HOUSE OF ASSEMBLY

Thursday 26 July 2001

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

RESIDENTIAL TENANCIES (CARAVAN AND TRANSPORTABLE HOME PARKS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 5 July. Page 2011.)

The Hon. R.B. SUCH (Fisher): I applaud the member's concern for social justice and bringing this measure forward. We appreciate that people who live in caravan parks and transportable home parks, without being disrespectful to them, are often treated as though they are at the bottom of the pecking order. This measure is designed to bring some equity and equality in terms of their occupation of sites within caravan parks, including transportable homes. I know that the member who has brought in this measure has had a long-standing commitment to doing something about the people who find themselves in this situation, arising no doubt from the fact that she has a number of caravan parks and transportable home parks in her electorate.

It is clearly not the same issue as that involving people who live in retirement villages, but we need as legislators to be aware that people in these situations can often be put at a severe disadvantage. I am mindful of what confronts people in retirement villages in terms of their often being involved in what is regarded as a one-sided arrangement. They are often subjected to ongoing fee increases without having the opportunity for any meaningful input. They have disadvantages in terms of when they sell the unit or when it is sold by their estate. They have issues relating to rating. The retirement villages provide their own roads and lighting, yet in this case the people concerned do not seem to benefit from any discount from the council that has responsibility for that area. So, the issues go on in relation to those people who, by their very nature, tend to be the older section of the community.

In respect of caravan parks and transportable home parks, we are talking of people who are usually on very low incomes, by definition, and that is why they are living there, although some people choose this lifestyle. However, in the main the people in these parks have a low income; they are often pensioners, unemployed people, people who may have suffered some significant disadvantage in their life then find themselves now having to choose this type of accommodation. I do not say that in any snobbish way, but it is a reality that many of these people are on a low income.

By introducing this bill the honourable member is trying to give greater security, protection and involvement in regard to the rights of tenants, and that is to be applauded. Whether the people are living in these villages or parks by choice or necessity is irrelevant. They are entitled to reasonable protection and safeguards in terms of their tenancy arrangements and agreements. We provide significant protection for small business retailers in large shopping centres and that is good, and I believe that this measure will do a lot towards ensuring that people living in caravan parks and transportable home parks get a fair go and a fair deal. In saying that I am not suggesting that all the owners and operators of these parks are doing the wrong thing, but this is a means of ensuring that the tenants—those who have a caravan or transportable home—are treated fairly and reasonably. I have much sympathy for the people for whom this measure is designed and commend it to the House.

The Hon. G.M. GUNN (Stuart): A few weeks ago I had a close look at this bill and I have been having another look at it. The first question I raise with the honourable member is whether she has sought the views of the people who run caravan parks—and there are many of them throughout South Australia—and what their comments are. Having read through this bill, I believe that they would have some concerns about it. I have a number of good caravan parks in my constituency and—

The Hon. W.A. Matthew interjecting:

The Hon. G.M. GUNN: Yes, Hawker and in numerous places around my constituency. They operate on the basis of word of mouth. The best publicity these parks can get is that the people who stay in them pass on to the others at the next place that a certain caravan park is a good place to stay in. Therefore, some of the provisions the member has included here are quite onerous.

Ms White: Which ones?

The Hon. G.M. GUNN: Just read through them. I do not know whether the honourable member personally has had expense in renting a property of any kind, but I for one personally would not be involved in investing in rental property under any circumstances. If you want to have a hassle, rent a property: if you want to find out how difficult and unreasonable certain sections of the community are, just do that. It is all right; there are always two sides to any of these stories.

Ms Key interjecting:

The Hon. G.M. GUNN: I take it the honourable member has a fair bit of public housing in her constituency, as I do, and I could write a book on it. Therefore, there are always two sides to the story. We need to encourage the people who operate these caravan parks to continue to invest to improve them. The more onerous the conditions you put on them, the faster people walk away from them, because a lot are run as family businesses and the more conditions and provisions you make, the more cumbersome and time consuming it is to run these facilities. That is very significant. In bringing this matter to the House, obviously the honourable member has had some difficulties with one or two people, but I wonder how widespread these difficulties are, because I have not had any constituents in my electorate complain to me about the operation—

Ms White: They have complained to me.

The Hon. G.M. GUNN: I have not had any constituents complain to me about the operation of caravan parks in my constituency, and I have a couple of very large ones, spread over a wide span of the state, and in my time in parliament I do not think I have had anyone complain. I want to know what is the purpose of this bill, who are the ones who have been complaining, is the reason valid and, if this legislation is enacted, what will be the long term effect? Will it stop people investing in or further developing caravan parks in the future? In many of these caravan parks there have been very large investments.

I have had complaints from caravan park operators about some of the activities that have taken place and the difficulties they had, such as with villains breaking into them and

harassing tenants on the roofs of caravans, or pulling the pins out of the towbars of vehicles so that, when the person moves on, the caravan drops to the ground. I have certainly heard all those complaints, but I have had heard no complaints about the people involved in the operation of them. Before I support this I want clear undertakings from the minister that there is a problem and it is not just one or two people with an axe to grind. I also want to know what effects it will have on the industry in the long term. Will it stop people investing in caravan parks and improving them? They play a very significant role in the tourist industry. Go around the state look at the caravan park at Streaky Bay, the two caravan parks at Port Augusta and the one at Port Lincoln. Hawker has two and there are various others around the state. They play a very significant role in providing accommodation. It is all very well to want to impose provisions on the people who operate and run these establishments, but you have to be very careful that you do not just drive people from it, because there are always two sides to these arguments.

I would be interested to know from some of the cases the honourable member has obviously had what is the other side of the story. It is a bit like those occasions when constituents come to see you with great tales of woe. You make a few inquiries and find out there is another side to the story. What happens if people will not pay their rent? What happens if these people to whom you have given protection and other rights harass and annoy? Do you have to go to the Residential Tenancies Tribunal or that sort of nonsense? If this sort of legislation is the hallmark of a future government, it will not be conducive to improving and encouraging more investment in the industry. I am looking forward to the response from the honourable member. I do not know whether I have unlimited time, but the clock is not on, and if I have there is a range of other matters. I am disappointed; there is a range of other issues which I could go into. I could try to mirror the member for Hammond in wanting to take up the time of the House ad infinitum. I will not do that.

This is an important decision that we have to make; I recognise that. I strongly support the rights and roles of the operators, and I believe we have to be very careful that we do not put unnecessary impediments in their way. We have to encourage them to improve and develop their operations, because they play a very significant role in the tourist industry in South Australia, without which many of the small communities in my electorate would suffer. There are many towns in my electorate that, without the influx of tourists, would not have the facilities they have today. This government has supported and encouraged the tourist industry, and therefore any provision of this nature that would cause any problems in the industry needs to be viewed very carefully. Given that we have huge caravan parks that allow on-site vans, cabins, caravans and also camping, and they also provide a wide range of accommodation and other facilities for the travelling public, I think it is one of those areas about which we have to be particularly careful.

I would really like to know from the honourable member exactly how many complaints she has had in relation to this matter, what is the basis of these complaints, and what has been the response to it from the tourist industry and the people who operate the caravan parks? We are aware of what happens when people get rushes of blood. We know what has happened when previous federal government interfered with negative gearing; it had a tremendous effect on rental accommodation. We know what happened when they brought in the Residential Tenancies Tribunal; it caused all sorts of hassles. I know from tenants the difficulties the Housing Trust has in places like my constituency, so I think we need to be very cautious. Obviously, this bill has a long way to go before it has any chance of being passed into law. We will go through an exercise here today—

Ms White: Which clauses do you have a problem with?

The Hon. G.M. GUNN: I have raised an issue; if we get into committee—

Ms White: Have you read it?

The Hon. G.M. GUNN: I have read it, yes; I have read it a couple of times. I am particularly interested in this, because I have a number of caravan parks in my constituency, and I want to see them looked after.

Mr LEWIS (Hammond): My concern about this legislation is that it has been considered hastily. I know the member for Taylor has done her very best to get public opinion behind her and consulted the people who seek to have the changes made, but in my judgment it is more important than that. I am conscious of the fact that from time to time in here I disappoint people—we all disappoint each other—and I know she will feel disappointed in me, even though, as she knows, I have given her no commitment other than say to her when we had discussions that I had reservations about the measure. I have not had sufficient time to examine the implications of this in any great detail because, during the course of the past three weeks, 11 of those days have been spent representing this parliament outside South Australia. That has left me with 10 days and, given what has happened on Tuesday and Wednesday of this week, there are eight days. There are other reasons too why my attempts—

The Hon. R.B. Such: What have you been doing at night time? You've got the night time.

Mr LEWIS: Yes, I know, but I like some time to myself, can I tell the member for Fisher. It is not out of any desire on my part to indulge my personal—

The Hon. R.B. Such: Interests.

Mr LEWIS: No, I am not talking about personal inclinations but rather to get on with other elements of my life during the course of the night. I have to sleep longer these days than I used to. I could get by on three hours or 20 to 24 hours a week, but nowadays I find that I need somewhere in the order of 35 hours. It has just not been possible for me to do that. I am not prepared to give it consideration in a deliberative way. If it is foisted upon me to do so, I shall vote it down because I believe that there are not sufficient grounds on which title can be established in the first place. That is my first concern.

My second concern is that I believe caravan parks are not appropriate permanent accommodation for people who are in necessitous circumstances. If you have the means and the savings and you wish to live that way, that is fine. But anyone who is dependent on welfare payments who chooses the option of living in a caravan park is doing so in a way that is unwise, because those facilities are not appropriate for permanent accommodation unless you have personal means that you have set aside during the course of your life's work to enable you to be more independent.

The welfare payments that people get are designed to meet the costs of their rental accommodation in properly established housing. Caravan park accommodation is not properly established housing for permanent occupation. If we were to go down this path, it would encourage thousands of people to reduce the amount they spend from their weekly or fortnightly budget on housing and give them the mistaken

belief that they can spend more on poker machines, scratchies or grog, and that is not what welfare payments are for. It is intended to ensure that they are properly housed in a healthy and sound environment that is safe. Very often, a caravan park is far less safe in terms not only of personal property security but also of personal security and protection from violence.

It is too easy for people to get into caravan parks because strangers are always wandering around that other residents of the facility do not recognise. Being in a caravan park is no different to being in Rundle Mall on Friday night. You have no idea who the person walking towards you is and what their motives for being there may be and what their attitude might be. You just accept the fact that, in the main, they are probably law abiding. But more frequently than you would find in your front or back yard, some are there with malicious intent and you may be their victim without knowing it.

So, I am disturbed about providing encouragement and incentive in the mistaken belief that, if you are dependent on welfare, the government thinks living in a caravan park on a permanent basis is an acceptable way to get accommodation. It is not. Worse than that, if you choose to live in a caravan park, you need to recognise that there are far greater health risks because you have to share a good many facilities; in some instances, all your ablution facilities, such as laundry and toilet facilities. So, if you are frail in some way or getting on in years, your immune system is, by a substantial degree, reduced below that of a healthy and vigorous person.

Most welfare recipients, by virtue of their circumstances, have less self-esteem than those who are supporting themselves, at least partially. It is a scientific fact that their immune system, by definition, is therefore weaker; they are more inclined to contract those diseases that are endemic, such as tinea and ringworm, which are disorders of the skin, if you like—fungus diseases. They also have a greater risk of catching viral diseases such as the 'flu, because they are in constant contact and handling things that others handle that would not be the case if they had their own home with their own laundry, bathroom, toilet, and so on. So, that is another reason why we should not encourage people to believe that it is okay to live permanently in caravan parks.

There is still a further reason why I have reservations about this legislation. If you require the proprietor of a caravan park to ascribe the same tenancy and title rights to the occupier of a site as are ascribed under the Residential Tenancies Act to the person who is occupying a dwelling in a block of units, or a detached or semidetached dwelling, it does not matter; you need a separate certificate of title that defines the boundaries, where it becomes trespass for someone to unlawfully cross that boundary onto the property that is properly being leased or rented by the tenant. Caravan parks have no such boundaries, and the present title arrangements for land do not define any boundaries.

So, where does the ground upon which you stand with rights as an individual begin and where does it stop as you walk away from your premises? Surely the outer shell of the building where you are accommodated is not an appropriate boundary because that means that some Peeping Tom can stand at the window and perve and you cannot stop them, other than through criminal law, by not trespassing by standing there. Yet, if you are in your own rental accommodation you can stop them. That is not men on women or women on men: it is anybody on anybody. There are some weirdos these days who have been encouraged in that kind of behaviour by a more libertine approach to the law that I do not find acceptable, anyway.

Yet another concern of mine is related to the nature of title. What happens and what are your rights if the landlord comes along and takes away the things that you have used to decorate the surroundings in which you have established yourself? Again, it is a question of title. Who owns the pots and fixtures that you put around your caravan, cabin or whatever the hell it is? I have already tried to mediate in such disputes as to who owned those things, especially if the plant adheres to the ground because the pot broke and the plant started to grow in the ground. The person who had to leave their dwelling wanted to dig up the plant, and the caravan proprietor and the person next door who was enjoying the benefits of having the plant there kicked up a fuss and wanted to stop it.

These people then complained about it to me as their local member. I do not want or need that; we can all do without that. We need better definitions than are presently provided in the legislation, better consideration of this matter than I have been able to give it, and greater consultation than I have had time to engage in to determine a way forward to accommodate the desires expressed in this legislation, although not adequately given expression in terms of the law.

Ms RANKINE (Wright): I commend the member for Taylor for introducing this legislation. We have heard a number of members opposite this morning say that we do not need this. We have heard the member for Stuart say that we have to be careful about the tourism potential of our caravan parks—I could not agree more—and about the range of accommodation and facilities they provide. A perfect example of how not having proper standards in our caravan parks can, in fact, impinge on our tourism potential.

Caravan parks certainly do provide a different range of accommodation and facilities, but those people who live in those caravan parks and choose that as their lifestyle are absolutely entitled to the same rights as people renting other facilities. It is an absolute disgrace to turn around and say that they do not have the proper standards of showering and toileting facilities and simple things like drainage, as well as the right to question rises in their rent. If I rent a home and the standard of that home is not as it should be, there are avenues that I can take to remedy that. In fact, the Residential Tenancies Tribunal can fix a rent until such time as the property is fixed up.

In November 1998 a couple who had decided that they wanted to make their permanent home in one of our most popular holiday centres in South Australia came to see me. They were really concerned about a range of issues at that caravan park. They had tried to negotiate with the manager and had been threatened, so they contacted the health department. Some inquiries were made, and there was more retribution from the manager towards these people. They came to see me and told me that, for example, there was no sullage disposal in the caravan park. So all the washing-up water from the caravans was just running out of the vans onto the ground. Consequently, great greasy pools of water were appearing everywhere throughout this facility. It was always wet, and the odour was most unpleasant.

As well as that, there was a huge rubbish dump in the grounds of the caravan park, where people were just piling up their garbage. These people said to me, 'This is as high as your office roof. It is full of car parts, old furniture and trees, and it is rat infested.' They also claimed that bags of human

waste were being dumped in this dump. I certainly questioned that. However, when they came in with photographs to show me, I can tell the House that I was absolutely shocked. I made contact with the local council and endeavoured to have it inspect the park. That took weeks of negotiating. When the council finally capitulated and went there, the council officer got back to me and said that it was much worse than he had realised and that, apart from the toilets, there was no sullage disposal in this caravan park. Why should people be subjected to that standard in this day and age in one of our most popular holiday venues?

Over the 1999 Christmas period, there were 400 people in this caravan park, with only 12 toilets and showers operating. The hand basins were cracked; 50 of the caravans on-site had no fire protection; and there were large sinkholes which had previously been fenced. These sinkholes were about 20 to 30 feet deep. They were not fenced, and children were playing near them. The parents were not aware of the dangers. There were also taps throughout the caravan park that provided bore water. However, there were no warnings on the taps that the water should not be consumed by residents in the caravan park. At one stage the situation was so bad that people were told they were not allowed to let the sullage run any longer. So, the only place they could wash their dishes was the toilet facilities. People were using the babies' bath in the ladies' toilet to wash their dishes.

I contacted the manager of this park on a number of occasions and was threatened myself. I was told that it was none of my business and that they would see what they could do in relation to my intervention. Four months after this matter was first raised, 16 permanent vans and 76 casual vans on this site were still without sullage disposal as we headed into the Easter period. It was at this time, after I talked to the council, the owner and the manager, that rumours were abounding that the rents would go up. People were given contracts to sign and told, 'Sign them or get out!'

This is exactly what the member for Taylor is trying to address in her legislation—the use of standover tactics against these people. They had an affordable place in which they could live and enjoy their retirement; it is in a pleasant environment; and they wanted to stay there. They did not want to be threatened or bullied; they just wanted a reasonable standard of living—something that we naturally expect. I do not think anyone in this House would expect to be subjected to what could only be described as Third World conditions in this caravan park. As I said, I contacted the council about this in November 1998. In December 1998, I got a letter from the council saying that it was addressing this matter, that everything was hunky-dory and that it would be fixed. It was not fixed until 14 August 2000, when I received a letter from the local council finally saying that all these issues had been addressed. By this time, my residents had had enough of the bullying and harassment from the caravan park manager. They removed their van from that caravan park and found somewhere else to live. We are talking here about these people having the rights of any other renter of a property. They do not need to have their exact location determined. What we are asking for here is just the normal rights of any tenant, the right to have the standards upheld and the right to pay a fair and proper rent for the property they occupy. I am very pleased to support the legislation put forward by the member for Taylor.

Ms WHITE (Taylor): I thank those members who contributed to the debate. I would like to address a few things that were said in debate. My colleague the member for Wright gave but one example that she had come across in her work as a member of parliament. Since I originally introduced this bill two years ago, quite frankly I have been inundated with support for the bill from people living in these circumstances from all over the state. In preparing the version of my bill that I have introduced today, I have had the assistance of the Caravan Parks Association of South Australia, Shelter SA and the Consumer Affairs Association of South Australia, and I thank those organisations for their input. I must say—and it is true, to answer the member for Stuart—that the Caravan Parks Association was not thrilled initially that I had introduced legislation two years back. It would prefer there to be no legislation. However, since that time it has contributed. It has suggested changes which I have made to this bill, and I believe that they strengthen it. It accepts and wants to state that people in long-term residence in caravan parks and transportable home parks should have some rights.

The Caravan Parks Association puts out a brochure that includes many of the measures I have included in this bill relating to caravan park owners. However, I want to address one aspect. In my second reading speech on 5 July, I mentioned the Caravan Parks Association's insistence that new section 99C be removed from my bill. That clause dealt with the notification that needed to be given to long-term residents if there were increases in fees, rents and charges. There were two aspects to that clause—the notice for changes to charges and fees, and also the notice necessary if conditions of tenancy such as the number of people who are allowed to reside in a park change. What I said in the debate was correct: at that time the Caravan Parks Association objected to that clause and insisted that it be removed entirely. Yesterday I talked to the Vice President of that association, Mr Martin Banham, and he wanted me to stress to the House that its initial objection to that clause was not to the whole clause just to the notice necessary for changes to rents and charges. He said to me yesterday that he did not now see a problem with that clause.

The SPEAKER: Order! There is too much audible conversation in the chamber.

Ms WHITE: The argument that was given by a couple of members was that these people should not be in parks at all; therefore, this legislation could go ahead. That is an amazing argument—to say that people should be denied rights because low income people—predominantly pensioners—choose to live in these caravan parks. They do so for a number of reasons, both personal and financial. We must remember that many of these people own their own home: they own a transportable home worth $80 000, in some cases, but they rent the site for $60 a week or so, and they have no rights. They have fewer rights than someone who totally rents their property. They can be told to shift out at a moment's notice, and this has occurred. I know of people who have moved into these caravan parks: it takes $10 000 to shift one of these transportable homes, and they are threatened with eviction if they do not absorb a $15 increase in their rent the very next week. People are lorded over by some unscrupulous operators. There are many good operators, and they feel the pinch because of the reputation of these unscrupulous operators. Many of them have said to me that they welcome this legislation for that very reason.

Bill read a second time.

In committee.

Clause 1 passed.

Progress reported; committee to sit again.

CITY OF ADELAIDE (ADVERTISING AT ADELAIDE OVAL) AMENDMENT BILL

The SPEAKER: It has been brought to the chair's attention that, because this bill has been sent to a select committee, it should have been set down for 27 September. In that case, it is my intention now to call on Orders of the Day item No. 3.

PARENTAL RESPONSIBILITY BILL

Adjourned debate on second reading.
(Continued from 31 May. Page 1714.)

Mr HAMILTON-SMITH (Waite): I rise to support this bill, and I commend the member for Stuart for introducing it. It is a controversial bill. As members would be aware, the bill comprises six clauses. It defines as a child a person who is, at the relevant time, under the age of 15 years. Clause 3 provides that a parent who wilfully or negligently fails to exercise an appropriate level of supervision or control over his or her child's activities contributes to the commission of an offence of which the child is convicted or found guilty and is also guilty of an offence. Clause 4 empowers a police officer who believes, on reasonable grounds, that a person who is in a public place is a child who is not at the time under the supervision or control of a responsible adult to request the child to state his or her name and age and residential address of his or her carer and, subject to a range of conditions, take the child to that carer's residence.

The bill empowers a police officer to remove a child in a range of conditions and circumstances, including where the officer is of the opinion that the removal of the child would reduce the likelihood of an offence being committed or, in the case of a child under the age of 10, reduce the likelihood of the child committing an act that would constitute an offence if the child was 10 years or over. The bill also provides that a child of 10 years or over who leaves a place in which he or she is being detained under this section without the permission of the person in charge is guilty of an offence.

All these measures come together to bring about a relationship between parent, child and the police which has as its object ultimately the protection of children and the protection of the community from those very small number of children who are out on the streets at various times of the day, or particularly at night, causing a public mischief and committing crimes.

This will be a controversial bill. There will be some who oppose it vehemently; there will be others who see merit in it. I am one of the latter. Those who may seek to oppose the bill may argue that the bill, in effect, seeks to remove the civil liability of parents but retain the criminal liability. They may argue that, in effect, this bill makes parents responsible for a crime they did not commit, it having been committed by their children. They may argue that legislating to impose a moral obligation on a person who is not an offender for someone else's behaviour is a very significant step. And, in effect, they may argue that this bill proposes to criminalise dysfunctional or ineffectual parenting. I am not sure that I agree with that view. I am certainly of the view that the powers enacted by this bill need not be looked at in isolation; they need to be viewed within the context of a range of support measures that are available from government and from the community to help dysfunctional families to cope with the behavioural problems of children who are committing criminal acts. I am not sure that I agree that we should throw this bill out simply because it takes the step of imposing a liability upon parents for actions committed by their children.

Those who oppose this bill may also take the view that existing legislation already adequately provides for the police to take action. They may point to the Young Offenders Act 1993, which arose from the recommendations of an inquiry into the juvenile justice system conducted by a parliamentary select committee in 1991 and 1993. That act underpins the juvenile justice system that is based on the principles that a young person should take responsibility for his or her behaviour and that the justice system should secure for a young offender the care, correction and guidance necessary for his or her development into a responsible and valued member of the community. It is a most worthwhile bill. However, alone, it is failing to protect the community and to protect young children from certain events that are unfolding in our community today and as we speak.

Those who oppose the bill may also argue that the Children's Protection Act 1993 further complements the Young Offenders Act. They may argue that the Summary Offences Act already allows for a police officer to ask a person to cease loitering or a group to disperse if the police officer believes, on reasonable grounds, that the person or the member of the group has committed a crime, is about to commit a crime, has breached the peace, or is about to breach the peace, and so on. They may argue that the Children's Protection Act 1993 and the Education Act go further to address the issue of truancy and to empower the police to take certain actions.

However, what those existing pieces of legislation do not do is what this bill proposes to do, that is, to legislate for a line of responsibility for an increased effort from parents and from families to get involved in the problem of criminal acts committed by children. The honourable member who introduced the bill in his second reading explanation made the point that the fine for a first offence is only $125, because the aim of the exercise, as he put it, was not to convict people but to solve the problem. The penalty for second and subsequent offences is $1 250, which ratchets up with the seriousness of the offences.

The honourable member explained in his second reading explanation that, in his electorate of Stuart (in the vicinity of Port Augusta), a range of offences are being committed on a daily basis, almost, by young people under the age of 15. They are carrying out acts of vandalism, larceny and assault and interfering with people's daily lives. Often the victims of these assaults and activities are the elderly, the frail, the weak and the vulnerable.

I have some sympathy with the honourable member's view. It has been my observation—and certainly feedback from my constituency confirms this—that children under the age of 15 are capable of being quite vicious. They are quite capable of committing offences, and they are quite capable of acting as vandals and harassing the elderly, the frail and the weak. They are quite capable—if not challenged by authority—of not only committing crimes but also of creating a considerable public mischief. This is a very small group of young people and by no means the majority, but what we must do is bring about a situation where families, the police and the children are all working cooperatively together to solve the problem.

The point I made earlier about dysfunctional families is very important. Some families are not coping. Parents, single parents and foster parents (all sorts of parents) are having difficulty coping with their parenting responsibilities. As a community we must reach out to those people to help them do it better. This bill takes a step in the right direction. It will ensure that police have a mechanism to bring young people to their homes, to come together with the families and to say, 'Let's work through this. Let's do something about this.' I think that it is a very good bill, which will considerably enhance the community's ability to support parents, and that it will actually be welcomed by many parents.

Many parents are trying to discipline their children and finding that the system lets them down; that the children are able to run away and misbehave; and that, when they come in and try to do something about it, they are not backed up. I believe this bill will signal to them that the government and the police are serious about supporting their efforts to be better parents and to modify the behaviour of their children.

Time expired.

The Hon. R.B. SUCH (Fisher): I commend the member for Stuart for introducing this bill but, in so doing, I express some reservations that I think can be addressed in committee. I can understand where the honourable member is coming from. He, like many others, is absolutely frustrated at what happens when a minority of children who are not controlled or disciplined show behaviour which is of an extreme antisocial nature. We need to look at the issue. I do not believe that this bill will address all the aspects.

Many people feel that the rights of parents have been taken away, and we often hear suggestions that it is due to the United Nations Charter on the Rights of the Child. That is just not correct in legal terms. There has been no reduction in the legal authority of a parent or, indeed, in the authority of a parent to undertake reasonable punishment of a child. Clearly, parents cannot abuse a child in the sense of causing physical or other harm to the child, but there is nothing to stop a parent properly and reasonably disciplining their child or children.

What we have, though, is a perception in the community which, I think, was generated about 20 years ago and fostered by some people who were in the realm of fairy floss and who put forward this idea that children or young people have rights but they did not, at the same time, emphasise the fact that children and young people also have responsibilities. Over the past 20 years, there has been a subtle propaganda campaign which has suggested that young people can basically have rights but there are no responsibilities attached to them. That is a nonsense. No community can operate on that basis, whether it be in respect of children, young people or adults. If you live in a community you have rights, but you also have responsibilities.

The issue of children out of control is very complex, and it requires comprehensive attention. We are increasingly aware—and I predict that this will become the big issue in the next few years—that the focus will be put on the years zero to three and, indeed, on the effect on the unborn child in terms of negative activities, whether it be parents, or the mother to be, smoking. There will be great emphasis, I believe, in the near future on that issue. And so there should be, because paediatricians will tell you that it is during the first three years that the critical formation and development of the brain occurs and, in effect, the future of that child is set in the way by which he or she is treated during those formative years. So, if a child experiences aggression, hostility and lack of self-esteem—all those things—you have really programmed that child to have a difficult passage through life and, in some cases, they may end up on the wrong side of the law.

We have moved on in education recently to what is called 'early intervention', and that is generally taken to be the junior primary years, but we will see that time frame moved even further back to zero to three and, indeed, covering the unborn child, and that is good.

Also, in the past 20 years we have seen an erosion of commitment to values. I am not trying to knock the school system: I have great regard for the overwhelming majority of our teachers in schools. However, we have, as a community, played down the need to press upon young people the importance of having values. One cannot have no values. One has either good or bad values.

We have gone for a vagueness, and I want to see schools and other community agencies and families, of course, make no apology for promoting and teaching explicit values: honesty, respect for others and respect for other people's property—all those sorts of things that make up a civilised person and a civilised society. So, the answer to the issue raised by the member for Stuart in this bill is much more complex than the bill itself would suggest.

One of my concerns in relation to the bill—and the opportunity will come during committee to try to improve upon the bill because the intention is good—is seeking to punish someone other than the offender or the person committing the antisocial act. I have great concern with that aspect. I believe that if you undertake the activity, if it is a negative one, you suffer the consequence. In that respect, I do have a concern about fining parents for the behaviour of their children.

In my local council—the City of Onkaparinga—where young people are found to commit property offences, the council takes civil action against the child and not the parent, and I believe that is where the focus should be: accountability in respect of the person committing the antisocial act or crime, not punishing someone else.

Some other concerns need to be addressed. What will happen to children who are wards of the state, in foster care, and so on? Where will the responsibility fall in that respect? What will happen when a parent does not have money to pay the financial penalty? It is not always the case, and I would not accept, that poor parents have badly behaved children, but there is a correlation in many cases. What will happen when a poor, single parent or poor parents together are fined, say, $1 250 for the behaviour of their child who is out and about? How will they possibly pay that if they have virtually no income?

There is also the issue that young people can behave in a wilful and disrespectful way, even despite the best intentions of parents. Many people residing in a northern suburb in a secure environment have come from good homes, so there is a tenuous link between the behaviour of a child automatically and the responsibility of a parent. I know of many parents who have been loving, caring parents and some of their youngsters have been absolutely feral rascals of the extreme order—and worse.

I believe this bill is highlighting an important issue in the community. We cannot sit back and allow young people to run riot. I think we need to have a comprehensive look at the issue, given there has been a suggestion of raising the school leaving age, because a lot of these issues relate to that as well.

There is the dilemma at the moment where the Department of Family and Youth Services regards a young person as independent at the age of 15, but at that age parents still have the responsibility of caring for that young person with respect to education and other matters. We have a dysfunctional responsibility arrangement as seen by government agencies. On the one hand, a parent can be told, 'Your 15 year old daughter is able to make decisions of her own,' yet the parents will be held accountable and blamed for not doing the right thing. In that respect the parents cannot win. That is an issue which needs to be addressed and which is not addressed clearly by this bill.

We need to put more effort into parenting programs, support for families and trying to assist parents who want to do the right thing but who are frustrated because of the influence of the media and the lack of our society to instil in young people the importance of good values. I commend the bill but I hope it can be improved through amendment during the committee stage.

Mr SCALZI (Hartley): One thing is for certain, that is, the fact that this bill is before us states quite clearly that there is a problem in the community with minors being involved in anti-social behaviour. There is no question that many parents are concerned about the behaviour of children. I am sure that all members have heard of examples and had reports to their electorate offices about the types of anti-social behaviour that take place. I certainly experience that from time to time and I try to deal with the problems in the best way I can by working with the agencies available to me. I must commend the police in my area for the hard work they do, as I do the schools and the housing agencies that try to deal with the problems that arise.

I commend the member for Stuart for bringing this matter to the attention of the parliament. There is widespread concern, and I have no doubt of the intention of the member for Stuart to deal with this problem. The examples he gave when he introduced the bill to this House of what has occurred in his electorate I believe are serious and must be looked at. I am fortunate that in my area the Norwood Payneham St Peters Council and the Campbelltown Council have very good crime prevention units, and I commend the council officers for the work that they do with the police to ensure that problems are dealt with as they arise. I commend the police and members of Neighbourhood Watch, especially in the Felixstow area where a Neighbourhood Watch has just been formed, that deal with problems.

I do have some difficulty with some of the principles behind this type of legislation. One could argue that an individual should be responsible for his or her own actions, yet we are saying in this bill that the parent is responsible. Parents have come to me and said that somehow the state has taken away their rights to bring up their families according to their values and traditions. They say that some problems have arisen out of this situation; that somehow they cannot discipline their children. I do have some difficulty—as the member for Fisher has pointed out; no doubt this will come out at the committee stage—with fining a parent $1 250 after the first offence. Members can imagine what impact that would have on a family whose child might be irresponsible through no fault of theirs. That occurs as well. This bill might have the unfortunate effect of confirming stereotypes—that it is always the parents' fault that children behave in a particular way.

I was a teacher for 18 years and when I first started teaching, the teacher was in loco parentis; in other words, they had to behave in a responsible way as a parent would behave. It is difficult to define in this day and age what that would mean and some would say that we have moved away from the discipline that used to be in the schools. Well, I must say that things have changed, but I commend the schools and the teachers because, although the discipline has had to change, it is still there. They have to deal with problems in the context of the times and not to do so would be doing an injustice. We do not now have corporal punishment in the schools. You cannot have corporal punishment and, at the same time, outside charge someone with assault. Those distinctions are made because they need to be made and we cannot try to discipline young people in the way we did in the past. We just cannot do it.

I can understand the member's position, and I understand that the bill is before this place because there are problems out there with which we have to deal but, as the member for Fisher said, we also have to deal with the situation in the education sense; we have to teach responsibility; we have to promote values; and we have to have accountability as well as rights.

Whilst I can see the intentions behind this bill, I do not believe that legislation such as this will solve the problems. As some critics of this legislation would say, we already have young offenders and children's protection legislation. Legislation exists dealing with young offenders. But how do you deal with dysfunctional families? Where do you put the responsibility? Often some parents are having a difficult time dealing with the emotional hothouse situations that occur in some of these families. There is no question that there must be cooperation between the police, education authorities and welfare agencies, and we must look at the problem in a comprehensive way.

Ultimately, however, you cannot change the behaviour of an individual just by dealing with the external deterrents, and at the end of the day that is what this does: it deals with the deterrent aspect. You have to promote internal control. I suppose it is not surprising for members to hear that from someone who has been in the education system. You cannot change behaviour just with carrot and stick. In the end you run out of carrots and you run out of sticks. You have to change behaviour by encouraging and promoting self-esteem with an individual. You must develop a value system where the individual wants to do the right thing, wants to respect elders and wants to have respect for authority because he or she will know that, for them to be part of a community, that is what is required. Not to do so is to be outside the community and to develop antisocial behaviour.

What concerns me about the approach of the carrot and stick method is that young people will get the impression that they are punished unnecessarily at times, and with this sort of regime you are likely to get it wrong at times. If you get it wrong you can do more harm than is perceived to be done in the interests of the community. There is no question and no doubt that the community wants us to do something. We must have clear parameters and we have to be strict. When crimes are committed we must be clear cut in our actions and deal with it, but we must do it in a responsible and comprehensive way.

Time expired.

Mr MEIER secured the adjournment of the debate.

DAIRY INDUSTRY

Consideration of the Legislative Council's message:

1. That, in the opinion of this Council, a joint committee be appointed to inquire into and report on the impact of dairy deregulation on the industry in South Australia and, in so doing, consider—

(a) Was deregulation managed in a fair and equitable manner?

(b) What has been the impact of deregulation on the industry in South Australia?

(c) What is the future prognosis for the deregulated industry?

(d) Other relevant matters.

2. That, in the event of a joint committee being appointed, the Legislative Council be represented thereon by three members, of whom two shall form a quorum of Council members necessary to be present at all sittings of the committee.

3. That this Council permits the joint committee to authorise the disclosure or publication, as it thinks fit, of any evidence or documents presented to the committee prior to such evidence being reported to the Council.

Mr McEWEN (Gordon): I move:

That this House concur with the resolution of the Legislative Council contained in message No.79 for the appointment of a joint committee on dairy deregulation, that the House of Assembly be represented on the committee by three members of whom two shall form a quorum necessary to be present at all sittings of the committee and that the members of the joint committee representing the House of Assembly be Mr Hamilton-Smith, Ms Hurley and Mr McEwen.

Mr LEWIS (Hammond): In the event that the House decides to vote in support of the motion—and I urge all members to do so—it should look closely at the things that have occurred in the dairy industry since it was deregulated and tease out those issues that arise directly as a consequence of deregulation from those issues that arise in consequence of the tax regime changes that have otherwise occurred, both specific to the industry such as the levies they used to pay and, more particularly, in the general context, because since deregulation has occurred there has been the impact of the GST and so on. That is in addition to the effect of the changes in the marketplace that have occurred, and I urge the House to allow the committee to go interstate to take evidence. It would not be appropriate for us to presume that we will understand what has happened unless the committee is given a direction to go and get evidence interstate or at least be encouraged to do so.

I do not want those two points that I mentioned at the outset to be ignored and I know the committee will also look at such things as fuel pricing and the changes in the contract arrangements for the cartage of milk and the manner in which milk is paid for according to whatever category it is sold into. Milk is not milk any more: it is like oils are not oils. It is pretty much dependent on the way in which the milk is taken from the cow that decides how it is stored and ultimately what it is sold for. Altogether I commend the member and those people in the other place who saw the need for this measure. I regret that I cannot be a member of the committee, but you cannot do everything and I rely on my colleagues to do the necessary examination of the issues causing concern in the wider community and also in their report back to us to include some economic analysis by experts as to what the likely outcome will be in the short run—over the next two to three years—as well as the medium term—three years to 10 years—for the industry in South Australia as a subset of the entire industry nationally.

Motion carried.

Mr McEWEN (Gordon): I move:

That standing order 339 be so far suspended as to enable the joint committee to be authorised to disclose or publish, as it sees fit, any evidence or documents presented to the committee prior to such evidence being reported to the council.

The SPEAKER: I have counted the House and, as there is not an absolute majority of the whole number of members of the House present, ring the bells.

An absolute majority of the whole number of members being present:

Motion carried.

DIGNITY IN DYING BILL

Adjourned debate on second reading.

(Continued from 17 May. Page 1589.)

The Hon. R.B. SUCH (Fisher): I move:

That this bill be discharged.

Motion carried.

SUMMARY OFFENCES (PIERCING OF CHILDREN) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 April. Page 1316.)

The Hon. R.B. SUCH (Fisher): This is an important measure, which I understand has the support of all members; they have indicated that to me. I accept and note that the member for Hartley has some amendments on file which I am happy to accept, because I think they improve the bill. Indeed, one of the amendments put forward by the member for Hartley incorporates part of my bill, anyway, but I accept those amendments. This is an important issue.

Another member of this place recently brought to my attention a situation where a 12 year old girl has had body piercing done with subsequent infection and consequence. I believe we owe it to the children in our community to protect them. What is happening at the moment would not be allowed to be done by a medical practitioner. That medical practitioner would be disciplined or brought before the Medical Board, yet we have these processes and procedures being carried out by non-medically trained people. This bill will not stop children having body piercing, but it will give authority to the parent and they will at least be informed that this procedure is taking place. If the parent is made aware and approves, that is fine.

At the moment tattooing is illegal for minors in South Australia, yet we have the situation where young people are having their body pierced in various places and running the risk of infection, with consequences for future dental treatment because of the use of cheap nickel alloys in some of their jewellery.

However, the main issue that prompted me to bring this bill before the House was the concern of parents that body piercing was happening to their children without their knowledge. This is a means of ensuring that the parents are at least informed of what is happening to their children. It provides some protection and safeguard for children. I commend the bill to the House.

Bill read a second time.

In committee.

Clause 1 passed.

New clause 1A.

Mr SCALZI: I move:

Page 3, after line 4—Insert:
Commencement
1A. This Act will come into operation on a day to be fixed by proclamation.

I am pleased that the member for Fisher is in agreement with the amendments I have put forward. I agree with the purpose of this bill, because it makes the legislation stronger and clearer. The amendments I will move are to ensure the intentions of the bill to provide parental consent.

New clause inserted.

Clause 2.

Mr SCALZI: I move:

Page 2, line 12—After 'consents' insert:
, in writing,
Page 3—
After line 13—Insert:
(1a) A person who pierces a part of the body of a child under the age of 16 years must record the particulars required by the regulations and must verify those particulars in accordance with the regulations.
Maximum penalty: $750.
(1b) A record required to be kept by a person under this section in relation to a piercing must be kept for a period of two years after the date of the piercing and must be produced for inspection at the request of a police officer.
Maximum penalty: $750.
Lines 17 to 19—Leave out subclause (3) and substitute:
(3) It is a defence to a charge of an offence against subsection (1) to prove that—
(a) the defendant, or a person acting on behalf of the defendant, required the child to produce evidence of age; and
(b) the child made a false statement, or produced false evidence, in response to that requirement; and
(c) in consequence the defendant reasonably assumed that, at the time the piercing was performed, the child was over the age of 16 years.

The bill as it stands requires parental consent for a child to have body piercing. The member for Fisher has outlined that he supports all these amendments.

Amendments carried.

Mr LEWIS: I have a further amendment to clause 2.

The CHAIRMAN: Does the member have it in writing?

Mr LEWIS: Yes, sir.

The CHAIRMAN: I ask that it be brought to the chair.

Progress reported; committee to sit again.

SITTINGS AND BUSINESS

Mr MEIER (Goyder): I move:

That standing orders be so far suspended as to enable Orders of the Day, Private Members Bills/Committees/Regulation No. 8 to be disposed of.

The ACTING SPEAKER (Mr Hamilton-Smith): Is that motion seconded? There not being an absolute majority present, ring the bells.

An absolute majority of the whole number of members being present:

The SPEAKER: Order! For the benefit of members who might have been confused, this motion is for the suspension of standing orders. I have counted the House and, as there is an absolute majority of the whole number of members of the House present, I accept the motion. Is it seconded?

An honourable member: Yes, sir.

The SPEAKER: Does the honourable member who moved the motion wish to speak in support of the motion?

Mr MEIER: No, sir.

The SPEAKER: The question before the chair is that the motion be agreed to.

Motion carried.

SUMMARY OFFENCES (PIERCING OF CHILDREN) AMENDMENT BILL

Debate resumed.

Clause 2.

Mr LEWIS: I move:

Page 3, line 18—Leave out 'the defendant had reasonable cause to believe and did believe' and insert 'the defendant took all possible steps to establish'

This amendment is not in opposition to but obviates the need for the amendment moved by the member for Hartley. It simply lays the onus of responsibility on the person undertaking and doing the work of body piercing to establish that the client they have before them is, in fact, over 16 years of age. The member for Hartley's amendments lay the onus of responsibility, in some measure, upon the person seeking to have themselves pierced. It says that as a minor, that person must do certain things and if they do not, there is no provision for penalty for their disobedience to the law. To my mind, that mocks our intention because the member for Hartley's proposition will allow unscrupulous body piercing practitioners to simply say that they obtained that evidence from the client—the young person under the age of 16—and wash their hands of it.

The young person under the age of 16 who foolishly wanted to be pierced, even though they may have made false statements, gets away with it because there is no penalty. So, it gets around the intention that parliament may have and, indeed, I believe will have, when this measure passes. I am not critical of the member for Hartley, but I am simply pointing out the inadequacy of the proposal he puts before us in seeking to achieve what I think the parliament wants to achieve; that is, that minors should not be pierced by those practitioners who engage in body piercing. The onus and responsibility should reside with the body piercing practitioner and in no measure reside with the minor.

The other reason I say this is that if we attempt to impose penalties on the minor who makes false statements to get themselves pierced we will only clog up the Children's Court system, as it were, and make life more difficult for the enforcement of the law. What we want to do is stop unscrupulous operators from encouraging young people to be body pierced—at considerable expense and without the knowledge of their parents—and get away with it. That is what they are doing at the moment. It is not only that body piercing done in this way is detrimental to the minor's health, but it is also something about which there ought to be counselling before it is undertaken, because it can result in disease as well as permanent disfigurement if it is done in a way that results in infection of the tissue or a way that is clumsy and damages the physiological function of the tissue. That has all been said by the member for Fisher and agreed to by members when they passed the measure beyond the second reading into committee.

I again appeal to the committee and the members for Hartley and Fisher to understand the point I am making. The best way to achieve the result we want is to simply lay the entire responsibility on the practitioner to establish age. My amendment would provide that 'the defendant took all possible steps to establish', where they are being prosecuted for having to do so. They must show that they took all possible steps to establish that the person presenting to them is over 16 years. That would stop them coercing and encour-

aging young people below the age of 16 to come in and be body pierced and using the $100 they have access to for the purpose. When their parents find out it is too late. In the opinion of the parents, the money has been squandered. The result, however fortunate or unfortunate it may be for the minor—the person whose body has been pierced—is permanent. I therefore thank the committee for its patience in listening to my argument for the proposition that I put instead of that which the member for Hartley has put.

The ACTING CHAIRMAN (Mr Hamilton-Smith): The chair is having some difficulty with what the honourable member is proposing from a procedural point of view. We had an amendment from the member for Hartley which was agreed to. I am assuming that the member for Hammond is, in effect, putting forward an amendment to the member for Hartley's amendment. The words that have been passed up to the chair do not quite fit with the bill as it stands. The words to which the member for Hammond has referred are no longer in the bill. I am seeking clarification from the member for Hammond as to exactly what he wants to do—whether he is seeking to amend the member for Hartley's amendment or move a completely new amendment. The words that have been passed to the chair are out of step with the original bill as it stands.

Mr MEIER: I understand what the member for Hammond is seeking to do. The way I read it is that the member for Hammond is amending the bill as it has come to this committee. He is not amending the member for Hartley's amendment. I fully understand what the member for Hammond has just said in addressing his amendment, intending clause 2(3) to now read:

> It is a defence to a charge of an offence under this section to prove that, at the time the piercing was performed, the defendant took all possible steps to establish that the person pierced was of or over the age of 16 years.

However, I would argue that the member for Hartley's amendment incorporates all possible steps in its restatement of subclause (3). There the member for Hartley is indicating that the defendant, or a person acting on behalf of the defendant, is required to produce evidence of age. So it is in much more detail.

The ACTING CHAIRMAN: Order! I will just stop the member for Goyder there. We have a bill that has been amended by the member for Hartley. Those amendments have been agreed to. The member for Hammond has sought to further amend the bill. The bill as it stands has been amended by the member for Hartley's amendment. I would ask the member for Hammond to clarify exactly what he seeks to do. The bill has been amended by the member for Hartley's amendment. If the member for Hammond would like to reconsider what he wishes to do, the chair would be happy to consider that.

Mr LEWIS: What I realise is that the committee, in accepting the amendment moved by the member for Hartley, now makes redundant the form of words which I sought to use to delete that part of subclause (3) as it stood originally. I would have to move that the member for Hartley's amendment be deleted and that the original clause be reinstated with the changes I have suggested. Therefore, in procedural terms my amendment could have and should have been considered before the member for Hartley's amendment to find out whether the committee was of a mind to accept the member for Hartley's amendment.

The ACTING CHAIRMAN: Order!

Mr LEWIS: Let me further explain, Mr Acting Chairman. Bearing in mind that time has passed and I have—for whatever reasons—missed that opportunity, I accept that it is legitimate for you to rule that it is out of order, as much as it might cause me grief to have you do so. I will accept whatever course of action you choose to take and allow the business of the committee to proceed, believing that it is possible to resolve the matter elsewhere if the measure passes this chamber.

The ACTING CHAIRMAN: In the light of that, the chair assumes that the member for Hammond is withdrawing his amendment.

Clause as amended passed.

Title passed.

Ms KEY: What happened to clause 4?

The ACTING CHAIRMAN: The chair cannot see a clause 4; the chair sees a bill with two clauses. The member may be referring to subclause (4).

Ms KEY: I wanted to ask a question about clause 4.

The ACTING CHAIRMAN: There is no clause 4. I must advise the member that we have now agreed to the bill as amended, and the opportunity to return to that subclause has passed. The honourable member may wish to make a point in the third reading.

Ms KEY: There are different rules for different sides. Okay; I understand that.

The ACTING CHAIRMAN: The honourable member may wish to make a point in the third reading.

Ms KEY: I wanted to ask a question.

Bill read a third time and passed.

PARLIAMENT, SITTINGS

The Hon. R.B. SUCH (Fisher): I move:

> That the House of Assembly sit not less than 69 days per calendar year with a minimum of three sitting days in each calendar month with the exception of January and July and that, as the House is of this opinion, resolves that the Speaker may not accept any motion to vary the next day of sitting unless the motion accords with that principle.

This matter has concerned me for some time. I can accept and appreciate that the government of the day naturally wants to call the shots in terms of when parliament sits. However, people are missing the point: parliament is not only about passing legislation but also about accountability of executive government. I note that, in the interim report of the Select Committee on Parliamentary Procedures and Practices, that point has been overlooked also, because the committee reported on the number of sitting days per year. The committee said, on page 6 of the report, that concerns regarding minimum sitting days were discussed but that, as the number of sitting days is dependent on the amount of legislation being proposed by the government, it was agreed that the responsibility for the number of sitting days rests with the government. That misses the key point that parliament, as I said previously, is not simply about passing legislation. That is an important function of the parliament, but it is not the only function. The notion of responsible government rests on having the ministers of the Crown responsible and answerable via the parliamentary process, and that is the way it should be.

With respect to the number of days that I suggested in the resolution, I must point out that the sexual connotation completely escaped my mind—I am not normally that naive. However, I also point out that it is the same as the number of

elected members of both houses. However, some people saw fit to comment about the sexual significance of that number. I had a look at the number of days that parliament had sat over many years, and I took the view that that was a reasonable compromise between sitting hardly at all and sitting on an extensive number of days. I believe that 69 days per calendar year is a reasonable minimum.

The resolution provides for a minimum of three sitting days in each calendar month, but it acknowledges that January and July are times when parliament need not sit on a continuous basis. So, clearly, we could have the three sitting days at the beginning of one calendar month and at the end of the other—likewise in January, so that members can have a justifiable break from the proceedings of this House. So, whilst the resolution stipulates a minimum number of sitting days, it also allows for some flexibility in terms of the sittings throughout the year.

As members of parliament we get a lot of criticism, because people tend to judge us on the basis of the number of sitting days—and I know, as do all members, that, whilst parliament is very important in our role, it is not the only thing that we do, nor is it ever likely to be the only thing that we do. We have duties in our electorate, and there are a whole range of other functions that we fulfil. But the public, I think rightly, expects parliament to sit more than it has in recent times. I do not believe that this is a function of one particular ideological group being in power: I think any government of the day will seek to sit the parliament as infrequently as possible, because it avoids the scrutiny that comes with the sitting of parliament. It does not matter which party is in power: they will always seek to expose themselves as little as possible to public scrutiny and accountability. That is human nature, and that is the way in which groups operate.

