport has dealt with this. It has contacted the Office of Local Government, which said that it believes (and that is all it can go on because it has not had time to check it out with individual councils) that it has been widely used and that, in its being widely used, the ramifications could be very significant indeed. I therefore urge the House to reject the amendment.

New clause negatived.

Clause 58, schedule and title passed.

Bill read a third time and passed.

CITY OF ADELAIDE (RUNDLE MALL) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 July. Page 1784.)

Mr ATKINSON (Spence): I am handling this matter on behalf of the member for Elder, who is otherwise occupied just at the moment with the business of the House. This Bill repeals the Rundle Mall Act and divides the contents of that Act between the Adelaide City Council by-laws and the City of Adelaide Act. The Adelaide City Council takes over the running of the Rundle Mall from the Rundle Mall Committee, and the Adelaide City Marketing Authority now has responsibility for promoting the Rundle Mall. The Opposition acquiesces in the Bill.

The Hon. DEAN BROWN (Minister for Human Services): I appreciate the support of the Opposition.

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

FISHERIES (GULF ST VINCENT PRAWN FISHERY RATIONALIZATION) (CHARGES ON LICENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 July. Page 1825.)

The Hon. M.D. RANN (Leader of the Opposition): The Opposition supports the Bill on the basis of a number of undertakings that we are seeking from the Deputy Premier, which I will outline later. It is important to detail the background of the Gulf St Vincent Prawn Fishery in order to understand why this Bill has been introduced. Basically, it comes down to too many fishers and too few prawns over the years. In 1987, the fishery was reduced from 16 to 10 vessels. To fund this, the fishery entered into a licence surrender and buy-back scheme and money paid to the licence holders leaving the fishery was funded through SAFA, with repayment being funded through a surcharge on remaining licence holders.

So, those who went out of the system were given compensation. They were funded through SAFA and a surcharge was to be applied to the remaining fishers. When the fishers entered the scheme there was a belief that the fishery would return a catch of over 400 tonnes and, on this basis, it would be easy to fund the buy-back scheme for each of the remaining fishers. However, this has proven not to be the case. The average annual catch for the past five years has been under 200 tonnes, which I believe reflected the predictions of a number of the fishers and experts in this area. The fact that the catch has been under the predicted amount is mainly due to poor management of the fishery on behalf of the Government and on behalf of some of the fishers.

The fishery was closed between 1991 and 1993 by the former Labor Government because of a dangerously low population of the biomass and it was reopened soon after the current Government was elected into office in late 1993 under certain controversial circumstances and a great deal of angst concerning that decision and the reasons why the decision was made, but I do not want to reflect on a former Minister or a former member of this Parliament. Since then the fishery has not returned to anything like the proposed catch at the time of the buy-back agreement. This has made for desperate fishers, some of whom are members of the Gulf St Vincent Prawn Fishery Management Committee, which makes recommendations on quotas to the Minister. Since reopening, and in the face of smaller catches, the fishing season has been extended and the quota increased. This has not assisted in making the fishery successful—quite the opposite.

Against this backdrop the Government has absorbed over $2 million of the buy-back debt and interest and, according to reports, the Government has offered a further $1 million off the debt to be distributed between the 10 remaining fishers. As I understand it, eight of the 10 fishers have agreed to this offer and two have not. This is because the Government is seeking in return for this offer of a further $1 million off the debt an agreement to be signed by all the fishers that releases the Government from any claim arising out of the Government's management of the fishery. In other words, it is an indemnity act, an agreement to pay money now to indemnify over future legal claims and court cases.

One of the two opposing fishers says that the offer means that, if he refuses to accept, he will be $140 000 worse off and the licence holders have been made scapegoats in the affair. He is also concerned that a further $1 million of

taxpayers' money will be used to get the Government off the hook. In order for the Government to achieve this agreement the original legislation must be amended. When the buy-back scheme was introduced the licence holders contributed equally to its repayment and this Bill seeks to remove the word 'equally' from paragraph 5 of the preamble of the original Act, which currently reads:

> It is proposed to compensate licensees for loss of their licences and to require the remaining licensees, who will benefit from improved fishing in the fisheries, to contribute equally to the cost of providing that compensation.

Some members can enter into the agreement should others refuse. In 1993, the Labor Government sought a similar amendment, and to be quite frank, in a similar Bill but this was rejected vehemently by the then Liberal Opposition, which put on a huge song and dance about this issue. It is interesting that in proposing this Bill the Liberal Government is enthusiastically supporting the proposal it strongly rejected in 1993. In fact, the then shadow Minister for Primary Industries, Hon. Dale Baker, said at that time of the Labor Bill:

> I think it is the most cynical political exercise that I have seen since I have been in this place.

That is what Dale Baker said just prior to the 1993 election on 14 October. Further in that debate he said:

> We have 10 of the finest gentlemen one would ever see trying to make a living within the fishery and they cannot get access to the Minister.

Of course, the Minister at that time was the Hon. Terry Groom. I must say it was a bit rich when we consider it was the Hon. Dale Baker as Minister who, straight after the election, took action which basically and essentially stuffed the fishery. Those comments referred, in part, to the proposal to remove the word 'equally' from the Bill in 1993, which is exactly what the Government is intending with the Bill currently before the House. The word 'equally' was included in the original Act with the support of the fishers to ensure that each licence holder would pay an equal surcharge as part of the buy-back scheme. This means that all licence holders are liable to the surcharge. The total debt would be calculated on a particular day and the individual debt would be a tenth of that amount.

The reason for removing 'equally' from the preamble is, ostensibly, to provide a mechanism to enable an incoming licence holder to assume the debt that has accrued to the licence. In his explanation to the Bill the Minister stated:

> With these changes in place negotiations surrounding the outstanding debt of individual fishers can be pursued.

Therefore, it appears that the main purpose of the Bill is to enable the Government to enter into an agreement with the majority of fishers and to take away the right of veto from, in this case, a minority of the fishers—two of them—and it can mean that each individual fisher can negotiate their own terms of repayment. In my view, this is a cause for concern.

While the Opposition accepts that a few should not have a power of veto in this fishery, there should still be an equal distribution of power among the fishers. The Deputy Premier will be relieved to hear that the Opposition will support the Bill provided that all fishers are offered the same terms and conditions under the proposed agreement: in other words, the same offer. If $1 million of taxpayers' money is being used to fund this agreement, which is essentially an indemnity against future legal action, then I seek clarification of this from the Minister and the Minister must give the following undertakings before this Bill can be supported. I would like the Minister to take this on board: first, that all fishers be offered the same terms, for example, the same rate of repayment, interest rates, under the agreement; and, secondly, that the terms of each agreement will be disclosed. As we wish to proceed expeditiously, the Deputy Premier might note what I have to say. Will all existing participants in the GSV prawn fishery be given the same opportunity to individually resolve their outstanding debt with the Government? Secondly, will the Government continue to honour its commitment to reduce the total debt by $1 million?

