LEGISLATIVE COUNCIL

Wednesday 4 December 1996

The PRESIDENT (Hon. Peter Dunn) took the Chair at 2.16 p.m. and read prayers.

ASSENT TO BILLS

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

ANZ Executors & Trustee Company (South Australia) Limited (Transfer of Business),

Lottery and Gaming (Sweepstakes) Amendment.

PAPERS TABLED

The following papers were laid on the table:

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

Response to Environment, Resources and Development Committee—Twenty-second Report into Aspects of the MFP

By the Attorney-General (Hon. K.T. Griffin)—

Reports, 1995-96—
Commissioner for Equal Opportunity
State Emergency Services

By the Minister for Transport (Hon. Diana Laidlaw)—

Institute of Medical and Veterinary Science—Report, 1995-96
South Australian Housing Trust—Code of Practice
City of Hindmarsh and Woodville Local Heritage Plan Amendment Report—Report on the Interim Operation

By the Minister for the Arts (Hon. Diana Laidlaw)—

Reports, 1995-96—
South Australian Country Arts Trust
Telstra Adelaide Festival 96
Carrick Hill Trust—Independent Audit Report.

LEGISLATIVE REVIEW COMMITTEE

The Hon. R.D. LAWSON: I bring up the seventh report of the committee and move:

That the report be read.

Motion carried.

The Hon. R.D. LAWSON: I bring up the eighth report of the committee, and I bring up the report and minutes of evidence of the committee on regulations under the Firearms Act.

STATUTORY AUTHORITIES REVIEW COMMITTEE

The Hon. L.H. DAVIS: I lay on the table the report of the committee on the Review of the Legal Services Commission, Part 1 and move:

That the report be printed.

Motion carried.

JIMMY BARNES CONCERT

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a copy of a ministerial statement made in another place today by the Premier on: Government saves Jimmy Barnes New Year's Eve concert!

Leave granted.

333 COLLINS STREET

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a copy of a ministerial statement made by the Treasurer on the subject of the sale of 333 Collins Street for $243 million.

Leave granted.

QUESTION TIME

TEACHERS, COUNTRY

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question on the subject of country staffing.

Leave granted.

The Hon. CAROLYN PICKLES: Yesterday the Minister gave an undertaking that the South Australian Institute of Teachers would be consulted on matters being considered by the working party established to look at country staffing issues. A circular from the Secondary Principals Association dated 20 November indicates that this committee has already met and made a number of decisions. The circular states that strategies determined for 1997 include recruitment to permanent against temporary positions, package of contracts to provide a full year's employment, contract teachers to work across schools and possible award changes. My question to the Minister is: given the Minister's answer yesterday, can he now explain why the South Australian Institute of Teachers was not consulted on the matters already determined by this committee?

The Hon. R.I. LUCAS: That is not correct. I have met with the Institute of Teachers and discussed a number of those issues. As the honourable member will know, we met as a select committee with the Institute of Teachers on a number of those issues as well. The decisions that have been announced—

An honourable member interjecting:

The Hon. R.I. LUCAS: I will not be diverted. The decisions referred to are decisions we have taken this year in an endeavour to meet the requirements of country schools for next year. The working party that is looking at country staffing from my viewpoint will be looking at some of the more difficult long-term issues, in particular, country incentives and a range of other issues such as those which would have to be considered in any deliberation on country staffing and country staffing issues. I am advised that the sorts of things referred to in that letter or communication are options that have been offered previously by the personnel department of the Department for Education and Children's Services in an endeavour to resolve issues in some country schools.

So, some of the issues referred to there are not new initiatives: they are initiatives which have been options previously. I understand that, in some cases, they have not been taken up by country communities, but evidently this year they have been. Whether that is because they have become more widely known, marketed better by the department or there is a greater demand for it this year for next year, I am not sure, so I make no criticism in relation to that. Certainly, I know one of the options talked about being able to package together temporary relieving teacher demands in

a number of school communities, for example, in regional cities such as Port Pirie and Port Augusta, and bulking them up into a contract provision. Personnel advised me that this option was available to schools last year in Port Pirie and Port Augusta, but had not been taken up. I understand it has been offered again for this year and for next year and it might be one of the options that might be taken up by some of those communities.

Last month I also met with the hard-working local member for Frome (Hon. Rob Kerin) in Port Pirie. I met with representatives of the schools and parents' communities in relation to staffing issues in that particular region. I am delighted to say that the principal of John Pirie Secondary School was delighted with the response from the Government. Soon after that meeting he indicated that, when he had complained of the 10 unfilled vacancies in his school, soon after that eight of the 10 vacancies had been filled in pretty short time. He indicated his pleasure at the fact that those actions had been taken. It is true to say that one of the parent group representatives, Ms Anne Bienke, made what I thought were not overly accurate statements about the nature of the discussions and the progress the Government had made at the meeting. The proof of the pudding has been in the eating; that is, the Government and the department have been able to indicate, as I said, according to the local principal, anyway, eight of the 10 vacancies had been filled in a short time after that meeting. A number of the options highlighted by the honourable member in that communication were issues that I flagged at that meeting last month.

In summary, there are issues on which we have to continue to operate on a yearly basis. Many of those issues have been raised by members of the institute, schools and school communities, and we act quickly on those on which we can act. Obviously, with regard to the bigger, more substantive issues, if there is to be any change, for example, in overall staffing arrangements for country schools or in country incentive packages for country teachers, clearly all those issues will need to be the subject of broad consultation, including extensive consultation with the Institute of Teachers. I have not had the opportunity to speak to the Chief Executive Officer in relation to this issue, but it might be possible for the department to establish a working party, reference group or a meeting of negotiators between the department and the union to try to consider further some of these issues when the Government has a clearer indication of some of the policy options it would like to consider.

SCHOOLCARD

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about schoolcard.

Leave granted.

The Hon. CAROLYN PICKLES: On 24 October, the Minister confirmed that he was considering whether changes could be made to schoolcard eligibility criteria for next year. The Minister said that, if any change was to be made to the criteria, schools would be advised before the end of the year so that they can plan term 1 next year. As school budgets run from November to October and not the calendar year, this information should have been made available last October to allow schools to finalise their decisions on school fees and budgets for next year. In addition, I would like to inform the Minister that a constituent has been in touch with me today and has advised me that the Department of Social Security has told him that there will be no application forms this year and that each parent with an eligible child will be required to write to DSS requesting authority to apply for schoolcard. DSS will then send out authorities on 17 January 1997, around the time that schools fees are due. My questions to the Minister are:

1. As there is just over two weeks to the end of the school year, can the Minister now confirm there will be no change to schoolcard criteria in 1997?

2. Can he confirm whether statements made by my constituent are correct and, if so, why does the parent need the authority of DSS to apply for schoolcard?

The Hon. R.I. LUCAS: The answer to the first question is 'No', and the answer to the second question is that the department will be advising schools, either late this week or early next week—the decision was taken last week sometime—in relation to the new arrangements of schoolcard. When schools are advised I will be in a position to advise all members and the broader community of the changes the Government is to implement.

TUNA BOAT OWNERS

The Hon. R.R. ROBERTS: I seek leave to give an explanation before asking the Attorney-General in his own capacity and as the Minister representing the Minister for Primary Industries a question about the memorandum of understanding signed in 1993 between the Liberal Opposition and the Tuna Boat Owners Association of Australia.

Leave granted.

The Hon. R.R. ROBERTS: On 15 September 1993, the then Leader of the Opposition (Hon. Dean Brown) and shadow Minister for Primary Industries (Hon. Dale Baker) signed a memorandum of understanding, on behalf of the Liberal Party shadow Cabinet, with the Tuna Boat Owners Association of Australia, with the express purpose of further developing the southern bluefin tuna farming industry. Part 8 of the memorandum of understanding states:

> . . . the shadow Cabinet gives a commitment that on election, a Liberal Government will—
>
> · approve a quota of 6 000 tonnes *per annum* of pilchards to be caught by tuna farms for the farms . . .

Part 9 of the memorandum states that the arrangements in part 8 are subject to the Tuna Boat Owners Association's guaranteeing to create 400 direct jobs in the industry by 1996, and the Tuna Boat Owners Association's establishing a full research program covering environmental monitoring, nutrition and animal health. My questions to the Attorney are:

1. Does the memorandum of understanding breach any section of the Electoral Act or of any other Act, including the Fisheries Act, given that it purports to bind the Crown to give preferred access to the State's and the Commonwealth's natural resources?

2. Given that up to half of the quota of pilchards offered to the Tuna Boat Owners Association were to be caught outside State waters, was this proposal approved by the Australian Fisheries Management Authority at the time of signing or since, or was advice sought on the matter and, if so, will the Minister table the advice?

