

HOUSE OF ASSEMBLY

Tuesday 23 October 2001

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

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following bills:

Constitution (Parliamentary Terms) Amendment,
Free Presbyterian Church (Vesting of Property),
Graffiti Control,
Statutes Amendment (Consumer Affairs),
Statutes Amendment (Governor's Remuneration),
Survival of Causes of Action (Dust-Related Conditions) Amendment,
Trade Measurement (Miscellaneous) Amendment

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. R.G. Kerin)—
Office for the Commissioner for Public Employment—
Report, 2000-2001
The Planning Strategy for South Australia—Report,
2000-2001

By the Minister for Primary Industries and Resources (Hon. R.G. Kerin)—

Primary Industries and Resources South Australia—
Report, 2000-2001
South Australian Soil Conservation Council—Report,
2000-2001
Veterinary Surgeons Board of South Australia—Report,
2000-2001

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

South Australian Community Housing Authority—Report,
2000-2001
West Beach Trust—Report, 2000-2001
Regulations under the following Acts—
Development—Railway Operations
Harbors and Navigation—Port
Local Government—Rates Notices
Motor Vehicles—P Plates
Road Traffic—
Alcohol Interlock
Emergency Stop

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

Lotteries Commission of South Australia—Report,
2000-2001
President, Industrial Relations Commission and Senior
Judge, Industrial Relations Court—
Report, 2000-2001
State Supply Board—Report, 2000-2001

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

Gaming Supervisory Authority—Report, 2000-2001
Motor Accident Commission—Charter, September 2001
Technical Regulator, Electricity—Report, 2000-2001
Transmission Lessor Corporation—Report, 2000-2001
Education Act—Regulations—Teachers Registration

By the Minister for Environment and Heritage (Hon. I.F. Evans)—

Listening Devices Act—Report, 2000-2001
Regulations under the following Acts—

Building Work Contractors—Licence Fees
Environment Protection—Railway Operations
Legal Practitioners—Fees and Levies
Liquor Licensing—Dry Areas—Adelaide
Rules of Court—Supreme Court Act—Supreme Court—
Admission Rules—Sub-rule

By the Minister for Water Resources (Hon. M.K. Brindal)—

Renmark Irrigation Trust Act 1936—Regulations—Capital Recoveries

By the Minister for Local Government (Hon. D.C. Kotz)—

Local Government Finance Authority of South Australia—
Report, 2000-2001.

JOINT PARLIAMENTARY SERVICE COMMITTEE

The **SPEAKER**: I lay on the table the report of the Joint Parliamentary Service Committee for 2000-01.

MOTOROLA

The **SPEAKER**: I lay on the table the report of the Second Software Centre Inquiry which has been published pursuant to the resolution of the House of Assembly on 4 October 2001.

SITTINGS AND BUSINESS

Mr **LEWIS (Hammond)**: I have a matter of importance that I wish to bring to the attention of the House immediately.

The **SPEAKER**: Order! The chair will recognise the member for Hammond immediately I have concluded the routine business.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

Mr **VENNING (Schubert)**: I bring up the 45th report of the committee, being the annual report for the year 2000-01, and move:

That the report be received.

Motion carried.

The **Hon. DEAN BROWN (Deputy Premier)**: I move:
That the report be published.

Motion carried.

PUBLIC WORKS COMMITTEE: HEATHFIELD WASTEWATER TREATMENT PLANT

Mr **LEWIS (Hammond)**: I bring up the 159th report of the committee, on the Heathfield Wastewater Treatment Plant, Environment Improvement Program and Upgrade, Final Report, and move.

That the report be received.

Motion carried.

The **Hon. DEAN BROWN (Deputy Premier)**: I move:
That the report be published.

Motion carried.

DIVISION BELLS

The SPEAKER: Does the member for Hammond wish to be recognised?

Mr LEWIS (Hammond): I wish to be recognised with respect to standing orders, chapter 16, on divisions. There is no standing order under which it is possible for any member to draw attention to the House to circumstances in which the bells do not work. The two standing orders that come closest to it are 171 and 179. I wish to report to the House that the bells on the second floor in my room and anywhere within earshot of it are not working.

The SPEAKER: The chair has noted—

Members interjecting:

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

The Hon. M.D. Rann interjecting:

The SPEAKER: Order, the Leader of the Opposition!

The Hon. M.H. Armitage interjecting:

The SPEAKER: Order, the Minister for Government Enterprises! I ask the House to settle down. The chair has noted the observation by the member for Hammond and it will be reported to the staff accordingly.

QUESTION TIME

CLAYTON REPORT

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier, and I take this opportunity of congratulating him on his appointment to this high office. Given that the Premier described the Clayton report yesterday as harsh, despite acknowledging that he had not read it, has the Premier now read the full report; and does he fully accept its findings that the former Premier gave misleading, inaccurate and/or dishonest evidence to the Cramond inquiry on 21 occasions?

The Hon. R.G. KERIN (Premier): In relation to the comment about not having read the Clayton report, what I said was that I had not read the full Clayton report. Certainly I had read the synopsis and about a third of the report itself. I would have loved to sit down last night and done that, but a few other issues needed to be dealt with. I did not have a lot of time to read it last night. As to the comment about the findings being harsh, that is one matter that the former Premier has the right to take up and, from what I have read, I would still be of that opinion.

Certainly, some of the treatment the former Premier received over the weekend has been harsh, and this has garnered a lot of community support demonstrating that many people feel that it has been somewhat harsh on him. There is a feeling within the community that we in this place should concentrate on what the issues are, what state development is about and what jobs for people mean, instead of forever appearing to play the man and focusing on matters such as that. At the end of the day, the community will judge.

STATE ECONOMY

Mr HAMILTON-SMITH (Waite): Will the Premier provide government comment on the strong improvement in the South Australian economy over the past few years?

The Hon. R.G. KERIN (Premier): There is no doubt that there has been a lot of good news for the South Australian economy and families within South Australia over the last

couple of years. We are now very confident about the future and there is a renewed hope. Certainly the former Premier can take a lot of the credit for the way in which this economy has skipped ahead in recent years. Once again we are getting constant positive report cards, whether it is from Access Economics or from a whole range of other factors. When members look at those statistics, taking into account our position in the 1980s through to the mid 1990s, when there was some improvement, they will note that we were still rated quite low on a regular basis. Yet now we read a lot of comments such as, 'SA may see faster growth in exports than any other state in 2001-02.' Let us look at that comment and at what has happened in the last three years.

In two of the last three years, we have had the fastest growth in exports of any state in Australia. Last year, our figure was 34 per cent, while the national average was 23 per cent, so our figure is outstripping it by a long way. For that to be said in this coming year really says a lot about where our economy is going, about the job that is being done and the policy settings. Much has been said, and some comments are worth noting.

In December 2000, Access Economics described South Australia as being Australia's untold success story for the past few years. In March 2001, Access Economics again commented that South Australia is now moving out of the list of high debt states and that South Australia's growth rate of 3.3 per cent per annum over the five years is second only to Victoria. It also said that, in 2001, South Australia was the fastest growing state in the nation in the past 12 months. In September, it was said that we will enjoy the fastest growth of exports of any state.

We are able to roll out very impressive statistics, quarter upon quarter. Statistics are one thing but seeing what is happening is what it is all about. I have made the point before that, if you really want to see where economic activity is starting to have an effect, you should go into regional South Australia. It is harder to see in cities because of the averaging effect of a lot of factors. However, in regional South Australia, when there is a downturn, it really does show but also, when you have economic growth like we have had, it really shows. That shows in jobs, it shows in the growth of many towns and it shows in general prosperity.

Ms Breuer interjecting:

The Hon. R.G. KERIN: The member for Giles interjects, and I well and truly acknowledge that Upper Spencer Gulf has done it harder than any other area of this state over probably the last 20 years, and we need to do something about that. Nothing has happened for a long time, but at last Upper Spencer Gulf has some hope. We are not quite there yet. We have the Alice Springs to Darwin railway, which is a very important project, and that means a lot, not just for Port Augusta, and the growth in the engineering firms in Whyalla and Port Pirie and the numbers that they are employing are very impressive.

A couple of other projects in those two areas are very important. The magnesium project at Port Pirie is a very important one. It is project which, on independent analysis, stacks up extremely well. The South Australian government is committed to that project, the federal government is doing further work, and we hope that, soon, it will also commit to it. We also hope that, in difficult financial markets, the proponents of that market will be able to get the finance and bring a new industry into Port Pirie, and that will bring a lot of other benefits to Upper Spencer Gulf. There will be plenty of flow-on from that magnesium, such as mineral sands.

The member for Giles would be particularly interested in some of the projects that have been floated for Whyalla. There is the ship breaking project which (who knows?) has been there for a while. There is also the water and energy project which, whilst it is in the early stages, is well and truly worth having a good look at and perhaps down the line that will be proceeded with. The South Australian steel and energy (SASE) project or the Aurion project, as it is now known, is in an advanced stage. This government backed that project early on. A pilot plant has been built at Whyalla and, like the member for Giles, I hope that is very successful. It has got past a lot of important milestones and it is really beginning to look like a good potential project. Whether at the end of the day that is built at Whyalla or Coober Pedy will depend on the steelmaking trials that are going on at the moment. That is a long reply to an interjection, but Upper Spencer Gulf, hopefully in the near future, will well and truly have its turn.

In summary, South Australia has not been in such a good state for a long time. The economics are very good at the moment. We are enjoying good seasons, which helps, but we have restructured the economy. We are no longer an economy that is reliant on what falls out of the sky. Our primary production export figures are over half, and more and more of that is irrigated or comes out of the sea, or has value added, and that is very important.

MOTOROLA

The Hon. M.D. RANN (Leader of the Opposition): Does the Premier accept the evidence of the Deputy Premier and Minister Matthew to the Cramond and Clayton inquiries or does he accept the evidence of former Premier Olsen which totally conflicts with this?

Mr Scalzi interjecting:

The Hon. M.D. RANN: Honesty is a very good policy, Mr Scalzi. Mr Olsen—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

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

The Hon. M.K. Brindal interjecting:

The SPEAKER: The Minister for Water Resources!

The Hon. M.D. RANN: Mr Olsen maintained that Motorola had not accepted as a side deal part of the Government Radio Network contract because it did not take up the offer and clause 17 of a later contract extinguished any possible obligation. However, Mr Clayton found:

The difference between the evidence of Mr Olsen on the one hand and Messrs Brown, Baker and Matthew is fundamental.

He went on to find:

Mr Olsen's evidence is contrary to the evidence given by all the officers of the Office of Information Technology. . . all the officers of the Economic Development Authority with the exception of Mr Cambridge (who later changed his evidence), all of the executives of Motorola. . . and three cabinet ministers, namely, Mr Brown, Mr Baker and Mr Matthew.

The Hon. R.G. KERIN (Premier): The Leader quotes selectively, because what happens is that a long report such as the Clayton report picks up evidence from the Cramond report and only some of that evidence—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order, the Leader of the Opposition!

The Hon. R.G. KERIN: —is contained in that report. One of the issues involved here is that when you—

Mr Foley interjecting:

The SPEAKER: Order, the member for Hart!

Mr Foley: Only some of the evidence? What was that?

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The Premier has the call.

The Hon. R.G. KERIN: For the benefit of the member for Hart, what I said is that, if you read the Clayton report—

Mr Foley interjecting:

The Hon. R.G. KERIN: No, the Clayton report only picks up—

Mr Foley: You haven't read it?

The Hon. R.G. KERIN: I've read a fair bit of it.

Mr Foley interjecting:

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

The Hon. M.D. Rann: The Premier said that he had only read the synopsis.

The SPEAKER: Order! The Leader of the Opposition will come to order.

Mr Foley interjecting:

The SPEAKER: Order, the member for Hart!

Members interjecting:

The SPEAKER: I caution members on my left. I know that this is a sensitive afternoon, and I expect that there will be a series of interjections, but the chair will not tolerate scattergun interjections that are made deliberately to disrupt the House. If members want to pursue that course, it will be on their shoulders. The Premier.

The Hon. R.G. KERIN: In his question, the leader selectively quotes from the report.

The Hon. M.D. Rann interjecting:

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

The Hon. R.G. KERIN: What I said before is that I have not had time to read the full report, but I have read the synopsis and quite a bit of the report. From what I have seen, the Clayton report does not contain all the evidence that is in the Cramond report, so it is easy to quote selectively and to cross it over. I have full confidence in all the ministers mentioned in the report. One of the issues that members opposite ought to be aware of is that, like the Hindmarsh stadium report, we are looking at a time frame of, in this case, five, six or seven years. I challenge any member on the other side to remember exactly everything that happened along the way. Once you start looking at some of the chronologies, all sorts of different conclusions can be drawn. Certainly some of the legal advice questions the way that evidence can be put together.

Mr Foley interjecting:

The SPEAKER: Order! Members on my left will stop interjecting.

The Hon. R.G. KERIN: In summary, I have absolute confidence in all of my colleagues.

BREAST CANCER

Mrs PENFOLD (Flinders): Will the Deputy Premier outline to the House the advances that have been made in the detection, treatment and survival rates of breast cancer in South Australia? Yesterday was Australian Breast Cancer Day and, as a seven-year survivor and lobbyist for the first unit—which actually saved my life—I am particularly

interested in what progress is being made in South Australia.

The Hon. DEAN BROWN (Deputy Premier): I thank the member for Flinders for this question. The high incidence of breast cancer is a very fundamental issue within our community, as are the results that we are achieving in effectively combating breast cancer within the community. I appreciated the member for Flinders sharing with us her personal experience. I highlight the fact that she said that yesterday was Australian Breast Cancer Day, and I want to pay a tribute to those organisations such as the Anti-Cancer Foundation, BreastScreen SA, the Women's Health Service, the Adelaide north-east and southern divisions of general practice, the Women's Health Centre at the Royal Adelaide Hospital and the South Australian Breast Cancer Action Group that got in there to promote Breast Cancer Day.

The mammogram program conducted by BreastScreen SA has been very successful. We now find that 65 per cent of the target women between 50 and 69 years of age are now participating in that program. It has certainly been a marvellous program in ensuring early detection of cancers. In fact, 518 000 mammograms have now been carried out in South Australia since the program's inception. Something like 187 000 women have been screened and, of course, some have been screened a number of times. We have increased the screening rate this year compared to last year—67 700 women were screened last year and this year the figure will be up to 70 000 women. This state now has the highest participation rate of any state in Australia.

I am thrilled with what is being achieved in terms of results, and these results have been achieved partly because of earlier detection through the mammogram program, partly because of better surgical techniques, and also, very importantly, because of better treatment such as hormonal and radiotherapy treatments.

It is interesting that the latest figures indicate that the death rate from breast cancer in South Australia has now dropped by about 20 per cent, and that is a remarkable achievement. I pay a tribute to all the professionals involved: those who set out to pioneer breast screening here in South Australia and the staff of all our hospitals, the GPs who are part of this important program and a lot of other health groups, particularly women's health groups, who are out there helping, advising, counselling and giving support to women.

As with the member for Flinders, my own family has experienced cancer: my mother has had breast cancer now for over 20 years. It shows that, with the superb treatment that is now available, people can live an extended life indeed. In fact, the latest figures show that something like 83 per cent of all women survive more than five years after the detection of breast cancer.

So, I pay a tribute to those who have been so effective in ensuring that we are more able to combat breast cancer within South Australia, and to the pioneers over the years who have produced the results, particularly the 20 per cent reduction in deaths from breast cancer.

OLSEN, Hon. J.W.

Mr CONLON (Elder): My question is directed to the Premier. Given the finding of the Clayton inquiry that the former Premier had repeatedly made claims to the two inquiries into the Motorola affair that they were 'misleading, inaccurate and dishonest', why has the Premier refused to rule

out allowing John Olsen back into the ministry? Last night the new Premier told the *7.30 Report*—

Members interjecting:

Mr CONLON: When they are done.

Members interjecting:

Mr CONLON: Last night—

The SPEAKER: Order!

Mr CONLON: Thanks! Last night, the Premier told the *7.30 Report*:

I haven't said that I would not want him back in the ministry. That really is up to John. He hasn't had time to think things through a lot. He'll work out what he wants to do for the future and if, in fact, that is to hang around politics and make a further contribution as a minister then you would be silly to ignore him.

The Hon. R.G. KERIN (Premier): I stand right by that. Now the member for Elder—

Members interjecting:

The Hon. R.G. KERIN: Let me explain. The member for Elder is happy enough to be judge and jury. He is saying that I should be judge and jury also. We have seen the report and we have heard also what the former Premier has had to say about what is in the report. As a citizen he is entitled to take whatever action he feels is just. In the future—

Mr Foley interjecting:

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

The Hon. R.G. KERIN: If the former Premier, as someone who has done an enormous service to this state, wants to stay around and serve this state into the future who am I to rule out that at any time he could not return to make a further wonderful contribution? I will not be judge and jury, and I do not think members opposite should be either.

Members interjecting:

The SPEAKER: Order!

EMPLOYMENT

Mr SCALZI (Hartley): Will the Minister for Employment and Training inform the House of the latest employment figures released by the Australian Bureau of Statistics?

The Hon. M.K. BRINDAL (Minister for Employment and Training): It would give me the greatest pleasure to do so, because I have observed that of late the opposition appears to have taken its eye off the ball and off the main game. The main game of this government—

Mr Foley: It's about the honesty of this government.

The SPEAKER: Order, the member for Hart!

The Hon. M.K. BRINDAL: The main game—

Mr Foley interjecting:

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

The Hon. M.K. BRINDAL: The main game of this government, from which it has not deviated in the past eight years, is economic growth, prosperity for South Australia and employment for South Australians. Whatever else those opposite might like to say, I suggest they do not interject today because, I tell you, I do not like being called corrupt and your leader quite clearly said that this government is systematically and systemically corrupt and rotten to the core. Well, I personally object to that on behalf of every one of my colleagues and on behalf of every South Australian. I think that is the lowest level of gutter politics it has been my misfortune to witness.

Mr CLARKE: I rise on a point of order, sir. Standing order 98 states that the minister should answer the substance of the question without debate.

The SPEAKER: I bring the minister back to the question.

The Hon. M.K. BRINDAL: The facts are that we have concentrated for eight years on economic growth and employment. We came to office under Premier Brown with employment running at something over 12 per cent; with a state—

Members interjecting:

The Hon. M.K. BRINDAL: The point is that it came back just a tad when they knew he was leaving. The fact is that the last unemployment statistics show the unemployment rate falling to 7.2 per cent in seasonally adjusted terms and in trend terms to 7.4 per cent. That has nearly halved the unemployment rate that we inherited, and that is something in which every minister and every member on these benches can take some credit and some pride—no matter what you get out there with your grubby little tricks and say.

In seasonally adjusted terms, South Australia's full-time employment rose by 5 200 or 1.1 per cent. That is 5 200 people and their families who now have jobs in South Australia. The number of unemployed people fell by 1 400 or 2.6 per cent to 52 300. That is the record on which we stand. When we compare today's job figures with what they were when the opposition finally left office, we say that the record speaks for itself. In assessing each dissemination—as the ABS refers to them—throughout South Australia, between the December quarter of 1993 and the August quarter of 2001, we see that the total unemployment rate has fallen dramatically. The largest falls—and members opposite should note this—have been in western Adelaide, northern Adelaide and the southern and eastern South Australian regions.

For instance, the unemployment rate in western Adelaide (and the member for Spence might take note of this, as it encompasses his electorate) has fallen from 15.8 per cent in the December quarter 1993 to 8.3 per cent in the August quarter 2001, and that is a fall of 7.5 percentage points, in spite of the member for Spence. The fall in the northern Adelaide region has been 3.7 per cent, and in southern and eastern Australian regions the fall has been 3.7 percentage points. If we take a more recent comparison, say, of today's job figures with the August 2000 figures, we see that the figures, again, speak for themselves.

In trend terms, the participation rate for the month of September remains steady at 60.3 per cent and, as Minister for Youth, I am delighted to report to the shadow minister opposite that South Australia's youth (the full-time unemployment to population ratio of 15 to 19 year olds) has fallen by .7 percentage points; and, as we speak, stands at 6.1 per cent, and that is not a bad result for our young people. The official full-time youth unemployment rate has fallen from 30 per cent to 27.2 per cent, but the honourable member opposite knows the inherent difficulty with that figure.

Contrary to the doomsayers opposite, recently released key economic indicators suggest that the local domestic economy remains relatively strong despite a worsening international backdrop. For instance, retail spending rose in both seasonally adjusted and trend terms in South Australia during the month of September; likewise, building approvals. Indeed, throughout the year to August 2001 South Australia reported growth of 55.8 per cent—the strongest of any state in Australia compared to a national average of 46.5 per cent. As a result, members on this side of the House believe that, for eight years, we have been committed to the growth of South Australia.

We have lowered considerably the state debt. We have invested in new infrastructure. If one goes along North

Terrace one can see the National Wine Centre, the art Gallery, the Museum, the State Library being upgraded as we speak, and the Convention Centre. If one goes to the south (so loved by the member for Kaurana), one will see a freeway all the way down—finished. Abutting my own electorate in Unley there is Cross Road, which was finished 15 years ahead of when Labor scheduled it to be finished. There are the tunnels through the hills and the work done by the current Premier on regional development.

An honourable member interjecting:

The SPEAKER: Order!

The Hon. M.K. BRINDAL: South Australia is prospering.

The SPEAKER: Order! I ask the minister to return to the question, please.

The Hon. M.K. BRINDAL: I have finished, sir.

MOTOROLA

Mr FOLEY (Hart): What action will the Premier take to investigate who removed and destroyed the crucial piece of evidence from a government file in Mr Olsen's office (evidence that should have been presented to the first Cramond inquiry); and does the Premier agree with the former Premier that anyone found to have withheld or destroyed documents should be sacked? Dean Clayton QC—

Members interjecting:

Mr FOLEY: In the eyes of Dean Clayton actually, and most South Australians.

Members interjecting:

The SPEAKER: Order!

Mr FOLEY: Honesty in government is very important to this side of the House.

Members interjecting:

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

The Hon. G.M. Gunn interjecting:

The SPEAKER: Order, the member for Stuart!

Mr FOLEY: Thank your, sir. We will try this explanation for the third time. Dean Clayton QC established that a letter dated 14 June 1994 from Motorola executive Dr Terry Heng was received by Mr Olsen's office and processed by his staff but never presented to Mr Cramond. Mr Clayton QC found:

Having regard to the ultimate findings of Mr Cramond, Dr Heng's letter is probably the most important single item of evidence. Among other things it establishes that Motorola had not declined the offer in Mr Olsen's letter. . . as Mr Olsen told Mr Cramond. It also explains why there was no reference to the radio contract in the Software Centre Agreement and it destroys the clause 17 defence of Mr Olsen.

Dean Clayton, QC.

The Hon. R.G. KERIN (Premier): Despite the explanation, the question the member for Hart was actually asking—

An honourable member interjecting:

The SPEAKER: Order, the member for Schubert!

The Hon. R.G. KERIN: —is whether we would investigate what happened to the missing letter. I would have thought that is exactly what the Clayton inquiry was all about. Therefore, it has been investigated.

An honourable member interjecting:

The Hon. R.G. KERIN: That is another part I actually have read. Mr Clayton has gone through—

Members interjecting:

The SPEAKER: Order, the member for Hart!

Members interjecting:

The SPEAKER: Order! I warn the member for Hart. I caution him that he has been warned twice.

An honourable member interjecting:

The SPEAKER: Order! I warn the member for Schubert for disruption, as well.

The Hon. R.G. KERIN: I refer the member for Hart to the Clayton report. This matter has been investigated. Several people have been spoken to, and what they have had to say about that letter is contained in that report. So the investigation has taken place, and that is what the Clayton report is all about.

VOLUNTEERS

Mr WILLIAMS (MacKillop): Will the minister responsible for volunteers advise the House of the most recent government initiatives to support volunteers in our communities?

The Hon. I.F. EVANS (Minister for Environment and Heritage): I am aware that the member for MacKillop and all members have large numbers of volunteers in their electorates who do such a good job on behalf of the South Australian community in a whole range of areas. Members will recall that in 1999 the government sponsored a volunteer summit and a series of workshops. We had 300 people come into Adelaide from all over the state to talk through the issues facing volunteering. Out of that we have established a whole range of programs within government to try to assist the volunteer community, for example, our community journalism program, our volunteer round table and training programs such as the 100 Hours program. We have also established a permanent office for volunteers within government and an advice unit the government called the volunteer round table.

During the last two years, working with and listening to the volunteer community, we have become aware that the volunteer community is concerned about two key issues, the first of which is the risk of litigation to them as individuals. Indeed, we have before the House legislation attempting to deal with that, and I will not debate that issue: that is a matter for the parliament to deal with in the next month or so. The second issue about which the volunteer community is telling us it is concerned is the cost and availability of insurance. A big issue within the volunteer community is raising its head, that is, can volunteer organisations actually get insurance? If they can get insurance, is it so costly that it puts the volunteer community group out of business?

I will give two examples by way of illustration: one involves Gymnastics SA, which is the peak body for gymnastics within the state. Its public liability insurance was \$12 000 in 2000; it is \$36 000 this year. That is a 300 per cent increase, and that is a huge increase and a large amount of money for such a small community organisation. As a result of that, the peak group, Gymnastics SA, passed on the increase in insurance costs to its branches (around \$400 a branch). As a result, four branches closed. The group simply said that they could not afford to raise the \$400; they closed up shop and went. It is broader than just sport and recreational organisations.

Another example is Conservation Volunteers Australia, which tells us that its public liability insurance is now seven times higher than it was last year. That is a seven-fold increase in the cost of insurance premiums for Conservation Volunteers Australia.

These examples are not restricted to those two groups. We now have significant evidence right across the volunteer

sector that public liability insurance will be a major issue for the groups in the foreseeable future. One reason for that is the recent collapse of HIH. Another reason is the large number of claims as a consequence of world disasters, storm events, earthquakes and so on. However, it is my understanding that, for some time, the insurance industry has been somewhat subsidising the public liability sector, if you like, within the insurance industry, because claims have been outstripping their premium collection for some years.

With commercial pressures from the international disasters, it means that insurance companies are now reassessing the availability and the product that they are offering regarding public liability to volunteer groups. This means that their premiums will increase. I am really concerned about that, and all members should be concerned about it. We all know that in this state (with our large geographic area, our large population base and the way in which it is spread), we rely very heavily on our volunteer community not only for sport and recreation, environment and so on but also for many essential services. These services simply will not happen if the cost of insurance puts them out of business in one way, shape or form.

As a result, we are announcing that we are setting up a volunteer risk management working group to look at the insurance issue. The whole aim of the group is to talk to the volunteer community, the insurance industry and to those offering risk management advice to the volunteer sector to see whether there is not a way in which we can develop a better insurance product for the volunteer sector and to see whether there is a way in which we can develop risk management training programs for the volunteer sector, and ultimately to come back to government with recommendations about how we can better serve and better protect our volunteer sector as a parliament.

The Hon. Angus Redford from another place will chair the working group; Kathy Stanton from Sport SA is involved; and Lynn Parnell from Parnell Cranston Insurance Brokers, Mr Dan Ryan from Scouts Australia, Brian Daniels from SAICORP, and the LGA will be invited to be involved. That is the make-up of the group. We hope that they can come back to government early in 2002.

The issues at which we will ask them to look and on which to come back to government include such things as highlighting the current and developing issues facing volunteer organisations in relation to insurance—things such as the need to insure; the types and levels of insurance that are required (and indeed are available); the cost and availability of the insurances; and the impact on and ongoing viability of the non-profit community organisations. They will also be asked to identify areas of risk management most likely to trigger insurance claims against the volunteer organisations and to identify current risk management practices in place in the non-profit community. They will also prepare a paper for government proposing strategies to assist volunteer organisations in managing risk management.

America has some very good risk management practices. In fact it has organisations set up outside of government that are purely targeted at giving risk management advice to non-profit organisations with a view to driving down insurance premiums so that volunteer organisations are not put at risk financially by having insurance premiums that are too high for the organisation. I am pleased to announce the establishment of the volunteer risk management working group.

The government thinks that it is a very important issue with which the parliament will have to come to grips, because

we believe that the stories we are hearing today will be repeated many fold in the future as there is no doubt that insurance premiums in the public liability area are on the rise. Hopefully this report will give us some indication of the direction in which the parliament and the volunteer sector should be heading.

MOTOROLA

Mr CONLON (Elder): Has the Premier sought legal advice as to whether any charges arise out of matters raised by Mr Clayton and, in particular, whether any witnesses to the Clayton inquiry have breached the Software Centre Inquiry (Powers and Immunities) Act 2001 and/or the Oaths Act? The software centre inquiry act states:

A person who fails to answer a question on a subject relevant to the inquiry to the best of the person's knowledge, information and belief is liable to a penalty of up to \$10 000.