It is important to state that the Opposition remains unconvinced that a further taxpayer bailout is the answer to the continuing problems in this fishery and within this industry but understands that the majority of fishers do support the intent of this Bill. While there is some sympathy for the position of the two fishers who do not agree and who are unhappy with this Bill, as long as they are offered the same terms of any offer that might be made they have the same right to accept or reject it as do the other fishers in the majority. The Opposition is well aware of the difficulties this fishery has faced, and the blame lies squarely with the Government. It is important that this new offer is not simply a bandaid measure but is the beginning of a restructure of the fishery which is not only desirable but absolutely necessary. I remind fishers who might read my contribution and who know of my strong interest in this area of what we put forward in 1993, what was rejected by the Hon. Dale Baker in 1993 when he was the shadow Minister for this area and, of course, secondly, what Dale Baker did immediately after the election, which in my view compounded the long-term structural problems and indeed the problems with the catch.

The Opposition fears that this measure will not be sufficient to end the pain, aggravation and disunity that this industry and this fishery has suffered. If $1 million is to be spent on top of the millions already lost by the Government through mismanagement of the fishery, the Government must solve once and for all the issues of sustainability of the fishery. Money cannot continue to be thrown away. An answer must be found—whether it be fewer vessels or smaller catches. Eventually, someone has to bite the bullet. It is the Government's responsibility to ensure that once again this fishery is managed to a sustainable level which is in the interests of not only the fishery and the fishers concerned but the State.

The Hon. R.G. KERIN (Deputy Premier): I thank the Opposition for its support of this measure. I will certainly put on record answers to the Leader of the Opposition's questions. I will not repeat what has been said, but as pointed out there is a long history to this fishery and to how we have reached the situation in which we find ourselves today. All members would be anxious for there to be an agreement. There have been some improvements in the long-term sustainability of this fishery. There has not always been agreement in terms of the management, but in the last couple of years the results have been quite promising, and we hope that the fishery has a long future. A lot of the fishers see this as one of the key measures to secure their future. So, nearly everyone in the industry is keen to resolve the outstanding issues at present.

Certainly, it is proposed to remove the requirement for a transferer to pay any prospective surcharge liability and to allow the incoming licence holder to assume the debt. There has been a lot of consultation; in fact, over time hundreds of

hours of negotiations have occurred involving not only this Government but also previous Governments in trying to find a solution. For the majority of those fishers we really need to find a way ahead. Certainly, the Government has compromised. As the Leader correctly put, taxpayers' money has been used to remove the future threat of any action. We do realise that not everyone will ever be happy with this situation, but after what has been a long process we have got as close as we will ever get to a solution.

The Leader has sought assurances about whether all existing participants will be given the same opportunity to resolve their outstanding debt with the Government individually—in other words: will they have the same offer? The answer is 'Yes'; all licence holders will be given the same offer by the Government for retiring the debt. The agreements are intended to be of a standard form and will reflect the specific repayment details of the principal debt. The balance of the repayments may vary because of issues of timing of repayments and the level of those repayments. As one licence holder has commenced legal action against the Crown concerning past management of the fishery, that licence holder may not wish to settle his debt, although he will be given the same opportunity as for other licence holders.

Secondly, in answer to the Leader's question, 'Will the Government continue to honour its commitment to reduce the total debt by $1 million?' the debt reduction offer was originally made to encourage an early settlement of the debt and the problem. Advice and analysis from Treasury and past repayments from industry indicate that there is a significant cost in managing the debt repayments, which includes staff time in PIRSA, Treasury and the Crown Solicitor's office. The offer to reduce the total debt by $1 million has been assessed at the level which will save the Government costs in the long term and allow for the participants in the fishery to move forward with the management of what is an important resource. Many of the boats in the fishery require replacement for safety reasons as well as the objective of upgrading fishing platforms to ensure that the quality and price within the fishery is improved. So, the answer is that the Government does intend to honour the debt reduction offer as made.

Once again, I thank the Opposition for its support. This matter has been a long time in coming in terms of getting to the point where we are at present. I hope that at the end of the day all the fishers there will take up this offer. As the Leader correctly said, the fishery has gone through enormous restructure, and we hope that, through what has happened and what will happen in the future, those who are participating will be very viable and will make a major contribution to the State's economy. Once again, I thank the Opposition for its support.

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

AUSTRALIA ACTS (REQUESTS) BILL

Adjourned debate on second reading.

(Continued from 8 July. Page 1842.)

The Hon. M.D. RANN (Leader of the Opposition): Essentially, this Bill is a contingency or machinery matter that would facilitate Australia's move to become a republic if and only if a majority 'Yes' vote is secured in a majority of States. So, this Bill will enable the transition to occur by allowing our State to sever its constitutional links with Britain and the Monarchy should the referendum be passed in November. Essentially, this is a request Bill which ensures that under the amendments to section 7 of the Australia Act no State will be prevented from severing its own constitutional links. It is therefore important that, if the referendum is passed, there be no impediment to South Australia's taking its own course and severing its own individual links with the Crown.

Members would be aware that a number of commentators and constitutional experts have argued that section 7 of the Australia Acts both of the Commonwealth and of the Westminster Parliaments are required to be amended in order to ensure that individual States can exercise their own constitutional process to sever their links with the Crown. Section 7, which I mentioned before, deals with the relationship between Her Majesty the Queen of Australia and the respective State Governors. It states that Her Majesty's representative in each State shall be the Governor. Members will be aware that States are bound by the Australia Acts of both the Federal Parliament and the British Parliament and, therefore, cannot legislate in a way that is contrary to the Australia Acts. So, if the State were to amend its constitution to provide that the Governor is not the Crown's representative in this State, then this would contravene section 7. So, we are basically clearing the way and putting in place the machinery so that, if the referendum is passed, South Australia can then make the necessary constitutional adjustments.

Certainly, the Commonwealth of Australia, whether it be under a constitutional monarchy or under a republic, must have one central unifying continuum, and that is that we are both the democratic and representative Federal system that includes the State and Territory Parliaments and Governments, as well as the Commonwealth Parliament and Government.

So, in dealing with this legislation we are therefore embracing a national, rather than a Canberra, model for a republic, if that should be endorsed by a majority of people in a majority of States. It is important to emphasise that in case what we are doing today is deliberately misinterpreted.

Our current system was devised 100 years ago, in a Constitution that recognised the geographic reality of Australia, and that we are a continent not just a country, with different regions that have evolved differently as States and Territories. It is vitally important that any move to a republic must not alter the Federal balance of the Constitution in respect of the powers and responsibilities of Federal, State and Territory Governments.