I believe that there is a strong feeling in the community that we should sit for a minimum number of days. I believe that we should focus, obviously, on legislation—maybe we should focus on getting rid of some legislation, not necessarily adding more. We should engage in significant debates on critical issues, and that is why I welcomed the suggestion of the select committee looking at parliamentary procedures and practices to embody the notion of matters of public importance, even though its recommendation is somewhat limited in suggesting that we do it only four times a year, and then after a committee has decided what those issues will be. I think that is very restrictive.

We should be in here talking about issues of concern and, more importantly, trying to bring about improvement in the community in a whole range of areas. We never have in-depth discussion or exchange of ideas. We have a few shouting matches at times, a bit of yelling, carrying on and chest thumping. We do not often, in a rational, reasonable way, consider issues such as drugs, the future of the Murray River or important issues such as that which require in-depth discussion and debate. We should be looking at a vision for South Australia, and exploring that here, canvassing ideas and ensuring that the parliament is a place where creative and new ideas are expressed, and where we focus on issues that are relevant to our constituents.

I want to elaborate further on the point that I made earlier in this place, namely, that we present petitions here, but they are locked away in the basement, and that is about it. They are important issues to people in the community, and we should make time, and use some of our extra sitting time, to discuss some of those issues, not just put the documents away in a safe place for historical purposes.

I do not believe that the minimum that I am suggesting in terms of sitting days is onerous or unreasonable. In years gone by, parliament has sat a lot longer than that, on most occasions. This year, I think we will probably come in at a bit under 50 days. It is not an onerous request, or an onerous imposition, and I think that it would have strong support out in the community. This is not the reason why I am putting it forward, but we need to rebuild in the community confidence in members of parliament.

I do not know about other members, but I become annoyed when I see letter writers suggesting that it would be great if we had some honesty amongst MPs. In my experience, the overwhelming majority of MPs with whom I have had dealings in this place are honest, decent people who are committed to doing the best for the community, albeit in different ways, and we get these cheap shots in the media, suggesting that we are all crooks and that we are all dishonest. I do not accept that. However, if you try to defend yourself as part of that group, or other colleagues (because these letter writers never identify who the allegedly dishonest people are; they just smear everyone) who are labelled as dishonest, you are seen as trying to justify yourself in an unreasonable way. So, basically, it is very difficult for MPs to try to convey a reasonable approach in the community.

This measure would help to set a standard and show the community that we are fair dinkum about the sitting days of parliament, even though I do not for one moment think that it is the total answer to accountability in government. But it is certainly a step forward, and I think it is one that should occur. I commend the resolution to the House.

Ms HURLEY (Deputy Leader of the Opposition): The opposition naturally agrees with much of what the member for Fisher has said—in particular, the lack of opportunity during this last year to be in parliament to question the actions of executive government and to have decent time to discuss and debate measures, including our private members' business. However, the opposition sees this as a failure of executive government, of the current Liberal government, and something that has not been the case with Labor governments.

We would like to review the entire workings of parliament—and, indeed, we already have had a select committee on parliamentary procedures and practices, which reported yesterday. I think that the entire system needs an overhaul. Whereas we agree with the reasons why the member for Fisher has introduced this motion, as an opposition, we would not like to be prescriptive in this one instance without also putting in place other measures to ensure that government is accountable.

It is obvious, with the current Liberal government, that we have to put these measures in black and white and that we have to crystallise processes, because this government has used and abused conventions to make itself far less transparent and accountable in a number of ways, not only in reducing the sitting days but also in abusing the Freedom of Information Act, for example, and in ensuring that the budget process and estimates has lost much of its relevance by not including enough information in the budget to make it worthwhile. The opposition, whilst supporting the sentiments behind the motion, is determined to look at a package of measures to make parliament and its members more accountable and, as such, will not support this individual motion.

Mr MEIER (Goyder): I, too, wish to say that I cannot—and I believe that I speak on behalf of government members—support this motion for a minimum number of sitting days. I believe that it is most appropriate that we are dealing with this motion the day after the interim report of the Select Committee on Parliamentary Procedures and Practices was tabled in the House, which interim report included a consideration of the number of sitting days. In my opinion, it is a media beat-up. The media seems to have tried to get across to the people that members of parliament are there to sit in parliament all day and all night, and that if they are not sitting they are not doing their work. I say that every member in this House—and I believe that I can say every member in the other House—

Members interjecting:

Mr MEIER: —that is stretching it a bit, is it—would know full well that the real work of any member of parliament is done in the electorate. That is where the work must be done. In fact, it is rather ironic and, I guess, hypocritical for the media to say, 'Sometimes MPs are tucked away in their castle and divorced from reality.' I do not believe that any state member can be accused of that because we are pretty close to our electorate.

I fully understand about federal members. Federal members, particularly if they reside in Western Australia, are a long way from home when they are in Canberra and I can appreciate that they would not want to zip home for one day on an aeroplane flight that might take them six hours or so, or 12 hours return. Obviously, they will stay in Canberra. It may mean that they are away for several weeks at a time. I know the amount of time that I must spend in Adelaide, particularly as government whip but also as a member of the government, and it grieves me that, occasionally, I am away not just for one week but for two weeks.

The issue about the number of sitting days is totally irrelevant because the key issue is how much does a member of parliament work in his or her electorate? The electorate will judge them and, if they are not working hard in their electorate, they must face the people. In so many cases members have not been re-elected because they have not been doing their job satisfactorily. Of course, I also acknowledge that, in many cases, it can occur as a result of a swing against the party. I feel for some members because, despite having worked hard, they are not re-elected.

Nevertheless, to impose a minimum number of sitting days will not do anything for the benefit of this state and, therefore, I oppose the motion very strongly. It is interesting that the interim report of the select committee states:

> Number of sitting days per year: concerns regarding minimum sitting days were discussed but, as the number of sitting days is dependent on the amount of legislation being proposed by the government, it was agreed that the responsibility for the number of sitting days rests with the government.

I believe that is a very logical and sensible conclusion. I acknowledge that the member for Fisher would like to see a minimum number of sitting days but I cannot agree with his view.

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): Whilst I acknowledge that the member for Fisher has a right to move this motion and, to an extent, I understand what he is trying to do with respect to this proposal, I would not support it. I would encourage the media to have a really good look at the content of the work that occurs in the parliament, particularly at question time. As a minister you sit and wait for questions about your portfolio areas and, most of the time, very few questions are asked of you about important issues. Not only that, but when questions are asked, most of the time they lack substance or include an angle of innuendo that certainly is not in the best interests of getting a good response to the question.

What happens then is that on a Friday, Saturday or a Sunday the opposition trots out factless innuendo to the media to try to get a run in the media. It is time that the parliament used question time to question ministers on genuine issues around their portfolios. That is what I would like to see.

Members interjecting:

The SPEAKER: Order! Opposition members will get a chance to speak in the debate if they wish.

The Hon. R.L. BROKENSHIRE: That is what I would like to see happen in this place. I would also challenge the media to look at some of the debate on the bills in this parliament—look at the comments made in the Address in Reply, particularly from the opposition. I can tell members what the opposition will say every year after a budget has been handed down. If members look back over the years they will see that opposition members say exactly the same things. They trot out diatribe. The issue is not at all about the number of sitting hours: it is about how effectively we use the time in this House.

I do not mind saying this morning that the Hon. Mr Xenophon from another place has been very vocal on wanting to sit longer. The honourable member came into the other place on a single issue platform. He realises that he has major concerns about broader issues within not only the parliament but also the state and he is now trying to find other issues. He constantly goes to the media saying that we should be sitting longer. Members in this House have a responsibility to their constituents. Yes, we have an obligation to be open and accountable and this government has a good record of that, contrary to what the Labor Party would try to put out in the public arena.

This government has a good record on that. I ask the media and the community to look at the tactics of the Bannon government, when it was getting this state into very serious trouble, and see what that government did with the parliament. Have a look in the mirror, that is what I am saying. What we need to do is not waste taxpayers' money by stretching out the number of sitting days. We need to be far more effective and far more committed in what we do in this place when we are here. We are here to make laws that protect and enhance the state. Let us do the work on that when we are in this place.

Let us ask serious questions during question time and not raise frivolous points of order, day in and day out, that take up about 10 minutes of the Speaker's time assessing them. If members opposite ask serious questions—the good questions—they will get good answers. We have an ultimate responsibility to our constituents. I enjoy being out in my electorate, out in the world where the community works hard and expects good representation from their MP, which I hope I am giving them in this House.

But the electorate also wants to see their MP in touch with the world and one must balance up the work, and that is what it is about: representing your community and making sure that when you are in the parliament, or wherever you are for the seven days a week that you are working as an MP, you are

doing it effectively and efficiently, not sitting here for 100 or 150 days and not delivering. I do not support this motion.

Mr SCALZI (Hartley): I, too, wish to make a brief contribution. As the member for Goyder has stated, the committee reported yesterday that the number of sitting days should be determined by the government. It is the responsibility of the government to determine, at a particular time, the number of sitting days that it requires. I oppose the motion because it is a simplistic way of looking at the job specification of an MP. You cannot be specific and at the same time flexible about the number of sitting days. As members before me have outlined, there is a misconception in the community that members of parliament work only when parliament is sitting.

A lot of work that members of parliament do in the South Australian parliament, on behalf of constituents in their communities—and this goes for both sides of the House; indeed, for both chambers—is not accounted for; it is not publicised enough. It is a little like people who are at home doing all the work: because it is not paid work it is not recognised that they are working. It is like saying that those people who put in countless hours as volunteers are not working.

Many members of parliament, apart from their constituency duties, are also on committees. Many parliamentarians are on standing committees. I am on the Public Works Committee, which meets frequently—on most Wednesdays for three hours—and which looks at many important projects in the public interest (as the Chairman keeps telling us), and of course I am on the Social Development Committee and the Joint Committee on Transport Safety. This does not take into account all the policy committees to which members of parliament belong. To look only at the specific work that members of parliament do when they are in this chamber is to overlook—it is like the tip of the iceberg—what is actually required of a member of parliament. It varies from constituency to constituency, and I know of the particular difficulties that members of parliament in rural electorates have to deal with as well.

I am amazed that people ask me at times, 'Joe, are you still teaching?' They have the impression that we can have another job when we are members of this place, We cannot have another job and do this work properly. We have to do reading, look up the legislation and do research, for example, in relation to the Dignity in Dying Bill and the reference on biotechnology. Members of parliament do not just work when this House is sitting, and to say that there should be a minimum is, in effect, to apologise to the community that we do not work hard enough.

Mr Lewis: No, we just have our time apportioned in the wrong way.

Mr SCALZI: If at times we need to sit longer, then the government should be responsive and flexible enough to sit longer; if at a particular time there is a need to sit fewer hours, then we should do so in the best interests of the community. We must be flexible and responsible in this modern age and, at the same time, represent the community to the best of our ability. We should not just be here so that it makes the community feel good to see how many days we have sat compared with others. We cannot do that in other areas of endeavour. For those reasons and for the reasons other members have outlined, I oppose the motion.

Mr LEWIS (Hammond): I support the proposition. The arguments that I have heard in opposition to it are arguments which beg the question as to why members of parliament think parliament exists. None of them has attempted to answer that, yet the member for Fisher made it plain as to why parliament existed. He explained the basic reasons for there being a parliament in our society. It is not just to make laws and to make society function in the way in which the government believes it should: it is also to ensure that the administrative actions of the government are responsible and that the government is accountable for them; not that it would necessarily do anything wrong but that the things that are done are often not explained where the government is afraid that by properly explaining its actions it might offend one group or one side of the question while favouring the other side.

The purpose of parliament is to relieve that pressure that builds up in society where differences of opinion about what ought to be done cannot otherwise be debated; cannot otherwise be understood; cannot otherwise be resolved. We do that through law to regulate our behaviour, not just as individual human beings but also as commercial entities trading and treating with each other. What the member for Hartley said seems to imply that there is sufficient opportunity to ask ministers questions and for private members to put propositions which the government may or may not find acceptable and have those propositions debated; and for members of the parliament also to bring grievances here to have them ventilated as being the only things that the government has any wisdom about in providing the time to address. Well, that is the kind of arrogance I expect from members of this government, but I did not expect it from the member for Hartley.

Other parliaments, indeed, do sit longer, and the only parliaments which do not are parliaments which are controlled by the party in government, such as the parliament in Queensland, to the exclusion of the interests of the public and the other groups within the society at large who have a different view; and to the exclusion of the interests of the citizens who are adversely impacted by any change or maladministration by the Public Service. In our grievance debates and in our private members' time in here we have the opportunity to put on the public record, without fear or favour, the concerns expressed to us by those people whom we represent. We have their delegated authority and we each have an individual responsibility to them to do that. If we do not, we need to be frank and honest with them, but it is a matter for each member to decide how they proceed in that regard.

The most important point, however, is that the time taken to do that—the time provided for us as individual members in this place to undertake that work—is not something that the government has all wisdom about. Yet the member for Hartley and other members of the government whom I have heard on this matter in this debate, as well as in the public area, imply that it is the government alone that understands how much time every year ought to be spent in those pursuits. It may be that the government knows how much time it needs to get its legislation through—I do not dispute that—but the government ought not to be trusted and can never be trusted by definition to decide how much time ought to be made available to the elected representatives of the people to put grievances in the public domain, here under privilege; to ask ministers questions about the actions they have taken where clearly they are trying to cover up their reasons for taking

such actions because they do not want to offend one group or another in the community. It is for that reason that I remind the member for Hartley that when he was in opposition—if he ever was—

Mr Scalzi: No.

Mr LEWIS: I did not think you had been and that is sad because, therefore, you do not understand that members of the opposition have just as much responsibility as ministers and backbenchers of the government—and no more or less responsibility than Independent members in this place—to do things other than merely to pass legislation or to debate it (if you do not want it passed, although it does pass if you do not have the numbers supporting your position on the matter).

The public is saying to the member for Hartley (and if he wants to win his seat at the next election he must listen to this), 'You are not doing your job; you are not sitting enough; you are not allowing sufficient opportunity for the ventilation of our grievances and you are not taking up those grievances in the manner in which we expect you to. You are not putting propositions on our behalf as an institution that address our concerns about what is happening.' There is now a head of steam and antagonism in the wider community against all of us as members in here because we are failing them in dealing with those issues that they want debated. Even if they do not get the answer they want as a result of the debate, they will nonetheless better understand the issues and come to terms with the fact that a majority has a different view from their own. That is what the wider community expects.

The wider community is saying, 'If parliament will not be relevant then let's get rid of parliament; if Parliament will not sit and allow members to do their work, apart from passing legislation, then let's get rid of it.' That will be a sad day. We deserve the ignominy with which they treat us at the present time and the distain they have for us when we do not raise our voice and point out that we are not given sufficient opportunity to do it because parliament is not sitting often enough. It is not sitting often enough, I say to the member of Hartley, in spite of all his good feelings towards his ministerial colleagues and so on, because of their incompetence, their deceit and their indifference to their real responsibilities as they swore they would discharge them when they were sworn in.

The Auditor-General's Report yesterday should have revealed to the member a lesson in what parliament is about. Here we have a minister or ministers taking action to, as it were, subvert the intention of parliament to get the Auditor-General to report on what the government wanted it to report upon. The damn minister should have been sacked. If the Minister for Tourism felt angry about the remarks I made, then let me tell you that she is enjoying a pleasant Sunday afternoon on a late autumn day, some time around early April, by comparison with the way I feel about her behaviour or misbehaviour.

For the member for Hartley to say that we do sit often enough and that the government will exercise all discretion in that regard, and that we ought not to have minimum sitting days, is silly and the public sees it as such. If we do not support this motion, God help us, because the public will not. Any member who votes against it will suffer the full heat of anger that the public feels about the way in which members of parliament are taking their salary and not addressing the issues that the public believe ought to be addressed in here. Whatever differences there may be between any one of them and any others does not matter: they want them addressed, scrutinised and explained as they want to understand them, and it is our job to do it. We do not have enough time to do it sitting the number of days the government is nominating for us to sit. Wake up to that, I say to members of the government. If the opposition does not support it, I can only believe that that is because they fear that the converse might be the case if by chance they get into government at the next election.

Mr WILLIAMS (MacKillop): A lot has been said on this matter and I will not repeat that. I am offended by the remarks of the previous speaker when he says that anybody who votes against this measure deserves to be castigated by the electorate. That implies that because I sit for only 50 days a year I am not working diligently for my electors. I fully refute that accusation, and every other member of the House would join me in doing so.

As the member for Hartley pointed out, members of this parliament work long hours and work hard and diligently for their electors. I have not met one member of this parliament on either side of the House—on the opposition benches or on the cross benches—who does not fall into that category and who does not work diligently for their electors. Working diligently for your electors does not mean that you have to sit day after day in this place carrying on with what is quite often, to be honest, a lot of damn nonsense.

The member for Hammond during this last week of sitting has done nothing but waste the time of the parliament by forcing ministers to read out second reading speeches and explanations of clauses when those second reading explanations and explanations of clauses had already been read in another place, appeared in the *Hansard* and were available for the member to read at his leisure.

I will not waste the time of the House any further. I will not support this measure. I have some sympathy with some of the ideas that the member for Hammond might have got to had his contribution been more measured. I have some sympathy with the idea of this parliament's discussing the relationship between it and the executive government. I do not think this motion gets anywhere near that and I do not think this is the time to start discussing those things.

I also point out that the histrionics carried on in question time in this place for the pleasure of the TV cameras is absolutely appalling. It is one of the reasons why I will not support this motion.

The House divided on the motion:

AYES (2)

Lewis, I. P. (teller)	Such, R. B.

NOES (44)

Armitage, M. H.	Atkinson, M. J.
Bedford, F. E.	Breuer, L. R.
Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
Ciccarello, V.	Clarke, R. D.
Condous, S. G.	Conlon, P. F.
De Laine, M. R.	Evans, I. F.
Foley, K. O.	Geraghty, R. K.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Ingerson, G. A.	Kerin, R. G.
Key, S. W.	Kotz, D. C.
Koutsantonis, T.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
Meier, E. J. (teller)	Olsen, J. W.
Penfold, E. M.	Rankine, J. M.

NOES (cont.)

Rann, M. D.	Scalzi, G.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	Venning, I. H.
White, P. L.	Williams, M. R.
Wotton, D. C.	Wright, M. J.

Majority of 42 for the noes.

Motion thus negatived.

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

ABORTION LAWS

A petition signed by 33 residents of South Australia, requesting that the House ensure the enforcement of the law relating to abortion and provide support to pregnant women and their children, was presented by Mr Meier.

Petition received.

ARTS STATEMENT

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

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Education and Children's Services (Hon. M.R. Buckby)—

Department of Education, Training and Employment—Report, 2000
Distribution of Lessor Corporation Charter—July 2001
Generation Lessor Corporation Charter—July 2001

By the Minister for Tourism (Hon. Joan Hall)—

Adelaide Convention Centre Corporation Charter—June 2001.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

Mr VENNING (Schubert): I bring up the 43rd report of the committee, on eco-tourism, and move:

That the report be received.

Motion carried.

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

That the report be published.

Motion carried.

QUESTION TIME

HINDMARSH SOCCER STADIUM

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier. When was the Premier first informed that the Auditor-General had requested legislation to allow him to finalise his report, and who told the Premier? Yesterday during question time the Premier told the House that he had not read the two page Auditor-General's report and would not answer questions about its detail because he needed time to consider it. However, the Deputy Premier briefed two of the Independents in this parliament on the contents of the report prior to question time. On radio this morning, the Deputy Premier indicated that he first became aware of these problems, i.e. the demand for legislation to protect the Auditor-General, on Tuesday night yet, in parliament yesterday, the Premier said he knew nothing.

The Hon. J.W. OLSEN (Premier): Once again, what we have from the Leader of the Opposition is a reinterpretation of the facts. I went to Melbourne on Tuesday evening, and on Tuesday evening I received a call from the Treasurer, who indicated to me that this issue had arisen; that was on the basis that the Auditor-General wrote directly to him. I then asked the Treasurer with the Deputy Premier to look at the issue. I returned to Adelaide at approximately 12.10 p.m. on Wednesday, immediately went to a launch in relation to cannabis, returned to Parliament House at about 1.35 p.m. and received an overview—a verbal briefing—by a couple of colleagues at the start of question time.

SUBMARINE CORPORATION

Mrs PENFOLD (Flinders): Will the Premier comment on the recent developments involving the Australian Submarine Corporation?

The Hon. J.W. OLSEN (Premier): I thank the member for her question, because it really is valuable in underscoring the success in South Australia. We have not had a bad week or fortnight for major new announcements for our state.

An honourable member interjecting:

The Hon. J.W. OLSEN: A great front page story; I bet they didn't like it too much in Western Australia today. This is the strongest indication yet that the refit will be awarded to the ASC on a long term basis. In fact, the Prime Minister has gone further in his comments on ABC radio today when he said that it would be inappropriate to duplicate the facilities at the ASC Osborne site anywhere else in Australia—and rightly so. This will lead subsequently to contracts worth between $70 million and $80 million a year, up to $2 billion over 25 years. It is a real vote of confidence in the work force and the submarine corporation's facilities and, importantly, it is a vote of confidence in our state. It was a vote of confidence in the work force, which has stuck by the corporation through some very difficult times, and I want to acknowledge that. The workers at the ASC site have gone through some uncertain times, and that brings anxiety into anybody's family life. The fact is that we are emerging from that now with some greater prospects, and hopefully that anxiety might be able to be put to one side.

Not only do we have the most modern ship building facility in Australia here in South Australia; given that this is the work force that built the subs, is it not logical then that this work force ought to be the one that refits the subs they built? Some 10 years of expertise, skills and talent base has been built. We have been lobbying strongly for this for almost two years now to bring about this outcome. I notice that the leader is on board with this, and we welcome that support. I ask him to take on board a little advice. Would he mind calling Geoff Gallop and telling him to butt out from here on in? This is ours; we won it.

The Hon. M.D. Rann interjecting:

The Hon. J.W. OLSEN: No; the leader keeps saying he has all these interstate colleagues. Call Geoff and say, 'Too late; we won the deal; we're just moving on.'

Mr Foley interjecting:

The Hon. J.W. OLSEN: While the member for Hart interjects, and if I am dishing out a little advice, might I give some to the member for Hart? It is very important to get the facts right when you raise issues in the parliament. The member for Hart was raising his point-scoring issues in relation to electricity earlier in the week, when he claimed in this House that Wallis Cinemas were considering putting a major development on hold because of rising power prices. That was the claim; there was no qualification to it. Today I understand that on ABC radio Wallis Cinemas program manager said:

> Yeah, well, Kevin Foley would be better informed if he rang the people who made the decisions. That (power) was never an issue. . . never any consideration that it wouldn't go ahead because of power costs.

That is them saying that. As I understand it (and I will not give the name) a staff member made a telephone call. Kevin, if you are given a question, check the facts before they are passed on to you, mate, because they are being reinterpreted for you.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: Actually, the cost is related to the restoration of an old building. If I may, I will come back to the Submarine Corporation. The government firmly believes that the Submarine Corporation has the potential to become the centrepiece of a naval centre of excellence in South Australia. The skills base and technical expertise that have been built up at the ASC make it the logical choice for the consolidation of naval shipbuilding across the nation. It is an issue on which we have for some time been strongly lobbying successive defence ministers and, certainly, it is a matter that I raise consistently with the Prime Minister. The government has been pressing the pace in discussions with the commonwealth over a $2 billion contract to build destroyers for the Australian Navy. This is a major new contract under consideration at federal level, and we will want to try to secure the best part of that contract or see what we can secure for South Australia.

We are committed to ensuring that any future owner of the ASC has the potential to further develop and expand the corporation's operation, as well as further develop South Australia's defence industry. As I have mentioned, logic is on the side of our state in terms of being selected as a site for any future consolidation of naval shipbuilding in Australia. We are committed to building on the fact that we have at the ASC Osborne site the most modern shipbuilding facility in Australia. That is why we are determined to build on that with this centre for naval excellence.

We have also been in talks for about the same period of time (now about 18 months or two years) with several major US and Australian defence companies with a view to establishing that naval centre of excellence based around the ASC. I hope there will be further announcements on this issue although, having persevered with the rail link for 4½ years and the airport for 5½ years, you never know quite how long some of these projects will take to come to fruition; but we will continue to pursue that. The reality is that the ASC is well placed to win additional defence contracts. Surface ship manufacture in our state ought to be the next logical step and build on the Australian Submarine Corporation.

In its May budget, the commonwealth outlined a 10 year plan to boost Australia's defence capitalisation and its capability, and that is expected to cost something like $28 billion. An amount of $5 billion is expected to be spent over the next four years, and that includes upgrades of the six Collins class submarines.

In this recent announcement, we have a further positioning of our state as it relates to the defence and electronics industry. It builds on BAE consolidating in South Australia out of New South Wales and Victoria and, importantly, I want to make the point that BAE has closed its regional headquarters in Sydney and that is now relocated in Adelaide.

In addition, SAAB has recently announced a major new development and investment; in fact, construction is currently taking place at Mawson Lakes. This all underpins the old defence science technology organisation, the strength that that created for our state and the ability to build on it. This industry sector, as a visionary industry sector for our state, has enormous potential, and we are intent on pursuing that potential.

HINDMARSH SOCCER STADIUM

Ms HURLEY (Deputy Leader of the Opposition): Given that the Premier has now had time to more fully consider the serious issues raised by the Auditor-General in his interim report to parliament yesterday, is the Premier satisfied that the Auditor has not been frustrated by any members of his government in his attempts to complete his report using taxpayer-funded legal representation? Yesterday, you, sir—the Speaker of this House—ruled yourself out as having any role in frustrating the Auditor-General in this matter. Today, the Chairman of the SA Soccer Federation, Mr Les Avery, has also ruled out any member of the Soccer Federation as having any role in frustrating the Auditor-General. So, is it members of your government?

The Hon. J.W. OLSEN (Premier): The Auditor-General in his brief report to parliament went to what I would have thought was some great length not to identify any individuals. I will not speculate in relation to whom—

Members interjecting:

The SPEAKER: Order! The leader will come to order.

The Hon. J.W. OLSEN: —any of those individuals may be. The simple fact is that the Auditor-General brought an issue to the attention of the Treasurer and then subsequently the parliament. I indicated that the matter had to be fixed. In fact, the matter will be fixed today.

DRUGS

Mr HAMILTON-SMITH (Waite): Will the Minister for Human Services outline to the House the latest strategy to educate people about the dangers of illicit drugs?

The Hon. DEAN BROWN (Minister for Human Services): The government has a drug committee of cabinet, which is chaired by the Premier and which is comprised of the Minister for Education, the Attorney-General, the Minister for Police and the Minister for Human Services. It has brought out (and it has been released today) a broad framework for government action in terms of dealing with drugs within the South Australian community. As part of that, there is a very extensive information program to be carried out throughout the community. The first part of that is the release of a booklet on drugs called *Together South Australians can make a difference*. In particular, it gives information to parents who may suspect that their children are taking drugs and highlights to them where they can go to get special assistance. In particular, it highlights the alcohol and drugs information service telephone line. I went to that telephone

centre just before question time today. It receives about 25 000 calls a year, and through that service people are able to get information on a whole range of drugs and on alcohol, tobacco and Quit programs, and there is an alcohol rehabilitation service at Joslin. Of course, there are other drug rehabilitation programs; for example, the Shearing Shed at Ashbourne, the program at Kuitpo forest—particularly for alcohol—and a number of other initiatives. However, most importantly of all this booklet, which will be letterboxed to every household in South Australia, will be the first part of improving the information available to South Australians—

Members interjecting:

The Hon. DEAN BROWN: It has a lot more information about where to go for services and what types of services are available. Telephone numbers are contained on it for a range of different services. I invite honourable members to get a copy afterwards if they would like a copy. There is also the state's drug framework, and that highlights the broad thrust in terms of how we intend to reduce the availability of drugs, how we intend to reduce the demand for drugs and how we will minimise the impact of drugs if people are on them. There is also an education program through the radio stations, and that will again highlight where to go for special information on drugs. So a comprehensive strategy is being adopted by the government involving a whole range of departments—the justice department, the human services department and the education department.

There is also extra money in the budget for this program, and I invite members to have a look at some of the details of that program. In particular, $4.5 million is available over a three-year period for education within schools; and $3 million is available to make sure that we further minimise the availability of drugs through the police force. There are programs now for diversion when it comes to drugs so that those who are taking drugs, rather than being pushed straight into the criminal justice system, are able to get appropriate rehabilitation services and hopefully become drug free as quickly as possible. I refer members of the House to both the framework and the information booklet.

HINDMARSH SOCCER STADIUM

The Hon. M.D. RANN (Leader of the Opposition): Will the Premier require the government members who are the subject of the Auditor-General's Hindmarsh Soccer Stadium inquiry to absent themselves from the vote on the legislation tonight to protect the Auditor-General, given their obvious personal conflicts of interest? I refer members to the standing orders dealing with pecuniary interest.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Any government member who has received copies of the Auditor General's draft report which names them would have a clear conflict of interest if they took part in tonight's debate, given that they had received taxpayer funding for their legal representation and that the Auditor-General is actually inquiring into their actions. The Premier would not have to name individuals to issue a direction that these members not vote, given their personal interest, and that during debate they identify their conflict and indicate that they will not vote. Standing orders clearly refer to the disallowing of votes on legislation when there is a clear pecuniary interest and, if the taxpayer is funding their legal representation, there is a conflict of interest.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN (Premier): Obviously, the last part of the leader's explanation destroyed the concept of the question. I can assure the House that members will always comply with the standing orders of the House.

DRUGS AND CRIME

The Hon. G.M. GUNN (Stuart): Will the Minister for Police, Correctional Services and Emergency Services advise the House whether there is any link between illicit drugs and crime rates, what the government's policy position is in relation to reducing the supply of drugs in our community and what action the police will be taking to ensure that the policy is carried out? Can the minister assure the House that there will be more emphasis by the police on drug control and less emphasis on minor traffic activity?

Members interjecting:

The SPEAKER: Order! The Minister for Police, Correctional Services and Emergency Services.

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): The issue of drugs, and the relationship between illicit drugs and law and order and, indeed, the social fabric of the community, is a major issue. There is a strong view out there that the only way in which we will gain back control of the issues around the growth in the illicit drug trade right across the country (and South Australia is obviously not removed from that) is by continuing to have a 'tough on drugs' strategy.

We all know that drug legalisation is a recipe for both social and economic catastrophe, and I was surprised this morning to hear some of the comments on radio, with one MP proposing that we should just legalise and free up illicit drugs. We already have seen an increase in home invasions and general crime, but if we were to go down the track of legalising and freeing up illicit drugs, such as has happened in Amsterdam, I shudder to think what would happen to the community of South Australia. I have visited Amsterdam, and I can assure all members that it is not a recipe for success.

In answer to the specific questions that were asked, if one looks at the 2000 Illicit Drugs Reporting System Report, one will see that approximately half—or 48.9 per cent—of all illicit drug users surveyed had committed at least one criminal act in the month prior to their interview. Property crime was also the most common reason given for arrest, with 48.4 per cent of crime being property crime and 33.3 per cent being for possession or use of a prohibited substance. SAPOL estimates that over 20 per cent of offences occurring in South Australia today are directly related to drug use. That means that 45 000 criminal offences in South Australia in a year are directly related to illicit drug use. The House should also know that, in 1999-2000, police detected 4 780 drug offences in South Australia.

It is essential, therefore, that the government gets support from all members of parliament for its 'tough on drugs' strategy. That is why the government yesterday announced its policy of zero tolerance with respect to hydroponics. With the evidence I as police minister have seen in relation to what hydroponic cannabis is doing to the community and the impact that it is having on criminal activity, I urge all members to seriously think about the government's policy. Also, the government will never rule out any other legislation, regulation or initiative when it comes to ensuring that

we do everything we can to combat illicit drugs in South Australia.

The Premier clearly made his position known yesterday; the government's policy is clearly known to the community; and I have made my position very clear to the South Australian community. The shadow attorney did issue today a meagre seven sentence press release. At least he did say that he would have a look—

Mr Conlon interjecting:

The SPEAKER: Order, the member for Elder!

The Hon. R.L. BROKENSHIRE: —at the government's proposal.

Mr Conlon interjecting:

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

The Hon. R.L. BROKENSHIRE: I am delighted to see that the member for Spence is at least one member who has said that he would be prepared to look at the government's proposal. Also, of course, he said that a lot of his colleagues on that side of the House were dreamers. This is not a time for dreaming: this is a time for being serious. Even the Democrazies have put a policy on drugs to the community. It is not a policy that we would want to adopt; it is not a policy that would be in the best interests of South Australia; but, at least, the Democrazies have put forward their policy.

When I am doorknocking and visiting the issue of illicit drugs is often raised as, indeed, is the question: what does the Leader of the Opposition stand for? It is a question I am often asked when I am doorknocking, visiting or attending a function, and I say, 'Well, I do not know. No wonder you ask that question.' I am sure that the Leader of the Opposition's own members do not know.

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

Mr CLARKE: Sir, I draw your attention to standing order 98, which relates to the minister's answering the substance of the question and not straying into argument and debate.

Members interjecting:

The SPEAKER: Order! I bring the minister back to the question he was asked and ask him to stick to it.

The Hon. R.L. BROKENSHIRE: The electorate does not know what the Leader of the Opposition stands for, and neither does this House nor the media. Here is one chance, even though it is a conscience vote—

The SPEAKER: Order!

The Hon. R.L. BROKENSHIRE: —for the Leader of the Opposition to come out—

Members interjecting:

The SPEAKER: Order!

The Hon. R.L. BROKENSHIRE: —and say what his stand is, but he will not do so.

The SPEAKER: Order! I suggest that the minister adhere to the directions of the chair in future. The member for MacKillop.

WIND GENERATION PROJECTS

Mr WILLIAMS (MacKillop): Will the Minister for Minerals and Energy advise the House of the current status of prospective wind generation electricity projects in the state and, in particular, in the South-East?

Mr Koutsantonis: A cover-up!

The Hon. W.A. MATTHEW (Minister for Minerals and Energy): The member for Peake has finished, has he? I thank the member for MacKillop for his question, because he has been a strong advocate of this type of power generation in South Australia, as, indeed, has our colleague the member for Flinders. I am pleased to be able to advise the House that there are presently before government proposals for wind farms totalling over 2 000 megawatts of electricity output. While the government does not believe that all those proposals are likely to succeed in the long run, we expect that at least half (at least 1 000 megawatts) of them are very likely to proceed.

The proposals cover much of the state but, at this stage, the proposals that are particularly advanced cover the coastal regions of the South-East, in the member for MacKillop's electorate, and also the Eyre Peninsula, in the electorate of the member for Flinders, and both members are working closely with the companies involved in facilitating these proposals.

An honourable member interjecting:

The Hon. W.A. MATTHEW: The most advanced proposals are at Elliston on the Eyre Peninsula and at Lake Bonney near Millicent. At Elliston a company known as Ausker Energies proposes initially a 50 megawatt farm, and that is presently undergoing environmental assessment development approval and licensing processes. Estimated commissioning of that first stage is in early 2002.

At Lake Bonney in the South-East, a consortium comprising Babcock and Brown, National Power USA and Hutchinson Wind Farms proposed initially an establishment of 60 megawatts and, again, they expect commissioning of that facility to occur in early 2002. That proposal is at the equipment tender selection stage. A variety of other wind farm proponents have undergone public consultation and are working through landowner negotiations and wind monitoring and, as they are prepared to be identified publicly, announcements will be made in relation to each of those projects.

A number of issues are being carefully worked through with proponents, and, in particular, the government recognises that a major cost of the development, particularly on this scale, is the operator's connection to the transmission systems and the augmentation transmission systems further up line. The government is continuing to assist the proponents and developers in this area and, to facilitate the process, has formed a renewables team that comprises officers from Energy SA, Treasury and the Department of Industry and Trade to work through the issues to ensure that these exciting projects become realities, just as indeed some of the manufacturing opportunities which may also benefit from them.

South Australia is establishing itself in world terms as one of the most exciting places for the location of wind-powered generation facilities, and the reasons for that are many. It is not only that the state is a fabulous place: we have a good, experienced, well-educated and efficient work force but, importantly, we have some fabulous coastal locations with high wind velocity that makes this possible and, importantly, changes made by the federal government have ensured there is renewed international interest in wind-powered generation in South Australia. Renewable energy certificates, which can be gained by renewable energy generators under commonwealth legislation, are worth in the present market at least $40 per megawatt hour when traded, and that makes these proposals all the more attractive.

It is for that reason, too, that many South Australian companies are looking at their own power generation opportunities, and I pay credit to one South Australian company that announced on the ABC today the work that it

is undertaking. That company is Wallis Cinemas. I was particularly pleased to hear on the Phillip Satchell show this morning that Wallis Cinemas has engaged the services of two electrical engineers. The engineers are looking at a whole lot of systems, for example, whether they might use high tech solar integration systems to power, in part, its exciting $14 million development at Mount Barker. I am sure that if the member for Hart cares to call Wallis Cinemas, they would be only too pleased to brief him about this exciting operation. Bob Parr, the program manager for Wallis Cinemas, is working on this particularly exciting project, and I commend Wallis Cinemas—

The SPEAKER: Order! The minister will come back to the question.

HINDMARSH SOCCER STADIUM

Mr FOLEY (Hart): My question is directed to the Premier.

Members interjecting:

The SPEAKER: Order!

Mr FOLEY: Who has been funded by the taxpayer for their legal representation before the Attorney-General's Hindmarsh Soccer Stadium inquiry; how much has been spent so far by these people—

The Hon. G.M. Gunn interjecting:

The SPEAKER: Order, the member for Stuart!

Mr FOLEY: I will start again. Who has been funded by the taxpayer for their legal representation before the Auditor-General's Hindmarsh Soccer Stadium inquiry; how much has been spent so far by these people; and why has the Premier failed to issue a direction that no taxpayers' money can be used by government members to injunct or sue the Auditor-General of this state?

The Hon. J.W. OLSEN (Premier): I do not think that anyone has indicated necessarily that that is the case.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: Yet again the member for Hart is interpreting the report to his own political ends and he is not entitled to interpret—

Mr Atkinson interjecting:

The SPEAKER: Order, the member for Spence!

The Hon. J.W. OLSEN: I will get the details for the member for Hart in terms of the second part of his question in relation to the costs associated with it and advise him.

Mr FOLEY (Hart): Will the Minister for Tourism deny that she and her legal representatives have threatened legal action against the Auditor-General over the Hindmarsh Soccer Stadium report? The Speaker of this House and the Chairman of the South Australian Soccer Federation have both ruled themselves out as being responsible for this action. Neither has been prevented from so doing, nor have they hidden behind confidentiality agreements. Is the minister the member?

The Hon. J. HALL (Minister for Tourism): I, like everyone else, have read the Auditor-General's interim report tabled in this House yesterday. To the best of my reading he has not identified anyone and I have said—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. J. HALL: —on previous occasions that I stand by the personal explanation I made in this House on 17 May.

Members interjecting:

The SPEAKER: Order! Will the minister resume her seat. I am sorry to interrupt. This is a serious question, which has the ability to create a lot of heat in the House. I will not tolerate that. If members continue to interject the warnings will be very short today. Has the minister completed her remarks? If she has, I call the member for Hartley.

EDUCATION FACILITIES

Mr SCALZI (Hartley): My question is directed to the Minister for Education and Children's Services. Will the minister advise the House of the government's commitment in its most recent budget to improving and maintaining facilities in our schools and preschools?

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): Last week I announced the government's forward plan for some 30 new major capital works and development projects in our public schools, preschools and TAFE institutes. These projects total some $70 million and will take place between the years 2002 and 2004 and pave the way for an upgrade of construction of brand new facilities across this state in our education system. This builds on the $98 million announced in the May budget of this year for further development and construction of our school and TAFE facilities.

This forward commitment has been made possible only by the good economic management of this government, unlike Labor, which put this state into debilitating debt circumstances and left precious little to invest in our schools. All one has to do is look at the headlines of some nine years ago, which state:

> SA school system fails the test of time.

The then Labor education minister had to admit that 'schools, unlike other public buildings, have deteriorated and money is needed to be spent on refurbishments.' Even the union, its mates, got into the act. The union's comment was that they had been 'skimping on school maintenance for 10 years'. Because of Labor's debt, the legacy we were left and the pathetic investment by Labor in our schools in the 1980s and early 1990s, this government has been playing catch-up ever since.

Unlike the policy free zone opposite, we have a direction. We have plans on the table for capital commitment for the redevelopment of our schools, and some of the highlights of this $70 million I will now explain: $7.7 million for a new senior school campus at Victor Harbor High School—our fastest growing area in this state; $4.8 million for Henley High School; and, for our remote schools, the Ernabella-Anangu School received $1.2 million and the Pipalyatjara-Anangu School will benefit from a $1 million upgrade. In addition, this government is committed to an external paint and repair program and small maintenance requirements over the next three years amounting to some $15 million. The government knows that parents, teachers and the community are keen to see the improvements proposed and fully back this capital works, repairs and maintenance scheme. With some eight out of 10 schools and preschools now in P21, there is an even greater level of flexibility for schools to prioritise their maintenance requirements and put that flexible funding towards those projects of local priority.

Under this government, schools and communities can feel confident about the future and indeed the future of their students. This community confidence in education begs the question how our enormously successful P21 scheme would

fare under a Labor Government, and that is a good question. The question is: will the self-proclaimed education Premier give schools any guarantee about their future? Will he degrade our fair, voluntary scheme by forcing the remaining schools and preschool communities to join, as I hear the leader apparently has declared? I would like to know the answer. Our schools would like to know the answer. Our parents would like to know the answer, and the education community would like to know the answer. The cameras are here right now. For once, come out and tell the parents the real plans for P21. Will a Labor government make it compulsory? The cameras are here. We are all waiting—

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

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

The Hon. M.R. BUCKBY: —to know the answer. Let us know the answer.

The SPEAKER: The member for Ross Smith.

Mr CLARKE: In the forlorn hope that standing order 98 will again be upheld, the minister is not answering the substance of the question. He is more than straying into debate: he is wading into it up to his armpits.

The SPEAKER: Order! The member will resume his seat. It may be a forlorn hope but the last time he called a point of order it was upheld. Has the minister completed his remarks?

The Hon. M.R. BUCKBY: Yes.

HINDMARSH SOCCER STADIUM

Mr WRIGHT: My question is directed to the Cabinet Secretary. Given the public denials of the Speaker and the Soccer Federation, will the Cabinet Secretary deny that—

The SPEAKER: Order! The member will resume his seat. The member for Bragg as a backbencher does not have a responsibility for the question that is being raised at the moment. I rule it out of order.

Mr ATKINSON: On a point of order, sir, even backbenchers may be expected to answer questions if they are responsible to the House for the matter. Secondly, sir, the member for Bragg has taken the official oath in order to be Cabinet Secretary. On what basis is he not responsible to the House, and should not you wait until the question has been asked to determine whether he is responsible to the House, even if he had taken no oath of office?

The Hon. M.D. Rann: He has taken the oath and sits in cabinet.

The SPEAKER: Order! The member for Spence has raised the point of order. The chair has listened to the point of order. The member for Lee had already asked sufficient of the question for the chair to understand the substance that was coming from the member. Under standing order 96, the chair has ruled that the member for Bragg does not have responsibility, and I have ruled the question out of order.

Mr WRIGHT: On a point of order, sir, standing order 96(2), headed 'Questions concerning public business', states:

> questions may be put to other members but only if such questions relate to any bill, motion or other public business for which those members, in the opinion of the Speaker, are responsible to the House.

I think standing order 96(2) clearly shows—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The member for Lee is trying to explain his point of order.

Mr WRIGHT: Standing order 96(2) clearly demonstrates that the Cabinet Secretary has responsibility.

Members interjecting:

The SPEAKER: Order! I suggest that the honourable member goes back and re-reads the second to last line of the standing order he has quoted to the House. The member for Heysen.

MEN'S HEALTH

The Hon. D.C. WOTTON (Heysen): Would the Minister for Human Services advise the House about the national launch of the men's health tune-up program held last Thursday in Rundle Mall? In particular, I would like the minister to tell us about the men's health evenings that will be held in South Australia later on.

The Hon. DEAN BROWN (Minister for Human Services): It is rather interesting, because the men's health tune-up is a national program being run around Australia and sponsored, or supported financially, by Pfizer which has developed a caravan and which is carrying out a whole range of men's health tests for men 40 years and older. I would urge any person—

Mr Conlon interjecting:

The Hon. DEAN BROWN: The member for Elder might be a perfect candidate, because one of the measures we are looking at is high blood pressure. I have noticed that on one or two occasions the member for Elder seems to develop high blood pressure in this place.

This is a program in which I would urge all men over 40 years of age to participate. It is free of charge and carries out a series of basic tests for the men involved. It looks at their weight and body mass, blood cholesterol level, blood pressure, cardio-vascular risk assessment and also their diabetes risk assessment. Knowing that men are invariably very reluctant indeed to go to their GP, I would urge them to go and get some very basic men's health advice.

You only have to look at the screening programs we have introduced for women to see that, for example, the smear test has reduced the death rate from cervical cancer by more than 40 per cent, and the breast screening program has reduced the rate of breast cancer by about 20 per cent. We would urge men, particularly because of their high vulnerability to diabetes, cardiovascular disease and a number of other diseases, to make sure that they are tested at an early stage, to take part in the broad screening program nationally and to avail themselves of some very simple non-intrusive tests which can be carried out and which are likely to detect at an early stage things like cardiac disease, diabetes and some other diseases.

Dick Johnson, the Ford racing driver, was there launching the campaign. I think it is a tribute to South Australia that Pfizer decided to launch the national campaign here in Adelaide for the whole of Australia. Why did they do so? Because, when they went around every state of Australia, they found that it was the South Australian government that had the greatest commitment to doing something about men's health. This caravan will be in a number of locations around the state, and members might like to welcome it to their own areas and publicise it. It will be at the Noarlunga TAFE on 30 July, Marion on 7 August, Tennyson on 13 August, Port Adelaide on 20 August, Tea Tree Gully on 27 August, Salisbury on 29 August, Whyalla on 10 September and Mount Gambier on 24 September. It will also be at the Royal Adelaide Show, for all the apple growers from the Adelaide

hills in the member's electorate to go to. In fact, I expect it to be there throughout the entire Adelaide show.

Through its own Department of Human Services booth at the show, the state government itself is also expecting to have testing available there for men over 40. We had a night at Football Park and it was interesting to see the significant interest and, more importantly, the almost 100 per cent participation in the testing by the men who came along to the men's health evening there last Monday night. I would urge members of this parliament to advertise the fact of this men's health tune-up, and I would urge men over the age of 40 to make sure they get out and participate.

An honourable member interjecting:

The Hon. DEAN BROWN: Very seriously indeed. There is a delightful cartoon that shows a husky man wrestling with an alligator, ripping a python off his shoulders and holding the jaws of a lion apart, but it then shows a GP standing alongside this husky bloke, who runs as fast as he can in the opposite direction. I think that epitomises the extent to which men are very reluctant indeed to see their doctor and get some good advice.

HINDMARSH SOCCER STADIUM

Mr WRIGHT (Lee): My question is directed to the Premier. Given the public denials of the Speaker and Mr Les Avery, Chairman of the South Australian Soccer Federation, will the Premier rule out that the Cabinet Secretary and his legal representation have threatened to take legal action against the Auditor-General over his Hindmarsh Soccer Stadium report?

The Hon. J.W. OLSEN (Premier): As I indicated to the estimates committee, with the Auditor-General sitting to one side, he has not discussed this matter with me. He has required all those who have been advised—

Members interjecting:

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

The Hon. J.W. OLSEN: —to sign confidentiality agreements. That having been the case, they have complied with those agreements with the Auditor-General.

EDUCATION, ADULT

Mr MEIER (Goyder): My question is directed to the Minister for Employment and Training. Can the minister outline to this House what additional resources are being provided this year for community-based adult education?

The Hon. M.K. BRINDAL (Minister for Employment and Training): I thank the member for Goyder for his question; I do not have many opportunities to speak in this House about the training portfolio. If I were to describe the adult community education sector, I would say that they are the quiet achievers of the education sector in South Australia, whose focus is on adults who have left school early, for whatever reason, unemployed people who need to change direction but lack the confidence, migrants who cannot read a label on a tin on the supermarket shelf and are not sure whether they are buying tuna or cat food, indigenous persons in remote areas, and women looking for entry back into the work force.

The way adult community education is delivered is very much at a grassroots level. The network covers around 350 organisations, including churches, communities, neighbourhood houses, sporting groups and, of course, the WEA. The nature of the network allows for an informal learning environment without, of course, compromising the content. Members would be interested to know that around 25 000 people benefit from government-funded programs each year and many of them are in the electorates of members opposite. Recently, I went on a tour with the chair of ACE and visited a number of community houses and adult education facilities—many of them were in the northern suburbs—and the level of acceptance, participation, happiness and enjoyment that the people got out of it was obvious.

I would commend members in those seats to look at the program because it is a very valuable one that is obviously achieving a lot for those people who participate. The member for Adelaide will be interested to learn that the biggest impact that the network has had in recent years is with information technology, giving people confidence to operate technology, such as an ATM machine, the internet or email Some people who gain confidence with one technology go onto others, thus improving the quality of life for thousands of South Australians. So, it gives me pleasure to inform the House that I recently approved over $500 000 for funding specifically for South Australia's adult re-entry students.

An honourable member interjecting:

The Hon. M.K. BRINDAL: If the member opposite finds that boring, I hope she tells the people in Whyalla that those people seeking re-entry in the work force are not worth her time and are beneath her consideration, because I do not consider it boring. Of that amount, $300 000 will go directly to language, literacy and numeracy programs. Nearly half of these grants (about 40 per cent of the general education grants) will go into programs being run in Adelaide's northern and western suburbs. Regional community-based adult education will also benefit in receiving more than $62 000 in grants. I know that many members in this chamber with country electorates will be pleased to learn that their local groups will be getting funds to help provide further opportunities for adult education.