3. Have the 400 direct jobs been created, and has the full program of research outlined in part 9 of the memorandum been undertaken by the Tuna Boat Owners Association?

4. Has the Minister for Primary Industries sought legal advice in relation to the legality of this memorandum, and will he table that advice?

5. Is the honouring of this agreement the reason why the Minister has not established a pilchard quota for the licensed pilchard fishers for next year?

The Hon. K.T. GRIFFIN: The answer to the first question is 'No.' In respect of the tabling of legal advice, the honourable member ought to know by now, and ought to know also from his experience with my predecessor (Hon. Chris Sumner) as Attorney-General, that legal advice to the Crown will not be tabled. I will give consideration to the other issues raised by the honourable member.

TAXIS

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Transport a question about the rapid turnover in lessees of taxi plates.

Leave granted.

The Hon. SANDRA KANCK: In the past, taxi plates were issued subject to the proviso that the purchaser of the plate also provided the vehicle that would be used as the taxi. This is no longer the case. An investor can now purchase a taxi plate and lease that plate to a licensed taxi driver, who will in turn provide the vehicle and absorb the on-road costs. The lease is for a minimum period of 12 months. It costs almost $160 000 for a taxi plate and the going rate to lease a plate is between $300 and $320 per week. My office has discovered an alarming turnover in the number of lessees of taxi plates.

Passenger Transport Board figures indicate that, in the past financial year, 143 taxi plates were leased by non-owner operators. Of those 143 lessees, a staggering 100 returned the plate before the 12 month lease period had expired. This, according to industry sources, indicates a deep flaw in the current arrangements. Industry members are also concerned that the high turnover rate of lessees is reducing the quality of service being provided and damaging the industry's good reputation. My questions to the Minister are:

1. Has the Minister been alerted to the nature of the problem?

2. Does the Minister acknowledge that the lessees' failure rate indicates that the cost of leasing a taxi plate is grossly inflated?

3. Will the Minister institute a study to investigate the best means of reducing the incidence of lessees failing to survive for the 12 month period?

The Hon. DIANA LAIDLAW: I would like to correct an inference in the honourable member's question. The arrangements that apply now were introduced under the old regime of the Metropolitan Taxicab Board and by the former Government. At that time (1991) taxi owners applied considerable pressure on the board to drop the requirement that a person who purchases a plate must be responsible for driving the taxi associated with the plate for two years. Under the former Government, the Hon. Frank Blevins endorsed the recommendation from the Metropolitan Taxicab Board. The Metropolitan Taxicab Board pursued this initiative in good faith, but as shadow Minister of Transport I was aware of growing concerns about this leasing arrangement and I have become more acutely aware of them over the past 18 months. At my request this matter is already the subject of an assessment by the Taxi Industry Advisory Panel (TIAP), which advises the Passenger Transport Board on these matters.

It is a difficult matter, not only because of the high rate of turnover and standards within the industry but also in terms of the people who are now buying the plates through tender, because we find a lot of people who have had no interest in the taxi industry now becoming 'absentee landlords'. People are now buying or bidding by tender for taxi licences and are paying a high price—

Members interjecting:

The Hon. DIANA LAIDLAW: Yes, at more than $150 000 by tender and for transfer—believing it is a particularly good investment. There is no doubt that, now that interest rates have generally fallen on any deposit account, the lease rates make it a particularly attractive investment for a person to buy a taxi, particularly now that the regulation that they must drive that taxi for two years no longer applies. So, I emphasise to the honourable member that I am acutely aware of the issues involved here. They are being explored by the Taxi Industry Advisory Panel from the owner, driver and lessee perspective and also with representatives of the Passenger Transport Board. I will seek an update of that panel's considerations and bring back a reply. As this is the last week before we rise I will correspond with the honourable member during the break.

The Hon. T.G. CAMERON: As a supplementary question—

Members interjecting:

The Hon. T.G. CAMERON: No; I commend the Hon. Sandra Kanck on raising—

The PRESIDENT: Order! The honourable member will ask the question.

The Hon. T.G. CAMERON: Certainly, Mr President. Does the Minister believe that there is any correlation between the cost of the taxi plate and the leasing fee?

The Hon. DIANA LAIDLAW: It is a possibility.

BODY HIRE CONTRACTORS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport questions about the Department of Transport and body hire contractors.

Leave granted.

The Hon. T.G. CAMERON: I have recently received a copy of the minutes of a pre-tender meeting of body hire contractors with Department of Transport officers held on 23 August 1996. The minutes reveal that, whilst the department has an enterprise agreement, it is to apply only to its direct employees and not to former departmental employees who have had their jobs privatised by the Government. In fact, the transferred employers were to be paid as first increment employees only. These former employees are performing exactly the same work as they performed as departmental employees but will now lose $1.60 an hour, resulting in reduced pay packets of between $60 and $100 per week. My questions to the Minister are:

1. Why has the Government instructed the Department of Transport to inform its body hire contractors that they are no longer to include in their tenders wage rates for former Government employees that are based on the department's salary scale?

2. Is this new policy now to apply to all Government agencies involving public sector employees who have had their jobs privatised?

The Hon. DIANA LAIDLAW: If I understand the honourable member's question properly this could be a quite complex situation, because he is talking about former Government employees and those who have left due to

privatisation or contracting out of various activities. As I understand, most people who left the department in such circumstances would have taken a TVSP and would not be entitled to work with the department in a contractual arrangement. Before responding or leaping to conclusions about this matter I may speak to the honourable member and get more advice, because either the explanation was not clear or was confused or there is something wrong in the way in which the department is addressing this issue.

The Hon. T.G. Cameron: That sounds like another 'it's a possibility'.

The Hon. DIANA LAIDLAW: Well, I think the explanation is muddled.

Members interjecting:

The PRESIDENT: Order!

VACCINATIONS

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Health, a question about a new vaccine for people over 65 years of age.

Leave granted.

The Hon. BERNICE PFITZNER: A new Australian immunisation schedule for people over 65 years of age is a vaccine that protects against infection by the pneumococcal bacteria, which usually causes pneumonia or severe infection of the lungs. This immunisation schedule is endorsed by the NHMRC (National Health and Medical Research Council). This disease in the elderly is a significant health problem, and during the winter months hospital admissions increase 10 to 50 fold for this disease. The disease is a major cause of morbidity and mortality in these people over 65. Revaccination is recommended every five years as the pneumococcal antibodies, that is, the protection bodies, decrease over that time. Will the Minister make this vaccine available at our various immunisation clinics and, if not, why not?

The Hon. DIANA LAIDLAW: I will refer the question to the Minister and bring back a reply.

SELECT COMMITTEE ON A PROPOSED SALE OF LAND AT CARRICK HILL

The Hon. DIANA LAIDLAW (Minister for the Arts): I move:

That the select committee have permission to meet during the sitting of the Council this day.

Motion carried.

STATE HISTORY CENTRE

In reply to **Hon. ANNE LEVY** (3 July).

The Hon. DIANA LAIDLAW: The Adelaide City Council has provided the following information in relation to the 'State History Centre' signs in North Terrace.

These signs are porcelain enamel on steel and are only available from a manufacturer in Victoria. This material has performed well by resisting most vandal damage but it is not easy to alter the graphics and thus it has been resolved to glue a small coloured panel over the 'State History Centre' wording.

Temporary masking out of this wording has been executed and it is anticipated that the permanent blocking out will be completed by mid December.

SHIPWRECKS

In reply to **Hon. T.G. ROBERTS** (23 October).

The Hon. DIANA LAIDLAW: The Minister for the Environment and Natural Resources has provided the following information.

Appropriate signs will be erected in due course around the 11 shipwrecks recently declared under the Historic Shipwrecks Act. The South Australian Maritime Heritage Program, administered by the State Heritage Branch of the Department of Environment and Natural Resources, has been very active in erecting signs and providing educational material for the general public.

ARTS, CONSULTANCIES

In reply to **Hon. ANNE LEVY** (23 October).

The Hon. DIANA LAIDLAW:

1. A total sum of $94 000 was paid to Johden Pty Ltd for the 1995-96 financial year. This sum comprised $65 000 for consultancy fees and $29 000 for an operating budget to cover such items as, art work design and printing, various surveys, and travel.

2. The contractual terms in relation to the appointment of Mr Cheatle are as follows:

- 15 April 1996 to 14 April 1997 (inclusive)—$40 000 consultancy fee and $55 000 operating budget.
- 15 April 1997 to 15 April 1998 (inclusive)—$60 000 consultancy fee and $35 000 operating budget.

ROADS, PASSING LANES

In reply to **Hon. R.R. ROBERTS** (7 November).