As I said at the Constitutional Convention last year, any attempt to alter that balance and use the move towards a republic as a way of centralising power would be an act of political as well as constitutional folly, because we believe—and I think that most Australians would believe—that each State must continue to be the master of its own constitutional destiny.

There is bipartisan agreement in South Australia that in a republic it would still be necessary for each State to have its own head of state, and over the years our State has been served well by non-partisan Governors acting in a non-partisan way. Of course, one of those Governors who would probably be one of the most popular and well respected, Dame Roma Mitchell, was a delegate to that Constitutional Convention.

Mr Atkinson: She was a monarchist.

The Hon. M.D. RANN: I should add—and as I am reminded by the member for Spence—that she was a

monarchist. We argued at the Constitutional Convention that under a republic it would be ludicrous for Australia's head of state to be designated as a Governor-General. We did so because the very term 'Governor-General' by definition means representative of the Crown, and only constitutional monarchies in the Commonwealth of Nations have Governors-General. There is no republic in the world where a head of state is designated as Governor-General. However, the same is not true with the term 'Governor', and that is what we are dealing with today in section 7, because the term 'Governor' is used in both republican nations and in constitutional monarchies to describe the heads of states in regions, provinces or States, and that is why I believe that all members would strongly support the retention of the title 'Governor' to be used at the State level if Australians vote to become a republic. This approach is neither illogical nor inconsistent with our support for the term 'President' for Australia's head of state—a President acting with the same powers as the current Governor-General.

Just in case there is any lack of clarity in that, I state that in the United States there is a President and head of state nationally, plus Governors as heads of state and heads of Government in each of America's 50 States. India, the world's largest democracy and a republic within the Commonwealth of Nations, headed by the Queen, has a President as national head of state and a powerful Prime Minister as head of Government but with Governors as heads of State in each of India's States. Similar systems with national Presidents and State Governors occur in non-Commonwealth republics such as Argentina, Brazil and in many other nations.

One of the things that we are trying to do with this legislation is recognise that, if the majority of Australians and majority of States do support a republic, it is vitally important that all States, as soon as possible, take the appropriate consequential constitutional and legislative steps to ensure that they republicanise their institutions. It has been recognised nationally in a bipartisan way that it would be extreme folly for any State to try to go it alone and try to remain as some kind of monarchical island within a broader Australian republic.

If we as a nation are to opt to become a republic, then it must be in an all-in move for the States. There must be constitutional consistency within our Federation, and there will be a clear need for the National Council of Attorneys-General, following the passage of this legislation, to explore options for change and make the necessity preparations to ensure other areas of constitutional consistency.

However, constitutional consistency does not mean prohibiting regional variations within this Federation. After all, there are considerable constitutional differences between the States already. South Australia has one vote one value; other States such as Western Australia do not. Queensland has a unicameral parliamentary system, with no Upper House. Tasmania has the Hare-Clark voting system which, as I told the Constitutional Convention in Canberra, has yet to catch on internationally. The same is true in other parts of our different State Constitutions. Some States such as Queensland and Western Australia require a referendum to change their Constitutions; others require a majority in both Houses of State Parliament, and so on.

I am trying to emphasise that, under the umbrella of national constitutional consistency, there can also be variations at the State level. For instance, under a republic, we in South Australia might choose for our Governor to be chosen in different ways from that of other States. Some might opt for appointment by the Premier, as is case the now; some might opt for appointment by the Premier in consultation with the Leader of the Opposition; some might opt for the Government to be elected by a two-thirds majority of Parliament, which is being proposed for the National President; or some might opt for direct election or some kind of State-based hybrid on what was known—fortunately only briefly—as the McGarvie model, with each State deciding, following their own deliberations in State Parliament or in State-based constitutional Conventions and following public consultation.

Certainly, we should not contemplate State Governors being appointed by a national President or by the Commonwealth Parliament. To do so would significantly change the constitutional balance of our Federation, and certainly the bottom line for South Australia should be that the sovereignty of the States must be preserved and protected in a republican Australia, and the States' Constitutions should be their own business.

However, South Australia's Constitution and the changes that will be necessary if Australia becomes a republic must and should be the prerogative of the South Australian Parliament, hopefully dealt with in a bipartisan way. A number of technical things are required beyond what we are doing today in terms of republicanising each State's Constitution to be done in time for this centenary Federation 2001. In South Australia, the move to a republic would necessitate a considerable number of amendments to existing Acts—more than 30 to the South Australian Constitution Act and amendments to around 350 South Australian statutes. Obviously, this could be done by way of an omnibus enabling Bill. However, certainly we need to start talking in a bipartisan way now before the referendum in order to ensure that there is no impediment to achieving consequential changes at the State level before the target date of 1 January 2001.

Fortunately, the South Australian Constitution is much broader in scope and significantly more flexible than the Commonwealth Constitution. Apart from the limitations imposed on State laws by the Commonwealth Constitution, it is much easier to amend the South Australian Constitution by subsequent Acts of the State Parliament. We do not require referenda to change our State's Constitution. Under section 109 of the Commonwealth Constitution, of course, Commonwealth laws have priority over those of the States, but it is also true the States in general have more flexible legislative powers than the Commonwealth.

In closing, I believe that it is important for us to concentrate on the 'Yes' vote in a bipartisan way, and I hope that the Premier, the Leader of the Australian Democrats and I can argue jointly in a bipartisan way for a 'Yes' vote. There have been attempts to divert attention from the central issues of whether we actually want to be a republic and have one of us (an Australian resident) for President by arguments over the preamble. It would seem to me that preamble arguments can be left for future debate. I believe this was injected into the debate in order to try to secure a 'No' vote at the referendum.

Certainly, there are a number of things in terms of the State's Constitution that we would like to embrace at some stage, for example, to embrace and define multiculturalism in statute. I think that is something that we could do in the future. Also, a South Australian preamble could include a clear recognition of the original inhabitants, the indigenous peoples of South Australia.

I am very concerned about the coming referendum. At the local level I have been disappointed with the lack of debate and the lack of action, and I think that if people who support the republican cause want to achieve a majority in this State they will need to get cracking. It will be a great shame to fail the test of history. For me, Australia's becoming a republic is not about change for change's sake, but about defining what Australia stands for; it is not about embracing alien concepts, but, rather, reinforcing our loyalty to Australia as citizens, not subjects. Becoming a republic is not about ignoring Australia's history or denying our heritage: it is part of our evolution as a nation and a way of asserting the sovereignty of the people.

Certainly, Labor believes that, above all else, Australians deserve a head of State who exemplifies, unites and promotes our nation, who lives amongst us and whose loyalties lie firmly and solely with the people of Australia—a fellow citizen. Unfortunately, I can see the republic debate being in danger of slipping away from us despite the overwhelming support of Australians under the age of 50. South Australia could be crucial to the republic vote in November simply because any constitutional amendment must secure a majority of votes in a majority of States. The question of whether or not Australia becomes a republic could be won or lost in South Australia.