The Clayton inquiry found that John Olsen, the former CEO of the Department of Industry and Trade, John Cambridge, and the former long-term political adviser to the Premier, Ms Alex Kennedy, all gave misleading, inaccurate and dishonest evidence to the Cramond inquiry. Both the former Premier and his close adviser Alex Kennedy repeated their statements to the Clayton inquiry, while John Cambridge, instead, gave the Premier up.

The Hon. R.G. KERIN (Premier): The question was whether I have sought legal advice. No, I have not. It is the responsibility of the Attorney-General, who is looking at the report, and I point out to the member for Elder that there is no recommendation made in this report that there be any legal action against anybody.

PETROL RESTRICTIONS

Mr CONDOUS (Colton): Can the Minister for Minerals and Energy inform the House whether the reviews he announced into petroleum restrictions and practices have commenced and, if so, what progress has been made?

The Hon. W.A. MATTHEW (Minister for Minerals and Energy): I thank the member for Colton for his question. As members of this House are aware, regrettably between 17 and 21 October it was necessary for the government to institute petrol restrictions following the consequences of protracted industrial disputes at the Port Stanvac oil refinery. I gave a commitment publicly last week during the period those petrol restrictions were in place that, at the end of the period of restrictions, there would be the opportunity for a review to be conducted of the effectiveness or otherwise of the restrictions in order to ensure that the longstanding procedures that were used, not only seven years ago by this government to restrict petrol purchases but also by the previous government, could be reviewed.

In accordance with that commitment, at 8 a.m. today the first round table as part of that process commenced. To the meeting were invited representatives of the major petroleum companies in South Australia, those being BP, Shell, Mobil and Caltex. There was significant membership from amongst smaller companies, including Woolworths, Liberty, United, Fox and Mr Mick Skorpos, and also representatives of the RAA and the Motor Trade Association. Almost all of those groups, at short notice, were able to be present at that meeting at 8 a.m. and I was pleased to be in attendance for the first hour and a quarter of that particularly productive meeting.

Over the next few days, the group involved will be obtaining explicit data from petroleum retailers in order to form a view as to what changes can be made to improve the procedures for the future. I was particularly pleased by the sensible way in which the group approached their task and they were grateful that there had been an opportunity to review these longstanding procedures. The decision to put the restrictions in place was made after there was a rush on petrol supplies on Monday and Tuesday last week. Representatives at this morning's meeting advised how on Monday and Tuesday, to quote them, motorists were filling with petrol jerry cans and any other container they could obtain. Clearly the government could not sit and do nothing in that circumstance.

All participants of the meeting agreed that the government had to embark upon a process of restrictions but what needs to be considered is whether the way in which those restrictions were applied was the most effective. The meeting focused on the odds and evens system, with reference to the last digit on a numberplate, and acknowledged that such a system for petrol restrictions is used by every other state in Australia. There was a focus on the two periods of trading (six hours in the morning and six hours in the afternoon) and what confusion or otherwise that would cause. There was a focus on the reduction in the turnover of shop items in petrol stations and a variety of other issues that were raised by petroleum retailers and the people around the table.

I neglected to mention that also present at the meeting was a representative from the Mobil Oil Refinery who was able to explain to the meeting the processes that were worked through in the refinery. Over the next few days, a detailed analysis will be made of the petroleum sales data so that we can come up with recommendations for changes (if deemed appropriate) to the longstanding practices that are applied during petrol restrictions. When that occurs, there will be a public announcement about the recommended changes.

In addition, a further review has commenced (in cooperation with and by the Mobil Oil Refinery at Port Stanvac) to consider in detail the procedures that the company uses during times of dispute or problems at the refinery and the trigger mechanisms for bringing in additional supplies. The suggestion has been made that the company may have been able to bring in a tanker from interstate at an earlier stage in the dispute to prevent restrictions. Those are the procedures that will be worked through.

In fairness to the refinery, it is important to put on the record that its management went beyond what is considered to be its normal role in relation to this issue. I have said publicly before that Mr Glen Henson, the General Manager of the refinery, and I enjoy a particularly good working relationship. The refinery was in my electorate when I was first elected to parliament and is within the boundaries of my new electorate. The General Manager of the refinery is one of the few company individuals in South Australia who has my mobile telephone number so that he can ring me at any time of the day or night—and, indeed, he does that. The General Manager rang me on Sunday before the rush on supplies on Monday and Tuesday and expressed concern that union antics might result in the union taking action in the public media which could, in turn result, in a threat to supply. That telephone call from him was timely and useful.

Some other things need to be replied to within this forum today. I refer to a media release dated Wednesday 17 October (the first day of the restrictions) by Mr Kevin Foley in, I assume, his role as a shadow minister. Mr Foley makes a

number of unusual statements in this press release. He says, in part:

At most petrol stations across Metropolitan Adelaide there are new yellow plastic signs telling of petrol rationing. Where did they suddenly spring from?

I can tell the member for Hart where they suddenly sprang from: those signs were in storage and my staff had to dust them off to bring them out. Those signs are there for this very purpose because they are prepared. Those signs were there as part of the guidelines for service station proprietors during times of petrol restrictions or rationing in metropolitan Adelaide and they are dated December 1999. All petrol station operators have these guidelines, and they knew that the signs had been stored and were coming. So, there is no mystery about how they suddenly sprang up. The member for Hart says—

An honourable member: Who cares?

The Hon. W.A. MATTHEW: Well, it's important. The honourable member may say, 'Who cares?' I know that she probably does not have too much regard for the comments of the member for Hart, but he put this out publicly. The media did not care because they did not run it, but it still needs to be referred to. If the member for Hart as the most senior right wing member—effectively, leader—of the Labor Party in this state, federal or state—

Mr Koutsantonis interjecting:

The Hon. W.A. MATTHEW: I know that the member for Peake would like that, but the reality is that the member for Hart is the most senior right wing political figure (federal or state) in South Australia. If he intends to go out there and defend his mates in the AMWU, I think it is important that where he has been wrong that be changed. The member for Hart says that petrol rationing has all the hallmarks of a well orchestrated campaign. I suppose there is a hidden compliment there by the member for Hart for the rapid way that my departmental staff put out the signage and advised petrol station proprietors. If that is his way of endorsing their quick action, I thank him for that statement on their behalf. However, it troubles me that the member for Hart says that this has the hallmarks of a well orchestrated campaign designed to allow the government to anger the public during an election campaign. The member for Hart has said that it is an election stunt.

The SPEAKER: Order! I ask the minister to wind up his reply.

The Hon. W.A. MATTHEW: I simply make the point that I am not aware of South Australians saying, 'Isn't petrol rationing terrific. Let's all go out and vote for a Liberal government because petrol supplies are being restricted.' The only stunt was the member for Hart's press release trying to protect his mates—27 thugs from the AMWU—who, through their militant industrial action—your mates, those 27 thugs—have again placed a question mark—

Mr Hill interjecting:

The Hon. W.A. MATTHEW: Yes, the member for Kaurna is right: their actions are pathetic—your 27 thuggish mates who, through their actions—

Members interjecting:

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

Mr CONLON: I rise on a point of order, Mr Speaker. Understanding order 98, the minister is clearly debating the matter—and not even well.

The SPEAKER: Order! The chair must uphold that point of order. I ask the—

Members interjecting:

The SPEAKER: Order! I am not upholding the reference to debating but to the actual technicality. I ask the minister to start winding up his reply.

The Hon. W.A. MATTHEW: Thank you, Mr Speaker. The union, of course, also put out a press statement accusing the government of a political stunt during an election campaign. This was all about a union trying to cause damage to a federal Liberal government during an election campaign and this mob on the other side protecting their 27 thuggish mates from the AMWU for their actions. That is a small taste of industrial activity under Labor.

MOTOROLA

Mr CONLON (Elder): My question is directed to the Premier.

The Hon. M.K. Brindal interjecting:

The SPEAKER: Order! The Minister for Water Resources.

Mr CONLON: Thank you, sir. The member is attempting to display wit, so bear with him. My question is directed to the Premier. Why did the Premier, as the then Deputy Premier, insist to the opposition earlier this year that no reference should be made to a royal commission in setting up an inquiry into the Cramond report, and why did the government insist that the hearings of the Clayton inquiry be conducted behind closed doors? In negotiating terms for the Clayton inquiry with the government and Independents in March this year, the now Premier personally insisted to me that no reference be made to the Clayton inquiry being a royal commission, or having the powers of a royal commission. I was also subsequently told that there was no chance that the government would support the hearings being held in public. On Friday, the former Premier released a Sydney senior counsel's opinion attempting to defend his position against the Clayton inquiry which stated:

It goes without saying that Mr Olsen has not had the opportunity to test that material, which he would have had if the inquiry had been an open and public one.

Why did you do it to him?

The Hon. R.G. KERIN (Premier): I did not know that I was so persuasive with the member for Elder that I could talk him out of that. My recollection at the time is that the member for Elder proposed the words 'powers of a royal commission'. After I spoke to the Attorney, we obtained advice on the actual motion. The next discussion with the member for Elder was to the effect that, to all intents and purposes, the inquiry was a royal commission.

Mr Conlon interjecting:

The SPEAKER: Order, the member for Elder!

The Hon. R.G. KERIN: I must have won the argument with the member for Elder because he actually agreed to it. I am not too sure what the honourable member meant in the second part of his question.

Mr Conlon: I will explain it to you.

The SPEAKER: Order!

The Hon. R.G. KERIN: I certainly have a recollection of our discussion about the powers of a royal commission versus a royal commission. The member for Elder at the time did not want a royal commission but, rather, he wanted extra powers—

Mr Conlon interjecting:

The Hon. R.G. KERIN: Well, my recollection is that it was about whether or not the powers of a royal commission meant that it was as good as a royal commission. We sought

advice—I am not a lawyer—to make sure, because this was done in a very short period of time.

AMBULANCE SERVICE

Mr VENNING (Schubert): My question is directed to the Minister for Police, Correctional Services and Emergency Services. What impact does drug usage in South Australia have on the South Australian Ambulance Service, and is the minister aware of any proposal to alleviate this?

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I thank the honourable member for his important question because it affects all South Australians. Drugs certainly do have an impact on the South Australian Ambulance Service. Unfortunately, in recent times, particularly over the past 12 to 18 months, we have seen an increase in the carriage of non-fatal overdose cases by the ambulance service. Nevertheless, we have seen the ambulance service deal with an increase in the number of non-fatal overdoses that they have been attending.

Of course, the government through the community service obligations does provide a lot of funding to the ambulance service for the costs of that service for indigenous people, for people who have drug and alcohol problems, and for people who are struggling with financial arrangements and the like. In the last budget we saw an increase of \$2.1 million in the budget. The South Australian government's contribution to the ambulance service is now just over \$36 million. The total budget, including other contributions, to run the ambulance service in a full year is in excess of around \$60 million.

What we saw in 2000-2001 were projected costs of \$919 000 directly related to the carriage of non-fatal overdoses. That is \$919 000 that was not able to go to schools, health, police, and so on. Unfortunately, and sadly, there are a lot of families and people in the community hurting as a result of drug addiction. We are well equipped to support and deal with an emergency call to an ambulance station for the difficult issue of a drug overdose, but we must look more comprehensively at the root cause of people getting involved in illicit drugs.

The other part of the equation is about finding a long-term fix to the issues in relation to illicit drugs. This government has a proud record of a totally comprehensive drug strategy that talks about education and getting the messages through not only to young people but also to people in all sectors of the community. We have to tell them, 'Don't run the risks of illicit drugs, because it is all down hill.' It is around the courts and the police where drug diversion teams, which started in September, are being further developed through October; and we are well aware of drug action teams and drug court trials.

The last budget was a record budget for police—a budget that the Labor Party when it was in government could never deliver. A record budget of around \$400 million was attributed to the police line in the overall budget this year. As a result, in six local service areas Operation Mantle has been locked in for the future. A total of 36 officers will be dedicated to dealing with those people who want to destroy our young South Australians and who want to put people on a slippery slide down hill.

I am very concerned about this, as is the whole of the government. Recently, with respect to issues involving illicit drugs generally, I wrote to my colleagues. I have not received much in the way of response, but I did get some interesting verbal comments of support and I appreciate those. What did disappoint me was that I received one letter, and guess where

that letter came from: it came from the Democrats through their leader, the Hon. Mike Elliott. No wonder we call them the Democrazies. No wonder they do not have a seat in the House of Assembly, and nor should they ever have one, because they are so far out of touch.

I say to the South Australian community as they approach both a federal and state election in the next six to eight months: have a really close look at the Democrazies. They have not been in touch with the South Australian community. They do not have constituents coming to their office in tears because illicit drugs are ripping out the heart of their families. Mr Elliott said to me that he wants to see more drugs on our streets and he wants to see more devastation among our young people. We have heard Natasha Stott Despoja, the leader of the Democrazies, saying that she wants the young people's vote.

If the young people of this state want a future they had better stick with a Liberal government, because we have delivered in terms of jobs; we have delivered in terms of giving them a long-term future; we have delivered in terms of reducing their debt; and we have delivered in terms of giving them infrastructure. What will the Democrazies deliver for young people in the future? They will encourage illicit drugs and that will mean more people being at risk of potentially fatal overdoses and being put in ambulances. A lot of clear pictures are starting to develop.

We have a government that is delivering for South Australia. We have an opposition that is completely in the gutter, led by the Leader of the Opposition, Mike Rann, and the community of South Australia knows that. When the ultimate test comes—and you may smile now—they will be saying, 'What did you deliver in the past?' The answer: devastation. Where are you standing now? The answer: in the gutter. What will you offer in the future?

Members interjecting:

The SPEAKER: Order!

The Hon. R.L. BROKENSHIRE: You will offer more devastation for South Australia, and people will not risk Mike Rann as a leader and they will not risk the Labor Party as a government.

Members interjecting:

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

Members interjecting:

The SPEAKER: Order! The minister well knows that he refers to members opposite by their titles or their electorates.

DIVISION BELLS

The SPEAKER: With the indulgence of the House, the member for Hammond raised an issue at the beginning of question time relating to the bells on the second floor. I request that the House bear with me. I am going to run about a 10 second test of the bells on the second floor so that if they are not working we can have them adjusted this afternoon.

I can now report that the bells are working on the second floor and I thank members for their indulgence. The member for Hammond.

STANDING ORDERS SUSPENSION

Members interjecting:

The SPEAKER: Order!

Mr LEWIS (Hammond): I checked my office; they are working. I move:

That standing orders be so far suspended as to enable me to move a motion without notice forthwith.

The Hon. DEAN BROWN (Deputy Premier): The government supports the suspension of standing orders to deal with this motion forthwith.

Motion carried.

CLAYTON INQUIRY

Mr LEWIS (Hammond): I move:

That this House—

1. Forbids the use of public funds being provided to any person against whom Mr Dean Clayton QC made adverse findings in his report entitled 'Second Software Centre Inquiry' in any action brought by such persons for civil damages against Mr Clayton, and any person he in future chooses to name as having been an assistant to him in the process of investigating the matters which are the subject of the report and making the adverse findings;
2. Extends all privilege and protection as may be necessary to Mr Clayton, and any person(s) he in future chooses to name as having assisted him in the preparation of the report, from being pursued for damages or liability of any kind by any person or party who was the subject of adverse findings, without limiting the extent to which he or they are privileged and protected by any other convention or law as may already exist.

Let me make it plain that the purpose of the motion is simply to ensure that no-one is in any doubt whatever at this time or at any time in the future that, if a public inquiry or any other kind of inquiry is conducted on behalf of the government, or more particularly on behalf of a parliament, the people involved in conducting the inquiry will not be liable in any way, shape or form for any expense they may incur in consequence of actions brought against them or, indeed, that any such action brought against them cannot succeed because it is outside what we as a parliament say is proper.

Although it is argued that Mr Clayton QC and all those people who assisted him are presently protected by privilege, the extent to which I have seen attempts made to abuse that privilege or water it down through the court system in the last decade or so disturbs me. The other substantive point I make is that no public funds should be expended in the course of action taken by any person who is the subject of any adverse findings, not only in this instance but in any instance in the future, against the person who undertakes the inquiry and the report.

Public funds ought not to be used for such purposes. Too many taxpayers' dollars in recent times have been squandered in such a course of action. I do not support what has been happening. If any member in this place agrees with me they will support this proposition and stop it once and for all.

The Hon. DEAN BROWN (Deputy Premier): The government supports the resolution, concerning which I think I should just highlight one or two points. In terms of the privilege and protection of Mr Clayton, section 6 of the Software Centre Inquiry Act of this year (2001) states that, in fact, Mr Clayton has the same protection, privileges and immunity as a judge of the Supreme Court. Although the

motion specifically puts down a request to this parliament, or an instruction of this parliament, I believe that this parliament has already expressed its view very strongly in supporting the legislation. I therefore do not believe that to be an issue of any substance.

The second issue related to any action taken against Mr Clayton. I highlight the fact that, in his motion, the member for Hammond refers only to civil damages against Mr Clayton. I point out that advice from the Crown Solicitor is that there is no personal liability to Mr Clayton in the same way that there is no personal liability to a judge of the Supreme Court. Although I believe that that issue is adequately covered, this motion puts it down and expresses it firmly in terms of the views of the parliament itself, and we accept that. Therefore, although we believe that both issues are adequately covered already, we will support the motion, even though we think that Mr Clayton already has that protection.

The Hon. M.D. RANN (Leader of the Opposition): It is important that this be a unanimous vote because there has been a series—

Members interjecting:

The Hon. M.D. RANN: It is interesting that members opposite seem to find these inquiries amusing. There have been five inquiries. We have seen inquiries into Dale Baker, Graham Ingerson—twice—Joan Hall and John Olsen. We have seen a series of inquiries by people such as the Auditor-General, who is an officer of this parliament, and we have seen inquiries by Mr Tim Anderson QC that led to the resignation of Dale Baker. Of course, we have seen an inquiry by Dean Clayton. It is vitally important that you guys do not play the man when it comes to attacking the people whom you appoint to head these inquiries.

Let us remember that it was the government that chose Mr Dean Clayton QC to head this inquiry, and it was the government that agreed to the terms of reference. Indeed, it was the members of the Liberal Party who voted to support Mr Clayton's inquiry. Members opposite cannot now attack the man whom they asked to do the job without fear or favour.

It is the same with the Auditor-General. The Auditor-General plays that important role of being the buffer against corruption. The Auditor-General is an officer of this parliament, and he is charged with the responsibility of acting independently and without fear or favour. They have done that over successive governments. I find it astonishing that when a 570 page inquiry by the Auditor-General finds conflict of interest after conflict of interest, and we have a Clayton's inquiry which found systemic dishonesty throughout the government that the first response of the government is not to say, 'Let's clean it up!' but to condemn the Auditor-General, Mr Clayton and Mr Tim Anderson QC.

The Hon. M.K. BRINDAL: I rise on a point of order, Mr Speaker. Sir, I would ask you to rule on relevance. The motion before the House is not in reference to the Hindmarsh Soccer Stadium.

The SPEAKER: The chair has just read the motion and does not uphold the point of order.

The Hon. M.D. RANN: Thank you, sir. We as a parliament ask important independent Queen's Counsel, judges and Auditors-General to do a job on behalf of the people of this state, and their job is to do so without fear or favour and without intimidation. You cannot appoint these people to these crucial jobs of trying to root out dishonesty and then, when they come out with their reports, condemn them for

doing the job that we asked them to do. It is vitally important that all of us in a unanimous way support the member's motion so we can make it explicit that Mr Clayton, as well as the Auditor-General and the others, do their job well, and we support them in doing so.

Mr ATKINSON (Spence): I do not think that a resolution of the House affects substantive legal rights and duties—and I agree with the Deputy Premier about that point. The nub of this motion is prohibiting the use of public funds in challenging Mr Clayton. There is a great fear among those who follow politics in South Australia that public funds would be used to try to vindicate the former Premier against Mr Clayton. That would be utterly wrong, and it is good that we are going to rule that out by this motion.

The Auditor-General in the recent past has published a report about what he regards as the misuse of Crown Law resources in advising ministers on defamation actions. There are good grounds for intervention by a new government in South Australia—and I hope this new government will do it—to stop the misuse of Crown Law by ministers.

Motion carried.

STANDING ORDERS SUSPENSION

Mr McEWEN (Gordon): I move:

That standing orders be so far suspended to enable me to move a motion without notice forthwith.

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

Mrs MAYWALD: Yes, sir.

The Hon. DEAN BROWN (Deputy Premier): On behalf of the government, I simply say that we are willing to support the suspension of standing orders to allow this motion to be debated forthwith.

Motion carried.

MOTOROLA

Mr McEWEN (Gordon): I move:

That this House notes the report and the findings of the 'Second Software Centre Inquiry', and calls on the government to refer the report to the Director of Public Prosecutions and take whatever other appropriate action that may be required to deal with all matters raised in the report.

The motion is in two parts. It calls on the House to note the report and its findings, and it calls on the House to refer the report to the Director of Public Prosecutions because there are, I believe, one or two matters that the DPP may need to take further.

In asking the House to support this motion, I will take the risk of giving a very brief potted history as to where we have ended up, and I know it is risky. To my mind the reason why we have a difference in findings between Clayton and Cramond is that Cramond has found that the clause 17 defence was flawed.

The second report has argued that the defence in the first report was flawed, because the clause 17 defence is not sustainable given the discovery of one further document. That further document actually said that, the new contract notwithstanding, there is a deal in place and it stays. That is why there is a difference between the two reports. On that basis, obviously the second report goes a bit further and finds that, if that is true, then the Premier was dishonest because

he should have known that the second letter existed and that, if that letter existed, he could not have argued the clause 17 defence.

I further acknowledge that the Premier has said that he is a political realist and has taken that finding on the chin, and that is why we find him sitting somewhere different today. Other matters surround that, but the discovery of further information has meant that a different finding is the outcome of the second report. What is more, the second report says that, if the first report had been aware of these extra documents, they would have found differently themselves.

Why do I want the matter to go to the DPP? I am concerned about one or two matters in the evidence that one individual in particular gave, first, in written form and then later was seen to give different evidence. Certainly, a second individual—a senior public servant—in the second report seems to contradict what he said in the first report. Some more may need to be done on that, but it is not appropriate that that be dealt with here. If there are some further matters, the DPP ought to look at them and put that bit to bed.

The third thing is what this matter was all about anyway. This was about some \$250 million being spent on a whole of government radio network. Earlier today we talked about volunteers. I was at the Mount Gambier show on the weekend, and I can tell the House that there are volunteers who are close to mutiny over the radio network. In some CFS brigades fewer than half the members will have pagers this summer. That means that we have volunteers who cannot be contactable while going about their normal lives during the summer. Unfortunately, in this day and age to say to a volunteer, 'Don't leave a phone for the summer' is more than can be possibly asked.

The same volunteers have now learnt that for one group less than half of their area will have radio coverage. Again they could find within their own area that they do not have radio coverage. They have also learnt that they cannot communicate strategically with other people who may need to be involved. In asking members today to accept this report, I think we need to reflect a little on the whole of government radio network and where that has gone as much as on the report. I ask members to give their full support to the motion.

Mr CONLON (Elder): I rise with a great deal of enthusiasm to support this resolution for two primary reasons. The first reason is that I have been extremely disappointed given the events as they have unfolded. Even at the last moment the government was not prepared to be open about dealing with this issue. We still had a stage-managed release of the report, with the former Premier presenting his defence in one place and the report being presented somewhere else so that he could not be questioned about its contents. It is precisely what happened: a report that discloses a cover-up of monumental proportions right up to the day of its release, the activity remaining the same. They are recidivists.

The second reason that it is very important to deal with this issue today is that it is absolutely manifest from question time today that the government is unwilling or unable to deal with it. The answers of the Premier today evince a government that is determined simply to ignore the findings of chronic dishonesty made by Mr Clayton. If the government is not prepared to deal with it, then I am prepared to deal with it here today. I am prepared to go through it all and I am prepared to put the case that this government has not been prepared to put. I am prepared to tell the truth that this

government has not been prepared to tell in running through these events.

Members interjecting:

Mr CONLON: Let me say, as they all shriek on that side, that this is the most sustained and unremitting campaign of dishonesty in the history of this state—

Members interjecting:

Mr CONLON: Yes, that is right, for reasons I will tell you. Mr Speaker, when that disgraced mob on the other side are quiet, I will continue. Let us examine what Mr Clayton has found and what this government is not prepared to deal with. The very first finding goes to the integrity of this state and it goes to the expenditure of the finances of this state. The very first finding is that in 1994 John Olsen brought to cabinet a suggestion for an improper deal with Motorola and cabinet signed off on it. That is the first thing it has found and the evidence is absolutely indisputable on it. What did that improper deal mean?

An honourable member: How many jobs?

Mr CONLON: We will talk about how much those jobs cost in a minute, because we have heard a lot from the former Premier about his creating jobs, but we have not heard about the \$250 million that he wasted. What did that improper deal do for us? The first thing that improper deal did was make it impossible for us to seek competitive options and for us to go through a competitive process in purchasing radio equipment for this state. That is not my view. Do members know whose view that is? That was the view of the head of the Office of Information Technology in 1994 when he found out about the deal. His evidence was that he was angry that the ability to do a competitive deal had been taken away from him to give an improper incentive to a company.

The second thing it did to the state of South Australia is that it tied us into proceeding with a whole of government radio network. Let me explain. In the early 1990s these things were a bit of a fad. A number of governments looked at them. A number of governments went so far as to go into the process of developing them. What they all did was stop, and they stopped because they were too expensive, too complex and too difficult to get to work. What did we do? We did not have that option. We were tied into it. We developed a whole of government radio network that no-one else would. We developed a whole of government radio network that was too expensive, too complex and, as we just heard from the member for Gordon, too difficult to get to work.

In a state that cannot afford to pay for its hospitals and schools, we have dropped a quarter of a billion dollars on a radio network. In a state, after they have spent—

The Hon. M.H. Armitage interjecting:

Mr CONLON: I do not know, because you have sold \$7.5 billion worth of our government assets trying to pay for it, but, after all that, not being able to pay for your hospitals, your schools—

Members interjecting:

The SPEAKER: Order!

Mr CONLON: You can drop \$250 million on a radio network—

The Hon. M.H. Armitage interjecting:

The SPEAKER: Order, the Minister for Government Enterprises!

Mr CONLON: Why did you do it? You did it because John Olsen and cabinet decided to give an improper deal to a multinational company. That is the simple truth of the matter—\$250 million down the chute. I guess we can add on the \$41 million for the Hindmarsh stadium, and then, instead

of talking about his legacy in jobs, we can talk about his legacy in wasted money and wrong priorities. If an improper deal was not enough, what followed from the improper deal, as I have said, was the most unremitting and the most sustained campaign of dishonesty that this parliament has ever seen.

Let me explain that. It was in 1994 in the estimates committee when John Olsen, the former minister, was first asked the question whether he had made the commitments or did the deal. Of course he denied it. He denied it in 1994. That was the first time the truth was not told to the parliament of South Australia. Unfortunately for the former Premier, his government is not entirely full of his friends, and in 1998 we were leaked documents and given information that showed that indeed there had been a side deal. Let me describe this unremitting campaign of dishonesty for members.

We heard that there was a side deal, so we asked the question again. What we were told by the former Premier was: 'No, there was never a side deal, there was no improper deal, that was never done.' That was his first answer. We know that now not to be true. What occurred from there is that one of the friendly Liberals provided more information and a letter turned up, a letter that this man wrote to Motorola in 1994 offering it an improper deal. So he was asked about that—and what was his answer? His answer was that it did not offer an improper deal, it was just a clumsy way of suggesting to them they might get a contract in commercial circumstances.

What we know now is that that was not true. What happened after that is that we were then leaked a legal advice from 1995 which said, 'No, John Olsen's letter did offer a commitment to do an improper deal and, in fact it created legal obligations.' This created problems for the Premier, so what he did he do? He told the House that he had signed a subsequent contract that had taken care of the problem. Guess what! That was not true either.

It then emerged through further leaked documents that, despite the Premier's contract, what had happened is that it got the improper deal anyway. So how could this be? Then we got another invention in the story; that is, while the contract was supposed to wipe it up, there was confusion between the departments and, therefore, it did not. It is another invention, and we now know that not to be true. There is documentary evidence, there is evidence from former colleagues of his who are ministers, there is evidence from every officer of the EDA and evidence from every officer of the Office of Information Technology that that was not true.