The Hon. DIANA LAIDLAW: The Port Augusta—Port Wakefield Road overtaking lanes project commenced in January 1996. Initially the project was due to finish at the end of July 1996 but exceptionally heavy rains during the winter season caused the work to be delayed. As part of the design criteria, before sealing works can proceed the pavement layers need to dry out to a specified amount and an ambient temperature of 15°C is required. To ensure that the quality of the work was not compromised, the contractor was permitted to withdraw from the project for the winter months.

Temporary pavement layers were constructed at unfinished sites to the level of the existing road to ensure that the safety of motorists was maintained.

Work recommenced at the beginning of November and is scheduled to be completed on 23 December 1996. The remaining sites will be progressively opened between now and the end of December 1996.

TRANSPORT PLAN

In reply to **Hon. T.G. CAMERON** (7 November).

The Hon. DIANA LAIDLAW: The answer to the same Question asked on Notice (QON No. 42) by the honourable member was answered in Parliament on 26 November 1996.

COPPER CHROME ARSENATE

In reply to **Hon. T.G. ROBERTS** (13 November).

The Hon. DIANA LAIDLAW: The Minister for the Environment and Natural Resources has provided the following information.

1. Evidence relating to the February 1995 copper chrome arsenate spill at CSR Timber Products in Mt Gambier is still being gathered and reviewed by the Crown Solicitor's Office and the Office of the Environment Protection Authority. A decision is yet to be made by the Environment Protection Authority about whether to initiate prosecution proceedings against Softwood Holdings Ltd for a breach of the Water Resources Act 1990 as a result of the copper chrome arsenate spill.

2. Extensive groundwater quality sampling and analysis was undertaken by the Mt Gambier Regional Office of the Department of Environment and Natural Resources on the CSR Timber Products site immediately after the copper chrome arsenate spill occurred and during the six months following. This groundwater sampling was undertaken to assess the impact on groundwater quality below and adjacent to the spill area and gather potential evidence which could be used in any prosecution action against the company. On the basis of bore location and current usage in the areas within 500 metres of the spill and the results of the initial groundwater sampling it was determined that there were no immediate health risks.

OLIVE TREES

In reply to **Hon M.J. ELLIOTT** (14 November).

The Hon. DIANA LAIDLAW: The Minister for the Environment and Natural Resources has provided the following information.

Olive trees outside of cultivation are listed as a community weed of environmental concern. Animal and Plant Control Boards in the Adelaide Hills where olives are particularly rampant have programs for control and removal. Local Councils have taken steps to control olives in high fire risk areas.

The removal of olives is the responsibility of landholders as is the case for all weed species. The National Parks and Wildlife Service has a long-running program for the control of olives involving the voluntary assistance of Friends of Parks. The Minister for the Environment and Natural Resources is extremely pleased with the level of support provided by these groups and the success they have had with their projects.

CENTRE FOR LANGUAGES

The Hon. P. NOCELLA: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services, representing the Minister for Employment, Training and Further Education, a question about the Centre for Languages.

Leave granted.

The Hon. P. NOCELLA: Our universities and tertiary institutions have been earmarked for some very severe and substantial cuts which are already affecting their delivery of services and which will result in the removal of hundreds of positions. These same universities and tertiary institutions are the ones that the Minister for Employment, Training and Further Education has identified as the providers of new funding for the Centre for Languages. The centre, the establishment of which was hailed by the Minister as 'the commencement of a highly significant partnership between the South Australian Government and South Australia's principal teaching institutions cooperative venture to promote and foster the teaching of languages', has now been in existence for 12 months.

Those who believe the hyperbole espoused by both the Minister and the former Premier regarding this much vaunted reversal of the decline of language studies at tertiary level are still waiting for just a small sign of advancement. At a time when the existence of the entire language department is in danger, as in Tasmania and Victoria, there are many experts who feel that the strategy announced by the Minister in respect of the funding for the Centre for Languages is seriously flawed, totally unrealistic and ultimately unworkable. My questions are:

1. Will the Minister confirm that Russian and Arabic will continue to be taught in 1997 and subsequent years?

2. Will the Minister confirm that modern Greek, Italian and French will not be subjected to cutbacks? If he cannot confirm this, will he indicate which cutbacks will be introduced?

3. Will the Minister provide this Council with a list of the achievements of the Centre for Languages at the end of its first 12 months of operation?

4. Will the Minister inform this Council of any new funding, other than the funds inherited from the South Australian Institute of Languages, that the Centre for Languages has been able to secure from its constituent universities and tertiary institutions?

The PRESIDENT: Order! Before the Minister answers the question I would like the honourable member to read carefully his brief explanation to see whether any opinion is contained therein. If there is not, he can come and explain it to me; notwithstanding, I would ask the Minister for Education and Children's Services to answer the question.

The Hon. R.I. LUCAS: I will refer the honourable member's questions to the Minister and bring back a reply.

COURTS ADMINISTRATION AUTHORITY

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Attorney-General a question about a Courts Administration Authority proposal.

Leave granted.

The Hon. G. WEATHERILL: The Chief Justice in his contribution to the Courts Administration Authority Annual Report 1996 (page 3) acknowledged the degree of cooperation among the council, the Courts Administration Authority and the Attorney-General. However, the Chief Justice goes on to say:

> It is also appropriate to record that the council regrets that a number of proposals were not approved by the Attorney-General.

My question is: which proposals put forward by the council of the Courts Administration Authority have been rejected by the Attorney-General in the past 18 months, and what were the reasons for these rejections in each case?

The Hon. K.T. GRIFFIN: There is in the context of the budget process relating to the Courts Administration Authority a process of consultation, recognising that the Courts Administration Authority Act requires the Attorney-General to approve a budget and then for the Government to determine to propose that budget in the annual budget papers. Obviously, there is a requirement for the Attorney-General to make decisions about what will or will not be approved by the Attorney-General. In addition, there is also an opportunity for Government to make its decision about whether or not all the budget approved by the Attorney-General will be approved by the Government and incorporated in the annual budget papers.

The processes in relation to the development of a budget by the Courts Administration Authority are flexible. The normal practice is to require an ongoing range of information as the Courts Administration Authority develops its own requests. In the past, at least in the first budget, I was presented with a budget for approval, but I was not prepared to do that without consultation. In the development of the second budget, which was approved this year, there was a significant level of consultation between my own department, which advises me, and the Courts Administration Authority. For the next budget, there will be an even greater level of consultation between the Courts Administration Authority, Treasury, my own agency and me.

One must recognise that, ultimately, the Government makes the decision about the budget: Parliament makes a decision on the budget which is presented to it. I am not able to recollect the detail of the matters that were not approved by me at the time. I will give some consideration as to whether or not it is appropriate to disclose them because, after all, the issue is what budget comes to Parliament and what budget is approved by the Attorney-General. The budget that I approved provided for a CPI escalation, as I recollect, and certainly did not remove funds from the Courts Administration Authority and thereby prejudice its proper operation.

BAROSSA VALLEY RAIL SERVICE

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for Transport a question about the Barossa Valley rail service.

Leave granted.

The Hon. A.J. REDFORD: My interest in this important innovation, which was developed by the Minister after consultation and input from the member for Custance and

TransAdelaide, is well known. I recently asked a question about the trial of a Barossa Valley rail service which was to take place last month. I understand from constituents that the trial went very well. In view of that, my questions are:

1. When did the trial take place?
2. How many people travelled on the service?
3. What fares were charged?
4. What was customer reaction to the service?
5. Who were the customers?
6. When will the Minister decide whether this service becomes permanent?
7. Are any issues pertaining to Australian National outstanding?

The Hon. DIANA LAIDLAW: In response to earlier questions from the honourable member on this subject, I remember outlining that, during the pilot stage, Australian National refused permission for the Barossa passenger train service to proceed beyond Nuriootpa to Angaston. I alert the honourable member that this was one of the biggest grievances about the service that was provided by TransAdelaide, namely, that it did not go as far as Angaston. Many people who participated—in fact, there were 600 in all over the four Sundays—complained that the service did not take them to Angaston. Many of the shopkeepers and commercial operators in Angaston also complained because they would like the service to Angaston. We will take up this matter with Australian National because rail engineers have told me that there is no reason why the train cannot operate to Angaston and that AN is simply being difficult.

The Hon. M.J. Elliott: That is its history.

The Hon. DIANA LAIDLAW: Yes, that is its history, but it is particularly disappointing when there are—

The Hon. Anne Levy: Did you ask why?

The Hon. DIANA LAIDLAW: Yes, AN claimed that there are track safety issues, but rail engineers told me that is not the case and, if they did have such concerns, the train could operate to Angaston at a slower pace than the condition of the track allows to Nuriootpa. It is disappointing that AN will not give the benefit of the doubt in this respect by operating a train at a slower speed, because we need to do everything possible in this State in terms of passenger and freight transport. I assure the honourable member that I intend to take up this matter strongly with Australian National.