I am certainly concerned that just a few months away from a vote the 'Yes' campaign for the republic is simply not on the political radar of this State. I think urgent action needs to be taken by the Australian Republican Movement and other supporters of the republic if we are to succeed. This is one opportunity that I believe cannot be squandered. I certainly have offered to campaign vigorously for the republic in this State—so will our Party. I hope that the Premier will join me in offering to jointly launch the 'Yes' campaign in this State, but if we are to do so we must get cracking and start enthusing Australians and South Australians that their time has come to make a difference. I have great pleasure in supporting the Bill.

Mr ATKINSON (Spence): The State of South Australia was a British colony. Until the Governor of the colony was furnished with a Legislative Council, the laws of South Australia were the laws of the United Kingdom—both common law and the statutes of the British Parliament. After the Legislative Council began its work of passing laws for South Australia, one judge of the South Australian courts, Judge Boothby, ruled that no South Australian statute that was repugnant to the law of the United Kingdom was valid. A struggle between the Government of South Australia and Judge Boothby ensued and he was sacked.

In 1865, the British Parliament passed the Colonial Laws Validity Act which provided that no laws of British colonies would be ruled invalid only because they were different from or contrary to (repugnant was the technical term) the laws of the United Kingdom. The only exception was laws of the British Parliament that were expressly enacted to apply to a colony and laws that applied to a colony by necessary intendment. Colonial laws that were repugnant to these laws of the British Parliament were invalid only to the extent of the repugnancy.

Of course, in 1901 the Australian colonies federated to form the Commonwealth of Australia. The Commonwealth also was subject to the Colonial Laws Validity Act. The Statute of Westminster 1931 removed any disabilities on dominion legislatures to pass laws on the grounds that they were repugnant to British law. This freed the Commonwealth of Australia Parliament from the legislative apron strings of the Colonial Laws Validity Act, but it did not free the State Legislatures. State Parliaments remained subject to British statutes of paramount force on merchant shipping, offences at sea, appeals to the Judicial Committee of the Privy Council, and Acts prescribing manner and form requirements for the passage of constitutional amendments.

After Federation, the British Government continued to handle much of Australia's foreign relations. By the 1931 Statute of Westminster, Britain recognised the complete legal and administrative independence of the dominions, including Australia. For instance, although the British King still appointed the Australian Governor-General, he did so on the advice of the Australian Prime Minister, not the British Colonial Office or Foreign Office. However, at State level British Ministers still had a role in advising the King on the appointment of State Governors, and there were the exceptions to the Colonial Laws Validity Act.

To abolish all these remnants of British authority in Australia, the State Parliaments and Commonwealth Parliament passed Bills called the Australia Acts requesting the British Parliament to legislate to abolish these remnants. This was done in 1985 and 1986. The preamble to South Australia's Australia Act says that its purpose is to make clear that Australia is a sovereign, independent and federal nation. I support the Australia Acts unequivocally, but one must remember that at the time they were before the Houses of Parliament there was much in the way of conspiratorial allegations that somehow some great damage was being done to our constitutional fabric by the Australia Acts. This was nonsense and it has been proved nonsense by the passage of time. Section 1 of the schedule to the Australia Act of the British Parliament provides:

> No Act of the Parliament of the United Kingdom passed after the commencement of this Act shall extend, or be deemed to extend, to the Commonwealth, to a State or to a Territory as part of the law of the Commonwealth, of the State or of the Territory.

Section 7(5) provides:

> The advice to Her Majesty in relation to the exercise of the powers and functions of Her Majesty in respect of a State shall be tendered by the Premier of a State.

Under the Act, no longer could a Bill be reserved for Her Majesty's assent instead of the Governor's assent. If a State Governor assents to a Bill, his or her decision may not be disallowed by Her Majesty. Moreover, the British Government was no longer to have any responsibility for the Government of any State and no appeals may be made from Australian courts to the Judicial Committee of the Privy Council.

Australians will be asked in November this year whether they would like to sever the tenuous connection to Britain altogether by Australia's becoming a republic. If a majority of Australians in a majority of States vote for a republic, the Commonwealth of Australia will become a republic and a president will be appointed by a two-thirds majority of the Commonwealth Parliament. The States will remain monarchies.

The Attorney-General of South Australia has foreshadowed that, to change our State from a monarchy to a republic, he would propose to hold a referendum of South Australians. It seems to me that, once the Commonwealth referendum is carried, a referendum would easily be carried in any State of Australia to make that State into a republic. The States may, however, decide without a referendum, by a simple Act of

Parliament carried by a majority in both Houses of Parliament, to become a republic. For the purposes of the current Bill, the difficult part of the Australia Acts is section 7(1), which provides:

Her Majesty's representative in each State shall be the Governor.

That is not merely legislation of the South Australian Parliament and the Commonwealth Parliament: it is also legislation of the British Parliament. And it was passed by the British Parliament at the request of and with the consent of the Australian State Parliaments and the Commonwealth Parliament.

The difficulty with the Australia Acts is that they can be amended only by all the State Parliaments and the Commonwealth Parliament getting together. Merely carrying a Commonwealth referendum to amend the Commonwealth of Australia Constitution Act will not amend the Australia Acts. So, if a majority of Australians in a majority of States were to vote for a republic at Commonwealth level and then a majority of South Australians were to vote in a South Australian referendum for a republic, they would not get their way, notionally, because of section 7(1) of the Australia Acts—that is, the Governor would continue to be Her Majesty's representative in South Australia. That is absurd in a republic and that is why we have this Bill before us now.

If a State Parliament were to try to amend on its own section 7 of the Australia Acts so that the Governor were not Her Majesty's representative, it might be argued that this was contrary to the manner and form provision for amendment of the Australia Act and that it was unconstitutional. So, as the Leader of the Opposition points out, the way to amend contingently that part of the Australia Acts is for the Commonwealth Parliament to pass amending legislation at the request of all the States. It seems to me that the amending Bill is part of uniform legislation drafted by the Solicitors-General and Parliamentary Counsel. The amending Bill would only come into force on the Commonwealth's Constitutional Alteration (Establishment of a Republic) Bill being carried by a majority of voters in a majority of States and its receiving the royal assent.

Again, the conspiracy theorists have been out in force, particularly on talk-back radio and in letters to members of Parliament, arguing that somehow this move is unconstitutional—it is not—and arguing that it is an attempt to prejudge the question of whether Australia should become a republic. The Attorney-General, the Hon. K.T. Griffin, is a staunch monarchist but he is the man who has moved this Bill in the South Australian Parliament. I hardly think that the Hon. K.T. Griffin will be undermining the Crown by any means.