I am sure that the member for Finniss will be pleased to hear that the Encounter Centre Inc. at Victor Harbor will receive $5 000 so that people with disabilities can learn crafts, living skills, woodworking and pottery making. Similarly, I know that the member for Schubert, who is very forthright in his support for community adult education, will be pleased to hear that the Mid Murray Community Support Service at Mannum will get $5 000 for a computing course for beginners. Equally, I know that the member for Giles will be pleased to know that adults at Whyalla have not been overlooked and will be getting money for community education. It is an unsung sector in the education community, and I commend it to the House.

HINDMARSH SOCCER STADIUM

The Hon. M.D. RANN (Leader of the Opposition): Can the Premier confirm the accuracy of a statement made in the Legislative Council a few moments ago by the Attorney-General that the four Liberal MPs being funded and indemnified by the taxpayers in the Hindmarsh Soccer Stadium inquiry are: the Speaker, the Minister for Tourism (Joan Hall), the Minister for Sport (Iain Evans) and the Cabinet Secretary (Graham Ingerson); and has the Premier at any stage been briefed about the nature or contents of parts of the Auditor-General's draft report, including the chapters that one MP apparently wants censored or removed?

The Hon. J.W. OLSEN (Premier): I can indicate to the leader that nobody has briefed me as it relates to content of

the report. I hear speculative rumours about the place, but I have not had a briefing on content. My understanding—and it is in my previous answer—is that confidentiality agreements were insisted upon by the Auditor-General. It is my understanding that they have complied with those.

An honourable member interjecting:

The Hon. J.W. OLSEN: Well, that's my understanding. The other point I make in response to the member for Hart or the member for Lee—I forget which—who asked me whether anybody was being funded by the government (and I will check this with the Attorney-General, but I am pretty sure it is that), if anybody wanted to take a step beyond just having legal support in preparation of replies—that is, if they wanted to take further action—that would require a request and a cabinet submission, neither of which has been received.

WATER HYACINTH

Mr LEWIS (Hammond): My question is directed to the Deputy Premier—

Members interjecting:

The SPEAKER: Order! The member for Hammond has the call, and I would ask for some silence. The member for Hammond.

Members interjecting:

The SPEAKER: Order! I warn the members for Elder and Heysen.

Mr LEWIS: My question is directed to the Deputy Premier in his capacity as Minister for Primary Industries. Is he at all concerned about the prospects of an outbreak of water hyacinth anywhere in the Murray-Darling Basin and, if so, is he aware of any efforts the government may have attempted to make to use community service orders for the continued surveillance of swamps, backwaters, lagoons and the river's edge in South Australia to check whether any of these plants have been able to establish themselves in South Australia at any time? The water hyacinth did occur first as an outbreak in this state in 1937 but was at that time effectively and successfully eradicated, although it was noted by the Director of Agriculture at the time that it was a weed well adapted to the climate and circumstance of the Murray in South Australia.

Mr Foley interjecting:

The Hon. R.G. KERIN (Deputy Premier): Yes, about as much as the other one, Kev. This is an important question, because I am aware that further up the Murray-Darling system they are having problems at the moment with water hyacinth. I am unaware of any outbreak within South Australia, but I am quite prepared to go back to the relevant authorities, get an update on whether or not there have been findings in recent times within South Australia, and also an assessment of the risk and what we need to do to monitor it. I am not aware of any community service order engagement in the project.

HINDMARSH SOCCER STADIUM

Mr WRIGHT (Lee): Given the public denials of the Speaker and Mr Les Avery, Chairman of the South Australian Soccer Federation, will the Minister for Recreation, Sport and Racing now deny that he and his legal representative have threatened to take legal action against the Auditor-General over his Hindmarsh Soccer Stadium report?

The Hon. I.F. EVANS (Minister for Recreation, Sport and Racing): The member should throw the net a little wider. The way I read the report yesterday was that it named no-one. It has not ruled out—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

The Hon. I.F. EVANS: The way I read the report yesterday was that it could have been referring to anyone who had given evidence before the inquiry. I am not privy—

Members interjecting:

The Hon. I.F. EVANS: I am just saying to the House that members should broaden their view and should not be so naive as to think that the inferences of the Auditor-General in the report relate only to those who happen to sit within the parliament. I make the point that I am not aware of whom the Auditor-General refers to.

Mr Foley interjecting:

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

The Hon. I.F. EVANS: I just make the point that in the member for Lee's wisdom, he should widen his view because, the way I understand it—

Mr Atkinson interjecting:

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

The Hon. I.F. EVANS: —it is a wide inquiry as to who might have given evidence. After the report was tabled yesterday, I checked with my legal adviser. I was advised that I was asked to put in a submission on 13 July, and I put in a submission on 13 July. I have not threatened the Auditor-General, nor have I raised matters in relation to ultra vires, section 32.

Members interjecting:

The SPEAKER: Order, the honourable member—

Mr Foley interjecting:

The SPEAKER: Order!

Mr Foley interjecting:

The SPEAKER: Order! I warn the member for Hart for the second time. If he wants to be here for the debate later this afternoon, I suggest that he remain silent.

PARENTING, POSITIVE

Mr CONDOUS (Colton): Will the Minister for Human Services inform the House how the government is assisting in the promotion of positive parenting?

The Hon. DEAN BROWN (Minister for Human Services): The government is taking a number of initiatives in terms of positive parenting. The first is the continuance, with a further $500 000 a year, of the excellent initiative, Parenting SA, which was introduced by the former minister with an initial four-year funding commitment of $500 000 a year from the South Australian government. As part of that program, we have produced parenting guides. It is interesting to see that, here in South Australia, we have now distributed six million copies of those parenting guides, and 18 million copies of the parenting guide have been produced world wide. It shows the extent to which other states in Australia, such as New South Wales, Queensland and Western Australia, have now used the parenting guide of South Australia. They have put their own brand name on them (as we allowed them to do) and have distributed them. They are clearly very useful guides and they are in great demand out there with parents—in fact, they have even been used in a number of European countries with our approval.

However, we have also just announced one-off grants of $90 000 to a range of organisations to encourage small organisations within the community to get out and take a very proactive role in encouraging better parenting within the community. I can think of no greater and more effective investment we could make as a community than encouraging an investment with parents in better parenting of their children, because the alternatives that are needed in terms of drug, crime and education programs are very expensive indeed. These grants, in encouraging better parenting within the community, are a very important part of our thrust to make sure that we build up the family, build up parenting skills and keep the family together.

POLICE TRAINING

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.L. BROKENSHIRE: This House would be aware of the tragic events surrounding the fatal shooting of a man who allegedly attempted to stab a police officer some months ago. These events are tragic for all concerned so, with that in mind, I was horrified to see that only days after the incident the Democrats police spokesman in another House, the Hon. Ian Gilfillan MLC, issued a press release headed 'Police training. How many more to die?' The comments of the Democrats are, in my view, nothing less than reckless and irresponsible. They are not only attacks on the integrity of the police force but they prejudge an incident of which they have no first-hand knowledge.

Moreover, they deny the presumption of innocence to the officer involved in the shooting before a fair and reasonable investigation has taken place and, in the process, smear the good name of the South Australian Police Department. The Democrats and the member for Florey know that this incident is subject to a Police Commissioner's inquiry and, as such, I will not comment on the specifics of this matter. Indeed, unlike our political opponents, I will wait for the finding of the Commissioner's inquiry before reaching any conclusions or call for action. In the meantime, I can inform the House that I stand by the police force and the very difficult job they do, as I realise the sacrifices our men and women in blue make.

I also know how well trained and prepared they are to deal with a range of difficult situations. South Australia Police are trained in procedures and protocols for disturbances involving the mentally ill, the Aboriginal people and culturally different races or refugees. They are also exposed to domestic violence training, including instruction on the positive resolution of domestic violence matters and the impact of racial, cultural and sexuality issues on the reporting and handling of these incidents. Police are also required to undertake incident management and operational safety training (IMOST), an initiative instituted under our government, which is a comprehensive program that deals with the proper use of firearms for all operational police.

IMOST training consists of an intensive course containing rigorous instruction in areas such as firearms, operational safety, mental health, urgent duty driving, handcuffs, anti-ballistic vests, OC spray, baton training and incident management scenarios and simulations. During 2000, approximately 3 200 police officers undertook this training, equating to 76 800 instructional hours. The training was conducted in the metropolitan area at the Police Academy, while in the country areas the training was conducted locally. As well, refresher courses, which consist of a two-day training program, are in progress and a total of 619 operational police officers have completed IMOST refresher training, which equates to an additional 8 666 instructional hours. I should also point out that all police recruits undertake IMOST training prior to graduation from the Police Academy.

The training provided to police is comprehensive and it certainly is ongoing. It is one of the reasons that there have been so few incidents in South Australia out of the incredible number of taskings that our police undertake each year. It is one of the reasons why I have great faith in our police force. Unfortunately, the comments of the Democrats clearly demonstrate that they will take any opportunity—even a tragic death—to badmouth the police in the vain hope that they can boost their own political profile.

Let me assure the Democrats that whenever they or their mates act contrary to the public interest, whenever one of their members runs off at the mouth and lets slip their real agenda, the community and the government will be listening. For the community need to know the choices they face—an Olsen Liberal government that is determined to fight crime at every chance it gets, or a Democrat party that has no credibility and little understanding of natural justice.

PUBLIC WORKS COMMITTEE: LE MANS TRACK

Mr LEWIS (Hammond): I bring up the 154th report of the committee, on the Le Mans Track Project—Status Report, and move:

That the report be received.

Motion carried.

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

That the report be published.

Motion carried.

PUBLIC WORKS COMMITTEE: BAROSSA WATER SUPPLY UPGRADE

Mr LEWIS (Hammond): I bring up the 155th report of the committee, on the Barossa Water Supply Upgrade Project—Final Report, and move:

That the report be received.

Motion carried.

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

That the report be published.

Motion carried.

GRIEVANCE DEBATE

Mr CONLON (Elder): On 4 April this year I wrote a letter to the federal Minister for Immigration, Philip Ruddock, making what I thought was a quite reasonable request to be allowed to visit the Woomera detention centre to inspect at first hand what is going on in South Australia in

regard to the detention of asylum seekers. I can report that after waiting 10 weeks without a response I was obliged again to write to Mr Ruddock. I inform the House that only last week did I finally get the courtesy of a response, and it was indicated to me that he would not allow a member of this parliament to visit the detention centre—for the quite extraordinary and incredible reason that he feared that my visit might upset the peaceful enjoyment of the detention by the asylum seekers. That is most outrageous.

The defence of Mr Ruddock's office as to taking 10 weeks to answer a letter was that they misplaced the first letter. Ordinarily, I would not believe that, but having seen the track record of Mr Ruddock in running the Villawood Detention Centre it appears that he does have a great capacity for the misplacing of things, including detainees. In fact, I would go so far as to say that the Villawood Detention Centre shifts more people than your average Bondi tram. I am sure the people at the Villawood Detention Centre would be pleased to know that their detention these days seems to be on a voluntary basis!

On a serious note, I am outraged that a member of this parliament should not be allowed to visit a detention centre formed in this state by the federal government. The federal government seems very pleased to visit South Australia when it wants a handy site for a nuclear waste dump or for the siting of detainees, but apparently our role as elected members in this state is to ask no questions and ignore the activities of the federal government. I have a keen interest in refugee policy. I was once an adviser to a much superior Minister of Immigration on refugee policy, and I am amazed that I will not be allowed, as an elected representative of South Australians, to make an informed view on what is happening.

I can only proceed with the information that I have so far and, on the information I have so far, I think Philip Ruddock is an abject failure as an immigration minister. He is the worst failure in my living experience. His experience here, at the Villawood centre and around Australia would lead me to suggest that in fact he is the Mr Bean of immigration ministers in this country.

The question of refugees should be dealt with very simply as it was in our day. It is very simple. They should be processed quickly. If they are not refugees, they should be returned to their country of origin. If they are refugees, we should abide by our obligations under international law and offer them that status. I strongly suspect that the people at Woomera who are taking an incredibly long time to process these matters are simply not processing them, because the minister suspects that they are refugees. That is not only inhumane, it is in defiance of the laws of Australia. If the minister wants to hold that view, he should have the courage to change our laws and—

The Hon. G.M. Gunn interjecting:

Mr CONLON: —change our adherence to the refugee convention. Of course, we have the notoriously inhumane member for Stuart opposite speaking up in his support. If Mr Ruddock does that, he will then reduce Australia to membership of a group of pariah nations. On this issue, I think too few people have spoken out. I say that we are selling our reputation as a humane nation cheaply in this country—

The Hon. G.M. Gunn interjecting:

Mr CONLON: —and with the support of buffoons like the member for Stuart. We should be judged on our humanity, and not on how we do the easy things but on how we do the hard things. I am appalled that the Minister for Immigration in this country has been willing to be complicit in media campaigns to portray all asylum speakers as ruffians and criminals and dangerous, violent people, and has not once in my memory stood up for our commitment to the international convention on refugees. The people who want to treat refugees inhumanely are not the Australians I grew up with; they are not the Australians who extend a helping hand to those in need; they are not the Australians I know. I would like to see some more balance in this debate. I would like to see Australia recognised as a humane nation and as an example for the rest of the world, not as a pariah. I would like to see the Minister for Immigration one day recognise that we are committed to the refugee convention—

The Hon. G.M. Gunn interjecting:

Mr CONLON: —and as I said, we have the buffoon, redneck, One Nation, absolutely moronic views of the member for Stuart. He would have us reduced to the status of nations like those who are pariahs around the world, and I will not sign up for it.

Mr SCALZI (Hartley): Today I wish to talk about a function that my wife, Julia, and I attended on 8 July at the Burnside council chambers, when the new facilities commemorating the centenary of federation, Burnside's millennium project, were officially opened by Sir Eric Neal, Governor of South Australia. I believe it is a most exciting project, and I have brought it to the attention of this House for many reasons. Also in attendance were federal members, Senator Grant Chapman and Christopher Pyne, local member Graham Ingerson, and Vini Ciccarello, whose seat also encompasses Burnside.

Mayor Wendy Greiner should be commended, as should her council and staff, especially Rodney Donne, CEO of the council, who has put so much work into the project. Of course, I must not omit previous councillors, especially the former mayor, Allan Taylor. There is no doubt, as Mayor Wendy Greiner said, that the project and its architect have given Burnside what it has never had before, a civic heart. This is a great facility. For the first time, council offices, library and community centre have been combined to create a cohesive civic centre.

The mixture of differently designed buildings previously on site has been replaced by a single centre that stands as a strong example of contemporary design within a strongly established heritage context. In talking about the heritage context, I must make special mention of one of Australia's eldest citizens, who is also a citizen of Burnside. I am certainly privileged to know that Mrs Beatrice Flora Mears from Kensington Park, who is 113 years of age and would have to be one of the oldest persons in Australia, was in attendance. What a celebration, to have at the centenary of Federation an Australian who has seen so much. She is living with her young daughter of 80 years of age and is still interested in current events. My wife and I were fortunate to speak to her on the day, and I am certainly looking forward to having Kensington Park as part of Hartley and to know that someone of such distinction lives there.

Ms Thompson interjecting:

Mr SCALZI: The member opposite talks about a cafe. I was fortunate to be at the opening of the Pepper Street Gallery Cafe, which is part of the art gallery there. It is doing an excellent job, and again I commend Burnside Council for the work it does in areas such as promoting art at the Burnside Gallery and the many other projects with which it

gets involved, such as the Eastside Business Centre. I also want to mention today Burnside council's support for energy saving. As outlined in the Mayor's speech, several measures have been employed to produce energy savings. They range from the most obvious—the giant solar panels clearly visible over the main entrance and on top of the community centre—to the less obvious use of a south facing, saw-toothed roof to minimise solar heat gain and maximise thermal energy and natural lighting. The solar panels represent the largest grid connected system of its kind in South Australia. Comprising 207 solar panels, the system is capable of generating up to 48 kilowatt hours of electricity a day. This is enough to meet at least one-third of the site's total power requirements. I wanted to bring to the attention of the House that a lot can be done when someone is committed to energy saving. I commend the council for its efforts in this regard.

Time expired.

Ms KEY (Hanson): As members of this House would be aware, a number of times I have raised concerns from constituents with regard to the eradication of both the Queensland and Mediterranean fruit fly. Through the Environment, Resources and Development Committee I had the opportunity to question officers of Primary Industries on the issue on 30 May, and finally yesterday (25 July) I received some answers on some of these issues. One of the questions that have been constantly asked of me and I know of other members of parliament is what the procedure is when there is seen to be an outbreak of fruit fly. I am told by PIRSA officers that when an outbreak is declared all householders within an outbreak treatment area receive a leaflet to indicate that they are in a fruit fly eradication area. This leaflet is distributed to all householders via a letterbox drop, usually within a day of the declaration of the outbreak.

The leaflet provides information in relation to the treatment program, cover spray and bait spotting, including reference to the chemicals and the required applications, fruit movement restrictions and the withholding period associated with the fruit that has been subject to the cover spray, and provides the householder with the opportunity to contact the fruit fly hotline if they require more information or if there are problems with property access, unfriendly dogs, etc. The other question I asked was about authorisation for an officer to have access to a person's property. They state:

> In relation to property access, the power of entry is vested with the Fruit and Plant Protection Act 1992. The act provides for the appointment of inspectors, the general powers of inspectors (including the power of entry), the declaration of quarantine areas and general requirements in relation to quarantine areas. The ministerial notice of 14 August 1997 provides for the automatic declaration of a quarantine area for the purposes of fruit flies as any area within 1.5 kilometres radius of the centre of that fruit fly outbreak, the centre being the point where the eggs, larvae and fruit flies have been detected.

Some of this might seem like unnecessary detail, but from public meetings at the Clarence Park Community Centre and after receiving complaints from various constituents it seems as if this procedure, however basic it may be, has not been abided by.

I was very concerned to receive a letter this week from a Miss Skinner, who talked about some of the issues that she and her family have had to contend with since the third fruit fly cover spray on their property. She said that her partner vomited violently when she picked and consumed home grown tomato on Thursday 15 May, 11 days after the cover spray, which they had been advised needed a seven day holding period. Her small dog suffered a month long illness and eventually died, and there is some evidence that this death was through the spray. There are also complaints here that proper information was not given with regard to the toxic effects upon animals. When the people in question did eventually get information, that information was not correct and could not be borne out by the medical data that was available. She also talks about her concern, not only with her partner getting very ill, but also that she has now developed a rash for the first time in her 50-plus years of life and on seeking medical advice has found that again there is a connection with the fruit fly spray.

I think all of us realise how important it is not to let fruit fly become a part of the South Australian landscape, but it is also important that we protect the public and make sure that they have all the information available so that they can take the protective measures that are needed. I am heartened that the Minister for Primary Industries and Resources currently has an inquiry under way on this issue, but we still need to go back and make sure that members of the public, particularly in the urban areas, know exactly what is being sprayed in their back yards and when, and get the proper authority from those residents.

Time expired.

The Hon. G.M. GUNN (Stuart): I am pleased to participate in this grievance debate today. Last Tuesday I invited the member for Florey to respond to what is now a litany of documents which have been put in our letterboxes, and a third one has arrived today. When you are given an opportunity you do something about it. All this week we have had people in this parliament talking about credibility and people being corrupt, and the member for Hart getting his blood pressure up and down like Pinocchio. It is up to the Leader of the Opposition to put his own house in order if he is going to throw stones at his opponents. Someone very close to the Labor Party has access to the letterboxes. Things do not appear in members' letterboxes on one occasion, a second occasion and now on a third occasion.

Ms Key interjecting:

The Hon. G.M. GUNN: I suggest you read them and if you cannot comprehend that I am surprised, because the honourable member is normally a pretty astute person. Bearing in mind the sort of campaign which the member for Florey engaged in to come into this parliament, no wonder someone is out to ensure that she fronts up. This is the first letter. It is headed 'Labor MP a workplace bully. . . surely not?' and states:

> Unfortunately, it's the truth—and it's the best kept secret in Adelaide, but not for long. Labor MP Frances Bedford has gone too far this time and informed sources are suggesting she could be the subject of an unfair dismissal claim in a very short time. . . Surely not, this is the party that. . . stands for workers. . .
>
> The facts. . .
>
> Frances Bedford was elected in 1997, since then she has had four staff leave and one take stress leave. Ms Bedford has already cost the taxpayers over $50 000 by getting a payout for her former staff member, Edith Pringle—

An honourable member interjecting:

The Hon. G.M. GUNN: You can give it, but you can't take it. The letter continues:

> Those in the know would tell you that she had been trying to get rid of Edith for months prior to all the publicity and used that to push her out of the office. Staff have called in their union and workplace mediators on a number of several occasions but without success. The coordinators of the government traineeship scheme are said to be considering a ban on her receiving any more trainees after the

treatment given to her last trainee who was told that she should find another job or be sacked. Her current staff member, Helen Squires, on stress leave and, represented by the Employee Ombudsman, has made a formal complaint to the Treasury Department.

Helen Squires is a single mother of two, returning to the work force after a seven year absence. Instead of job satisfaction and self-confidence, she has had her reputation strained, her self-esteem shattered and her life turned upside down. For very soon after hiring her, Frances had decided she wanted rid of Helen and would go to any lengths to bully her out of her job. On 4 June, $50 went 'missing' from the office. The money, which was to be deposited in the Labor branch account, was never found but the account book was—in Helen Squires' desk. Frances immediately called her in for a formal meeting, accusing her of stealing the money, even though a deposit slip also showed that $50 was in fact deposited that day into the account by Frances. The suspicion is that the theft was planned—to set Helen up and get her out of the office.

Members interjecting:

The Hon. G.M. GUNN: You can hand it out—and you have done it for weeks and months—but, when it is your own side, you do not have the guts to do something about it. This is a chance for the leader to show some courage.

Members interjecting:

The Hon. G.M. GUNN: Look, you are the bullyboys of this place. You can hand it out, but you cannot take it. The suspicion is that the theft was planned to set up Helen.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. G.M. GUNN: The letter continues:

Convenient or just coincidental? Police have been called in—

Members interjecting:

The Hon. G.M. GUNN: It is coming from someone close to the Labor Party. The letter goes on:

'to lay the blame'. (If it is a set up, Frances could be guilty of a serious criminal offence—perverting the course of justice, as well as wasting police time.)

Frances has been reported as saying the whole exercise was just about getting rid of Helen. In fact, the suspicion is that she had already offered the job to someone else—if this is true, she has committed an extraordinary blunder.

The formal minutes of . . . .meeting with Helen are attached for your information.

The letter further states:

What does the future hold for a Labor MP whose staff have voted with their feet? What will she do if Helen Squires does proceed with her unfair dismissal claim? What would she do if the police decided to charge her for framing her own staff member?

Time expired.

Ms THOMPSON (Reynell): I want to speak about another member opposite who does not seem to deal in facts. During question time on Tuesday, the Minister for Employment was asked questions about the current unemployment rate. He said that in seasonally adjusted terms it had dropped to 7.4 per cent in South Australia and that our trend employment continued to grow. In fact, a further 800 people obtained jobs in June, and that is the fourth consecutive month that we have seen the growth in employment. He then went on to say, for example, that South Australia's unemployment rate is now well below Western Australia's 8.1 per cent. At that stage, I interjected. I was asking the minister if he was aware of the differences between the work force participation rates in Western Australia and South Australia that, when examined, place a very different perspective on what is happening between the two states of South Australia and Western Australia. The minister replied, 'That is not true. Before the minister flaps her gums, she wants to read the figures.'

Well, I thought that perhaps I had better put some of the figures on the record, because there seems to be a problem with the minister's being able to read the figures and deal with the reality of what is happening with employment and unemployment in this state. I know that, as the shadow minister, the member for Hanson has on many occasions endeavoured to educate the minister about the tragedy of unemployment in this state, but the minister prefers to wear his rose coloured glasses and not deal with the tragedy of the loss of jobs in this state.

I recently attended a presentation by Professor Richard Blandy from the Hawke Centre and School of International Business at the University of South Australia, where he was putting forward information for small business operators in the south about just what is happening in this state with regard to economic activity. He pointed out that, contrary to most states in Australia, South Australia has had a severe decline since 1990 in the work force participation rate. He showed that the decline in the work force participation rate in South Australia since 1990 is 3.5 per cent, whereas in Western Australia the participation rate has grown 2 per cent. He extrapolated these figures and gave us information about what the true unemployment rates are for those two states. The minister's figures are as at April this year. That is not too far away—only two months before the figures about which we are talking.

If Western Australia and South Australia had maintained the same work force participation rates that they had in December 1990 the tragedy of unemployment in South Australia is that it would now be 10.5 per cent. In Western Australia, the unemployment rate would be 4.9 per cent. The difference in the participation rates is that in South Australia only 59.9 per cent of the population over 15 participates in the work force, whereas in Western Australia it is 67.3 per cent.

The phenomenon of the discouraged worker is well known to those who have studied economics and take an interest in what is really happening to employment. I say phenomenon, but it is really a tragedy. Discouraged workers are those who believe that there is no point in looking for a job any more, because there is not a job to be found. That is what has happened to far too many people in South Australia.

The rest of the picture about employment in South Australia is that, indeed, employment did rise by 800 persons last month. But if we look at what has happened over the last year, we get an entirely different picture. In June 2000, there were 486 900 people employed full time in South Australia. There were 676 100 employed in South Australia, and that has increased by a whole 600 to 676 700 in June this year. That small growth in employment disguises the fact that in that same period 17 400 full-time jobs were lost in this state.

Time expired.

The Hon. G.A. INGERSON (Bragg): I want to continue with this letter saga. It seems to have been turning up in my box as well. I suppose it really relates to the role that the opposition leader could be taking in this area. It relates to the member for Florey and her problems with her staff. I thought it was about time that we asked a few questions and got the leader to look at them. I am not making any accusations. They are here for us to see. I have already given advice to the member for Florey and suggested that she do certain things. I suggest that whoever is running it out from the other side needs to talk to the leader and get some of these things sorted out. I would have thought that, fundamentally, most of these

things were pretty simple industrial relations issues that could have been, and ought to be, fixed up. I note that it is pointed out in this letter the issues relating to the honourable member, Mr Clarke, and Edith Pringle. It is also suggested in that area that the leader did, in fact, take a significant role and attempt to resolve the issue one way or another.

Members interjecting:

The Hon. G.A. INGERSON: I am saying it is suggested; it might be inaccurate. In terms of the member for Florey, there is absolutely no doubt in this instance that there are a whole range of issues and people have been badly affected.

Members interjecting:

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

The Hon. G.A. INGERSON: These issues have been put before us in letter form. In fact, they are being put before us in numerous forms; we are getting them almost daily. It is a matter that the leader could fix quickly and easily. I note that a range of people have been named in this area, with Helen Squires being the latest. It is fair that we ask the leader to look at a whole range of other issues so that this nonsense can stop if it is not true. If it is true, it ought to be fixed. I do not think it is unreasonable for us in this place to ask basically that this sort of nonsense, which is not in the interests of the member and is definitely not in the interests of this parliament, at least be taken in hand by the leader and sorted out.

The inference in this letter and all the other letters is very clear to me, that is, that it is coming from people who are very close to the action on the other side. It is pretty easy to understand that. One thing that we in this place would all understand is that, when a member makes these sorts of comments in this place and you follow that member, you would expect some instant reaction. You would expect them to stand up and say, 'I don't accept that; I think it is all nonsense.' You would expect someone to stand up and say, 'I'm attempting to get it fixed up.' You would expect those sorts of issues to be clearly put on the record and sorted out.

An honourable member interjecting:

The Hon. G.A. INGERSON: As you know, we get plenty of information that comes around this place.

An honourable member interjecting:

The Hon. G.A. INGERSON: Of course you do, and I have been the end point of quite a lot of that. Some of it has been done fairly and some unfairly. However, no-one in this place has ever said that anything should be fair. This has been put into our boxes. All I am saying is that it is an issue in which the Leader of the Opposition has been mentioned, and all I am saying—

Members interjecting:

The SPEAKER: Order. Stop the clock. I warn the member for Hart. He has been warned twice during question time, and I just caution him against constant interjection.

The Hon. G.A. INGERSON: This letter starts off saying that the Leader of the Opposition needs to take some action. All I am saying is that this is the third letter that has been in our boxes in the last three or four days. My request to the Leader of the Opposition is to look into this and see whether we can finish this matter once and for all.

STANDING ORDERS, SUSPENSION

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

That standing orders be so far suspended as to enable the introduction forthwith and passage of a bill through all stages without delay.

The SPEAKER: I have counted the House and, as there is an absolute majority of the whole number of members of the House present, I accept the motion. Is it seconded?

An honourable member: Yes, sir.

The SPEAKER: Does the honourable member wish to speak in support of the motion?

The Hon. R.G. KERIN: No, sir.

Motion carried.

HINDMARSH SOCCER STADIUM (AUDITOR-GENERAL'S REPORT) BILL

The Hon. R.G. KERIN (Deputy Premier) obtained leave and introduced a bill for an act to facilitate the completion of an inquiry relating to the Hindmarsh Soccer Stadium by the Auditor-General; and for other purposes. Read a first time.

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

That this bill be now read a second time.

This measure is intended to ensure that the Auditor-General's report into the Hindmarsh Soccer Stadium will be delivered to the Speaker no later than 31 October 2001. At the same time, it will preserve the legal rights of persons who may be affected by the report to the extent possible to permit the achievement of that reporting date. Obviously, this requires a balancing of the various interests, and the bill achieves an appropriate balance. The Auditor-General has been consulted at some length and is satisfied with the bill, and agrees with the balance that has been achieved. I seek leave to insert the explanation of clauses into *Hansard* without my reading it.

The SPEAKER: Is leave granted?

Mr LEWIS: No.

The SPEAKER: Leave is not granted.

The Hon. R.G. KERIN: The explanation of the clauses is as follows:

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will be taken to have come into operation on 17 November 1999 (the date on which the Legislative Council passed a resolution requesting the Treasurer to request that the Auditor-General examine and report on certain dealings relating to the Hindmarsh Soccer Stadium Redevelopment Project).

Clause 3: Interpretation

This clause sets out a definition of the 'inquiry' for the purposes of the measure.

Clause 4: Authorisation and nature of Inquiry

The Auditor-General is authorised to undertake the inquiry. It is to be expressly declared that the Auditor-General has the power to examine, investigate, inquire into and report on any matter considered by the Auditor-General to be relevant to the inquiry. It is also to be made clear that the inquiry will be taken to be an examination under section 32 of the Public Finance and Audit Act 1987, and that the Auditor-General may exercise or perform any power or function that the Auditor-General may have under the Public Finance and Audit Act 1987 in relation to an examination under section 32 of that act, including the power to make findings of fact and law. The Auditor-General will be able to conduct the inquiry as the Auditor-General thinks fit and to exercise various powers. However, this provision does not exclude the rules of natural justice.

Clause 5: Report of Inquiry

The Auditor-General will be required to prepare a report on the inquiry by 31 October 2001. Copies of the report will be

delivered to the Treasurer, and to the President and the Speaker.

Clause 6: Judicial proceedings

Any proceedings relating to an act or omission of the Auditor-General in connection, or purported connection, with the inquiry must be commenced within time limits set by the measure. No proceedings may be brought to prevent the Auditor-General from preparing or from continuing to prepare, or from delivering, the report required by this measure, or any report prepared in purported compliance with this measure. It will also be provided that no proceedings may be brought to question the bona fides or impartiality of the Auditor-General in the conduct of the inquiry. If any proceedings are brought in connection with the inquiry, the court must take into account the intention of parliament that a report be provided by 31 October 2001 and the desire of parliament that the report be as comprehensive and complete as may be possible in the circumstances.

Mr FOLEY (Hart): Thank you, sir, for the opportunity to speak. I am sure that a number of my colleagues will join me today in speaking on this legislation. In doing so, we must consider from where we have come and why we are here now. The sorry saga of the Hindmarsh Soccer Stadium, as you know only too well, sir, has been a process of financial mismanagement by this government. It has been the wrong allocation of public money and it was, at the beginning of the whole process, nothing more than very foolish politics—a government thinking that it could buy the support of a sporting group through lavishing upon it massive amounts of taxpayer-funded infrastructure.

The 10 of us who were here in the early days of this government can recall very vividly the totally inappropriate appointment of the current Minister for Tourism. The member for Coles was appointed, in a partisan appointment, as the ambassador for soccer in this state. It was a partisan political appointment by the Soccer Federation to curry favour with this government. It got a soccer stadium out of this, and that soccer stadium has become a scandal; a symbol of a government that would rather spend money on redundant soccer stadiums than on hospitals, schools and police. Tragically, it also has all but crippled the South Australian Soccer Federation. It has wreaked such havoc and such financial constraint upon soccer in this state that today soccer is poorer for the fact that it has been lumbered with this massive piece of infrastructure, which it has little or no capacity to service, for which the government now has had to assume control, and which soccer will carry as a burden for generations into the future. That was the result of the actions of the member for Coles; the result of the actions of your government, sir; the result of the actions of present and past ministers of sport—of whom, I have to say, sir, you were one.

Almost two years ago, the parliament had had enough. The parliament wanted an inquiry. The parliament wanted to know why four former ministers of sport had presided over this fiasco, and it wanted to know the role of the member for Coles and how we reached the situation where such terrible damage has been inflicted upon the state's finances and upon the soccer sporting code in this state.

What we know today is that, clearly, some members (and we know that the member for Bragg is one, we know that the member for Coles is another, and the list goes on) are shocked and concerned about—and, indeed, dare I say frightened of—the outcome of this report. Sir, you, quite nobly and courageously, have said that it was not you; and the Minister for Recreation, Sport and Racing, the member for Davenport (Hon. Iain Evans) courageously today said that it was not him. That leaves only two, the member for Coles or the cabinet secretary, who are clearly frightened, and until they stand up in this place and say that it was not them we can only speculate about their guilt in this matter. They were clearly so frightened and so shocked at the terrible findings and the damage that would be done to their reputation and to their government's reputation that they have potentially attempted to frustrate the Auditor-General in his actions.

What is more horrifying and more frightening—because it goes to the core of our democracy, the core of good public administration in this state—is the potential for litigation: an elected member of this House could well be threatening to take legal action against the state's independent financial watchdog. That threatens democracy; it threatens good public administration; and it threatens the standing of this parliament. Like all my colleagues on this side—and, as we heard today, even the Deputy Premier himself was shocked (on radio this morning he admitted that he was stunned)—when an Auditor-General—

The Hon. R.G. Kerin interjecting:

Mr FOLEY: The Deputy Premier said on the radio this morning that he saw it, he was taken aback and started to guess who it might have been. So, he was sufficiently intrigued by it that his mind wandered as to which of his colleagues was guilty of these assertions by the Auditor-General.

The Hon. R.G. Kerin interjecting:

Mr FOLEY: No, we always have a chuckle when we listen to you on the radio, trust me. No wonder they will not make you leader this side of an election; you would last about 48 hours. The parliament was shocked when we had a document—the two page Auditor-General's report—brought into this parliament that was an appeal by the state's Auditor-General for help, for protection, and for this parliament to stand up and take notice of the bullying and the threats that have been levelled at him and his office by unnamed members of this government. That is a very serious matter and, as we indicated yesterday, it shows the lack of leadership in this state, the lack of a coherent government and the lack of any semblance of government that the Premier did not act, and act swiftly, to stand down those members who have both frustrated this Auditor-General and potentially threatened him with legal action. If one of them is the cabinet secretary—and we do not know, but it may be—if one is the Minister for Tourism—we do not know but it may be—they should immediately be stood aside.

This bill was rushed into this parliament in an attempt to reach a halfway house. This bill is not good enough. Make no mistake about it: this legislation is not good enough. I invite all independently minded members on the government benches to read this piece of legislation carefully, because it still gives members of this parliament, people before this inquiry, the opportunity to take legal action; to sue or injunct the Auditor-General with this report. It gives him or her—the member—a 14 day window of opportunity to take some form of legal action. That is outrageous, it is unacceptable, and it is a further indication that this crooked, grubby government has to be drawn, dragged and pulled to the line when it comes to accountability and good governance.

We on this side of the House will not accept (with all due respect to those who prepared the bill, I might add) this shoddy piece of legislation, because it is not sufficient. Today we will be moving two amendments. The first will ensure

that, if the report is completed, or a draft report is made available and presented to you, sir, and the other presiding member, neither yourself nor the other member can sit on that report if parliament is not in session. That amendment will ensure that that report does not sit in the office of the Speaker or the President of this parliament but is immediately made available to the public.

Secondly, and far more importantly, we will be moving to delete clause 6 of this piece of legislation, 'Judicial proceedings'—the shoddy halfway house: the pathetic attempt by this government to still give the member for Bragg, the tourism minister, or whichever member is frustrating the process—a two week opportunity to sue the Auditor-General. We will not cop that. We will move to delete that and replace it with a clause which I challenge the Deputy Premier today, at the earliest opportunity, to accept. My amendment is a simple one. It rules out any legal action. It rules out any attempt by this government to frustrate and take legal action against the Auditor-General.

The Hon. R.G. Kerin interjecting:

Mr FOLEY: No, that's the end of it. We will not allow any member to take legal action. You have had your natural justice, Mr Deputy Premier. You have had two long years of natural justice. Your natural justice was to delete chapters 5 to 10. Your natural justice was to sue the Auditor-General. We will give you no more natural justice. You will have the natural justice that this parliament will dish out to you, and that is: stand aside, stop frustrating and let the report be delivered.

We will attempt to insert a clause that was last seen in this parliament to amend the State Bank Royal Commission Act relating to the powers of the Auditor-General concerning his inquiry into the events surrounding the State Bank. As members—and certainly members with the history of the member for Bragg—will recall (and I look forward to checking the *Hansard* for his comments during that debate), the Auditor-General was being threatened, frustrated, hampered and harassed by the State Bank directors. They were threatening the Auditor-General's ability to report.

So, the government of the day brought in an amendment, and that amendment took away natural justice: it took away the right of members to sue. It took away the right for members or anyone to frustrate that process. Guess what—it was supported by the Liberal opposition. My challenge to the government today is: support the same natural justice provision that Labor gave to the directors of the State Bank, and that was no natural justice. They had their opportunity, and we say to those members here: you have had enough natural justice. We want a report, so that the people who can get natural justice in this state are not the grubby members of this government who are trying to cover their misdeeds; we want natural justice to the people who matter the most, the taxpayers of South Australia.

Do members not think that the taxpayers deserve a dose of natural justice? Do not we think that the taxpayers deserve value for money? Do members not think that the taxpayers have the right to turn off that tap, to stop that legal bill from being paid and to say enough is enough? I throw the challenge down to the government: if you have any decency left in you, if you have any good governance sense in you, yield to the opposition and pass this bill swiftly before parliament rises later tonight. That is what we want to see. We want to see the government accept its share of responsibility.

The Labor Party throughout this case has been about trying to hold the government accountable. It has been about trying to work out how such terrible mistakes could be made. What other conclusion could a Labor opposition or any member of this House arrive at than that this government is so terrified of the findings of the Hindmarsh Soccer Stadium report that, in one instance, it wanted six chapters—chapters 5 to 10—removed? There was an attempt to remove six chapters. Have members ever heard of anything as grubby as that, trying to remove six chapters? So we say enough is enough. Support the opposition's amendment and let us ensure that we do get passage of this legislation, if not today, tomorrow, or whenever it can get passed in this House.

Let the Auditor-General conclude his work and then let us get that report into the public arena. I will make a couple of final points and, again, appeal to the Deputy Premier because, I might add, the one person we do not see in this chamber, of course, is the Premier. This is the Premier who was, yesterday, shocked, stunned and taken aback and who said that he had not had a chance to read the report—the two-page report on which he was clearly briefed the night before but about which he chooses to say that he was not. The Premier—who knew what was in that report—looked stunned yesterday and said that he would return with a full report, a proper report, a considered report and, given the gravity of the situation, asked the patience of the parliament to prepare that report.

The Premier obviously went back into his office and his advisers said, 'Premier, why have you given that commitment? We really have to get into damage control mode. We do not want you, Premier, being there to absorb all of the flak.' So, who do they trot out, who do they bring into this place? The good old Deputy Premier—Robbie. Good old Robbie. Robbie comes into the place—

The SPEAKER: Order! I ask the honourable member to have more respect for the Deputy Premier.

Mr FOLEY: I apologise, sir: the Hon. Robbie.

The SPEAKER: Order! I caution the honourable member.

Mr FOLEY: The Deputy Premier, sir. It is hard to respect the office of some of these members, sir, but I take your point.

The SPEAKER: The honourable member respects the member for Hart and I expect him to do the same.

Mr FOLEY: I am not quite sure that he does, but, anyway. The point of the exercise is this: the Premier did not come back into this place. We did not see the Premier yesterday afternoon. We did not see the Premier come back in last night. He broke his commitment to this parliament. He had the Deputy Premier give a radio interview this morning, and what a fine effort it was by the Deputy Premier. He had all of us in stitches when he said, 'You know, I opened up the report and, gee, even I started to wonder who they were referring to.' The honesty and the frankness of the Deputy Premier is always amusing on a drive into work of a morning.

That is why this Deputy Premier can be quite affable. He really is a good bloke, actually. But we have not seen the Premier and we do not see the Premier now. I suspect that we will not see the Premier during this debate. All we know is that the Premier has again showed that he is incapable of leading this government; he is incapable of leading this state. Our government now, as brittle as it is, immediately provides every want and wish of the Independents. We saw the circus before question time yesterday when the member for Gordon threatened to bring down the government if the bill relating to the Electoral Act appeared on the *Notice Paper*.

By all accounts, the member for Gordon made utterances that the government faced dire consequences. So, what did

we see at 1.50 yesterday afternoon? The green sheet was quickly retrieved from every member's bench and thrown into the shredder and a new green paper was printed. This is what is governing this state. The government cannot even print a green *Notice Paper* and get that right. When it upsets an Independent the government must reprint the green *Notice Paper*. We have no government in this state. We barely have a structure in place now to provide government.

What we need over the next six months—indeed, over the next six weeks—is strong leadership. We need strong leadership to resolve the crisis of the Hindmarsh stadium; we need strong leadership to deal with the electricity crisis in this state; and we need strong leadership to deal with a range of economic and social matters confronting this state. But this government and this Premier are too scared to go to the polls. He will wring every last minute out of his term. He will take this government into its four years and six months. He will try to battle through to March, and those ministers and members who will be leaving this place and those ministers likely to lose their seats will probably get $1 000 or $1 500 a year more in their pension for life.

Perhaps that is a motivation; I do not know. But whatever is motivating this Premier and this government is not the sincere good governance of this state. It can be read by the wider community only as an attempt to hang onto power at any cost. Unfortunately, the cost will be great to this state. The opposition will support the passage of this legislation. We want our amendment to be included in this legislation. We do not want this nonsense bill; we do not want this halfway house; we do not want this poor piece of legislation, the halfway house, still giving their grubby mates the opportunity to take legal action, if that is what they want to do.

This is not acceptable. We want the Labor amendment included. We challenge the government to include our amendment in this bill. Let us get the protection this Auditor-General deserves. It was almost pathetic that our state has stooped to such a low in public administration that an Auditor-General had to print a report and table it in this place with a cry for help to the parliament when, surely, the Premier of this state should have shown respect for the Auditor-General. The Premier should have understood the needs and the concerns of the Auditor-General and swiftly instructed his ministers, his members, to cooperate, or, in our view, he should have sacked them, but that did not happen.

The member for Bragg can make his contribution shortly. I look forward to the member for Bragg doing what the minister or the Speaker did. If it was not the honourable member who was threatening the Auditor-General with legal action, I invite him to clear up that matter and his name can be cleared. The Labor Party supports this legislation but we want it to be a proper piece of legislation which includes the Labor amendment to make sure that natural justice for taxpayers is finally the priority of this government, not the natural justice of its members who are simply trying to frustrate and prolong the tabling of this report.

The Hon. M.D. RANN (Leader of the Opposition): I support the legislation, albeit with some amendments. I want to remind the House of a major statement that was given massive publicity on Tuesday 15 May this year. The Premier came into this parliament and said:

> I seek leave to make a statement. . . My statement refers to a major policy initiative announced by the government today. Last December in this House. . . I gave an undertaking that the government would review key policy and management issues in relation to government accountability. As I said at the time, even if it meant dissecting and analysing our own processes in order to improve the systems of government and protect the taxpayers' interests, it had to be done if we were to remain an accountable, honest and open government.

The Premier then went on to talk about the ways in which he would preside over an honest, open and accountable government and said that 'there will be [no] exceptions to the disclosure policy'. It lasted two months. We know why the Premier made that statement because the Liberal Party carried out some polls earlier this year, which, thankfully, someone sends to me, and I get bits of information about them. It was not pretty. It showed that the Liberals were on the nose over privatisation; it showed that the Liberals were on the nose over the running down of the public health system; but it also showed that there was a perception in the community that this government was arrogant, out of touch and secretive with its own people.

And so the advice from the advisers at Greenhill Road—fresh, presumably, from their victorious efforts in Queensland—said, 'Look, this is what happened to Jeff Kennett. One of the reasons that Jeff Kennett got the heave-ho in a massive unprecedented swing in Victoria—albeit not as big as the swing at the last election in South Australia—was that the Kennett government was seen as being less than open, less than honest and less than accountable.

Indeed, it was seen to be arrogant and secretive with the people. So, rather than embrace a new policy position about being open, honest and accountable, this government did what it normally does: 'Let's say that we will be that. Let's say that there'll be no exceptions to the disclosure policy.' The Deputy Premier had the hide today to talk about natural justice. We are not talking about natural justice; today we are talking about unnatural justice. The simple fact is that a few years back a decision was made, again on polling—'How can we win over certain sections of the community? I know: let's build a soccer stadium. Let's give them more than they are asking for.'

We saw a young, aspiring, ambitious backbencher who became a parliamentary secretary, a member of the Public Works Committee and then the president of soccer. The first soccer game she had ever been to was a few months before. There was a clear conflict of interest, but it was all about capturing a certain section of the community. A whole series of deals and double deals were done to build a mausoleum to her own ambition. Various mates of hers were involved in the process. First, the Auditor-General recognised that there were conflicts of interest in terms of different positions held by that person. That person is instrumental in the Premier's getting the position that he now has, because the tower rests upon the buttress of the support of that member of parliament who has subsequently been rewarded with a promotion, albeit only to junior minister status.

Eventually this government was forced into a major inquiry into the massive blow-outs, potential conflicts of interest and double deals involved with the building of the soccer stadium. That Auditor-General's report was initiated in about October 1999. We have been waiting. First, we were told that it would come down around July or August 2000, that it would then be October 2000, then November, then December and then February of this year. But then we were told that the Auditor-General could not bring down his report, even though he had interviewed all the witnesses, because there had been delays in some witnesses being available. For

some reason they had other pressing commitments and were not able to make themselves available. So, on and on it went, and the Auditor-General—the independent officer of this parliament, the state's independent watchdog—was frustrated in interviewing witnesses and, finally, during the natural justice process, he has been led a merry dance of unnatural justice. So, month after month the games have been played with the indemnity and funding of the government and taxpayer of the state.

Finally, the Auditor-General, in an unprecedented move in the history of this state and parliament, says, 'Enough is enough.' The Auditor-General, doing the only thing he can, first signalled to the government his frustrations; no action was taken and finally he told them that unless this frustration and hindering stopped he would bring down a special report seeking protection. Finally, the Auditor-General of this state took the unprecedented action of actually having tabled in this parliament a plea for protection, a plea to be able to do his job unfettered and without interference. That statement yesterday said that several people being investigated by the Auditor-General are basically playing games to ensure that that report did not come down on time. We know why: they did not want the report to come down before the election. Individual interests prevailed. They wanted the report to be constantly frustrated until after the election in case there was electoral damage as a result of the inquiry. There would be electoral damage, because these individuals have read the draft report; they have read sections of the draft report which criticise not only members of the soccer federation but also the various members of parliament involved in the process. Those degrees of criticism vary.

The trouble is that some of the people who have read the report and signed confidentiality agreements over the years have been known to have big mouths. They are nervous and worried, and various members of this government have been briefed about the nature and extent of the Auditor-General's inquiry. That is why one member of parliament actually sought not to argue the case about certain sentences that were damaging to their interests and reputation but actually sought to excise, censor, delete, remove six whole chapters from an Auditor-General's report. How damaging must those six chapters be if, instead of arguing about six sentences in the report and the damage it does to their reputation, they actually want the removal of six whole chapters? Today we now have the Auditor-General of the state saying, 'Give us your help; help me do the job you have asked me to do; protect me against litigation.'

One person is saying, 'Remove six of the chapters,' and another is trying to injunct the Auditor-General from bringing down any report at all. We are now saying not only that we will support this legislation, which of course is vitally important for the system of government to work in this state, let alone this farrago of rubbish in the Premier's statement about being open, honest and accountable, but that, if ever there is a choice between covering up or being honest, this petty government always chooses the former, even if it costs it in the end.

So, we will back the Auditor-General right down the line. We will back the Auditor-General in his request for legislation. We will support this legislation but we will go further: we will give the Auditor-General the same powers that he was given back in the early 1990s when directors of the State Bank tried the same caper of unnatural justice to try to frustrate that inquiry. We now know the government is running around saying, 'It will have to come out before the election now, but we might be able to do it on a day when some other thing is happening in town—perhaps during a Royal visit, when the Queen is here, when we could slip it out on a Friday afternoon', hoping that while the Queen is here in October the Auditor-General's report, although so contentious, would disappear from the public eye because the media will be so puny, puerile and lacking in any substance and so dazzled by the arrival of the royal party that they would not cover something so substantial which goes to the heart of the probity and accountability of this government.