The four week trial, which started on 11 November and finished last Sunday, is now being assessed by TransAdelaide with the Barossa Regional Economic Development Association. That assessment should be finished by the end of December. Depending on the results of this evaluation, we will look at how we can continue the service in the next year.

It is interesting to note some of the preliminary feedback from the service, because it shows that most of the passengers were from Adelaide. Some were repeat passengers over the four week period. The service was seen as a family friendly initiative because a lot of families with prams, pushers, and the like used the service. The train not only accommodated them but, because it was a 2000 series rail car, it was equipped with loos, and that was seen by TransAdelaide as a pretty important requirement for a train that was to travel to and from the Barossa Valley and the wine area.

Another interesting issue, which was raised by a lot of passengers, was that they would like much longer in the Barossa Valley. They want the train to leave Adelaide earlier than 9 and come back much later than 3.30 or 4 o'clock. All these matters will be considered. They are important matters because this is the first new passenger rail service outside the metropolitan area for many, many years in South Australia, and I hope that it will be the first of more to come if we get this one right.

The Hon. A.J. REDFORD: As a supplementary question, will the Minister accept my congratulations on this very important initiative?

The Hon. DIANA LAIDLAW: Yes, I will accept that congratulations because this has taken—

The PRESIDENT: Order! I think the Minister can do that in private.

The Hon. DIANA LAIDLAW: No, I will accept them publicly and I will accept them on behalf of TransAdelaide, which, for two years, has worked extraordinarily hard to get this initiative going, despite resistance from a whole range of quarters. The members of TransAdelaide and Barossa Valley businesses will be particularly pleased to receive the congratulations.

The PRESIDENT: It is on the record.

SCHOOL SUPPORT GRANTS

In reply to **Hon. CAROLYN PICKLES** (24 October).

The Hon. R.I. LUCAS:

1. I am advised that the majority of schools start the budgeting process in August of each year to enable the process to be completed by the end of October for the new financial year (1 November). As is standard practice in any budgeting process, schools rely on previous years' expenditure and revenue levels to estimate future budgets. I am further advised that the support grant was provided to schools on 28 October 1996, therefore enabling schools to finalise their budgets.

There are always minor adjustments made to the budgets at the beginning of November to account for the most current information on revenue and expenditure. In addition, budgets are not static but flexible, to reflect the many variables at work in the school environment eg enrolments, school card numbers.

2. The Department for Education and Children's Services officers have recognised the need to streamline processing and are developing new software solutions to ensure timely processing and fund receipt of the second payment in June 1997 and subsequent years.

AUSLAN

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about the introduction of Auslan as a school subject choice.

Leave granted.

The Hon. M.J. ELLIOTT: I have raised this question in the Chamber on a previous occasion, but I want to provide a little more information. My question to the Minister follows recommendations of the Lo Bianco report about the need to consider the introduction of Auslan, an internationally recognised language for the hearing impaired, as a language other than English within the secondary school system, years 8 to 12. I understand that one of the issues which needs to be resolved if Auslan is to be introduced to schools is that of teacher expertise to both develop appropriate curriculum materials and to teach Auslan. I believe that the department has recently offered release time scholarships for teachers to be trained in Auslan. There are already teachers in the system with the skills in this area who would be available to work on this program. I am told that one such person is the senior coordinator for the hearing impaired unit at Marion High School, who is now at the end of his 10 year term.

I have been told that the funds for the commencement of such a program should also be available following the freeing

up of money through the closure of Marion High School where the Centre for the Hearing Impaired is presently located. I have been told that, aside from capital costs and recurrent spending saved from the school closure, the school has an investment account holding $500 000. My questions to the Minister are:

1. What are the time lines in place for the establishment of a program in Auslan?

2. Will the Minister use the existing talents of his staff to ensure the speedy introduction of such a program and to ensure continuity for staff and students, especially those who have been displaced from Marion High School?

3. Will the Minister take advantage of funds freed up by the closure of Marion High School to finance such a program?

4. In the light of the human and financial resources available, will the Minister consider the introduction of an Auslan pilot program to commence in 1997 in the south-west corner schools?

5. Will the Minister direct his two departmental staff members working in this area to report and implement this program in time for the next school year before the resources are lost or directed towards general revenue?

The Hon. R.I. LUCAS: I thought I had responded to the honourable member on this particular issue, but perhaps I have not. Perhaps I have signed the answer and it has not yet reached the honourable member. I will check with my office to see whether or not that reply has been forwarded to the honourable member because certainly the reply I remember signing referred to some of the details to which the honourable member has referred in his question about the department seeking to advertise to provide training and development for teachers in this area of expertise and one or two other aspects of the member's explanation to his question. I will check to see whether that letter has been sent to the honourable member. If it has not, I apologise. I will need to take advice on the further questions the honourable member has raised and I will correspond with him.

The Hon. M.J. ELLIOTT: As a supplementary question, could the Minister give advice soon as to the prospects of Auslan being made available in schools as a senior subject choice next year?

The Hon. R.I. LUCAS: Yes, I indicated I would get advice and provide it as soon as I could.

COMPUTERS, YEAR 2000 PROBLEM

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services, representing the Minister for Information Technology, a question about year 2000 strategies.

Leave granted.

The Hon. R.D. LAWSON: Those interested in computers and information technology have long been aware of a major problem that will occur on 1 January 2000. The problem has been called 'the year 2000 problem' or, more colourfully, 'the millennium bug'. The problem arises because most computer software written over the past 20 years uses only two digits to specify the year. For example, '1976' is recorded simply as '76'. Two digits were used by programmers in the past because the constant repetition of '19' took up memory and time during processing. Trillions of bytes of disc space and billions of dollars were saved by the device of using two rather than four digits. On 1 January 2000, unless the software is corrected, most computers with time sensitive programs will recognise the year as simply '00' and will assume that the year in question is '1900'. This could either force computers to report errors instead of completing their processing or lead to incorrect calculations.

The problem is doubly complicated by the fact that much of it is embedded in the chips as well as the software. For example, the computer program relating to licensing will recognise that '00' is earlier than '99' so that the licence is not due for renewal. Programs which relate to asset management systems will deem the date for replacement or servicing of an item has not been reached and interest calculations on overdue interest and the like will be out by 100 years. Many computer programs calculate the age of people, for example, students, by deducting the current year, say, '96' from their specified date of birth '76' which equals '20'. With the arrival of 2000, the computer will make a calculation of '00 minus 76 equals—24'. Many process control systems such as those built in lifts, security systems, and electrical transmission systems will be adversely affected.

In the United States Senator Moynihan recently introduced a Bill to establish a national commission to examine the year 2000 computer problem. He said:

> The longer the delay in resolving the problem, the more costly the solution and the more dire the consequences. The computer age has been a blessing; if we don't act in a timely fashion, however, it could become the curse of the age.

It has been pointed out in the United States that negative repercussions will include the miscalculation of taxes, failure of some defence department weapon systems, mis-diagnosis of medical treatment and the like. In that country the cost of rectifying it has been estimated as over $50 billion. In the United Kingdom a number of private and public sector inquiries have been set up to examine this issue. My questions to the Minister for Information Technology are:

1. What action has been taken in this State to ensure that computers in our public and private sectors address the year 2000 problem?

2. What initiatives can the Government take to ensure that the growing South Australian computer software industry receives more than its fair share of the substantial national expenditure which will be incurred in overcoming this problem?

The Hon. R.I. LUCAS: I will refer the honourable member's question to the Minister and bring back a reply.

TONSLEY INTERCHANGE

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Minister for Transport a question about road transport policy.

Leave granted.

The Hon. P. HOLLOWAY: Before the last election the former Labor Government had undertaken to build a transfer interchange at Tonsley with an associated express rail service to the city near the termination of a third arterial road which has now become the Southern Expressway. One of the reasons why the interchange was proposed was to ease pressure on the road system north of Flinders University following the completion of the Southern Expressway. Following the last election, the Brown Government scrapped the Tonsley interchange proposal, although it did announce it would investigate an interchange at Marion. My questions to the Minister are:

1. What investigations has the Minister or her department made of the impact that additional traffic from the Southern

Expressway will have on the road systems in the south-western suburbs of Adelaide, particularly now that the Tonsley interchange project will not help alleviate the problem?

2. Given the Government's decision to scrap the Tonsley interchange, what alternative policies does the Government have to address the problem of increasing traffic along Marion, South and Goodwood Roads?