My feeling is that, if a majority of Australians in a majority of States want a republic and a majority of South Australians vote for a republic (which I think they almost certainly would after the passage of the Commonwealth referendum), they are entitled to have a republic, and if section 7(1) of the Australia Acts stands in the way of that, it ought to be repealed contingently on the Commonwealth referendum being passed. That it is repealed on the Commonwealth referendum being passed does not oblige the Parliament of South Australia to repeal section 7(1) of the Australia Acts. All the Bill before us does is give the State Parliament authority to repeal section 7(1) of the Australia Acts if a majority of both Houses of Parliament want it.

It may be that South Australians, after the passage of the Commonwealth referendum on a republic, will want to remain a monarchy. I differ slightly from the Leader of the Opposition in that I believe that, if a particular State wants to remain a monarchy, it can. It will be an historical curiosity but I do not believe that there is any constitutional objection to a State remaining a monarchy after the passage of the Commonwealth referendum. It is the right of a State to remain a monarchy if it wants.

Mr Scalzi interjecting:

Mr ATKINSON: I am glad that the member for Hartley agrees with me. I do not think that, after the passage of the Commonwealth referendum, any State will want to remain a monarchy and, indeed, South Australia can become a republic by a simple Act of Parliament—although our Attorney-General has promised a referendum on the matter should the Commonwealth referendum be carried. So, it seems to me that, if South Australians want their State to become a republic after the Commonwealth becomes a republic, they should not be frustrated in their intention by section 7(1) of the Australia Acts. This is not a conspiracy. This is not unconstitutional. The passage of this Bill will have no effect on the Commonwealth referendum in November. I support the Bill.

Mr LEWIS (Hammond): The situation outlined by the member for Spence, as I heard it as I entered the Chamber, is pretty much as I have understood it. Certainly, the last four sentences that he uttered were, as I understand it, in concurrence with my view of the matter. However, much of the earlier remarks that I heard him making from my office on the intercom were not really related to this measure. In some respects, they address the matter of the referendum in November, in which we will all participate to decide whether or not Australia is to change its constitutional arrangements for the appointment of the Head of State. I would simply add as an aside (as the member for Spence and other members would naturally expect of me) that I am flatly opposed to that proposition. I think that it is idiocy. It takes us into an area of constitutional rewriting, the consequences of which are not properly understood by those who are proposing it. And the form of words that they are choosing to use is causing them a great deal of angst, because they fear that if they refer to matters using terms such as 'president' and 'republic' it might frighten away too many voters. Well, they are dead right: it probably will.

However, I will not detain the House too long in my remarks on this matter. It does provide the means by which the State will prevent a Commonwealth Government—whether it be this one, the next, or any—from ever interfering in the arrangements made by this State for the determination of how the Head of State is appointed, what powers the Head of State has and, what is more, the nature of the relationship between the Governor and the Parliament, and their respective roles.

That will remain always a part of our Constitution, and this Bill, once it becomes an Act, ensures that no change can occur to that unless there is a referendum, and I rely very strongly and heavily upon the assurances of the Attorney-General and the Premier on that point. I am satisfied that they, along with the member for Spence, understand it in those terms. It does not affect the outcome of the referendum, nor does it necessarily set the stage for anything to happen after the referendum is held. Indeed, it prevents anything from happening unless it is the will of the people, and so it should be. It is for that reason that I support the Bill.

Nothing can change unless there is to be a referendum in South Australia in which all South Australians can participate

in relation to South Australia's arrangements. Parliament is not simply the House of Assembly and the Legislative Council: it is also—

Mr Atkinson: The Crown in Parliament

Mr LEWIS: Indeed—the head of State from which it derives its authority to exist. But the head of State has no authority other than to ensure that Parliament can continue to exist and do its work; and, having done its work, the head of state knows that the responsibility that he or she, whomever that may be from time to time, has is to pass that into law if the work has been done by the Parliament in accordance with the Constitution. I therefore commend the Government, the Minister and, indeed, the Opposition for the sensible manner in which they have handled this matter and this debate. I am saddened that journalists seem to take no interest in the fact that we, as politicians, on a matter of the greatest gravity to secure the arrangements for good government, are nonetheless so disinterested that they are not even present to note it.

Mr VENNING (Schubert): I support this Bill on the very strict proviso that it is passed only to protect our State's rights and interests. I understand that the Bill guarantees and protects our State's sovereignty and that, irrespective of the decision of the referendum in November, we must put this in place. For the record I state that, without any doubt, I am a constitutional monarchist. I support this Bill because, irrespective of what happens in November, it protects our State's rights.

The Hon. I.F. EVANS (Minister for Industry and Trade): I thank all members for their contributions.

The DEPUTY SPEAKER: The question is that the Bill be now read a second time. For the question, say 'Aye,' against 'No.' I believe the Ayes have it.

Bill read a second time.

In Committee.

Mr ATKINSON: Could the Chair affirm that that vote was passed by an absolute majority, as is required under our Constitution?

The CHAIRMAN: The Chair did not hear any negative voice.

Clause 1 passed.

Clause 2.

Mr ATKINSON: If the Bill is passed but the Commonwealth referendum fails, will this Bill lapse permanently—

Mr Venning interjecting:

The CHAIRMAN: Order!

Mr ATKINSON: The member for Schubert interjects that he is sure that the referendum will fail, and I agree with him. Should the referendum fail, will the Bill lapse permanently or will it be held in limbo ready to be used after another referendum?

The Hon. I.F. EVANS: I am advised that the Bill will remain on the statute book but does not come into force.

Clause passed.

Clause 3.

Mr ATKINSON: This clause provides that the South Australian Parliament requests the Parliament of the Commonwealth to enact this proposal. Are we also asking the British Parliament to enact this proposal, namely, to delete subsection (1) from section 7(1) of the Australia Acts?

The Hon. I.F. EVANS: I am advised that the State does not need to get the British Parliament's approval.

Mr ATKINSON: I should have thought that the Commonwealth would do that out of an abundance of caution. So, obviously, that part of my second reading contribution, which assumed that these Bills passed by the Commonwealth and State Parliaments would be a prelude to a request to the British Parliament to amend section 7(1) of the Australia Acts, is wrong.

The Hon. I.F. EVANS: It appears to be wrong, but it was such a beautiful contribution that I did not want to interrupt.

Clause passed.

Schedule passed.

Preamble.

The Hon. I.F. EVANS: I move:

Page 1, line 11—Leave out 'proposes to introduce' and insert 'has introduced'.

This amendment brings the Bill up to date. When the Bill was introduced on 26 May 1999, the Commonwealth Government proposed to introduce a Bill for the constitutional alteration and establishment of a Republic 1999. The Commonwealth has now introduced its Bill; it did so on 10 June and this amendment simply reflects that.

Amendment carried; preamble as amended passed.

Title passed.

Bill read a third time and passed.

RESIDENTIAL TENANCIES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 July. Page 1831.)