I am saying today that we should give this Auditor-General the opportunity to do the job that this government asked him to do: to protect him from interference, to prevent there being a cover-up; to prevent there being any more smearing of this Auditor-General, because I believe that we are well served as a state and a parliament by Ken MacPherson as the Auditor-General. He has behaved in his role with great integrity. For the Auditor-General of this state to put in a report what he did yesterday is an astonishing indictment of this government. It basically shows a government that is not open and accountable but a government that is prepared to do anything, to break any rule, to bend any law in order to hang on to government, even though it knows that it will not.

Mr WRIGHT (Lee): It does not get much worse than this. Yesterday we had an example of the Auditor-General crying for our help and he should not have had to do so. We need to revisit a few facts before we analyse what took place yesterday. This government was brought to this stage screaming and kicking, and after 20 months the time is finally up. Let us not forget what happened before then, because this government did everything it possibly could to ensure that there would be no inquiry into the Hindmarsh Soccer Stadium, and it did so for the same reasons that it built the Hindmarsh Soccer Stadium: purely for politically crass reasons.

Let us not forget the role that the opposition played in the Hindmarsh Soccer Stadium, because there was bipartisan support to build stage 1 at a cost of $8.3 million. There was no discussion and no argument; the presentation of that was clear-cut. But, of course, that was not good enough for the government, because what this government wanted to do and proceeded to do was to take a political line and go into stage 2 at a cost of another $18 million and simply try to put together a project well beyond what even the soccer community wanted. Of course, it did that purely for political reasons, which have already been outlined by both the member for Hart and the Leader of the Opposition.

We should not forget or underestimate how and why we have got to this point, because it has been vital and critical in where we are right now. Yesterday we saw something quite unprecedented. After 20 months we saw a revelation of extraordinary proportions: yesterday we saw a cry for help from the Auditor-General, the independent financial watchdog. In two pages he told us all about this government. In two pages he told us about the way the government behaves, the way it acts and about how it will go to any lengths whatsoever to cover up information that should be made available to the parliament and to the taxpayers of South Australia. In two pages all he needed to do was reveal all the seediness of this government, and how this government is prepared to go to any lengths to ensure that this vital piece of information is not put on the public record before the next state election. Let us not hide behind what this is all about. After 20 months this

is another example of this government deliberately trying to draw and drag this out so that we do not see this document presented to the parliament and the taxpayers of South Australia before the next state election.

This government is not worried about propriety; this government has no leadership; and this government is rudderless. This government is being run by the Minister for Tourism. Why is that the case? Because she delivered the numbers to the Premier, and that is why he is now the Premier of the day. He can show no leadership on this issue whatsoever, because he is beholden to the member for Coles, the Minister for Tourism. We know, as everybody else knows, both inside and outside this building, that the Minister for Tourism is in this right up to her neck. Fancy having to bring in a bill of this nature! What temerity; what an absolute disgrace! How would you be, Mr Acting Speaker, if you were the Premier of the day and you had to bring in a bill of this nature because the Minister for Tourism was threatening litigation? Why did the Premier not nip this in the bud and stop it before it ever got to this stage?

The Hon. R.G. KERIN: I rise on a point of order, sir. The member for Lee has just made a very serious accusation against the Minister for Tourism which is unsubstantiated.

Members interjecting:

The DEPUTY SPEAKER: Order! I advise all members to be cautious in this debate and the accusations that are made. The member for Lee.

Mr WRIGHT: I know that the Deputy Premier is very touchy about this issue, and so he should be. I will return to the Deputy Premier. What we have here is a cover-up of the greatest proportion. From day one beyond stage 2 we have seen this government not being prepared to come clean to the parliament and the taxpayers of South Australia. We have given this government opportunity after opportunity to come clean and provide the information that they put into the public domain but then would not back up. They are the ones who have cried wolf. I remind you, sir, that, with respect to stage 2, the opposition very responsibly called for information backing up the government's assertion that stage 2 had to be built for us to secure the Olympic soccer games. That is what we called for; that is what we asked for. Another $18 million of taxpayers' money was to be expended in addition to the $8.3 million for stage 1. The government was telling us and the taxpayers of South Australia that another $18.3 million had to be spent on stage 2 in order for South Australia to win Olympic soccer.

Quite responsibly, the opposition asked for proof of that assertion. Of course, the government was never able to provide that proof. Why? Because there is no proof. There is no document or information from SOCOG; there is no proof and nothing on the public record telling this government or the taxpayers of South Australia that you had to build stage 2 to win Olympic soccer. It was the greatest furphy of all time, and they were caught out. They were caught out because they are mugs, and if you cuddle mugs they will die in your arms. That is what the Premier is doing. He is cuddling a mug; he is cuddling the Minister for Tourism. He is cuddling her, because she delivered the bag of votes to get him to the premiership. If you cuddle mugs, they will die in your arms, and that is what has happened here. It has come back to roost.

There is now the greatest stench and stink around the Premier since the days when he knifed Dean Brown in the back. Why would he not come into this chamber yesterday? He knew full well that he had no grounds to come back into this chamber and stand before the parliament, because he knew that he had no story to tell.

Despite the fact that during question time he had the absolute gall to look us in the face and tell members opposite and his own members that he would come back and report to the parliament, what does he do? He dogs it again and he sends in the poor old Deputy Premier. Why does he send in the Deputy Premier? He does it for the same reasons why he always has to put up the Deputy Premier. The poor old Deputy Premier takes over this project from the Minister for Recreation and Sport because he could not deal with this issue. He upset all the groups that he had to deal with to try to unravel this mess. He failed to do so because of his arrogance, so then the Premier handed it over to the poor old Deputy Premier. Beyond that, he did not even have the courage to return to this chamber yesterday, despite two hours earlier telling us that he personally—the Premier of the day—would return and report to this parliament. He did not have the courage to do so. He does not have the leadership credentials.

The reason they roll out the poor old Deputy Premier is that he is a nice bloke. We cannot say that about a lot of people in this chamber, because a lot of people are not necessarily nice, but he is one of the gentlemen of this House, and I say that sincerely. But, the time is up for the Deputy Premier, because no longer either in this chamber or in the media will people simply tolerate the Deputy Premier being rolled out because he is a nice bloke. The time is up for him, just as the time is up for this government.

The process of financial mismanagement has been an absolute disgrace, and that is why the Premier will not front up on this issue. The Premier knows he has nowhere to go on this issue. The Premier is missing in action again. The Premier is showing no leadership. What we have now is a call and cry for help from the Auditor-General. It should never have got to this stage. A strong and courageous Premier—despite the fact that the Minister for Tourism delivered him a bag of votes to get him into the position—would have stood up to the Minister for Tourism, and anyone else in a similar position threatening litigation in trying to close this inquiry down, in trying to stop this report from coming before the parliament before the next state election. Any Premier worth his salt would have made sure that we never got to this stage.

Debating this bill today tells us a lot about this government. Having a bill come into this parliament on the cry of the Auditor-General tells us a lot about this particular government. It tells us that the government cannot responsibly exercise its position of power. What do we have here? We now have a halfway house, a half-baked proposition with respect to a bill that comes before the parliament. Well, it is simply not good enough and we will not cop it. The member for Hart has foreshadowed some amendments and I would expect everyone in this chamber to judge them on their merits, just as the Hon. Julian Stefani showed some leadership 20 months ago where we ultimately saw an inquiry into all the shenanigans, all the foul play, and all the conflicts of interest that have been undertaken by this government with respect to the building of the Hindmarsh Soccer Stadium.

We now need to see some true independence. We now need to see people judge the amendments put forward by the member for Hart on their merits, because out of this we need to get good government. We now need to move this forward. There should be no threat of any litigation, and there should be no 14-day window that exists for any litigation against the Auditor-General. If members on either side of this House take

the responsibilities of the Auditor-General seriously, they will support the amendments that have been brought forward. They will do so now, after 20 months and so much deliberate frustration to stop this report from coming out. It is all there for people to see in the two-page document of the Auditor-General; I am sure that he could have said plenty more if he was not bound by his office. If members are serious about the role of the Auditor-General and this parliament, and serious about this report coming forward without any bullying of the Auditor-General, they have no choice but to support these very worthwhile amendments. If members opposite—whether they be government or Independent members—are serious about their responsibilities and vote with their conscience, they have little choice but to support the amendments put forward by the member for Hart. We should never have got to this stage. It is an absolute disgrace.

The two pages presented to us yesterday by the Auditor-General are unprecedented both in South Australia and Australia wide. We must knock this on the head. We must support the Auditor-General. We must do so because we know that the Premier will not; we know that the Premier will fail to show any leadership—we know that the Premier does not have the guts to show any leadership on this issue, so it is our responsibility as a parliament to make sure that we clean up this mess, because there is nothing more important than this parliament being open and accountable. The government will not show any openness, accountability or honesty on this issue, so it is the role of the opposition, with the support the Independents. I just hope—maybe it is a forlorn hope—that at least a couple of government members will be true to their conscience, and their conscience will be pricked on this issue and they—unlike their Premier—will show a little courage on this issue.

Mr CONLON (Elder): I note—and am not surprised—that government members do not want to speak on this bill. Do not worry, though, there will be plenty on this side who will canvass the issues for them. Labor, of course, will support this bill, with the proposed amendments. But let me say at the outset that we are supporting a bill that should never have been introduced into this House.

There is one reason alone why there is a need for this bill. Despite the spin doctoring going on in the corridors, the one reason is that members of this government will not face up to and accept responsibility for their actions and allow an examination of their actions with regard to the Hindmarsh stadium. They will not allow the truth to emerge. They will deliver any trick in the book to allow it to happen. It is not the behaviour of responsible people, and it is not the behaviour that you expect from elected representatives of the people of this state.

This is the sort of behaviour you expect from children; it is the sort of behaviour you expect from your five year old when they have done something wrong. They do not want to face up to it. We are debating a bill today because members of the government do not have the moral courage to face the responsibilities that attach to their actions and deceit. And what a catalogue of deceit it has been on this and other issues from this government right up to the introduction and explanation of this legislation, and right up to the spin doctoring going on in the corridors yesterday. The job that poor old Rob Kerin was sent out to do was to somehow paint the need for legislation to overcome some legal technicalities or shortcomings in the jurisdiction of the Auditor-General. What gross dishonesty. It is absolute dishonesty. As I said, the need for this legislation does not spring from any technical fault on the part of the powers of the Auditor-General. If you follow the history, the need for this legislation comes from this, as the member for Lee pointed out: this government fought tooth and nail to avoid an inquiry into the Hindmarsh stadium.

This government has trouble with documents. Of course, we saw the stolen documents from the minister's car; just like the missing documents in the Motorola inquiry. We saw them fighting rearguard actions to stop the inquiry. Once one was properly afoot, what did the Auditor-General tell us? We saw government members making spurious, specious submissions to delay it; making themselves unavailable; making piecemeal submissions; repeatedly not making submissions on the end of it; in that way delaying it as long as they could; and, when they were finally told to put up by an exasperated and eminently fair Auditor-General, they then raised questions about his jurisdiction to deal with them at all. As a lawyer and someone with some knowledge of administrative law, I would estimate their chances of success in challenging the Auditor-General and his broad powers of inquiry as being very slight. But that is not why they are doing it. They are not doing it because they think they can win. They are doing it for one reason and one reason alone: that is, to delay it. As I said yesterday, having used every delaying tactic in the book, they then went to their lawyers, the last refuge of the wealthy scoundrel, and said, 'What else can you think of? How can we slow this down more? What can we do?' And the lawyer said, 'We will raise some arguments about whether the inquiry is ultra vires.' Not once in this process did any of them have the decency to say, 'Maybe our actions should be honestly looked at. Maybe we will take responsibility for what we have done as ministers of the Crown.' No; that is an attitude that is completely absent. It appears nowhere.

All they said was, 'How can we stop the Auditor-General from telling the people of South Australia what we did with taxpayers' money? How can we avoid that at all costs?' That is why we are here today with a bill: not because there are any legal flaws in the Auditor-General's broad jurisdiction; not, in my view, because there is any realistic chance of winning judicial review on the extent of that jurisdiction, but because we have a bunch of the worst people I have ever seen in a government doing anything they can to avoid responsibility.

The deceit has not ended with this bill. The duplicity, the deceit, the dishonesty has not ended. We had the Premier in here today saying, 'It might not be members of the government, because no-one was named'—doing nothing, making no sound to suggest that it is unacceptable behaviour for a member of his government to frustrate the Auditor-General in his duly authorised duties. He apparently approves of this activity because we had not a word of criticism, not an attempt to identify them. Why? Was there difficulty in that? Apparently not, because we had the Speaker of this House rise to his feet and explain that it was not he. We had the Minister for Recreation, Sport and Racing rise to his feet and explain that it was not his lawyers doing it. But where is the Minister for Tourism, the person at the centre of this issue? Why is she not in here explaining that it was not she who instructed her lawyers to frustrate the Auditor-General?

The member for Bragg has so much to say about grubby little matters, so much to say when he thinks he can score a cheap point, but when it comes to his integrity, why is he not on his feet defending it? I am looking at him now. He has the

opportunity to stand up and tell us that it was not he who took the rogue's part of getting his lawyers to frustrate the Auditor-General. If it was not the member for Bragg, I will apologise. I look forward to apologising once he stands up and tells this place that he was not the one.

I would refer members to other events in this sleazy chapter, the dishonesty, the deceit, the failure to face up to their fundamental responsibilities. We had the Minister for Tourism, in a ministerial statement about a month ago, bagging the ALP for the cost of this inquiry. She was bagging the ALP for the cost of an inquiry that she has set out at every stage to frustrate, make it more expensive and take the benefit of taxpayer funded lawyers to avoid her responsibility. It has been said in other circles that you can run but you cannot hide. Members of the government will find that out, because they are still running and still hiding but they will be flushed out in the light of day eventually.

It grieves me greatly that this is happening at a time when this state faces some terrific challenges: the ETSA privatisation, the rise in electricity costs, the sorts of difficulties we face, the uncertainties we face about other privatisation, the state of this state's budget, the size of our income stream, and the state of our hospitals and schools. All those things should be occupying the minds of a responsible government, but they are not.

Why do we have a bad government? Because the total focus and concentration of at least one minister of the Crown and other members of the government is to protect what is left of their sorry reputations, to avoid the responsibility of their actions and the responsibility for the wrongful expenditure of public moneys. So, when we face all these challenges, we face them with a team that is only half on the job.

We have two ministers who are retiring—one involuntarily—through the voters in the Liberal Party. I actually have enormous sympathy for those members of the government who I know or believe are honest—people with a sense of responsibility about their duties. I believe there are some of them. I believe that the Deputy Premier is an honest man with a difficult job. I believe that the Minister for Water Resources (who is present), in all the portfolios he has had, has worked hard and responsibly in the interests of this state. But, as I have said before, while he works hard and responsibly, let us be plain: he is merely an honest plodder. I therefore have sympathy for those members of this government who are being tainted and contaminated by their association with a group of people who have spent public money and will not take responsibility for what they have done. It is as simple as that. We can spend a lot of time here, and we will. What it boils down to is this: people charged with the trust of the electors of this state, people who formed the government and people who took actions will simply not take responsibility for their actions. They will do anything to prevent the truth coming out. That is it in a nutshell.

The opposition will ensure that the truth comes out on this. We will ensure that people take responsibility for their actions. We will deliver the Auditor-General of the necessary powers. I make quite plain that he has them already, but these people will do anything to delay his using them. We will do it; we will amend the legislation to take into account one or two things.

In speaking specifically with regard to the legislation, I must say that this government denies its problems and there is an underlying dishonesty in everything it does. The legislation simply chooses not to ban the sort of litigation contemplated by, we assume, government members—and those who have had an opportunity to deny this will not do so. It does not ban it; it allows them to proceed if they have started. So, in conjunction with the Premier standing in this place and not being willing to mention the wrongdoers or to saying anything condemnatory of them, the legislation will help the Auditor-General to assist them. It actually allows them to proceed; it just means that we will get some sort of draft report if they do intend to sue. I expect now that it will do them no good and that that litigation will fall by the wayside. Again, it simply shows the underlying complete inability for members opposite to face up to their responsibilities as government members.

Rather than prevent his irresponsible members of government from doing it, the Premier will quietly condone it; he will leave them an avenue to do it; and he will do the minimum that this parliament demands of him in making sure that the Auditor-General brings down an honest and full report. Right from the start, when we were told $8 million and not told the rest of the story, when they hit all the truth and when they tried to frustrate the Public Works Committee from any examination, when a minister found her car broken into and documents stolen, through the delays—

Mr Lewis: Are you sure that's what happened?

Mr CONLON: I can only take the minister at her word. Right through the blocking and the delays, and all the submissions right down to this very moment as we speak, still they are addicted to their dishonesty and lack of responsibility. They will not be in the position for much longer. In the last week, we have seen the latest and most severe convulsion of a government in its death throes, and it is dying from its own corruption from within. It is being eaten out like a cancer from within by its own dishonesty and lack of responsibility.

It is my earnest hope that some members of this government will go away during the recess and have a serious think about this state and their responsibilities as members of the government. I hope the Premier has a serious think about it. I hope that, too, that as a result of this he decides not to steal longer than his four years and that he, at least, faces up to his responsibilities and takes himself to the people of South Australia at the end of his four year term and says, 'Here I am; here is what we did; make a judgment.' It is something these people will not do, something they will not let the Auditor-General do and it is something that they will avoid at all costs. I urge the decent Liberal members of the government—and I know there are some—to have a long, hard think over the recess and decide themselves whether they want to be a party to this corrupt mob any longer. I urge them to face up to their responsibility, finish their four years and take themself to the people of South Australia and let them make their judgment.

Mr KOUTSANTONIS (Peake): Still no government member rises to defend their actions. I was reading *Hansard* from 1992, and I stumbled upon the State Bank of South Australia (Investigations) Amendment Bill. I found some interesting reading from a government member, talking about the independence of the Auditor-General. It seems to me that this debate on 26 November 1992 is relevant today. The Hon. Stephen J. Baker said some interesting things in this debate. His opening remarks after the first adjournment were as follows:

> This parliament finds itself in the extraordinary position of having to rush through legislation at one minute to midnight in an attempt to place reasonable controls over the investigations of the Auditor-General. It is extraordinary from a number of points of view,

and the House shall reflect on the provisions contained in the bill before us.

He went on to say:

> The Auditor-General must get to the truth. He must not be swayed from the threat of challenge or protracted legal argument. The process must not be put off course in any way or form. It must be completed as speedily as possible, given that I understand the bill for the royal commission is escalating.

This was the Liberal Treasurer Stephen Baker, a former Deputy Premier of South Australia, talking about the way in which the Auditor-General's report was being hampered by legal action taken by those who were under investigation by the royal commission.

Talk about not learning lessons from the past! We get lectured nearly every day in this place about the State Bank and not having learnt the lessons of the past. We get lectured nearly every day in here about economic mismanagement of the past, how we have not learnt our lessons and how we cannot be trusted. Here is a lesson that members opposite thought they would teach us. Here we are nearly nine years later and members opposite have not learnt their lesson. Some members of this House have learnt their lesson, and in this respect I refer to the member for Davenport and the Speaker. They both got up and said, 'We won't be party to trying to stifle the Auditor-General's investigation.'

A precedent is involved. Just as members of the former opposition in 1992 felt frustrated that the Auditor-General could not get to the truth because of legal action, so, too, is this opposition and the Auditor-General now being frustrated, because government members, using taxpayers' money, are using legal manoeuvring to try to stop the Auditor-General's investigation. It is an absolute disgrace! The Premier should start taking responsibilities for his actions and stop being a hypocrite. In black and white in *Hansard* in 1992 we have the Liberal Party saying that the Auditor-General must get to the truth and that he must 'not be swayed by the threat of challenge or protracted legal argument'. They were your former Treasurer's words, your former Deputy Leader's words. This is his argument, and he said this nearly nine years ago.

The parallels are amazing. Members opposite rush through legislation on the last day of sitting before the spring break. Members opposite are doing so because they have been embarrassingly humiliated by the Auditor-General into doing it. It is exactly the same reasoning. History is repeating itself again. I am not saying that the Hindmarsh stadium is the same as the State Bank disaster in dollar value. However, in terms of mismanagement and incompetence, members opposite surpass us by all means available. This is absolutely amazing. I do not remember ever reading in any of the *Hansard* reports about documents going missing in car break-ins or secret State Bank documents missing. There have been no accusations of corruption, just incompetence. Here we have accusations of corruption. This government has a cancer eating away at it, and it has to cure it immediately because it has lost the trust and faith of the people.

The Hindmarsh stadium is in my electorate. I remember the first time I was taken to a briefing when I was the candidate for Peake in 1995. I attended a meeting, along with the Leader of the Opposition, the shadow Treasurer, Kevin Foley, and the shadow Attorney-General, the member for Spence, with Les Avery and representatives of Soccer Australia. I remember sitting down and talking to Les Avery, and the member for Hart asked some detailed questions about the Hindmarsh stadium—what was going on, when construction would start and how much it was costing. We were attacked—

Mr Atkinson: We were.

Mr KOUTSANTONIS: We were attacked in that meeting: how dare we have the gall, after the State Bank, to question in that meeting the financial mismanagement of the government? I remember the shadow Treasurer, Kevin Foley, saying to this person, 'Just because we made mistakes in the past does not mean that we want to repeat them. We want to know exactly what is going on; we want to be good financial managers; we want to make sure that this stadium will not be a blow-out.' And, of course, we were laughed at by the likes of Les Avery, the Minister for Tourism and the member for Bragg. But now history is repeating itself.

In the final analysis, when we calculate the total cost of building Hindmarsh stadium, I wonder whether it would have been cheaper to buy everyone a ticket to Stadium Australia, to fly them to Sydney on Virgin airlines for $99, put them up for a night, buy them a ticket to the soccer and fly them back again—and maybe even buy them a meal in Sydney. Would it have been cheaper than building Hindmarsh Soccer Stadium, which sits there empty today, while the Queen Elizabeth Hospital, which is down the road, is in urgent need of reconstruction and a cash injection of funds? There are schools in my electorate in the western suburbs which need money for renovations; there are libraries which need new books and which are not getting them, because this government is wasting money on the Hindmarsh Soccer Stadium, and now what it is trying to do—

Mr Atkinson interjecting:

Mr KOUTSANTONIS: That is why this government is now trying to hamper an investigation of its own members. The member for Elder made a very good point. The Premier says, 'But I have fixed it all. I am introducing legislation to make it all right now.' But he will not order his own members of parliament—his cabinet minister and his cabinet secretary—to get up and explain to this House, as other members have done voluntarily, that they are not a party to legal action to try to frustrate the Auditor-General. The Premier sits back and quietly enjoys their frustrations. He knows that the member for Bragg is still doing his bidding; that he is still his henchman, running around in the dark alleyways of Parliament House doing dirty little deals in the dark to keep this Premier afloat. He is the one who gets his hands dirty; he is the one who does all the dirty work for the Premier; he is the one who scurries around in the dark alleyways in the bowels of Parliament House doing deals to try to keep this government afloat. And, of course, he has his faithful ally, the member for Coles, the Minister for Tourism, who has apparently all of a sudden developed a love of soccer. I am sure that she could not name three teams in the national soccer league, let alone three teams in any other soccer league in the world—or any positions.

The Leader of the Opposition made a very good point. The government, through its polling, has realised that, in some sections of the community, its support is at rock bottom. We could detail for hours why the support is at rock bottom—back-stabbing, disloyalty, corruption, privatisation, running down of health, education, and the hypocritical sudden influx of police numbers just before an election, after having run them down for the last seven years. Government members have thought, 'How do we get some ethnic communities on side? What can we do for them? I know: we will build them a soccer stadium, and we will spend $45 million on it. And we will not be stopped. We will not let truth, honesty and

justice get in the way of us getting votes. We will not let the taxpayer hold us accountable for the actions we take to be re-elected.' Well, they have failed, because every time people drive past Hindmarsh Stadium it is a monument to their failure, their corruption and their incompetence, and they will be held to account at the next election.

I challenge any member of the government to get up and defend the member for Bragg and the member for Coles for their actions in this matter. Not one person has got up to defend them. No-one has got up to say, 'They are innocent.' These are their mates. The member for Bragg is fighting so hard and loyally to keep things afloat; to frustrate the investigation. He is doing it, and not one of them will get up to defend him. You have great mates, Graham.

Mr Foley: Iain Evans is a good mate.

Mr KOUTSANTONIS: Iain Evans and the Speaker. I admire their honesty, but we do not have loyalty like that in the Labor Party. Their loyalty involves getting up and saying, 'I don't know who is involved, but I can tell you who isn't. I don't know who is taking the legal action, but I can tell you precisely who isn't. It's not me, it's not the Speaker, it's not the member for Davenport. I'm not sure who is involved.' That leaves only two people—two are left standing—and not one person in the government has risen to defend them. Whom do they leave in, whom do they roll out—the good bloke; the only good bloke left in the government.

An honourable member interjecting:

Mr KOUTSANTONIS: Rob, everyone's favourite Deputy Premier. He comes out here covered in the filth of the blood of the Hindmarsh Soccer Stadium—anyone who gets close to the stadium gets covered in blood and lies and deceit. And you cannot wash it off; you cannot scrub it off. There is only one way to deal with this, and that is honesty; to turn the lights on. I argue that our campaign slogan should be 'Let's turn the lights on,' because this government is deceitful and corrupt, and the Premier should start sacking ministers and his cabinet secretary for what they have done to the government's reputation.

Ms THOMPSON (Reynell): I think my colleagues have been quite generous today in suggesting that this government has been obfuscating on this matter for only 18 to 20 months. It has been obfuscating on this matter since March 1998—

Members interjecting:

Ms THOMPSON: Well, that is a very generous description. I understand that there were some problems even before that in the Public Works Committee of the previous parliament. However, I can only speak for events since December 1997, and particularly the sorts of events that occurred in March 1998. At that time, the Public Works Committee received a proposal for the upgrade of Hindmarsh stadium, a stage 2 proposal, in order for us to secure Olympic soccer. We were told that, contrary to the evidence given to the previous Public Works Committee, it was necessary to expend an additional $18.5 million, approximately, in order to secure Olympic soccer.

On reading the report delivered by the previous Public Works Committee about stage 1 of the upgrade of Hindmarsh Stadium, I saw that that committee had quite keenly pursued the matter as to whether that upgrade of originally about $8 million (it kept creeping up, and I think it ended up at about $11 million) would secure us Olympic soccer. It was learnt that investigations about holding some Olympic soccer events started in South Australia in the middle of 1995. That committee—and, indeed, the current committee—was also aware of the fact that there had been examinations of the upgrade of Hindmarsh Soccer Stadium since 1993, and the Labor government had been involved in looking at whether it was appropriate to upgrade Hindmarsh Soccer Stadium to establish some greenfield site for soccer, or what was the best way to provide some sort of support for soccer, which was recognised to be a pretty important game in the life of this state.

In the inquiries made by the Public Works Committee of the former parliament, the committee was completely assured that that upgrade was sufficient to secure Olympic soccer for the state—'Olympic soccer' meaning six play-off matches and one quarterfinal. So, when the project proponents came to the Public Works Committee established by the 49th parliament and told us that it was necessary to spend $18.5 million more in order to secure Olympic soccer, we were somewhat sceptical. We wanted to know how we could be sure that this was the case. We also wanted to know, even if the state had been told that the only way we could get Olympic soccer was by spending another $18.5 million, whether this would be a good economic return to the state.

We recognised then, as people recognise even more so now, that $18.5 million is a significant amount of money to be spent by this state. We are in a situation where every cent, let alone every $1 million, must be spent in the best interests of the people of this state. When the first lot of witnesses appeared before the committee on 4 March, we inquired of them as to whether there was some assurance that we did need to upgrade Hindmarsh Soccer Stadium by a further $18.5 million and what indications there were of economic benefits to the state. We were assured by the public servants who came before us on that day that an economic analysis had been undertaken and that this would be provided to the committee.

We were also assured that it was necessary and that SOCOG had declared it necessary to conduct that further upgrade and that the committee would be provided with further information about that. This economic analysis managed to elude the committee completely. We asked for it repeatedly. We were told by loyal public servants repeatedly that it would be provided. On a number of occasions during the hearings I felt almost embarrassed for these public servants, who were obviously trying to do the right thing but who were having a lot of difficulty being able to do it.

The committee secretary constantly tried to follow up the evidence that had been promised. First, we were told that it would come. These public servants then told us that they were under instructions not to provide this information. They were very careful about how they provided the committee with this information, but I think it is useful to know that their minister at the time was Minister Ingerson, the then Deputy Premier. The Public Works Committee became so frustrated by this course of events that it produced an interim report which was presented to the parliament in April 1998 and which listed some of the issues that were causing the committee concern.

The report went into considerable detail about the evidence that was provided in terms of the matters on which I have touched briefly this afternoon. It also referred to some problems about land ownership. It referred to some problems being experienced by the people of the Belarusian Church who had a hand-built church immediately across Hindmarsh Place from the stadium and who were being messed around considerably at the time by the project proponents with respect to the impact of the redeveloped stadium on their

church. The situation was that the new stands that were to be built—from my recollection—would end up about 20 feet (members may like to convert that to metres) away from the church.

The worshippers would have difficulty attending weddings, funerals and other services. They would be placed in the situation where wedding and funeral cars would not be able to turn around in front of the church to allow the people to arrive at the church with dignity. They would have to scuttle down the street carrying the bride, the hearse, or whatever, in order to attend their church. As I said, the church had been hand built by many of the members of the congregation. It contained some important relics that were very sacred to the people of this church.

They were just being overwhelmed by the way in which they were promised consultation one minute and then the consultation disappeared and they were extremely upset by their treatment. The way in which the people of the Belarusian Church were treated seems to be typical of the way in which the people of the state were being treated over this matter and the way in which the parliament has been treated. Ultimately, the people of the Belarusian Church—after the intervention of several local Labor members in that area on their behalf and, in a very strong manner, the Public Works Committee—received some satisfaction. They were given another building, not far away, in which they could conduct their worship. They were assisted in having the relics moved. They were assisted in having the new building reconsecrated.

Mr Atkinson interjecting:

Ms THOMPSON: As I understand it, buses, a police escort and an ambulance were involved in the relocation of these important relics. I was pleased that, as a member of the Public Works Committee, I could, in some way, support these people in the preservation of their centre of worship. Most of them were quite elderly and, as one can imagine, had been extremely traumatised by the experience. This was one matter that was addressed in the interim report of the Public Works Committee which was presented to this parliament in April 1998 and which, in fact, was published, according to your orders, sir, on 30 April.

Besides the issue of the church, we indicated our concern on the issue of the ownership of the stadium. Back in March and April 1998, the Public Works Committee was signalling to this government that there was a severe problem over the ownership of the Hindmarsh stadium, and how long has it taken this government to sort out that problem? I cannot remember, but I think it was this week that we were informed that the government has been able to purchase the land from the City of Charles Sturt and thus protect its investment of about $30 million.

That does not indicate a government that knows how to manage anything, let alone a Christmas raffle. There were the issues of the ownership and the church but, most importantly, there was the issue of the lack of evidence: the fact that the committee had not been able to obtain the evidence that it required in order to prepare a comprehensive report as to whether or not these works were supported. In fact, one extract from the report picked at random states:

> Given the two views outlined above and the lack of material evidence, the committee questions the reasons given for the necessity to spend an additional $18.5 million for seven games of Olympic soccer when temporary stands could be put in place and the preliminary rounds still held in Adelaide for a significantly reduced cost.

Two statements were made, one by the Hon. G.A. Ingerson, who stated that the general view from SOCOG was that, if we built a stadium with a new grandstand—as it is there now—and installed a series of temporary stands around the ground providing seating for approximately 20 000 people, that would be acceptable to SOCOG. That is what the Hon. G.A. Ingerson said on 18 February 1998. He did say different things after that. In contrast to that statement, Tony Farrugia from the South Australian Soccer Federation said:

> If the Olympic Games were not coming to Adelaide and you asked me if we needed 15 000 permanent seats, I would have to honestly say at this stage, probably not.

It was clear that the only reason for the upgrade was the seven games of Olympic soccer. The committee did pursue this matter of the temporary seating at one stage. I know that I have made a statement in the House about the absolute waste of money that was involved in not providing temporary seating. Again, the Hon. Graham Ingerson had made a statement that the cost of building the stadium was about the same as the temporary seating. I did subsequently get evidence that indicated that that was totally a misconstruction or misunderstanding of the situation—

Mr Lewis: He knew damn well that it was less than $1 million.

Ms THOMPSON: He may have known damn well or he may have simply been ignorant and stupid. But evidence given to the Public Works Committee later showed that, certainly, it was grossly inaccurate. I now come to the matter of how we were locked into this expenditure of $18.5 million. The evidence put to us in hearings on 4 and 18 March consistently indicated that it was as a result of a meeting with SOCOG officials held on 28 October. We asked whether there were notes of that meeting, and we were told that there were not. We asked who could affirm this understanding, and again there was just no reply. Basically people did not bother to tell us anything. The one bit of information we did get from the then Department of Industry and Trade, which had management of this project, was who was at that meeting which was supposed to have occurred on 29 October 1996, after the approval of stage 1 had been determined. At that meeting on 29 October there were present a number of SOCOG personnel, Soccer Australia personnel and South Australian Soccer Federation personnel, one of whom was Mrs Joan Hall, ambassador to soccer. Then were SA government personnel, the Hon. Graham Ingerson MP, the then Minister for Recreation and Sport, as well as Hindmarsh stage 1 consultants.

I have deliberately chosen not to name the other people present at that meeting, particularly the public servants, because we have witnessed in the past two days a bit of a slur on the public servants involved in this matter and a bit of an attempt to indicate that it may indeed be the public servants who have been obfuscating and delaying the Auditor-General in his inquiry. Our experience during the Public Works Committee hearings was that the public servants were in no way doing that and that they were very embarrassed by what was happening. I will name two public servants who I thought did their job very well in trying to provide us with information. They were Dr Andrew Scott and Mr Vaughan Bollen.

The total number of people at this meeting on 26 October 1996 was four from SOGOC, three from Soccer Australia, two from the Soccer Federation (which is nine), four from the SA government (which is 13) and two from Hindmarsh Stage 1, (which is 15.) The various representatives of the govern-

ment would have us believe that, of those 15 people at that meeting on that day, not one of them kept any record of that meeting or any note which indicated that SOCOG had said that unless we further upgrade the Hindmarsh Soccer Stadium at what became a cost of in excess of $18.5 million we would not get Olympic soccer.

The other issue that is relevant there is whether, even if we did get Olympic soccer, this would be any good to the state. Again and again we were told on record that we would get the financial analysis conducted by the South Australian Centre for Economic Studies, but it just did not happen. What did happen is that on 4 June in the House of Assembly the Hon. G.A. Ingerson MP, Deputy Premier, moved:

> That this House remits the interim report of the Public Works Committee on the Hindmarsh Soccer Stadium Upgrade Stage 2 to the committee and instructs it to present a final report to the Speaker by 16 June 1998.

That motion was carried, and that just goes to show that the Hon. G.A. Ingerson has been trying to prevent scrutiny for a long time. The government used its numbers to require the Public Works Committee to present a final report. The outcome of that final report was that the majority of the committee could not support the construction of stage 2 of the soccer stadium. It said:

> Overall the committee has been frustrated by the difficulties it has encountered throughout this inquiry, particularly in relation to obtaining evidence. Whilst in the first instance members were advised by witnesses that any additional information they requested would be provided, in several instances that information was not provided, despite the many attempts that were made to get it.

In fact, at the time we had to report that there were still outstanding 32 items of evidence that had been promised. So, if the Auditor-General has had problems I can understand why.

The final decision was that, given the foregoing concerns (which I have not spelt out in detail), and those outlined in the committee's interim report to parliament, the Public Works Committee was unable to recommend that the proposed stage 2 redevelopment of the Hindmarsh Soccer Stadium proceed. A minority report from Mr Robert Brokenshire MP was attached. So, four members of the Public Works Committee, namely, the Chair Mr Peter Lewis, Ms Lea Stevens, Mr Michael Williams and I were not able to support the construction of stage 2. However, the current Minister for Police indicated that he thought that it was a wonderful opportunity for the state and had obviously not been able to see what the other members of the committee saw in terms of the incredible risks and obfuscation that had been involved in this program.

That is a potted history of some of the issues with which the Auditor-General would have been dealing. Others related to the whole issue of the manner of contracting of stage 1, to which the Auditor-General drew attention in, I think, his 1997 report. The issue of the loan made to the Soccer Federation in relation to stage 1, which also was examined by the auditor—

Time expired.

Ms WHITE (Taylor): I rise briefly to support the amendments indicated by my colleagues on this side that we will move to this bill. It is an important piece of legislation, but the fact that it has been necessary for us to consider this bill is atrocious. This government must be kept to account on the Hindmarsh Soccer Stadium. As many members have mentioned, the government has been ducking and weaving for the last couple of years, but as my good college the member for Reynell points out that ducking, weaving and murky hole digging began with this government a long time prior. I have some good recollections of a lot of the history of the stage 2 of the development of the Hindmarsh Soccer Stadium, being both on the Public Works Committee prior to the last state election and also being a former shadow sports minister prior to the last state election.

This is not the first time that this government has tried to frustrate the processes of official independent arbiters. I am talking now of the Auditor-General, but I talk also of the Ombudsman. Members may recall that back before the last state election I was then shadow Minister for Recreation and Sport, and I put in a freedom of information request to gather all the documents associated with the stage 2 development of the Hindmarsh Soccer Stadium. I have looked at hundreds of pages of documents, letters, correspondence and all the information that the government said it could provide.

Do members realise how long it took this government to provide me with any response to that freedom of information request? Freedom of information requests are given a legislated 45 days for response: government agencies have 45 days to respond. It took three years—and I emphasise that—for me to get documents, and even then I did not get all the documents. This government slammed a cabinet stamp on very crucial documents. All the interesting documents relevant to the critical dates were not provided. That is what this government did.

I lodged an appeal after considerable time. Back in 1997 I put in an appeal to the Ombudsman and the Ombudsman went on the same merry chase that the Auditor-General has been on with this government—backwards and forwards, change of ministers, shifting from one person to another, 'cannot provide', extensions of time, promises to provide some response, and no response. And, in the end, the Ombudsman had to threaten court action—taking a minister to court—to get access to documents that should have been provided in the first 45 days. It was three whole years of arguing backwards and forwards, not I alone, but the Ombudsman of this state. So we have this government willing to frustrate the Auditor-General and the Ombudsman, all to hide their crooked deals—

Members interjecting:

The DEPUTY SPEAKER: Order!

Ms WHITE: The former minister for sport, the Hon. Graham Ingerson, asks: was it me? You are very much implicated in this whole saga. I remember very well in an estimates committee in 1998 having answers from the then minister for sport, the Hon. Graham Ingerson, and having those answers later contradicted by public servants giving evidence under parliamentary privilege in the Public Works Committee on those very matters—backwards and forwards.

I remember being on the Public Works Committee that was then chaired by another former minister for sport, the Hon. John Oswald, and seeing his surprise and hearing his public comment when a second stage was announced, and having the then minister, yet another former minister for sport, the Hon. Scott Ashenden, saying that this was always planned, feeding the government line, and having the now honourable Speaker of this House publicly expressing his surprise.

It is not only those of us on the opposition benches who feel uncomfortable about all of this. We have former members of the Liberal Party, as well as current members of the Liberal government, who feel similarly. In fact, I recall

very well an article in a local newspaper when the member for Schubert publicly declared his opposition to the stage 2 development. The fuss is the stench surrounding this whole saga. After all that ducking and weaving, after all that frustration of public officials, when the Auditor-General year after year warned and advised the parliament that things were not right with this whole saga, we have the government come in here today with the audacity to try even now, at this stage, to further delay this matter.

Surely the game is up. Surely you have to succumb to the will of the people of South Australia to disclose this really grubby deal. Yet even now we have the government attempting to make it difficult, attempting to make sure that the people of South Australia are not told the truth about this disgraceful saga with the Hindmarsh soccer stadium before the next state election. No wonder no government member has stood in this place to defend what they are doing today.

The Premier is so shamed by this that he is not even in this House to debate the bill, nor is the Minister for Tourism. That is an indication of the very unscrupulous action of trying to avert full disclosure which surely now must occur. So, in the interests of South Australians, I direct these remarks to those government members who are quivering and hiding away—not many of them are here in the chamber and not one of them has spoken, apart from the Deputy Premier, who has to carry the bill.

Mr Lewis interjecting:

Ms WHITE: No, if he had not had to carry the bill, he would not have said a word.

The Hon. R.G. Kerin interjecting:

Ms WHITE: Okay members, you have plenty of opportunity. Get to your feet and defend your government's actions. No, you cannot.

Members interjecting:

Ms WHITE: Will that be the contribution from the government—a one-liner: 'Thanks for your contribution and goodbye'? I say to the government from the people of South Australia, 'Goodbye to you.'

Mr LEWIS (Hammond): I am amazed. I have waited for one member of the government at least to say why they support this process. Whether they say it sincerely or with their tongue in their cheek trying to hide their embarrassment in the process, at least it could be said of them that they had contributed to the debate. It is parliament we are in!

The Hon. R.G. Kerin: I am speaking to it.

Mr LEWIS: You are the minister; you have to. There would not be a measure here if that was not the case. Clearly, the government does not want to see this debate conducted in a way that does any honour to the institution of parliament. Indeed, I guess some members of the government would feel embarrassed about having to say they supported the necessity for this legislation, because it should never have been necessary. The Premier should simply have told the minister and/or the member who was involved to butt out—desist. If the member or minister, particularly the minister, did not do that, the Premier should have said, 'Well, you are finished; I need someone who understands the public interest clearly better than you do', whoever that person may be. That has not happened, so it shows that the Premier has no spine. It is not that he is made of jellybeans; it is just not there politically.

The Premier speaks about open and accountable government. Can I say I used to go to school at Urrbrae and, when we heard some teachers saying things that we knew were not true or if one of the other boys in the school yard started telling furphies, we would whistle 'Colonel Bogey'. Hansard is incapable of recording a tune and standing orders would prevent my doing that right now, but the government's attitude to this legislation and the statements that have been made to this House from time to time by the former Deputy Premier and member for Bragg and the Minister for Tourism—

The Hon. G.A. Ingerson interjecting:

Mr LEWIS: I said 'the former Deputy Premier and member for Bragg'. That is you. I was talking about you, Graham. The statements you have made in this House, especially when a motion was moved to compel the Public Works Committee to produce a financial report, made me feel as though spontaneously I should break into either singing the words as we knew them in the vernacular or whistling the tune of 'Colonel Bogey'. You knew that what you were saying was untrue. You knew that what you were doing was dishonourable. The consequences for the government are now disastrous. If we want open and accountable government, clearly we will not get it from this bunch.

Mr Atkinson interjecting:

The SPEAKER: Order! The member for Spence is warned.

Mr LEWIS: The approach taken by the government to defer whenever possible the Auditor-General's inquiry—to frustrate, delay, deny, deliberately get in the way, if not close down—is very destructive of the public trust in the institution of parliament. It is even more destructive of the public's belief that when ministers swear an oath they will stick with it, because quite clearly that has not happened in this case. If you swear an oath you have to mean it. As has been pointed out by some of the members of the Opposition, this legislation has come in now because of the frustration the Auditor-General has experienced in his attempts to get his report concluded, where he has pointed out in the interim report he produced to the parliament that he needed parliament's protection and support to enable him to do his job. What the government is delivering is less than what is necessary. What the government has put before us is inadequate.

What the government will allow is political buggery. They want to allow a member or members—ministers or not, I do not know absolutely certainly—to put a gun at the head of the Auditor-General, compelling him to report before 31 October. For those matters that will be brought, if this bill as it comes before us stands in that form, this would allow those members to take action through the courts. The Auditor-General is still vulnerable. Those matters will not be resolved; it will compromise his capacity to report objectively to this parliament. This parliament previously saw the risk when it was directing its officer, the Auditor-General, and then the royal commission into the State Bank to conduct those inquiries, and indemnified those officers—the Auditor-General and the royal commissioner—of any risk and liability. It is therefore necessary in my judgment to delete clause 6 as it stands—and I will move that when we get into committee—and put in its place exactly the same words as we all agreed were necessary to facilitate a proper, complete, full, frank and honest examination and report on the State Bank matters.

Why is this any different in principle? It is not. There is no-one on the government benches. Even though I circulated those amendments as quickly as I could after I became aware of the substance of the legislation, no-one on the government benches stood up to defend the watered down version they have brought in here, because they know damned well that, if they do, there will be two members in here who will not be

able to hold that gun at the Auditor-General's head and thereby prevent the Auditor-General from saying anything other than what he puts on paper in this parliament. Even then, that will be compromised, because he will have a whole lot of work to do with whatever legal representation is then provided to him by this same mean, stingy, crooked government to defend himself, using the taxpayers' money to do that. It is the same bucket of money that will be used to enable the ministers and/or members—if either or both are involved—to prosecute the action against him. I see that as an indication of the level to which this government has fallen.

It is not about natural justice at all: it is all about frustrating and compromising the capacity of the Auditor-General to be utterly objective in his reporting but forcing him to recognise that there will be unfinished business once he has made his report to the parliament. The cover-up began, and it still continues. I have referred to where it is continuing and how it will continue beyond the report of the Auditor-General unless we change these provisions. I have drawn attention to that, but let me go back to where it began.

As the member for Taylor pointed out, it began in the last parliament with what was called the Hindmarsh Soccer Stadium upgrade. There was no stage 1 at that time: that was it. She was a member of that committee, as I recall, and she was anxious about certain elements and aspects of that development. Notwithstanding my own anxiety in that regard as a new member of that committee, I was prepared to acknowledge that maybe soccer needed a bit of a leg-up, as other sports had had, and was willing to see it happen. I was disturbed by the unwillingness of a majority of the members of the committee, including the Chairman, to require what I considered to be adequate and appropriate information to be put before the committee to enable it to come to a determination as to whether the investment was in the public interest. In those days we just used to sit there and go through the motions. And the motions were whatever was dished up to us. You were restricted to three questions—and that was it. It did not matter a damn what the answers were: it was time's up and you were out—the inquiry was over. The numbers were always there to pursue that course of action—against the interests of the public, as I believed it to be.

As for the attempts that the committee made—and I will go into them in some measure now for a few minutes, as time is limited—we were determined to try to discover what had happened and why it was happening. We asked, for instance, for information that should have been provided to the committee for the financial or economical analysis that was undertaken of the project. Ian Dixon, who was then the Chief Executive of the portfolio of Industry, Trade and Tourism said that he was happy to take on notice that question that had been put to him. He would say, 'We can provide to the committee information on what has been done in relation to economic impacts and assessment of economic impacts for this project.' To this day that was never provided. It came out under the freedom of information stuff, but the minister of the day who was handling it, and other ministers, in their wisdom (and I bet they lived the rue the day that they ever thought it was wise), set out to nobble Ian Dixon. It took quite a while but they eventually found a way in which they could set him up and knock him off. And they did. So, he was unable—

The Hon. G.A. Ingerson interjecting:

Mr LEWIS: The member for Bragg says that it was not him, but he knows bloody well who it was, and he knows what went on. It was done out of spite and to cover up. It is the biggest kind of cover up that you could imagine because it extended through so many agencies and on so many fronts, to deliberately ensure that no-one stepped out of line, to try to prevent any of the vital information about the truth getting out. Dixon should never have been sacrificed on this issue. You can find something that everyone has done wrong at some time in their life. I daresay, if all 47 members were asked some of the things about their personal life, at some point or other they would have denied those things—and I would not blame them for that.

An honourable member interjecting:

Mr LEWIS: Well, the honourable member says, 'No-one is holier than thou.' I am not saying that. There are things in my personal life that I admit I have denied, but they have not been things that have affected members of the general public, one way or the other. They have not been things that have had anything to do with the performance of my work in this place as a member of parliament, and, certainly, not things, had it ever happened should I have sworn an oath as a minister, that I would have done. I understand what oaths mean.

That cover-up continued. The kinds of things that the committee needed and was never given because it would have been too embarrassing for the government to provide it was not only the cost benefit study, carried out by the South Australian Centre for Economic Studies, on the viability of the additional works but also the Ernst and Young report that was prepared in 1996 to determine whether the South Australian Soccer Federation had the capability to service a loan. We wanted to see that. Well, of course, history shows that they never did. They were not in a bull's roar of it. They did not even have a hoof on the ground, leave alone a tail and a horn.

An honourable member interjecting:

Mr LEWIS: A tail and a horn: two horns, usually. They might have been poll-ies. They did not have the memorandum of understanding between the South Australian Soccer Federation and the state government signed in May 1995. We were also denied another important document—the memorandum of understanding between SOCOG and the state government that was signed in August 1997—that we were aware existed but knew nothing about. Of course, had we seen those documents, our suspicions that stage 2 was not essential for Adelaide to stage Olympic soccer matches in the preliminary round and that $18.5 million (and then some, as it turns out) had to be spent to enable that to happen was a blatant lie would have been confirmed.

What we could have done—and you know the truth of this, Mr Speaker—was build temporary grandstands, at the time this was done, for between $25 and $30 per seat—we could have built them, got them down and off the site. If 20 000 seats were put in, that would have come to $600 000—not $18.5 million. So, that is why there was a cover-up.

An honourable member interjecting:

Mr LEWIS: Yes, easily. We could have built the bloody stadium on Lake Eyre. If you want to know what the official government line was at the time, you have merely to look at the member for Mawson's minority report where he said:

> . . . establishment of the Hindmarsh stadium as a premier facility for soccer, capable of holding much needed additional international soccer competitions in South Australia.

Well, how many have we had since then? What has it cost us each year? What would the result be if we invested $18.5 million at 10 per cent—and we have spent more than $18.5 million. To make it easy on some of the mental arithmetic cripples in this place, in round figures let us say that the

figure was $20 million and, at 10 per cent, that would result in $2 million a year. Hell, you could stage a few international soccer matches on the interest on that money if you had simply set it aside in a sinking fund attracting interest.