The Hon. DIANA LAIDLAW: I do not have all the figures relating to the freight studies that have been undertaken in this matter, but the studies have been comprehensive. If the honourable member would like me to arrange for a briefing on this matter, I would be pleased to do so. The Southern Expressway is not anticipated to have an impact on the distribution of vehicles through the Darlington section. I can further explain that but we have run out of time.

MATTERS OF INTEREST

LIBERAL PARTY LEADERSHIP

The Hon. T.G. CAMERON: The last 12 months has seen the Liberal Party racked by internal dissension over the leadership. The long publicised feud between the former Premier Dean Brown and the new Premier John Olsen erupted last week into open warfare, with a leadership challenge to both Dean Brown and Stephen Baker. History now records that Dean Brown refused to stand and that Deputy Stephen Baker was convincingly beaten by the now Deputy Premier by 24 votes to 10, with two abstentions. Dean Brown dutifully supported his Deputy to the bitter end—a stark contrast to the former Brown nervous nellies, sitting on the backbench reading the polls. The leadership convulsions the Liberal Party is experiencing are really the tip of an iceberg that has been melting for over 20 years. This feud between the wets and the dries had been going on for years, until the Hall wets were towelled down by the dries and promised promotions into the ministry. No prizes for guessing who they will be. The leadership crisis has festered in the State Parliamentary Liberal Party ever since the former senator resigned to return home to assume the leadership, only to be unceremoniously dumped by a perfidious caucus—not all but enough.

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. CAMERON: The scene was set for the destruction of Dean Brown; a small group of dries and others swore revenge. For the past three years in South Australia, we have witnessed the dries, like a pack of wolves hunting its prey, always attacking from behind, the jackals relentlessly at Brown's hindquarters until, torn and bleeding, he was brought down. Instead of a new Government concentrating on the task of rebuilding our economy, we witnessed a group of MPs in the Liberal Party ruthlessly and without compassion publicly crucify their leader. Incredibly, this happened to a man who had just led them to their biggest majority of all time, just three years before. When the former Deputy Leader inherited the poison chalice, I am sure he did not appreciate where it would end up. But, judging from the raucous laughter emanating from Dale Baker's office last Wednesday night, when dozens of bottles of champagne were consumed by delighted guests, the chalice ended up right where they intended. The former Deputy Leader's three years of hard, thankless work was rewarded with the sack.

A combination of some inept decision making by the Premier, poor opinion polls, poor economic news and a series of Liberal leaks saw the Premier stumble. The jackals, who were hunting in packs and who had been stalking their prey for years, seized their chance and struck. The former Premier loyally stuck to his mate, so he was brought down, too—an incredible spectacle if ever there was one. At the first smell of cordite, the nervous nellies were back in their trenches cowering. My God, if it were 1919 in the Somme, they would have been shot for desertion. Dean Brown said as much at a press conference last Wednesday night, when he stated:

> I am disappointed in that I think some of our new members of Parliament lost their nerve on a poll when we were still five points in front.

Now that the dust has settled, where to from here? The former Premier and his deputy have been dumped. Not content with that, we then witnessed the disgraceful conduct as attempts were made in the *Sunday Mail* to drum Dean Brown out of politics. After a life of public service, Dean Brown deserved better. To his credit he has offered to continue to serve as Minister. If ever a ministry needed the experience of Brown and Baker, it is now. The new Premier should appoint them both. The current Premier loyally served Dean Brown for three years. I am sure that the new Premier can expect the same loyalty from Dean Brown. Only when Brown and Baker are in the ministry can John Olsen have a united Liberal Party. It is now clear that Matthew, Such and Wotton are all headed for the high jump, and Wotton was liked by the environmentalists. As for Matthew, I am sure there will be rejoicing in the homes of every police, ambulance and fire officer in this State.

We have Dale Baker, Kotz, Hall and Evans eager to climb the ladder, even if it is over someone's dead body. Can the new Premier keep all those promises he made to get his hands on the Leader's baton? If he puts Brown and Baker into the ministry, then two of the contenders—or should I say conspirators—will miss out. Oh to be a fly on the wall, with Dale Baker, Stephen Baker, Dean Brown, Dorothy Kotz and Joan Hall all sitting around the Cabinet table. What a happy little bunch of vegemites they will be! Well, it is politics. The Leader changes, the dries have taken over but the endless stream of leaks from inside the Liberal Party continues unabated. There has been a change, though—different voices, different faces, a different faction, but the leaks continue. Now it is the wets' turn and, as I was told the other day by a prominent Liberal, 'It ain't over yet.'

PARLIAMENT HOUSE STAFF

The Hon. CAROLINE SCHAEFER: I have no hope of matching the eloquence and imagination of the honourable member opposite. As I will not be here tomorrow because of a longstanding engagement and as it is the last day of sitting, I thought I would express my thanks to the staff, Jan, Trevor and particularly Paul Tierney, who is leaving us at the end of this session to go overseas. We will not see Paul's cheerful face around the place for a long time, if ever.

The Hon. L.H. Davis: Who'll run the footy competition?

The Hon. CAROLINE SCHAEFER: We wonder who will run the footy competition and who will give us the tips for the races. Paul has served as administrator of a couple of

select committees of which I have been a member, and I have always found him to be extremely helpful and efficient. He was much more efficient at his job than he ever was at tipping winners. I take this opportunity to wish Paul all the best in whatever he does from here on.

I also thank *Hansard* for managing to make me sound intelligible most of the time, as difficult as that may be. Having just listened to the Hon. Terry Cameron, it is not only I who owe *Hansard* some thanks. I also like to wish my colleagues on both sides of the Council a happy Christmas and a pleasant rest away from each other and living in the real world. I hope that the Hon. Terry Cameron's imagination does not abate over the six week break, because he provides us with a great deal of amusement.

WHYALLA

The Hon. SANDRA KANCK: Before the beginning of this parliamentary session, I visited the cities of the Spencer Gulf region and had the pleasure of visiting Whyalla. As members would be aware, difficult times are being endured in our northern cities: unemployment is at destructive levels and rising; the health system has gaping holes; and social services are stretched to the limit. However, in Whyalla I found conservation projects run by the city council that are truly worthy of public applause. I was shown these projects by the Mayor, the town planner and the environmental officer, who took me on a two hour trip. I truly had no idea what a wonderful surprise was in store for me. The Whyalla City Council is currently pursuing a raft of progressive environmental initiatives that put Whyalla in the forefront of this State's conservation efforts.

Since November 1993, Whyalla has implemented a stormwater harvesting program that provides a supply of irrigation quality water for the city's public parklands, community recreation reserves and golf course. The project has already well exceeded savings and has received a return on the construction costs because the council no longer pays for the watering of the golf course, so it is well in front. The creation of an artificial wetland is also well under way, attracting bird life and encouraging the development of aquatic vegetation. In the long term, the intention is to include walking trails, bike tracks and model boating facilities amongst the benefits the wetlands will bestow upon Whyalla.

The city's recycling depot is a model of efficiency. A combination of a successful public awareness campaign and a thorough recycling system has led to considerable reductions in the amount of landfill being dumped into Whyalla's refuse depot. It is also proving to be partially self-funding by the sale of crushed steel cans to BHP at Whyalla. The extent of public involvement on a voluntary basis is much higher than that of most metropolitan councils in Adelaide, yet the council is keen to expand the recycling program by encouraging even greater residential participation.

The Whyalla City Council is also promoting the use of solar hot water systems through a rebate program. By offering a 10 per cent discount on the purchase price of a solar hot water heater, the council is linking into ETSA initiatives, providing a maximum of $200 towards the cost of installing the wiring for systems in new and existing dwellings. The two offers combined amount to a saving of approximately 25 per cent for customers. This is local government initiative at its best. Furthermore, the council has flagged its intention to make solar hot water heating systems mandatory for all new houses and major renovations. Such measures offer genuine steps along the path to a reduction of energy use from non-renewable sources.

Council does not gain anything financially from this measure: it does it for the good of the environment. The University of South Australia's Whyalla campus is also part of the city's environmental initiatives, being the location for a wind generator site and the proposed location for a renewable energy centre. BHP has also been coopted into the program. The company is involved in industrial waste water recycling and reed-bed development. A monitoring program is also in place to assess the best method of controlling the red dust produced by the old iron pellet plant that covers a large section of the old part of the town.

What I have outlined is part of an ambitious plan to promote environmentally sustainable development as part of a strategic plan for Whyalla, and Whyalla seems to understand what 'environmentally sustainable development' means. Indeed, with appropriate State Government assistance, Whyalla could become an eco-city. That goal is being actively pursued by the Whyalla City Council and, if successful, Whyalla will add a desperately needed string to the city's economic bow. The development of new environmental technologies offers great opportunities for local manufacturers to establish various manufacturing industries.