However, that was not the end of the dishonesty. I must say that I think at some stage the former Premier might offer an apology to the officers of departments whose names he blackened in order to preserve his defence. He was prepared to have officers of departments named as incompetent, as not having done their job and as not having communicated with each other when he knew it was not true, when he knew what the truth was; that is, he had done an improper deal, and he did everything he could and said anything he could to cover it up. However, by this stage there were just too many stories from the Premier and so there was an inquiry.

What did Mr Clayton find? It was that, after all these stories and inventions, the former Premier continued them with the inquiry. That is the nub of it. After doing an improper deal that tied us into a \$250 million radio network, after all that, after all the dishonesty, after all the misleading comments, after all the failure to tell the truth and the

willingness to blacken other people's names, the Premier's response was to go to an inquiry and, in the words of Mr Clayton, give to that inquiry information and evidence that was misleading, inaccurate and dishonest. You would think that this would be enough of a campaign of dishonesty, but it was not.

Members interjecting:

The SPEAKER: Order, the Minister for Water Resources!

Mr CONLON: We found a number of other things from the Clayton inquiry. Mr Clayton found that a very close adviser to the Premier—I refer to Alex Kennedy—who had allegations against her of having interfered with the files before they went to the Cramond inquiry, the person who explained that by the excuse that she was doing an FOI, had not told the truth, that she had given a false statutory declaration that she was not there for that purpose. We can imagine what purpose she was there for, because what we do know from Mr Clayton is that a letter, a piece of documentary evidence that would have completely exploded the Premier's offence, that made it impossible for Mr Cramond to make the findings he did, that made it impossible to believe all the stories that the former Premier told, was not delivered to the Cramond inquiry.

A docket shows that it was received by the Premier's office, that it was endorsed, that its contents were received, but no-one in the Premier's office could find that document when it came to Mr Cramond inquiring. That document is said by Mr Clayton to be the single most important piece of evidence that Mr Cramond missed—that if he had received it, he does not believe he could have made the findings he did. I ask members this: does anyone in this House believe there is an innocent explanation for that? For I do not.

What else is there in this sustained, unremitting campaign of dishonesty? Let me make it plain what happened with Mr Cramond. The former Premier, Dean Brown, and Minister Wayne Matthew told the truth; they said that the deal was always on foot, but John Olsen had his friend John Cambridge to support his story before Mr Cramond, to say that the contract wiped out the side deal.

Let us be clear what Mr Clayton says. He says that, on that basis, Mr Cramond preferred the evidence of John Olsen to the evidence of former Premier Brown and Minister Matthew because, if he accepted their evidence, he would never have survived. That is what he said; it is not what I am saying.

In the Clayton inquiry, Mr Cambridge was not prepared to go along with the deceit any longer. It had gone far enough, he had done enough for his old mate the Premier and he was not prepared to do it anymore. Mr Cambridge changed his evidence to Dean Clayton. Before I deal with that, let me also say this: with a campaign of dishonesty and a Premier who would say anything and do anything to cover up what he did, what he also did—

Mr Venning interjecting:

Mr CONLON: I understand they offered you a front bench spot. I was singing *Greenacres* all weekend. How is that pig of yours, Ivan?

The DEPUTY SPEAKER: Order!

Mr CONLON: After using his friends to cover up for him, what was also found by Mr Clayton was that the way in which advice was taken from the Crown Solicitor's office and from the Solicitor-General's office was improper, that they used those officers for political purposes. That is why I say it is important to understand that, when the former Premier is running around saying that he will clear his name, that he

did nothing wrong, there was no step that he was not prepared to take to hide the truth.

It may well be that, if the former Premier had been prepared to tell the truth in 1994, he would have survived it. A lot of people, including Mr Clayton, were a little puzzled why he chose not to do that. The simple truth is that he chose to tell the first lie and he had to pile lie upon lie upon lie to survive. That is what has happened. That is why when the new Premier says that he might be returning to the front bench I am astounded. How can anyone in this place have a minister of the Crown who is prepared to say anything to protect himself? That is the finding.

Let me address this issue. Once again, when this government was caught out by an independent inquiry, it shot the messenger. This man is prepared to blacken the name, to cast a slur on the name, of Dean Clayton. Let me say this about Mr Clayton QC. It is well recognised in the legal community, even among those who are not an associate of his, that, if there is a question of ethics in the legal community that needs to be answered, they will ask Dean Clayton QC. I do not think it is proper for this discredited ex-Premier to cast a slur on the name of a man whose honour and integrity is without stain and beyond reproach. I think it is highly improper.

Let me say this about the Premier claiming that he will clear his name. That was all said in the stage-managed release of a report. He did it before any could see the report and ask him some questions, because they would have asked some questions, and this is the most important question. I do not claim to be a great lawyer, and I am sure they say I am not, but I know this: if you are going to launch a legal case, you have to have a skerrick of evidence, a piece of evidence, a document, a witness.

This former Premier, it was shown in the Clayton inquiry, could not find in South Australia one witness, one document, one skerrick of evidence to support his story—not my finding, the finding of Dean Clayton. He could find not a witness, not a document, but what Dean Clayton could find was a former Premier, a minister, a former Treasurer, all the officers of the Economic Development Authority, all the officers of the Office of Information Technology, all the officers of Motorola, and all the documents contradicted Mr Olsen. I look forward to the legal action that the ex-Premier takes to clear his name, and he is going to have to get some good lawyers because he has no evidence, not one skerrick.

The Hon. J.W. Olsen: So you say.

Mr CONLON: So Dean Clayton says. This man has not for a moment begun to apologise—not for a moment said he did anything wrong. He has been prepared to allow officers in the government to carry the can for him, to look incompetent, to look like they had not done their job, when he knew all along what the truth was. I ask the people on that side of the House—

Members interjecting:

Mr CONLON: I note that the Premier has not quite managed to read the report yet, but I hope someone on that side has and that they can bring some judgment and honesty to it, because I assure members that what Dean Clayton shows is a man who does not have a skerrick of evidence for a story he has told in this place for 3½ years. While I was pleased to see, finally, that former Premier Dean Brown, Wayne Matthew and Stephen Baker had told the truth, I also have this question, and it goes to the integrity of this government. When the Premier was misleading the House for 3½ years, why did they sit in silence when they knew the

truth? Why were they prepared to tell it to Cramond and Clayton?

Why is it that when we asked Dean Brown and Wayne Matthew questions they did not mislead us but they fudged their answers and would not tell the truth? Why is that? What standards have been set in this place? Despite everything that we know is in this report, today we learnt that this government has not bothered to read the report. It has not attempted to do anything about its contents. We have a new Premier who says, 'John Olsen is welcome back, it's up to him.'

I have some sympathy for the former sports minister and the former tourism minister. Why should not the former tourism minister come back, too? Why should not Ingo come back, too? Look at him: he has gone from the front row to the second row—any more demotions and he will be sitting in the corridor. I must say that the former Deputy Premier was pleased because he did not get named in this report—and that is a rarity for him.

I return to the serious matter at hand. To sum up, an improper deal was made and it had a consequence. The former Premier said that he was keen to create 400 jobs. Well, the price for those 400 jobs is a quarter of a billion dollar radio network that does not work. Let us not forget the imposition of an emergency—

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. W.A. Matthew interjecting:

The DEPUTY SPEAKER: Order!

Mr CONLON: I ask the Minister for Water Resources to withdraw that remark about telling lies. There has not been a report on me.

The Hon. M.K. Brindal: Mr Deputy Speaker, I said no such thing.

The DEPUTY SPEAKER: Order! I understand that it was the Minister for Minerals and Energy. I ask the minister to withdraw the word 'lie'.

The Hon. W.A. MATTHEW: Mr Deputy Speaker, I withdraw the word 'lie' and replace it with 'untruth'. The member is not telling the truth in relation to the operational characteristics of the government radio network.

The DEPUTY SPEAKER: Order!

Mr CONLON: I'm not fussed about him. We know that he manages to tell the truth sometimes—just not in here. He told the truth to Cramond, and for that I am grateful. I must say, Wayne, that I am grateful for all your help in this.

Members interjecting:

Mr CONLON: He went quiet then, didn't he?

The Hon. W.A. Matthew: Are you going to tell the truth now?

Mr CONLON: Oh, you don't want me to tell the truth. Like they say, Wayne, you couldn't handle the truth.

The Hon. W.A. Matthew: Are you going to tell the truth?

Mr CONLON: If you want me to.

The DEPUTY SPEAKER: Order!

Mr CONLON: I will sum up by making a few more comments. We have to compare the claim of creating jobs against a quarter of a billion dollar radio network that does not work properly. I just want to address one other of the former—

An honourable member interjecting:

Mr CONLON: It doesn't work. I'm not saying it. The member for Gordon said it and the CFS say it: they say it on Leon Byner's program. They say it—

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Elder.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr Foley interjecting:

The DEPUTY SPEAKER: Order, the member for Hart!

The Hon. R.L. Brokenshire interjecting:

The DEPUTY SPEAKER: Order!

Mr CONLON: It's all right, Mr Deputy Speaker, I understand that he's pumped up by the four votes that he got. He's a bit bolshie. Let me address one last point, something which everyone in this chamber and outside of it knows. It has been said that John Olsen, the former Premier, did this not for any self-interest, I have no doubt that he thought he was doing the right thing, but he did have an interest, and we know what that was. We know from his activities at that time that he wanted Dean Brown's job. He would do any deal to make him look better so that he could get Dean Brown's job.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. M.K. BRINDAL: I rise on a point of order, Mr Deputy Speaker. The Speaker ruled earlier—

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr Venning interjecting:

The DEPUTY SPEAKER: The member for Schubert!

The Hon. M.K. BRINDAL: My point of order is that the Speaker ruled today that members should be referred to by their title or their seat.

The DEPUTY SPEAKER: Order! I uphold the point of order.

Mr CONLON: Let me phrase it in this way: the former Premier had an interest. The former Premier wanted the former former Premier's job—and he got it. Later in the week, this debate may well be revisited because I have heard nothing in here today during question time and the debate on this report that could restore confidence in this government. That is a matter that we will address later. I am sure that other members want to make a contribution to this debate. I thank you, after all of these years, for allowing the truth to be told.

Mrs MAYWALD (Chaffey): I rise to support the motion because I believe that it enables the democratic process to be used to bring this matter to a conclusion. It is important that all members support this motion. We need to demonstrate to the public that we are prepared to deal with all the issues right to the end. During the course of the last few days following the delivery of the report to the Attorney-General's office a number of issues have had to be dealt with and a number of careers have been put on the line.

During discussions that I had with various members of the government and others it was suggested to me that we should have a royal commission into this matter. During his resignation speech, the former Premier indicated that he was disappointed that the Independents would not support a royal commission. I need to put on the record why, in this instance, I did not agree to support a royal commission. When the two previous opportunities to deal with this matter arose, I was strongly in favour of a royal commission.

The first time, when the Cramond inquiry was announced, I argued strongly that we should have a retired Supreme Court judge with the powers of a royal commission to deal with this issue to put it beyond question and to ensure that it could be dealt with and finalised and that there could be no opportunity for any member of the opposition or anyone at

all to question the findings of the report. My request was denied.

The second inquiry, the Clayton inquiry, came about because the Cramond inquiry was unable to do its job properly because it was unable to access all the documents necessary in order to come to conclusions based on having all the evidence before it. If Cramond had been given the powers of a royal commission, I question whether a couple of members of the public service and advisers to the then Premier would have given the evidence they gave in the first instance. I believe that the evidence given to the second inquiry was changed by those people because the powers of a royal commission compelled them to do so. To now expect the people of South Australia to fund a royal commission after two inquiries when the opportunity for a royal commission was presented twice and refused twice, I believed would be unconscionable and a grossly inappropriate use of public funds.

The inquiry before us, the Clayton inquiry, raises many other serious matters, and I believe that those matters are best dealt with independently of the parliament. The Premier today is right to say that it is not our job to sit as judge and jury. I believe that it is appropriate that the DPP now review the report in the context of what further action should be taken. I also recognise that the former Premier has already paid the ultimate price, that the issues raised about the former Premier have been dealt with appropriately through his resignation, and that referral of this report to the DPP will deal with the remaining outstanding issues. I urge all members of the House to support the motion.

The Hon. M.D. RANN (Leader of the Opposition): Never in the history of this parliament have we seen a Premier being forced to resign after findings of dishonesty by an inquiry headed by an inquirer appointed by the government. Never before has this parliament seen a report quite like this. The report reveals both systematic and systemic dishonesty throughout the core of government over a period of seven years.

I find it very interesting that a message has been going around and being repeated in some media circles that somehow the former Premier has paid the ultimate price because of mistakes made in 1994 in the rush to create jobs. That is simply totally untrue. It was about what the Clayton report is about, and I ask every single member of this parliament, and indeed every single member of the media, to read the report carefully.

The problem is with what Mr Clayton—the government's own appointee—found, namely, that the Premier had acted dishonestly because of the cover-up, after cover-up, after cover-up over six years. That is the whole point. We saw the destruction of documents, the destruction of evidence to go before an independent judicial inquiry by Mr Cramond, and we saw time and again the falsification of statutory declarations and verbal and oral evidence. We saw the falsification of evidence given before two independent inquiries.

That is why the Premier had to resign. It was not because of a mistake made in 1994, but because of year after year of dishonesty and cover-up following 1994. Here we have the nub of the matter. Mr Clayton was faced with overwhelming evidence. There was Mr Olsen on one side and Mr Dean Brown, Mr Wayne Matthew and, of course, the former Deputy Premier, Stephen Baker on the other side, plus a whole row of senior public servants. So, it was the Premier's evidence versus that of his own ministers. It was his own

ministers who brought the Premier down by telling the truth to the inquiry. That is the key point. The Deputy Premier, Dean Brown, in the end, in fact, undermined the man who undermined him. That is what is going on in this parliament and in the political party of the government of the day at this time. South Australia cannot tolerate a system where there is systemic dishonesty at the very heart and core of government: people committing perjury; people making up or falsifying statutory declarations, which, I should say, can incur a penalty of up to four years imprisonment.

So devastating is this report that the Premier had to resign before the public, the media or the parliament that called for this report were able to see it. Let us remember that the report was meant to have been released at 2 o'clock on Friday. What happened, of course, was that it was held back so that the Premier could resign, give it to the media at the last minute so that the story on Friday night would be 'Premier resigns' and not the reason for that resignation. So that is the absolute diabolical, manipulative strategy. We have seen seven years of dishonesty, and even in the presentation of the Clayton report there was dishonesty and manipulation. They decided to resign first and release the report later; it was about media management. They hoped that the media in this state would be shallow enough to swallow it, which I am sure is not true.

Mr Clayton QC, the inquirer chosen by this Liberal government, operating under the terms of reference accepted by this Liberal government, found this government to be dishonest. It found an untruth, then a cover-up that grew and grew over the years. It found side deals done, the key document removed from the government's files, and the advice of two of the state's senior legal officers used for political purposes. I will have more to say about Mr Selway and the Crown Solicitor on another day.

It has also seen a former Premier and a cabinet minister remain almost silent as this House was misled time and again by a minister who then became Premier. The member for Kavel has protested that this report does him wrong. He wants a royal commission now, even though he rejected this option when this inquiry was set up. Yet this stunning report found that the former Premier's evidence was at odds with everyone else's evidence, including that of the Deputy Premier and the minister, Wayne Matthew, and Mr Clayton QC could find no evidence to support him. A letter from Motorola which had been received by his office but which was not passed on to the Cramond Inquiry destroyed his two key defences before that inquiry.

This inquiry is about honesty at the heart of government. Is it not interesting to ask today, the day after a brand new Premier is sworn in, after the first time in more than 100 years that a Premier has been forced to resign because of dishonesty—what they did? They tried to gag the Auditor-General to prevent him from going before a committee and giving evidence tomorrow. That is what is wrong with this government: if they have to choose between telling the truth and telling a lie, they will always go for a cover-up.

The Hon. G.M. GUNN: I rise on a point of order, Mr Speaker. The Leader of the Opposition has imputed improper motives to and reflected upon a committee of this parliament when he made an untrue statement, when he knows, and the member for Hart moved, that the advice that was tendered to that committee be accepted today. I therefore ask you, sir, to ask the Leader of the Opposition to apologise for the imputations, the untruthful statements and the dishonesty that he has again displayed in this parliament.

The SPEAKER: Order! I ask the Leader of the Opposition to withdraw.

The Hon. M.D. RANN: Thank you, sir. I withdraw if I made any imputation against the man who actually offered the Auditor-General the right to come before the committee, and then suddenly the Auditor-General finds that he cannot. I am sure that I have been totally unfair and, therefore, I withdraw, because I know there are sensitivities on the other side of the House. We will—

The SPEAKER: Order! I ask the leader to withdraw without qualification.

The Hon. M.D. RANN: We will give protection to the Auditor-General in a later motion. I want to make sure that this Auditor-General knows that he has the support of everyone in this place. I have heard what the honourable member for Stuart has said about this Auditor-General on previous occasions. So, you can cry foul if you like—

The SPEAKER: Order! I ask the Leader of the Opposition to come back to the motion before the House.

The Hon. M.D. RANN:—but the simple truth is that the Auditor-General has suffered the abuse of this government.

The SPEAKER: Order! I ask the leader to come back to the motion before the House.

The Hon. M.D. RANN: Thank you, sir. This inquiry is about honesty. It is interesting that they say that, hopefully, some people will be just a little bit shallow enough to accept it. But it is all over now. We were told the same after the Auditor-General's report: that even though a minister and a Cabinet secretary had to resign the matter is all over—even though that report of 570 pages found systemic and systematic dishonesty and abuse of process and public office in the system.

Of course, that is exactly what the Clayton report found—systemic and systematic abuse of public office, not just by one man but by the whole system of government: in the Premier's office, senior public servants, and even raising question marks over senior law officers, a matter which, I understand, the Attorney-General addressed this afternoon.

Let us now turn to Mr Clayton's findings. Mr Clayton found that an attempt to cover up over Mr Olsen's original claims to this House in September 1994 just became bigger and bigger. This is what this is about: it is about cover-up after cover-up, judicial inquiries deliberately misled, documents destroyed and hidden, falsified statutory declarations and perjury—falsified evidence. That is why it is important to remember that this is not just about something that went wrong in 1994.

Mr Clayton found that there was no legitimacy to the evolution of the former Premier's defence constructed over a period of some time—even finding that a whole new defence had emerged while the former Premier was giving evidence to the Cramond inquiry. Mr Clayton found that there was no legitimacy and no evidence to back up the now infamous 'clause 17' defence. He found that there was no legitimacy and no evidence to back up the argument about a lack of communication between government agencies. He found that there was no legitimacy and no evidence to back up the argument that a letter from Mr Ray Dundon from the Office of Information Technology to Motorola in October 1994 re-ignited a commitment to Motorola to award them a government radio network contract. He found that there was no legitimacy and no evidence to back up the argument that John Olsen's April 1994 offer to Motorola for the government radio network contract had been rejected by Motorola.

In fact, Mr Clayton found that in giving evidence to the original Cramond inquiry John Olsen on 21 occasions gave misleading, inaccurate and/or dishonest evidence—not once in 1994, but on 21 occasions he gave inaccurate or dishonest evidence. Here is one of the most devastating paragraphs in Mr Clayton's report. I want the new Premier, who apparently has not yet read this report, to listen to this quote because this goes to the nub of what this motion is about. It is about whether or not we have an honest government in South Australia and whether or not it has a mandate for continued dishonesty. Let me quote Mr Clayton as follows:

Mr Olsen's evidence is contrary to the evidence given by all the officers of the Office of Information Technology to whom we have referred, all of the officers of the Economic Development Authority, with the exception of Mr Cambridge, all of the executives of Motorola whom we have interviewed, and three cabinet ministers, namely, Mr Brown, Mr Baker and Mr Matthew. . . Mr Cambridge has now resiled from the evidence he gave to Mr Cramond.

This was not an example of a judge or a QC having to choose between one person's evidence and another's. He had to choose between a Premier's evidence and a line-up of senior public servants and three ministers of the Crown, plus executives of Motorola. One person gave evidence one way and even his own colleagues had the gumption to tell the truth. That is why the Premier was forced to resign on Friday. Three of the cabinet ministers just happen to be the Premier at the time, the Treasurer at the time, and the minister responsible for information technology at the time.

Did John Olsen believe there was a massive conspiracy against him by all these people, not just his party and cabinet colleagues but others including public servants and executives of Motorola? That is why it is absolutely bizarre for members of the government to criticise the opposition for what has happened. It was the government that chose Mr Clayton—not the opposition. It was the government that chose Mr Clayton. Here we have a judicial inquiry by a QC with all the powers given, apparently, to a Supreme Court judge. He was asked to choose between the evidence of John Olsen and the evidence of Dean Brown, Stephen Baker and Wayne Matthew—three senior ministers—plus the Public Service, and he chose the evidence of the former Premier against the present Premier. That is why this Premier had to resign. He was not brought down by the Labor Party. He was brought down by his own Liberal colleagues telling the truth.

Mr Clayton found that the former Chief Executive Officer of the Department of Industry and Trade, Mr John Cambridge, had given evidence to Mr Cramond that was misleading, inaccurate and dishonest. He found that a former long-term and close adviser of John Olsen, and until last week a highly paid adviser on electricity privatisation to the Treasurer (Rob Lucas), Alex Kennedy, had given misleading, inaccurate and dishonest evidence to Mr Cramond. Critical to Mr Clayton's inquiry was the discovery of a letter which had mysteriously disappeared from the former Premier's office, even though computer records prove that it was received by that office, processed and, according to office staff who understand the computer codes, placed in a file which was then placed into the filing cabinet in that office.

The letter was eventually found by Mr Clayton when he asked Motorola to provide him with the document relevant to his inquiry. Why Mr Cramond did not do that remains an open question. But we are grateful for Mr Clayton's initiative in asking for those documents. Critically, that letter is from Dr Heng of Motorola to Mr Olsen, dated 4 June 1994. It was sent as a response to a letter sent on 14 April 1994 from John

Olsen to Motorola offering it the government radio network contract subject to normal commercial criteria.

John Olsen claims he never saw this letter. Under the circumstances it is extremely difficult to understand how he would not have seen it. John Olsen's involvement in negotiating the Motorola deal was incredibly important to him as a minister as he moved towards the Premiership. The letter from Dr Heng, according to Mr Clayton, 'contradicts some of the pivotal findings of Mr Cramond'. Dr Heng's letter states:

A key contributor in our decision to locate the software centre in Adelaide is the opportunity to participate in the whole of government shared mobile communications service as outlined in your letter. . .

The former CEO of the Department of Premier and Cabinet, Ian Kowalick, gave evidence that Ms Vicky Thomson's denial to the media that she and Ms Kennedy had been going through the Motorola file was a 'stupid little white lie that had gained a life of its own'. There was, after all, as Mr Clayton points out, nothing wrong with these two staff members of the former Premier going through those documents unless of course they were going through them for purposes that they did not want the media to know about.

Mr Clayton found that to this day there is no reason for that vital letter going missing. Is it not interesting that the one critical piece of evidence is the only document to go missing? There remain a number of questions that need to be asked. Did the former Premier discharge properly the duties of the offices which he has held as a minister and subsequently as Premier of the state of South Australia? Were there breaches of a range of acts? For instance, was there a breach of the State Supply Act? Was there a breach of the Supply Act or the criteria laid down by it? Were there breaches of the Public Service Act? Were there breaches of the Oaths Act, which requires that when any citizen of South Australia signs a statutory declaration they must tell the truth? Was there any perjury involved in terms of the evidence? Was there a lack of propriety in the use of the Crown Solicitor and the Solicitor-General?

In supporting the Independent's motion, I think it is most appropriate that these findings and the Clayton report be referred to the Director of Public Prosecutions because what we have seen in this report is systemic and systematic dishonesty throughout the government; seven years of cover-up, perjury, falsified statements and destroyed evidence. We have seen lie after lie told to judicial inquiries. We have a Queen's Counsel, Mr Clayton QC, employed by the government—they are the ones who found him—finding that the former Premier provided misleading or dishonest evidence on 21 occasions. That is why he had to resign.

That is why it is important that if we are sincere about the role of this parliament, if we are sincere about ending dishonesty inside this government that has had Auditor-General's reports, report after report, resignation after resignation, we must deal with this dishonesty, clean it up and clear it out. We must invite an independent officer to review the findings of Mr Clayton to see whether it is possible in South Australia to get away with perjury; whether it is possible in South Australia to falsify statutory declarations; and whether it is possible in South Australia to destroy evidence and get away with it.

The Hon. R.B. SUCH (Fisher): Contrary to what some people may think in this particular situation, I get no pleasure when members of parliament stumble and fall. I am not a vindictive person and I should put on the record that I have

never had a cross word with the former Premier, the member for Kavel. Putting that aside, the former Premier has resigned and I believe that is appropriate. I think that this whole matter should be a reminder to us all that inside and outside this place we need to be honest in our actions and accountable and transparent in our behaviour. If we do not set the example and if we do not maintain the standard, how can we expect the courts, the police, the Public Service or anyone else to be honest and accountable?

I support this motion. I support the pursuit of people in terms of the allegations that have been raised in the report, but I note that, as I indicated previously, the Hon. John Olsen has resigned as Premier, and I believe that was the right course of action. However, I again point out that as members of parliament we need to be mindful of our obligations in this place. If we do not uphold these high standards of behaviour the whole fabric of our democratic and parliamentary system is at risk.

Mr FOLEY (Hart): South Australians have the right to have confidence and trust in the integrity and honesty of their government. No office within government is more important in terms of integrity, honesty and the pillars of government than the office of the Premier of the state. The events that have unfolded tragically—and I use that word quite deliberately—since 1994 have rocked the foundations of government, but have seen eventuate a series of actions that have undermined the very important offices not only of the Premier of the state but also the standing of his own department, the Department of Premier and Cabinet, the Department of Industry and Trade and other government agencies, such as the Office of Information Technology.

The actions undertaken by the former Premier, his close staff and others have even undermined the highest legal office of this state: the office of the Crown Solicitor. The Solicitor-General has been pulled into this political scandal that leaves that office in a diminished state in the eyes of this parliament and of this public. In his report, Mr Clayton QC says that the office of the Solicitor-General and the office of the Crown Solicitor were used in a political manner by the government to defend itself in this Motorola affair.

I would like to refer to the history of this affair because, unlike many in this place, I have been here since 1993 and I have watched this issue develop over the past eight years. Indeed, I was a member of the Industries Development Committee that initially saw the package. In 1994 the government sought to attract Motorola to South Australia and, in doing so, offered as a side deal a government radio network contract. I want to read to the House a few words that were written about this affair at the time. The article, headed, 'South Australia in a tender trap' states:

In a move that has the radio communications industry in uproar, the South Australian government has awarded a \$60 million supply contract to Motorola without calling for tenders.

The article further states—

Mr Atkinson: It was \$60 million?

Mr FOLEY: It was \$60 million at the time; it grew. The article further states:

The government has said in public and in parliament that the tendering process would be followed. . .

The article continues:

The Motorola contract—

referring to the software centre and the communications contract—

has been found to be directly linked to the incentive package it was offered two years ago. . . There had for some time been the view that Motorola had been promised other government contracts. This was denied in parliament but it is now seen to be correct.

Those very true words were written in 1996, tragically (as much of this event can only be described), by one Alex Kennedy who went on to become a very close adviser to the former Premier, and who, tragically and unfortunately, has been adversely named in this report. If Alex Kennedy wrote such words with such potency some years ago, one can look only with amazement at the events that subsequently unfolded. There was a side deal. Everyone in this place knew it and everyone outside this place knew it. But for all the days that I breathe and for all the days that I am alive I will wonder why John Olsen chose to lie in this House all those years ago. There was no need for the lie. There was no credible explanation for the lie. There was no understanding as to why he lied when so many people knew—

The SPEAKER: Order!

Mr MEIER: I rise on a point of order, sir. I believe that the word 'lying' is against standing orders and I would ask you, sir, to rule accordingly.

The SPEAKER: The allegation across the chamber that a man or a woman is a liar is totally unacceptable. There is some latitude in the word 'lie' but, over many years, it has been agreed that it is just inappropriate language in this chamber to even use the word 'lie'. It is just not appropriate in the debate and I ask all members to desist from the habit.

Mr FOLEY: Of course, I accept your ruling, sir. I doubt that the government will want to have a full-blown debate as to whether or not John Olsen has lied. I accept your ruling, sir, and I will refer to it as 'dishonesty'. The Clayton inquiry is littered from start to finish with a tragic tale of a Premier who set about telling an untruth; who set about deliberately being dishonest to this place; and who then, when he found that his untruth and his dishonesty would be challenged, did not take the principled position to admit error. Rather, he chose to continue to be deceptive and to be dishonest. But that is not the worst of it. That is a crime of this parliament that is punished by resignation, but we must analyse what John Olsen, the former Premier, then did.