Mr ATKINSON (Spence): The Government's Bill makes a number of minor amendments to the Residential Tenancies Act. Also, the Government has foreshadowed what I consider a major amendment to section 90 of the Act.

In relation to the housekeeping matters, the tribunal felt that it did not have proper authority to deposit money lodged with it in the Residential Tenancies Fund which is held by the Commissioner of Consumer Affairs. It now seeks explicit authority for amounts paid into the tribunal to be deposited with the Residential Tenancies Fund. The Opposition is happy to support that change.

In New South Wales, the equivalent tribunal held that the failure of a landlord to repair items in a rented dwelling which led to the relocation of the tenants could lead to the award of damages against the landlord for physical inconvenience, physical injury, disappointment or distress. The Government thinks it would be unwise for the Residential Tenancies Tribunal in South Australia to take on such a jurisdiction, that is, for awarding damages for personal injury and the like, and the Opposition is inclined to agree with it. It is not as if tenants do not have a remedy for tortious conduct by landlord. They can approach the courts. It is not for the tribunal to be hearing cases of this kind.

Another change proposed by the Government is to allow landlords to recover the cost of advertising goods abandoned by tenants in the landlord's premises. Now the landlord may recover the reasonable costs of removing, storing and selling the goods, but it is thought that it may not be certain that a landlord can recover the reasonable costs of advertising that he has the goods. The tribunal, according to the Attorney, has been reluctant to hold that the giving of notice falls within the definition of 'removal' in the current Act. The Opposition is happy to support that amendment.

There are two further amendments which the Government proposed in the Committee stage in another place. Now that the Aboriginal Housing Authority has separated from the

Housing Trust and manages its 1 800 dwellings independently of the Housing Trust, the Government proposes that the Aboriginal Housing Authority be treated the same as the Housing Trust for the purposes of the Act. The Opposition supports that proposal, especially considering that when the Aboriginal Housing Unit was part of the Housing Trust, it was bound by certain sections of the Residential Tenancies Act.

Another minor amendment arises from the South Australian Supreme Court case *Shell v. Kenmark Park Pty. Ltd.* which held that a corporation could not be a residential tenant for the purposes of the Act. Of course, it sometimes happens that a corporation rents a dwelling on behalf of an employee of the corporation, and for all intents and purposes the employee is the tenant, but the Government proposes to allow a corporation to be the residential tenant for some purposes of the Act, and the Opposition is happy to support that.

This brings me to the amendment to section 90 of the Residential Tenancies Act, which is being moved by the Minister in this place. Section 90 of the Residential Tenancies Act was in fact an Opposition initiative in, I think, 1995 or 1996. At that time it was stoutly resisted by the Attorney-General, but he was overcome in the Liberal Party room by the large number of Liberal backbenchers in the House of Assembly who supported the Opposition's amendment which was initiated in the parliamentary Labor Party by the member for Ross Smith and me, acting in concert. Section 90 provides:

> The tribunal may, on application by an interested person, terminate a residential tenancy and make an order for possession of the premises if it is satisfied that the tenant has used the premises or caused or permitted the premises to be used for an illegal purpose or caused or permitted a nuisance or caused or permitted an interference with the reasonable peace, comfort or privacy of another person who resides in the immediate vicinity of the premises.

The section goes on to say:

> If the tribunal terminates a tenancy and makes an order for possession under this section, the tribunal must specify the day as from which the orders will operate, not being more than 28 days after the day on which the orders are made.

The section also provides:

> In this section, 'interested person' means the landlord or a person who has been adversely affected by the conduct of the tenant on which the application is based.

Anyone who has any length of experience as a member of the House of Assembly will know exactly what that section is all about, and it is no wonder that it was a member of the Legislative Council who had almost no contact with constituents who resisted a section like that, and members of the House of Assembly from both sides who supported it.

There are so many examples that we all come across of tenants of a dwelling driving the whole neighbourhood crazy by their conduct. That is, they might use the premises for an illegal purpose. A bikie gang might gather there, and they might argue with each other until the early hours of the morning and continue the argument in the front garden and on the street. They might pull all the furniture out of the house and smash it in the street as part of the argument. They might go gaga on the median strip at 2 a.m. They might have drunken revelry at all times of the day or night, and they might assault their neighbours and other people who live in the street.

If their landlord is happy to have those kind of tenants continue in the premises, there was nothing before section 90 was enacted that the neighbourhood could do about the matter. I am sure many members had that frustration, as I did, in trying to deal with unruly tenants who were driving the neighbourhood crazy, when the landlord was, to use the colloquial term, a 'slum' landlord and happy to have tenants of that kind as long as they paid their rent.

Mr Lewis interjecting:

Mr ATKINSON: The member for Hammond has a good point there. A landlord in the Woodville area springs to mind immediately. The member for Ross Smith and I supported this amendment. It was moved by the Hon. Anne Levy in another place, who was very sporting because she had resisted it in the parliamentary Party, and she prevailed in the other place. It became part of the law of South Australia.

This legislation was not entirely welcome to some members of the Residential Tenancies Tribunal. One of them sought means to undermine this section of the Act, so on an application under section 90 one member of the tribunal pointed out there was nothing in the Act to stop the landlord, after an order for eviction was made by the tribunal, reinstating that same tenant to the dwelling, then necessitating another application under section 90.

Well, in the other place the Opposition moved that this ought to be defeated by further amendment to the Residential Tenancies Act, saying that the landlord must not let the premises to the same person within six months of an order being made under section 90 by the tribunal. It was quite a commonsense provision, but not to our Attorney-General. No, our Attorney-General said, 'Freedom of contracts ought to prevail in this situation'; he had never liked section 90 of the Act, and he was not going to amend it at the Hon. Carmel Zollo's instance.

The Hon. I.F. Evans: Those bloody monarchists!

Mr ATKINSON: Well, 'bloody-mindedness', as the Minister says. He knows the Attorney-General well, but I am pleased to say that the Attorney-General has been brought around by Government members of the House of Assembly and we now have an amendment—

Mr Lewis: Freedom of contract with his own mind!

Mr ATKINSON: Freedom of contract with his own mind, as the member for Hammond quite rightly says. The Attorney-General has now compromised with his critics and I congratulate him for doing this. He has come to what I think is a reasonable compromise of the matter. The Attorney-General did have one good point in that, under section 90, the landlord was not necessarily a party to the section 90 hearing. That was an omission in the original proposal drafted by the member for Ross Smith and me, and it is important that the landlord is present at the tribunal or at least has an opportunity to be present at the tribunal when a section 90 application is heard. Many landlords will not take up that opportunity and most landlords, I think, will agree with a section 90 eviction notice. Of course, a small minority of landlords will be happy to have disruptive tenants stay on. They will have an opportunity to be represented now if this Government amendment is passed. In part, the amendment states:

> the tribunal must not make an order under . . . section [90] unless the landlord has been given a reasonable opportunity to be heard in relation to the matter; and
>
> (b) if the landlord objects to the making of an order under this section, the tribunal must not make an order unless the tribunal is satisfied that exceptional circumstances exist justifying the making of the order in any event.