I do not know of any other town or city within South Australia or, for that matter, Australia, that is doing better than Whyalla in this area. Whyalla appears to me to be leading the way, and I think that the people of Whyalla can be justly proud of the initiatives their council is taking on their behalf.

MIMILI SCHOOL

The Hon. R.R. ROBERTS: I move:

That the Legislative Council—

1. censures the Minister for Education and Children's Services for providing an asbestos classroom to Mimili School against the express wishes of the Mimili Community Council Incorporated, the Nganampa Health Council Incorporated and the Anangu Pitjantjatjara Services Aboriginal Corporation.
2. calls on the Minister to abide by the Anangu Pitjantjatjara Services Aboriginal Corporation order issued on 4 October 1996 to remove the building from the Pitjantjatjara lands and make the site clean; and
3. calls on the Minister to provide appropriate classrooms to children at the Mimili School following consultation with the appropriate school, community and local governing authorities.

It gives me no real pleasure to move this motion, which originates from the sorry saga of the Mimili Community Council and the provision of an asbestos-clad building. The building was appropriately marked with a number of stickers when it arrived at the Mimili School. This building was delivered to the Mimili School against the wishes of the Mimili council. No leave was sought of the council, and the council, one must remember, is the organisation charged under the Act with control of the management of the Pitjantjatjara lands. That power is provided under the Anangu Pitjantjatjara Lands Right Act and the Construction Development Policy.

That council is clearly in charge of any development that takes place on Pitjantjatjara lands, and is an elected body. The Mimili council is the equivalent of any other local govern-

ment authority and it was not consulted in any way. The council was quite scathing of the situation. I am advised that even the drivers of the truck who, under normal circumstances, would seek permission from the Anangu Pitjantjatjara council to enter the lands, did not abide by that courtesy. I first asked questions on this matter some weeks ago. In fact, I asked my first question in October.

Since that time I have asked a series of very serious questions at the behest of people concerned by what is happening at Mimili and, I must say that, from the day I started asking questions, the Minister's response to these serious matters of concern has been cavalier at the very best, dismissive and, at the very worst, I charge him with being derelict in the pursuit of his duties in respect of these matters. The Minister has continually condemned and denigrated, under parliamentary privilege, officers of the Pitjantjatjara council and, to this day, after asking a series of five questions since early October, I have not received one answer to any question on those serious matters of concern.

The Minister indicated that he would bring back responses to my questions, but they have not appeared. Last week this matter got out of hand when the Minister, in a fit of pique, leapt to his feet and claimed that he had been defamed by me. I could go through the whole sorry saga chapter and verse, but I have a letter from the Community Development Officer of the Pitjantjatjara people to the *Advertiser* newspaper. I note that this letter has not appeared in the *Advertiser*, but I will read it into the *Hansard*—

The Hon. R.I. Lucas: Who is it?

The Hon. R.R. ROBERTS: Wait and see and all will be revealed. I will read into the *Hansard* the letter sent to the editor in response to an article that appeared in the *Advertiser* on Friday 29 November headed 'MP under attack for racist slur.' The article was written by Mr Phil Coorey. I must say that his treatment of this article disappoints me greatly; it shows that he has not properly researched his material. This journalist has been duped by the Minister for Education and Children's Services into writing an inaccurate story. For instance—

The Hon. R.I. Lucas interjecting:

The Hon. R.R. ROBERTS: No, my target is not the media: my target is those who are guilty, and particularly the Minister for Education and Children's Services. The article states—

The Hon. R.I. Lucas interjecting:

The Hon. R.R. ROBERTS: We will talk about that later, because I have more for the Minister. The article states:

> On Wednesday, Mr Roberts said the difference in treatment was 'black and white'. . .

I did say that—

> . . . this is a racist decision and (Mr Lucas) has been involved in it.

A review of *Hansard* would have shown the journalist what I actually said, and it was not that at all. What I actually said was:

> It is as different as black and white. That is what it is. This is a racist decision—

I place particular emphasis on 'decision'—

> and you have been involved in it.

That is what *Hansard* shows. This is where this Minister has used the journalist. To my great disappointment, the journalist did not cross check with me: he just wrote the story. So, he has been duped into putting into print something that is not even accurate.

The Hon. R.I. Lucas: Who is 'you'?

The Hon. R.R. ROBERTS: I am glad the Minister interjects and asks me to whom I referred. I remind the Council of what was occurring on that day. The Minister came into this Council the next day and claimed that I waited for him to leave the Chamber because I was not game enough to do it while he was there. During Matters of Importance this Minister was not even in the Chamber, and he admits that he was not. If he had read the article correctly, Phil Coorey would have known that the Minister was not in the Chamber. The Minister asks to whom I was referring. As is usual when I make a contribution here, at the time I did not seek any relief, because I love it. The Council was in uproar. While I was making my contribution, Mr Lawson QC entered, stage left, and screamed, 'What rubbish!' The Minister for Transport was present, as was the Hon. Caroline Schaefer, screaming like banshees, and when I said, 'You were involved,' I pointed like this to that trio.

In his contribution the next day Mr Lucas himself said he was not in the Chamber. Then he tried to use the press to say that I defamed him. The Hon. Mr Lucas has not come to terms with ministerial responsibility under a Westminster system. He is responsible for any decisions that are made on his behalf. When a decision is made by any Government under a Westminster system the Minister ultimately takes the responsibility. On this occasion a series of decisions has been made, for which this Minister has to take the responsibility. What he did was one of his usual stunts. He got the Hon. Mr Lawson to ask the mandatory dorothy dixer. He jumped up, feigned indignation and claimed that I was cowardly because I would not do it when he was here. I did not kick him out. I did not mention his name and talk about him as though he were here during my contribution, but the Minister deludes himself in thinking that I would worry about whether or not he was here when I said something.

I have never been intimidated by an ugly face or a few tattoos, and this Minister is neither big enough nor ugly enough to intimidate me: I can assure him of that. So, my not being game to talk when he is here is a lot of rubbish, and the Hon. Mr Lawson ought to take that into account. In his contribution he did make one accurate statement. During the heat of battle I did mention the building, and he is right: I did know that the building was not occupied at the time. During the heat of battle I mentioned the building, but the observant reader would read the rest of that contribution and see that in every other instance in that speech I clearly mentioned the school and the site, not the building. In a moment we will compare what happened with that building with what occurred at Hillcrest. But I return to my letter, which I think covers the matter in a more shorthand way—and I think the Council will be pleased about that. The letter states:

> I was disappointed with the article in Friday's *Advertiser* of 29 November 1996 which seemed more interested in giving Mr Rob Lucas, Minister for Education, a platform to defend his reputation than examining the real issue. Unfortunately, Phillip Coorey made only the briefest reference in his article to what was actually said in Parliament.

In fact, what was said in Parliament was inaccurately reported, and I must say that I am disappointed to see that in the article it is registered as a quote, which is not true. The letter continues:

> I have read Ron Roberts's speech, which highlighted the difference in treatment by the Education Department in dealing with a similar issue, asbestos, in two schools; one rural Aboriginal and one urban non-Aboriginal. I believe that Mr Roberts's speech was a fair and unemotional reflection of the events over the previous

months. This being so, Mr Lucas certainly does have some explaining to do to the Mimili School and the wider community. Instead, the article on Friday concentrates on a visibly angry Mr Lucas 'taking objection' to Mr Roberts's claim that there had been a racist decision and [Mr Lucas] has been involved in it, rather than questioning his performance as the Minister for Education and his role in decision making in relation to the Mimili School asbestos episode. The asbestos building in question arrived here 2½ months ago without planning approval being sought. It is an inappropriate building for a place like Mimili, as is stated in local building specifications and regulations. Had planning approval been sought it would never have been given.

I am in possession of a document dated 19 September 1996 regarding Mimili School, a matter that I have raised in this Council. A memo from Stephaen Rainow, Public Environmental Health Officer of the Nganampa Health Council, to Mr Ian Benjamin, AP Services, states that a number of issues are of great concern to Mr Rainow. He states that:

Asbestos containing building materials have not been acceptable on AP lands since the UPK review in 1987.

Since 1987 they have not been acceptable materials in the Mimili and Pitjantjatjara lands. He further states:

I find it curious that this building has been shipped from a site where maintenance would be readily achieved to a remote location where there are known maintenance problems.