The member for Mawson also said that the Hindmarsh Soccer Stadium upgrade would establish the stadium as a long-term commercially viable multipurpose stadium. Well, what a lie that was. What a joke! He also said:

> . . . becoming the home of other sporting codes that require a stadium atmosphere rather than a large oval setting.

I do not know where those codes are; I do not see any of them on the horizon. They are not around the place. No-one lining up to go in there. The costs of getting in there are so high that no-one can afford it, so the government will have to meet the cost every time. There will be some shortfall whenever the facility is used and, of course, the government will be using taxpayers' money to pick up the tab on that shortfall.

One of the things we recommended was that the site was unsecured and that it ought to be secured as quickly as possible. Well, quickly as possible is just a couple of weeks ago. There are a whole lot of things that I could quote from that report. It said, of course, that it is clear that if Adelaide is to continue to be eligible for the Olympic soccer in the year 2000 the additional expenditure will be required. In a media article, the then Chairman of the Australian Soccer Federation, David Hill, confirmed it. Well, what a lot of garbage. We now know that was simply not true. He considered that the role of the committee was to seek information that was required—both oral and written—and to assess and evaluate that information to decide whether the project is in the public interest. Well, of course, that is what it should have done. Everything that he said in his minority report was exactly the opposite. It had nothing to do with public interest and everything to do with the political expediency of the arrangements that put John Olsen in office as Premier, the member for Bragg in office as Deputy Premier, and the candidate for Morialta, I think it is, as Minister for Tourism.

Altogether then, if the government has any integrity and is true to its standards—as the Liberal Party that I belonged to at the time we began our push to get a proper inquiry into the State Bank was—it will not retain the bill in its present form. It will support the proposition that I will put in the committee stages to include the provision that is necessary, namely, that no decision, determination or other act preceding of the Auditor-General or act or omission or proposed act or omission of the Auditor-General in connection, or purported to be in connection, with the inquiry may, in any way whatsoever, be questioned or reviewed or be restrained or removed by proceedings for judicial review or by prohibition, injunction, declaration, writ, order or other manner whatsoever. That is what is necessary to enable the Auditor-General to do his job honestly, honourably and thoroughly. I think all government members in this place should hold their head in shame if they do not support that proposition.

The Hon. R.G. KERIN (Deputy Premier): We have heard many contributions this afternoon which totally misrepresent the Auditor-General's interim report. We have also heard many unfair and unsubstantiated accusations regarding not only members of the government but quite likely other citizens. The bill we have put forward meets the requests of the Auditor-General as he has put them in his report. It is important that I point out to the House that the Auditor-General has been consulted on this bill, is satisfied with the bill and agrees with the balance that has been achieved. That being the case, I am amazed that the members for Hart and Hammond want to go further than the Auditor-General has agreed to and remove the right to natural justice of not just MPs but other citizens who have appeared before the inquiry. That is an enormous step. It is a very dangerous amendment based on a very dangerous premise. It is one premise that many people in the general community would be alarmed at.

I also point out that at this stage the government will accept the other amendments put by the member for Hart for proposed subclauses (3) and (3a), because that is basically what would have happened, anyway. The opposition has played a game of elimination since it has seen the report. It has misrepresented the report and tried to target certain members based on hypothetical grounds and on the unfair assumption that the unnamed witnesses in the report were certain members of this House. They appear outraged at the actions of witnesses to defend natural justice and are quite happy to take no account of whether the witnesses were MPs or other citizens, and that is very dangerous. They also are screaming that those actions are outrageous—

Members interjecting:

The SPEAKER: Order! I caution the member for Spence; he has been warned three times today, twice in question time and once a few minutes ago. I caution him. Shortly he will be in the hands of the House, and that applies to other members who have already been warned twice during question time.

The Hon. R.G. KERIN: Given the misleading remarks made about the Auditor-General's reports, I quote him as follows:

> Any party, through their solicitors, can test my right to report in accordance with the terms of reference requested of me by the Treasurer. This is clearly their right. There can be no criticism if a party pursues legitimate concerns.

That is the Auditor-General speaking, and that is totally contrary to what has happened. It would then be for a court to rule on the matter. The legislation we have put forward is a very correct response to what the Auditor-General has said in his interim report. The Auditor-General has asked to be able to report on the terms of reference of the inquiry without the potential for challenge under section 32 of the Public Finance and Audit Act of 1987. That is what he has asked for, and that is what we are delivering. This legislation delivers on that and ensures that the Auditor-General will report by 31 October 2001. That removes the need put forward by the amendments involving proposed subclause (6). This legislation, as put forward, removes the possibility of the report not being tabled.

The legislation is a very appropriate response to the Auditor-General's interim report, and he is satisfied that it addresses the concerns that he put to us. That should be a big endorsement to the House. There has been rubbish spoken about the stadium. What we have there is a world-class facility. To say that instead of having the Olympics here we should have sent people to Sydney is absolute rubbish, especially given the economic activity generated here. The facility we now have is an excellent facility, and people should take that into account. Thank God, today they have left alone the blowout bit, because this is a project that came in on time and under budget.

Members interjecting:

The Hon. R.G. KERIN: It did. Do you want the figures again? I commend the bill to the House; it is a proper response to what has been put forward.

Bill read a second time.

In committee.

Clause 1.

Mr ATKINSON: I rise on a point of order, Mr Chairman. The Attorney-General has said again today that four government members of this House have been receiving taxpayer funded legal advice on the Auditor-General's inquiry into the Hindmarsh stadium redevelopment project. Those members are the members for Bragg, Coles—

The CHAIRMAN: I suggest to the member for Spence that, as the appointed time for the dinner break is now upon us, we go to dinner and deal with his point of order immediately after dinner.

[Sitting suspended from 6.00 to 7.30 p.m.]

Mr ATKINSON: Sir, in the 1½ hours that you have had to consider my point of order, I imagine that you will be able to come up with plausible reasons for declining it. The Attorney-General has said again today that four government members of the House have been receiving taxpayer-funded legal advice on the Auditor-General's inquiry into the Hindmarsh stadium redevelopment project. If I could have your attention, sir. Thank you for your attention. Those members are the members for Bragg, Coles, Davenport and Morphett. The Auditor-General, in his most recent report, has requested legislation to prevent three people named in the draft report on the Hindmarsh Soccer Stadium redevelopment project suing him to prevent publication of parts of his report, or continuing to submit that those parts of the report are ultra vires.

The bill has been drafted and brought to the House in response to the Auditor-General's interim report, which was tabled yesterday. Given that the bill removes the right of the people named in the draft report to sustain legal proceedings against the Auditor-General to injunct his draft report beyond 31 October, and that all of the four members I named would be deprived of the right to bring legal proceedings against the Auditor-General over the draft report, I invite you to rule, in accordance with standing order 170, that the members for Bragg, Coles, Davenport and Morphett may not vote on the Hindmarsh Soccer Stadium (Auditor-General's Report) Bill because—if, again, I may have your attention sir; you may be interested in the reasons—they have—

The CHAIRMAN: I happen to be reading the particular standing order.

Mr ATKINSON: That would be a splendid start, sir.

An honourable member interjecting:

Mr ATKINSON: Yes, but we know this chair well—a direct, immediate and personal pecuniary interest—and this is the important—

The Hon. G.M. Gunn interjecting:

Mr ATKINSON: Yes, a pecuniary interest, because they are being deprived of a legal action, and not one shared by any other of Her Majesty's subjects—or, at the very most, a tiny number of South Australians.

The CHAIRMAN: The chair is of the opinion that no member—

An honourable member interjecting:

The CHAIRMAN: Order! The chair is of the opinion that no member has a direct pecuniary interest in this matter.

Members interjecting:

The CHAIRMAN: Order! In other words, the chair is of the opinion that no member can gain financially as a result of the passing of this legislation before the committee, and I do not uphold the point of order.

Mr ATKINSON: I move dissent from your ruling.

The CHAIRMAN: Will the member bring it up in writing?

Mr ATKINSON: Yes, sir.

Members interjecting:

The CHAIRMAN: Order! The notice that the member for Spence has—

Members interjecting:

The CHAIRMAN: Order! The notice that the member for Spence has brought to the chair is not sufficient. The member for Spence will need to give the reasons why he is disagreeing with the Chairman's ruling.

The member for Spence has advised the chair of his dissent from the Chairman's ruling: because, in the member's opinion, it is contrary to the terms of standing order 170. It is now necessary for me to report to the House.

Mr Speaker, in considering the bill, the chair has received notification from the member for Spence that he dissents from the Chairman's ruling because it is contrary to the terms of standing order 170.

The Speaker having resumed the chair:

The SPEAKER: In accordance with parliamentary tradition, I uphold the Chairman's ruling. Does the honourable member wish to move?

Mr ATKINSON: Yes. My immediate point of order is I believe that propriety demands that you leave the chair, since one of the members impugned in the original point of order and in the dissent from the Chairman's ruling is you, sir. We are seeking a ruling that you not vote on this bill, and you are sitting as judge in your own cause.

The Hon. R.G. KERIN: Sir, I rise on a point of order. The member is—

The SPEAKER: Order, the Deputy Premier! I think the procedure at this stage is to move that motion and speak to it and vote on it. I believe that that is the procedure that the House would be wise to follow. I am just upholding at this stage the ruling of the Deputy Speaker, as Chairman, and I think that the appropriate course is for the member to move the motion now and speak to it and for the House to vote on it.

Mr ATKINSON (Spence): Thank you for your guidance, sir. Standing order 170 states:

> A member may not vote in any division on a question in which the member has a direct pecuniary interest and the vote of the member who has such an interest is disallowed.

The terms are plain. The terms are clear. The Deputy Premier seems not to understand that having a right to bring a legal action is itself a pecuniary interest. It is an interest in vindicating one's legal rights.

Mr Conlon interjecting:

Mr ATKINSON: Yes. It has been recognised by the courts as a property right, and that is taught in contract courses for undergraduates at law school. I am sorry that—

The Hon. R.G. Kerin interjecting:

Mr ATKINSON: Well, no, I have not read the advice prepared for the Deputy Premier, oddly enough, on this point over the dinner adjournment. The point is that the right to bring a legal action is a pecuniary interest—it is a property right. The previous edition of Erskine May elaborates on this as follows:

> This interest must be immediate and personal and not merely of a general or remote character. This interest must be a direct pecuniary interest and separately belonging to the persons whose

votes were questioned and not in common with the rest of His Majesty's subjects or on a matter of state policy.

The latest edition, sir, if I may have your attention, puts it this way:

No member who has a direct pecuniary interest in a question is allowed to vote upon it but, in order to operate as a disqualification, this interest must be immediate and personal and not merely of a general or remote character.

The Auditor-General has said that at least one person named in his draft report and provided with the draft report for comment has told him that he or she may sue him to stop his mentioning his or her name in certain contexts in the report. The bill before us gives the Auditor-General's report immunity from such suits beyond a certain date. Thus, in voting on the bill, the four members, all of them, whether or not they have threatened to bring a legal action, have a personal interest in the bill. They are being deprived of a property right. Sir, you are being deprived of a property right by the terms of the bill.

If the bill were passed, the member or members would be deprived of an item of great value to them, namely, the ability to protect their good name by legal action against the Auditor-General. The interest of the members is immediate. Sir, it would be very nice to have your attention in this debate. We are constantly asked to direct our remarks through the Speaker, and I would appreciate your attention—attention that I was unable to get from the Chairman of Committees. Sir, the interests of the members is immediate in the sense—

An honourable member: You make Hitler look like an—

The SPEAKER: Order!

Members interjecting:

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

Mr FOLEY: I take a point of order, sir. I have just heard the member for Goyder say that I make Hitler look like an angel. I would ask that the honourable member and the member for Unley—

Mr Conlon interjecting:

Mr FOLEY: Excuse me?

Mr Conlon interjecting:

The SPEAKER: Order!

Mr FOLEY: Sir, I will now add—

Mr Conlon interjecting:

Mr FOLEY: Hang on, Patrick—

Mr Conlon interjecting:

Mr FOLEY: Patrick! I will now also add to that that a minister of the Crown, the member for Unley, has said—what was it?

Members interjecting:

Mr FOLEY: 'Just so.' I now ask that both the member for Goyder and the minister withdraw and apologise unreservedly for those remarks. They are most offensive.

The SPEAKER: Order! Did the member for Goyder make those remarks?

Mr MEIER: Yes, sir, I did.

The SPEAKER: I ask the honourable member to withdraw; it is quite inappropriate.

Mr MEIER: In the interests of the—

Mr FOLEY: No, unreservedly.

Members interjecting:

The SPEAKER: I ask the honourable member to withdraw.

Members interjecting:

The SPEAKER: Order! The honourable member will resume his seat. I warn members. I know that there are times when members think that I will not move finally to naming people. It is a sensitive night but I will not tolerate this boisterous interjection all the time while I am in the middle of trying to resolve an issue and asking the member for Goyder to apologise to the honourable member for Hart. This House will work a lot better tonight if we can have some sensible debate instead of these constant interjections. I ask the member for Goyder to apologise and withdraw.

Mr MEIER: Thank you, Mr Speaker. Appreciating the sensitivity—

The SPEAKER: And withdraw.

Mr MEIER: —of the night—

The SPEAKER: And withdraw.

Mr MEIER: —I withdraw the comment.

The SPEAKER: The minister, likewise.

The Hon. M.K. BRINDAL: Certainly, sir. I apologise and withdraw for saying, 'Just so.'

The SPEAKER: The member for Spence.

Mr ATKINSON: Just to return to the point about property interests, the Deputy Premier seems to have some problem with property interest, but even the High Court of Australia has recognised that legislation which bars actions in negligence constitutes an acquisition of property by the commonwealth which must be compensated on just terms under the commonwealth constitution. So, I do not think, Deputy Premier, that you can have higher authority than that: that what is being withdrawn from the member for Bragg, the member for Coles, the member for Davenport and the member for Morphett (the Speaker) is, in fact, an item of property, a pecuniary interest.

Now, the interest of the members affected by this bill is immediate in the sense that the bill would extinguish their current legal rights on 31 October. The interest of the members is personal in that it is not shared with other of Her Majesty's subjects or, if it is, a very small number, and the interest of the members is not of a remote or general character. We had a debate in this place on the privatisation of the Ports Corporation, where the opposition moved to try to bar three members—I think it was—on the basis of a pecuniary interest.

We were defeated because the interests of those members on the privatisation of the Ports Corporation was of a general character that was held in common with other shareholders of AusBulk but, on this occasion, the interest is held by a tiny number of people and held exclusively. Justice must not only be done but it must also manifestly and undoubtedly be seen to be done.

Now, it may be, sir, that you are not bringing an action against the Auditor-General to try to suppress any parts of his report. It may be that it is not you, sir, who is claiming that some chapters of the Auditor-General's draft report are ultra vires his terms of reference.

It may be that the member for Davenport is not bringing or threatening a legal action or not claiming that parts of the Auditor-General's draft report are ultra vires his terms of reference, but that is not the point. The point is that all four of you have a potential legal action against the Auditor-General which is being extinguished by 31 October by the operation of this bill. It would be far better if all of you stood aside from the deliberations on this bill.

Although it is still possible that no member of the House has threatened the Auditor-General with legal proceedings to stop or alter his report and it is still possible, although not likely, that no member of the House has told the Auditor-General that parts of his draft report are ultra vires, it is an established fact that four members of the House have been

receiving legal advice about the way the report affects them, and all of them have a potential legal action against the Auditor-General, and one of them has threatened to use that right.

An honourable member: Who?

Mr ATKINSON: Who it is does not matter: it is one of the four—right? So, standing order 170 is designed to give the public confidence that votes cast on proposed laws in this parliament are proper and disinterested. Public confidence in our votes on this bill would be much higher if those four members abstained from voting. It is to ensure members' abstention in cases such as this that standing order 170 was created.

The Hon. R.G. KERIN (Deputy Premier): It gives me great pleasure to respond to this because this is yet another stunt and nothing more. The use of standing order 170, which talks about a direct pecuniary interest, is a stunt because in relation to the Auditor-General's Report, first, there is no direct pecuniary interest and, secondly, the Auditor-General's Report—

Members interjecting:

The Hon. R.G. KERIN: And even if there was—

Mr Conlon interjecting:

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

The Hon. R.G. KERIN: There is not. Even if there was, the Auditor-General's Report does not name any member of this House. Members opposite run the risk, if they are successful, of suspending members of parliament from a vote that they are totally entitled to have. They are making an assumption that each of those four members—

Mr Atkinson interjecting:

The Hon. R.G. KERIN: Even if you are right—and you are not—you are making the assumption that each of those members has raised the issue. The word that you use is suing.

The SPEAKER: Order! The Deputy Premier will resume his seat. The member for Spence has been warned on three occasions. I gave you a caution just before dinner.

Mr Atkinson interjecting:

The SPEAKER: I do caution. If you interject and continue to interject you will be named. The chair does not want to put you in this position. The alternative is that the place is turned into chaos. If that is your intention, so be it.

The Hon. R.G. KERIN: This is based totally on a hypothetical situation of trying to name people. The Auditor-General's Report does not talk about suing. He does not talk about suing. The word used all the time is suing. What he says is that 'any party through their solicitors can contest my right to report.' That is not a pecuniary interest. You are taking it to the next level each and every time.

Mr Foley interjecting:

The SPEAKER: Order! I warn the member for Hart for the third time. Clearly, members are working up to a confrontation with the chair. The chair does not want to name. I want you to remain here for the full debate and vote. Do not put yourselves in the position of forcing me to name you. It then becomes a matter for the House to decide. I suggest members do not put the chair into this position. You all want to be here in eight minutes for a vote. Do not push it.

The Hon. R.G. KERIN: Perhaps I ought to go back to the fundamental reason why the Auditor-General submitted this interim report. He submitted the report, which is very important. He was not talking about stopping people from suing him. The Auditor-General is speaking about his ability to be able to report on the terms of reference as they were given to him by the parliament.

The Hon. R.L. Brokenshire interjecting:

The SPEAKER: Order! The Minister for Police will resume his seat. Sit down. I am addressing the Minister for Police: you are warned and if we have a repeat performance of that in the House you will be named. The member for Lee is warned also. The Deputy Premier.

The Hon. R.G. KERIN: We will go back. The Auditor-General is asking for the ability to report on the terms of reference which the Legislative Council gave to him. He is asking us to legislate to avoid anyone using section 32 (which is narrower) to stop him from reporting. To say that that is a pecuniary interest is stretching it to the ultimate.

Ms Hurley interjecting:

The Hon. R.G. KERIN: But even so, to actually try to suspend members of this House from having a rightful vote on a hypothetical guess as to whom the Auditor-General speaks about in his report is also wrong. Members opposite are wrong on two levels. I do not think the member for Spence is totally serious about this dissent from the chair. It is a bit of theatre and skulduggery. If, in fact, you took his point, Mr Speaker, this House would be pretty empty on many occasions. When we look at bills such as superannuation bills, what about the property right? The member for Spence has talked about property right being a pecuniary interest. True?

Mr Atkinson interjecting:

The Hon. R.G. KERIN: Next time we come up with a bill that will increase the length of time—

The Hon. M.K. Brindal interjecting:

The SPEAKER: Order! I warn the Minister for Water Resources. He will remain silent.

The Hon. R.G. KERIN: Thank you, Mr Speaker. The member for Mitchell assumes there are four ministers. I do not know how. How does he know that?

Ms Hurley interjecting:

The Hon. R.G. KERIN: No, that was a different matter. They are those who have come to cabinet. I do not know to whom the Auditor-General has spoken and I hope like hell the member for Mitchell does not—and no-one on that side knows. The assumption that they are making is that they know. I was raising the issue of property right. A lot of things come through this House about leases. Do those involved in any of those leases have to absent themselves? No. Further, if we are talking about, say, drink driving and we want to triple the penalty on drink driving, does everyone who has a licence absent themselves? The accusations made today and yesterday towards certain members cannot be substantiated. No names are mentioned in the Auditor-General's Report. No member should try to exempt any member of this House who is elected by their electorate. They are here to represent their electorate, and for members opposite to be judge and jury and to try to say whom the Auditor-General is naming, even if it was a pecuniary interest, which it is not—

Ms Hurley interjecting:

The Hon. R.G. KERIN: It is not. Even so, this is hypothetical and ridiculous. The member for Spence is not serious in even raising this issue. He is that far off—on about three levels he is wrong. I ask the House to reject it.

The House divided on the motion:

AYES (23)

Atkinson, M. J. (teller)	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.

AYES (cont.)

De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Key, S. W.	Koutsantonis, T.
Lewis, I. P.	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Such, R. B.
Thompson, M. G.	White, P. L.
Wright, M. J.	

NOES (22)

Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
Condous, S. G.	Evans, I. F.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L.	Ingerson, G. A.
Kerin, R. G. (teller)	Kotz, D. C.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	Meier, E. J.
Olsen, J. W.	Penfold, E. M.
Scalzi, G.	Venning, I. H.
Williams, M. R.	Wotton, D. C.

Majority of 1 for the ayes.

Motion thus carried.

Mr LEWIS: On a point of order, sir, may I know the result of the ballot? I could not hear.

The SPEAKER: There are 23 ayes and 22 noes. The measure is resolved in the affirmative.

Committee debate resumed.

Mr MEIER: On a point of order, sir, I have just contacted the member who was absent for that vote, namely, the Minister for Government Enterprises, who answered the telephone in his office. I asked the question as to where he was for the vote, and he said, 'I have not heard any bells in my office.' So, I would like the House to investigate whether the bells—

Mr Foley: No, no, no, no!

Mr MEIER: If the bells are not ringing you cannot hear them. I rang to investigate whether the bells were ringing in the vicinity of the office of the Minister for Government Enterprises.

Members interjecting:

The CHAIRMAN: Order! The leader will take his seat while I deal with this particular point of order.

Mr Foley interjecting:

The CHAIRMAN: Order! The chair will investigate the matter of the bells as reported. The fact is that the vote has been taken.

The Hon. M.H. ARMITAGE: I seek leave to make a personal explanation.

Leave granted.

The Hon. M.H. ARMITAGE: I have been in the parliament since 1989, and I have not missed a single vote. I was in my room downstairs where, in fact, over the past several months of parliament there have been a number of difficulties with the bells in my room, which I am sure will be verified by the staff. Whether or no that is the case, I went home for dinner and I arrived back here at 7.30, which I am quite comfortable to verify with my driver. I have been in my office ever since doing emails and I have not had the speaker on and the bells—

The Hon. M.D. Rann interjecting:

The Hon. M.H. ARMITAGE: Well it might be, but whether or not it is a virtual vote the bells did not ring in my room. As the final point in this personal explanation, I well recall a former Premier, Lynn Arnold—

Mr CONLON: On a point of order, sir—

The Hon. M.H. ARMITAGE: I am not finished yet. I well recall the former Premier—

The CHAIRMAN: Order! The minister will take his seat.

Mr CONLON: The minister is straying from a personal explanation into debating the merits of his situation. It is absolutely plain: he is now going to raise matters of precedent on this. That is not a personal explanation but a debate.

The CHAIRMAN: Order! I ask the minister to come back to the point of a personal explanation.

The Hon. M.H. ARMITAGE: My personal explanation is that when the former Premier Lynn Arnold said exactly the same thing I was completely happy in accepting his explanation.

The CHAIRMAN: Order! The minister will take his seat.

Members interjecting:

The CHAIRMAN: Order! The member for Elder will note that the minister has taken his seat.

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

That the committee report progress.

The Hon. M.D. RANN: Yesterday's extraordinary statement by the Auditor-General—

Mr Williams: What's your point?

The Hon. M.D. RANN: I will get on to it—represented a low point in the history of parliamentary democracy in this state. But if today a vote of this parliament is overturned by some trickery, then we have sunk even lower to infamy. I would like to know whether this minister has ever made formal complaints to the staff of this parliament or to the Speaker about the bells not ringing in his room. That would sustain it.

The CHAIRMAN: I warn the Leader of the Opposition.

The committee divided on the motion:

AYES (25)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Ingerson, G. A.	Kerin, R. G. (teller)
Kotz, D. C.	Lewis, I. P.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	Meier, E. J.
Olsen, J. W.	Oswald, J. K. G.
Penfold, E. M.	Scalzi, G.
Such, R. B.	Venning, I. H.
Williams, M. R.	

NOES (21)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Key, S. W.	Koutsantonis, T.
Rankine, J. M.	Rann, M. D. (teller)
Snelling, J. J.	Stevens, L.
Thompson, M. G.	White, P. L.
Wright, M. J.	

Majority of 4 for the ayes.

The Hon. M.D. RANN: I rise on a point of order, sir. Can the Speaker, when he returns to the chair, report on whether the Minister for Government Services has ever reported that the bells do not ring in his room, as he said has not been the case for some months intermittently? It would be very interesting to see whether any complaint has been lodged or whether this is the trickery that we suspect it is.

The CHAIRMAN: Order! There is no point of order.

Motion thus carried.

Progress reported; committee to sit again.

Mr LEWIS: I rise on a point of order, Sir. From where I sat, still sit and now stand, I could not hear the pronouncement of the result of the ballot. I asked the Chairman and could not catch his attention. I was abused and mocked by members in front of me whilst I was attempting to do that. I therefore sought your attention, sir. I would like to know the result of the ballot.

The SPEAKER: The result as I understand it is 25 ayes and 21 noes.

Mr ATKINSON: I rise on a point of order, sir. The House just resolved on a dissent motion that four members of the House should not vote on divisions on this bill, yet you have just allowed the counting of the four of them, including yourself. Could you please explain that, sir?

The SPEAKER: I was not in the chair. The division, as I understand it, did not reflect any pecuniary interest, past or present. I think the vote that was taken was perfectly in order, and I uphold it.

Mr FOLEY: I rise on a point of order, sir. Must I say that you are one of the people in question. The Chairman of Committees ruled—

Members interjecting:

Mr FOLEY: Excuse me—

An honourable member: Is this a point of order?

Mr FOLEY: It is.

The SPEAKER: This is a point of order. What is the member's point of order?

Mr FOLEY: My point of order is simply this: that the Chairman of Committees ruled, and a vote was taken and passed, that four members, including yourself, were not eligible to vote on matters relating to the bill before the House. That was the rule. So, it is obvious therefore that, when progress was reported, it was not possible for you, sir, and the other three members to vote. For you to rule otherwise is to be in breach of a motion and a vote of this House. I ask you to consider that, sir.

The SPEAKER: I do not uphold the point of order. It is a procedural matter, as has just been mentioned.

Mr ATKINSON: Then I move to dissent from your ruling, sir.

The SPEAKER: I ask the honourable member to put it in writing and bring it up.

The member for Spence has moved that this House dissents from the Speaker's ruling that the four members disqualified from voting on the bill were entitled to vote on the motion to report progress on the bill, because it is contrary to a motion of the House. I call the member for Spence.

Mr ATKINSON (Spence): The Speaker has great esteem in the House. It is important, of course, that the Speaker maintain his authority and, when the Speaker is acting within the scope of his authority, it is incumbent upon us all to support the Speaker. The difficulty I have is that on this occasion the Speaker is acting beyond his authority. The House resolved—and I am sure it is a matter of the government and the Speaker—that the House dissented from the Chairman of Committee's ruling that the four named members—Bragg, Coles, Davenport and the Speaker—vote on the bill before us. I am sure it is a matter of regret for the government that that motion was carried. But the fact is that it was carried. At the moment it stands. So from that point on, what those members must do in obedience to the motion of the House is they must refrain from voting.

It may be that later on down the track by one device or another, such as the member for Adelaide's allegation that he could not hear the bells in his office, there will be a recommittal of that motion. Such recommittals have occurred before; the member for Adelaide is quite right about that. So if his case is sustained that vote on dissent will be recommitted. But anyone who was present in the House—and I think that all of you were present in the House except the member for Adelaide—when the motion of dissent in the Speaker's ruling was carried would know that. The effect of that motion was that the four named members are not entitled to vote in divisions on this bill—and that includes all divisions. One cannot make a distinction between substantive divisions and procedural divisions. As we all know, because we are all politicians, sometimes the procedural division is the most important division. So it is now that the government seeks to retreat, wounded, and regroup by the device of this procedural motion. The House decided—

Members interjecting:

The SPEAKER: Order! The member for Goyder will be silent, please.

Mr ATKINSON: How many times has he been warned, sir?

The SPEAKER: The member will continue with his speech, please.

Mr ATKINSON: The fact is that this House carried a motion of dissent in the Speaker. It has been many years since a motion of dissent in the Speaker was carried. I have been in the House for 11 years and I cannot recall a motion of dissent in either the Speaker or the Chairman of Committees being carried. So, none of us—and quite possibly even the Clerks—has any memory of what happens when a dissent motion in the Speaker or the Chairman of Committees is carried, but the substantive effect of that motion being carried is that the House—all of us—have collectively resolved—albeit by a narrow margin—that those four members will not vote on divisions on this bill of which the last division was one.

So, the point is this: we surely do not have a great corporate memory of what happens as a consequence of dissent motions but, for better or worse, we have just carried a motion that four named members not vote in divisions on this bill. Then four of them, in clear and flagrant violation of that motion of the House, just voted in a division on the bill. It may be that the position may be recovered by the government.

Members interjecting:

The SPEAKER: Order! I ask the Minister for Minerals and Energy not to contribute to this debate, but sit there in silence.

Mr ATKINSON: And he is not in his seat, sir.

The SPEAKER: I also ask the member for Bragg to not contribute to this debate.

Mr ATKINSON: So, if there is to be any dignity restored to the proceedings of the House tonight, at least we could

abide by the rules. In order to do that, I ask you, sir, to support this motion of dissent to put us on track.

The Hon. R.G. KERIN (Deputy Premier): We have before us a procedural motion, and the member is talking about divisions on the bill. There is a difference. This was a procedural motion; we cannot have the parliament paralysed and not being able to report progress. I have asked to report progress and the majority of members in the House want to report progress to allow us to get on with the next logical step.

An honourable member: Which one?

The Hon. R.G. KERIN: You will find out. Obviously, in the case of the Minister for Government Enterprises the bells did not ring, we need to fix that. To try to stop us from fixing that with another stunt—and this is the second stunt since dinner—is just unparliamentary. In front of a full gallery, the theatre that is going on is a disgrace. I think that every member in this House can hang their head a little lower tonight because of the behaviour that is going on. This is a procedural motion; we need to move on. We have a lot of work to do tonight; we have legislation to deal with. This game being played at the moment does this parliament not proud at all. I ask that the dissent motion be defeated.

The House divided on the motion:

AYES (22)

Atkinson, M. J. (teller)	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Key, S. W.	Koutsantonis, T.
Lewis, I. P.	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
White, P. L.	Wright, M. J.

NOES (24)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Ingerson, G. A.	Kerin, R. G. (teller)
Kotz, D. C.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
Meier, E. J.	Olsen, J. W.
Penfold, E. M.	Scalzi, G.
Such, R. B.	Venning, I. H.
Williams, M. R.	Wotton, D. C.

Majority of 2 for the noes.

Motion thus negatived.

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

That standing orders be so far suspended as to allow the rescission of a vote taken earlier tonight.

Mr HANNA: I rise on a point of order, Mr Speaker. I really did not hear what the motion was.

The SPEAKER: That standing orders be so far suspended.

An honourable member: To allow what?

The SPEAKER: To allow the minister to move the rescission of a motion.

Mr LEWIS: It is well known in this place that I am partially deaf, particularly so in the tones of the upper middle and middle, which is about the same tone range as the bells in this chamber. I have just visited downstairs in Old Parliament House where the office of the Minister for Government Enterprises is located. During the course of the process in which the bells were ringing they were simply quite audible to me everywhere I went in the entire building, and the bells were ringing in the minister's office. More particularly, they were easily audible, and the remarks I am making bear particularly on the proposition before the House now, because the House seeks to accept what the minister has said about the fact that the bells were not ringing in his room. He did not say that they were not ringing in the other parts of the building downstairs, and I do not know whether or not the minister has complained to you, sir, or anyone else about the state of the bells.

What I am telling you now, sir, is that I had no difficulty hearing the bells. From the time I left this chamber I could hear them constantly as I went out through the vestibule, all the way down the stairs and into the minister's office. Having shut the door, I heard that the bells were ringing in his office and then came back here again. At no time was it impossible for me to hear in spite of my deafness. All honourable members ought to bear that in mind, For whatever reason the minister may have missed the division, the minister did miss the division, and this motion seeks to give a vote to a member who chose not to attend in this chamber, in my judgment, on that evidence.

The House divided on the motion:

AYES (24)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Ingerson, G. A.	Kerin, R. G. (teller)
Kotz, D. C.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
Meier, E. J.	Olsen, J. W.
Penfold, E. M.	Scalzi, G.
Such, R. B.	Venning, I. H.
Williams, M. R.	Wotton, D. C.

NOES (22)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Hurley, A. K. (teller)
Key, S. W.	Koutsantonis, T.
Lewis, I. P.	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
White, P. L.	Wright, M. J.

Majority of 2 for the ayes.

Motion thus carried.

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

That the vote on dissent to the first ruling of the Speaker be rescinded.

Mr HANNA: Sir, I rise on a point of order. It might be a trivial thing, but should not the motion be read out to the House, rather than simply referring to a first ruling?

The SPEAKER: No, that is not necessary. Is that motion seconded?

Mr Atkinson: Can we debate it?

The SPEAKER: Does the member for Spence have a point of order?

Mr ATKINSON (Spence): I oppose this rescission motion. It is true, as the member for Adelaide points out, that there was a rescission motion on a vote during the 1989-1993 parliament; I am sure that the member for Unley will recall that. I think that the then Premier, the Hon. L.M.F. Arnold, missed a division—and I think he was not the only one to miss a division—and a vote of the House was rescinded. But it was rescinded only after there was an investigation into the matter.

One cannot just rescind a motion of the House because it is a matter of Realpolitik, a matter of necessity for the Liberal government. One rescinds a motion of the House after a due investigation into whether or not the bells were ringing. In the case of the rescission in the 1989-1993 parliament, what occurred is that staff of the parliament investigated whether the bells were ringing in certain parts of the House. As I recall, the bells were not ringing in the second floor conference room, which existed at that time before the renovations that created such sumptuous offices for the opposition. The bells were not ringing there because, apparently, tissue paper, toilet paper, or something like that, had been stuffed into the bell box.

The Hon. J.W. Olsen: Serviettes.

Mr ATKINSON: Serviettes, thank you.

An honourable member interjecting:

Mr ATKINSON: Serviettes, thank you. I am glad that someone has a memory of the incident. I think that it was as a result of that that, perhaps, we changed our system from an actual bell to a taped bell. What happened in that instance was that a recision motion occurred only after due investigation about whether bells were not ringing and, in that case, it was found that bells were not ringing. If, after due investigation, it is discovered that the bells are not ringing in the member for Adelaide's office, I will be the first to vote to rescind this motion. In fact, I will move it—okay?

But what is happening here is that we are rushing to judgment because perhaps the member for Adelaide was late back from dinner, or he was on the telephone to Theo Maras, or one of his other North Adelaide constituents. There is some reason the member for Adelaide was not in this chamber. Let us find out, after due investigation, what it is. Let us go down and accompany the staff of the parliament to the member for Adelaide's office—

The Hon. M.K. Brindal: With the mace.

Mr ATKINSON: With the mace, if you like. Let us adjourn and all go down and hear whether the member for Adelaide's bells are ringing. But if the member for Adelaide's bells are ringing, let us come back and have a dirty, grubby Realpolitik vote. But, in this case, there is no natural justice and no attempt at an inquiry. All the government is saying is, 'The member for Adelaide missed a division. Let us have a suspension of standing orders, use the numbers to crunch it through, then let us rescind the dissent motion for no reason.' When the Deputy Premier got up and moved the dissent motion he did not even give a reason for rescinding it.

The Hon. R.G. Kerin interjecting:

Mr ATKINSON: Oh, you have just thought of one have you? Brilliant; you have had 10 minutes. Well, parliament deserves better than that. It deserves an investigation into whether or not the bells were ringing in the member for Adelaide's office. Without that investigation, this is a crook vote.

The SPEAKER: The Deputy Premier.

The Hon. R.G. KERIN (Deputy Premier): Mr Speaker—

The SPEAKER: Order! If the Deputy Premier speaks, he closes the debate. The member for Mitchell.

Mr HANNA (Mitchell): I make the brief point about the evidence available to members of the House right now. Let us look at the evidence presented by the member for Adelaide. If we are to make a judgment essentially about whether or not the member for Adelaide should be allowed to vote on an issue where he previously missed a vote, and if we are to do that without making a due inquiry, gathering evidence and testing the veracity of the claims that the minister has made, let us just look at the evidence on the face of it. On the face of it, the member for Adelaide has told us that not only were the bells in his office not ringing but he has told us that he was in his office, and he has told us that he made a complaint about those bells three weeks ago.

If he knew that there was a problem with the bells and that they had not been fixed, there is the alternative means of listening to what is happening in this place: the intercom system which is in the room of every member. The minister should not be entitled to get the benefit of a recision motion that will allow him to vote on an issue which he missed due to his lack of care. If the bells were not ringing, he knew there was a problem, and he should have been listening on the intercom system to hear what was happening in the chamber in his absence and, if he had been listening, he would have come into the chamber.

Mr CONLON (Elder): I simply want to add a couple more points to this debate. Let me say at the outset that I have absolutely no doubt that Michael Armitage did not hear the bells. I have no reason to question his honesty. I believe absolutely that he did not hear the bells; that is why he was not here. That does not resolve the issue as to whether the bells were not ringing. People may not hear bells for any number of reasons. In fact, he is the last person to know whether the bells were ringing in his office because he did not hear anything. He did not know what there was to test it against. If he did not hear the bells, how would he know they were not ringing?

It is a little existential, I know. If the bells ring in Michael Armitage's office and there is no-one there to hear them, does anyone know whether they are ringing? The simple point I make is this: Michael Armitage, not having heard the bells, can have absolutely no knowledge of whether the bells were ringing or where they were ringing because he did not hear anything. What we do know is that the bells were ringing somewhere and they were probably ringing in his office. The fact that he did not hear the bells proves nothing as to the state of the bells in his office. I personally would like an inquiry.

I believe that we should be fair in this place. If there was some mechanical contrivance that prevented the member for Adelaide, the minister, from hearing the bells he should have his vote. If, in fact, all that we know is that he did not hear bells, well, that is not sufficient.

Mr MEIER (Goyder): In answer to the honourable member's question and the situation which I outlined to the

House earlier, straight after that division I contacted the minister's office and said, 'Where were you for the division we have just had?' The minister said, 'What division?' I said, 'We have just had a division. Didn't you hear the bells?' He said, 'I didn't hear any bells.'

Members interjecting:

The SPEAKER: The member for Goyder will be silent and sit down. He has had his turn. The Leader of the Opposition.

The Hon. M.D. RANN (Leader of the Opposition): Can I suggest a moment of reflection and commonsense? What we should do in the interests of the standing of this parliament, in the interests of the standing of members of this parliament, in the interests of parliamentary democracy and in the interests of getting the business dealt with properly and appropriately is to suspend the sitting of the House temporarily until the ringing of the bells to enable an investigation to occur forthwith to ascertain whether or not the bells are ringing in the member for Adelaide's office. That is exactly what occurred during the time of a previous government when the Premier was in a room where there were more than 50 witnesses to attest to the fact that the bells were not working at all.

Of course, if it is discovered that the member for Adelaide (the Minister for Government Enterprises) is correct in claiming that he was listening for the bells but none was ringing, I will move a motion to allow this matter to be resubmitted on the basis of fairness. The simple fact is that you must have the investigation first, as we did with Lynn Arnold. I was a member of the parliament at that time as was the member for Adelaide. He is well aware that Lynn Arnold, as Premier, had to substantiate his claim as to why he missed the division, and that is the appropriate course of action now.

I believe that the Leader of the House—the Deputy Premier—should immediately move on motion that this session be temporarily suspended until the ringing of the bells so that we can have a quick investigation to ascertain the truth of the matter. If the member for Adelaide is telling the truth, I will move the motion that we resubmit the whole proposal.

The Hon. R.G. KERIN (Deputy Premier): I agree with the first comment made by the Leader of the Opposition about having some commonsense in this whole issue. Let everyone calm down—

Mr Conlon interjecting:

The SPEAKER: Order! The member for Elder is not contributing to the debate.

The Hon. R.G. KERIN: The Minister for Government Enterprises, several weeks ago, made a complaint about his bells. I appreciate what the Leader of the Opposition is saying, but the complaint of the Minister for Government Enterprises is that sometimes the bells ring and occasionally they do not, and that claim has been substantiated by other people in the building. If we go to that building now and we hear the bells, we therefore say that the Minister for Government Enterprises was not telling the truth, and that is just not fair. That is just not fair. Because they ring this time does not mean they rang three times ago. That has been his complaint: that sometimes they ring and sometimes they do not. To try to hang him and take away his vote because they did not ring at a particular time, is just not fair.

The Hon. M.D. Rann interjecting:

The Hon. R.G. KERIN: He has.

The Hon. M.D. Rann interjecting:

The Hon. R.G. KERIN: I believe that has been substantiated by one of the attendants; we will try to get that substantiated by one of the attendants. If we use some commonsense here, we have been in this House for 1½ hours tonight. We have had a packed gallery a lot of the time. We have done nothing. We are caught where we were at 6 o'clock tonight. We have done absolutely nothing. The member for Spence came in and in a jocular fashion moved dissent. Fair enough; he has the right to do so and I do not take away his right to do so. But the member for Spence, in my opinion, never intended winning that vote. It was a stunt at the time, and he knows this. It was a stunt at the time and because of what happened in the member for Adelaide's office he missed the vote. I think it is only commonsense: there is a lot of doubt as to whether or not those bells have been working properly. If we use some commonsense—and that is what we all should be about—we must bear in mind that we have lost 1½ hours. I do not know how many members have appointments tomorrow, but you are holding us here away from those appointments. I move that we do rescind the vote.

The SPEAKER: I have just been advised through the staff that the minister within the last month did report faulty bells down in his part of the building. I understand they were fixed, but they appear to be intermittent from time to time. I have no way of checking this evening's bells, but I can report that he did report the faulty bells, I believe about two or three weeks ago.

Mr HILL: I rise on a point of order, sir. Can the Speaker enlighten the House as to what action the staff have taken to correct the matter about which the minister complained?

The SPEAKER: No, I cannot. All I do is report that the staff have enlightened me tonight that a complaint was lodged two or three weeks ago. I am passing on that information to the chamber for what it is worth.

The House divided on the motion:

While the division was being held:

Mr SNELLING: I rise a point of order, sir. The House has ruled already and, as it stands, the House has ruled that four members of this House have a pecuniary interest. The House has already ruled—and I reluctantly accept that ruling—that on procedural motions that pecuniary interest does not apply. However, the motion we have before us at the moment on which we are about to divide is not merely a procedural motion: it is in fact a motion to rescind the House's decision that they have a pecuniary interest. I would therefore ask you, sir, that you direct the four members to withdraw from the House and not to vote on this motion, which is to overturn a decision this House made—and it stands at the moment—that they have a pecuniary interest.

The SPEAKER: The second motion for dissent in the Speaker's ruling cleared up that point, in the eyes of the chair.

Mr SNELLING: I come back to that, sir.

The SPEAKER: No, there is no point of order. I am the servant of the House. The House is taking certain steps by vote tonight to resolve that. The House is in command of its own business and the honourable member is well aware of that. I am purely the servant up here calling the votes.

AYES (23)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Ingerson, G. A.	Kerin, R. G. (teller)
Kotz, D. C.	Matthew, W. A.

AYES (cont.)

Maywald, K. A.	McEwen, R. J.
Meier, E. J.	Olsen, J. W.
Penfold, E. M.	Scalzi, G.
Venning, I. H.	Williams, M. R.
Wotton, D. C.	

NOES (23)

Atkinson, M. J. (teller)	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Key, S. W.	Koutsantonis, T.
Lewis, I. P	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Such, R. B.
Thompson, M. G.	White, P. L.
Wright, M. J.	

The SPEAKER: There being 23 ayes and 23 noes, I give my casting vote for the ayes.

Motion thus carried.

Mr ATKINSON: I rise on a point of order, sir. Could you point to one precedent whereby the casting vote of the Speaker can provide 23 votes for the proposition on the floor of the House with the 24th and therefore an absolute majority?

The SPEAKER: Probably 95 per cent of casting votes given in the last 20 years would give you your example.

Mr ATKINSON: Could you provide one example of where an absolute majority was required and it was provided by the casting vote? Can you take it on notice?

The SPEAKER: That is a different question. As far as the situation tonight is concerned, the chair does not have a library sitting up here behind me, but the matter can be researched for the member.

Committee debate resumed.

Clauses 1 to 3 passed.

Clause 4.

Mr LEWIS: Clause 3 is straight forward enough and points out what is expected by way of an inquiry. My remarks then go to the substance of clause 4, where the government sets out to create the impression, for the benefit of public consumption I believe, that it wants to have an inquiry clean of interference. If one reads clause 4 in isolation, that is the impression one will get, especially when one looks at clause 4(4), which provides:

(4) The Auditor-General—

(a) may conduct the Inquiry in such manner as the Auditor-General thinks fit; and

(b) without limiting be any other power, may set time limits and impose other requirements and, in the event of non-compliance with any such time limits or requirement, may make any determination or take such step as the Auditor-General thinks fit.

Clause 4(5) states:

(5) The Auditor-General will incur no liability for an honest act or omission in the exercise or performance, or purported exercise or performance, of a power or function in connection with the Inquiry.

My point is that that is later qualified in a subsequent clause and we will come to that in due course, but the holier than thou clean skin impression that would be created by reading just clause 4, or having that alone quoted to you if you were an innocent lay person, would make you think that the government had done well and done it properly. However, that is far from the truth.

It is for that reason that I stand here on this clause to make those remarks about what this clause sets out to do but which will be compromised if we do not amend provisions later in the bill. I have to draw attention to what clause 4 contains here at this point in the discussion of the matter, because I will not be able to say anything about it once it goes through and we get past it. I have no quarrel with what is there—none at all. It is just that that is what ought to be there and nothing else ought to complicate what is there—nothing.

If there are people in this place who think someone is wrong, including themselves, they can rise in this place when the Auditor-General reports and defend themselves. Hell, that was more than I was ever given. I got chucked out of here three weeks ago for using words which had been used by a lot of other people previously and which have been used by members since, and that is against my name. I was also on previous occasions prevented from participating in the proceedings of this House because it chose to deny me that and never heard me. It is on the basis that we all have to suffer on occasions what appears to be a denial of natural justice, and what I was denied will not be denied to either the candidate for Morialta, the member for Bragg, the Minister for Recreation and Sport and any other person who may have been involved in the Auditor-General's inquires. It is for those reasons, then, that I think it is important to bear in mind what the Government says it wants to achieve in this clause when we get to subsequent clauses in discussion of the matter in committee.

Clause passed.

Clause 5.

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

Page 4, line 7—After 'Assembly' insert 'by 31 October 2001'.

Amendment carried.

Mr FOLEY: I move:

Page 4, lines 8 and 9—Leave out subclause (3) and insert:

(3) The President of the Legislative Council and the Speaker of the House of Assembly must, on the receipt of the report, cause the report to be published.

(3a) The report will, when published under subsection (3), be taken for the purposes of any other Act or law to be a report of the Parliament published under the authority of the Legislative Council and the House of Assembly.

The purpose of my amendment is self-evident and allows for the report to be published and presented to the Presiding Officers of either House and made available, should there be an election or indeed should a report be released in a period of significance in terms of not sitting for two or three weeks. It also gives that report full protection and gives the Auditor-General full protection and covers full privilege.

Mr LEWIS: I have a question that I would like to put to the Deputy Premier. Why is it that the date of 31 October has been chosen as the date by which the report has to be prepared and made to the Presiding Officers of the houses?

The Hon. R.G. KERIN: It is really a date by which it must be tabled. It does not stop the Auditor-General from doing it at the start of the session as he has indicated he would like. It is to provide some flexibility. It is a maximum length of time allowed of him and the Auditor-General is comfortable with that date.

Amendment carried; clause as amended passed.

Clause 6.

The CHAIRMAN: The chair is of the opinion that the two amendments, one to be moved by the member for Hart and the other by the member for Hammond, are identical, so I call the member for Hart.

Mr LEWIS: May I ask why, given that—

Mr FOLEY: I am happy to yield.

The CHAIRMAN: I understand the member for Hart has deferred, so I call the member for Hammond.

Mr LEWIS: I move:

Leave out this clause and insert:

Exclusion of judicial review

6. No decision, determination or other act or proceeding of the Auditor-General, or act or omission or proposed act or omission by the Auditor-General, in connection, or purported connection, with the Inquiry may, in any manner whatsoever, be questioned or reviewed, or be restrained or removed, by proceedings for judicial review or by prohibition, injunction, declaration, writ, order or other manner whatsoever.

I move this amendment for the simple reason that on more than one occasion in my memory this House in its wisdom has used the provisions contained in the amendment that I moved rather than the halfway house that is provided in the government bill, that halfway house being in consequence the means by which the Auditor-General could still feel threatened, given that those four members, whoever they may be, who have an interest in this matter are provided with an opportunity of attacking the Auditor-General through the courts by the provision as the government has drafted it. No such provision was seen to be necessary for any member of this place or any director of the State Bank. I think the matters are identical in substance as far as the principles concerned are involved. They may be different in financial magnitude, but it does not alter the fact that it is not a matter of the amount of money: it is a matter of principle whether the Auditor-General and his office are coerced by some measure in leaving that power in the legislation for any one or more of those members in particular to pursue him.

I do not think that the best interests of the inquiry will be served by allowing such coercive power to be left in the legislation. We should follow the House's earlier decision that the inquiry needs not only to be clean of any coercive influence that could be exercised but be seen to be clean and it will not be, if the 14 days option is left there and any one or more of the members take up that option. I believe that we will be condemned by the members of the general public if we allow the bill to pass in the form in which it stands, because the public will believe, as I am pointing out to members now, that the Auditor-General did not have a clean shot at his work.