The SPEAKER: The honourable member has a title and I would ask members to use the title of members and not their Christian names and surnames.

Mr FOLEY: I am sorry, sir. The former Premier chose then a series of actions that were inexcusable, quite dishonest and terribly damaging to the fabric of this government and to the fabric of society in South Australia. Following this report, advice quickly came to this side of the House which demonstrated that the former Premier had indeed been dishonest. We saw panic within the former Premier's office, and that is evidenced by this report. They then realised that they had to find a reason for being dishonest.

A member of the former Premier's staff, a Dr David Blackstock, in this report stumbled across a possible defence; it was called clause 17—a part of the original software contract, in that if read one way it was thought that they might have had something. The report states:

. . . someone hit on the idea of clause 17 [in the Premier's office].

John Chapman, then Chief of Staff, said:

I simply know that around about that time we fixed on clause 17 as the centre of the case for the defence amongst us.

The Premier's office discovered a defence; the Premier then began to use it. What we then saw were actions that can only

be described as deplorable. The Premier's office then sought to retrieve all documentation on this matter—hoarding it in the Office of the Department of Premier and Cabinet. Then, without authority and without seeking permission, people who were part of the Premier's personal staff, including his Chief of Staff, Vicki Thomson, went into that office and started to go through these documents one by one.

What did we find in the Clayton report? Documents went missing. Documents were not given to Cramond; and documents were not given to Clayton. What we do know is that the members of the Premier's staff had access to those documents, and for what purpose we shall never know. However, I will put this little dilemma to the House and let members make up their own mind.

The entire defence of the Premier was clause 17, written into the software contract towards the end of 1994. In clause 17 he stated that any obligation that he had earlier given that year in a letter had been extinguished and there were no other incentives. However, not provided by the government to either Cramond or Clayton was a letter that was provided by Motorola. I will read that letter, because as Mr Clayton has said this was the most important piece of information, the principal piece of new evidence. Had this piece of evidence not been destroyed by someone in the Premier's office, it would have sunk the Premier with the Cramond inquiry in 1998, and it has certainly sunk the Premier in this inquiry. The letter reads:

Dear Minister Olsen,

We have just completed a review of the South Australian government Motorola agreement here at corporate headquarters and have in principle accepted the draft. We have recommended a few minor modifications with Roger Fordham.

It goes on to say a few other things not important to this debate. The key paragraph is this:

A key contributor in our decision to locate the software centre in Adelaide is the opportunity to participate in the whole of government shared mobile communication services as outlined in your letter to Joe Wilky of our radio systems group—

and then it has some reference numbers—

dated 14 April 1994. Based on this, I have instructed both Joe and Roger that there is no need to reiterate your government's intention on this subject in the software centre agreement unless you advise us otherwise.

That was the letter. That is the evidence that the side deal was accepted by Motorola. They wrote back to John Olsen, the former Premier, and said, 'We accept the side deal.' The tragedy is that this letter went missing from the Premier's office. No reasonable excuse and explanation could be offered by the Premier's staff. Why was the most damning document held within government, which destroyed the former Premier's defence, destroyed by somebody within the Premier's office? I can think of no more serious an action than for somebody who was caught out and who knew their career was in the balance to set about on a course of systematically destroying crucial evidence. That evidence has come to light only because Motorola had the decency to provide it after seven or eight long years. This government could not or would not provide it; it had clearly destroyed it. I am stunned that such an action could have been contemplated by a Premier and, indeed, his staff.

I said before that the pillars on which government are built have been damaged and the office of the Premier compromised. A Premier of this state has been found on at least 21 occasions to have given inaccurate, misleading or dishonest advice and evidence to two inquiries. We see the

officer of the Crown Solicitor compromised for political gain. My colleague the shadow Attorney may elaborate further on the fact that Mr Clayton has said it could be interpreted that the Solicitor-General of this state acted in a partisan and inconsistent manner to that of an independent inquisitor. We are not simply talking about one little issue in or one area of government; it has spread. Until the Clayton's inquiry, the then head of the Economic Development Authority, John Cambridge, was also the only person supporting the Premier's position. However, he altered his evidence in the light of the Clayton inquiry, which left John Olsen the former Premier as the only person left standing in this state saying that there was never a side deal. Even the Solicitor-General and the Crown Solicitor had to admit that they had got it wrong.

This is an important motion, and it is important in the context that it was moved by the Independent members of this House—Independent members of this House on whom the government relies to remain in office. They have sent a clear signal that the printing of this report is not the end of the matter but the beginning. There is clear follow-up to this report to deal with those who have done wrong and, perhaps even more importantly, to ensure that wrong is not done again in the future. I for one feel that any trust I have in this government has been completely shattered. Late on Sunday evening I concluded reading every single page of this report, and then I re-read elements of this report. This is a tragedy of the former Premier's own making; it is a deliberate course of action. I will never know the reasons behind why he followed that course of action. Perhaps in a more quiet moment of reflection, he may wonder why he ever did it, because it did not need to be done. It was not a course of action that he should or needed to have taken. The tragedy is that, once having taken that course of action, he simply could not change course.

The last 10 days have been extraordinary times in this parliament. We have seen disgraced a former Minister for Tourism, the member for Coles. She was found to have had a conflict of interest and to have acted improperly in her role as a member of Parliament, as a minister and as an ambassador for soccer. We have seen a former Deputy Premier (the member for Bragg) have to resign twice in the space of three years. In an earlier parliament we saw the then member for MacKillop, Dale Baker, resign in disgrace. We have now seen the ultimate price paid by the ultimate office holder of this government, the Premier of South Australia. This is a government that no longer deserves to govern, and the people of South Australia have lost all confidence in it.

How can we say that we have an effective government in this state when it is a government that is built on dishonesty, is prepared to support dishonesty or when a new Premier—a Premier with the opportunity to wipe clean the slate—cannot accept that the former Premier did wrong or is now a disgraced, dishonest former Premier? He cannot accept that the highest office holders in the government bureaucracy and within the body politic have acted inappropriately, and in some cases have acted against the law. He cannot accept that, and I appeal to the Independents, to the members of the Liberal government, to all members of this House and the upper House, to all members of this parliament but, most of all, I appeal to all South Australians: the time is up for a government built on dishonesty, a government that will not acknowledge dishonesty and that will do nothing about the dishonesty that is now such a feature of its existence.

Many actions have been taken in the past by members of Parliament, ministers and former governments. However, we have in our Centenary of Federation a Premier resigning because he was systematically found to be dishonest. Can members think of a more damning finding to be found on the head of any government in Australia? This government's time is up. The four years of this government expired 10 days ago. This government is hanging on because it enjoys the trap-pings of office and because it wants to get as much distance as it can between this torrid affair and the next state election.

But South Australians need to know this: this government is too scared to go to an election. They are not prepared to put their actions, their dishonesty, to the people of this state. They want to continue driving in the white cars. They want to continue the maximisation of their parliamentary superannuation. They want to continue with the perks of office because they do not know how to stop; they do not know how to give it up.

Yesterday, the new Premier said that he wants to wait until March or April of next year to have an election. That will amount to four years and seven or eight months of this government because it does not know when enough is enough. I say to this government that it is time to go. You have been found to be dishonest. You are dishonest. Your new Premier, Rob Kerin, will not accept and admit that he now leads a dishonest government. You are defending the former Premier. You should resign as a government—

Mr Venning interjecting:

Mr FOLEY: I applaud the member for Schubert for his unstinting loyalty to a discredited, dishonest former Premier, but honestly it is a tragedy of this Premier's making. Unfortunately our state pays the price.

Time expired.

Mr ATKINSON (Spence): When the Liberal Party was elected to government in late 1993 it was elected with a massive majority, 37 seats to 10. I think it was the assumption of everyone, including some holders of senior government appointments, that the Liberal Party would govern South Australia for at least three terms. Owing to that, in my opinion, there has been an inability of some of the holders of the great offices in the government of South Australia to distinguish between the interests of the government of South Australia and the interests of the governing party. There has also been an inability to distinguish between the interests of governing South Australia and the interests of subgroups within the governing party.

Mr Lewis: Hear, hear! I agree with that.

Mr ATKINSON: Thank you, member for Hammond. I go to paragraph 667 of Mr Clayton's report where he says:

Mr Chapman, it will be remembered, was present at the meeting with Mr Olsen and Mr Selway on 29 September 1998 when it was decided that Mr Selway should provide an opinion to support the opinion of the Crown Solicitor. Mr Chapman was clearly alert to the significance of clause 17. Mr Selway had a close relationship with Mr Chapman. Mr Selway described Mr Chapman as a friend. Mr Chapman was naturally in the Premier's camp. Both records of the interview indicate a lengthy discussion. The statements noted by Ms Byers suggest a discussion between people with a similar interest. For example, there are references to the 'best position' and a 'problem' which on their face could be interpreted as being partisan and inconsistent with an interview by an independent inquisitor. A frank discussion is understandable having regard to the close relationship between Mr Selway and Mr Chapman.

Those words of Mr Clayton are damning of our Solicitor-General.

The position of Solicitor-General is, in my view, an elevated position. Section 7 of the Solicitor-General Act provides that the Governor may remove the Solicitor-General from office on the grounds only of incapacity or misconduct. Parliament created this elevated position to allow the Solicitor-General to give advice to the government without fear or favour. Mr Clayton is suggesting that the Solicitor-General has not fulfilled his duty, and that is a very serious suggestion. Mr Clayton goes and says:

Both opinions were based upon incorrect and limited instructions and did not address the true relationship between Motorola and the Government. The opinions had been obtained by Mr Olsen's staff for the purpose of backing up the clause 17 defence. Both the Crown Solicitor and the Solicitor-General acknowledge that the opinions were obtained for a political purpose rather than the purpose of ascertaining the rights of the parties and they both wish to reconsider their opinions on the basis that their instructions were not complete or accurate.

There may be a defence (which the Attorney-General makes today) for the Crown Solicitor, on the basis that he is the government's solicitor and he acts only on the instructions of the government, but there is no defence for the Solicitor-General whose position is more exalted.

I want to indicate that it would be my expectation, if I were serving as Attorney-General in a South Australian government, that I would expect to receive disinterested advice from the Solicitor-General. I would expect the Solicitor-General to adopt an Olympian approach to the issues placed before him and I would expect him to query instructions from the government if he knew them to be defective. And so it follows that I do not accept the Attorney-General's defence today of the Solicitor-General in another place. I see the Solicitor-General as something more than just the government's barrister.

I support the part of the motion which refers the Clayton report to the Director of Public Prosecutions. There is evidence in the Clayton report of the removal of evidence from the Premier's office, and I refer to paragraph 1 271 where it says:

This inquiry has determined that important documentary evidence was not supplied to Mr Cramond. In the context of the issues that developed before Mr Cramond, a letter from Dr Heng of Motorola to Mr Olsen dated 14 June 1994 should have been produced. It was a most important piece of documentary evidence. The letter was received and processed in Mr Olsen's office. The original letter is now missing and there is no satisfactory account of the letter's whereabouts.

I think that paragraph of Mr Clayton's report ought to be the subject of further investigation and the matter should then be referred to the Director of Public Prosecutions.

The other matter which I think will be of interest to the Director of Public Prosecutions is the possible swearing of a false statutory declaration by Ms Alex Kennedy. Paragraph 1 270 of the Clayton report says:

This Inquiry has determined that misleading, inaccurate and dishonest evidence was given to Mr Cramond by Ms Alex Kennedy in connection with events that occurred on the 16th floor of the State Administration Centre on 30 November and 1 December 1998.

The situation is worse than that because what has happened is that Miss Kennedy has sworn a statutory declaration under the Oaths Act as to these matters about which Mr Clayton finds she gave misleading, inaccurate and dishonest evidence. Miss Kennedy has actually won a defamation settlement on the basis of that statutory declaration. The matter has not gone to court.

Mr Clarke interjecting:

Mr ATKINSON: No, it is not Jeffrey Archer, as the member for Ross Smith interjects. It would be more accurate to say that what has occurred is that Miss Kennedy has received a settlement without going to court and the poor defendant in that case has paid up, only to find that Mr Clayton QC's report says that Miss Kennedy's evidence on that point was misleading, inaccurate and dishonest. I refer to section 27 of the Oaths Act 1936, which provides:

Any person who wilfully makes any declaration by virtue of this part, knowing that declaration to be untrue in any material particular, shall be guilty of an offence, and shall be liable, upon conviction thereof, to be imprisoned for any term not exceeding four years, with hard labour.

Having worked with Alex Kennedy at the *Advertiser*, I know that she is a person capable of hard labour. That is a matter that should be considered by the Director of Public Prosecutions.

Mr Lewis: What about the other side of the litigation? They have a fair point to make and we should support them too, surely?

Mr ATKINSON: The member for Hammond makes a good point, that it would appear that a defendant in a defamation action has been defrauded into making a substantial payment to Miss Kennedy and it would be a pity if that settlement were to stand.

The reference of these matters to the DPP is not about the prospects of convictions. It is about public confidence in the government of the state of South Australia. There are other criminal offences which may come into play if the Clayton report is analysed more closely. There is an indictable offence at common law of conduct amounting to misfeasance or nonfeasance in relation to a public office when such conduct was of a criminally culpable nature.

I was in parliament in 1993 when the government of the day—the Attorney-General was Chris Sumner—overhauled the official corruption provisions in the Criminal Law Consolidation Act. The catch-all offence was introduced at that time and I can recall one of my parliamentary colleagues saying, 'If this becomes law, we're all gone.' He has since left parliament. The relevant provision is section 238, which is headnoted 'Acting improperly' and reads:

For the purposes of this part—

that is, offences of a public nature—

a public officer acts improperly, or a person acts improperly in relation to a public officer or public office, if the officer or person knowingly or recklessly acts contrary to the standards of propriety generally and reasonably expected by ordinary decent members of the community to be observed by public officers of the relevant kind, or by others in relation to public officers or public offices of the relevant kind.

That seems to me to raise issues about Mr Clayton's findings about the former Premier, his findings about Mr John Cambridge, who was a public servant at the relevant time, and his findings about Miss Alex Kennedy, who was a ministerial adviser. There is a lot of food for thought for the Director of Public Prosecutions in the Clayton report and, as the member for Hart says, this is not the end of the matter: it is just the beginning.

The Hon. R.G. KERIN (Premier): This motion is about acknowledging the findings of the second software centre inquiry, and it is right that we do that. It was a motion of this House that set up the inquiry in the first place. While many believe the findings are in some respects harsh, that is not really the issue today. One major issue that should be stressed

is that former Premier Olsen has resigned as a result of the report, so that action has been taken. The matter of the member for Kavel should be regarded as closed. He has paid the ultimate price. As required in this motion, the government will refer the report to the DPP and take whatever other appropriate action is required to deal with all the matters raised in the report.

I must comment on the contribution of the member for Elder. He came in here as a lawyer but suddenly he believes that he is judge and jury. Taking Clayton's conclusions, he expanded them and made some outrageous statements about the former Premier, and what he has put into *Hansard* stretches any credibility. We should be moving forward, ensuring that we build on the many positive achievements of the government which have put this state in a better position to make progress and reward all South Australians than we have been in for many years. We should not, as the opposition seems determined to do, engage in using the Clayton report for the politics of revenge and vindictiveness.

The opposition's statement that it is hiring a QC to pursue a further witch-hunt based on the report has drawn much criticism from the general community, and I received much of that on Saturday and Sunday. The strong message from the community since the Clayton report was released is that it wants the government to get back to business, that it recognises the opportunities this state now has as a result of the economic transformation of the past few years, and wants these opportunities pursued vigorously. It does not want opportunities missed through diversions into negativity and personal attacks.

The opposition stands for selective morality. It stands for consistently playing the man and not the ball, and that is not constructive and the electorate knows that. Most of all the opposition stands for a smokescreen of negativity to disguise its utter lack of policy and ideas. The opposition promised that it would put out fully costed policies for public scrutiny by the 2000 party convention, more than a year ago. It broke that promise. No-one knows what the Labor Party stands for except negativity that involves running down the state, discouraging business and investment that would create jobs and opportunities for South Australians. Just the other day the federal Labor Party put out a so-called—

Mr KOUTSANTONIS: I rise on a point of order. This motion is about referring the report to the DPP. The Premier is now talking about federal Labor policy and the federal election.

The SPEAKER: Order! If the Premier is debating that point, I ask him to come back to the motion.

The Hon. R.G. KERIN: This is far more relevant than some of the contributions from the other side. I ask members opposite to please listen to what I am going to say about the federal Labor Party because we would like them to take up the issue with their federal colleagues. The other day they put out their so-called South Australian policy, which was largely uncosted, and I hope members opposite heard the opening statement, which was, 'South Australia's economic performance has been consistently worse than the rest of the national economy.' I ask the local Labor Party to take that up with the federal ALP because if they are going to come in here with policies for South Australia—

Mr Atkinson: What's this all about?

The Hon. R.G. KERIN: It is about your priorities. It is about the priorities of the ALP—

Members interjecting:

The Hon. R.G. KERIN: You should be looking at what the economy is doing and not just playing the individual.

Mr ATKINSON: I rise on a point of order. I have a read a little more of the Clayton report than the Premier and I do not recall Dean Clayton QC ever referring to the South Australian economy in his report, so my point of order is relevant.

The SPEAKER: Order! The chair was slightly distracted when the point of order was called but, if the Premier has strayed off the motion, I ask him to come back to it.

The Hon. R.G. KERIN: Thank you, sir. The transformation that has taken place is what we should be dwelling on, not on the past. We should not be dwelling on the past, and the Clayton report's findings—

Members interjecting:

The SPEAKER: Order!

The Hon. R.G. KERIN:—about what might or might not have happened in the background to an agreement with Motorola which was signed more than seven years ago. Contrary to the falsehoods that have been peddled by the opposition, the economic indicators show that South Australia does perform better than the other states.

An honourable member interjecting:

The Hon. R.G. KERIN: That's right. We need to focus on the way forward. It is about time that the ALP listened to what the general community is saying. They want us to focus forward—

Mr Atkinson interjecting:

The Hon. R.G. KERIN: They don't like us talking about what is important to South Australians; they just want to focus on personal attacks. That is what—

Mr Atkinson interjecting:

The Hon. R.G. KERIN: That is what the ALP's behaviour regarding this has been all about; it has not been about the Independents, who have basically—

Mr Atkinson interjecting:

The SPEAKER: Order, the member for Spence! I call the member for Spence to order.

The Hon. R.G. KERIN: Yes, totally.

Members interjecting:

The SPEAKER: Order! The Premier.

The Hon. R.G. KERIN: We have accepted what the—

Members interjecting:

The SPEAKER: Order! There are too many audible interjections across the chamber. The Premier has the call. I ask that he be heard in silence.

Mr Atkinson interjecting:

The SPEAKER: I warn the member for Spence!

The Hon. R.G. KERIN: To conclude my remarks, I accept the motion of the member for Gordon. I point out that the Premier has paid the ultimate price, but we will refer the report to the DPP, who will say whether any other action is required.

Mr CLARKE (Ross Smith): I will be less than five minutes—

An honourable member interjecting:

Mr CLARKE: Don't provoke me; I could go longer. I will be only five minutes because I think the member for Elder has adequately covered the position as far as the Labor Party is concerned. In this debate, I want to raise another issue, one which is very much along the lines of what we have been discussing in terms of honesty in government. When the former Premier resigned last Friday, during his press conference he said that he was a political realist, that he

could not get the Independents to agree to give him a royal commission or, in effect, to allow him to tough out the inevitable parliamentary onslaught that would follow the release of the Clayton report.

On Monday morning this week during a radio interview on the ABC, in answer to a question about why past governments in South Australia had not been faced with the same problems that he was currently confronting in terms of having to resign his commission, he said words to the effect that past governments did not face his problems because they were majority governments in their own right, not minority governments. I put to the House and the public that what the former Premier said was basically a ringing endorsement for minority government. Political commentators at the time of the 1997 election said that minority governments would bring instability and make the governance of this state impossible. Let us look at the facts since 1997.

Mr LEWIS: I rise on a point of order, Mr Deputy Speaker. Will you please tell the chooks between you and me to stop cackling?

The DEPUTY SPEAKER: Order! The member for Ross Smith.

Mr CLARKE: I thank the member for Hammond for his protection, but I do not believe that I need it. Basically, since 1997 what we have had is not an unstable government caused by the actions of the Independents; it has been caused by the actions of governments being held accountable to this parliament and the people, because this government was a minority government and the Independents were able to be persuaded to vote with the opposition to set up an inquiry to make the government honest and accountable.

In 1998, we had the inquiry with respect to the member for Bragg (the then Deputy Premier) for misleading the parliament. That could not have happened had the government been a majority government. We had the Cramond report, the first Motorola report, which could not have happened without the support of the Independents. We had the second Motorola inquiry, of course, the result of which we are debating today. We had the Auditor-General's Report into the Hindmarsh Soccer Stadium which could not have happened without the support of the Independents or the majority of this House.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: The member for Bragg interjects, and well he might, because, had this government been a majority government in its own right, had it had a majority of the size that it had in the parliament of 1993 to 1997, this would have been squashed. The truth would never have come out. The role of the Independents in this parliament has not caused instability; it has made this parliament and the executive arm of government more accountable. The major political parties would do well to take heed of that point, because I think that the general public wants every executive government of whatever political colour that happens to be in office to be held accountable. If there is maladministration or any attempt to cover up simply because a government has a majority in its own right to be able to squash an independent inquiry, then I believe the public of South Australia will look potentially at creating that type of balance.

Mr Atkinson interjecting:

Mr CLARKE: The member for Spence reminds me of the time, but the more he interjects the more I will go on. I will close on this point—

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr CLARKE: It is in the hands of the major parties to restore faith in the institutions of parliament, because the Westminster traditions of the parliament of the United Kingdom have not been followed in Australia. Ministers in this country and particularly in this state will resign on a matter of principle only if they have been caught redhanded and, even then, they have to be dragged out feet first with their fingernails clawing their way through the carpet.

Mr Koutsantonis interjecting:

Mr CLARKE: The honourable member is talking about internal party politics. Don't cheapen the debate with your petty interjections. As I said two minutes ago, I will close by saying that, in terms of the good governance of this state, I remind those political commentators who say that Independents and minority governments cause mass instability in the governance of this state that it has caused mass instability in this Liberal government because of its own mismanagement which would never have been uncovered had it not been for the fact that there was a minority government. Therefore, I think political commentators would do well to have a look at the future role of the Independents in this state parliament.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr LEWIS (Hammond): One of the principal foxes that I want to pursue during the course of my comments is that which has just been shot by the member for Ross Smith. None of this would have become public knowledge had it not been for the fact that there is not a majority government in this place, with one exception. Permit me the self-aggrandisement of pointing out that even when I was a member of the Liberal Party I was prepared to defend the standards that I think the public are entitled to expect of members of parliament against the prospects—

Members interjecting:

Mr LEWIS: Well, what do you say—against what might have been considered my best interests at the time, because I would not and could not support dishonourable behaviour. The member for Bragg, who has just interjected, was the person against whose interest, he claimed, I voted. I did not vote against his interests; I voted in the interests of public trust in this institution.

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

Members interjecting:

Mr LEWIS: Yes, what about that!

The DEPUTY SPEAKER: Order! There is a point of order. The member for Hammond will take his seat.

Mr KOUTSANTONIS: The member for Bragg has been attacking the member for Hammond out of his place.

The DEPUTY SPEAKER: Order! There is no point of order; it is a frivolous point of order. The member for Hammond.

Mr HANNA: I rise on a point of order, Mr Deputy Speaker. Is it not a rule in this place, sir, that if there is to be an interjection, it is to be made from the member's place? Are you going against that ruling, sir?

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

Mr LEWIS: I hear what the member for Bragg says. I know that he had some part in that scurrilous attack on me in April 1997 that lasted for eight days, attempting to discredit and embarrass me and my wife to such an extent that I would resign and leave the parliament. Again, today, I have actually contemplated doing just that after seeing the kind of contribu-

tions being made to this debate by some of the people in this place, particularly government members, and the conduct of government members during question time. The new Premier has learnt nothing over the time that he has been in this place about what parliament is about; that was illustrated when one of the most important things that he said during the course of the weekend was that he needed to reward the former Premier—the member for Kavel—for what he had done.

I will give the House an anecdote. I will not mention the man's name, because I do not wish pain on his family. There is a South Australian, a former prominent member of the fraternity of merchants in the market who handle fruit and vegetables, who was a pillar of society. He played the church organ (I will not name the church), and he used to take young people on camps. He spent large amounts of his time in charitable causes. Notwithstanding any of those good works and others that he engaged in for years, he was nonetheless guilty of serious criminal offences. He was charged and found guilty and treated appropriately.

Another fellow—Al Capone—when he was first caught with sufficient evidence to prosecute him for tax fraud, claimed that he ought not to be prosecuted because he employed thousands of people and he did good things for charity. How many times do you have to murder before it is murder? How many times does someone such as the former Premier have to mislead the House—and mislead even the party room of which I was a member—about the truth or otherwise of his actions? For whatever reason he did it is beside the point. The fact is that he did it and he continued to do it knowing that it was false. He not only did it to me and other members of the Liberal Party but also to my now colleagues, the Independents on the cross-benches.

He did it at the time that he took the job as Premier knowing that he was putting the entire Liberal Party's future in this place on the line and in jeopardy. He did it knowing that he would never be able to discipline any other minister in his cabinet if they were guilty of similar misdemeanours and offences. He did it knowing that he could not sack the member for Bragg as a minister—he could not deny him. He did it knowing that he could not discipline any other minister, including the member for Coles, when they, in turn, did things that were less than honourable in the course of their public duty.

What people do in their private life is their own business; what members of parliament do in their private life is equally their business so long as it does not infringe, in any instance, on the rights in law of others. But what we as members of parliament do when it comes to our public duty and public policy and the way that will affect all the public, where it is in the public interest to disclose what we have done and why we did it, we must be honest. If we are not, we will continue to attract the anger and disdain of the general public with increasing vehemence. That is what I have noticed more than anything else over the last few years, particularly over the last 18 months.

The Liberal Party in this place is keen to ascribe responsibility for its misdemeanours to anyone else at whom they can point a finger—me or anyone else in or outside this place. It will blame anyone at all whom it can hang it on. Yet, in the process of doing so, the Liberal Party fails to understand or recognise—ultimately it believes its own propaganda, in fact—that it has done any wrong—it is the fault of other people. Well, the actions which have brought discredit on this government, from one side to the other, across the entire spectrum of policy areas where they have had things to do,

have been brought upon the Liberal government by itself. It has not been by me or by any member of the Labor Party, and certainly not by any other member of the cross-benches. When I hear the former Premier and the member for Coles saying that they have been denied natural justice, I wonder.

I do not think they even understood what the term natural justice meant until I raised the matter with them and the member for Bragg, and gave them a dictionary definition of it and explained its importance after they sacked me. If ever there was an instance of where natural justice was denied, it was not only in the attack orchestrated on me by members from both sides of this House in April 1997—and sustained for eight days—but also on the occasion when the kangaroo court was called together at 6 p.m. on 5 July last year. It was a meeting convened in 20 minutes—

The Hon. M.K. BRINDAL: I rise on a point of order, Mr Speaker.

Mr LEWIS: —at which I was not allowed to answer anything. If this—

The DEPUTY SPEAKER: Order! The member for Hammond will take his seat. The Minister for Water Resources.

The Hon. M.K. BRINDAL: I ask you, Mr Deputy Speaker, to rule on relevance.

The DEPUTY SPEAKER: I think the debate so far has been pretty wide. I ask the member for Hammond to speak on matters before us in this motion.

Mr LEWIS: The motion, of course, is that we should note the second software centre inquiry and the dishonesty in there referred to in the remarks made by Mr Clayton QC, including his remarks drawing attention to the improper conduct of the then Premier and his staffers.

An honourable member interjecting:

Mr LEWIS: That is a very clever trick; I will remember when government ministers are on their feet in this place to ring them on their pagers to distract them. I say that my remarks are relevant even if the member for Unley believes that they are not. They go all the way towards explaining why we need to refer this report from Mr Clayton QC to the Public Prosecutor. The Liberal government has been so busy denouncing the actions of honest and honourable public servants, innocent members of the general public and other members of parliament to bring discredit on them, if they can, and to distract attention from their own gross inadequacies which are at the core of the problem—and caused the problem in the first place. Members of this government have tried to deflect attention from themselves in a wholly dishonourable manner.