Therein lies another failing of this Government. I am advised by an expert in this field, Mr Jack Watkins, who inspected the Hillcrest site, and who states that, under the previous Government, the practice was for a properly qualified asbestos inspector to look at any asbestos building that was to be removed from one school to another and supervise the work at the Netley site. It would have been reclad under proper conditions and under the purview of a recognised expert and then transported to the school. We have seen another failing of this Administration in that it has taken an obsolete building from Camden Park; daubed it with labels saying that it is asbestos and dangerous, and warning not to cut, scratch or grind; and transported it 1 200 kilometres to the Pitjantjatjara lands without seeking any building approval or right of entry. That is what this Government has done. The letter continues:

When [the building] was damaged only 10 days after it arrived and the concerns of the Mimili Community Council (the elected representative body of the traditional owners of the land around Mimili) for the wellbeing of their children were raised, the Minister ignored them and ordered that the school stay open—quite a different response to that of the Department of Education with regard to the asbestos at Hillcrest Primary School more recently. The difference in approaches being the thrust of Mr Roberts's speeches in Parliament.

Members would remember that when this issue came to my attention I asked a series of questions and expressed the concerns of the Chairman of the Mimili Council and four other signatories about what had occurred at Mimili school. On that occasion the Minister was quite dismissive and condemning in an answer to me. When I asked questions about correspondence that the Minister's department had received, he accused me, of all people, of being mischievous by saying that the letter would have been written on the weekend and that as it was only Tuesday he had not had time to consider its contents. That correspondence was in the Minister's office on the Monday, and he had all Monday afternoon and all day Tuesday (until Question Time) to consider its contents.

When I asked questions about that the Minister at that stage wisely advised the Council that he was not aware of the issues. But the Minister returned the next day and, in response to further questions, made it quite clear that he had further correspondence that had been faxed to him 10 minutes before Question Time. It came into this place the absolute full bottle but the Minister had forgotten that he had already made a theatrical outburst the previous day in respect of the fact that he had not had time to consider it. Again, we see the hypocrisy and the blasé attitude of this Minister to this problem. The letter continues:

On two occasions the council had written directly to the Minister (Mr Lucas) asking a number of questions of him and requesting that the building be removed. To date, Mimili council has received no reply [from early October] other than the council and their staff being subjected to a number of slanderous comments under parliamentary privilege in the South Australian Parliament (*Hansard* 22 October and 5 November 1996) insulting both their integrity and their intelligence.

This is the Minister who last Thursday accused me of using parliamentary privilege as a coward's castle. This is a Minister whose history condemns him. The Minister says that he has never seen anything as despicable as the allegations that have been made—false allegations—but what about his own record in relation to a number of issues, involving Chris Sumner, Barbara Wiese and Terry Cameron, under parliamentary privilege? It was absolute cowardice and never once has he apologised. The letter continues:

For some reason Mr Lucas has displayed little respect for the people of Mimili and the well-being of their children. As Mr Roberts predicted, we saw different treatment when a similar situation occurred at a school in the comfortable suburbs of Adelaide.

I remind members of the Council that we are now talking about apologising for things said in Parliament. I refer members to my contribution in the Matters of Interest debate on 23 October 1996 where I predicted what would happen. We can compare my actions on that day with those of the Minister in addressing an issue where the Minister was clearly wrong. Members would remember a stunt between the Hon. Legh Davis and the Hon. Mr Lucas whereby I inadvertently—in a spirit of cooperation when I was asked to make a speech and did not have my notes—made a mistake in a figure I quoted in respect of the State Bank. The Minister found it very amusing that he had picked this up. I do not know whether the Minister was present during the Matters of Interest debate, but this is what happened. I said:

During Question Time today I was pleased to note that the Liberal Party has been paying particular attention to my speeches. From the outset, I do admit that the figure I quoted in respect of the State Bank was wrong: it was $103 million before tax. That was pointed out to me some time ago, and I did not really need the help of the Liberal Party. I freely admit that I made a mistake, unlike this lot opposite, in particular the Minister for Education backed up by his little squawking mate at the back—tweedle dumb and tweedle dumber. Unlike those two members I admit that I made a mistake.

I will identify those backbench members—

The PRESIDENT: Order! I do not think it is very clever of the honourable member to refer to other members in this Chamber in such a manner.

The Hon. R.R. ROBERTS: I am quoting from *Hansard*.

The PRESIDENT: You might be quoting from *Hansard*, but I do not think it is clever to refer to members in such a fashion.

The Hon. R.R. ROBERTS: I challenge your point of order. What I am doing, as I am able to do—

The Hon. R.I. Lucas: It is not his point of order: it is his ruling.

The Hon. R.R. ROBERTS: Well, I am challenging the ruling, because what I am doing is quoting—

The Hon. R.I. Lucas interjecting:

The Hon. R.R. ROBERTS: No, I don't; you haven't heard me take a point of order. Mr President, I am quoting from the *Hansard*. If you have a problem with the *Hansard* I suggest you take it up with them. Further, I said:

> The Minister for Education ought to be condemned for his handling of the situation at Mimili—

The PRESIDENT: I hope the honourable member does not want my protection a bit later on because he will find it very difficult to get, if he takes his present attitude.

The Hon. T.G. Cameron: I would have thought you would treat everyone—

The PRESIDENT: Order! The honourable member is not in this argument.

The Hon. T.G. Cameron: But I am in the Council.

The PRESIDENT: Yes—for the moment; I will remember that.

The Hon. R.R. ROBERTS: I take the point and do note that I have always found it very hard to get your protection. I said:

> The Minister for Education ought to be condemned for his handling of the situation at Mimili. He has ducked and weaved and treated those Aboriginal children with absolute disrespect. Every time he is asked to answer a question he goes into the old song, 'Not, not, not responsible'. Yesterday the Minister for Education squealed like a stuck pig when I said that he was responsible for sending those Aboriginal children into an area where there was suspected asbestos. He said, Mr President, 'You said this yesterday.' I remind the Minister for Education and those squawking members on the Liberal backbench that under the Westminster system the Minister is responsible.

That will become important when I address the Minister's request for me to apologise. I said there, and I repeat: under the Westminster system the Minister is responsible for all decisions in his department. There was continued interjection to which I did make some remarks for the edification of people whom I disrespectfully called lunatics on the backbench who kept interjecting. Quite clearly I have demonstrated the difference between the Minister and myself in two areas. The first is that I do understand ministerial responsibility and the second is that I have made it clear that when I am wrong I am prepared to say so. The letter concludes:

> There is a uniform position to remove the asbestos building held by the South Australian Health Commission, Nganampa Health (the local Aboriginal health body), AP services (the local building and planning regulatory body) and the Mimili Community Council. We wonder why Mr Lucas will not act to resolve this situation as it has been dragging on for weeks. It is also disappointing that the *Advertiser* reports the episode in Parliament as a slur against the honourable Minister and ignores his numerous slurs against the people of the Mimili community.

That contribution was signed by Mr Jon Lark, the community development officer at Mimili community.

The Hon. R.I. Lucas interjecting:

The Hon. R.R. ROBERTS: Again the Minister laughs derisively at this member of the community who was doing his job. If the Minister had done his job properly, this letter would not have been written. The Minister did not answer any of the questions and he did not address any of the issues facing the people at Mimili. If he did not heed the warnings that members of the Opposition gave him that such a situation would occur. In another contribution, I made the comment that, if this happened in the leafy suburbs of Burnside or Kensington Gardens, the approach would be completely different. It was always going to happen, and it happened at Hillcrest.

To his credit on that occasion, the Minister made an attempt. A number of parallels can be found. When an asbestos scare was recognised at Hillcrest school, the teachers removed the children from the school and put them on the oval. At Mimili, after 10 days and damage to the building and asbestos being thrown around the school, the teachers did exactly the same thing. They took the kids from the school and closed the school for the protection of those children. Both schools demanded that the Government send an asbestos expert to assess the situation. The requests of the Hillcrest school were met.

At Mimili, a meeting was held with representatives of the Education Department and the Pitjantjatjara education council. They advised the Minister's office on the Wednesday, but two days' notice was not enough. However, 10 minutes before he got the final advice, the school was closed and a decision had been made. Members should bear in mind that the correspondence said that the Minister's office had been made aware. Clearly, under the Westminster precedent, the Minister is responsible, and he knew when he made his contribution to this Chamber that a situation was brewing at Mimili. A note was sent to the principal ordering her and those children back to the school: they were sent back into the school.

The Minister advised that Mr Iveson was on his way to Mimili to assess the situation. At that point, I asked the Minister whether Mr Iveson was a recognised asbestos expert. He admitted in his contribution—and people can read the *Hansard*—that he was not. He asked some juvenile question as to whether I was. I am aware that I am not, but I was not asked to make the assessment.