Mr FOLEY: I do not intend to talk for too long; I think enough has been said on this bill to date. Certainly, some three, four or five hours ago, when we were doing the second reading debate, my colleagues and I well articulated the views of the opposition in respect of this piece of legislation, its inadequacies and the fact that natural justice is being denied to the taxpayer. We believe that enough natural justice had been extended to members of this House and that it is an absolute nonsense and indeed a slight on this parliament that the Auditor-General feels that he needs protection. Many members went through the arguments. I am a realist; I can count. As was evidenced tonight, the opposition can actually even win a vote and still have it taken away from us. I do not have the passion to debate this at any great length at this point, because we can win a vote and still have it taken from us.

The Hon. R.G. KERIN: I oppose the amendment and would like the bill to stay as it is, for a couple of reasons. First, the bill has been put to the Auditor-General. He has been consulted on it and he is satisfied that it gives him the powers he needs. There are a couple of other things. There is an assumption with this that we are only talking about members of parliament and I make the point again that other citizens may well be included, so that needs to be taken into account by the House. The proposed amendment is draconian in a number of ways. It takes away the ability for persons to resort to a court. That is a big step for a parliament to take. We have heard arguments in favour of this, particularly from the member for Hammond, who often speaks about the rights of citizens. I am a bit surprised that in this case that view would be taken. I would say particularly to him that it may be not just be members of parliament but also other citizens who have given evidence to the Auditor-General who could be affected by this. We should make the point that the parliament should not only act fairly but also be seen to be acting fairly. The real point is that the bill as presented has the agreement of the Auditor-General. It has delivered to the Auditor-General what he has asked the parliament to deliver to him, and I think that that is the bill with which we should proceed.

Mr LEWIS: I say to the Deputy Premier that the provisions as they related to the State Bank, identical to what I have moved as an amendment, took away from other citizens—and a great number of them at that—exactly the same amount of prerogative and opportunity to pursue the Auditor-General and/or the royal commission inquiry in court, in exactly the same way. That was not seen to be a bad thing: it was seen to be a good thing. If other citizens find themselves in a position where they are aggrieved they can approach members of parliament and have their grievance ventilated in here. God knows, that happens often enough, and parliament's job is to ensure that what comes out of this is the truth. The Deputy Premier knows that the people—members of this place—whose actions have been under investigation have done every damned thing possible to frustrate those investigations. The Auditor-General would not have produced the interim report we received earlier this week if that were not so. So, do not tell me that they would not use this same device that has been deliberately included in the legislation that the Deputy Premier has introduced.

Equally, the Auditor-General having made that point to the parliament when he found he was being frustrated and provided the parliament with the interim report, did so recognising the gravity of that remark in drawing attention to what members of this place—ministers—were doing to frustrate his proper work. On the basis of that, they would naturally pursue him to the very last fibre of their options to prevent adverse findings, if it were possible, or the strength of the language used to describe adverse findings. That is why I am saying that it is a piece of political buggery. If they cannot catch him up front they will get him behind. The government proposes a matter that will put a gun at his head. Of course, he is a decent man; of course, now that he has the offer of greater prerogative power so that he can get on with the inquiry he would say, knowing him, 'Okay, we will do it,' but I am of the view that it is not the Auditor-General's view about what he is being offered that this parliament ought to take into account in any sense. What this parliament ought to be considering is what will be in the public interest, and it is definitely not in the public interest to have ministers coercing the Auditor-General to water down his findings in any sense at all.

As it stands, clause 6 allows that by providing that power to those people who have already used it against the public interest. For that reason I believe we ought to use the same provisions as we did with the State Bank to stop the unneces-

sary shenanigans, stop that potential coercion from occurring and get to the truth of the matter, knowing that if the Auditor-General errs he will be castigated in this place by one or more members for erring in that way—for making such an error in his findings. I urge members to support my amendment to clause 6.

Mr WRIGHT: I echo the comments made by the members for Hart and Hammond. I think that their arguments are succinct: this would be a much better, much stronger and a much more reasonable bill with the amendments that have been moved in those two members' names. It goes without saying that we know full well the history and the trail; we know what has taken place here. The government has been embarrassed and forced to bring in a bill that should never have been brought to this parliament, because the Auditor-General was put in an unsavoury and unassailable situation that could never have been of his making. We also know that, as a result of threats from government members and possibly and probably government ministers, the Auditor-General was forced into a situation yesterday where he brought down an interim report.

This parliament is much the worse and poorer for the actions of government members and/or ministers. We are in a much worse, inferior and unsavoury position because of this government's—and this Premier's—inability to show any courage, leadership and direction. As a consequence of those failings, the government, in a knee-jerk reaction, has been forced to bring in a bill. The bill is not of the quality and strength that it should be. The amendments moved by the members for Hart and Hammond clean it up and do what the government should have done with its own bill, thereby bringing about a much better and stronger position. We want to remove that 14 day window of potential litigation that exists within the government's bill. It has not gone far enough, but the amendments do that.

There is precedence with what took place with the State Bank and, as I said earlier in a contribution in the House before the dinner adjournment, if government members are serious, fair, reasonable and, just for a change, prepared to vote with their conscience, they will support these amendments, because they know that the amendments are right, fair and accountable and in the best interests of the state of South Australia. Only as a result of the amendments brought forward by the members for Hart and Hammond do we have a bill that gives the Auditor-General the full protection he deserves. The independent financial watchdog of the state should be under no threat whatsoever, and we need to see some strength of government just for a change. Just for a moment in its history as its history passes it by, we need to see some direction, moral character and courage from this government. Would it not be unique for this government, in its dying days as it is about to leave office, to show just a glimmer of courage and moral fortitude. But that would be too much to expect, because what we will see is government voting on party lines and so-called Independents who are not Independents supporting the government, and we are the poorer for it.

I am sure that there are some Independents in this House who will have the courage and moral fortitude to stand up and support these amendments brought to this House by the members for Hart and Hammond, who deserve our congratulations for bringing forward amendments of this quality. The House should support them unanimously.

The Hon. R.B. SUCH: Sadly, we have spent a lot of time tonight on activities that bring little credit on this House and ourselves. It is unfortunate but I have been advised that it is not possible to amend this clause so that the limiting of legal action would apply only to MPs, because, as we know, members of parliament have the right to use this place to defend themselves and respond, whereas, clearly, people outside this place do not have that right. I am advised by Parliamentary Counsel that it is not possible to distinguish between MPs and non-MPs in respect of this clause, and I think that is unfortunate.

I have great regard for the Auditor-General and I have been most disturbed by what I have been hearing in the presentation of his interim report suggesting that, in effect, he is being hindered in what he is trying to do. I find that outrageous and totally unacceptable. If the member for Hart's amendment to clause 6 is not accepted, and members in this place choose to challenge what the Auditor-General is reporting, I think they will come under very intense scrutiny and could pay a very heavy political price. This issue is causing the government grave injury and the sooner this matter is resolved the better. It is totally unacceptable that, on all the evidence, we have a suggestion that certain people are trying to hinder the Auditor-General in carrying out his important task.

As has been put to me, the Auditor-General is willing and happy to accept the bill as proposed by the government, but I guess that like all of us he would like to have an absolute 100 per cent guarantee that he will not be subject to any sort of legal action. However, having said that, and not taking away anything from my high regard for the Auditor-General, I have to say that he is not perfect and nor are his officers. It is possible that in some aspects he could well make an error and may come to this place with a finding that is incomplete or possibly inaccurate. So, I am cautious about supporting the member for Hart's amendment, because I do not want to see natural justice denied to people with a legitimate claim, but at the same time I do not want to see MPs, who have recourse to this House, able to wriggle out of their responsibilities and accountability.

It is a dilemma and I am torn between not taking away the natural justice rights of some individuals, particularly non-MPs, but at the same time I do not want to see people who are interested in protecting their own political backside use legal proceedings to avoid accountability for their actions. This is a sad saga for the state of South Australia. I will listen for the response from the minister. I can see the merits in both propositions, but ultimately, in all these things, it comes down to the integrity of particular individuals and their personal honesty and desire to be accountable to the people of South Australia. I repeat that it is unfortunate, on advice, that I cannot amend this further so that the judicial review option applies only to non-members of parliament.

Mr CONLON: Of course, I support the member for Hart's amendment, and I would particularly like to address some of the issues raised by the member for Fisher. The first issue is that this is not a matter of denial of natural justice; it has nothing to do with natural justice. As the Auditor-General's interim report indicates, all complainants have plainly been afforded an abundance of natural justice, particularly the primary component of natural justice of knowing the case against you and being able to respond to it. They have plainly been given an enormous amount of time, and it is plain that people have, in fact, abused the natural justice that has been provided to them with the intention merely to delay the report. Having failed in that and, finally, it being demanded that they do answer the case against

them—which, with my limited knowledge, I understand to be the very centre of the principle of natural justice—they have then sought to do something that I think this House simply cannot accept. They have sought—not on answering any merits of any findings of the Auditor-General but on a legal argument that would have been unlikely to succeed—to prevent the Auditor-General holding an inquiry within the terms of reference he was given.

I make two points about that. First, I have grievous concerns about the bona fides of those who have threatened to litigate on the basis that the inquiry is ultra vires the Auditor-General's powers. I find that hard to accept, and I do not believe that those cases have been brought genuinely, and all the evidence speaks to that end. The question of the inquiry being ultra vires was raised by those people whose first steps were to try to delay the inquiry by whatever other means they had. Having failed in that, they then sought the last refuge of the wealthy scoundrel—they ran to the lawyers to find some other way of delaying the inquiry. This is not about determining the proper scope of the jurisdiction of the Attorney-General. That is not their interests. This is about delaying the inquiry.

Secondly, to allow these people to take the action is to say that we accept that this parliament cannot set the terms of reference and cannot have an Auditor-General here within those terms of reference. I reject that notion absolutely. The only possible reason I can see for the government going down the path it has is, quite frankly, a base political one. John Olsen plainly has relied, in scrabbling over the top of Dean Brown for the premiership, on the members for Bragg and Coles. So he had to deliver a bill which left them an escape hatch to take some legal action because he simply cannot afford to go without their support.

I stress this: I cannot understand why a parliament with a plenary legislative power would contemplate allowing someone to challenge whether an Auditor-General can do something that the parliament has said he should do. What are we here for? Are we here to say, 'We would like the Auditor-General to do it but we are happy for you to argue that he cannot'? What sort of nonsense proposition is that?

There is absolutely ample precedent for this. It is the sort of legislation and provisions which we provided and on which the liberal opposition insisted in 1992 as the proper way to deal with wealthy scoundrels running to their lawyers. Apparently that argument does not apply if the wealthy scoundrel happens to be a member of the government.

An honourable member interjecting:

Mr CONLON: That's right. That doesn't apply if the wealthy scoundrel happens to be a member of the government sitting on the government benches. Of course, it did apply in 1992. I stress this point: I cannot understand why any parliament would contemplate putting in a bill a provision which would allow a challenge to defeat the primary purpose of the bill.

The parliament has set out in a long, tiring drawn-out process to have the Auditor-General (the government, purportedly, although it has never acted in good faith, wanted the Auditor-General to do so) inquire into these matters. Having found that those who I say act without bona fides on the government side have deliberately frustrated that, we have had to come back here and prevent it. But what are we going to do when we prevent it? We will leave an escape hatch in it so that it can still challenge whether the Auditor-General has the power to conduct an inquiry that we have all asked him to undertake. I find that absolutely mind boggling. Why on earth you would write a self-destructive provision into your own legislation which supposedly is there to address a problem defies logical explanation, and it exists only for the most base of political motives, as I have explained before.

It is time for John Olsen to discard those who turned their back on Dean Brown to put him up. It is time for him to place integrity and the search for the truth in this matter above catering to the friends—the Judases—who got him his job when they betrayed Dean Brown. It is as simple and as base as that. That is not an argument for undermining legislation in this parliament. It is not an argument that this House should accept. It is not about natural justice, as the member for Fisher suggests. These people have had bucket loads of it. They have had 20 bloody months of natural justice, and all they have used it for is to frustrate the inquiry. They have had enough leniency. They have had enough extended to them. They have absolutely demonstrated an inability to accept responsibility for their action or to face up to the truth in this matter, and we must make them face up to that. That is why I support the amendments of the members for Hammond and Hart.

The Hon. R.G. KERIN: I do not think a couple of members were here when I last spoke to this clause. I will go back to the basic matter I raised before—

An honourable member interjecting:

The Hon. R.G. KERIN: Yes, I know that—that is, that the Auditor-General has agreed with the legislation before us. Members are ignoring that. He has agreed with it, and he has done so on the basis that, because of the way clause 6 stands, it provides a balance.

Members interjecting:

The CHAIRMAN: Order!

The Hon. R.G. KERIN: The other thing that the member for Hammond has forgotten is that elsewhere in this legislation it guarantees the Auditor-General the power to report. Clause 6 does not stop him reporting. He is allowed to report. He has agreed that this has the balance we need. In deference to the member for Hart, I will not go back over the points I made previously. I urge the committee to stick with the legislation like it is and reject this amendment.

Mr LEWIS: I resent being told that I have forgotten something. I drew attention to that when we were discussing clause 4. I drew attention to it when I first made the remarks about the amendment which I have proposed—the one identical to one which the member for Hart has also circulated, the one which is drawn deliberately out of the State Bank inquiry legislation and the one which ensures that there cannot be any political buggery. What the Deputy Premier is missing out on is that these people have already been engaging in this kind of deliberate delaying and deferring tactic, and deceit of the purpose of the inquiry.

It is vital that the Auditor-General is not left in a position before having made his findings that he will be liable to prosecution in an action against him in the courts. Sure, we will have a report, but will it be the report that we would otherwise have got if we approved the amendment? No, it will not, because he will know that he has that risk of being attacked after the report is tabled for doing something that someone wanted him to do and he did not, or not doing something that someone wanted him to do and that he did. That is what the existing provisions say as the Deputy Premier presents them to this committee.

It is not an argument to say, as the Deputy Premier says, 'The Auditor-General has had a look at this and he thinks it is okay.' Sure, it is better than what it was; he can now report.

But the fact remains that it is like a school boy being caned, being hit around the ears and belted on the calves being told, 'All right. Now I'll stop hitting you around the ears, caning you across the backside and whacking you on the calves, but I'll still keep you in afterwards for 14 days. I have the power to give you 1 000 lines,' and put him through the hoops. The ruddy ministers who are involved in this and who should have been sacked are not being sacked, and they have already demonstrated that they will do that kind of thing. If it is not ministers, it is another member of parliament.

There is no one citizen outside the parliament who has approached any member of parliament complaining that what the Auditor-General was trying to inquire into was something with which they disagreed. It is members of parliament who have been doing that: we all know that. The government is clearly, if it is insisting upon its own version of clause 6, involving itself in political shenanigans to protect members of its own ranks, against the interests of the Auditor-General's ability to report cleanly, and against the interests of the people of South Australia, who want a clean, open, frank report after a full inquiry has been made. So, the government, if it sticks with its own version, has decided to protect those people who have already been causing the problem of which the Auditor-General complained so that they can still coerce him into not giving the parliament what we are really needing and what we say in clause 4 we want. There is no other reason for having it any differently.

The committee divided on the amendment:

While the division was being held:

The Hon. R.L. BROKENSHIRE: Sir, I would like to advise you that the bells are not working properly. I had a job to hear them in my office, and they did stop for a while before they started again. I would like the bells to be checked.

AYES (23)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Key, S. W.	Koutsantonis, T.
Lewis, I. P. (teller)	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Such, R. B.
Thompson, M. G.	White, P. L.
Wright, M. J.	

NOES (23)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Ingerson, G. A.	Kerin, R. G. (teller)
Kotz, D. C.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
Meier, E. J.	Olsen, J. W.
Oswald, J. K. G.	Penfold, E. M.
Scalzi, G.	Venning, I. H.
Williams, M. R.	

The CHAIRMAN: Order! There being 23 ayes and 23 noes, I give my casting vote for the noes.

Amendment thus negatived; clause passed.

Title passed.

Bill read a third time and passed.

WATER RESOURCES (RESERVATION OF WATER) AMENDMENT BILL

Consideration in committee of the Legislative Council's amendments.

The Hon. M.K. BRINDAL: I move:

That the Legislative Council's amendments be agreed to.

Mr HILL: The opposition supports the amendments. I would like to ask a couple of questions but, in principle, we support the amendments. It is a sensible provision which will aid the establishment of a water market in the South-East. It properly penalises those who hold water but do not use water, and that will encourage those people to get into the water market.

Mr WILLIAMS: I want briefly to make a few comments on these amendments as they affect the water holding licences that were given out as part of the pro rata roll-out in the South-East last year. We had a situation earlier this year when the South-East Catchment Water Management Board was in the process of advising the minister what sort of levy should be applied to water licences in the South-East. The catchment board—I believe quite rightly—suggested to the minister and, indeed, to the Economic and Finance Committee that a water holding licence should not attract the same levy as a water extracting licence.

There were several reasons for that, the least of which was that water holding licences were, by and large, in areas where water had no value. There was no point imposing a levy on those people who held a water holding licence in order to make them put that licence onto the market. As there was no market, there was no value and there was no opportunity for people to put them onto the market to realise a benefit from them if they were not using the licences themselves, and there were no people being disallowed from utilising that particular quantity of water for any economic benefit.

In its wisdom, the Economic and Finance Committee chose to disallow the will, wish and want of the South-East Catchment Water Management Board and recommended that the minister propose an amendment to the act, and the consultation which followed resulted in these particular amendments. The position I always put was that if someone had held a water holding licence and put that licence onto the market but there was no market—no-one was willing to take up the licence or wishing to make any economic benefit or use of that water—they should not have a levy imposed on them, and that is what, by and large, these amendments do.

However, if the owner of a water holding licence chooses to sit on that licence where there is a market available—and the proof of that is that they cannot demonstrate that they tried to trade their water licence by either lease or sale—they would be subject to a levy. Remarkably, the minister and the Economic and Finance Committee adopted the position that these licences would attract half the levy which is applied to water taking licences, and I find that rather curious. I do not know why there is a differential levy. The rationale was that, in other parts of the state—I believe on the river—there are licences known as sleeper licences which attract a lesser levy.

It was never my intention—and I have never argued—that holders of water holding licences should be subject to a lesser levy than anyone else. I have always believed that they should pay a full levy if there was a market and they had deliberately held the water out of that market. I believe, in fact, that no-one should be paying a half licence. I believe that those who wish deliberately to hold their water either out

of use or off the market should pay a full levy and those who can demonstrate that they are willing to allow that water to be utilised should be paying no levy if there is no market to take it up, and that is the position I have always put.

However, it is rather curious to me that we have this nonsense, in my opinion, of a half levy, but other people made that decision. I will be asking the minister some questions with regard to the insertion of section 122A subsection (4), which provides:

> Where the transfer of a water (holding) allocation is subject to a condition referred to in subsection (2)(c), the minister must not—
> (a) approve the transfer of the licence on which the allocation is endorsed; or
> (b) vary the transferring and receiving licences, to effect the transfer unless he or she—
> (c) converts the water (holding) allocation to a water (taking) allocation; or
> (d) endorses the allocation on the receiving licence as a water (taking) allocation.

On the face of it, I do not have a problem with what the minister is trying to do there, except in the special case where a landowner, who owns a property and a water holding licence applicable to that property, sells the land and wishes the water holding licence to be transferred as a water holding licence to the new owner of the land. I will be very interested in the minister's response to my question on that matter, because my reading of this particular subsection suggests that, if a person has a water holding licence and a land title and sells the land title—in other words, sells his farm—he would be unable to transfer the water holding licence as a water holding licence. It would have to be converted to a water taking licence and the new owner of the farm would be subject to paying a full levy, even though there might be no market in that particular water management area. I think that is a flaw in the bill, and at the appropriate time I will be asking the minister to explain.

Mr HILL: I want to ask about the legal status of a water holding licence and a water taking licence. As I understand it, a water taking licence is a property right. Can the minister tell me whether a water holding licence is also a property right?

The Hon. M.K. BRINDAL: A water holding licence, as I understand it, is in fact a property right. The difference between the two is that a water holding licence is a notional entitlement to take a quantity of water if that entitlement is converted to a taking licence. The subtle difference therefore is that, when a holding licence is converted to a taking licence, it is necessary that the hydrology be proved for the particular site at which the taking is to occur and, obviously, if the water simply is not down the hole you cannot convert to a taking licence; or, if the water down the bore is in insufficient quantity, the quantity to be converted would be only that quantity which was capable of being taken.

So, while the holding licence gives a property right, which has a notional value in an amount of water to be taken, it is not the same as a holding licence, which is a proven right to extract that amount of water. They are both property rights but there is that subtle difference between them.

Mr HILL: Can the minister tell me a little about the process of conversion of a water holding licence or water holding allocation to a taking allocation or taking licence? Is there a penalty or cost associated with the conversion? Does the person who has a water holding allocation have to pay money to have it transferred to a water taking allocation?

The Hon. M.K. BRINDAL: There is no cost actually associated with the transfer of the licence, but there is a cost associated with the hydrology that is needed to test the bore. To prove that you can convert from one to the other, some hydrology has to be done, and there is a cost for that. There is a technical cost, not a cost of changing the licences.

Mr HILL: I assume that the cost of that hydrology is borne by the transferor. I ask the minister to confirm that when he answers my next question. I am not sure that the committee is focused on the issue of water licences; there seems to be other business going on which is dominating the chamber at the moment. The minister approves the transfer of the licence. Can the minister outline the process he goes through, or any minister goes through, to approve that transfer? What advice does he get? What mechanism is in place to allow that to happen?

The Hon. M.K. BRINDAL: It is basically quite a simple process. It is the hydrological test in the water allocation plan. If it conforms to those tests, quite simply the water is available and the licence is issued. It may help the shadow minister if I say that there is no subjective measure. It is absolutely and purely a scientific analysis. Is the water there? Can the water be taken? If it is, there is no discretionary power. It is simply that the licence has to be issued.

Mr HILL: I refer to new section 122A(2)(c). This is the section which deals with the waiving of the levy. As I understand it, if the person who has the holding licence attempts to sell or lease that holding licence he or she is able to get a waiver of the levy. The section refers to 'the greater part of the financial year'. Does that mean that all the person has to do is spend six months and one day putting the water on the market? I am not entirely sure how the market might work, but there would be certain times of the year when people might want to buy water, for example, in summer, but in the winter months they would not want to buy it. It is possible theoretically for a person to get the levy waived by complying with this section, but by not genuinely or in a *bona fide* way putting the water on the market; in other words, by putting it on the market over the winter months when no-one wants to buy it.

The Hon. M.K. BRINDAL: We saw earlier what the bush lawyers in this place can do, so I will be careful with my answer. It is the other way around: it is a test of reasonableness. It is not six months and one day. It is the greater part of the year. The test of reasonableness would be applied by a court, so I cannot say whether it would a 11 months, 10 months or nine months. Six months and one day, we believe, would not be deemed reasonable, but the matter would arise if perhaps the Department for Water Resources sought to collect the levy. If the person then said that it had been leased for the greater part of a year and it was then established that it was six months and three days, quite possibly the department would say that that was not reasonable and would insist on the collection. The person would have an absolute right to take it to appeal, and then reasonableness would be established by the courts. My advice to the shadow minister is that six months and one day would not be considered reasonable. It would be something more than that—probably nine, 10 or 11 months—but the courts would determine it.

Mr HILL: I ask a follow-up question. The minister made an interesting comment about reasonableness, but my reading of new paragraph (c) does not include reasonable. It talks about genuine. In fact, it talks about two tests. It provides:

> The levy. . . is not payable if the licensee, on application to the minister, satisfies the minister that he or she made a genuine, but unsuccessful, attempt throughout, or through the greater part of, the financial year.

It does not talk at all about reasonable. My understanding of greater is in the sense of greater or lesser. If you divide the year into two and one part has six months and one day and one part has six months less one day, one part is greater and one part is lesser. Greater does not have any other value other than mathematically being superior to the lesser part. That is my first part of the ancillary question.

Secondly, in relation to new section 122A(4)(a), which relates to approving a transfer of licence, how would the minister approve that transfer?

The Hon. M.K. BRINDAL: Perhaps I can best go back and explain it differently. If we had said 'had to be on lease for the whole year', someone having offered to lease their water for 364 days would fail to gain an exemption because it had not been leased for the whole year. We are attempting to go back and apply a reasonable regime where, if someone has had it on lease for 11 months, that is reasonable. As I said before, six months and one day might not be. All I can say to the shadow minister is that in some of these things where we are trying to pass a law and trying to induce in that law some degree of commonsense, humanity and concern for people who are getting about their lawful business it will always be difficult and always slightly imprecise.

So long as I am minister, in relation to that test of reasonableness, I would hope the House would have some confidence that I would apply it judiciously. I can also assure this House that if the shadow minister becomes minister they might have some confidence that he, who would then be responsible for some of this stuff, would apply it reasonably.

Mr Hill interjecting:

The Hon. M.K. BRINDAL: The shadow minister interjects that it would up to the courts. But the shadow minister would also know that whether the department chooses to take a matter to the court, as the prosecution is in the minister's name, reasonableness can apply to a minister because you can be reasonable and not take them to court on quite unreasonable grounds. Can the honourable member repeat the second part of his question?

Mr HILL: What process would the minister go through to approve transfers of licence?

The Hon. M.K. BRINDAL: It would be the absolute standard process that currently applies. The person would apply for the licence, it would be assessed against the plan and the hydrological study would be undertaken. All those things being in conformity, the licence would then be issued.

Mr WILLIAMS: I refer to the question I alluded to earlier in relation to proposed new section 122A(4) where it states:

(4) Where the transfer of water (holding) allocation is subject to a condition referred to in subsection (2)(c), the minister must not—

(a) approve the transfer of the licence on which the allocation is endorsed; or

(b) vary the transferring and receiving licences,

to effect the transfer unless he or she—

(c) converts the water holding allocation to a water (taking) allocation; or

(d) endorses the allocation on the receiving licence as a water (taking) allocation,

(as the case requires) in accordance with the terms of the condition.

The condition being proposed is new section 122A(2)(c), namely:

(c) the levy for a financial year is not payable if the licensee, on application to the minister, satisfies the minister that he or she made a genuine but unsuccessful attempt throughout or through the greater part of the financial year to find a person who was willing to buy the water (holding) allocation subject to the condition that the allocation—

(i) be converted to a water (taking) allocation; or

(ii) be endorsed on the transferee's licence as a water (taking) allocation.

I had the opportunity in the past few minutes to speak with Parliamentary Counsel and I am still quite confused about this. My reading suggests that it is impossible to transfer a water holding licence as a water holding licence. I would like the minister's interpretation of the subparts I have just read out.

The Hon. M.K. BRINDAL: I am informed that that is wrong: you can transfer a holding allocation to a holding allocation.

Mr WILLIAMS: Will the minister point out what clause in the amendments allows that or is it just implied because it is not precluded in the clauses? I refer again to proposed new subsection (4), where the transfer of a water (holding) allocation is subject to a condition referred to in proposed new subsection 2(c). I though that that condition would refer to almost all of them where people would be applying to have a remission of the levy. Is it just in the case where somebody has applied for a remission or waiver of the levy—or however you would like to describe it? If the holder of a holding licence applies for a remission or waiver of the levy under proposed new subsection 2(c), under those circumstances is it that the water (holding) licence could not be transferred without being converted to a water (taking) licence?

The Hon. M.K. BRINDAL: In 4(c), if he wants to convert a holding to a taking allocation, that is a provision of proposed new subsection 2(c); it is subject to the condition of 2(c). But if he does not seek to not pay the levy and you read condition 2(b), he could transfer a holding allocation to another person's holding allocation and that person who received the new holding allocation would then pay the levy. Proposed new subclause 2(c) does not apply and 2(b) does. To take a hypothetical case, if you have a holding allocation and your wife has a holding allocation, you may transfer your holding allocation to your wife, add the two together and she would pay the levy on both, 2(b) being the applicable provision.

Mr WILLIAMS: Is it possible to transfer a holding allocation to another person, whether they own a holding allocation at the time or otherwise, that is, if the vendor of the holding allocation had applied via 2(c) and was not paying a levy, and the purchaser of that holding allocation also wanted to apply under 2(c) and not pay a levy? I ask the question because, even though the Water Resources Act has done the magical thing of separating land and water title, in the practical world (many of the people who administer the act fail to understand what happens in the practical world) can a farmer who owns a land title—all of those who received a holding allocation under the pro rata roll out were land title owners, even though the holding licence they received is not attached to the land they are owned by the same person or body corporate—and also owns a water holding licence, which he got because of his ownership of that land under the pro rata roll out, sell his farm, having applied to not pay and having not paid the levy under 2(c), to another party and also transfer the water holding licence to that other party, with that other party being able to continue that as a water holding licence subject to the condition of 2(c) and not pay a levy on it? That it is the nub of the question I am trying to get to. Is it possible to transfer a land and water package and have the benefit of proposed new subsection 2(c) both to the original vendor and to the purchaser?

The Hon. M.K. BRINDAL: Under the circumstances the member just outlined, proposed new subsection 2(b) would apply and the purchaser would have to pay the levy for that year, although may make different arrangements in subsequent years. In answer to another question previously asked, the person who holds a holding allocation and sells his land does not need to sell or transfer the holding allocation if they want to retain it: it is already theirs as a separate right. They can sell their land, can either sell, transfer or continue with the holding allocation because it is a separate property right. It was a difficult question, but in the particular instance outlined by the honourable member, 2(b) would apply. I will do my best to answer all the questions as honestly as I can, but one of the problems with this sort of legislation is that the final arbiter is often an interpretation in the ERD or elsewhere of what it actually means. I can tell him honestly that this is what I think it means, but at the end of the day somebody will go into the ERD and say that it does not mean this it means that and Judge Bowering will rule and we will all be back here again if it does not mean what we think it means. But that is what I think.

Mr WILLIAMS: I beg the committee's indulgence to ask a supplementary question in view of the answer I just received.

The ACTING CHAIRMAN (Mr Venning): I do not think I can—I allowed four questions.

Mr WILLIAMS: In fact have only asked three.

The ACTING CHAIRMAN: I allowed the extra one, even though I was advised not to before. I cannot allow the question.

Motion carried.

SOUTHERN STATE SUPERANNUATION (INVALIDITY/DEATH INSURANCE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 July. Page 2123.)

Mr FOLEY (Hart): This legislation covers improved provisions for life insurance and disability insurance within the Triple S accumulation superannuation scheme for public servants. A modest package of life and disability cover was put into the Triple S scheme some time back. Members have expressed some interest in looking at enhancing that through the provisions that were available, but the opposition understands that the uptake of the enhanced provisions has been very small—less than 2 per cent, from memory. I understand that the government is seeking to improve the life and disability cover that is the base scheme available with the Triple S scheme. It is a sensible and welcome reform and, as always, where we can expedite the quick passage of important legislation, we do so. The opposition supports the bill and is happy for it to go through to the third reading.

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

STATUTES AMENDMENT (INDEXATION OF SUPERANNUATION PENSIONS) BILL

Adjourned debate on second reading.

(Continued from 25 July. Page 2123.)

Mr FOLEY (Hart): I assure the House that we did not just slip through a bill to introduce the death penalty in South Australia; that was a slip, previously. The way this place has been tonight, anything is possible. Trust me; we would need the rescission motion if we had done that. This piece of legislation is to deal with the pension scheme within government. There is a whole series of pension schemes, of course. Let me be up front about it; there is the parliamentary superannuation scheme, but the vast bulk of people on the public payroll are public servants under their pension scheme, the judges' scheme and, dare I say, the Governor's scheme—those schemes that are indexed are indexed annually.

This bill enables pensions to be indexed twice per year. That is consistent with changes at a commonwealth level and with changes in a number of states. I understand that the normal commonwealth pension is paid twice yearly. It is a sensible and modest reform for the great benefit of many thousands of South Australian recipients of pension schemes. Again, the opposition supports that piece of legislation and is happy for it to proceed to the third reading. There are no questions from my side. Again, we are happy to facilitate the speedy passage of the bill.

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I thank the member for Hart for his contribution. As he has said, this just mirrors legislation elsewhere in terms of having indexation on a six monthly rather than a 12 monthly basis. I commend the bill to the House.

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

APPROPRIATION BILL

The Legislative Council agreed to the bill without any amendment.

FOOD BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Page 7—After line 2 insert new clause as follows:

'Committee' means the Food Quality Advisory Committee established under Part 9;

No. 2. Page 29 (clause 44)—After line 30 insert the following:

or

(f) other action be taken to ensure compliance with the provisions of the Food Standards Code,

No. 3. Page 29 (clause 44)—After line 36 insert the following:

(2a) An improvement notice may include ancillary or incidental directions.

No. 4. Page 30 (clause 46)—After line 24 insert the following:

or

(e) prohibits other action being taken,

No. 5. Page 30 (clause 46)—After line 28 insert the following:

(2a) A prohibition order may include ancillary or incidental directions.

No. 6. Page 32 (clause 51)—After line 6 insert the following:

(2) An application under subsection (1) must be made within 28 days after the day on which notification of the decision is received.

No. 7. Page 49—After line 27 insert new clauses as follow:

DIVISION 5—THE FOOD QUALITY ADVISORY COMMITTEE

Establishment of Committee

96A. (1) The Food Quality Advisory Committee is established.

(2) The Committee will consist of ten members appointed by the Governor, of whom—

(a) one will be the presiding member, nominated by the Minister;

(b) one will be an officer of the Department of the Minister, nominated by the Minister;
(c) two will be persons nominated by the LGA who, in the opinion of the Minister, have wide experience in—
(i) the inspection or auditing of food businesses; or
(ii) the production, manufacture or sale of food;
(d) one will be a person who, in the opinion of the Minister, is an expert in a discipline relevant to production, composition, safety or nutritional value of food;
(e) two will be persons who, in the opinion of the Minister after consultation with Business SA, have wide experience in the production, manufacture or sale of food from a business perspective;
(f) one will be a person nominated by the United Trades and Labor Council who, in the opinion of the Minister, has wide experience in—
(i) the inspection or auditing of food businesses; or
(ii) in the production, manufacture or sale of food;
(g) two will be persons who, in the opinion of the Minister, are suitable persons to represent the interests of consumers of food.

(3) At least two members of the Committee must be women and at least two members must be men.

(4) The Governor may appoint a suitable person to be the deputy of a member of the Committee during any period of absence of the member.

Conditions of membership

96B. (1) A member of the Committee will be appointed on conditions determined by the Governor and for a term, not exceeding three years, specified in the instrument of appointment and, at the expiration of a term of office, is eligible for reappointment.

(2) The Governor may remove a member of the Committee from office—
(a) for breach of, or non-compliance with, a condition of appointment; or
(b) for misconduct; or
(c) for failure or incapacity to carry out duties satisfactorily.

(3) The office of a member of the Committee becomes vacant if the member—
(a) dies; or
(b) completes a term of office and is not reappointed; or
(c) resigns by written notice to the Minister; or
(d) is removed from office under subsection (2).

(4) A member of the Committee is entitled to allowances and expenses determined by the Governor.

Functions of the Committee

96C. The functions of the Committee are—
(a) to advise the Minister on any matter relating to the administration, enforcement or operation of this Act; and
(b) to consider and report to the Minister on proposals for the making of regulations under this Act; and
(c) to investigate and report to the Minister on any matters referred to the Committee for advice.

Procedure at meetings

96D. (1) The presiding member will preside at a meeting of the Committee or, in the absence of that member, a member chosen by those present will preside.

(2) Six members of the Committee constitute a quorum of the Committee (and no business may be transacted at a meeting unless a quorum is present).

(3) Each member present at a meeting of the Committee has one vote on any question arising for decision and, if the votes are equal, the member presiding at the meeting has a second, or casting, vote.

(4) The Committee must have accurate minutes kept of its proceedings.

(5) Subject to this Act, the Committee may determine its own procedures.

Disclosure of interest

96E. (1) A member of the Committee who has a direct or indirect personal or pecuniary interest in a matter under consideration by the Committee—
(a) must, as soon as he or she becomes aware of his or her interest, disclose the nature and extent of the interest to the Committee; and
(b) must not take part in any deliberations or decision of the Committee on the matter and must be absent from the room when any deliberations are taking place or decision is being made.

Maximum penalty: $5 000.

(2) A disclosure under this section must be recorded in the minutes of the Committee.

Consideration in committee.

Amendment No. 1:

The Hon. DEAN BROWN: I move:

That the Legislative Council's amendment No.1 be disagreed to.

This amendment relates to setting up the advisory committee on food, called the Food Quality Advisory Committee. Since the legislation was first introduced we have been able to give further consideration to the type or range of committees that will be set up in South Australia as part of the intergovernmental agreement that was reached at a federal level. In fact, it has been agreed that what was set up is something that mirrors a similar structure that is occurring at a national level. First, I am the minister representing the South Australian government on the Ministerial Food Council, and the Minister for Primary Industries and Resources is a back-up minister on that. Then at a state level, first, there will be an inter-departmental committee that will bring together all the relevant government agencies, chaired by the Department of Human Services. It will certainly act as the coordinating committee, including other departments such as Industry and Trade, Primary Industries (PIRSA) and certainly Human Services, and will include the Office of Local Government.

Then there will be a broader committee looking at the broad consultation and implementation of the new legislation. It involves more than just the implementation: it is also the ongoing management of the new legislation. That committee will comprise key community or industry groups and government. In fact, there will be several different committees in that area. One looking at the farm side of it will be chaired by PIRSA, and one dealing with the industry and retail side will be chaired by the Department of Human Services. Then we are proposing to set up another group of committees, and these will be industry based committees. They will include, for instance, one that I expect to set up looking specifically at the restaurant trade. Another one will be set up that I think will look at the manufacturing industry in the food area.

Yet another one will be set up to look at the transport industry, and I expect another will be set up to cover seafood, particularly the retail side. So, there will be a range of committees that will have specific industry involvement. The amendment that I am asking the committee to reject, in fact, will in many ways will be supplementary to or a duplication of a number of these different committees. In fact, these other committees will have broader representation than the advisory committee. As part of this, I am willing to give an undertaking to make sure that, without being specific on every single committee, there will obviously be overall representation from both industry groups. From those industry representations, there will be employee or trade union representation, and I think there is strong justification for that sort of representation. I can understand that in a number of the industry groups.

I therefore believe that, with the sort of structure we are now adopting, what is proposed here is, in fact, virtually a duplication of that. So, my argument would be that we should not be accepting this recommendation. There are some

consequential amendments to this that we will deal with shortly, but I would urge the committee to reject or disagree with the amendment proposed by the other place.

Ms STEVENS: The opposition moved this amendment when the bill first passed through this House a number of years ago, but it was lost. We moved it again in another place, because of our concern particularly with the implementation of a new act covering a whole range of complex areas. We were aware of concerns in the sector about lack of communication and consultation and the need to coordinate the implementation of the act. That was the purpose behind doing this.

I am pleased to hear the minister's comments about the action that he has taken since the legislation passed through this House and, having heard his remarks, I would agree that it seems that the issues about which we were concerned are now being pretty comprehensively covered by what he is doing. So, the opposition is prepared to support the minister's suggestion and disagree to not support the first amendment on page 7, after line 2. We really have no desire to set up another committee if it will be superfluous; that would be pointless. Our concern was that the implementation process be monitored and that people be involved because it will be complex and require a whole lot of things to be brought together. I am satisfied from what the minister has said that he has actually put those processes in place.

Motion carried.

Amendments Nos 2 to 6:

The Hon. DEAN BROWN: I move:

That the Legislative Council's amendments Nos 2 to 6 be agreed to.

These are somewhat minor amendments that were moved by the government in another place and found to be consequential. I think one of them was actually raised on an issue here in the Lower House and I agreed to look at it further, and we have agreed with the point that was made. They are all small procedural matters and, frankly, they improve the bill. I urge the committee to support to them.

Motion carried.

Amendment No. 7:

The Hon. DEAN BROWN: I move:

That the Legislative Council's amendment No. 7 be disagreed to.

This is a consequential amendment to amendment No. 1. I have already given the reason and it would simply be a repeat of that argument.

Motion carried.

CRIMINAL LAW (SENTENCING) (SENTENCING PROCEDURES) AMENDMENT BILL

The Legislative Council agreed to the amendments made by the House of Assembly without any amendment.

CRIMINAL LAW (LEGAL REPRESENTATION) BILL

Adjourned debate on second reading.

(Continued from 25 July. Page 2121.)

Mr ATKINSON (Spence): In 1992, the High Court in Dietrich and the Queen decided that a court may stay a criminal trial indefinitely if the trial would be unfair owing to the accused being unable to have legal representation. In nearly all cases, the reason the accused would give for being unrepresented would be that he or she could not afford legal representation. The word used in these cases is that the accused is indigent. The reasoning of the High Court was that an unrepresented accused charged with a serious offence was likely to suffer a big disadvantage and that such a trial should proceed only in exceptional circumstances. Justices Mason and McHugh said:

> In the absence of exceptional circumstances, the trial in such a case should be adjourned, postponed or stayed until legal representation is available. If in those circumstances an application that the trial be delayed is refused and, by reason of the lack of representation of the accused, the resulting trial is not a fair one, any conviction of the accused must be quashed by an appellate court for the reason that there has been a miscarriage of justice in that the accused has been convicted without a fair trial.

The problem for the government is that some accused persons, even those who were wealthy until their arraignment or trial, are eager to obtain a stay of their trial by, as the Irish say, 'putting on the poor mouth.' Some people accused of serious crime, especially of fraud and the like, challenged the government to give them full Legal Services Commission funding or let them go free on a stay.

The Attorney-General does not want taxpayers to pay for their defence, nor does he want them to escape trial. The Attorney has come up with a number of drafts to overcome the effect of the Dietrich case, and the opposition has defeated them, with the support of the Democrats and, outside parliament, the Law Society.

The bill is part of a tug of war between the government and the courts that arises from the scarcity of legal aid and the High Court's response to that scarcity of legal aid in the Dietrich case. Many of the judges and the Criminal Law Committee of the Law Society believe that legal aid funding should be greatly increased and take priority over almost all other categories of government spending. If the government does not do this—as it will not—these judges and lawyers believe that the government should be embarrassed by criminal defendants in serious cases and against whom there is a compelling case going free on an indefinite stay.

The bill before us is not a law for reasonable people. It is a law designed to scare some of the most agile and unscrupulous accused into providing for their own defence. But for this bill, these accused would force the government into making a choice between using taxpayers' money to pay for all their defence or letting them go free without trial. In deliberating on this bill, members should be under no illusion that all the judges will enforce the bill's plain meaning. When some judges want to uphold the common law principles in which they passionately believe or perhaps have merely grown up with, they will find the plain text of this or any other law easy to circumvent. Some judges will insist on giving an accused a trial with taxpayer funded legal representation no matter how the accused tries to rort the system. The bill introduces two categories of accused in indictable matters: category 1 defendants who are eligible for legal aid in the normal way on a merits test and a means test; and category 2 defendants who would not be eligible for legal aid but would be thrust onto the Legal Services Commission by the operation of the bill.

The aim of the bill is to obtain legal aid for every person charged with an indictable offence under state law in the District or Supreme Courts who is without a lawyer committed to defend the accused through to the end of the trial. The controversial part of the bill is the new draconian methods by which the Legal Services Commission is authorised to

recover the cost of legal aid from category 2 accused and their financial associates.

The government grants legal aid, but it does not furnish the accused with his or her lawyer of choice—or at least does not do so as of right. The bill says that an accused should have a lawyer from the first directions hearing who is willing to see the matter through to trial, otherwise the court should direct the defendant to the Legal Services Commission. From that point, the accused and the commission are bound to one another, unless—and there are five exceptions:

1. the accused finds privately funded legal representation; or

2. the accused insists on representing himself; or

3. the accused contravenes a condition imposed by the commission on legal aid; or

4. the accused refuses to cooperate with the legal practitioner assigned to him; or

5. the trial is for a minor indictable offence and ends up in the Magistrates Court.

If the accused insists on representing himself, then the proceedings may go ahead but the accused cannot avail himself of a Dietrich stay. If the accused is represented via the Legal Services Commission and fails to comply with the conditions of legal aid, then he may not plead the Dietrich point.

In short, if the accused does not do the right thing in the eyes of the government and the Legal Services Commission, he or she has to risk an unfair trial. The Dietrich plea may be accepted if the commission fails to provide legal aid to the accused contrary to the terms of the bill or the commission withdraws legal aid in a long and complicated matter where the cap has been exceeded and the commission has been unable to reach an agreement with the Attorney-General on a case management plan, essentially supplementary funding. Having granted legal aid after the first directions hearing to an accused who would not have been eligible for legal aid owing to the means test, the Legal Services Commission is then authorised by the bill to try to get blood out of a stone. The commission will have new powers to investigate a client's financial affairs. It will be able to compel information about his finances from him and from his employer, his accountant and his stockbroker, his trustee or any institution with which the accused has financial dealings. These people will be required to produce documents and answer questions. If the commission finds assets that it can sell to recover costs, it can apply to a court to freeze them, and then to sell them. The court would be a master or a judge. But in the case of a judge, that judge would then be disqualified from hearing the principal case.

The commission can also try to trace past assets; in fact, it can try to unpick transactions entered into up to five years before the alleged offence for the purpose of showing that the accused disposed of property in a transaction that was not genuine or for value. The commission can also go after a relative or anyone who is financially associated with the accused such as someone who is not a relative but provided the accused with financial support or vice-versa. The commission has to apply to a court to get this money, and the test is whether it is reasonable to regard the third party's assets as being potentially available to the accused. The purpose of this is to make the accused feel that he is better off coughing up the cost of his own defence or perhaps better off being found guilty than having the Legal Services Commission pursue his associates. The minister says:

> Perhaps it will prove to be the case that the remedy afforded by this bill is not often used. Those defendants who can really afford to pay the legal representation will, perhaps, prefer to do so rather than incur the consequences of a grant in aid under the bill.

I should add that the commission will not usually chase a separated spouse or a person who is on the other side in the principal criminal case, as will often be the case in a crime committed within the family.

The Attorney says the law generally expects parents to support children and spouses to support each other as they are able. The opposition will test the House's opinion on this by seeking to delete the reference to 'financial associates' in the bill. We understand and accept that the Legal Services Commission guidelines, which are the same in every Australian jurisdiction, can allow the commission to require an accused to give a charge over property or real property to the Legal Services Commission in return for legal aid funding. Sometimes that charge will be on property jointly owned by the accused and his spouse, or by the accused and another person. But this bill takes a new step, and that is it allows the Legal Services Commission to acquire the property that is purely owned by a financially associated person, not jointly owned with an accused. That, as the opposition understands it, is a new step. However, it is a new step the government justifies by reference to the creation of a new category of Legal Services Commission client, namely, category 2 clients who would not have otherwise qualified for legal aid.

Where the funding of the trial exceeds the cap, the commission can recover its excess costs from consolidated revenue provided it has agreed with the Attorney-General on a case management plan and the commission complies with the plan. The Law Society complains that the Attorney-General has an unfettered discretion in entering into or not entering into a case management plan for expensive trials with the Legal Services Commission. But I do not see how it could be otherwise. Again, one cannot have the bench doing the state budget. The bench will, of course, be anxious to provide the fairest possible trial to an accused, but judges cannot know the competing priorities of the public purse—hospitals, schools, roads, police, etc., or the other competing priorities within the Attorney-General's budget.

The bill will apply to persons committed for trial on or after the commencement of the bill, whenever the offence has been committed. The Law Society argues:

> There are real benefits in relation to time and expense to be gained by ensuring that a defendant does have his lawyer of choice. A defendant is far more likely to accept advice that he should not contest certain aspects of a case or that he should, indeed, plead guilty if it comes from a lawyer he trusts.

This may be true, but the parliamentary Labor Party has not accepted an untrammelled right to doctor of choice, and we shall not be accepting an absolute right to lawyer of choice at public expense.

Mr Lewis: You mean there are lawyers you can trust?

Mr Clarke: Oh, yes: I have found several.

Mr ATKINSON: The member for Ross Smith says he has found lawyers that he can trust. I do not think that would be all of those who represented him: it might be some of them.

Members interjecting:

The DEPUTY SPEAKER: Order! I wonder if we might get back to the bill.

Mr ATKINSON: But not necessarily all that they said after the case.

An honourable member interjecting:

Mr ATKINSON: No, not at all a reflection on a Queen's Counsel. To amend this aspect of the bill to allow lawyer of choice would cost consolidated revenue too much—not every villain can have Michael Abbott. The Law Society also criticises the fundamentals of the bill on the grounds that it does not provide legal aid as of right to an accused charged with a minor indictable offence who elects to be tried summarily in the Magistrates Court. The Law Society argues:

> The more appropriate criterion is as to whether the offence provides for imprisonment.

I think this is a counsel of perfection that the state of South Australia cannot afford. Hundreds of minor offences carry a maximum penalty of imprisonment but the maximum penalty has never been imposed. The Law Society also argues:

> Whether or not the accused should be required to proceed unrepresented is a question for the judiciary, not the executive.

If we accept this, we may as well hand over the budget for the Attorney-General's Department to the bench and ask them if they like it before we present it to parliament.

Mr Lewis: Yes, just give them a blank cheque!

Mr ATKINSON: Quite so. In fact, some judges are probably game enough to rule as though the Law Society's argument was law, whatever the text of the bill we pass tonight. The Law Society attacks the bill on the grounds that the funding cap may prevent the accused appealing either on a point of law or to overturn his conviction. Alas, it is already the case now that the Legal Services Commission refuses to fund appeals on the merits, namely, that the appeal is most unlikely to succeed or that the money has run out. The Law Society will not recover that point in the course of debate on this bill.

The Law Society argues that the bill reposes too much power in the Legal Services Commission and the Attorney-General. It says that there ought to be an appeal to the courts from the Attorney-General's case management plan. I support the bill's denying an appeal right from the case management plan, because such plans seem to me to have the character of a budget decision by a minister responsible to parliament.