The ministry has no ethics or standards—I refer to the ethics and standards that we adopted in early 1993 that were supposed to apply to ministers in the then Liberal government and, indeed, future Liberal governments. We committed to that before the last state election, and they have been honoured more in the breach than in the observance, especially so by the former Premier. He even took the job of Premier knowing that he was in breach of those stated ethics to which the Liberal Party committed itself during the election campaign after one of the most scurrilous periods of government when Labor government ministers refused to accept responsibility for their actions.

It was a cheap political shot, if ever there was one. I must say there are some ministers for whom I have respect in that regard—not all of them are unethical. I will not go into that right now, because I will have the Deputy Speaker telling me

that I am irrelevant or, more likely, I will have the member for Unley calling a point of order on me.

During the course of the time that the government has been here, and increasingly in recent months, Liberal ministers, and those who have been accused of misdeeds, of course, have denounced other people. That is the gist of my point. They have denounced other people rather than accept responsibility for their own actions and their own stupidity when they have been discovered, when they have been uncovered—when they have been found out, if you like.

It is important for us to understand that corruption arises not only when one takes money as a bribe but also when one takes considerable personal benefit of any kind in return for a favour done. When I have used the word 'corruption' I have meant that. Power to some people is worth more than money, and there is no question about the fact that the immediate past premier sought that power not only because he believed he could do a lot for South Australia but also because he believed no-one else could. To that extent he was wrong: plenty of other people could have and would have done the same. The member for Bragg appealed to that lust which the former Premier had for power, as did the member for Coles, and the member for Davenport, and the member for Unley and whomever else you like to name—

Mr Koutsantonis: The member for Bragg?

Mr LEWIS: I did say the member for Bragg. I do not have to mention him twice, although he did have two goes at it when they set out to provide him with the means by which it would be possible to gratify that lust for power—even though he knew that he was placing in jeopardy their careers and the Liberals' standing with the public in the process of doing so. All he had to do at the time that he knew he had offered the side deal and was asked questions about it (where it comes back to the Motorola question) was admit to it and say that he did it to attract their interest, and then deny that it was ever a part of the consideration and produce the evidence that it was not. But he could not do that. He wanted to score a big point. He did not want to admit that he had had to offer the same kind of inducements as he himself sought in other circumstances when he wanted something that others could give him.

The Liberals, too, have memories of convenience. It seems to me that they forget some things that they have done that are pivotal to the outcomes when it might appear embarrassing to them to have done so. I could say that, but I will not. I also could say that there has been a disgusting level of manipulation undertaken on all these matters at great public expense. We have that think tank of mantra manipulators in the Premier's office which is paid for by the public—and I think it is still there—and which sets out to put a spin to suit the government on every damned thing and to think through what has to be said and by whom to get the maximum possible benefit for the Liberal Party in government and minimise, on the other side, any possible damage that might accrue from misdemeanours and misdeeds.

They are like the people in the Nixon Administration: they have lost an understanding of what is ethical and lawful. They will do anything to retain favour and power, not in any way trammelled by constraints of law in the process of so doing. That is the danger of having a bunch of people in sinecure posts in such a situation that they owe their positions to their masters and, when their masters do wrong, they will go out and cover it up. There is more of them; there are 19 of them. If I try to make a point which is legitimate, which is based on fact and which is in the public interest, the moment it gets out

to some of the journalists who are sympathetic to the professional mantra makers in the think tank over there on North Terrace in the Premier's office, they ring around the media reporters, nail it down, give it no oxygen and avoid any publicity for it in whatever way they can.

The ultimate in that respect was the point made by the member for Ross Smith, maybe also the member for Hart and the member for Chaffey—although I am not sure whether or not the member for Chaffey said it. An attempt was made to cover up the content of the reports and take all the bad luck in one hit by simply refusing to release the report until a decision had been made by the former Premier as to whether or not to resign. That to my mind is scurrilous. The report did not belong to the Premier: it belonged to the public of South Australia and should have been handed over. Why was it necessary at public expense for an opinion to be obtained by an interstate SC, if it was not to help cover up and ameliorate the consequences, not only for the ex-Premier but also for the Liberal Government?

It strikes me that I could also say that the government has kicked not only Dean Clayton in the teeth but also the people who helped him prepare the report to the parliament. That is consistent with what the government has done over recent times and during its time in here—and governments before that, too. It had a go at the Auditor-General and it had a go at many public servants and other members of the general public who did not deserve it, who have honourable reputations and who have never acted outside their commitment to the Public Service ethic, yet they have had their reputations sullied. Some of them have been set up and sacked over recent times because they dared to disagree with the convenient opinions of the Liberal Party in government—or so I have been told.

I want to exonerate people such as Ray Dundon in making such a remark. It was not Ray Dundon who made the stuff-up, nor was it any other of the public servants whose reputations were called into question in consequence of the hiding of the evidence upon which it is now possible for Mr Clayton to make his findings. I do not need to read them all, but I need to read one thing into the record in the time that is left me, that is, the letter from Terrence Heng dated 14 June 1994. The letter states:

We have just completed a review of the South Australian government/Motorola agreement here at Corporate Headquarters and have in principle accepted the draft. We have recommended a few minor modifications which Roger Fordham, I believe, has taken up with Barry Orr's people. I do not foresee however these changes as 'show stoppers' or obstacles to our signing the agreement on June 23 as planned.

A key contributor in our decision to locate the software centre in Adelaide is the opportunity to participate in the whole of government shared mobile communications service (SMCS) as outlined in your letter to Joe Wilkie of our Radio Systems Group, MAPL referenced: EDA 430/001/006, dated April 14, 1994. Based on this, I have instructed both Joe and Roger that there is no need to reiterate your government's intention on this subject in the software centre agreement, unless you advise us otherwise.

Once again, I am more certain now than ever—

and so on. I say, 'Look at the motion.' I do hope that the department of public prosecutions takes all the steps that we as members of parliament in our objective consideration of this report expect them to take and that they are not further influenced or manipulated by a government that is more intent on saving itself than serving the public interest.

There being a disturbance in the Speaker's gallery:

The DEPUTY SPEAKER: Order!

The Hon. DEAN BROWN (Deputy Premier): We have before us this afternoon a motion which, I believe, puts a finality on this as far as this parliament is concerned. This parliament this afternoon, first, is noting the report. It is acknowledging the findings that have been made within the report. It is therefore said that, if there are any other specific matters, they should be dealt with by the Director of Public Prosecutions or other areas of government, such as crown law. We have had a Premier resign as a result of the findings of this report. As a parliament we have now instructed, if this motion is passed, that all the other matters about other people—not the resignation of the Premier—be dealt with by the Director of Public Prosecutions or any other party.

This afternoon's debate should be seen as putting an end to this issue as far as this parliament is concerned. A number of matters have been raised. I will not go through all of them but I think that some should be specifically raised or challenged. The member for Elder raised one of those issues. He said that the 1994 cabinet decision was 'improper' and that the report 'found' that it was improper. In fact, the report has not found that it was improper at all. The report, at page 146 paragraph 801, states:

We can do no more than report that we are not aware of any evidence that the choice of Motorola equipment was not appropriate.

This afternoon the opposition has tried to bring into question a range of issues that are entirely outside the findings of the Clayton report, and some of those have been no more than just wild accusations. I ask that members of parliament come back to the findings and to the substance of the Clayton report because the debate this afternoon has gone way beyond that. I do not know what sort of medication the member for Elder is on, but when I heard some of the claims made I would have to say that those claims do not relate to the Clayton report at all.

There are a number of other issues and I give that as just one example. Sitting here this afternoon I have heard many other wild claims and, for those people who have gone to the bother of reading the report, those wild claims just are not substantiated at all. Shortly, we will hear from the former Premier (the member for Kavel) who will argue his point of view, on which he quite rightly and respectfully should be heard. My concern is that this parliament has dealt with this issue for many months and years. This afternoon's debate should be seen, I think, as the finality of the debate within this parliament.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: The findings have been handed down and they are now to be dealt with elsewhere. I stress that no other specific recommendations are contained within the report at all. It is not as if this report has said that there are unsatisfactory issues that still need to be dealt with, or—

Mr Hanna interjecting:

The SPEAKER: Order, the member for Mitchell!

The Hon. DEAN BROWN: —that there are specific recommendations that Clayton has made. Clayton has made some findings and this parliament has noted and acknowledged those findings. As I said, unfortunately, the Premier has resigned and, as a result, this parliament has referred back to the Director of Public Prosecutions, Crown Law or any other area of government—and I stress that—any other findings that have come out of this report that need to be dealt with. I therefore—

Mr Hanna interjecting:

The SPEAKER: Order, the member for Mitchell!

The Hon. DEAN BROWN: —support the motion, and the government supports the motion, which I believe gives a finality to this issue within the parliament.

The Hon. J.W. OLSEN (Kavel): I propose to speak briefly on the motion at this time. I will be seeking an opportunity at a later date to respond in detail to a number of comments that have been made both in the findings of the report and by members in their contribution today. Importantly, I want to say that I will not respond today to those members who have participated in this debate simply for the purposes of character assassination or, in fact, broadening the political net for base political purposes. I want to come back to some key and fundamental points. I gave a detailed press conference on Friday afternoon. My remarks at that time remain my position today.

I want to address, if I might, one or two aspects as they relate to the timing of the press conference. The reason the press conference was held at approximately 4 o'clock Friday afternoon is that I was, during the course of Friday, determining my final position, knowing a range of options that would be available to the government in dealing with this issue. I asked my family to come to my office so that I might discuss it. A number of my colleagues also joined me on Friday afternoon to work my way through this issue.

In response to those members opposite—and, indeed, I think the member for Hammond—who said that I deliberately set the time and place, a number of people know of the discussions that took place on Friday upon which I then made my final decision. As soon as I made my final decision I advised the media that I would say so publicly, and let there not be any misunderstanding and nonsense about that. Secondly, and importantly, I consider that, as a matter of principle, the position I took was the right course for me to follow. It is also the right course for the Liberal Party and the government in South Australia.

I will say no more at this time in relation to that. As I have said, I will refer to a number of components in detail at a later time. The Clayton report has found that some of the evidence I gave to the Cramond inquiry was, in his terms, misleading, inaccurate and dishonest. I reject that. I responded to some questions by Mr Cramond, and to my honest belief the responses I gave to his questions were—

Mr Atkinson interjecting:

The Hon. J.W. OLSEN: Could I ask the member for Spence to give me the courtesy of being heard in silence in this matter? When I was asked a series of questions, on the advice and information that was available to me and in my heart, I believed that the response I gave was the true position. That is still the position I hold to this very day. I did not mislead. This all arises from a statement I made to the estimates committee in September 1994 that there were no side deals in the software centre agreement—that is the point—that the government had entered into with Motorola. It was alleged that the answer was inconsistent with a letter I had signed in April 1994, which stated that if Motorola entered into the software contract it 'is the intention of the South Australian government, subject to normal commercial criteria, to appoint Motorola as the designated supplier of equipment'. In a commercial sense 'subject to normal criteria' means price, availability and a raft of other measures. Why was it that we proceeded to tender call subsequently if

it was not subject to normal commercial criteria and tender call?

Mr Atkinson interjecting:

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

The Hon. J.W. OLSEN: When I gave my answer to the estimates committee it was my understanding that the April 1994 letter did not give rise to any legal commitment and, even if it did, it was not taken up by Motorola as part of the software centre agreement, and that is the point. There can be no suggestion that my answer at the time to the estimates committee was a deliberate untruth. There was nothing inappropriate in the April letter. That letter was sent with the full authorisation of the cabinet.

Mr Hanna: So, you were all in on it.

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

The Hon. J.W. OLSEN: It was always subject to normal commercial criteria. I was asked the question in Estimates, I think some time in September 1994, about three months or so after the contract was signed. I took the question at the Estimates to mean, 'Was there a radio agreement attached to and part of the software agreement asked three months later?' That is how I took it. That has now led to this sorry saga.

The Cramond inquiry concluded that I had not deliberately misled in parliament. Clayton has concluded that I had not misled Cramond. There seems to be several reasons for that conclusion. First, he says that my story has changed from that which I told parliament and Mr Cramond. I deny that. In fact, Mr Clayton's own report shows that my position has been consistent throughout, because it was my fundamental belief. However, I take the view that he has misunderstood both the effect of my evidence and the conclusion reached.

I asked for this matter to be referred to senior counsel, separate and distinct from any of the background of this issue in South Australia—a senior constitutional lawyer interstate. He was supplied the details. I released this on Friday, and I am sure members all have a copy. The following point is made:

Fundamentally it is not clear to me that the report correctly understands the reasoning for the Cramond inquiry in relation to the issues which centrally concern Mr Olsen.

That is a very important point. It is the starting point upon which subsequent judgments and conclusions have been made. Perhaps another reason for Mr Clayton's conclusion is that he says that everyone else—including various Motorola employees and Mr Cambridge—now disagrees with my evidence. I deny that. I contend that their evidence is consistent with my version. Furthermore, the evidence of my former ministerial colleagues which he says is inconsistent with my evidence is, in fact, consistent with it, as Cramond found. That is another important point.

As I have indicated, I will be making a full and detailed explanation, and I will pick up the comments that have been made by members in this House during the course of debate today. Let us look at it in this context: what was in it for me?

An honourable member: The leadership.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: That just demonstrates the ignorance of the honourable member. This was within six—

Members interjecting:

The SPEAKER: Order! The member for Kavel will resume his seat. Any fair-minded person would listen to this debate in silence. If members do not wish to listen to it in

silence, I suggest that they voluntarily move out the door, or I may be tempted to shift them out the door.

The Hon. J.W. OLSEN: I return to this point: what is in it for me? I have had nothing personally to gain from this other than, one could say, a little pain. If you were to ask me whether I would take these initiatives again, the answer would be 'Absolutely.' The reason I say that is that I am somewhat proud of the fact that the Motorola software centre is in Adelaide, South Australia, and not in Perth, Western Australia. I am proud of the fact that we have gone from six employees in 1994 to 418 currently at that facility, with the capacity to grow further. If I am guilty of anything, it is enthusiasm to change South Australia, to diversify our economy and to bring new companies into the state. That has been my driving force and motivation—no more no less than that. There is nothing corrupt or illegal in this, and I have nothing to gain personally in this other than trying to do the best for the state and the people in the state. That is what has been the motivating factor.

I know that members opposite can smile and smirk and say that they have my scalp. Okay, you can; you have. But, another issue needs serious consideration in this: we need to be careful that due process of government does not stop investment in the future—that due process of inquiries does not frighten off major international companies. I can imagine some companies looking at this sorry saga and saying, 'Why would you put your company or international reputation through that?' The only people who will be disadvantaged by that will be the people of South Australia and jobs in this state in the future. Probity always needs to be there; there is no question of that. However, if we play political games of this nature for political one-upmanship, political point scoring and simply to get a political scalp, we will do this state a disservice in the longer term. That is what you are playing with: you are playing with people's jobs and the future of this state.

I am very passionate about one thing in all this, that is, diversification of this economy and giving it some underlining strength so that it has a future and my kids have a future in this state. I defy anybody in this parliament to say that that has not been a driving motivating force in what I have done during my privileged time of being a minister and a Premier in this state. It is a privilege to serve as a minister and a Premier. Equally, privilege brings with it responsibility. I have always sought to do what is right for the people of this state. That has been a fundamental part of and the key to what I always have attempted to do for South Australians and their future.

The opposition can crow about the politics that it has played out. I hope and ask that the processes of government do not stop, halt and deny further investment, expansion and jobs as a result of the activities of what I consider at the end of the day to be political one-upmanship. I have an opportunity to pursue this in another forum, limited though it may be.

One of the many great difficulties I have in effect is no right of appeal. I asked for a royal commission because it would have provided me with a right of appeal. I have no right of appeal as such, but there are some limited opportunities for me and, where they present themselves, I will pursue them.

Members interjecting:

The SPEAKER: Order! The members for Bragg and Hart will remain silent.

The Hon. J.W. OLSEN: In summary, I will seek the indulgence of the House at a later time, in a comprehensive

way, to respond, first, to the findings and, secondly, some of the comments that have been made today. In particular, I would like to respond to those who have participated and who have endeavoured to undertake character assassination and apply politics to the extent that it does a disservice to South Australia and its future.

Mr McEWEN (Gordon): Sins have been committed, confessions made, absolution sought and penances paid. I thank all the speakers this afternoon who have supported the motion before the House. The Deputy Speaker made the observation that some speeches were wider than they were long, and some people did range well beyond the motion before the House. Notwithstanding that, on balance the contribution of members was measured, and I thank them for that. It is a particularly difficult day—

The SPEAKER: Order! Will members please clear the floor.

Mr McEWEN: Most importantly, it was a day in which this parliament had to get closure on this matter. I certainly did not support the notion of a third inquiry or a royal commission. I felt that was not necessary. I felt the way to deal with this matter was to close it here and now, and in so doing this motion asks the government of the day to refer some matters to some of its agencies if we need to tidy up some processes of government. It also says that the DPP should look at certain matters particularly to do with a couple of individuals and make a decision in his own right.

The motion importantly says that we note the report and the findings. I thank all members who have been part of that, accepting that we do note. I compliment the member for Ross Smith for rehearsing his campaign speech, and I certainly extend again now as I did earlier the invitation to him to join us here and now. He is right: at the end of the day I know that his campaign slogan and mine will be 'Their voice, their choice.' I commend the motion to the House.

Motion carried.

STANDING ORDERS SUSPENSION

Mr FOLEY (Hart): I move:

That standing orders be so far suspended as to enable me to move a motion forthwith regarding the establishment of a select committee to hear and consider evidence from the Auditor-General in relation to matters surrounding the Hindmarsh Soccer Stadium report.

As all members would recall, the Auditor-General of this state provided to this House a report into the matters relating to the Hindmarsh Soccer Stadium. In that report he made serious findings against the member for Bragg and the member for Coles, the then Minister for Tourism. The Auditor-General stated that the minister had a conflict of interest and went into a whole series of findings relating to her conduct as a minister and, indeed, also the member for Bragg.

In her response to his report, the then minister, the member for Coles, made what can only be considered some of the most strident and damning criticisms of the state's Auditor-General. The accusations made by the member for Coles were that the Auditor-General was politically motivated and that he had misled her by telling her some years earlier that she did not have a conflict of interest. To paraphrase, I think her words were something to the effect that 'Had I known two years later—

The SPEAKER: Order! The member is now starting to debate the merits of the motion. I ask that the member come back to the reasons for the suspension of standing orders.

Mr FOLEY: The reasons are that the accusations made by the then minister, the member for Coles, were so damning in their nature about the conduct of the Auditor-General that we feel it is important that the Auditor-General be given an opportunity to respond to her allegations and to respond under privilege. We sought to invite the Auditor-General to appear before the Economic and Finance Committee. The Chairman of the Economic and Finance Committee in response to our request went on public radio and announced to all who were listening that, if the Auditor-General wanted to come to parliament, all he had to do was ask and he would allow that to occur—

The SPEAKER: Order! The member will have the opportunity to canvass this when we get to the debate. I suggest that the member gets back to the reasons why he wants to suspend, which he probably has explained.

Mr FOLEY: The reason for the suspension is to ensure that we can debate the matter and that the suspension of standing order 385 also occur to enable a select committee to hear evidence, because we are advised that the Economic and Finance Committee cannot.

The Hon. G.M. GUNN (Stuart): I oppose the motion. This particular motion—

Ms White interjecting:

The Hon. G.M. GUNN: I am opposing the motion and giving my reasons why I am doing so. One of the fundamental principles of a democracy and the right of a member of parliament is free speech—free speech without threats of intimidation, threats—

The SPEAKER: Order! The member is debating. He will have ample opportunity during the debate to follow that line. We are now discussing the reasons why we either do or do not want to suspend standing orders.

The Hon. G.M. GUNN: The move to suspend standing orders on this occasion sets out to create a precedent which has never been attempted in this parliament before. The attempt to suspend standing orders for the parliament to sit in judgment of a comment made by one of its own members is unprecedented. The suspension of standing orders was never designed for that purpose. The suspension of standing orders was designed to allow for the free flow of business in the parliament. It is designed to allow the parliament to short-circuit the processes and to get on with its business so that humbug and other causes of action will not prevent the parliament acting decisively. The suspension of standing orders is not designed to sit in judgment of a member or group of members, or to involve or engage other officers of this parliament in public controversy or in political debate—

The SPEAKER: Order! The member is now straying again. I suggest that we put the motion.

The Hon. G.M. GUNN: This suspension is a very dangerous precedent and, if the parliament goes down this particular track for some short-term political gain, then I say to you, Mr Speaker, and every member in this chamber that you will regret this course of action. No matter what the arguments are, no matter how members feel about what are the rights and the wrongs, to move to suspend standing orders for any purpose of this nature is creating a set of circumstances which is damaging to the institution of parliamentary democracy and the right of free speech.

I put to you, Mr Speaker, as the custodian of those rights that this suspension of standing orders will create an opportunity which future members of parliament will have to bear and concerning which they will carry a burden. Our forefathers, when they set up the institution of parliamentary democracy in a Westminster system, deliberately created the right of free speech. In the name of democracy, fairness and decency, and on behalf of the citizens and electors of this state and this country who want their members of parliament not to be hogtied, threatened or intimidated, because that is what the end result will be, I urge the House to oppose this motion.

The House divided on the motion:

AYES (24)

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

NOES (21)

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

Majority of 3 for the ayes.

Motion thus carried.

[Sitting suspended from 6.5 to 7.30 p.m.]

HINDMARSH SOCCER STADIUM

The SPEAKER: The member for Hart.

Mr FOLEY (Hart): Thank you, sir. If you will just bear with me. Mr Speaker, can we just tread water for two moments?

The SPEAKER: It is pretty irregular. I would urge members to move this on. You have had the whole of the dinner break to plan the strategy. This is pretty irregular.

Mr FOLEY: Sorry, sir. Someone has brought up amendments to our motion which they have not given us the courtesy of seeing prior to this. We need an opportunity to consider them.

The SPEAKER: The chair has to proceed with the business before it. This is most irregular. The House has had the dinner break to plan any strategies. I have called the member for Hart. He has sought suspension of standing orders.

Mr FOLEY: Just bear with us for 30 seconds, if we may.

The SPEAKER: I have called the member for Hart to move his motion.

Mr FOLEY: No, I have no motion to move.

The SPEAKER: I call the member for Stuart. Does anyone wish to stand? The member for Hart has the suspension.

Mr FOLEY: I am not moving it.

The SPEAKER: Order! There is no motion from the member for Hart. There is no motion before the chair.

Mr Foley: Do you want to move your motion?

The Hon. G.M. Gunn: Yes.

The SPEAKER: The House sought a suspension of standing orders for a motion to be moved by the member for Hart.

Mr FOLEY (Hart): I move:

That this House invites the Auditor-General at his earliest convenience to report to the House on the statements in the House of Assembly by the member for Coles on Thursday 4 October 2001 relating to the report of the Auditor-General into the Hindmarsh Soccer Stadium.

The member for Coles, then Minister for Tourism, came into this House to respond to the report into the Hindmarsh Soccer Stadium. That report had been some 12 months or more in the making and had found that the member for Coles, the then Minister for Tourism, had a massive conflict of interest, had been aware of that conflict of interest and had done nothing about it. A number of other findings were also made against the member for Coles which made it very clear that she had negligently performed her duties as the Minister for Tourism.

Mrs Hall interjecting:

Mr FOLEY: She is smirking over there, sir. She is the disgraced Minister for Tourism, like the disgraced former Premier and the disgraced former Deputy Premier. They can smirk, smile and do all they like but, at the end of the day, the member for Coles had a conflict of interest and set about abusing public office in her actions. Her response to that was to play the man. We hear much from members opposite about playing the man, playing the person, and not playing the issue.

A damning report has been made of the member for Coles, and her response was to say that the Auditor-General was politically motivated. She then said that the Auditor-General had given her advice some years ago that she did not have a conflict of interest and, had he given her the right advice, she would not have continued with her dual role.

Mrs Hall: Don't you put words in my mouth.

Mr FOLEY: I will say what I like, and the member for Coles can get up and do her normal stuff—misrepresent, and mislead, all that stuff she does so well—when she has her chance to speak. But she implied that the Auditor-General of this state had advised her that she did not have a conflict of interest. The member for Coles therefore said that, had she been given the right advice initially, she would never have done what she did.

Ms Rankine: It didn't stand the test of time.

Mr FOLEY: That's it—the Auditor-General's advice did not stand the test of time. But fancy the member for Coles accusing the Auditor-General of this state of being politically motivated—allegations that she certainly would not repeat, and has not repeated, outside this chamber. However, the problem is that they are allegations that cannot go untested and without response by the Auditor-General.

Earlier we had an agreement with the Independents that the Auditor-General would appear before a special select committee of this parliament. Unfortunately, that deal did not stand the test of time.

An honourable member interjecting:

Mr FOLEY: The member for Wright will have her moment with me later about 'I told you so.' That did not stand the test of time and that is an issue I will take up with the Independents subsequent to this. The idea was to give the Auditor-General an opportunity to say his piece.

You cannot have a former Minister for Tourism, while she was still the minister, making wild allegations that the Auditor-General of this state conducted his inquiry with political motivation; that the Auditor-General had a political motive in his findings; and that the Auditor-General had given the member earlier advice that was proven to be wrong. If that is the case, this government should move to dismiss the Auditor-General.

I say to the Member for Coles—we know her power within the Liberal government is diminishing rapidly, but if the Member for Coles has any of that power left—why has she not influenced the current leadership? The Deputy Premier is sitting here with us tonight. Why has she not influenced the Deputy Premier to move for the dismissal of the Auditor-General? If her allegations can be proved—that he was politically motivated, that he gave her advice two years ago that was wrong—

Mrs Hall interjecting:

Mr FOLEY: If he gave you that advice four years ago, give us the evidence. Produce the evidence, and if what you say is absolutely correct your government should move for the removal of the Auditor-General from office, so serious are your allegations. You had a natural justice process. What we want to know is, did the Member for Coles, through her taxpayer funded, very expensive natural justice process present before the inquiry her evidence that the Auditor-General of this state told her four years ago that she did not have a conflict of interest?

Mrs Hall interjecting:

Mr FOLEY: Let's have a look. Let us know from the Auditor-General, did she do that? Did the Auditor-General—

Mrs Hall interjecting:

Mr FOLEY: I have to say in response to the interjection that the way the opposition tends to find out most things about this government, Member for Coles, is: you guys tell us. The bureaucracy does not leak to us, Joan. Your own people leak to us.

The SPEAKER: Order! The member should use a title.

Mr FOLEY: Thank you, sir. The Member for Coles should know that her cabinet, her government and her members have provided a constant stream of leaks to us and have been from about one week after the 1993 state election. Members of this government who blame a public servant for leaking information to the opposition should hang their heads in shame, because the public sector in this state has been about as rock solid as one could hope and expect from a diligent and loyal public service.

The problem is that you leak on yourselves, so if you want go down that burrow I am happy to go. But I will say this to you. You cannot put those doubts about the Auditor-General into the public domain and not have them tested, because if what you say is correct he should be removed from office. My colleagues and I have heard your evidence, and we want to see a response from the Auditor-General. Our preference would have been to hear the Auditor-General in the Economic and Finance Committee tomorrow but the member for Stuart—and just why the member for Stuart, not noted for his support of the member for Coles, is so lately a protector of the member for Coles surprises me, but then again I suppose

everything surprises me—brought in a standing order that said that the Economic and Finance Committee cannot hear from the Auditor-General.

I thought we had agreement from the Independents some hours earlier that we would have a select committee. Unfortunately the Independents chose not to support our earlier agreement. Not only did the Independents change their agreement: they gave us no prior warning. I suppose that I now get to know a little about what the government has to put up with from time to time. It is one thing to welch on an agreement but at least give us five minutes' notice so that we can reposition ourselves. But anyway that is politics and nothing surprises me at the end of the day.

The Hindmarsh Soccer Stadium has been a sorry saga. An enormous amount of taxpayers' money has been spent on a stadium for little value, particularly when, as the Minister for Human Services would know only too well, five or six kilometres down the road we cannot even build an extension to the Queen Elizabeth Hospital because what money the government had available it preferred to provide to the construction of the Hindmarsh Soccer Stadium. We have had much debate about that and the reasons behind the member for Coles trying to ingratiate herself with certain sections of the soccer community.

I know a little bit about the soccer community. The soccer communities that concern me are the grassroots of soccer in this state and they include the community in my electorate where my young son plays. Last week, the Leader of the Opposition and I had an opportunity to talk to some people about the crying need for support at the grassroots level. When a government can spend \$41 million on a white elephant for the elite of the elite—

Mrs Hall interjecting:

Mr FOLEY: Well, you'll get your chance, Joan. Let's have it all out here. Do something that you're not noted for: get up and give a speech.