I think that really overstates the case, but I am happy to go along with it because I think it is as good as I am going to get out of the Attorney-General. The second thing is that I do not

think landlords who are landlords to the counter-culture will have the temerity to appear before the tribunal to argue against the section 90 order, so I do not think the Attorney-General's formulation is going to be a problem to any of us. I support the Government amendment and I support the Bill.

The Hon. I.F. EVANS (Minister for Industry and Trade): I thank the honourable member for his contribution.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

New clause 4A.

The Hon. I.F. EVANS: I move:

Page 1, after line 25—Insert new clause as follows:

4A. Section 90 of the principal Act is amended by striking out subsection (2) and substituting the following subsections:

(2) If the tribunal terminates a tenancy and makes an order for possession under this section—

(a) the tribunal must specify the day as from which the order will operate, being not more than 28 days after the day on which the orders are made; and

(b) the tribunal may order that the landlord must not enter into a residential tenancy agreement with the tenant in relation to the same premises for a period determined by the tribunal (being a period not exceeding three months) (and any agreement entered into in contravention of such an order is void).

(2a) However—

(a) the tribunal must not make an order under this section unless the landlord has been given a reasonable opportunity to be heard in relation to the matter; and

(b) if the landlord objects to the making of an order under this section, the tribunal must not make an order unless the tribunal is satisfied that exceptional circumstances exist justifying the making of the order in any event.

When this measure was in the other place amendments to section 90 were proposed. Section 90 is a provision which allows a landlord or a third party to make application to the tribunal for the termination of a tenancy if the tenant has used, caused or permitted the premises to be used for an illegal purpose; caused or permitted a nuisance; or permitted an interference with the reasonable peace, comfort or privacy of another person who resides in the immediate vicinity.

The present situation with respect to section 90 applications is that, when a landlord joins with third parties or is the applicant under section 90, the landlord clearly wants the tenancy to end, and in the usual course, if the tribunal orders the termination of the tenancy, the landlord will enforce the order to vacate the premises. However, if the landlord is not a party to the proceedings or does not want the tenancy to terminate, in the event that an order to terminate is made, the landlord may choose not to enforce the order. If the landlord is satisfied with the tenant or if the landlord is satisfied that the tenant's future behaviour will be different, the landlord is not placed in a situation where he or she is forced to end the tenancy.

An amendment was proposed in the other place to prohibit a landlord from entering into a new tenancy with the tenant in relation to the same premises for a period of six months, where the tenancy is terminated under section 90. The proposed amendment would have forced the end of the tenancy possibly against the wishes of the landlord. In the other place, the view was expressed that the tribunal should not be able to make an order under section 90, at the very minimum, without hearing from the landlord. The Attorney-General agreed to do some work on the issues arising from section 90 with a view to bringing suitable amendments to this place for consideration. These amendments are the result of that further consideration. The amendments I move will give the tribunal a discretion to order that, on termination of the tenancy, the landlord cannot enter into a new residential tenancy agreement with the tenant for up to three months. Further, the amendments provide that the tribunal cannot make an order under section 90 unless the landlord has had the reasonable opportunity to be heard and, if the landlord objects to the making of the order, the tribunal must not make the order unless exceptional circumstances exist justifying the making of the order. These amendments balance the right of the landlord to rent or to continue to rent the premises to a tenant of their choosing while still permitting a third party to seek the end of the tenancy in certain circumstances.

Mr ATKINSON: How many landlords appear in section 90 hearings in defence of their tenants or in support of the eviction?

The Hon. I.F. EVANS: I will take the question on notice, but the honourable member might indicate over what period he wants those figures.

Mr ATKINSON: Since it was introduced.

New clause inserted.

Remaining clauses (5 to 8) and title passed.

Bill read a third time and passed.

SITTINGS AND BUSINESS

The Hon. I.F. EVANS (Minister for Industry and Trade): I move:

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

Motion carried.

ADJOURNMENT DEBATE

The Hon. I.F. EVANS (Minister for Industry and Trade): I move:

That the House do now adjourn.

The DEPUTY SPEAKER: I understand that, with the concurrence of the Opposition, I will call in this instance the member for Colton as the first speaker in this grievance debate.

Mr CONDOUS (Colton): I have been approached by Mr Ken Turner over the past six months and have shared his sorrow and torment at the loss of his daughter, Shirree, who was murdered on 6 June 1993. Many members will recall how Shirree was sexually assaulted and stabbed five times in a reserve in Oaklands Park and how she then dragged herself to a nearby home for help. She eventually collapsed and was found dead later that morning.

A breakthrough came two years later when two men overheard a conversation about a man named Frank who had stabbed a girl. An investigation followed, resulting in police interviewing the accused in October 1995. The person interviewed was Frank Mercuri. He was interviewed by police in Victoria, where he was serving a sentence for the attempted rape and murder of a young woman. Because of his existing sentence, the police were unable to extradite him to Adelaide until August 1996, and after 12 months of committal hearing, followed by a trial in the Supreme Court in 1998, he was acquitted due to a lack of evidence.

It is also reputed that in early 1994 he picked up a lady, took her home to a house and, because he was impotent, got angry and frustrated and set fire to her lounge room, resulting in the death of her six year old son from smoke inhalation. In

1994 he lured a female friend into a motel room and stabbed her seven times after trying to rape her. She escaped from him, but he chased her, dragged her up some stairs and then threw her over the balcony to the street below, leaving her for dead.

Some 10 days later, after discovering that she had survived, Mercuri gave himself up to police. He was subsequently tried and convicted of attempted rape and intentionally causing serious injury. The judge deemed that this man was worthy of rehabilitation (we have heard this time and again) and sentenced him to four years, with a 33 month nonparole period. The maximum penalty for this crime in Victoria is a sentence of 27½ years.

Mr Ken Turner knows only too well that nothing will ever bring back his daughter. However, he is devastated that no-one has ever paid for the horrific injuries inflicted upon his daughter, Shirree, causing her to die in such a terrible way. He wants to see a change in the system. The law in this case is an ass, because it does not permit evidence of past conduct on the part of an accused person to be placed before a jury, except in very limited circumstances. In this case, it was felt that if previous convictions, case history and other evidence of criminal conduct were placed before the jury, it might well have reasoned that, for the sole reason that a person had been guilty of criminal conduct in the past, he or she was guilty of that offence.