In conclusion, the bill is designed to be so fearsome in its possible consequences that no accused would ever want to use it, or perhaps only a few would ever want to test its provisions. The idea is to scare these accused into funding their own defence, as they should. My own opinion is that the courts would apply the reasonable provision of the financial associate clause so mildly that it would not long remain a deterrent after being tested. The opposition supports this solution to the Dietrich case, but we will test the committee of the whole House on whether financial associates should be expected to contribute to a defendant's legal costs.

Mr HANNA (Mitchell): I support the bill, which arises from the Dietrich case in the High Court, and I am indebted to the shadow attorney-general, the member for Spence, for outlining the issues surrounding the Dietrich case and this particular bill. Essentially, the Dietrich High Court decision affirmed a commitment in our legal system to giving people a fair trial, particularly if they are charged with serious criminal offences. The consequence of that commitment is that, in some cases, if there is no legal representation available, the trial may not be fair and may need to be stayed. If a person is indigent they may not be able to afford legal counsel and yet, for some reason, they may not warrant legal aid—whether because of a merits test or a financial test—and, consequently, there are some people whose trials have been stayed permanently, or at least until those situations change.

As against that commitment to a fair trial, it is repugnant to the community and to this parliament that there are people guilty of criminal offences who may be able to take advantage of the system by pleading poverty and escaping trial completely. This parliament has had to deal with the balancing act between providing a fair trial to all and, on the other hand, ensuring that every person accused of a serious crime is able to face trial. Indeed, this bill provides for legal representation to be available to everyone charged with a serious offence.

I will go through the objects of the bill as expressed in clause 3, because I agree with all of them and, indeed, that is the basis of the opposition's support for the bill. The objects of this bill are to ensure that legal representation is available to persons charged with serious offences and, as a consequence of the provision made for legal representation, to limit the application of the rule under which the trial of a person charged with a serious offence may be stayed on the ground that the trial would be unfair for want of legal representation; to ensure, as far as practicable, that trials are not disrupted by adjournments arising because the defendant lacks legal representation; and to ensure that defendants who obtain legal representation under this act pay for it to the extent that their means allow.

It is important for me to recount those objects because, as I have said, I agree with them—in fact, I agree with most of the provisions of the legislation, because they are essential to attain those objects. However, it should be noted that the object spelt out in clause 3(d) refers to defendants who obtain legal representation under this measure paying for it to the extent that their means allow. There is no issue with that but there is an issue in that people other than defendants are asked to pay for the representation of those defendants to the extent of the means of those other people.

In other words, there is a risk in this act that completely innocent people can stand to lose their property by virtue of the relationship they have with a person charged with a serious offence. It is worth underlining that we are not necessarily talking about criminals: some innocent people are charged with serious offences. Certainly, many people are acquitted, and I would say that some of them at least are actually innocent. The concern that will be brought to the House in the committee stage of this bill relates to the rights of those innocent people who are considered to be financial associates of people charged with serious offences.

It is important to note that financially associated people are not completely defined in this bill: they are defined only by reference to the guidelines of the Legal Services Commission. They are guidelines that can be changed at any time without this legislation being amended. As those measures will be examined in committee, I will not dwell any more upon them, except that I would characterise this aspect of the bill dealing with the extraction of funds from financial associates as the debt collecting aspect of the bill to the extent that a state agency, which provides services to a person, goes after that person by way of collecting a debt for services rendered.

I do not have any problem with the principle of that, but to the extent that the state agencies—with all the powers and means available to it—go after a completely innocent person and the assets of such a person, which might have been derived entirely from the hard work of that innocent person, I do have concerns as a matter of principle and, when an

amendment is moved in committee, I will go into those concerns in greater detail. However, I do support the bill because it is a problem with which we must grapple. It is a matter of balancing our commitment as a parliament and as a society to providing fair trials to people charged with serious offences at least with, on the other hand, the repugnant phenomenon of people—who may well be guilty—walking free from any prospect of trial at all.

Mr CONLON (Elder): I will speak only briefly, having enjoyed the implications of the shadow attorney that I should be here making a contribution because I had given him so much grief on this bill. That is his colourful way of saying that this matter has been the subject of intense scrutiny and debate, as such matters should be, because we deal with the matter of our justice system in dealing with this bill.

Having been somewhat more radical in my youth and having read a lot and learnt a lot and seen the perversions of courts in Nazi Germany and Stalinist Russia, it has led me to the view that the rule of law is the most valuable thing we have as a civilised nation. Equality before the law and equality of justice before the law should also be extremely valuable.

It is decisions such as Dietrich and the attempts to deal with them that remind us that having the rule of law comes at a price to a civilised nation. Whilst in bills such as this we should avoid unscrupulous individuals making use of decisions of the court and provisions in our justice system to run what you would call rorts, we should also remember that the rule of law in our justice system does come at a price, and we should not be too scared to pay that price. It is something, as I say, that is so valuable and central to our system of civilised government. The opposition supports the bill.

I do not think anyone would countenance some of the activities that do appear to have occurred behind the mantle of the Dietrich decision: some defendants who do appear to have the means to pay for their own defence have somehow managed to avoid doing that and sheltered behind the decision in Dietrich. We think that is not to be countenanced. I certainly support the aspects of the bill that look at colourable transactions in the past whereby a defendant has sought to divest himself or herself of property to have the necessary financial state to not be able to afford a defence. I think that is eminently sensible.

Some of the provisions regarding throwing the person back on the legal aid system and allowing some attempts to recovery by legal aid are sensible. I do have great reservations, however, about the extent of that recovery. The shadow attorney and, I assume, the member for Mitchell have raised this issue. I can accept that there may be charges against joint property. I can accept, too, that one can pursue property that has been obtained through some sort of colourable transaction, but I do have a little difficulty coming to terms with what appears to be the possibility of what I would call—and what other people have called—sexually transmissible criminal liability.

I understand that spouses, on occasions, will support a husband—usually a husband—in terms of paying for a legal defence. That is of a voluntary nature. I find it difficult to accept that there are circumstances where the voluntariness should be taken away, and where you can attack the property of an entirely innocent individual to pay for the defence of one who is charged with a criminal offence. There may well be circumstances where it should occur, but I do not think that we should be, as a simple matter of justice, deciding that some people should be paying for the wrongdoings—or alleged wrongdoings—of others. I find that a difficult concept to accept, and therefore the government will be thoroughly tested on why that should occur and, as I understand it, an amendment will be moved from this side of the chamber. I could say other things about the justice system, to which I will allude briefly. It is not particularly the subject of this bill, but it was certainly the subject of some discussion when this bill was being discussed. While we do have a rule of law, the adversarial system does plainly favour those who have the wherewithal to dispose towards an expensive defence.

We have seen things in this country that I find reprehensible. With the benefit of parliamentary privilege, I was disturbed by John Elliott's defence of the charges against him in Victoria. It did seem to me that he enjoyed enormous benefit by having huge sums of money to throw at a defence and, in his own defence, frustrate the course of justice. I think that there are issues that need to be addressed in that. This is not the appropriate bill on which to do so, but I do think that when we are deciding that we need to remedy some of the wrongs that have arisen through the exploitation of the Dietrich decision we do need to remember, as I said, that we must pay a price for the rule of law. We also need to remember that it is not the only injustice in the current justice system. There are a number of others, and they very much attach to the wealth of the person concerned.

On the subject of financial associates, I will say that, having practised briefly in criminal law with some very good criminal lawyers—much better than I—I do know that when a crime is committed the circle of victims is very much wider than many people realise; and that the family of a person charged with a criminal offence may well be innocent and may pay a terrible price. I am concerned that the bill may actually increase that price for an already wide circle of innocent victims. With those comments, the opposition supports the bill and looks forward to examining, in committee, the government's commitment to sexually transmissible criminal liability.

The Hon. R.G. KERIN (Deputy Premier): I thank members for their support of the bill. I hasten to add that the government will be opposing the amendments that will be moved. The attitude of the government is that they will undermine one of the fundamental principles of the bill, that is, that a person who is assisted from public moneys when he or she would not ordinarily be eligible for this assistance should pay for this assistance to the extent that he or she is able to do so, including potentially drawing on assets which may not be legally owned by that person. The bill contemplates that the recovery of assets can extend in appropriate cases to the assets of someone who has a financial association with the associated person.

This is done for two reasons. First, the legal owner of an asset may not necessarily be the person by whose efforts it was obtained, for example, the house may be in the name of a spouse or child but may have been paid for wholly or partly by the other spouse or the parent. This is commonly the case where the asset is owned by a family trust or company. Some defendants may have structured their affairs, perhaps for tax reasons, in order to protect themselves against legal claims in such a way that valuable assets are not owned by them but by a discretionary trust of which they are a beneficiary or a company of which they are a director. It is important in such cases that the court be able to look behind the legal structure of the reality of the situation and be able to access those assets, if it is reasonable to do so.

Secondly, in general the law expects spouses to support each other and parents to support dependant children. For example, the unemployed spouse of an employed person cannot claim unemployment benefits because the law expects one spouse to support the other. The support of a spouse or parent precludes recourse to the public purse. This should also be the case here. The overall effect of the opposition amendments would be to preclude any consideration of the assets or financial support of the associated person and to consider the assisted person as if these simply did not exist.

Of course, the government does not contend that recourse to the assets of this person will be appropriate in every case—far from it. The bill leaves it to the commission to apply to the court if it contends that an asset of an associated person should be considered as a source of reimbursement in a particular case. It is then for the court to consider whether and to what extent the resources of a financially associated person ought properly be applied to reimburse the assisted person's costs. No doubt, the court will consider what is the connection between the assisted person and the financially associated person; what are the latter's assets; what has been the extent of support in the past; what are the other demands on that person's assets; and so on. Only if the court is persuaded the contribution is reasonable in all the circumstances will this be ordered. The court will do what is just.

There are some specific comments that, like members of the opposition, I will make on the individual amendments. I thank members for their support of the fundamentals of the bill.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

Mr ATKINSON: I move:

Page 4, lines 4 to 7—Leave out definition of 'financially assisted'.

If I am not mistaken this is the bellwether amendment and if this one fails, then the rest fall with it. The opposition is moving to leave out the definition of 'financially associated' because the opposition does not want to take the step of introducing liability to pay the expenses of a category 2 defendant on a financially associated person regarding property owned exclusively by that financially associated person. The opposition is anxious that this principle does not spread from this bill to other areas of the Legal Services Commission means test.

This is a new step, and a very large step, that the government is taking. It is no use to say that it resembles the tests applied by the Legal Services Commission for a category 1 client. For the first time we are saying in law that a person who is associated with an accused can have that person's own property—property owned exclusively by them—taken away from them by a court on the basis merely that it is reasonable. It seems to me this is a dangerous step to take. It is one about which the opposition is anxious and, accordingly, we move this amendment.

Mr LEWIS: That disturbs me because I listened with great interest to the remarks made by the member for Spence, the member for Mitchell and the member for Elder. Nowhere did they mention their concern about 'associated persons' being an undesirable inclusion in the act. What is more, it is at odds with the proposition being put in other legislation at the present time by members of the ALP to provide superannuation benefits for same sex couples. The associated person is the partner in a same sex couple relationship. They share the dwelling and the expenses of running it as a household. If the ALP is fair dinkum about that, then this provision must stand.

It is a bigger set of circumstances than just same sex couples. What I am talking about and what I believe the government was including here were the circumstances in which someone charged with a criminal offence, who is living with a brother or, say, a sister or a parent would thereby be able to transfer their assets, and so on, to the person with whom they were living and avoid the need to use those assets in their own defence of the criminal charge properly brought against them in circumstances where they are found to have a case to answer. I am therefore disturbed by the double standards that I hear the Labor Party now putting forward. I have to tell you that notwithstanding the hour, or anything else, I am pleased I stayed to listen to the debate. I found it informative and I found it equally now relevant for me to put on the record the reasons for my difference from the Labor Party's view of the matter.

Mr HANNA: I speak in favour of the amendment. I think the important distinction must be made between the kinds of financial arrangements referred to by the Deputy Premier when he talks about a couple, one of whom is on the dole, and the member for Hammond when he talks about couples enjoying superannuation rights mutually. That is a very different situation from the situation where one person in a couple—and I mean a couple who enjoy an intimate relationship—faces the prospect of one of those two people being charged with a serious criminal offence. I wonder if the member for Hammond can imagine the scenario where husband comes home to wife and says, 'I have been charged with child abuse,' or 'I have been charged with rape,' or 'I have been charged with growing a huge drug crop and, as a result, you will have to pay for my defence.'

I admit that many spouses out of love and affection would be glad to support their spouse in a time of great difficulty but, given that there may be compelling evidence that the crime has actually been committed and the spouse may well be in possession of knowledge about that, it is a bit much to ask the spouse to say, 'Well, you've been charged with this offence; it doesn't surprise me because I suspected your criminality, but we've stayed together because of the children (convenience or whatever). But now you're asking me to pay maybe $50 000 or $100 000 for legal fees to defend you against these monstrous charges. I want nothing to do with you; I never want to see you again.' There may be some cases where the spouse, for example, is happy to provide all the assets at her disposal, but there will always be cases where the spouse is horrified to hear that the husband, for example, has been charged with a serious criminal offence, to see the husband on the front page of the *Advertiser* and to hear some of the evidence accumulated against that person.

What I am saying is that the natural bond of love and affection is severed at some point when you find that the person you thought you were close to is perhaps involved in serious criminal offending. It cannot be assumed by the state that that bond of love and affection will continue when a person is facing serious criminal charges. It is a totally different situation from a couple who in the normal course of events are talking about their superannuation rights or whether or not one is eligible for the dole. It is a very different situation and I am concerned about those innocent people, whose assets might have been built up entirely by their own hard work over many years, who are faced with

their partner being charged with a serious criminal offence. Under those circumstances this bill potentially will allow a court to say, 'You lose your assets: no matter that you are totally innocent; no matter that you have no knowledge of the behaviour which gave rise to the serious criminal charges; no matter that the person ultimately will be found completely innocent of those charges, you will lose your assets.'

It need not just be the family home, for example. There are plenty of situations these days where a middle-aged couple get together and both will have a house they will bring into a relationship. They may live in the husband's house and the wife has an investment property. When the husband is charged with a serious criminal offence a month after the wedding, the commission can go to the court and say, 'Not only do we want to attack the house they are living in but also we want to attack the house that the wife brought into the marriage, which the husband contributed to not at all.' That seems a blatant injustice. What is there to protect against that sort of situation?

Mr Lewis: A prenuptial contract.

Mr HANNA: A prenuptial contract will not do. That would not protect the partners against the power and means of the Legal Services Commission and the court coming after those assets. The only protection to the innocent person in the kind of scenario I have mentioned is the criterion given to the court that the court must be reasonable. There is nothing there to guarantee the protection of assets which have never had anything to do with the accused person. There is no guarantee of protection there for an innocent person who may have only been in an intimate relationship with the accused for a short time.

Creating a further difficulty in the court's assessment of what is reasonable, there is the background in this legislation of the definition of 'financially associated person'. In the legislation, by reference to the Legal Services Commission guidelines, there is an implicit duty of support from the financially associated person to the accused person. So, in considering what is reasonable, that is one given factor that the court presumably will take into account. Therefore, in weighing up whether a person is innocent, in weighing up the source of income for the assets which the court could order to be seized to pay for legal fees, there is nothing to counterbalance the weight that one might expect to give to the assumed duty of support implicit in the legislation, implicit not on the face of the legislation but by reference to the Legal Services Commission guidelines, which can be changed at any time without coming back to parliament.

I would have thought that the member for Hammond, if there is anyone in this place, would prefer to see a definition of 'financially associated person' that is explicitly endorsed by this parliament and stated in this bill rather than, as the member can see from clause 4, merely a reference to the guidelines of an administrative body—guidelines that can be changed without our knowing about it.

Mr Lewis: So what is the amendment the ALP wants to move?

Mr HANNA: We propose to delete reference to 'financial associate'. We are more than happy for the Legal Services Commission to go to the court and seek to grab every last cent of the accused person, even though they may ultimately be acquitted and therefore be assumed to be an entirely innocent person. But we want to protect those people who are innocent. We want to guarantee that people who are entirely innocent will not be caught by this pursuit for payment of a debt. That is essentially what it is: it is a state agency seeking to get the money for the legal services rendered. No other agency or individual in the whole of Australian law will have the power to collect debt that is here given to the Legal Services Commission. Not even the Tax Office can go to the court and seek from a person and their associates the assets referred to in this bill.

It is quite extraordinary legislation and has not been tried anywhere else in Australia. We are the ones breaking the ground in threatening the rights of innocent people, in threatening to take away assets that have been accumulated with no connection whatsoever to the accused person. Unless the Deputy Premier can give an absolute guarantee that innocent people—and I mean, for example, partners of accused people who have absolutely no knowledge of the behaviour that gave rise to the criminal charge—cannot be caught by this legislation, then financially associated people ought to be excluded from the legislation.

I will give the member for Hammond one more assurance to the extent I am able as merely one member of the opposition on this side of the House. If our amendment passes there will need to be a deadlock conference between this House and the Legislative Council, and if that were to occur I am sure there would be a genuine attempt to find a compromise solution which might allow financially associated people to be included in the ambit of the bill but to have the court's examination of the assets of the person and the extent to which their assets should be grabbed circumscribed by something more than the general rubric 'reasonable', for example, by giving greater weight to the person's lack of complicity in the behaviour which is the subject of the charges and by taking into account whether or not assets have been accumulated as a result of the income of the accused or entirely as a result of the contributions of the financially associated person.

So, there may be room for compromise there. The opposition has not been able to formulate wording which would be acceptable to the government at this point, so we need to take the clean, definite approach which will guarantee that innocent people will not be losing their hard-earned property simply as a result of their poor choice of partner by deleting the definition of 'financially associated' and the subsequent amendments.

Mr CONLON: I will not go over ground covered by my friend the member for Mitchell, although I agree with all he says. The breadth of the power he has touched upon given to the Legal Services Commission is disturbing. I stress the position I have taken on this. We have no difficulty with pursuing the assets of a criminal defendant. We have no difficulty with pursuing assets that have been divested from a defendant as the basis of some colourable transaction. I am quite happy to have a generous description of a colourable transaction. Indeed, I would be happier if our commercial laws also reflected such an intent to track down the assets. Certainly, it would have given greater justice in the case of Alan Bond some years ago when $350 million was swept off to a family trust. I am happy with all those things, but the sheer breadth of the power given to the Legal Services Commission is simply unacceptable.

We have responded with the removal of this section. It will not break down the legislation completely; it will still have a purpose to serve and will serve that purpose. This is my view. There may be circumstances where an innocent party should have their assets pursued, even though there is no colourable transaction or divestment. I should have

thought that those circumstances would be the exception rather than the rule.

Let us make it plain. The rule set out in this measure is that the assets of people somehow associated with a defendant are fair game and that, as my friend says, the factors that would control it are scant. A requirement to be reasonable and a bedline provision are very dangerous provisions, relying on the guidelines of the Legal Services Commission.

It would not have hurt the government to try to set out some conditions upon which you would pursue a so-called financial associate. There is nothing in the legislation that gives regard to the effects of the alleged crime upon the associate. I should have thought that would be a matter which the court would take into account when determining what is reasonable, but it is certainly not demanded by the legislation. If it is, I cannot see it.

It saddens me that members of this House take so little time to attempt to put themselves in the position of people who will be affected by the legislation. I really do think they should give some regard to the possibility of innocent people being badly hurt by badly drafted legislation through powers that are too broad. Whatever else is said here tonight by the government, that potential exists in its proposed law.

This law as proposed may well work in 90 per cent of cases, although I have my concerns there, but it does have potential to do a tremendous injustice to a person who has already suffered enormously by the wrongdoing of someone whom they have been unfortunate enough to pick as a partner in life.

When there is a sum view that your bad choice of partner itself attaches blame to you, let me assure you that some of the worst offences are committed by people whose partners have no reason to suspect them. In particular, I had the misfortune to be involved in child sex offences. They were appalling, and the parent of the child affected is often a traumatised and innocent victim as well and has had a trust enormously betrayed. I assume that no court would find it reasonable to go after that person in those circumstances, but it is merely an example. You cannot know that the person you have picked as a partner in life does not have a proclivity for crime. Even if it works in 90 per cent of circumstances, we should be very slow to create a possibility of doing an enormous injustice to a person who is already a victim.

We have not tried to redraft the legislation, given the time frame within which we are working. We have taken the only reasonable step open to us—to remove the offending provision. Let me say to the government that there is no sort of race it has to meet to get this legislation up. As I understand it, we are the first jurisdiction to act in this manner.

An honourable member interjecting:

Mr CONLON: We are not, I am told. But there is no reason for you to be acting at break-neck pace on this. I would earnestly suggest that, if you cannot accept our amendment, you should sit down and address some of our honest concerns. I suspect I know what the outcome will be, but I urge the government not to do something which, while within the breadth of its power and well-intentioned, creates the potential for an enormous injustice to someone who is already an innocent victim.

Mr LEWIS: This shows the benefit of parliamentary debate. I had misunderstood what the Labor Party intended by moving this proposition. What it intends is that nobody, not even the spouse, would have their property put at risk by the criminal misconduct of a person with whom they were associated. That includes the spouse; the parents of a dependent child where the child committed a felony; I think a trust of which the aided person is a beneficiary, meaning the person who is charged with a criminal offence; a family company of which the aided person is a director or from which he or she receives the payments; and any other person, including the same sex couple arrangement that I spoke about.

I have some sympathy with what the ALP wishes to achieve, but I am equally disturbed to think that, where the person committing the criminal offence did so with the knowledge of the associated person or did so knowing that they would set up the trust, they could put themselves at arm's length therefrom and get the taxpayers to fund their defence and still keep the trust and its benefits; or they could have a company of which they were a director continue to supply funds to them, even though they had committed a crime and were well capable of paying for their own defence from the assets of the company. The ALP wants to do is to rule all that out.

I have sympathy for the notion that, if that associated person was innocent and the trust of course would be innocent, the natural person ought to be protected but the trust should not. So, I think the legislation is a dog's breakfast and that the ALP's proposal to delete 'financially associated person' is equally bad, because it means that the company context and the trust context escape, and the court cannot go to those sources of funds that really do belong to and are controlled by the person who is accused of the criminal act in a substantial way, if not wholly so.

So, I am comfortable neither with what the legislation is saying, and what the government wants to achieve with it, nor with the ALP's proposal. I do not think that we have given adequate consideration to either of these matters, sets of ideas, or groups of circumstances in drafting the proposed law in the manner in which it has been drafted. I had no part in that; presumably the drafters were people advising the Attorney. I am therefore confronted with the dilemma of either supporting the government's proposal, knowing that it will injure some natural persons who are completely innocent of any involvement in the crime—and it will potentially do that—or, on the other hand, I adopt and support the ALP's proposition. If it gets up and you knock out 'associated persons' altogether in the process, you also knock out the commission's access to funds that are available from a trust, a company, a family company or any kind of company that is significantly or substantially controlled by the accused.

I trust honourable members know that neither of those two options is really what they seek to do. I am sure that the ALP does not want to isolate and quarantine the funds that a criminal has stashed away in a company or trust. On the other hand, I am sure the government really does not want to be so bloody-minded and grasping that it would rip off the assets of an entirely innocent natural person who is the spouse, father or mother of a miscreant youth who has committed a criminal act. I do not think the government really wants to do that, either. So, I am left with no alternative but to say—as I said five minutes ago—that it is a dog's breakfast, and to move that the committee report progress.

Progress reported; committee to sit again.

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

That standing orders be so far suspended as to enable the House to sit beyond midnight.

The ACTING SPEAKER (Mrs Geraghty): There not being an absolute majority of the whole number of members of the House present, ring the bells.

The SPEAKER: I have counted the House, and as there is an absolute majority of the whole number of members of the House present I accept the motion. Is it seconded?

An honourable member: Yes, sir.

Motion carried.

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

That the committee stage resume.

Question—'That the committee stage resume'—declared carried.

Mr LEWIS: Divide!

While the division was being held:

The SPEAKER: Order! There being one member for the noes, I declare the measure carried for the ayes.

Debate resumed.

Mr LEWIS: According to the legislation written here, the government wants to rip the money off an entirely innocent spouse or entirely innocent father or mother where they had no knowledge whatever of the fact that the accused party that has been found to have a case to answer was involved in that criminal activity. That is what the government wants and that is what the legislation says. What the opposition wants to do is to protect that, but the opposition—

Mr CLARKE: I rise on a point of order, Mr Chairman. I cannot hear the member for Hammond.

The CHAIRMAN: Neither can the chair.

Mr CLARKE: It is a serious piece of legislation, and it behoves all members to listen to what he has to say. We are dealing with people's rights.

The CHAIRMAN: If the member for Ross Smith would take his seat, we will be able to hear the member for Hammond.

Mr LEWIS: What is clearly happening is that the financially associated person that the government has defined includes not only spouses but also those who live together with one another, whether they are brother and sister, same sex couples or just friends, as well as a child who is no longer a dependent child but living with the parents and sharing the assets. The government wants that money, it says in its legislation. But the opposition says no, and I agree with the opposition. However, what the opposition is moving to do is to also make it impossible for the commission, that is the court, to get money from a trust or a company that the criminal owns or substantially controls and derives benefits from. I understand that that is what the opposition seeks to do, because it seeks to delete all reference to the financially associated person—just simply wipe that definition out. If that is the case, then neither the government nor the opposition, that is, neither the government nor the ALP, has a clear case here: either that or they have confused me and the rest of the members of the committee who are paying attention—and there are not too many at the moment. Sooner or later we will all live to regret it—passing legislation at midnight.

I know I have done my three chances. Mr Chairman, you will not allow me to speak again, yet the committee is determined to allow this botch to proceed when it would have been better for us to stop and consider it. I will listen with interest to what both the minister and the member for Mitchell have to say. If they can convince me that they have two clearly distinctively different positions from one another that indeed lay the lie to the case as I have understood it, then I will make up my mind as to which of the two I will support. You can rely on the fact that I will be dividing either way, regardless of whether anyone calls. It is my determination that I will have people's names. I intend to circulate everybody's electorate in which I will be running candidates at the next state election with information about this and similar sorts of legislation, indicating those honourable members who are members of a party and who have voted on a party line in conflict with what is in the public's interest or the electorate's interest. So do not take me lightly.

Mr HANNA: I understand completely the member for Hammond's concern about money being squirrelled away by someone charged with a serious offence. They might have even specifically hidden it away because they thought that they might be charged with a crime. Clause 15 of the bill deals with this very problem. True it is that the consequential amendments of the opposition will delete reference to financially associated persons within that clause. However, the ability of the court on the application of the commission to set aside financial transactions of a person accused is greater in this bill than if the person had been made bankrupt. You can chase a person better with the mechanism in this bill than you could Alan Bond or any of those corporate crooks, because not only can the court and the commission look back for the past five years to any assets the accused person has disposed of but the onus is on the accused person to show that the transaction was entered into in good faith and for value.

If there is a company of which the accused person is director, if there is a family trust of which the accused person or their loved ones are beneficiaries or a family trust to which the accused person has made contribution, then the court can look back over the past five years and, regardless of whether or not the contribution was made to get out of the fix, the court can make an order for that transaction to be reversed. No matter if the funds have been salted through a company, through a family trust to the wife of the accused: the court can reach through that and reverse those transactions to grab back the assets. So, it is a very powerful mechanism to take back the assets of the accused—not only the current assets but assets which they might have had in the past five years. I suggest that that would go a very long way to assuaging the concerns of the member for Hammond.

Mr CLARKE: I would just like to follow up my support for the proposition put by the members for Mitchell and Elder. I met with the Attorney-General and our shadow attorney some weeks ago on this bill. Initially I had concerns which have been raised succinctly and accurately by the member for Mitchell. I had similar concerns, but they were allayed for me, in large measure, by the briefing that we received from the Attorney-General. However, after having heard the member for Mitchell and the member for Elder in our own party room—and, more particularly, here this evening—with respect to the import of the amendment being put forward by the member for Mitchell, I am absolutely convinced that he is on the right track. Like the member for Hammond, I also was worried that, if we carried our amendment, it would protect those people who would simply squirrel away money and rely on the taxpayers, or try to delay or prevent themselves from being brought to justice.

I think the explanation given by the member for Mitchell, particularly with respect to clause 15 of the bill—its being retained in so far as clause 15(1)(a) is concerned—is very important, because it shows that the court can go back five years and find where transactions have been conducted by the assisted person deliberately to avoid the payment of their own

legal assistance, and recover it, if at all possible. But the thing which I think is—

Mr Lewis: Where does it say that?

Mr CLARKE: Clause 15(1) provides:

> An examinable transaction is a transaction involving a disposition of property entered into after the relevant date by—
> (a) an assisted person. . .

That is the person who has been accused and is being assisted by the Legal Services Commission. Subclause (b) comes out—that is, a person who is financially associated. Then we go to subclause 15(2), which provides:

> The relevant date is a date falling five years before the date of the relevant offence (and, if there are two or more of them, the earliest of them).

Subclause (3) provides:

> An examinable transaction is liable to be set aside under this section unless the parties to the transaction satisfy the court that the transaction was entered into in good faith and for value.

So, those subsections remain with respect to, as I understand it, the assisted person. But, because of the member for Mitchell's amendment, it would not relate to the financially associated person. So, if I was to commit some act for which I sought legal assistance and I wanted to squirrel away assets so that I would not have to spend that money in my defence, and I put that money or those assets into my wife's name or some other person's name, the court could go back five years and examine those transactions, and the onus is on me to prove to the court that it is all above board. If it was an Alan Bond type situation, the court could undo those transactions and bring those assets to account.

What the member for Mitchell's amendment does not allow is for a financially associated person to go through that same exercise because, even if you get 99 out of 100 right, an injustice will be done somewhere along the line under the bill as it is currently drafted, where someone who is entirely innocent but is financially associated with a person charged with a crime suddenly loses their home or some other asset through no fault of their own.

The killer for me is the fact that this is all based on Legal Services Commission guidelines, which are administrative guidelines that can be changed, as I understand it, and an administrative action—not by regulation of this parliament, not by legislation of this parliament but by an administrative act. That is my understanding of the position, and I stand to be corrected by the Deputy Premier if I am wrong. That is something about which I am very concerned because, particularly with respect to the financial exigencies surrounding legal aid, the pressures on the Legal Services Commission to seek sources of funding beyond that which is provided by the government will become greater and greater. I do not really care which political party is in office: those exigencies will more likely increase rather than decrease over time. And, by an administrative act, those who could be caught within the net could grow far wider without any parliamentary oversight.

It is for those reasons that, when I initially believed that the Attorney had satisfied my concerns at our meeting some few weeks ago, following further amplification of this issue by the member for Mitchell, in particular, I am now quite convinced that his amendment is the proper way for us to go at this stage.

The Hon. R.G. KERIN: We have heard a fair bit about this clause. I would like to assure members that the bill is not designed to take things away from people who are disadvantaged and who just find themselves in an unfortunate position. It really is designed to discourage people who have funds to pay for legal representation from relying on the public purse by moving their funds, or whatever. The assessment is that it will affect very few people. I think that if, in fact, the amendment got up those few people would cheer. We can probably all think of some examples that we have seen over the years where people have very cleverly manipulated their funds into other areas to avoid being held liable for a whole range of things.

The member for Hammond was correct earlier, but he got lost somewhere on the road to Damascus. In relation to what the member for Ross Smith said, initially he was attracted to the proposition but he felt that administrative guidelines running this sort of thing was a major problem. I would tend to agree with him, to some extent, if that was fully the case. But it is the court that makes the final decision on whether the associated person's assets can be used.

Mr Clarke: They don't set the guidelines—the court doesn't make the guidelines.

The Hon. R.G. KERIN: No, the court does not make the guidelines, but it does make the final decision as to whether or not a person's assets should be used. It enables the commission to apply for a court order for reimbursement from a financially associated person.

As I said before, without this clause, which allows reimbursement from the financially associated person, wealthy people may be able to take the benefit of the act in the form of legal representation at public expense but escape paying for it because they have taken care to structure their affairs so that their available assets are legally controlled by others.

It would also mean that association with another person who was in the habit of providing financial support is disregarded. The government considers that the requirement for a court order provides a satisfactory protection for financially associated persons such that the provision should not be of concern.

The alternative proposed by the amendment is that the assets of this person or entity be simply ignored, and that will certainly allow rorting of the system. The member for Elder, I think, asked about an absolute guarantee. No absolute guarantee can or should be given that assets in a discretionary trust of a defendant will not be used to pay for his defence.

I oppose the amendment. I hear where the members are coming from. I think that we should have some trust in the courts. I think it is also important that we pursue wealthy people who have shifted assets around. We should pursue them rather than allow them to use the public purse for their legal representation.

Mr CLARKE: I think we are all agreed on the objective that the Deputy Premier has just outlined. If some wealthy person has secreted assets to avoid spending money on their own defence, under the amendment moved by the member for Mitchell, does not the Deputy Premier agree with me that clause 15, even as amended, allows that person to be examined, for their records to be looked at for the last five years, and for them to have to prove that what they did with respect to the movement of their assets was legitimate and not a sham?

If that is the case, why would the Deputy Premier disagree with the proposition being put by the member for Mitchell? The second question in this barrel relates to the legal services guidelines. I understand from his answer that the Deputy Premier agrees that the legal services guidelines are administrative and not set by the courts. The guidelines are not set by

the court and are not reviewable by the court: they are administrative guidelines set by the Legal Services Commission and the court cannot interfere with those guidelines. Am I right on that point?

The Hon. R.G. KERIN: The honourable member referred to clause 15. Yes, the honourable member is correct with respect to the provision of five years. If someone knew that they would be encountering a legal problem within the next 18 months to two years and they were to shift assets, clause 15 would allow some recourse. However, what clause 15 does not pick up on is the fact that there are people who, in a long-term sense (and it might not be to avoid this situation) for taxation and various other reasons, do not have their assets in their own name: there is a financial association with other people and the name of those other people will be the name in which significant transactions may well occur—name or company.

While clause 15 offers some recourse in the case of someone shifting assets because they see something coming, it will not pick up on a long-term arrangement of arranging someone's affairs in a way that will minimise tax, or whatever else. The court checks whether the person is financially associated according to the legal aid means test; but in deciding whether a person who is financially associated should pay and how much they should pay, the court must look at the extent to which it is reasonable for that person to do so.

The CHAIRMAN: The member for Ross Smith's third question.

Mr CLARKE: Yes, sir, you are right.

The CHAIRMAN: I am.

Mr CLARKE: Is the minister saying that clause 15 is okay to the extent that, yes, up to a period of five years the assisted person can be examined, but that it falls short because if someone had planned their arrangements more than five years ago it is a hopeless case? That does not help you either because clause 15 deals with examination of transactions for a person who is financially associated and who is also caught with the five-year provision. So, if I had made an arrangement with a trust company and I had done something wrong and I had planned it 10 years ahead, it does not matter whether I—as the assisted person or the financially associated person—did it more than five years before the date of the alleged offence has been committed, it is not examinable.

We come back to taws that the member for Mitchell's amendment should stay in place. The weakness the Deputy Premier points out with respect to the assisted person applies equally to the financially associated person because there is a maximum of five years and, if someone plans a ruse 10 years in advance, it does not matter whether it is the assisted person or the financially associated person, he or she is not examinable.

The Hon. R.G. KERIN: I am informed that that is correct.

The committee divided on the amendment:

AYES (23)

Atkinson, M. J. (teller)	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Key, S. W.	Koutsantonis, T.
Lewis, I. P.	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Such, R. B.
Thompson, M. G.	White, P. L.
Wright, M. J.	

NOES (22)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Ingerson, G. A.	Kerin, R. G. (teller)
Kotz, D. C.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
Meier, E. J.	Olsen, J. W.
Penfold, E. M.	Scalzi, G.
Venning, I. H.	Williams, M. R.

Majority of 1 for the ayes.

Amendment thus carried; clause as amended passed.

Clauses 5 to 10 passed.

Clause 11.

Mr HANNA: Has the government had legal advice on whether the modification of common law rights might contravene an implied guarantee in the Australian Constitution that people are entitled to a fair trial?

The Hon. R.G. KERIN: No, we have not taken advice on that point.

Clause passed.

Clause 12.

Mr ATKINSON: I move:

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Line 6—Leave out ', a financially associated person or a person who may be a financially associated person'.

Lines 31 and 32—Leave out '(including an investigation into the financial affairs of a person who is or may be financially associated with the assisted person)'.

These are consequential to the previous opposition amendment carried.

The Hon. M.D. RANN: I rise on a point of order, sir. I understand that an honourable member has been taken ill. We are quite prepared to recommit that vote.

Mr ATKINSON: I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Clause 4—reconsidered.

Mr HANNA: I understand that clause 4 is now being put in its original form. Is that correct?

The ACTING CHAIRMAN: It has been amended.

Mr HANNA: The Premier might then like to move an amendment to amend the bill back to its original form.

The Hon. R.G. KERIN: I thank the chair and the member for Mitchell as well. I move:

That the definition of 'financial associate' be reinserted into clause 4.

Mr HANNA: I will deal with one point in relation to this issue. Clearly it is not the will of the committee to accept the amendments moved in the name of the member for Spence. Tonight I have expressed some genuine concerns about the way in which the financial associate provisions in the bill might operate. In the course of debate, it seems that the members for Hammond and Fisher were won over by the argument.

Because I am genuinely concerned about the effect of the operation of the relevant clauses, particularly clause 13, I am sincerely disappointed that the members for Chaffey and

Gordon voted against those clauses because they did not know what they were about. It is not for me to refer to the absence of members from the chamber, but it is disturbing that the only reason those members were not voting for this important point of principle is that they were not paying attention. I am really disappointed by that.

The Hon. R.G. KERIN: I will expand on what I said. After some of the things we saw earlier tonight, the current gesture by the opposition deserves some credit, and I thank them for that. You really have done the right thing, and we all hope that the Speaker is well. In the spirit offered up, I will commit in committee to a review within two years of the impact of this measure on the definition of the financially associated persons in order to see if the fears raised by some members eventuate. I thank members for their support of the amendment.

Amendment carried; clause as further amended passed.

Clause 12 passed.

Clause 13.

Mr HANNA: I refer to the heading to division 2 and the heading above clause 13 in the bill. The heading in this draft bill to division 2 says, 'Contribution by financially assisted person', which indeed has some implications of voluntary involvement, and the heading above clause 13 says, 'Contribution from financially associated person', which might be construed as being an enforced contribution. I make the point about the discrepancy because I am reminded of the heading that once appeared on section 359 of the Local Government Act. It said, 'Temporary road closures'. In a reprint of the bill that was deleted, leading to a later construction of that section by municipal authorities as giving the right to permanently close local rights, and that point of contention has led to hours of debate in this place and I would not want that experience to be repeated.

The Hon. R.G. KERIN: Does the honourable member wish to move an amendment to the heading? It can be changed clerically by Parliamentary Counsel, so let us know your choice.

Clause passed.

Clauses 14 to 17 passed.

Clause 18.

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

To insert clause 18.

This clause is in erased type as it is a money clause and therefore could not originate in the Legislative Council.

Clause inserted.

Remaining clauses (19 to 22) and title passed.

Bill read a third time and passed.

RETAIL AND COMMERCIAL LEASES (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

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

That standing orders be so far suspended as to allow the bill to pass through all its stages.

The ACTING SPEAKER: Is the motion seconded?

An honourable member: Yes, sir.

The ACTING SPEAKER: I have counted the House and, there being an absolute majority present and as there is no dissenting voice, the motion is agreed to.

Motion carried.

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

That this bill be now read a second time.

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

Leave granted.

This Bill, as it is received by the House of Assembly, proposes to amend the *Retail and Commercial Leases Act 1995*, which regulates agreements between landlords and tenants in commercial leasing arrangements.

The proposed amendments relate to the impact that an assignment of lease has on the liability of outgoing lessees, and are the result of extensive consultation with the Retail Shop Leases Advisory Committee, which fully supports the proposed changes to the Act.

While the *Retail and Commercial Leases Act 1995* sets out the process to be followed by a lessee who wishes to secure an assignment of his or her interest in the lease, the Act is silent as to the effect an assignment has on the parties' obligations. At common law, some of the obligations imposed on a lessee by the lease continue after the assignment, even though the lessee may have ceased to have any practical connection with the leased premises. Similarly, a guarantor who provided a guarantee for the lessee could also be faced with ongoing obligations after an assignment has taken place.

There is widespread support for amending the Act to clarify the position of the parties following an assignment of lease and removing the considerable burden of commercial uncertainty from the shoulders of the outgoing lessee and any relevant guarantor. In some states, the commercial tenancies legislation has already been amended to make this change. It is appropriate for South Australia to follow suit. The members of the Retail Shop Leases Advisory Committee, who represent both retailers and lessors, support the proposed amendments to the Act.

The effect of the Bill is that where a lease is assigned, the outgoing lessee and any guarantor will no longer be subject to any obligations or liabilities under the lease once the term of the lease has either expired, or the lease is renewed following the assignment, or a period of two years has elapsed since the date the lease was assigned, whichever happens first. Thus, any obligations or liabilities on the part of the outgoing lessee, following an assignment, may continue for a maximum of two years. The Bill does not affect any obligations or liabilities that have accrued prior to the occurrence of any of these events.

Where the lease relates to a retail shop that will continue as an ongoing business following the assignment, an outgoing lessee can only rely on the liability clause if the outgoing lessee has provided an assignor's disclosure statement to both the lessor and the proposed assignee setting out the following matters:

- whether the proposed assignee has been given a copy of the lessor's disclosure statement;
- whether there are any outstanding notices in respect of the lease;
- whether there are any outstanding notices from any authority in respect of the retail shop to which the lease relates;
- whether there are any encumbrances on the lease, and if so, details of these;
- whether there are any encumbrances on or third party interests in the fixtures and the fittings in the shop, and if so, details of these;
- details of the shop's annual sales figures for the past three years;
- details of any other information the outgoing tenant has provided to the proposed assignee regarding the trading performance of the shop.

The assignor's statement must be given to the lessor and the proposed assignee before the assignment takes place and is aimed at ensuring that all parties to the transaction are sufficiently informed before committing themselves to a particular course of action in relation to the proposed assignment. It follows, that the assignor's disclosure statement must not contain anything that is false or misleading.

I commend this bill to honourable members.

Explanation of clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This measure will be brought into operation by proclamation.

Clause 3: Amendment of s. 45—Procedure for obtaining consent to assignment

Section 45 of the *Retail and Commercial Leases Act 1995* sets out the procedural requirements that apply to obtaining a lessor's consent to an assignment of the lease. The first requirement is that a request for consent must be made in writing and that the lessee must provide

the lessor with such information about the proposed new tenant's financial standing and business experience, as the lessor may reasonably require. The amendment will require, that in addition to this information, the lessor must also be informed as to the use the proposed new tenant intends to put the shop. This is consistent with section 43 of the Act which sets out the only grounds on which the lessor may withhold consent—one of which is the fact that the new tenant proposes to change the use to which the shop is put.

Clause 4: Insertion of s. 45A

This clause inserts a new section in the Act dealing with the liability of an outgoing tenant following an assignment of the lease. Regardless of any other agreement or provision of a lease, the liabilities or obligations of an outgoing tenant (or the tenant's guarantor) under the lease will cease when the lease either expires or is renewed after the assignment, but in either case, is capped at a maximum of two years following the assignment.

Where the lease to be assigned relates to a business that will continue after the assignment, this liability provision will not apply to the outgoing tenant if the tenant failed to give the new tenant and the lessor a copy of the assignor's disclosure statement, or if provided, it contained false or misleading information.

The clause also sets out the information that is required to be included in the assignor's disclosure statement.

Mr ATKINSON (Spence): This bill's origin is an attempt by the government to apply GST to some retail leases. When the government opens up the Retail and Commercial Leases Bill, the Hon. Nick Xenophon and the parliamentary Labor Party are always keen to include other amendments to the Retail and Commercial Leases Act which we believe would benefit tenants. So it was that we took the opportunity presented by the government's opening this bill to move an amendment to help tenants who assign retail leases. In the standard form in which retail leases are used it is common for the landlord to impose quite heavy burdens on a tenant who assigns his lease to another tenant. So, it may be that the assigning tenant is liable for the obligations of the assignee tenant for the remainder of the lease and for any period of renewal. Certainly, the member for Ross Smith was one of those members of the parliamentary Labor Party who believed that assigning tenants' liability should not endure for so long, and that it was unfair of a landlord to require that of an assigning tenant. So, we moved amendments to limit the liability of assigning tenants.

Eventually, the government decided not to persist with the GST aspect of the bill and it withdrew that altogether, but it left the shell of the bill there in order to include government amendments along the lines of what the parliamentary Labor Party was proposing. So, on this occasion I must thank the Attorney-General, the Hon. K.T. Griffin, and the Liberal government for responding in a constructive way to the suggestions of the parliamentary Labor Party. The government discussed this question with the Retail Shop Leases Advisory Committee, consensual changes to the act were drafted, and these are now before us.

The principal point in the bill is that either once the term of the lease has expired or the lease is renewed following the assignment or a period of two years has elapsed since the date the lease was assigned, whichever happens first, then the assigning tenant is released from further obligations to the landlord. That seems to us to be a sensible compromise, and we support it. There is, however, one proviso, and that is that this liability provision will not apply for the benefit of the outgoing tenant if that tenant has failed to give the new tenant or the landlord a copy of the assignor's disclosure statement required under the act or if the disclosure statement contained false or misleading information. That seems to be a reasonable proviso. The opposition supports the bill but, more than that, on this occasion we thank the government for bringing it to parliament.

Mr CLARKE (Ross Smith): I join with the member for Spence in thanking the government for moving on this matter. I do have a question which the Deputy Premier may be able to answer in his second reading speech, saving time rather than going to committee if that is not the wish of any other member of the House. Whilst the assignment cannot go for any longer than two years, how does this affect, for example, a lease that may have been an assignment that was entered into six months ago? Will it run for a matter of only a further 18 months or will it be for a two-year term from the date of the proclamation of this bill as an act of parliament? One of the deficiencies that occurred, for example, in the New South Wales legislation when something similar to this was passed by that parliament was that, if you had already just entered into a five-year lease or a five-year plus another five-year option, you had to wait until the expiry of that lease before you got the benefit of there being no liabilities accruing to you on the assignment of your business. Basically, you had to wait 10 years before you got the benefit.

I have been reading the bill quickly and it provides in clause 4(2) that nothing in subsection (1) relieves the lessee or a guarantor of a lessee of any obligations or liabilities accrued in respect of the retail shop lease prior to the relevant date, and the relevant date means under subsection (3) the second anniversary of the date on which the lease was assigned or the date on which the lease expires or, if the lease is renewed or extended after the assignment, the date on which the renewal or extension commences. My question relates to those assignments that have already taken place prior to this act coming into force. Will they still have a maximum of only two years to run from the date the assignment was entered into or, if somebody entered into an assignment which has them as a guarantor for five years, say, six months ago, do they still have to run the full five years before they get the benefit of this legislation? If that is the case, the benefit of this legislation will be somewhat muted—I would say more than muted: if it was not totally emasculated, it certainly puts it on the long finger in terms of getting any benefit.

This question of assignment is very important for small traders. I should say that this matter was raised with me by Don Shipway of Sports Locker, a retail store in the Sefton Plaza in my electorate. He is a former coach of the Adelaide 36ers back in the mid 1980s, and he advised me of problems that some of the tenants in that store were experiencing, where to sell their business they had to go as a guarantor for five years plus an optional five years in some instances. This meant that, although they had no day-to-day control over that business once they had sold it, those people who were going out of that business were held financially liable for non-payment of rents and outgoings.

Of course, they have to show it as a liability if, in turn, they want to start up a small business of their own. They have to disclose the fact that they are acting as a guarantor for a period of maybe seven years for another business over which they have no control, and that makes it extremely difficult for them to obtain a loan. In saying that, I do not gainsay what the government has done. When the government introduced its amendment bill with respect to the GST, rather than accept the opposition's amendment it withdrew the GST bill. The government has now brought back this measure, which is an improvement on the existing situation. I would like an answer

to that question, because it goes to the very heart of how quickly this remedy will apply to small business.

In conclusion, I would also like to thank a former member of this House, Terry Groom who does a lot of work with respect to small business in this area, and who assisted me by drawing my attention to the difficulties of small traders in this area and to articles on this very point in the small retailers magazine and the financial hardship that it causes a number of small businesses when they seek to sell their business and incur an ongoing liability if the new business owner fails to pay their way.

Mr LEWIS (Hammond): Since we have opened up this kind of legislation, it provides all of us with the opportunity to discuss matters relevant to issues associated with retail and commercial leases which are not necessarily referred to in the second reading explanation but which do bear upon the activities of those people who participate in retail trading. In this case, my remarks relate to the way that younger managers moving into shopping centres have become a real blight on good business, good commercial conduct and good manners in their work. They seek to screw everything they can out of the space in the building they manage. They do that in several different what I call almost criminal ways that ought to be stopped. One of the recent things they have done is reduce the space between the avenues of parked cars, thereby contributing to an increase in the number of blimps and prangs that occur in shopping centre car parks. They do not pay for that damage; you and I pay for it. The people concerned either have to go to the motor body repair shop to have the damage repaired at their own expense or claim it on their insurance, or some combination of the two. In turn, that increases the costs of our third party property damage insurance premiums.

The other thing they do, which is in a similar vein, is reduce the amount of space in which cars can be parked. That results in the larger vehicles or the vehicles of lazy and incompetent drivers getting scratched. There is not sufficient space to safely open the door of a large car or four-wheel drive vehicle without being extremely careful not to damage the neighbouring car, regardless of which side you open the door. The end result is depreciation of the value of those cars and an increase in the insurance premiums. I have often come back to my car in shopping centres to find that it has been bumped by the car that had been in the space next to it when, probably through no fault of their own, the person trying to get out of the neighbouring car had clumsily allowed the door to bump into mine. Alternatively, when they opened the door the wind caught it and thumped it further open against the car next to it.