Mrs Hall interjecting:

Mr FOLEY: You giving a speech is not something that we see too often. You would be the least spoken MP in this place. When one sees the lack of resources available to community based soccer and the crying need for support, one can only say that the priorities of this government were so horribly wrong when it came to the Hindmarsh Soccer Stadium.

The SPEAKER: Order! The chair has just read the motion and I think the honourable member is starting to stray from the context of the motion, which is the statements in the House by the member for Coles.

Mr FOLEY: I am sure that many members opposite were aghast and horrified when the member for Coles in a self-serving speech in this parliament chose to attack the Auditor-General instead of coping it sweet and accepting the fact that she had let down her government, her parliamentary colleagues and her electorate—a lot of people. She could not take it gracefully like the member for Bragg who, whilst he made a few parting comments, at least had the maturity and experience to know that when you are done you are done. He has probably had a bit of experience at being—

The Hon. G.A. Ingerson interjecting:

Mr FOLEY: I'm going to get onto that in a minute. At least the member for Bragg has had a bit of experience of resigning and did so in a more dignified manner, but not the member for Coles—

An honourable member interjecting:

Mr FOLEY: Well, as we said earlier, the only bloke who was happy in this place was Ingo. He thought he was going to get a third serve from the Clayton inquiry. The fact is that the member for Coles could not help herself, she had to give the Auditor-General a spray, a touch-up. That is fine, she may choose to do that, she has ultimate privilege in this place, but the Auditor-General should be required or allowed to give his response. That is why we moved this motion. It is not our preferred motion but, to quote a former great South Australian—a discredited and dishonest former great South Australian—I am a political realist and I realise that this is as good as I am going to get.

An honourable member interjecting:

Mr FOLEY: I acknowledged the author of that phrase.

Mr Hamilton-Smith interjecting:

Mr FOLEY: The member for Waite says that the Labor Party may face a third term in opposition. Many people in South Australia will be hoping that that might be the case, but I can say that we are happy to do battle with you at any time. Members opposite who may wish us to have a third term in opposition and all your members, supporters, cohorts and financial backers—I understand that, today, there have been some leaked documents that indicate that corporate South Australia yet again has been put under pressure to provide—

The Hon. M.D. Rann interjecting:

Mr FOLEY: Well, I am sure that all of those people would be keen to see Labor have a third term in opposition. I am not arrogant enough to suggest that we will win the next election; I am just keen to have an election. People will finally be able to pass judgment on the member for Coles, former Deputy Premier Ingerson and, ultimately, the member for—

The SPEAKER: The member will please return to the motion.

Mr FOLEY: I will conclude with those comments. I urge the House to support the right of the Auditor-General to be heard.

The Hon. G.M. GUNN (Stuart): I second the motion. I thank the member for Hart for moving my motion; the experience makes me very humble. However, this is an important matter. The parliament has spent a great deal of time discussing and debating the issues. The member for Hart indicated that the Economic and Finance Committee, through the chair, has prevented the Auditor-General. I draw the attention of the House to standing order 385. I did not make the standing order, and I never set out to deny anything. When the Auditor-General wrote to the secretary of the committee and made the request, I sought and was given advice from the appropriate officers of this parliament. I did not go to any government; I sought independent advice. For the benefit of the House, standing order 385 provides:

If any allegations are made before any committee against any member of the House, the committee may direct that the House be informed of the allegations but may not itself proceed further with the matter.

First, I do not believe that the Auditor-General of South Australia would want to appear before a parliamentary committee in contravention of a standing order. Secondly, we have had considerable debate in relation to this matter, and my great concern is to protect the privilege of parliament and the ability of members of parliament to speak freely and openly so that they are in no way intimidated, threatened or in any way interfered with in the course of their duties. We may not agree with the comments; we may think they are

offensive, ill-conceived and contrary to the best interests of the people of this state. Therefore, I have clearly indicated to the House—and I have advised the Auditor-General of this—that we want him to report on this matter at his earliest convenience. I commend the motion to the House.

Mr LEWIS (Hammond): I wish to move an amendment to the proposition. My amendment will delete all words after ‘that’ with a view to substituting the following words, ‘this House establish a committee to hear and consider evidence’—

The SPEAKER: Order! I point out to the member that the motion is not before the chair.

Mr LEWIS: Am I not allowed to move an amendment to the motion, Mr Speaker?

The SPEAKER: You are moving an amendment after the word ‘that’?

Mr LEWIS: Yes, my amendment will delete all words after the word ‘that’.

The SPEAKER: The motion before me does not include the word ‘that’.

Mr LEWIS: Doesn’t it? Well, that means that it is an incompetent motion.

The SPEAKER: Order! I caution the member.

Mr LEWIS: Mr Speaker, every proposition before this chamber must begin with the word ‘that’. In view of the fact that the motion is incompetent—

An honourable member interjecting:

Mr LEWIS: Not really. In the interests of expediency, I suggest that we proceed—

The SPEAKER: I want to make sure that I have the right motion in front of me. The motion before me states:

This House invites the Auditor-General, at his earliest convenience. . .

Is that the motion that you have before you?

Mr LEWIS: Yes, I have such a statement before me, sir. As you would appreciate, sir, that statement is not a motion. The word ‘that’ must appear.

The SPEAKER: The chair is quite happy for the member to proceed now that we have established that he and the chair have the same document.

Mr LEWIS: My amendment deletes all words after the word ‘that’ with a view to substituting other words. I move:

To amend the motion by deleting all words after the word ‘that’ and replacing them with the following: ‘this House establish a committee to hear and consider evidence from the Auditor-General in relation to matters surrounding the Auditor-General’s Hindmarsh Stadium Inquiry and, in particular, statements made by members of this House in response to the inquiry; that the committee shall operate under the guidelines for, and have the privileges of, a select committee of this House; that the committee shall prepare a report of its hearings for the consideration of this House by Tuesday 30 October 2001; and shall have the power to send for persons, papers and records and to adjourn from place to place.’

The SPEAKER: Order! I ask the member to provide the chair with a copy.

Mr LEWIS: Certainly, Mr Speaker.

Mr HAMILTON-SMITH: I rise on a point of order, sir. The proposed amendment to the motion put by the member for Hammond is in fact a totally new motion. The motion that has already been put and seconded should be dealt with and decided upon by the House. If the member for Hammond has a completely and totally new proposition for the House to consider, then it should be put after this matter has been dealt with. I ask for your guidance, sir.

The SPEAKER: The chair is of the view that on balance it picks up the same subject: that there are enough parallels within this particular amendment for it to be treated as an amendment to the motion. If we wish to get a decision out of the House this evening, the House could address this motion and vote on it. Depending on the will of the House, we will know then whether the House wishes to proceed with the amendment moved by the member for Hammond, or in fact the amendment would be rejected and we would proceed to the original motion. I think it is close enough to the principle that the House is trying to achieve to proceed with the member for Hammond's motion. Is the member for Hammond's motion seconded?

An honourable member: Yes.

Mr LEWIS: In explanation of what I believe to be in the best interests of the way in which this House conducts its affair, the Auditor-General should have the opportunity not only to state what he believes to be an appropriate defence and an appropriate response to the allegations and statements made by members in this House to the opinions that he provided in his report to the House but also to be then cross-examined by that committee as to the meaning of what he has said; and that it should report, accordingly, those proceedings to this House so that it can determine whether or not on that information it ought to establish a privileges committee to further examine what arises from it.

Such a committee as proposed in my amendment is not a kangaroo court, nor does it breach the privileges of members in this place but, merely, it sets out to discover the facts of what the Auditor-General has said, how he came to the conclusions that he did, and why he would respond to the remarks and opinions that have been expressed about his report to the House. In so doing, the committee can certainly enhance the standing of this place in the opinion of the public. After all, we in this place have the delegated authority of all South Australian citizens in equal portion, give or take 10 per cent, according to the manner in which we were elected. It is our duty to satisfy the public that what we do is in the public interest, regardless of whether it is of interest to the public. This proposal, as I put it to the House—

The Hon. D.C. KOTZ: On a point of order, sir, can I ascertain through your ruling whether this motion in effect is in contradiction to standing order 385, which says:

Committee not to entertain charges against members.

If any allegations are made before any committee against any Member of the House, the committee may direct that the House be informed of the allegations but may not itself proceed further with the matter.

That is standing order 385, chapter 28 of the standing orders, on page 97.

The SPEAKER: The view of the chair is that for the committee to be effective it would require the suspension of that standing order, which would have to be subsequent to this motion which in fact allows the member for Hammond to proceed. The member for Hammond.

Mr LEWIS: That attempt says it all. Members of the government are witless and blanched white at the prospect of giving the Auditor-General what I would consider to be, in the natural process of things, natural justice in his office—not as a person but as an officer of this parliament—to tell us why he said what he said and enable us to ask him questions relevant to that and to report to the parliament on that and that alone. I do not pre-empt what will obviously be necessary following the passage of this motion through this place other than to say that clearly the effect of standing order 385 will

have to be suspended to enable us to get that information and then report to the parliament why and what. I rest my case. There is no necessity for further debate on the matter. We ought to put the motion now.

Mr HAMILTON-SMITH (Waite): I speak against the motion put by the member for Hammond. I am surprised that the member for Hammond has put this motion because the member for Hammond has staked, to a large degree, his standing and reputation in this place on a thorough knowledge of the standing orders and on a thorough knowledge of parliamentary practice, and has presented himself to this place as a man who understands the conventions and traditions of this place. For that reason I find it quite remarkable that the House, having put a previous motion and having had it seconded, and on the basis that that motion will proceed and that that previous motion gives the Auditor-General exactly what the member for Hammond seeks—an opportunity to report to the House on the statements in the House of Assembly by the member for Coles on Thursday 4 October, thus answering and giving the Auditor-General an opportunity to respond—that being the case, the member for Hammond seeks to create an opportunity for the Auditor-General to be put in a position where he be called before a parliamentary committee and invited to refute certain matters and, quoting from standing order 385, potentially put himself in the position of having to make an allegation against a member of the House.

If, for example, the Auditor-General decides that he disagrees with the statement made by the member for Coles, or that he feels it necessary to make some allegation of impropriety or something—I do not know, I am sure that will not be the case, but let us say he finds himself in that position—the member for Hammond's proposition is that he should do that within the context of a parliamentary committee.

Standing order 385 is there for a reason. It has been there since the creation of this parliament. It is founded upon the very principles of parliamentary Westminster practice. It is there to ensure, as my good colleague the member for Stuart pointed out to the House earlier, that the process of parliamentary committees is not corrupted and abused. Parliamentary committees are there for a purpose. That purpose is not to fulfil the proposition put by the member for Hammond in his suggested amendment.

What has been entered into by agreement with the opposition, the government and Independents, is that the Auditor-General be given his opportunity to respond to the address to the House by the member for Coles. I am sure that the Auditor-General has it within his range of capabilities to do so most thoroughly, in writing to the House, and in a manner which will ensure that his view is put most fervently to us all and in a way that can be revealed to the public and to the media.

It is totally inappropriate to seek to suspend our standing orders to pervert the practices of this place, in particular, on the spur of the moment. The member for Hammond strolled in here, half-cocked, on the basis that an agreement had been reached within the House that a certain proposition and motion would be put, and has suddenly decided, racing to his seat at your call, sir, to come up with a spur of the moment hip shot in the form of an amended motion.

I put to you, sir, and I actually put to the member for Hammond, that if he is a man who values the history of this place, the parliamentary practice that is well established in

this place, the principles set out in these standing orders and confirmed evidentiary in Erskine May—procedures that are well established in Westminster parliaments around the globe within the commonwealth—perhaps the motion he has put is inappropriate and that the former motion we are working to is the most appropriate way to give the Auditor-General his opportunity to respond.

The proposition being put by the member for Hammond could very well put the Auditor-General in the very embarrassing and awkward position of having to contravene standing order 385. Quite apart from that, sir, I put it to you that it is not good parliamentary practice of this place to be in the habit of suspending standing orders, so much at the basis of what we do here, for the purpose of political point-scoring and dragging out this exercise for pure base political purposes. I put to you, sir, that the motion should be rejected and that we should return to the former proposition.

Ms HURLEY (Deputy Leader of the Opposition): I move:

That the motion be put.

Motion carried.

The SPEAKER: The question before the chair is that the amendment moved—

The Hon. G.M. GUNN: Mr Speaker—

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

The Hon. G.M. GUNN: No, I wish to speak to the amendment.

The SPEAKER: No, the motion is that the amendment be put. It has been moved and seconded. I am about to put that motion.

The Hon. G.M. GUNN: Hang on!

The SPEAKER: Is the point of order from the member for Stuart that he wishes to speak on the motion that the amendment be put?

Members interjecting:

The Hon. G.M. GUNN: Hang on a minute!

Mr Foley interjecting:

The Hon. G.M. GUNN: You want to tear up pairs; you want to tear up the whole rule book.

Mr Foley interjecting:

The Hon. G.M. GUNN: No you haven't.

The SPEAKER: Order! I ask the member for Stuart to put his position.

The Hon. G.M. GUNN: I rose to speak on the amendment.

The SPEAKER: The motion that the question be put had already been moved and seconded. The honourable member has already spoken to the motion. The question before the chair is that the question be now put.

A division on the question was called for.

While the division bells were ringing:

Mr LEWIS: Mr Speaker, I had already understood that you had declared that vote some two minutes ago.

The SPEAKER: We are now in the position in the chamber in that the chair had not declared the vote on whether the motion be put. We are now in that process at the moment.

Mr LEWIS: I remember an occasion some 11 years ago when I was told, nonetheless, that the motion had been put and I could not have it reconsidered.

The SPEAKER: Well, I have been here for about four years. I have not been here for 11 years; I am not familiar with that time.

Members interjecting:

Mr LEWIS: You people need to remember that if you make arrangements you stick to them.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order, the member for Hammond and the Government Whip will come to order!

The House divided on Ms Hurley's motion that the motion be put:

AYES (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.	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. (teller)
Hall, J. L.	Hamilton-Smith, M. L.
Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Matthew, W. A.
Maywald, K. A.	Meier, E. J.
Olsen, J. W.	Penfold, E. M.
Scalzi, G.	Venning, I. H.
Williams, M. R.	Wotton, D. C.

The SPEAKER: Order! The chair wishes to make a brief statement. The chair is of the view that there is a fundamental principle in the Westminster system that, if members wish to speak to a debate, everyone should have the opportunity to do so. The vote on this occasion is 22 ayes and 22 noes. So that that principle can be upheld, it is my intention to vote with the noes. The question will then be negated, which will allow members to continue the debate.

Motion thus negated.

The SPEAKER: The question now before the chair is that the amendment moved by the member for Hammond be agreed to. I call the member for Stuart.

The Hon. G.M. GUNN (Stuart): Mr Speaker—

The SPEAKER: I am sorry; the member for Stuart has already spoken.

The Hon. G.M. GUNN: No, not on the amendment.

The SPEAKER: You get one chance, I am afraid, under the standing orders.

Mr MEIER: I rise on a point of order, Mr Speaker. Can you repeat the question?

The SPEAKER: The question before the chair is that the amendment moved by the member for Hammond be agreed to.

The Hon. D.C. KOTZ (Minister for Local Government): I believe that what we have seen here tonight and, in speaking to this motion, what we are seeing is a matter of contempt of this parliament. It brings the very processes and protocols of this parliament into disrepute, because what we are talking about here is parliamentary privilege. It has been

stated here tonight in this debate, and it should be stated again and again until members understand that what they are attempting to do is to take away the right of freedom of speech from members of this parliament. It has been in place for ever and a day in all constitutional acts that relate to parliament in western democracies that every member has the right of freedom of speech under parliamentary privilege.

Mr Lewis: It would be a good idea if you also told the truth.

The SPEAKER: Order! I ask the member for Hammond to remain silent.

Mrs Hall interjecting:

The SPEAKER: I warn the member for Coles and ask her to remain silent.

The Hon. D.C. KOTZ: It is becoming exceedingly obvious that the area of this debate has moved well below the standards that anyone in the parliament should expect. When members of parliament attempt to bring to order other members of parliament, when we have standing orders that contradict the very efforts that are being made here tonight, I think that we need to take a long, hard look at where the protocols, conventions and the basis and fundamentals of our Constitution Act lie in terms of the requirements of the motions that have been moved here tonight.

As I said, we are seeing an attack on parliamentary privilege. Every member of parliament in this place can come into this House and make their statements on behalf of anyone in this state for the good of the state and for the good of the people. They should be able to do so without fear, favour, intimidation, harassment and personal abuse which we seem to have found readily in this chamber tonight. There does not appear to have been any real contributions as to the technicalities of parliamentary privilege.

There certainly have been many other allegations and unsubstantiated opinions, and many people have made comment that really and truly came down to personal abuse. That in itself should make every member in this place quite ashamed of the fact that we have in here a group of representatives who want to diminish not only the rights we in this parliament have but also the very means by which democracy is upheld, that is, by the freedom of speech.

To think that we have in this place members who move a motion and attempt to take that away absolutely disgusts me to the core. I am thoroughly ashamed of some of my colleagues in this place when they argue for something that would make the standing orders completely mute in the first instance, particularly when they have upheld them before. I am also ashamed that, for a matter of political expediency, we would hit at the very heart of the democratic institution that this parliament was set up to be.

Members interjecting:

The SPEAKER: Order! I ask members to have their conferences out in the lobbies or remain silent. The Minister for Local Government has every right to be heard in silence. There are too many conferences going on in the chamber.

The Hon. D.C. KOTZ: In Erskine May's *Parliamentary Practice* many areas deal with what constitutes parliamentary privilege. Perhaps it is time that some of our members re-read some of what Erskine May has to say about the constitution of privilege. I assert that this motion goes against all those protocols and that principle. Under 'The Privilege of Parliament', Erskine May states:

Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament and by members of each House individually, without

which they could not discharge their functions and which exceed those possessed by other bodies or individuals. Thus, privilege, though part of the law of the land, is to a certain extent an exemption from the general law. Certain rights and immunities such as freedom from arrest or freedom of speech belong primarily to individual members of each House, and they exist because the House cannot perform its functions without unimpeded use of the services of its members.

It also talks further about the basis of these constitutional initiatives, stating:

... constitutional initiatives passed to parliament... the opportunity was taken to repeat in the fullest form the claim to freedom of speech and to protect its status by grounding it in statute, secure from royal interference or through the courts. This assertion in article 9 of the Bill of Rights that freedom of speech in debates and proceedings in parliament are not to be impeached or questioned in any court or place out of parliament was intended to stifle both the courts and the Crown.

The question of freedom of speech is quite implicit in the argument I am putting tonight. Every member in this place at some time in their career will want to stand in this place and put on the record information which has come from the public arena and which could be quite detrimental to any other member that may have wished to see justice done. A member of parliament is entitled to stand in this place without fear or favour and make almost any comment necessary to uphold the justice of individuals. If you set a precedent by attempting to attack the privileges of this parliament that are extended to members for all the reasons that have been inherent in constitutions since the beginning of time, you are putting at risk this whole institution.

You are putting at risk the parliamentary privilege that we as members of parliament are very specially given outside of any other person anywhere in this state. This is exactly what the attempt has been here tonight. We have seen some terrible attempts by members to make comment about other members in terms of personal abuse. That has taken this debate to another level. I am completely uneasy and depressed, I suggest, by the actions of members here tonight, because their contributions can only be seen in terms of setting precedents that would attack the very privilege that this parliament gives to its members.

The one basis of democracy is freedom of speech: one that we seek to uphold in all areas of our country, for our constituency and, most importantly, for those who represent that constituency. Accepting this motion will mean that we will need to move to repeal standing order 385—

Mr Lewis: That's drive!

The Hon. D.C. KOTZ: —the next move after this motion, which cannot take place unless there is a suspension of standing orders. To think that this parliament has actually agreed to that standing order and now wants to remove it, purely for political opportunism at the risk of all the ethics, protocols and conventions that freedom of speech gives us in this place, is probably one of the most dastardly acts that I have seen any member of this parliament attempt to achieve.

The SPEAKER: The honourable Minister for Water Resources.

Members interjecting:

The Hon. M.K. BRINDAL (Minister for Water Resources): Mr Speaker, I have 20 minutes, do I not?

Members interjecting:

The SPEAKER: I have called the Minister for Water Resources now, I am sorry.

Members interjecting:

The SPEAKER: Order! The Minister for Water Resources rose. The chair acknowledged him. The chair is

bound by the procedures of the House. I ask the minister to get on with the speech.

The Hon. M.K. BRINDAL: I rise to join my colleagues in this debate and do so for reasons outlined by my colleague the Minister for Local Government. Of all the ancient privileges claimed by this House—

Mr Atkinson: Turn it up; we're not putting her in prison!

The Hon. M.K. BRINDAL: The member for Spence knows, because he is a lawyer, that the most ancient and sacredly treasured of all our privileges in this place is the privilege of freedom of speech, and also the additional privilege that the most favourable construction should be placed on all our proceedings—another of our ancient privileges.

Members interjecting:

The Hon. M.K. BRINDAL: He's not worth it.

Members interjecting:

The SPEAKER: The member is already on his feet.

The Hon. M.K. BRINDAL: The Star Chamber was abolished in 1641.

The SPEAKER: Order! Can I bring the House back to the debate? We are debating an amendment moved by the member for Hammond. That is the debate before the chamber. We have moved on from the previous question that the question be put and are now debating the amendment moved by the member for Hammond, which we will then vote upon.

The Hon. M.K. BRINDAL: I am sorry, Mr Speaker, you will have to correct me if I am wrong, but the amendment moved by the member for Hammond is that this House establishes a committee to hear and consider evidence from the Auditor-General in matters surrounding the Auditor-General's Hindmarsh stadium inquiry and, in particular, statements made by members of this House in response to the inquiry.

The SPEAKER: Correct.

The Hon. M.K. BRINDAL: I contend in this debate that that touches directly on the ancient claim of this place and every one of its members to privilege. If members opposite want to allow people to come in and defend themselves, the Commonwealth of Australia has found an artifice for doing so. It has passed a measure by which people can come into its chamber and answer an accusation that is put in front of them. If this House is minded to do that, it can do it, but this is a construct and, as the Minister for Local Government has said, it is a construct for a base political purpose. This is not establishing a new precedent for this House; this is not changing the standing orders; this is not allowing—

Ms RANKINE: Mr Speaker, I rise on a point of order. When the motion was put by the member for Napier and the vote recorded in this House at 22:22, in fact, my vote—

The SPEAKER: That is not a point of order and I rule—

Ms RANKINE: My vote was not recorded, Mr Speaker.

The SPEAKER: Order! The chair does not like to be shouted down, either. I will give the member the call when the member finishes speaking, but she cannot interrupt the member in full flight. As soon as the member sits down, the member for Wright has the full privilege to stand up and make her statement.

Mr WILLIAMS: Mr Speaker, I rise on a point of order. Was the clock stopped during that little altercation?

Members interjecting:

The SPEAKER: Order! That was a frivolous point of order and the chair is not in the mood tonight for frivolous points of order. The Minister for Water Resources.

The Hon. M.K. BRINDAL: What we have before us is an artifice to check or to contradict the words of a particular member, in this case the member for Coles, and for no other purpose. If this was some type of—

Mr Atkinson interjecting:

The Hon. M.K. BRINDAL: If this were a new procedure of this House, or a proposal of a new procedure of this House, for people who this House believes have been wronged to come in here and answer before the bar of the House or defend themselves before the bar of the House, I believe that would be acceptable debate for this House. If, on the other hand, this is simply an artifice to show the member for Coles to be wrong, then it is wrongly done because it does touch on the privilege that each one of us enjoys to speak freely and without fear of consequence—

Mr Atkinson interjecting:

The Hon. M.K. BRINDAL: The consequence is that the opposition in this case seeks to bring in whomever they like to try to discredit the member for Coles. That is not the way in which this House is operated; it is not the way in which any chamber is operated. You touch and offend our privileges and you should be ashamed of yourselves.

Ms RANKINE: During the vote taken just a few moments ago on the motion moved by the member for Napier, my vote was not recorded, and I understand that in fact the yes vote would have won had that been recorded correctly.

The SPEAKER: Is the member giving the House an assurance that the member was present?

Ms RANKINE: I am giving you an assurance, sir, and I am sure the member for Newland can verify that I was here.

The SPEAKER: Would the member give an advice to the House how she voted?

Ms RANKINE: I voted to the right of the chair, sir.

The SPEAKER: You voted with the ayes. In accordance with standing orders and on the advice of the member to the House, I declare that the vote will now be 23 for the ayes and 22 for the noes and the measure would therefore resolve in the affirmative. I now put the question before the chair. The question before the chair is that the—

Members interjecting:

The SPEAKER: The chair is in a difficult position. The House has instructed the chair to put the motion, which is the question now before the chair.

Mr MEIER: Mr Speaker, I would ask whether there can be a time-out before that motion is put of five minutes.

The Hon. DEAN BROWN: Mr Speaker, I suggest the vote now be put.

The SPEAKER: The question now before the chair is that the amendment moved by the member for Hammond be agreed to. For the question say aye, against no. I believe the noes have it.

Amendment negated.

The SPEAKER: The question now is that the original motion moved by the member for Hart be agreed to.

Motion negated.

STANDING ORDERS SUSPENSION

Mr FOLEY (Hart): I move:

That standing orders be so far suspended as to enable me to move a motion forthwith.

The SPEAKER: As there is an absolute majority of the 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 proposed motion?

Mr FOLEY: Very briefly, sir. It is good to see that the parliament tonight has functioned well and is demonstrating its capacity to deal with the business of the day.

The SPEAKER: Is this for the suspension?

Mr FOLEY: We support the suspension.

The Hon. DEAN BROWN (Deputy Premier): We will allow the suspension to occur to debate a new motion.

Motion carried.

AUDITOR-GENERAL, STATEMENT

Mr FOLEY (Hart): As I said, we have seen a seamless operation of the parliament tonight. All members are clearly in control. I move:

The House invites the Auditor-General to report to the House on the statements in the House of Assembly by the member for Coles on Thursday 4 October 2001 relating to the report of the Auditor-General into the Hindmarsh Soccer Stadium, which must be provided to the parliament by Wednesday 24 October.

Without repeating everything I said earlier tonight, it is clear that we expect the Auditor-General to provide us with his report in written form tomorrow, and I urge all members of the House to support it.

Motion carried.

CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services) obtained leave and introduced a bill for an act to amend the Correctional Services Act 1992. Read a first time.

The Hon. R.L. BROKENSHIRE: I move:

That this bill be now read a second time.

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

Leave granted.

The *Correctional Services Act 1982* (the principal Act) is currently under review. This Bill addresses issues that require urgent amendment to support current practice of the Department for Correctional Services (the Department). The philosophies, attitudes and practices of the Department have changed over time and the principal Act does not currently reflect those changes.

The Bill seeks to expand the authority of the Chief Executive of the Department in regard to a prisoner's leave of absence from prison. This amendment would allow the Chief Executive to revoke any of the conditions placed on a prisoner who has leave of absence from prison. The principal Act provides for leave conditions to be varied by the Chief Executive, but does not allow them to be revoked. The Bill also seeks to give the Chief Executive the power to impose further conditions on a prisoner who has leave of absence from a prison.

The Bill seeks to insert a new section 27A to follow section 27 of the principal Act. There is currently no provision for prisoners to travel interstate for short periods or to manage prisoners who are in this State on leave from an interstate prison. The Bill will address the issues of authority and responsibility for prisoners on leave in South Australia from interstate and will include the authority to respond in the case of an escape of an interstate prisoner while in this State. All States have agreed and a number have already introduced legislation to provide for prisoners to be allowed to take leave of absence interstate. The leave may be required for medical, compassionate or legal reasons.

The Bill seeks to amend section 29 of the principal Act. This section deals with work undertaken by prisoners. The Bill provides for additional control of prisoners who might engage in work that is not organised by the Department. The amendment proposed will require the prisoner to have the permission of the manager of the

correctional institution in which the prisoner is held before the prisoner can be engaged in work, whether paid or unpaid and whether for the benefit of the prisoner or any other person. This is aimed at preventing a prisoner from carrying on a private business from prison. Some concern has been raised regarding the potential scope of this amendment; in particular, the potential for the amendment preventing a prisoner from undertaking tasks of a personal nature unless the manager's consent has been obtained. Consideration will be given to this issue during the break.

Clause 7 of the Bill contains a consequential amendment to section 31 to make it compatible with the proposed amendment to section 29.