Let us take an example whereby you are walking down a street in your neighbourhood and a dog comes out from a property and bites you on the leg. You report it to the council officer. The first question that he will ask the dog's owner is whether the dog had ever bitten anyone before. In this case you want to know the dog's previous record of attacking people. Why should you not have the right to know the record of an accused person when on two occasions he has been charged for similar crimes of attempted rape and attempted murder?

Ken Turner is a decent father and a decent person who is still grieving the loss of his daughter, Shirree. In his lifetime he wants at least to change the system so that in future, when people such as Frank Mercuri go to court, the jury and the judge are informed of the prior convictions and performance of accused persons. If the life of his daughter achieves this, Ken Turner will see that at least some value and protection is given to young women such as Shirree in the future. I will challenge the Attorney-General in the Party room and in the Parliament to look into this matter and to amend the law so that the death of Shirree and Ken's loss leaves some legacy for the future and safety of South Australian women.

Ms STEVENS (Elizabeth): I refer to the matters that I raised this afternoon in Question Time in relation to health services in South Australia, because it would be a good idea for members to reflect on what was and was not said by both the Minister for Human Services and the Premier. As we all know, this State Government has imposed huge, unrelenting cuts to health services since it assumed office in 1993.

Over $230 million of cuts were effected before the last election, and of course we know that another $36 million of cuts were announced just a month ago. The $230 million in cuts have certainly had an impact, and the $36 million of extra cuts which are about to start will impact right across the board on every South Australian family.

The questions today began the process of teasing out these issues and bringing to the notice of the Parliament, and hopefully the Minister and the Premier, just what this will mean to ordinary people. We started asking questions about Flinders Medical Centre, because it needs to reduce by $5 million the amount that it spends on patient services this year. I, too, attended a meeting at Flinders last week, as the Minister had been a couple of days before, at which we were told that this figure could have been as high as $7 million if the Health Commission and the Minister insisted that it pay back its debt of nearly $2 million from last year. We hope that it has to pay back only $5 million since a cut of that magnitude to patient services will be bad enough.

We have been told that in the last month a record number of over 175 patients waited more than 12 hours in the Flinders Medical Centre Accident and Emergency Department. Interestingly enough, in answering the question, the Minister made the extraordinary statement that it should be the ideal for hospitals to place patients requiring admission into a bed in a ward with a proper allocation of staff looking after them. It should be the ideal! It should no longer be a legitimate expectation of everyone that they be placed in a ward when they require admission. It is only an ideal. Oh, how we have slipped, if that is what we now expect in our health system today. That is an extraordinary admission on the Minister's part.

I noted also that the Minister did not accept any responsibility and, of course, he never does. He said that he was asking the hospital to look at better ways to manage the number of patients coming through their accident and emergency department and how it juggled the beds. It is all very well for him to say that. It is interesting to note that he wanted to compare the figures with the Royal Adelaide Hospital which he seemed to suggest was doing it in a better way. He failed to say that Flinders Medical Centre is much busier than the Royal Adelaide Hospital. Flinders Medical Centre has the third busiest accident and emergency department in Australia, with 50 000 people coming through it per year. It is surpassed only by the Royal Brisbane Hospital, which has 58 000 people going through, and the Royal Perth Hospital, which has 53 000 people going through.

Interestingly enough, at Flinders Medical Centre the number of patients admitted per bed from the Accident and Emergency Department is 116, compared with the Royal Brisbane Hospital with 72 per bed, the Royal Perth Hospital with 75 per bed, the Royal Adelaide Hospital with 71 per bed, and the Queen Elizabeth Hospital with 83 per bed. Of course, the upshot of this is that the Flinders Medical Centre has a far higher ratio of people being admitted from A&E compared with the number of beds in the hospital. It simply needs more beds. It is a special and unique case. The Minister telling the staff at the hospital just to look at better ways of juggling their beds will not help. Again, it is simply failing to admit that special measures need to be put in place at that hospital because it is a unique situation.

I also noted that the Minister again mentioned that he was asking the hospital to look at category 4 and 5 patients. He was suggesting that these patients should not be turning up at A&E departments but going to their doctors. That very point was mentioned at a meeting last week at the Flinders Medical Centre, representatives of which pointed out clearly to us that it is not as simple as the Minister suggests. It is not as simple as turning away these patients and just sending them to GPs. For instance, category 4 patients could be suffering from the following: acute abdominal pain, a sprained ankle, a miscarriage, a headache (which could be the precursor to something very serious), appendicitis, an

incomplete abortion, and a number of other ailments with which GPs certainly would not wish to deal.

For the Minister simply to dismiss this and say that he has also asked the hospital to look at ways of flicking these patients to GPs is simply unrealistic, and he knows that, because he has been given exactly the same information as I have. Overall, the Minister again refused to take any responsibility himself for doing anything about it. The second instance he talked about today was the Queen Elizabeth Hospital. That hospital and the Lyell McEwin Hospital, which are both part of the north-west Adelaide health service, have to find $3 million as a result of expenditure cuts in their services. We have been told on very good advice that the Queen Elizabeth Hospital normally in winter would open a 32 bed ward in order cope with extra demand. It has not done so. It has been prevented from doing so because of budget concerns. Its plans to implement its expenditure reductions include: closing another 32 bed ward at the Queen Elizabeth Hospital; closing a 16 bed ward at the Lyell McEwin Hospital; combining intensive care and the high dependency unit at the Queen Elizabeth Hospital; and cancelling outpatients completely on Wednesdays at the Queen Elizabeth Hospital.

I asked the Minister what plans he had to implement this. His answer was a big yawn. His answer was, 'This isn't new; I talked all about this at Estimates.' He did not talk about it at all at Estimates. In fact, he gave broad indications of the extent of the cuts he was going to make but, when he was questioned by me in Estimates about how this was going to happen or be coordinated, he said nothing. He said that it was up to the hospitals; again, he took the attitude of 'Not my responsibility.' He is becoming well known for that answer.

It has been interesting to talk to people who manage hospitals about just how they will deliver the cuts and the expenditure reductions they have been asked to implement. This is what I have been told will happen. The head of Statewide Services, Dr Brendon Kearney, will talk separately to each of the metropolitan hospitals by the end of July. After that, they are not sure what will happen. Somehow, after he has heard from them all separately, he will come up with some plan about how this will be coordinated. The hospitals themselves have no idea when this will occur and what will be the outcome. We must remember that the year has already started; it started on 1 July. They do not seriously expect to hear anything before September. What sort of management is this?

I would like to say two things. We heard a lot about blame for the total health system, the need for the future, the need for the big picture, but the Government has a responsibility for the here and now, as well. The Minister for Human Services and the Premier, time after time today in Question Time—and a few personal insults were thrown in, as well—failed to accept the fact that they are responsible for the here and now, and so far they have done nothing to assume that responsibility.

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

Motion carried.

At 6.15 p.m. the House adjourned until Wednesday 28 July at 2 p.m.