Another trick they have that is even more relevant in the context of the legislation is to bring in high turnover day traders. I do not know what the term is to describe them. Perhaps another member knows about this practice. If you are the lease holder (the bloke who is running the business in the shop) and have a good little business going, say, you are selling—

The Hon. R.B. Such: *Hansard*?

Mr LEWIS: No, I do not think you would sell *Hansard*; it would not be much of a winner—boots and shoes at budget prices. I am sure that you would find that on days of high turnover these smart alec or alice young shopping centre managers wanting to enhance their reputation and advance their career bring in itinerant traders selling cheap shoes and set them up right in front of your shoe shop.

Mr Atkinson: Casual lessees.

Mr LEWIS: Yes, that is right—casual lessees. What a bastard of a thing to do! You do not get any rent reduction but, by hell, you certainly get a reduction in your turnover that day. There is nothing you can do about it. It is really outrageous. You are stuck with it because of the conditions imposed on you by your lease. You do not have the funds to take the shopping centre owner to court; he would run you out of money in no time. What is more, if the manager knew that you complained to the owners and their representatives, if you sought to address the problem in that manner, he would give you a hard time.

If the adjacent premises (that is, the floor or the roof near your shop) needed a bit of attention, or the light was flickering, the globe was blown—anything at all—the shopping centre manager would say, 'I'll teach you a lesson. No, that will not get fixed this week. No, it will not get fixed next week and maybe not the week after. I will teach you to give me a hard time.' There are some other practices of that kind where they not only set out to exploit their position of power to the detriment of the tenant shopkeepers in the premises—singularly and also severally.

I commend the government for what it is doing in this place to make it fairer for those people who have pulled out because they can no longer put up with it. They have had a gutful of the way that these upstarts treat them. There ought to be a better way in law for those shopkeepers to have their interests protected, because they work very hard indeed to build up businesses, as the member for Bragg would know, he being one of them. They work very hard indeed to get turnover and attract custom only to find that it is adversely affected by the selfish and insular decisions taken by the managers of the centres to advance their cause and their careers without regard for the consequences for the shopkeeper or the customer. It is just not good enough.

It is just not good enough. As legislators, whilst we might pass legislation like this which relieves them of the onerous burdens of their guarantees, and so on, we need to do even more to ensure that they are not exploited in the ways to which I have drawn attention and that we as members of the general public are not exploited in those same ways. The law must allow us to get hold of those young managers by the short and curlies and teach them a thing or two about what it is like to exploit their position of power to the detriment of the public interest.

The Hon. R.G. KERIN (Deputy Premier): I thank members for their contributions.

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

HINDMARSH SOCCER STADIUM (AUDITOR-GENERAL'S REPORT) BILL

The Legislative Council agreed to the bill with the amendment indicated by the following schedule, to which amendment the Legislative Council desires the concurrence of the House of Assembly:

Page 4 (clause 6)—After line 34 insert new subclause as follows:

(5a) No public funds may be applied in relation to any legal costs incurred after 27 July 2001 in connection with any proceedings relating to an act or omission of the Auditor-General in connection, or purported connection, with the inquiry brought before a court, other than funds applied by the Auditor-General or by the court itself.

Consideration in committee.

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

That the Legislative Council's amendment be agreed to.

I think members are aware of the amendment that was moved in the upper house: it has been circulated here. We understand that the government does not have the numbers to oppose this amendment, but I would like to put down our position. The debate in the upper house on this matter obviously was vigorous, but it sets a dangerous precedent. The debate on this matter has gone wrong from day one—which was only yesterday, I suppose; it seems about a week ago. An assumption has been made that the people who have felt that they have been aggrieved by this process are all MPs. I feel that MPs should not be denied justice but, going beyond that debate that has taken place, I think there has been an assumption that it is only MPs. What we are doing with this amendment is really risking putting public servants in a very difficult position.

An honourable member interjecting:

The Hon. R.G. KERIN: Or former public servants—those who would normally receive public funds to protect what they have done in their duty of doing their job within the public service will now find that, if they have been wronged, they will not have the ability, unless wealthy themselves, to take action to protect their good name. I think that does set a very dangerous precedent. It is unfortunate that the Legislative Council and the opposition have decided to go this way. It is not particularly satisfactory but, as I said, we do not have the numbers. However, I place on the record that I believe that it sets a very dangerous precedent. Even if it applies only to MPs, it sets a dangerous precedent. Please be aware, members of the House of Assembly, that we do not know the identity of those people who have been identified in the Auditor-General's report. There may be public servants, or former public servants, among those who are mentioned, and this amendment takes away from them a very fundamental right and sets a precedent which we may regret at some time in the future.

Mr FOLEY: I do want to explore this issue without wasting too much time, and I think that we should apply some experience to what we are talking about here. Under the government's original bill, and my reading of the original clause 6, a person aggrieved with the finding of the Auditor-General has 14 days to take action against the Auditor-General with respect to that finding. But, if that action delays the completion of the final report, under the government's legislation the full draft report will still be tabled. If a former senior public servant is aggrieved, under the government's bill they will get their day in court in respect of the final report, but the draft report will be on the public record well before the final report. So, there will be an issue in terms of what is on the public record. That is the first point and, if I am not right, I am happy to be corrected.

The other point is this: I will defer to others who have been here longer, such as the Premier and, perhaps, the member for Stuart and others, but I cannot recall a normal Auditor-General's Report (which does make findings regularly) involving not just members of this House but also the actions of senior public servants. I cannot recall any time where someone has taken an action against the Auditor-General because they have been aggrieved, because the office of the Auditor-General makes a report on assessments of issues that it is auditing. People do not go around, in any jurisdiction in Australia, taking legal action or seeking remedies against Auditors-General. It just does not happen.

Mr Condous interjecting:

Mr FOLEY: The member for Colton says, 'What if he is wrong?' That is a very good point. The reality is that, in the hard and fast world in which we all live in public administration and politics, if you think the Auditor-General is wrong, that is tough.

Mr Lewis: You can always say so.

Mr FOLEY: No, but—

Mr Condous interjecting:

Mr FOLEY: Sure; and in anyone's mind many people may—

The Hon. G.M. Gunn interjecting:

Mr FOLEY: Exactly. I am not saying anything more than stating what I think to be fact: that if people are wronged by an Auditor-General they have been wronged many times in the past and, no doubt, run the risk of being wronged many times in the future. But what we do not have—

Mr Condous interjecting:

Mr FOLEY: Yes; no-one is saying you cannot take action against the Auditor-General. What this amendment is saying is that you cannot do it and have it paid for by the taxpayer. If the honourable member seriously wants us to believe that the Liberal government would endorse a policy position that senior public servants, at taxpayers' expense, can run off on a frolic taking legal action, seeking remedies against Auditors-General, senior public servants will be queuing up halfway to the top of bloody Mount Lofty.

If the honourable member is saying to me tonight that we must make this available, at public expense, to any senior public servant who believes that they have been wronged by a report of the Auditor-General, come off it. We have been in this game long enough to know that there are plenty of senior public servants who reckon that they have been wronged once or twice by reports of the Auditor-General. I do not believe, when the honourable member thinks it through, that he is suggesting that we should open up the cheque book for them. If it is the case that senior public servants or former public servants—and I think that we know to whom the Deputy Premier is referring (and I will not name the person here tonight)—are sufficiently aggrieved with the findings of the Auditor-General, they have a couple of options. I assume that already the person concerned has been indemnified to challenge the Auditor-General to date, or has he? The Attorney-General said tonight that four MPs have been indemnified, and I do not know whether the question was: does that include public servants or former public servants?

The Hon. R.G. Kerin interjecting:

Mr FOLEY: Okay; the Deputy Premier says that may not come to cabinet. If a senior public servant has not been indemnified, why would you not indemnify to date but then somehow want to hold out the opportunity for him to be indemnified in the future? I do not understand the logic. If the person has been indemnified to date, I must say that the taxpayer has been very generous to that senior public servant in indemnifying them—

The Hon. M.K. Brindal interjecting:

Mr FOLEY: I do not think so, not when you are head of Premier and Cabinet or a sports department, or whatever. I do not think that the people we are talking about here are members of unions. My point is that, if they have been indemnified to date, they have been very well compensated by the taxpayer to this point and if, with the benefit of taxpayer-funded top shelf, A grade quality legal advice they have not been able to shift the Auditor-General, and if in one-

on-one meetings they have not been able to shift the Auditor-General, I think they must accept the findings of the Auditor-General.

The Auditor-General's is an office that you simply cannot second guess, or you simply cannot say, 'I don't like what he's done, so I'll run off to the Supreme Court of South Australia to injunct him or to seek some form of damages.' You can but, if you want to do that, you do it at your own expense. I do not think the arguments put forward by the Deputy Premier hold water at all. I do not think that the arguments have been well thought through. I really think that, at the end of the day, all of this could have been avoided if the Premier had acted swiftly. If he had brought his members into his office, read the riot act to them and simply laid out what the law should be in relation to the government's reaction to this dilemma, legislation in this House would not have been necessary. The opposition supports the amendment and rejects the arguments of the government.

Mr LEWIS: I have no qualms whatever about this, unlike the Deputy Premier. He has not been here as long as I have.

The Hon. R.G. Kerin interjecting:

Mr LEWIS: I know you are, yes. I am just letting you know where the double standard in the Liberal Party is; that's all. When Baker and Baker were leader and deputy respectively, for a number of years a court case had been on foot which I had taken against a character called Wright, a bodyguard for former Premier Dunstan who had defamed me in the *Advertiser*. The parliament had decided that it was not appropriate for Wright and the *Advertiser*, as it were, to seek to go behind parliamentary privilege and find out the names of the public servants in local government and state government who had provided me with information.

Wright was noted, because of his ability and physical appearance, to get people to agree with him, and he marched the papers to the government departments and local government instrumentalities in order to obtain subdivision approval of land that he had purchased at Paracombe. For 15 years, when that land had belonged to a deceased estate, it could not have been subdivided, even though the will of the man who died showed that he wanted that to happen. That man's name was Gordon Clifton and his son, on behalf of the rest of the family, sought to do his will for a long time but could not do so. Subdivision was absolutely refused. Yet, shortly after Mr Wright got the land he marched it around through the government departments and various local government instrumentalities of one kind or another that were involved and gained approval for subdivision by resorting to the sort of devices that were available with attaching bits of land from here and there onto other bits of land and then resubdividing the boundaries. He did what the late Mr Gordon Clifton wanted his family to be able to do so that they could share the number of houses on the property and each have one where they had grown up.

That is the background to that position. Mr Wright took exception to my drawing attention to his actions in the House and he defamed me in statements which he made elsewhere and which were published in the *Advertiser*. I took action against him because I resented being defamed for properly drawing attention to what he had done. The upshot of that was that he then sought to have parliamentary privilege set aside so that he could discover the names of the people and get all my documents on which I had relied in coming to my conclusions. Knowing the man and his nature, I was not prepared to do that because those people would have been placed at risk in some measure had he got that information.

It was a matter of either the court's upholding that parliamentary privilege was absolute, or finding that parliamentary privilege was not, and that I should reveal that. The parliament, with some reluctance, said, 'Yes, there is privilege here.' The Attorney-General, Chris Sumner at the time, and the wiser heads in the Labor Party were stronger in their view that parliamentary privilege was at risk, and they agreed with me that it was not mine to give up. I had no right to give it away and it had to be defended. I agreed with that view.

So, the Attorney-General took the carriage of the matter and, in consequence of so doing, I could not do so. Yet the Labor Party State Council, responding to a proposition from Don Dunstan and his mates on that council, attacked Chris Sumner and some of the wiser heads in the Labor Party in the parliament and so embarrassed Chris Sumner and the ministers that they were literally instructed by the state council not to proceed with that defence. That stuffed my capacity ever to do anything about it.

The Attorney-General did not proceed. He did not contest the matter in the High Court, as he should have, and that hung me, my lawyer and my silk out to dry. I had to pay a fair bit of that bill, but I resent the indifference of the parliament and, more particularly, the indifference of my Liberal colleagues, led by Baker and Baker at the time, who would not raise their voices in defence of parliamentary privilege or me. They hung me out to dry. So, the Liberal Party ought not to stand up in here now and bleat and cry crocodile tears over what might be, after having on its conscience a decision of that kind to leave me alone as one of its members—a loyal member at that stage as any person can be to that organisation—

The Hon. M.D. Rann: You have been loyal to the Liberal Party: the Liberal Party has not been loyal to you.

Mr LEWIS: It is probably just as well that I have not been a member of the Labor Party! There was no question about the fact, however, that what was done in that instance was something that the parliament ought to have considered because their honours the Law Lords in London reviewed that case. They did not go to whether or not I had been defamed. That was acknowledged by even the lawyers of the other side against me. I was defamed, but they wanted to know who gave me the information. They went on a fishing expedition, and that was privileged, and I was not prepared to allow them to access to it. No, the Law Lords did not look at whether or not I had been defamed: they just looked at what the Supreme Court had decided about parliamentary privilege. All three justices who heard the matter—it was a unanimous decision—said that parliamentary privilege was not absolute. Well, the Law Lords gave them the rounds of the kitchen in short order. They said, 'Absolutely wrong. Lewis was denied and the parliament's privilege was put at risk by their indifference and ignorance of the facts.' It was badly done.

Mr Atkinson interjecting:

Mr LEWIS: No, Wright.

The Hon. M.D. Rann interjecting:

Mr LEWIS: Yes, may be. I do not know the name of the other turkeys who were involved in the talking. It sounded like a gobblefest to me. The bottom line now is that, on the off-chance that there may be someone who feels hurt by what the Auditor-General has to say about their actions, it ill behoves the Liberal Party now to come along and pretend concern after people, including the member for Bragg, sat quietly by and allowed me to be screwed in that way. I do not forget things such as that easily.

The Hon. G.A. Ingerson interjecting:

Mr LEWIS: You just sat there and let it happen—

The Hon. G.A. Ingerson interjecting:

Mr LEWIS: Yes, you did, and so did the other longer serving members of the Liberal Party. The Labor Party members were no different. They were happy to demur to the demand, indeed the direction, of the state council of the Labor Party and let the right of action in the High Court lapse, and let me cop it, rather than put the names of those people at risk or, the worse case and something I would never do, put parliamentary privilege at risk. So I had no choice. I had nowhere to go with my argument and my pleadings. I was not going to allow parliamentary privilege to be destroyed or watered down. It is for that reason that I say humbug to the Deputy Premier for the arguments he is putting tonight about hypothetical concerns. I have heard the Premier, the Deputy Premier and other ministers say—

The Hon. G.M. Gunn interjecting:

Mr LEWIS: I did not say I did not have a interest. Then again, the member for Stuart had an interest, too. It is his right and responsibility to protect parliamentary privilege, but he did not raise his voice after the Attorney-General demurred to the demand or the direction of the state council of the Labor Party. No, I am saying humbug because I have heard ministers right along the front bench frequently say in this parliament that they do not deal in hypotheticals. I am therefore telling the Deputy Premier now: go away, get lost, do not deal in hypotheticals. That is a weak argument, especially against the background of conduct of members of the Liberal Party up to this point of time in relation to something far more serious, that is, parliamentary privilege.

Mr ATKINSON: Perhaps more germane to the matter before us, will the Deputy Premier tell the committee whether the Minister for Mines and Energy is being indemnified in respect of the defamation action brought against him?

The Hon. R.G. KERIN: I have absolutely no responsibility for that.

Mr Atkinson: We are discussing indemnity for ministers and members of the government.

The Hon. R.G. KERIN: We are discussing the Hindmarsh—

Mr Atkinson: Just answer the question.

The Hon. R.G. KERIN: I am not responsible for it, so I am not 100 per cent sure of the answer to the question.

The Hon. M.D. RANN: I do not intend to speak for too long on this matter, given that I prepared several hours of speech on another issue that I thought would be discussed at this time. I pay tribute to Julian Stefani in the Legislative Council. People know that I have had a long relationship with Julian Stefani during the time I have been in Parliament—not only as a member of parliament but during the time he was parliamentary secretary to the Minister for Multicultural and Ethnic Affairs. I have attended many functions and have had the privilege of sitting at the top table with Julian Stefani. He is someone who has been fiercely loyal to the Liberal Party over many years, and still is, but has made a stand on principle.

That simple fact is that Julian Stefani's ties with the soccer community—and he an adviser to the board of Adelaide City—mean that he has been privy to many of the goings on that surround this case. It would be fairly true to say that he has probably reviewed hundreds of pages of what ended up being evidence before the Auditor-General's inquiry. Indeed, if it had not been for Julian Stefani, I do not believe we would have got this Auditor-General's inquiry. He was prepared to buck his own party and stand up to the government basically so that the Auditor-General could get to the truth of the matter about what had gone wrong with the Hindmarsh stadium.

During the time that he has been highlighting issues in the Legislative Council—and at one stage I understand he considered becoming an Independent but decided not to—he has kept a fearless advocacy for the truth to come out on this matter. He was concerned about the clear conflict of interest for the Minister for Tourism in her former capacities as president of soccer and as a parliamentary secretary. The fact that he was prepared to stand up tonight in the Legislative Council and take this action is the mark of someone whose integrity needs to be recognised by both sides of parliament. I understand that the government is accepting the Stefani amendment.

The Hon. G.A. Ingerson interjecting:

The Hon. M.D. RANN: A number of people have signed the confidentiality agreement but a number have been briefing others about it and not just their lawyers. The difference between confidentiality and public knowledge in the South Australian Liberal Party is about four hours. Some might say that I am being generous. The simple fact is that we have been briefed about some of the things in the drafts by various people who have seen these documents and I can understand why one government member wants to excise all six chapters. It is like the book of Revelations has been removed and St Paul's letters—everything has been pulled out in an attempt to save people's backsides before the election is called. I understand that the government has reluctantly accepted the Stefani resolution. I understand that the Minister for Recreation and Sport is decidedly unhappy about this matter, but no doubt more will be said about that at a later date.

Mr WRIGHT: I will make only a few brief comments because of the hour of the morning. We need not be here with this amendment—it is all of the government's making. That has been well trawled through. The Auditor-General has been put in this situation for no other reason than the actions of government MPs and/or ministers, and the Deputy Premier tells us that this is not necessarily the role of MPs, that it could be people who are not members of parliament. He tells us nothing whatsoever because we know categorically that a role has been played here by members of the government—both members and ministers.

I echo the comments that have been made by the leader about Julian Stefani not just with respect to this amendment, which he brings before the parliament tonight, but also because he is the father of this motion. Back some 20 months ago he had the courage of his convictions to ensure that his vote was the critical vote in this particular motion that set up the train that has followed with regard to this inquiry. He certainly deserves the credit not only for bringing forward this amendment but also for the motion that went through the parliament in about November 1999.

Quite clearly the government supports this amendment with great reluctance. You can see the body language on the opposite side. The only reason the Deputy Premier has given any indication of support for this is that he knows he cannot deliver the numbers. If he were able to deliver the numbers they would be doing what they have been doing for the past 48 hours and would be in damage control, trying to ensure that this amendment went down. We need look no further than the body language and the behaviour of the Minister for

Recreation and Sport over the past two hours to know exactly what this is all about.

The Minister for Recreation and Sport does not have to stand up in this chamber and utter one word because we can tell by the way he has flounced up and down the passage for the past two hours, discussing with his so-called colleagues how he feels about this. He has told us tonight by his body language and behaviour in this chamber how he feels about this amendment. We now know another piece of the jigsaw is fitting into place. The Minister for Recreation and Sport has given it all away with his behaviour, his body language and the way he has carried on in the past two hours in this chamber. Another piece of the jigsaw is falling into place and it is all coming together for this government, for this seedy rotten government, and we await the Auditor-General's Report.

Motion carried.

FOOD BILL

The Legislative Council did not insist on its amendments Nos 1 and 7 to which the House of Assembly had disagreed.

GENETICALLY MODIFIED MATERIAL (TEMPORARY PROHIBITION) BILL

Received from the Legislative Council and read a first time.

CRIMINAL LAW (LEGAL REPRESENTATION) BILL

The Legislative Council agreed to the amendment made by the House of Assembly without any amendment.

SURVIVAL OF CAUSES OF ACTION (DUST-RELATED CONDITIONS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT

At 2.13 a.m. the House adjourned until Tuesday 25 September at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 24 July 2001

QUESTIONS ON NOTICE

EMERGENCY SERVICES

66. **Ms THOMPSON:** Which emergency service facilities in the City of Onkaparinga have the ability to override traffic lights and which do not, and with respect to the latter, which services have vehicles equipped with flashing lights or any other mechanism that ensure safe and quicker egress?

The Hon. R.L. BROKENSHIRE: I have been advised of the following information:

· The South Australian Metropolitan Fire Service (SAMFS) has two fire stations within the City of Onkaparinga, at Christie Downs and O'Halloran Hill. Both stations utilise the following system.

All SAMFS fire appliances within the metropolitan area (except CBD) utilise a service provided by Transport SA for control of traffic lights.

Transport SA together with the SAMFS has developed predetermined routes for attending emergency incidents.

When the SAMFS are required to respond to an incident our crews select which route is appropriate then notify Transport SA via telephone who in turn operate the sequence required on their computer.

This computerised system controls the traffic lights on the selected route, which theoretically ensures that all traffic lights on the route should turn green at the estimated time of approach.

This system only works from a predetermined starting point (the fire station) and prevents two separate routes being used at the same time when both routes will intersect each other.

Once the system has been activated it works on a time sequence and then operates as per normal traffic lights.

In addition to the above O'Halloran Hill station has control of the emergency warning lights in front of the station to assist them to enter Majors Road (80 kph zone).

There are no traffic lights or emergency warning lights in the near vicinity of Christie Downs station to assist egress from the station (60 kph zone).

All emergency vehicles have red and or blue flashing lights and sirens fitted.

· The Country Fire Service (CFS) has two brigades, (Seaford and Morphett Vale), that have recently obtained access to traffic light controls. This is achieved through Transport SA. The system is the same used by the Metropolitan Fire Service (SAMFS).

All CRFS emergency vehicles have flashing lights and sirens fitted. The CFS is satisfied with this system. There is no capital expenditure required from Emergency Services.

· The State Emergency Service (SES) does not have the ability to override traffic lights in the City of Onkaparinga. All SES rescue vehicles are fitted with red and blue flashing beacons and sirens.

Whereas the SES does not have the ability to override traffic lights, the drivers of SES emergency vehicles may disobey traffic signals whilst responding to emergencies. This must only be done with flashing beacons and sirens operating and only if it is safe to do so and the vehicle is driven with due care and attention. This applies anywhere in South Australia.

NORTHFIELD RAILWAY LAND

83. **Mr CLARKE:**

1. Has TransAdelaide or any government agency undertaken, directly or indirectly, soil tests on the land of the former Northfield railway line between Briens Road and Main North Road, Pooraka and if so, what are the results of these tests?

2. Has TransAdelaide answered the letters (dated 16 January 2001) from concerned Pooraka residents and if so, what was the reply and if not, when will they be answered?

The Hon. DEAN BROWN: The Minister for Transport and Urban Planning has provided the following information:

1. On 21 February 2001, TransAdelaide commissioned an environmental assessment of the surface soils at the site, to be undertaken by Golder Associates Pty, to assess potential environmental risks associated with past railway activities on the site. The report dated 29 March 2001, confirmed the following—

· The site overall possessed no major environmental concerns. However, two small locations were identified as having slightly higher concentrations of arsenic that would require remedial action. This could be overcome by placing some clean fill material over the two areas and encouraging grass coverage. TransAdelaide is attending to this; and

· Dust generation from the site to nearby residents did not present an Environmental Health risk.

2. The letter dated 16 January 2001, to which the member for Ross Smith refers, was responded to by the General Manager of TransAdelaide on 27 February 2001. The author of the letter was advised that TransAdelaide had commissioned an Environmental Assessment of the site and was awaiting the outcome. On 17 April 2001, the author of the letter was advised in writing of the outcome of the assessment.

CAPE BLANCHE

92. **Mr HILL:**

1. Does the government intend establishing a marine protected area at Cape Blanche for the large sea lion and seal colony residing there?

2. Has the minister objected to the Development Assessment Commission regarding application 010/0134/00 to develop a 20 hectare fin fish and shell fish farm less than 3 kilometres from the colony and if not, why not and does the minister accept the recommendations of the Environmental Impact Study undertaken in relation to the proposed development and if not, why not?

The Hon. I.F. EVANS: I have been advised as follows:

1. It is too soon in the process to identify whether or not Cape Blanche would meet the criteria for a representative marine protected area.

2. A copy of the application has been received by my Department. The application has been compiled with some environmental description but there was no Environmental Impact Statement.

OPERATION FLINDERS

101. **Ms RANKINE:** What resources are or will be provided for 'Operation Flinders'?

The Hon. R.L. BROKENSHIRE: The South Australian government supports the Operation Flinders program in three ways. Firstly, through the funding of the program; secondly through the provision of in-kind support; and thirdly through the funding of an independent evaluation. These resources are identified in more detail as follows:

A number of agencies provide monetary resources for the Operation Flinders program. These resources are committed by the following agencies under a 3 year Agreement between the South Australian government and Operation Flinders Foundation Inc:

Attorney-General's Department	$60 000 pa
Department Human Services ($1 000 per head for 40 participants)	$40 000 pa
Department Employment Training & Education ($1 000 per head for 48 participants)	$48 000 pa
Department Environment Heritage	$40 000 pa

In addition to these monetary resources, South Australian Government agencies provide in-kind support to the program operated by Operation Flinders Foundation Inc. This in-kind support includes:

· Counsellors from Department Human Services and Department Employment Training & Education who attend the program to provide support to participants

· Currently nineteen SAPOL employees provide considerable voluntary service to Operation Flinders across a range of disciplines.

· Availability of a four wheel drive vehicle for each camp from DAIS, at long-term hire rates

Finally, the South Australian Government has funded an independent evaluation of the Operation Flinders program. The University of South Australia has been contracted to undertake the evaluation at a contract fee of $50 000.

ONKAPARINGA HILLS STORAGE TANK

116. **Mr HILL:** What consultation has occurred with local residents in relation to the Onkaparinga Hills storage tank, what are the residents' views regarding its placement and were other sites considered by SA Water and if so, why were they rejected?

The Hon. M.H. ARMITAGE: The construction of the additional water storage tank at Onkaparinga Hills is an integral element of the South Coast Water Supply Augmentation Program, being carried out by the State Government and SA Water. The Program is designed to improve both the quantity and quality of water for residents of the Southern Vales, Fleurieu Peninsula and the far South Coast.

The residents directly adjacent to the tank site were individually approached by United Water during early 2000 and the details of the project were explained to them. The only residents who expressed concern regarding the location of the storage tank were Mr & Mrs Di Fabio. Between March and November 2001 several meetings were held with Mr Di Fabio in an attempt to allay any concerns they may have had with the tank design in general and the stability of such a structure in particular. The Di Fabios also held a number of discussions with the Member for Mawson, who strongly represented their interests on this matter.

An independent consultant carried out a review of the design and has found that the design to be sound.

During discussions, a site suggested by Mr Di Fabio was further investigated and found to be environmentally and economically not viable. SA Water and United Water could not justify the additional expenditure of at least $305 000.

Mr and Mrs Di Fabio asked SA Water for a written indemnity in relation to loss or damage which might be caused as a result of failure of the tank and that a compensation be agreed to be paid by SA Water for any loss of value of the Di Fabio property resulting from the proximity of the tank to their property.

On advice from the Crown Solicitor's Office Mr and Mrs Di Fabio were informed that SA Water was unable to provide such assurances. However, like other residents, they have common law rights to bring action against SA Water if damage is caused as a result of potential negligence by SA Water.

EMERGENCY SERVICES LEVY FUND

119. **Mr HILL:** How much of the $941 449 disbursement from the Emergency Services Levy Fund did each CFS Brigade receive and for what purpose?

The Hon. R.L. BROKENSHIRE: This disbursement relates to the total value of Emergency Services Fund Grants that have been awarded to Country Fire Service organisations.

As previously advised, a list of the successful grant recipients for each funding round may be viewed on the Emergency Services Levy website at www.esl.sa.gov.au.

However, a list of the successful grant recipients follows:

Emergency Services Fund Grants program

List of CFS grant recipients (rounds one, two and three)

Application No.	Sponsor Organisation	Project Name	Funds Approved ($)
99/02/016	CFS Aldgate	Specialist Role Undertaking Forcible Entry	12 038
99/02/017	CFS Aldinga Beach	Road Crash Rescue Compound	5 000
00/03/006	CFS Alford Brigade	CFS Alford Station Improvements	3 500
99/01076	CFS Andamooka	Satellite Telephones	3 100
00/03/008	CFS Angaston	Electrical Switch Boards Upgrade	940
99/02/018	CFS Angaston & District	Emergency Power for CFS Group Base	4 675
99/01121	CFS Ardrossan	Internal Station Upgrade (non operational items)	450
99/01041	CFS Arno Bay	Global Positioning System Community Plotter	700
00/03/009	CFS Ashbourne	Provision of water tank to refill fire appliances in an emergency	3 200
99/01095	CFS Ashbourne	Upgrade of Ashbourne CFS Station	3 000
00/03/010	CFS Athelstone	Re-surface station floor to occupational health and safety requirements	4 546
99/01234	CFS Athelstone	Training, Planning and Education (Management Course)	5 000
99/01169	CFS Auburn	Auburn Logistic Support Trailer	4 575
99/02/019	CFS Avenue	Provision Facilities Avenue Fire Station	3 005
99/02/020	CFS Barmera	Flood and Water Relief Project	3 080
99/01108	CFS Biscuit Flat	Replacement of Petrol Powered Pump	5 000
00/03/012	CFS Black Rock Group	Portable Fire Protection Water Storage	4 800
99/01100	CFS Blackfellows	Expansion of Brigade Building (Shed Erection)	3 310
00/03/014	CFS Blackwood	Lecture Room Furniture	2 000
99/01145	CFS Blackwood	Recruitment pamphlet and banner	1 425
99/01017	CFS Blanchetown	Fact Finding Station (Weather Station)	1 800
99/01055	CFS Blyth	Improved Communication (GPS & Fax)	700
00/03/016	CFS Blyth/Snowtown Group	Portable Fire Protection Water Storage	4 800
00/03/017	CFS Board	Project Fireguard' School Fire Awareness Classroom Program	5 000
99/01182	CFS Bowhill	RAPID Plates	2 010
99/01142	CFS Bradbury	Station Security System (Security Screens)	3 522
99/01056	CFS Brinkworth	Improved Communication (GPS & Fax)	700
99/01152	CFS Brown's Well	RAPID Implementation & Smoke detector installation	1 000
99/01179	CFS Brukunga	Promotion of the local CFS	1 000
99/01228	CFS Buckleboo	Global Positioning System Community Plotter	700
99/02/028	CFS Bundaleer	Group Incident Response, Team/Staff Welfare & Safety	1 400
99/02/028	CFS Bundaleer	Group Incident Response, Team/Staff Welfare & Safety	2 360
00/03/026	CFS Burra	Breathing apparatus cleaning area and storage	4 409
99/01097	CFS Burra—Smelts Rd	Burra Power Project (Genset)	5 250
00/03/028	CFS Burra Group	Portable Fire Protection Water Storage	4 800
00/03/029	CFS Bute Brigade	CFS Bute Station Improvements	5 000
99/02/031	CFS Callington	Portable Generator and Lighting for Roadside Emergencies	2 000
00/03/030	CFS Caltowie Brigade	Relocation of Callout Siren/Filing Cabinet	605
99/01112	CFS Cambrai	Fireground Food Refrigeration (Eskys)	1 600
00/03/031	CFS Cape Jervis	Search Rescue & Communications	2 527
00/03/032	CFS Carey Gully	Carey Gully Brigade Fire Appliance Driver Certification	2 200

00/03/033	CFS Carrieton	Establishing the Development of Emergency Water Supply	8 540
99/02/032	CFS Ceduna Group Inc	Training Aid (TV and VCR)	6 580
99/01025	CFS Cherry Gardens	Compressed Air/Foam Pumping System	10 500
00/03/035	CFS Cherryville Brigade	Driver Training for Heavy Vehicles	976
99/02/033	CFS Clare	Hazmat Replacement	4 460
99/02/034	CFS Clarendon Brigade	Clarendon CFS Emergency Power	1 834
99/01043	CFS Cleve	Global Positioning System Community Plotter	700
99/01044	CFS Cleve and District Group	Global Positioning System Community Plotter	700
00/03/038	CFS Cleve Group	Cleve Combined Services Training Aid	4 350
00/03/039	CFS Coffin Bay	CFS Coffin Bay Community Awareness Marquee	2 987
00/03/040	CFS Concordia	Public Relations Display Material	2 800
99/01236	CFS Concordia	Public Relations Display Material Part Two	1 400
99/01067	CFS Coober Pedy	Satellite Telephones	3 100
99/02/037	CFS Coomandook Brigade	Coomandook CFS/Ambulance Amenities Upgrade 2000	1 200
99/01156	CFS Coonalpyn	Weather Station and Computer	1 800
00/03/041	CFS Cootra	Minor Station Amenity Upgrade	846
99/01146	CFS Cootra	Global Positioning System Community Plotter	700
00/03/042	CFS Corny Point	Upgrading Corny Point Fire Station	4 420
99/02/038	CFS Coromandel Valley	Ackland Hill Community Fire Safe Project	3 000
99/01042	CFS Cowell	Global Positioning System Community Plotter	700
99/01246	CFS Cummins	Global Positioning System Community Plotter	700
99/01245	CFS Cummins	Generator and Chainsaw	3 030
99/02/040	CFS Currency Creek	Amenities (Kitchen Upgrading)	4 820
99/01040	CFS Darke Peak	Global Positioning System Community Plotter	700
99/01249	CFS Dublin	Generator	3 100
99/02/041	CFS East Torrens	Group Fire Safety, Electrical Maintenance through hazardous weather and Electrical Generator in Emergencies	14 000
00/03/044	CFS Echunga Brigade	Emergency Power Supply Project	2 584
99/02/042	CFS Eden Hills	Catering Equipment Upgrade	3 000
99/01007	CFS Edithburgh	Multipurpose Trailer and GPS	5 000
00/03/045	CFS Elliston District Group	Fitting of Foam Units To Group Units	4 100
99/01003	CFS Elliston District Group	GPS Units	4 250
99/01168	CFS Eudunda	Global Positioning System Community Plotter	700
00/03/048	CFS Eudunda Fire and Rescue	Gilbert Sub Group Base Operational & Training Package	3 100
99/02/044	CFS Eyre Peninsula	Volunteer Support Fridge/Freezer Communications Brigade	1 900
00/03/050	CFS Flinders Group	Portable Fire Protection Water Storage	4 800
99/01143	CFS Freeling	Local Emergency Service Telephone Number Promotion	800
99/01301	CFS Freeling	Emergency Power Support (Generator)	3 000
00/03/053	CFS Freeling Brigade	Station and Group Communication Centre Identification	385
00/03/057	CFS Georgetown	Portable Fan Project	2 960
99/02/055	CFS Kangarilla	Electricity Back up for Main Bore, for Water Supply	20 000
99/01098	CFS Kangaroo Island	Kangaroo island Accurate Position Project (GPS)	4 900
99/02/057	CFS Kapunda	Portable Pump for Flood Control	2 800
99/02/058	CFS Kapunda	Station Security	2 200
99/01227	CFS Kimba	Global Positioning System Community Plotter	1 400
99/02/062	CFS Kybybolite	Pump Project	1 000
00/03/078	CFS Lacepede Group	Replacement of Emergency Number Plates	4 591
99/01066	CFS Lake Torrens	Satellite Telephones	3 100
00/03/079	CFS Lake Torrens Group	Portable Fire Protection Water Storage	4 800
99/01045	CFS Lameroo	Weather Station	1 950
99/02/064	CFS Langhorne Creek	Distribution of Rapid Plated in the Langhorne Creek Districts	2 020
99/02/065	CFS Le Hunte	Wudinna Combined Emergency Service Complex Refurbishment	14 990
00/03/080	CFS Light Group	Combined Emergency Services Cadet Program	4 000
99/01057	CFS Lochiel	GPS Units	700
00/03/082	CFS Lock	Emergency Power Backup for Elliston Group Comm. at Lock	8 160
00/03/083	CFS Lower Eyre Peninsula Group	Auxiliary Community Trailer	4 665
99/02/071	CFS Loxton	Mobile Light Tower	19 500
00/03/084	CFS Lucindale Brigade	B.A. Cleaning Station	2 000
99/02/072	CFS Lyndoch	Training Aids	3 725
00/03/085	CFS Lyrup	Flooding and Fire Support, Lyrup, Renmark, Paringa, Glossop Townships	2 800
99/01282	CFS Macclesfield	Overhead Emergency Water Supply (Tank)	3 300
99/01154	CFS Mallala	Major incident and rescue trailer	5 000
00/03/087	CFS Mallala Brigade	Maintenance and storage shed for community training aids and community emergency trailer	5 000
99/01039	CFS Mangalo	Global Positioning System Community Plotter	700
99/01171	CFS Manoora	Manoora Firefighting Water Supply (Tank)	5 000
99/01069	CFS Maree	Satellite Telephones	3 100
99/02/074	CFS Marion Bay	Emergency Operations Centre (Aerial Tower and Radio)	5 000
99/01064	CFS Marla	Satellite Telephones	3 100
99/01170	CFS Marrabel	Signage and Equipment Project	3 515
99/01012	CFS Mawson	Emergency Response Equipment (Weather Stations and Phones)	2 070
99/01059	CFS McLaren Vale	Breathing Apparatus Training Facility	3 250
99/02/076	CFS Meadows	Safety Awareness and Workshop Upgrade	2 000
00/03/091	CFS Meningie	Auto Response Fire Alarm Doors	2 960
99/01118	CFS Meningie	RAPID Scheme Project	3 500
99/02/078	CFS Mid Murray Group	Weather Station	800

99/02/079	CFS Middleton	Toilet/Shower and Kitchenette Extension to Station	5 000
99/02/080	CFS Milang Brigade	Emergency Power Back up for Supply for Milang Fire Station	3 084
99/01147	CFS Minnipa	Global Positioning System Community Plotter	700
99/01072	CFS Mintabie	Satellite Telephones	3 100
99/02/082	CFS Mintaro	Standpipe and Fire Hydrant	4 776
00/03/096	CFS Mobilong Group	Auxiliary power supply	2 909
00/03/099	CFS Monarto Brigade	Monarto Emergency Lighting	600
99/02/090	CFS Monash	Station Renovations	4 500
00/03/100	CFS Montacute	Heavy Vehicle Driver Training	1 650
99/01139	CFS Montacute	Provision of Satellite phone communications, with GPS Option	700
00/03/101	CFS Moorak Brigade	Renovations and Upgrade of CFS Moorak Brigade Fire Shed	3 875
00/03/102	CFS Moorook	Equipment Trailer	4 100
99/01259	CFS Moorook	Water Pump	4 500
99/01116	CFS Morgan	Implementing Grid References and Response Planning	5 200
99/02/092	CFS Morphett Vale	Upgrade of Breathing Apparatus Facilities at Morphett Vale Fire Station	20 000
00/03/103	CFS Mount Gambier & Port MacDonnell Groups Operations & Logistics Brigade	Volunteer Welfare and Support	1 887
99/01138	CFS Mt Bryan	Fire Safety	1 700
99/02/093	CFS Mt Compass	Water Supply (Pipes)	4 490
99/01148	CFS Mt Damper	Global Positioning System Community Plotter	700
99/01241	CFS Mt Hope	Smoke Detector Installation and Fire Awareness	1 350
99/01242	CFS Mt Hope	Diesel Tank and Pump	750
99/02/095	CFS Mt Lofty	Bushfire Awareness/Volunteer Training in the Adelaide Hills	4 828
00/03/106	CFS Mudla Wirra Brigade	Emergency Power Supply—CFS Mudla Wirra Station	2 320
00/03/108	CFS Murraylands and Riverland	CFS Region 3—Prevention Trailer	9 090
99/01215	CFS Mypolonga	Emergency Power and Lighting (Generator)	1 850
00/03/110	CFS Myponga Brigade	Safer Working Environment	1 500
99/02/097	CFS Nairne	Installation of Smoke Alarms in Nairne District	500
00/03/111	CFS Nantawarra Brigade	RAPID Scheme Project	825
00/03/112	CFS Naracoorte	Project Floor Safe	5 000
00/03/113	CFS Naracoorte Brigade	Auxiliary Catering	1 700
99/02/098	CFS Neales Flat	Fire training and education	800
00/03/114	CFS North East Group	Portable Fire Protection Water Storage	4 800
99/02/100	CFS Norton Summit/Ashton	Driver Licence Upgrade Training	4 470
00/03/115	CFS NYP Group	Personnel Comfort—NYP Group Headquarters	2 818
99/02/102	CFS One Tree Hill	Emergency Power Facilities	2 034
99/01080	CFS Oodnadatta	Satellite Telephones	3 100
00/03/118	CFS Padthaway	Training and Refurbishing	2 955
99/01111	CFS Parndana	Efficiency and Safety Improvements	4 050
99/02/103	CFS Penola Brigade	Penola CFS Station Community Meeting Room Development	4 700
99/02/104	CFS Pinnaroo	Landscaping Pinnaroo Station	4 580
99/02/105	CFS Port Broughton	Station Upgrade	7 000
99/02/106	CFS Port Elliot	Security System for New Fire Complex	2 000
00/03/120	CFS Port Germein	Provision of essential electronic equipment for Port Germein CFS	2 021
00/03/121	CFS Port Lincoln	Crucial Water Management Project	2 330
99/01211	CFS Port Lincoln	Global Positioning System Community Plotter	700
99/02/108	CFS Port MacDonnell & District	Renovation of Blackfellows Caves CFS Brigade Fire Shed	4 942
00/03/122	CFS Port MacDonnell Brigade	Purchase of Storage Shed and Upgrade of Fire Station	5 000
00/03/125	CFS Port Neill	Pt Neill CFS Cadet/Student Influx Facility Upgrade	2 950
99/01014	CFS Quorn	Security Fence	3 600
99/02/113	CFS Range Hope Forest	Erection of Two Bay Garage	5 000
00/03/128	CFS Rapid Bay and Districts	Incident Management Equipment	3 000
00/03/129	CFS Rapid Bay and Districts	Station Security & Amenities Upgrade	1 900
00/03/130	CFS Region 3—Bushfire Prevention Committee	Community Weather Watch	4 545
99/02/120	CFS Region 4	Auxiliary Equipment Trailer	1 940
99/02/122	CFS Region 5	Incident Control Trailer	5 000
99/01266	CFS Regions	Thank you Volunteer Recognition Day	15 500
00/03/132	CFS Rendelsham Brigade	Station Upgrade	3 330
99/02/123	CFS Rhynie	Training for CFS Personnel	799
00/03/133	CFS Ridley Group	Ridley CFS and Community Catering and Logistics Support Trailer	7 406
99/02/125	CFS Riverton	Purchase of Air bags & fittings for heavy rescue truck rollovers	4 800
00/03/134	CFS Robe	Fresh water and cleaning and paving for Robe Group	4 195
99/02/126	CFS Robertstown	Provision of Community/Emergency Services Kitchen	5 000
99/01070	CFS Roxby Downs	Satellite Telephones	3 100
99/01038	CFS Rudall	Global Positioning System Community Plotter	700
99/02/283	CFS Salt Creek	Salt Creek CFS Communications	740
99/01037	CFS Salt Creek	Global Positioning System Community Plotter	700
99/02/129	CFS Sellicks Beach	Southern Coast Community Vertical Rope Rescue	10 804
99/02/130	CFS Sevenhill Penwortham Brigade	Air-conditioning Project	4 200
99/01058	CFS Snowtown	Improved Safety by Improved Communication	2 550
99/02/131	CFS South Australia	South Australian Country Fire Service State Cadet Camp	5 000
00/03/137	CFS Southend	Local Need (fitout)	1 307
00/03/138	CFS Spencer Group	Group Response Weather Data	2 295
00/03/140	CFS Stansbury Southern Yorke Group)	Operations Room Upgrade	2 054
99/01273	CFS Stirling	Planning and Training for SE Freeway Disaster	16 700
99/02/138	CFS Stirling North	Cadet Community Awareness	900

99/02/139	CFS Strathalbyn	Provide Head Lighting for Improved Safety and Working Conditions	1 400
99/01285	CFS Streak Bay	Increasing Links between CFS and Schools	2 000
00/03/143	CFS Streaky Bay Group	Streaky Bay Fire Fridges	4 500
99/01260	CFS Streaky Bay Group	Global Positioning System Community Plotter	4 655
00/03/146	CFS Tanunda	Light The Way (emergency power)	1 500
99/02/140	CFS Taplan	Erection Of External Training Shelter	4 950
00/03/147	CFS Taratap Brigade	CB Callout	2 500
99/01099	CFS Tarlee	Portable Floating Collar Dam	4 575
00/03/148	CFS Tarpeena	Educational facility	5 000
99/01257	CFS Thornlea	Locker, chairs	1 800
00/03/149	CFS Tothill	Community Hub—CFS Centre	3 380
99/01060	CFS Tothill	Emergency Centre	2 050
99/01107	CFS Tumby Bay	Regional Catering (Kitchen Items)	890
00/03/151	CFS Tumby Bay & Dist. Group	Driver Accreditation Project	4 020
99/02/142	CFS Tumby Bay Brigade	Community Meeting/Education Training Facility Upgrade	3 785
99/01104	CFS Upper Riverland	Operation Rapid Response (GPS)	4 806
00/03/155	CFS Upper Sturt Brigade	Installation of Double Headed Hydrant at Brigade Station	10 500
00/03/156	CFS Victor Harbor	Firefighting water tank and pump for protecting of Group Centre	2 727
99/02/146	CFS Virginia	Hurst Spreader (Jaws)	5 000
99/01305	CFS Waddikee	Global Positioning System Community Plotter	700
99/02/147	CFS Waikerie	Cliff Rescue	1 475
99/02/148	CFS Wangary	Crew—Family, Comfort—Public Relations and Cadet Benefit	880
99/01051	CFS Wanilla	Rainwater Tank	3 700
99/01149	CFS Warramboo	Global Positioning System Community Plotter	700
00/03/159	CFS Waterloo	Training Aids TV and Video	882
99/01062	CFS Wattle Range Group	RAPID Key Tag Upgrade	19 800
99/01035	CFS Wharminda	Global Positioning System Community Plotter	700
99/01309	CFS Wolseley	Rainwater Supply	1 000
99/01063	CFS Woodchester	Fire Safety and Education	2 150
00/03/166	CFS Woolsheds/Wasleys	Purchase of Portable Lighting	3 178
99/01078	CFS Woomera	Satellite Telephones	3 100
99/02/153	CFS Wrattonbully/Joanna	Additional Firefighting Equipment (Hoses)	2 000
99/01053	CFS Wunkar	Fitting of Foam Proportioner	800
99/02/154	CFS Yacka	Security Window Screens, Emergency Power Supply Connection and GPS	1 030
99/02/155	CFS Yahl	Upgrade A Must	4 955
99/01229	CFS Yaland/James	Global Positioning System Community Plotter	700
99/01016	CFS Yankalilla	Mobile Generator Upgrade	500
99/01019	CFS Yankalilla	Replacement Steps at Fire Station Door	1 500
00/03/168	CFS Yankalilla Brigade	Driver Training for Volunteers	2 000
00/03/169	CFS Yankalilla Brigade	External Housing for Mobile Generator	3 000
00/03/170	CFS Yankalilla Group	Binoculars Equipment for Emergency Services Vehicles	1 560
99/02/156	CFS Yorketown	Personnel Comfort at Yorketown CFS	4 382
00/03/171	CFS Yundi	Fire Safety and Occupational Health and Safety	4 085
99/02/157	CFS Yunta Brigade	Brigade Radio Communications	740
99/02/250	South Coast Training Centre	Provision of Pump Booster Training Facility	13 000
		Total Approved	941 449

MOTOR VEHICLE ACCIDENTS

124. **Ms THOMPSON:** How many motor vehicle crashes and injuries, respectively, have occurred in the vicinity of the intersection of Beach and Majors Roads in each year since 1996?

The Hon. DEAN BROWN: The Minister for Transport and Urban Planning has provided the following information.

The Minister for Transport and Urban Planning has been advised that there was a misunderstanding as to the information the Member for Reynell was seeking, as Beach Road and Majors Road do not intersect. Transport SA contacted the Member for Reynell's office—and the intended location was the intersection of Beach Road, South Road and Doctors Road.

In responding to the Member for Reynell's question, the following clarifications are made:

- The total number of road crashes comprises 'injury' and 'property damage only' crashes. No fatal crashes occurred in the vicinity of the intersection in the period stated.
- The total number of road crashes in the 'vicinity' of the intersection comprises those at the intersection, and between the intersection and the next intersecting side-road on each of the four approaches to the intersection.

	1996	1997	1998	1999	2000
Total number of Crashes reported	24	25	22	32	34
Total number of Injuries	5	0	9	5	9

The Member for Reynell has already been advised that Transport SA is in the process of preparing detailed design plans for the upgrade of the Beach Road/South Road/Doctors Road intersection. The upgrade will provide additional lanes and right turn signals for both Beach Road and Doctors Road, and a modified lane configuration on South Road. In addition, the centre median traffic signals on South Road will be replaced by overhead traffic signals to improve visibility and compliance with signal display, and the stormwater drainage in the vicinity of the intersection will also be improved. The upgrade will reduce crashes, improve drainage, safety and traffic flow efficiency. Transport SA expects on-site work to commence during the early part of 2002.

BOARDS AND COMMITTEES

126-139. **Mr HANNA:** In relation to all boards and committees with one or more ministerial appointment under each of the ministers' portfolios:

(a) who are currently the chair and members of each board or committee;
(b) when was each appointed; and
(c) what is the rate of remuneration paid?

The Hon. J.W. OLSEN: On behalf of the various ministers, I provide the following information:

The government is currently collating these details as part of the annual release of boards and committees information to parliament. This document is expected to be tabled in parliament at the beginning of the fifth session.