Section 33 of the principal Act deals with prisoner mail. The Bill makes provision for tighter control of the mail that prisoners are allowed to send and receive while in prison. Clause 8 of the Bill proposes to amend section 33 so as to include an additional item in the list of mail that is deemed to contravene the principal Act; that is, mail that contains material relating to, or that constitutes, work by the prisoner that the prisoner is not authorised to perform. This will also maintain consistency with the amendment to section 29.

The principal Act does not currently allow for the random search of prisoners. Clause 9 of the Bill seeks to amend section 37 of the principal Act by inserting a subsection that provides for the random search of prisoners' belongings for the purpose of detecting prohibited items. This will bring the principal Act into line with current practice for the control of prohibited substances in the prison environment.

The Bill makes proposed amendments to the provision dealing with home detention. The proposed changes to section 37A will restrict home detention to the last year of a fixed non-parole period. It will also ensure that prisoners who receive a sentence of 12 months or less will not become eligible for home detention until they have served at least half of their sentence in prison.

Clauses 4, 11 and 12 of the Bill seek minor changes to the principal Act that will enable all authorised officers, both public and private, to be able to effectively carry out day to day prisoner management.

Clause 13 of the Bill seeks to repeal sections 85A and 85B of the principal Act and to replace those sections with provisions that are updated and reflect better the current practice and philosophy of the Department.

Section 85A of the principal Act is concerned with the exclusion of persons from correctional institutions. From time to time, it is necessary to evict or bar visitors to institutions. This may be as a result of the visitor contravening the principal Act by, for example, bringing in or attempting to bring in prohibited items, or their bad behaviour. The Bill proposes an expanded section 85A, that provides more detail about how, and in what circumstances, a person (other than staff) can be required to leave an institution. The new section will also allow for the banning of a person from a specified correctional institution or all correctional institutions.

Current section 85B provides for the power to detain and search non prisoners and vehicles entering a correctional institution. The current section is mainly applied to visitors to institutions. The new expanded section 85B proposed in the Bill goes into some detail about the sorts of searches that can be carried out of persons who are not prisoners, and vehicles, entering an institution. It also provides the manager of an institution with the power to cause a person or vehicle that could be detained under new section 85B for the purposes of being searched to, instead, be refused entry to, or be removed from, the institution. Information about detention of persons under the section will have to be provided in the annual report submitted under the principal Act.

Since coming to office, this Government has been committed to the objectives of rehabilitation and the secure, but humane, containment of prisoners. Some of the changes recommended in the Bill are necessary to allow the correctional system to operate more effectively and provide the legal framework necessary to prevent the potential abuse of the system by prisoners, while others are of a minor 'housekeeping' nature that will assist in the effective operation of the private prison.

I commend the bill to the House.

Explanation of clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This amendment proposes to insert a definition of the nearest police station for the purposes of determining the police station where a

person arrested without warrant under the principal Act must be taken.

Clause 4: Amendment of s. 27—Leave of absence from prison
The amendments proposed to section 27(2) and (4) will mean that if a prisoner is granted leave of absence from prison by the Chief Executive Officer, the prisoner will be able to be released in the custody of, and be supervised by, an officer or employee of the Department. These amendments correct a drafting oversight. In addition, this amendment provides for the Chief Executive Officer to be able to vary, revoke or impose further conditions on a prisoner's leave of absence from prison under this section.

Clause 5: Insertion of s. 27A

27A. Interstate leave of absence

New section 27A makes provision for a prisoner to take leave outside of South Australia. The following provisions apply in relation to requests under section 27 for leave of absence to be taken outside of this State:

- no such leave can be granted in circumstances prescribed by the regulations;
- the leave may only be granted in respect of a participating State;
- the period of leave cannot exceed 7 days (but successive grants of leave can be made);
- the Chief Executive Officer must give written notice of the leave to the chief officer of police and the corresponding chief executive in the State in which the leave will be taken and the chief officer of police in any other State through which the prisoner will have to travel by land;
- the prisoner remains in the custody of the Chief Executive Officer despite being outside SA.

Certain provisions apply in relation to an interstate prisoner who has been granted leave of absence under a corresponding law. They are set out in new section 27A(2).

The Governor may, by proclamation, declare a law of a State to be a corresponding law if satisfied that the law has provisions that substantially correspond with section 27 and this new section and may, by subsequent proclamation, vary or revoke such a proclamation.

The terms corresponding chief executive, corresponding law, escort, interstate prisoner, participating State and State are defined for the purposes of this new section.

Clause 6: Amendment of s. 29—Work by prisoners

It is proposed to insert a new subsection (5) into the current section to provide that a prisoner in a correctional institution is not entitled to perform any other remunerated or unremunerated work of any kind (whether for the benefit of the prisoner or anyone else) unless the prisoner has permission to do so by the manager of the correctional institution.

Clause 7: Amendment of s. 31—Prisoner allowances and other money

Clause 8: Amendment of s. 33—Prisoners' mail

These amendments are consequential on the amendment proposed in clause 5.

Clause 9: Amendment of s. 37—Search of prisoners

It is proposed to insert a new subsection that would allow the manager of a correctional institution to cause a prisoner's belongings to be searched where the manager, for the purpose of detecting prohibited items—

- proposes that the belongings of all prisoners within the institution, or a part of the institution, be searched; or
- has caused the random selection of prisoners from the whole or any part of the institution for the purposes of such a search and the prisoner falls within the selection.

Clause 10: Amendment of s. 37A—Release on home detention

Section 37A(1) gives the Chief Executive Officer a discretion to release a prisoner from prison to serve a period of home detention. The proposed amendments to section 37A will provide that the exercise of the Chief Executive Officer's discretion is subject to the limitations set out below. Each of the limitations that is relevant in relation to a particular prisoner's sentence must be satisfied before the prisoner can be released on home detention.

A prisoner who is serving or is liable to serve a sentence of indeterminate duration and has not had a non-parole period fixed cannot be released on home detention.

A prisoner cannot be released on home detention unless—

- (1) in the case of a prisoner in respect of whom a non-parole period has been fixed—the prisoner has served at least one-half of the non-parole period;

- (2) in any other case—the prisoner has served at least one-half of the prisoner's total term of imprisonment, and the prisoner satisfies any other relevant criteria determined by the Minister.

The release of a prisoner on home detention cannot occur earlier than 1 year before—

- (1) in the case of a prisoner in respect of whom a non-parole period has been fixed—the end of the non-parole period;
- (2) in the case of a prisoner in respect of whom a non-parole period has not been fixed but whose total term of imprisonment is more than one year—the day on which the prisoner would otherwise be released from prison.

Without limiting the matters to which the Chief Executive Officer may have regard in exercising this discretion, the Chief Executive Officer may take into consideration the seriousness of any offence that gave rise to the imprisonment that the prisoner is serving or is liable to serve.

Clause 11: Amendment of s. 52—Power of arrest

Clause 12: Amendment of s. 85—Execution of warrants

These amendments correct a drafting oversight. The proposed amendments will simply insert 'officer or' wherever 'an employee of the Department' is mentioned.

Clause 13: Substitution of ss. 85A and 85B

Current sections 85A and 85B are to be repealed and new sections substituted for them.

85A. Exclusion of persons from correctional institution

New section 85A provides that regardless of any other provision of the principal Act—

- if the manager of a correctional institution believes on reasonable grounds that a person lawfully attending the institution in any capacity (other than a member of the staff of the institution) is interfering with or is likely to interfere with the good order or security of the institution, the manager—

- (1) may cause the person to be removed from or refused entry to the institution; and

- (2) may, in the case of a person who visits or proposes to visit a prisoner pursuant to section 34, by written order, exclude the person from the institution until further order or for a specified period; and

- if the Chief Executive Officer believes on reasonable grounds that a person who visits or proposes to visit a prisoner in a correctional institution pursuant to section 34 is interfering with or is likely to interfere with the good order or security of that or any other correctional institution, the Chief Executive Officer may, by written order, direct that the person be excluded from—

- (1) a specified correctional institution; or

- (2) all correctional institutions of a specified class; or

- (3) all correctional institutions,

until further order or for a specified period.

The manager of a correctional institution may cause any person who is attempting to enter or is in the institution in contravention of such an order to be refused entry to or removed from the institution, using only such force as is reasonably necessary for the purpose.

85B. Power of search and arrest of non-prisoners

The manager of a correctional institution may—

- with the person's consent, require any person who enters the institution to submit to a non-contact search, and to having his or her possessions searched, for the presence of prohibited items; or
- if there are reasonable grounds for suspecting that a person entering or in the institution is in possession of a prohibited item, cause the person and his or her possessions to be detained and searched; or
- if there are reasonable grounds for suspecting that a vehicle entering or in the institution is carrying a prohibited item, cause the vehicle to be detained and searched.

If a person does not consent to being searched under proposed subsection (1)(a), the manager of the correctional institution may cause the person to be refused entry to or removed from the institution, using only such force as is reasonably necessary for the purpose.

The following provisions apply to a consensual non-contact search:

- the person cannot be required to remove his or her clothing or to open his or her mouth, and nothing may be introduced into an orifice of the person's body;
- anything used for the purpose of the search must not come into contact with the person's body;
- the person may be required to adopt certain postures or to do anything else reasonably necessary for the purposes of the search;
- the search must be carried out expeditiously and undue humiliation of the person must be avoided.

The following provisions apply to the search of a person where there are reasonable grounds for suspecting the person is in possession of a prohibited item:

- the person may be required to remove his/her outer clothing, to open his/her mouth, to adopt certain postures, to submit to being frisked or to do anything else reasonably necessary for the purposes of the search;
- nothing may be introduced into an orifice of the person's body;
- at least 2 persons, apart from the person being searched, must be present at all times during the search;
- the search must be carried out expeditiously and undue humiliation of the person must be avoided.

The driver of a vehicle reasonably suspected to be carrying a prohibited item may be required to do anything reasonably necessary for the purposes of a search of the vehicle.

If, in respect of any of the searches provided for in this proposed section, the person/driver does not comply with a lawful requirement, the manager of the correctional institution may cause the person/driver and (where relevant) the vehicle to be removed from the institution, using only such force as is reasonably necessary for the purpose.

If a prohibited item is found as a result of a search, or a person fails to comply with a requirement lawfully made for the purposes of a search—

- the manager may cause the person/driver to be handed over into the custody of a police officer as soon as reasonably practicable and to be kept in detention until that happens; and
- the item may be kept as evidence of an offence or otherwise dealt with in the same manner as a prohibited item under section 33A may be dealt with.

If the officer or employee who carries out a search of a person suspects on reasonable grounds that a prohibited item may be concealed on or in the person's body, the manager may cause the person to be handed over into the custody of a police officer as soon as reasonably practicable and to be kept in detention until that happens.

The manager must, on detaining a person under this proposed section, cause a police officer to be notified immediately.

In any event, if a person or vehicle can be detained under the proposed section for the purposes of being searched, the manager may, instead, cause the person or vehicle to be refused entry to, or removed from, the institution, using only such force as is reasonably necessary for the purpose.

The annual report submitted under the principal Act by the Chief Executive Officer in respect of a financial year must include particulars about the number of persons detained pursuant to this proposed section during the year and the duration of each such detention.

This new section does not apply to a person who is a prisoner in the correctional institution.

Mr CONLON secured the adjournment of the debate.

SITTINGS AND BUSINESS

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

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

CROWN SOLICITOR AND SOLICITOR-GENERAL

The Hon. R.G. KERIN (Premier): I seek leave to table a ministerial statement made in the Legislative Council by the Attorney-General earlier today.

Leave granted.

AUDITOR-GENERAL'S REPORT

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

That standing orders be and remain so far suspended as to enable the report of the Auditor-General for the year 2000-01 to be referred to a Committee of the Whole House, and for ministers to be examined on matters contained in the papers in accordance with the following timetable:

Premier, Minister for State Development, Minister for Multicultural Affairs, Minister for Tourism, 30 minutes;

Minister for Primary Industries and Resources, Minister for Regional Development, Minister for Minerals and Energy, Minister Assisting the Deputy Premier, 45 minutes;

Deputy Premier, Minister for Human Services, 30 minutes;

Minister for Education and Children's Services, Minister for Employment, Minister for Youth, 45 minutes;

Minister for Environment and Heritage, Minister for Recreation, Sport and Racing, 30 minutes;

Minister for Water Resources, 30 minutes;

Minister for Government Enterprises, Minister for Information Economy, 30 minutes;

Minister for Police, Correctional Services and Emergency Services, 30 minutes;

Minister for Local Government, Minister for Aboriginal Affairs, 30 minutes;

and to allow an adviser to be seated in a chair adjacent to the minister.

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.

In committee.

The ACTING CHAIRMAN (Mr Venning): Are there any questions of the Premier, Minister for State Development, Minister for Multicultural Affairs or Minister for Tourism, or the Minister for Minerals and Energy?

Ms HURLEY: I refer to Auditor-General's Report part A, pages 8 and 9. The Auditor-General's Report points out that in March 2001 the previous Premier agreed to introduce performance agreements for chief executives and that these formed part of the employment contract between the Premier and the chief executives. The first assessments of CEOs' performance are planned to commence in July 2002.

Given the highlighted concerns about the former Premier not fully disclosing his dealings and given that there is a requirement to disclose salary levels in the accounts of each department, can the Premier outline the potential bonus that the head of his department is eligible for and what bonus, if any, he was paid last year?

The Hon. R.G. KERIN: The answers to those two questions are 'Nil' and 'Nil'.

Ms HURLEY: What bonuses are each of the other CEOs in the government eligible for under their contracts and what are the criteria, if any, on which these bonuses will be paid?

The Hon. R.G. KERIN: None of the CEOs receive, or are eligible for, bonuses under their contracts.

Ms HURLEY: I refer to the Auditor-General's Report, part B, volume 2, page 659, which shows that the net loss from holding Olympic soccer was \$5.7 million. This does not include the capital cost of upgrading the Hindmarsh stadium. Given highlighted concerns about the former Premier being less than truthful and not fully disclosing his dealings, will the Premier advise the total cost of hosting the Olympic soccer including the full cost of all government agencies involved such as the police and ambulance services? I note that, if requested, the government would have been required

to provide a detailed report to SOCOG on the staging of Olympic soccer. Given the concerns about the former Premier not disclosing the affairs of the government, will the Premier also provide a detailed report to parliament on the funding and staging of Olympic soccer?

The Hon. R.G. KERIN: I will take the details of that question on notice, but I will make a couple of comments which I will verify in my written reply. One of the things that needs to be pointed out is that, when we talk about a \$5.7 million loss from soccer, that is the net cost of running a tournament. There were terrific benefits for the people of Adelaide in South Australia from staging Olympic soccer here. It gave them the opportunity to attend an Olympic event without travelling interstate. It also brought a lot of people into the state, not just players and officials. I went to a couple of those games and I saw a lot of spectators from overseas countries who stayed here for three or four days and spent a lot of money in the economy.

So, that \$5.7 million is not a loss; that is the cost of running an event which provided enormous flow-on benefits. The \$5.7 million, as the Deputy Leader said, is not the capital cost. A fair amount of double counting has gone on in some of the media reports and what has been said in the House. The \$41 million in relation to Olympic soccer that everyone refers to is not the capital cost—as it is often held up to be—but is the capital cost plus the cost of running the Olympic tournament, plus the cost of compensation to both Adelaide City and Adelaide Force, and I think there are other costs in there as well. To be fair, the deputy leader did not mention the \$41 million in that regard. The capital costs of the Hindmarsh Stadium is in the \$20 millions, and not \$41 million. I am not accusing the deputy leader—she did not mention those figures—but quite often they have been double counted.

Ms HURLEY: The Premier says that \$5.7 million was the cost of staging the games. I understand that was a net loss as against income, so it is not technically the total cost of putting on the games.

The Hon. R.G. Kerin interjecting:

Ms HURLEY: Well, perhaps the Premier can explain how it is not the net loss.

The Hon. R.G. KERIN: I take it that \$5.7 million is the right figure, because I am taking it from what you said. It sounds right, or around the mark. You say that was the net loss, but I do not count it as a loss; I count it as the net cost. The actual cost of running the soccer tournament was higher than that, but there were ticket sales and income which came off the total cost to give us the net cost of \$5.7 million, the figure that you quoted, or something very similar. As I said, I will provide the correct figures, but rather than calling it a loss I call it a cost, because there are enormous benefits that are put against the cost of running the tournament.

Ms HURLEY: I do not think the Premier should change his vocation to become an accountant. I now move to the Auditor-General's Report, Part B, Volume II, page 665, note 8. Expenditure on contractors—which I think is an interesting term—in the Premier's Department increased from around \$500 000 in 2000 to almost \$3 million in 2001. Will the Premier explain what is meant by the term 'contractors', who they were and what their duties were, and why there was such a marked increase in the expenditure on contractors in that year?

The Hon. R.G. KERIN: The figures that I have indicate that the total payments made to consultants and contractors for 2000-01 compared to 1999-2000 actually show a decrease of approximately 33 per cent. The figures provided to me

show an amount of \$1.27 million in 2000-01, compared to \$1.896 million in the previous year, which is a decrease of 33 per cent. I am told that the actual number of contractors and consultants increased, which means that a lot more small consultancies and contractors were used. So the actual numbers that were used went up but the total costs of those contractors and consultants actually went down by 33 per cent.

Ms HURLEY: Will the Premier explain what the contractors do?

The Hon. R.G. KERIN: I will take that question on notice.

Ms HURLEY: I turn to Part B, Volume II, page 665, note 9. In 2001 the Premier's department received a \$900 000 grant from the commonwealth government. To what does this grant relate?

The Hon. R.G. KERIN: I will take the question on notice and bring back the information.

Ms HURLEY: The Queen's visit is very dear to my heart because she was due to visit my area. Given that the Premier's department handles protocol and special events, what is the present state of play in the organisation of the Queen's visit, that is, is it still intended that Her Majesty visit South Australia; when will she visit and over what period will she visit; and, more importantly, will she visit the city of Gawler?

The Hon. R.G. KERIN: I am informed that the visit is still intended but it has not been confirmed that the Queen will visit South Australia.

Ms HURLEY: The Premier in his short reign has already indicated that the election will be called in March or April next year. My understanding is that the Queen will not attend a state where an election is imminent. If that is the case, is it not true that the Queen will be unable to visit South Australia when she visits the rest of Australia?

The Hon. R.G. KERIN: That will depend on the election date so, obviously, that may be a complication.

Ms HURLEY: Is the Premier saying that he is willing to forgo the Queen's visit in order to delay the election campaign?

The Hon. R.G. KERIN: We are keeping those options open because we may be able to negotiate a different time with the Queen. It depends on the length of the campaign, the timing of the election and her final dates for travelling.

Ms HURLEY: Can the Premier advise why the Department of Industry and Trade's financial statements were not available in time to be audited?

The Hon. R.G. KERIN: I am not sure of that; industry and trade is the portfolio of the Treasurer.

The CHAIRMAN: There being no further questions for the Premier, Minister for State Development, Minister for Multicultural Affairs and Minister for Tourism, I declare open the investigation of the Auditor-General's Report in relation to the Minister for Primary Industries and Resources, Minister for Regional Development, Minister for Minerals and Energy and Minister assisting the Deputy Premier. The time allocated is 45 minutes. The member for Napier.

Ms HURLEY: I am sure that the Premier is far more familiar with this ground than I am. First, I want to deal with the Loxton irrigation district rehabilitation scheme (page 706). It was noted that the estimated total cost of the project is \$39.1 million, with the state's and the Loxton growers' share estimated to be \$24.6 million over the projected construction period of five years. During 2000-01, expenditure on the project was \$11.2 million, with the total program

cost to date being \$14.9 million. I understand that the budget statement was \$6.7 million to continue the refurbishment of the irrigation distribution infrastructure and upgrading of the pumps for the Loxton irrigation district. Why was there an increase in expenditure in that year?

The Hon. R.G. KERIN: The deputy leader asks a very good question. It is a terrific scheme. The work is proceeding on budget as against the amount of work done but, thanks to enormous cooperation, the project is ahead of schedule, which is always a good thing to say in government. It is a very important scheme. That is the explanation of the difference in the spending: they are ahead of where they would have been. I have been up there several times, and the cooperation between everyone—the trust, the growers and the contractors—is seeing it go ahead very quickly; in fact, work is well ahead of schedule. The total budget has been revised down by \$.5 million in savings. So, it is all good news.

Ms HURLEY: The government's total contribution to date, according to the Auditor-General's Report, is \$14.9 million. The funding received from the commonwealth was \$5.2 million. Will the Premier advise me whether that is \$5.2 million to date, or whether that is the total cost? Also, how much is the Loxton growers' share, and has that been paid progressively, or at what stage is it expected?

The Hon. R.G. KERIN: The funding of the scheme nets out at 40 per cent commonwealth, 40 per cent state and 20 per cent grower contribution. But the timing of those is different—a lot of that was about the state wanting to get it done quickly. Certainly, the grower contribution is over more years than the others. But it nets out at a cost of 40, 40, 20.

Ms HURLEY: In what years are the commonwealth's and the growers' contributions expected? If the costs to the state are 40 per cent of the nearly \$40 million project, according to the Auditor-General's Report, the state has nearly expended its share of the project, whereas the commonwealth seems to have contributed only \$5.2 million and, if it is contributing 40 per cent, presumably, it has some way to go. Has any contribution been received from growers, and is it over the five year span of the project or does it go on longer? How is that organised?

The Hon. R.G. KERIN: In the 1998-99 budget, at that stage, when the state government approved the project, we provided \$16.2 million over six years. I think that the total program costs to date are \$14.9 million, but I think that includes the others. To clear this up, I will provide the member with a cash flow budget of the way in which the money comes in and goes out, and it will become more evident.

Ms HURLEY: Who is doing the work on the rehabilitation project? Is there a key coordinator, or is it being subcontracted out and, if so, who is coordinating the project?

The Hon. R.G. KERIN: Yes, the primary contractor is SA Water.

Ms HURLEY: What are the expected outcomes of this project; what are the benefits that are proposed to flow?

The Hon. R.G. KERIN: Mr Acting Chair, how long do I have? This is a fantastic project. It was the only commonwealth owned scheme in the state. It took some pushing of the federal government a few years ago to get it to agree to it but, finally, after much negotiation, we got it to agree that we could go ahead. It was an old soldier settlement to begin with.

The benefits of it are quite enormous. We are replacing the old channels that used to take the water from the river to the blocks with pipes. Evaporation was one thing; a lot of the channels leaked. When we were digging to put the pipes in

the ground, we found that the water around the channels had mounded enormously, and that has been doing great damage throughout the whole area. That has meant that a lot of water has been wasted. The mounding of that water has been taking an enormous amount of salt back into the river. Also, that rising watertable has been causing parts to go out with salinity. The switch to pipes will mean that a lot less salt will go back into the river. Allied with the installation's better system, the growers are also moving to far more efficient irrigation systems. We are seeing water saving in two ways: no more loss out of the channels and more efficient irrigation. As I said, that has led to less salt going back into the river, a dropping of the watertable, which will become evident as the system takes hold, and a lot of water savings. Some of those water savings have gone back into the river and some will be leased, with the income going to help pay the community or the grower contribution to make it more affordable for them, because that was a real issue as to whether they could afford such an expensive program.

Some of it has been reused in the local Loxton area, in particular by the very successful Century Orchards which is growing almonds and vines. That is bringing a lot of extra employment and income into the area. It is a highly efficient operation and a terrific use of water which before was causing some real problems for the river. A lot of benefits have been gained from this scheme. It is an expensive scheme, but it has been a real bonus for the health of the River Murray. The water savings per annum following rehabilitation will be 4.8 gegalitres, and currently 135 tonnes of salt is going into the river on a daily basis. However, that will be cut enormously once the rehabilitation is finished. It will about halve the amount of salt going back in the river.

Ms HURLEY: Who are the owners of the Century property?

The Hon. R.G. KERIN: A range of investors are involved in the project, and we will have to provide those names. Some water has been leased. The use of the water would be on a commercial basis.

Ms HURLEY: I would like to turn now to some discussion of the Ports Corporation sale and the effects on grain farmers throughout the state. The Ports Corporation sale was widely expected by many grain growers in the state to go to the consortium that had AusBulk as one of the participants. It is safe to say that the grain farmers around the state would have been comfortable with that, because they would have known that it was largely in South Australian hands. They would have also known that one of the principals at least would have the interests of the farmers in this state at heart, as well as the interest in maintaining the grain ports around South Australia.

However, that has not been the case and it has gone to a diverse consortium but one that has significant foreign and interstate interests. At the time of the sale there was a proposal not to agree with the report that said that the Port River should be dredged to allow larger container vessels into the river, the panamax vessels, but instead a grain terminal at Outer Harbor would be built, funded partly by the new owners of the South Australian ports and partly by the government. Part of that must of necessity include, as I understand it, better rail access to the Outer Harbor terminal, presumably over the proposed new river crossing at Port Adelaide. Is the Premier confident that the funding is in place for that and that that will be completed in reasonable time and without any undue cost pressures on the farmers of this state?

The Hon. R.G. KERIN: It is pretty broad reaching. Of course, the interests are within my portfolio, but some of the funding issues etc. belong with the Minister for Government Enterprises. There are several issues there. The last one about the funding for the third river crossing and rail is really a separate issue. We are confident that timing-wise that is not an issue and that should be picked up. For some reason, there has been some concern in a couple of areas on that, but I think that they have misunderstood the way that that is actually budgeted for.

As far as the sale of the ports is concerned, the two consortia were both varied, and both had local and overseas interests involved. There was a significant gap between the prices offered by the two and I am sure that, if we had sold to the consortium that includes AusBulk for a lesser price, there would have been some accusations of shareholders and so on on this side of the House. We are an extremely fair government. Probity-wise, to go the way of AusBulk, at the end of the day it came down to competitive tender.

Its tender was not the preferred bid, but the result we had at the end was very good, and I am sure that the consortium that bought it will do a good job. But AusBulk, it was noticeable, did not make a lot of comment. It accepted the decision because it knew that it had had an opportunity to put in a fair bid and it had been substantially outbid.

Ms HURLEY: I want to get this quite clear. I imagine that we all expect that grain harvests in this state will continue to grow and that the export market will continue to grow, and it is very important that the grain harvest gets a quick and easy exit from the farms and through to the port, particularly if our port is to continue to get that business and it is not to go to Melbourne. Will the rail system go over the new third river crossing and will it be rerouted through to the Outer Harbor grain terminal so that it does not massively inconvenience the residents near that rail line, and will that require rebuilding of the rail line there?

The Hon. R.G. KERIN: Once again it is really in the province of the Minister for Government Enterprises, but I will try to go as close as I can to answering it. At the moment it is certainly planned that the line will go over the rail bridge with the third Port River crossing. That was the way it was planned. Initially, an alternative route was looked at but that was longer, and from what I am told it did not offer any benefits. I know that there are some issues concerning a reasonably major upgrade of the railway line and I know that there is some rerouting of the line. I know that the issue of residents was part of the rerouting, but even with that rerouting I am not too sure how close it comes to residents.

Minister Armitage has been more involved in the negotiations. Yes, it is still intended to go over the river; yes, there is some part change to the rail route; and, yes, significant upgrade needs to occur not only to carry the load but also in relation to factors such as noise.

Ms HURLEY: Quite apart from the third river crossing, which I understand is a separate arrangement, how will the upgrade of the rest of the rail line and the rerouting be undertaken?

The Hon. R.G. KERIN: Once again it is not my portfolio. My understanding of the way that the funding was done was that certain costs were to be taken out of the sale price. The salinity program is to be funded out of the PortsCorp sale, but also certain costs for on land infrastructure will be funded out of the sale. I believe that they were to do with some power upgrade, roads, some of the rail upgrades and some other on-site type work. My understanding—and it is

not my portfolio—is that that was to come out of the sale proceeds.

Ms HURLEY: I understand that another significant problem may be causing some concern. During the harvest period the grain trucks will need to flow pretty constantly through that rail line in order to get to port and to export as quickly as possible. I understand that there is some difficulty with the bridge having to be opened for shipping traffic up the river. Will the Premier comment on that?

The Hon. R.G. KERIN: I know that a couple of alternatives were being looked at in relation to the rail bridge. I honestly cannot say just where it was at. There were several alternatives. Once again, it is not my portfolio area. I seem to recollect that there were some problems with the opening of the rail bridge and they were looking at a higher gradient. The Minister for Transport is the responsible minister, so I will take that question on notice and bring back a reply.

Ms HURLEY: I turn to something completely different, namely, fishing. On the topic of contingent liabilities, a number of issues are raised to do with possible legal claims, including one on the Gulf St Vincent prawn fishery. Will the Premier explain what happened to the river fishery and the legal case? Has that concluded and what was the result of it? That was regarding the regulations about fishing in backwaters.

The Hon. R.G. KERIN: I will take that question on notice and bring back a reasonably quick reply for the deputy leader.

Ms HURLEY: I understand that there is also a question of possible compensation to Lake George fishers and that there is still some dispute about the level of compensation. Will the Premier give a report on what is occurring?

The Hon. R.G. KERIN: Yes, there are two fishermen involved in that Lake George issue. An offer has been made to them. They have rejected that offer. We have had crown law advice and it is seen as a fair offer that we have made so, hopefully, over a period of time that one will be resolved.

Ms HURLEY: I cannot understand, from the answer to the question, how the resolution is going to proceed. Is that via a court case or negotiation?

The Hon. R.G. KERIN: I am not aware of any suggestion of a court case. I think it is really a case of them being there and saying, 'We would surrender our licence if we got so much.' The government, with Crown Law backing, feels that the compensation should be at a certain level. Those levels are not the same at the moment so, with the offer made, it is up to the fishermen whether they accept or not.

Ms HURLEY: It sounds like the fishers there may be given a 'take it or leave it' type offer eventually. It raises the question about compensation for other fisheries that may be restricted or closed down. I am thinking of the case of the Coorong fishers where there was a proposal to dramatically reduce the months in which they could fish and that would have, in effect, closed down their fishery without any compensation. What is the government's attitude to compensation for fisheries that are closed down or restricted? In light of, for example, the government's stated intention to introduce marine parks, that may be an issue that will not go away.

The Hon. R.G. KERIN: Every case is a bit different. As far as marine parks go, what we are looking at there is a model that is used in Western Australia for compensation if, in fact, governments make the decision that they are going to go into a marine park and have a restricted or core area which does not allow fishing. The criterion being looked at there is if that impacts on the value of a licence then the idea is to set

up a fund so that compensation would be paid for that loss of value.

In a case like the Coorong one, that has been negotiated through to a pretty satisfactory conclusion. The problem in the Coorong was a lack of stock assessment. There has been an agreement with those fishermen that if, in fact, we are going to have sustainable management, there has to be a better level of cooperation between the researchers and fishermen to make sure that the figures are there so that we can have sustainable management and know exactly what we are doing. We have come a long way with that and the fishermen, to their credit, have been cooperative in now setting up a better system of management. I think that the initial arguments made with regard to the figures on losses to the fishery were not only based on the closure of one area for several months but also the figures read incorrectly that we were going to, as recommended by the recreationals, increase the minimum size from 46 cm to 75 cm, which would have had an enormous effect on the income of the fishermen. When I first met with them, it became evident after about 10 minutes that that was what a lot of the figures were based on. They thought that we had also picked up on the recommendation about the minimum size. That skewed the figures a lot because that then affected every fisherman, whereas the other measure affected fisherman only in one area. It also affected them all year, whereas the closure affected them only for several months.

The issue of compensation needs to be looked at fishery by fishery and almost case by case. If we are doing it for the sustainability of the resource, so they can continue to fish in the future, we have to ask why the taxpayer should compensate for that. However, if we are doing it to establish marine parks or whatever, the fishermen have a very good argument to put forward as to why they should be compensated.

Ms HURLEY: It was announced in the Governor's speech at the beginning of this session that the aquaculture bill would be introduced this session. Will that be the case?

The Hon. R.G. KERIN: That is still the preference and we are right down to the final stages of bringing it into this place. It is very close. As the deputy leader would know, there has been an enormous amount of consultation and I thank her and many other parliamentarians for their cooperation in sorting out the issues in the legislation. A lot of briefings have occurred and there has been some very good feedback from members of parliament of all persuasions and we have finally worked through the remaining issues. It is a bill that runs across a lot of different areas of legislation, a lot of different areas of government and a lot of user groups, so it has been somewhat complicated, but what we have is a model that can meet the aspirations of almost everyone.

When I first went down the track of devising an aquaculture bill, I wanted something that would give investors, environmentalists and all other users some certainty and not allow it to become an issue where, with changes of government or whatever, the goalposts could shift, because I do not think that is fair and it is not the sustainable way to go about aquaculture. We have had terrific cooperation across the political spectrum and the industry and I think that we will have an act that is very workable.

Mr LEWIS: Since the minister's mind is already focused upon issues related to fisheries, I ask him to provide for us the sources from which the licence revenue is obtained that is referred to by the Auditor-General on page 713 and the manner in which that is spent in relation to the categories of source from which it comes.

The Hon. R.G. KERIN: I will take on notice a detailed answer, but the fundamental answer to the member for Hammond's question lies, basically, in how the fees are initially set and what the money is spent on. With the system of fisheries management committees that we have in place, a range of negotiations go on. Those committees include licence holders, recreational representatives and community representatives, and they look at the needs of the fishery with respect to compliance, research and a whole range of issues. Those factors are costed and the fees are then set, based on what the needs of that fishery are for the various services that they require.

Since we have been doing it in that way, the licence fees have not been affected by the CPI because they are arrived at by looking at the true costs of running the fishery. We are into cost recovery on fisheries within the state, so it is the true cost of running the fisheries which decides what the level of licence fees is, and there is a significant industry contribution in deciding that and signing off on what the services are and what the end licence fee is.

Whereas five or six years ago it used to be a pretty rugged situation when it got down to trying to decide the final licence, over the last couple of years things have really settled down. Full credit must go to the fishing industry and their representatives on the FMCs, because it is not an issue nowadays. They have a lot of say in what their licence fees are because they name the level of services they want. They also tend to be looking at funding, certainly industry programs and officers' initiatives out of their licence fees.

Mr LEWIS: At the commencement of the Premier's remarks he said he will provide me with a sector by sector breakdown of where got, where gone, and I go on from there and ask why he does not issue licences to anyone who wants to use electro-fishing technology to take out feral species in the River Murray, such as carp and redfin, or whatever else it is that needs to be eliminated, to enable the native fish to take up the space that is left in the biosphere by the process of elimination of these exotic species using that technology. It is very selective and does not result in anywhere near as many deaths, and bearing in mind that by so doing it will be complying with the numerous, almost too numerous to count, recommendations and letters and so on that he has had from various members of the general public, in addition to an even stronger proposition that has been put to him from the select committee on the Murray, to get on with it and get in place a program that will substantially depress the levels of the carp population in the river way below what they are now. Why does he not do that? What is holding that up?

The Hon. R.G. KERIN: Are you talking solely about electro-fishing, or the whole range of carp proposals?

Mr LEWIS: I am just talking about electro-fishing technique. All the fish that are stunned float. You pick up the feral species, keep watch over the remainder and shoo away the cormorants and pelicans until the native fish recover and swim away. That has got to be a condition of the licence.

The Hon. R.G. KERIN: So you are not talking about the whole range of carp proposals? You are talking about electro-fishing—

Mr LEWIS: Electro-fishing, so that you can eliminate all the carp from those fish which are stunned by the electro-fishing technology when it is applied by the licensed operator. You pick up the carp and the red-fin and you release the other species. It is specifically designed to target the carp. Even though all fish are stunned, it forbids the collection of those other species that are not stated on the licence. It is a new

class of licence, and I just do not see any reason why we should be reluctant to issue it given that the public at large see it as a good idea.

The technique will enable us to get far more high quality flesh from that species because it is not drowned in gill nets when it is harvested or otherwise damaged in any way. It can be packed in ice while it is comatose. After the stunned carp are cleaned up, they are placed in tanks and sold as live animals to a premium market instead of being sold for a few cents a kilo as they are at present.

The Hon. R.G. KERIN: Carp are a major problem in the river—there is absolutely no doubt about that. We have a lot of different proposals in respect of what we should allow as far as carp fishing goes, and we quite often make the offer because a lot of people who want a special carp fishing licence. There is a river fishery licence we would like to see brought out, but that is for the more conventional fishing of carp. There are those proposals around. As far as electro-fishing is concerned, I have seen it suggested a couple of times but it is not as though there has been a flood of letters about it. I can tell the member for Hammond that—

Mr Lewis interjecting:

The Hon. R.G. KERIN: I am happy to look at anything that will get rid of carp. So, if the honourable member wants to put forward another proposal—

An honourable member interjecting:

The Hon. R.G. KERIN: I think so. I am willing to look at any of those proposals. I will ask the department to get me a briefing on electro-fishing pronto.

Mr LEWIS: My third question is about pests. Being the canny gentleman that he is, the Minister for Primary Industries and Resources might have guessed that, in the first instance, I would commend him for acting in a timely manner and prudently in controlling the locust plague that beset the state last year. I note that the Auditor-General said that it resulted in an increase from about \$500 000 to \$6 million to control the locusts even though in the estimates committee I told the minister that he did not have enough money. He thought he would spend \$2 million and he ended up spending \$6.6 million, which was sensible and nearer the mark that I estimated it would cost given what I had seen happening in the north-eastern pastoral areas of the state and what I was told was happening in some of the other pastoral areas.

Having commended the minister for that, will he tell me what he is doing about the eradication of broomrape? That program is not even mentioned by the Auditor-General. Did the minister not submit any proposition? I am sorry, there is a review of the fruit fly eradication program expenditure and the locust control program, but neither of those programs nor any of the other pests in primary industries in total detrimental consequence to this state and this nation match anything like what broomrape will do if it adapts itself to this environment—and it appears that it is doing so.

In case the minister does not know, I am talking about *Orobanche ramosa*, branched broomrape, and what it does in identical climactic circumstances in the northern hemisphere in places such as Turkey, Israel and Cyprus where his own department's evidence shows him the absolute devastation that will be the consequence of allowing it to escape into the horticultural production areas and, worse still, for all people who live in urban settings and enjoy their front and backyard gardens, whether for flowers or vegetables. If this weed, which has no leaves, this parasite, gets established, it will simply eliminate home gardening in South Australia, Victoria, southern New South Wales and southern Western

Australia. What is the minister providing? What is he doing? Why is he sitting on his hands? What sort of a fool would allow such pestilence to get established here without taking the necessary steps to eradicate it?

The Hon. R.G. KERIN: There is absolutely no doubt that broomrape is a massive problem, and I know that the honourable member has been quite focused on particular aspects of it. We have had a program in place for the last few years, but most of the broomrape spread has not occurred during that time. We are finding it in places where it has spread over a much longer period of time. As the honourable member knows, grazing masks it as do many of the spraying operations for cereal crops. The seed lasts in the soil for nine or 10 years. It is a complex problem to get on top of. The issue of allowing it to spread pre-dates me by quite a while. We are playing catch-up: I admit that. Perhaps some decisions could have been made over a decade ago that might have held it back.

As far as eradication is concerned, that will always remain the goal, but eradication in the short term is not possible because of the way it germinates, does not show itself and is easily masked. Further, even with the known infestations, we are doing strategic fumigation to try to ensure that isolated outbreaks are cleaned up. With the size of the infestation of broomrape, there are major problems with going down the track of fumigation—not just costs but the environmental approvals for that much greenhouse gas emission. Even if every area where you could see a plant was fumigated every year for five years, after five years you would still have a significant problem.

Since we started surveying and becoming proactive on broomrape, we have found that very few infested areas have been infested only in the last couple of years; they have been infested over a long period of time. There is no doubt that it is a complex pest. For people such as me who have spent a fair bit of time in agricultural research and weed science, it is a fascinating problem, but, by hell, it is a big problem. It is a real threat to trade, which is why we have the quarantine area. It is unfortunate for the local growers, but I think they have a good understanding of the problem. Even though it is very difficult for them at times, their cooperation, despite some frustration, is gratefully accepted.

Spending has increased: it was \$20 000 in 1998-99; the year before last it was \$669 000; and last year it was \$1.2 million. So, it is growing rapidly, and spending will have to stay up there for quite a few years to try to eradicate it.

Mr LEWIS: How many jobs does the government believe will be created by the export and production enhancement program associated with Food for the Future?

The Hon. R.G. KERIN: That really depends on the sorts of time frames. The region is clicking in and starting to create a lot of jobs because of the amount of cooperation we are getting from industry. The industry leadership within Food for the Future and the Premier's Food Council is terrific. They are introducing a lot of people to export. People who have not exported previously are finding that they can very rapidly, by following these successful people and being mentored by them. Exports are really increasing. To have had food exports increase by 40 per cent last year is a wonderful figure.

Mr Lewis: What are they worth now?

The Hon. R.G. KERIN: Food exports were a bit over \$1.4 billion and increased to over \$2 billion. With food we are talking a narrow category; we are not talking about wine, feed barley or hay. It is just food. Overseas exports of food

have increased from a little over \$2 billion. Interstate sales went up by 29 per cent, which is also an enormous figure because you take the dollar impact of that. The local market grew by 5 per cent and, very importantly, imports of food dropped by 10 per cent. So, the food strategy is starting to really click in. As I said, the industry itself can take much of the credit. As the member for Hammond knows, the culture out there nowadays has changed: they are on about export and innovation. We now have some of the most productive farmers in the world.

The CHAIRMAN: The time for questioning by the committee on the lines under the Premier has concluded.

The Hon. W.A. MATTHEW: Mr Chairman, I draw your attention to the state of the committee.

A quorum having been formed:

The CHAIRMAN: I now call on the Deputy Premier and Minister for Human Services.

Ms STEVENS: At page 345 of the Auditor-General's Report, the Auditor-General refers to capital payments. Have amounts been identified in the forward estimates for the capital works identified as stage 2 at the Lyell McEwin Hospital and stages 2, 3 and 4 at the Queen Elizabeth Hospital? This year's capital program in Budget Paper 6 at page 19 shows that \$37.4 million has been allocated for stage 1 of the Queen Elizabeth Hospital due for completion by April 2003. Has funding been allocated in forward estimates for stage 2, which the Public Works Committee has been told will cost \$30.6 million and stage 3 to cost \$21 million? What are the details?

The Hon. DEAN BROWN: Mr Chair, I seek your assistance with the member for Elizabeth. I am not sure of the relevance of it here. This is about past expenditure, not future expenditure. I am looking at the top of page 345, but I am not sure to which section the honourable member is referring. Is the honourable member referring to 'review of accounts payable processing' or to the paragraph immediately above that?

Ms STEVENS: I am asking about capital payments in general. Page 345 is where I have noted that capital payments have been mentioned. Is the minister saying that he is not going to answer the question? I do not want to waste time.

The Hon. DEAN BROWN: I will take the question on notice, but I cannot relate the question to that page at all.

Ms STEVENS: I will give the question again so that I can be clear. I am happy to have it on notice. I want to know whether funding has been allocated in the forward estimates for stage 2 of the Queen Elizabeth Hospital's upgrade; and in relation to the Lyell McEwin Hospital how much has been allocated in the forward years to complete the first stage at a cost of \$87.4 million? Has stage 2 been funded in the forward estimates?

The Hon. DEAN BROWN: Because there are various parts to that question, I will take the question on notice so that I can give a full reply.

The CHAIRMAN: I will pick up the point that the Deputy Premier has made that this is an investigation into past expenditure, not future expenditure or estimates.

Ms STEVENS: The next question relates to page 347, headed 'Expenses' and subheaded 'Ordinary expenses'. The report notes a total of \$14.6 million classified as 'bad and doubtful debt expenses'. This is a very significant amount. Can the minister outline the nature of these debts and say how they are managed?

The Hon. DEAN BROWN: I indicate first that that should be 'bad and doubtful debts', not 'banned and doubtful

debts'. The \$14.6 million related to the operating expenditure overrun of the hospitals and has been picked up by the Department of Human Services. It has been put there as bad and doubtful debt expenditure because in the previous to this year 2000-01 we carried that as a department for three years. That is the overrun in operating expenditure by the individual hospitals, which comes together as a combined total of \$14.6 million.

Ms STEVENS: Further on that point, that is on supplies and services, so there is a \$14.6 million overrun on supplies and services being carried forward?

The Hon. DEAN BROWN: It is carried under supplies and services because that is the operating side of it: it is an operating deficit on the hospitals, which is then picked up by the Department of Human Services. It is not carried by the individual hospitals but by the department.

Ms STEVENS: Further down on page 347, under the heading of 'Receivables', it states:

Amounts due to the department include \$61.1 million with respect to health service budget overruns, which increased by \$21.4 million compared to the amount due to the commissioner at 30 June 2000 and against which the department had made a provision for doubtful debts of \$49.2 million.

With the \$61.1 million health service budget overruns, which health services make up, in broad terms, the \$61.1 million overrun? Can the minister give broad categories?

The Hon. DEAN BROWN: There are a fair number and some are relatively small with amounts in the hundreds of thousands and it covers various groups in Aboriginal health. To give broad averaging, it is about \$6.6 million in Aboriginal health. These are accumulated deficits that have been picked up over a number of years.

Ms STEVENS: \$61 million worth?

The Hon. DEAN BROWN: It is accumulated over a number of years. There is \$6.6 million in Aboriginal health. There is a certain amount in country regions. I will give the overall averages. I will give the totals for each major subsector in a written reply so that you can get the information. There is some in disability services. The main one in disability services is the IDSC, where the accumulated debt as of 30 June 2001 is \$3.8 million. You then have the primary health services, which are fairly small. There are things such as the Adelaide Central Community Health Service and others like that, but they are mainly in the hundreds of thousands or less. You then have the major hospitals. The major part of that is carried in the major hospitals. Some netting is out there because, although it is down as \$61.1 million of accounts due, some accounts are the other way, which brings it to a net \$60.2 million.

However, the main ones are the Flinders Medical Centre, \$8.1 million; Noarlunga Hospital, \$1.7 million; North Western Adelaide Health Service, \$21.4 million; and, even going back earlier, some previous debt from some time ago of \$12 million.

Ms STEVENS: That is \$21 million plus \$12 million for the North Western Adelaide Health Service?

The Hon. DEAN BROWN: Yes, but some of that goes back a fair way. The Repatriation General Hospital is \$3.3 million, and the Women's and Children's Hospital is \$3 million. Clearly, the biggest portion of that debt lies with the North Western Adelaide Health Service.

Ms STEVENS: What about the Royal Adelaide?

The Hon. DEAN BROWN: The Royal Adelaide has \$90 000.

Ms STEVENS: In the same section, the Auditor-General states that, against this \$61.1 million budget overrun accumulated, the department has made a provision for doubtful debts of \$49.2 million. What has happened to the remaining \$11.9 million?

The Hon. DEAN BROWN: It is rather complex because some of this goes back some time. There are various provisions for some of it, and those provisions vary from institution to institution, hospital to hospital or region to region. It would therefore be rather difficult to go through them because you would have to go back and find out the arrangements for each of them. The so-called provision for doubtful debt (in other words, where there appears to be little chance of that money suddenly being repaid) is \$48.7 million.

Ms Stevens interjecting:

The Hon. DEAN BROWN: I am working on some slightly adjusted figures here, but the difference is not great. I have \$48.7 million and the report has \$49.2 million. There are some minor adjustments in that; that is all. It is almost identical.

Ms STEVENS: To be clear (and I am taking the figures I have in front of me), of the \$61.1 million accumulated budget overruns, the minister says that \$49.2 million has little chance of being repaid. Is the minister therefore saying that he is expecting the \$11.9 million to be repaid?

The Hon. DEAN BROWN: What the member for Elizabeth has to appreciate is that some of this is time adjustments, where they had payments they had to make on 1 July, so they were paid the money on 30 June, or a couple of days before that, so they could make those payments. So, there are adjustments there because some of them would flow over into the new year. In fact, there are adjustments of near enough to \$10.2 million, which are what you would describe as time variations which occur at the end of various financial years. That would not be seen as a burden on the hospital, because it is simply an adjustment of when the cash was flowed out to the hospital compared to when their expenditure was occurring. Does the member understand the point?

Ms STEVENS: No, I do not, really. Do they have to pay it or do they not—yes or no?

The Hon. DEAN BROWN: I am saying that, for instance, they may have payments that they are due to make on 1 July in the new financial year. So that they can make those payments on 1 July (which would come in the accounts for 2001-02), in fact, the department has made the payment on, say, 28 June in preparation, so it comes down against the debt incurred against the hospital, whereas in fact it is only a debt of three days. So, there is an adjustment there of near enough to \$10.2 million that has to be made for those what you would call time adjustments. That is why, of the total amount, on the table I am working on here it is about \$48 million, but the Auditor-General in his report is showing a figure of \$49.2 million.

Ms STEVENS: I understand what the minister is saying. But it means that there is \$49.2 million from health service budget overruns, with little chance of that being repaid by the health services. That is what the 'doubtful debt' means.

The Hon. DEAN BROWN: That means that the department has picked up \$49.2 million of overrun expenditure by individual hospitals, and we are not asking those hospitals to repay that amount. Effectively, you might say it is money owed from the hospitals to the Department of Human Services, but we are not expecting to recover those moneys, and we have covered those in the cash flows of the department.

Ms STEVENS: Will the minister point out in the budget papers the reference to that \$49.2 million being covered?

The Hon. DEAN BROWN: At the top of page 358, under section 9, 'Receivables', the member will see, in the first line, debtors \$9.4 million. Then if one goes to 'Non-recurrent receivables' (because the top one is receivables, so that 9.4 is for the current year; they are current), 'non-recurrent' means that they are longer serving, over 12 months, and there you have a line of \$50.9 million.

Ms STEVENS: At the bottom of page 347 under the heading 'Liabilities' I note that the Auditor reports borrowings of \$29.4 million from Treasury for loans to health services. Are these borrowings related to over expenditure by hospitals, and have they been extended beyond \$29.4 million? Will the minister table full details of all loans to health services, including the borrowers and the repayment conditions?

The Hon. DEAN BROWN: No, to answer the honourable member's question. The honourable member must appreciate that in this set of accounts the Department of Human Services and the South Australian Health Commission books have been rolled into one. The sum of \$29.4 million consists of old capital works loans that were brought in from the Health Commission, and they go back over some time. They are historical loans from the old Health Commission to hospitals for a range of things, and it would appear that they all relate to the capital area. In an area where there has been a cash flow out, a loan may have been obtained so that they could buy a piece of equipment, receive a cash flow out of it and repay that loan.

By way of example, we gave the Mount Barker Hospital the right to borrow about \$1 million to put in the new X-ray facility. That facility is leased out to one of the major private firms as part of the hospital, because that partnership is doing the radiology work at the Mount Barker Hospital. It has a long-term lease, and it can cover the interest and repayments on that loan from the rent it receives from it. I know that occurs in a number of other hospitals, as well. This should not be seen as anything unusual at all. It basically involves loans for commercial transactions for which it has an income stream.

Ms KEY: I refer to page 416 which deals with asset management, page 379 which deals with Aboriginal housing and page 397 which deals with community housing. There are three sets of figures. The minister will remember that at the community housing conference we both attended a couple of weeks ago I made a statement with regard to the South Australian Council of Social Services. In its document entitled 'A Decent Life for All', some concerns were raised by SACOSS that the number of housing trust stock houses had diminished by 8 000 or 9 000 since 1994. The minister corrected that statement by saying that the SACOSS document was incorrect, and I appreciated the minister's doing that at the time.

The Auditor-General's Report as at June 2001 states, on page 416:

As a consequence of adopting this strategy the trust's housing stocks have fallen from 62 322 dwellings at 30 June 1994 to 51 251 dwellings at 30 June 2001.

I understand the point that the minister was making that, because there has been a change in policy, stock has been transferred to the Aboriginal Housing Board and to the community housing area. I do not know whether the figures equate exactly, but my calculations say that if you take away the figures that are shown on page 416 you end up with a

difference of 11 071. If you take away the 333 houses that were sold to the Defence Housing Authority and the figures from Aboriginal housing—although I am not sure which ones we use here, whether we use the 1999-2000 figures or the 2000-01 figures—we are talking about a transfer of 1 797 or, using the later figures, of 1 814 dwellings.

If you look at community housing, we are talking about 2 971 houses being transferred to community housing, and I am assuming that the figure of 3 554 is the transfer plus some of the houses that have actually been created in the last financial year. Taking all those away, I still come up with a figure of 7 303. I am sorry about the long explanation, but my question is: exactly how many houses have been transferred to Aboriginal housing; how many houses have been sold; how many houses have gone to community housing; and have any additional houses been transferred to authorities such as the Defence Housing Authority?

I would really like a profile of where the houses have gone, and also a projection of whether there will be any increase to the stocks in any of those authorities or any other projects that the government may have in hand with regard to providing housing for South Australians.

The Hon. DEAN BROWN: I appreciate the question and I will be glad to try to clarify it. I will obtain some detailed figures so that the honourable member can have some good figures to rely on. The figures I gave out at the community housing function were figures that I think I had received about the beginning of this year, and I think I said at the time that, off the top of my head, they might have been out by about a 1 000 or 1 500.

The honourable member said that stories have been printed in the paper about total stocks having dropped by about 11 000, which you can see here. There are 3 500 in community housing, 333 to the Defence Authority, which takes it to about 3 800, plus approximately another 2000, or getting very close to 2000, in Aboriginal housing, so you are up to about 5 800 off that, which would bring that 11 000 down to about 6 000, which I think is the figure. I think I said 5 500, or something like that, but it was about 5 500 to 6 000.

There are a couple of reasons for this. You have areas like Millicent and some areas of Port Augusta and Whyalla—three classic areas. First, they were homes built in the 1950s. Some were built without adequate foundations, and the homes have been empty simply because the population has declined in those areas, and so the homes have been bulldozed. Members have only to go to parts of Port Augusta and Whyalla and they will see that. In fact, no-one would believe that those homes ought to be retained. They had significant cracks. I have seen some of the homes and you could put your hand in the cracks in the walls. They were not suitable.

A number of those older homes that were not occupied have been sold off or just plain bulldozed. Then you have redevelopment in a number of areas. Millicent is a classic example, as is Hillcrest in the city. Salisbury North is another classic example of where redevelopment is occurring. We are selling off homes and, in some cases, retaining and redeveloping homes. The Salisbury North redevelopment is a classic example and something that has been done really well. I do not know whose electorate that is in. I think it is probably the Leader of the Opposition's area.

The other area where we have ended up with a number of units, which, frankly, are not useable units, are the old bed-sitters. A significant number of bed-sitters were put in and we found that very few people wanted to live in them. I have seen several rows of bed-sitters in a place such as Port

Augusta, and I think that they had about two tenants in them. We are trying to redevelop them. We are trying to determine whether we can use the land if we knock down the bed-sitters. We might knock down 12 bed-sitters and see whether we can put up six or seven homes in that space, or something such as that. I think that program is starting to work quite well.

At the same time, you have a new build program of 280 homes in the trust this year. So, some are being sold, some are being knocked down for redevelopment of the area and some new ones are being built. You have to consider all those factors. Sure, the total number has come down, but where the biggest decline has occurred has been in areas either where major redevelopments have occurred or where there is just not demand for housing of any type and certainly not the substandard type. All this is a result of the effects of a huge bubble of homes that were built in the 1950s and 1960s and it has got to the point where you cannot hope to try to maintain those homes.

Even if you maintain them, they would not be usefully used. A classic example is at Millicent, where we have homes into which no-one wants to move. They are just vacant homes. We have been trying to sell them off as quickly as possible. In fact, we have been applying a discount and encouraging people with a first home owners' grant to buy these homes at what would otherwise be very ridiculously low figures. They are some of the problems. So, the people who claim that we have, say, 6 000 or 7 000 fewer units should take account of the fact of where those units were and how we are now trying to put them into areas where there is demand.

It is part of the problem which we have inherited and which goes back over many years when a lot of homes were put in areas for which today, because of the change in the employment and population status of some of those areas, there is just not the demand.

The CHAIRMAN: Order! The time set aside for consideration of the lines of the Deputy Premier and Minister for Human Services has concluded.

Progress reported; committee to sit again.

MEMBER'S REMARKS

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

Leave granted.

The Hon. R.L. BROKENSHIRE: Earlier today, in answer to a question without notice, I said that the leader of the Democrats in another place, the Hon. Mike Elliott, had said that he wants to see more drugs on our streets and he wants to see more devastation to our young people. As a fair-minded person, I wish to clarify this statement. Mr Elliott did not say that he wanted more drugs on the streets, but what I was referring to was the fact that he and the Democrats support a policy that would see the amount of cannabis and other drugs being able to be used legally increased. Let us be crystal clear: the Democrats and their leader are on the record saying that they want to increase the number of cannabis plants allowed for personal use—

The ACTING SPEAKER: Order! The minister is straying away from a personal explanation.

The Hon. R.L. BROKENSHERE: Mike Elliott says that he is personally committed to children and, in that regard, I take him at his word. But let there be no mistake: the policies that the Democrats espouse would be devastating to our young people as they would see more drugs and dealers on our streets.

ADJOURNMENT

At 10.36 p.m. the House adjourned until Wednesday 24 October at 2 p.m.