In contrast, an asbestos expert was dispatched immediately to Hillcrest. Instead of the children and staff being sent back to school (and the right decision was taken to get those kids out), the school was closed for four days, and eventually they were shifted out. There are other problems with the Hillcrest situation and the contractual arrangements for the removal of that asbestos for which this Government and this Minister are responsible, but I will not go into those issues. The contrast is absolutely stark. The children at Mimili were put back in school, not after an assessment by an unqualified person even but by the direction of a school teacher who was at least hundreds of miles away. They were told that someone would be sent to look at the problem. It is an absolute scandal that the children at Mimili were treated with so much disrespect.

We must remember in this whole sorry saga just what the position is with respect to that building, bearing in mind that I have already recounted that the Anangu Pitjantjatjara Services Aboriginal Corporation comprises the people who have jurisdiction over this issue. Jurisdiction is an important issue here because, when Opposition members raised serious questions in this place, we were derided. The Anangu Pitjantjatjara Services Aboriginal Corporation was derided by this Minister, and he quoted people on the school committee.

The Hon. R.I. Lucas interjecting:

The Hon. R.R. ROBERTS: Well, the education committee. The Minister thinks that he is back in metropolitan Adelaide. He thinks that, because it is an Education Department site, he is exempt from planning approvals and councils, but he is not. This is Aboriginal Pitjantjatjara land and an Act of Parliament called the Anangu Pitjantjatjara Land Rights Act, which has a construction and development policy, clearly gives jurisdiction to this council.

When its view conflicted with his officers' view—the people who address letters to the Hon. Rob Lucas not as 'Dear Minister' but as 'Dear Rob' as was read into this place,

which is really matey—the officers' word is always taken over that of the duly elected people with jurisdiction over this property. Having been saddled with this building without consultation and without their approval, the council sent an assessment notification to Mr Jon Sully of Services SA, Netley Commercial Park, 300 Richmond Road, Netley. It reads:

> Project: Mimili Anangu Aboriginal School; Site location Mimili Anangu Pitjantjatjara lands, South Australia; Application No. 005/09/96.
>
> The application for development on Anangu Pitjantjatjara lands as submitted has been considered by the committee.

This was submitted after the building arrived. It continues:

> Resolution: the Anangu Pitjantjatjara Services governing committee on 4 October 1996 has assessed the application for the placement of the structure at Mimili. The committee wishes to inform you that the application has been refused and that the structure is to be removed from the lands and the site made clean on completion by 18 October 1996. The decision is final. The corporation has power to recover reasonable costs and expenses incurred by it in issuing this notice and taking any further action pursuant to its powers under the Anangu Pitjantjatjara Land Rights Act and the construction development policy.

To date, this Government and this Minister have completely ignored the express direction of that council, which is statutorily empowered to make these decisions. This would not happen to a local council anywhere in South Australia but in the Pitjantjatjara lands. The treatment of these people, going about their statutory obligations and using their legislative powers, has been despicable, and they have been completely ignored.

I have a whole range of other correspondence which I have tabled in other places. During one of the Minister's theatrical performances in this place when, in my view, he was ridiculing and slandering members of the Aboriginal Pitjantjatjara Services Council, the Minister made allegations that these letters were written by some officer and the Minister used the Aboriginal word for white person. In *Hansard* on 5 November the Minister said:

> I have taken advice on the meaning of 'waipala' and I am told that it is anyone who is not Anangu. It is, in effect, a colloquialism for 'white fellow'.

The Minister accused these people of having a letter written by an officer and that they did not know what they were signing. The Minister insults their intelligence and their integrity.

The Minister also misled—deliberately in my view—the Parliament because the letter to which he was referring was not signed by two people as he claimed; it was signed by four people. The reason it was signed by four people was that there was a death at Mimili at that stage and there was what is commonly known as a 'sorry camp'. Some of the elders, as one would expect of elected representatives in any community, were in attendance at that tribal and ceremonial event and could not be contacted. When they found out about the Minister's derision of them and this insult to their intelligence and integrity, the Minister received further correspondence which was signed by all the people. The Minister claims that these signatures were gathered by people who did not know what they were signing.

The Hon. R.I. Lucas: No, I didn't.

The Hon. R.R. ROBERTS: Yes, you did. There is also other correspondence. I suppose we can go through the 'I will show you mine if you show me yours' routine. The same thing has occurred—

The Hon. R.I. Lucas: No way in the world. You might enjoy that sort of game, but not me.

The Hon. R.R. ROBERTS: We would probably need a magnifying glass to recognise yours, anyway. It is not worthwhile going through this, but the same claims have been made in reverse, whereby people from the Education Department—and this is in the correspondence which the Minister has and I do not whether or not he has read it—said that they were concerned that Rex Tjarni had been duped into signing a letter which the Minister had. At the end of the day, it comes down to one question. It comes down to jurisdiction, who has the rights and whether the Minister, or officers on his behalf, have acted responsibly. Whether the Minister likes it or not the officers are his responsibility. Decisions have been made which reflect the situation at Mimili and the situation at Hillcrest which are vastly different. I pointed out in a previous contribution, which I made long before my contribution last week, that under the Westminster system the Minister is responsible. If the Minister wants to argue the fact that he is not responsible, I am afraid there is little hope for him because, as a practising member of Parliament—he claims for 13 or 14 years—he should know that he is responsible.

I conclude by referring to the allegations that were made by the Minister, for instance, that he says I called him 'a racist'. I did not call the Minister 'a racist' and I deny—

The Hon. Diana Laidlaw interjecting:

The Hon. R.R. ROBERTS: Don't you start because yours is coming. This is how the honourable member got me into trouble last time. I clearly said—and page 573 of *Hansard* supports this—that it was a racist decision. I continually referred to the decision being racist. If any Government member had some reason to suspect that I personally called them a racist, it would have been the Hon. Diana Laidlaw, because when I made that statement it was the honourable member, our silk (who has gone to sleep) and the Hon. Caroline Schaefer who were screeching as they normally do. I was not receiving your protection at the time, Mr Acting President. I was not calling for it. I was not screaming for mercy because I come from the Solly school in Port Pirie. I am not highly educated, but Solly schoolboys do not squeal; we get square. I do not scream for mercy like the Government members; I am happy. As the honourable member was carrying on screeching like a fish wife and making interjections out of order, I did say:

> . . . this is a racist decision and you have been involved in it.

I freely admit I said that. I said 'you have been involved in it' referring to the Hon. Mr Lawson, the Hon. Diana Laidlaw and the Hon. Caroline Schaefer. We are talking about decisions which is the very simple proposition from which Government members in this Chamber want to escape. They are responsible; they are part of the Government. If they are not responsible, then John Bannon is not responsible for the State Bank. We are not responsible for the State Bank. We had a royal commission that said we were not responsible, but we are now all sitting on this side. Government members in this Chamber cannot avoid their responsibility. They are responsible for these unjust decisions.

I never said that the Hon. Rob Lucas was a racist on a personal basis. I will say that, if his offence was genuine, which I do not believe it was, it was an act, the sort of theatrics we see from time to time from this Minister. It was theatrics; it is not real discontent because he claimed that two of my colleagues—

The ACTING PRESIDENT (Hon. T. Crothers): I think that is a reflection on the Minister.

The Hon. R.R. ROBERTS: What is a reflection?

The ACTING PRESIDENT: The fact that the honourable member is accusing the Minister of theatrics. I was in the Chamber that day—

The Hon. R.R. ROBERTS: You were in the Chair, Mr Acting President.

The ACTING PRESIDENT: I was in the Chair, yes—no, I was not in the Chair at that time.

The Hon. R.R. ROBERTS: Yes, you were, Mr Acting President; *Hansard* shows quite clearly that you were.

The ACTING PRESIDENT: I did not perceive that the Minister was being theatrical in what he said and, as such, I do not think it is factual and therefore it is a reflection. I will not ask the honourable member to withdraw the comment, but the honourable member should be aware of my view, that is, that it is getting pretty close to the margin.

The Hon. R.R. ROBERTS: I am appalled that the word 'theatrics' is being declared to be unparliamentary or a reflection: it occurs in this place every day. Let me remind you, Mr Acting President, of what occurred on that day. The *Hansard* of 27 November at page 573 states:

> **The ACTING PRESIDENT (Hon. Mr T. Crothers):** Order! This is a free flowing debate. The honourable member is entitled to express his point of view.

There may be some difference of opinion now. The Minister was claiming that he had been slurred. I have explained clearly that I did not slander him and I am not in the habit of slandering Government members. I will take what is colloquially known as the mickey out of them and, when I am wrong, I have demonstrated that I am prepared to apologise.

The Hon. Diana Laidlaw interjecting:

The Hon. R.R. ROBERTS: The Hon. Diana Laidlaw has one coming to her soon, where she has not displayed the same sort of character. I did interviews last Friday with the ABC, and the Minister has obviously heard them. What I said then—

The Hon. R.I. Lucas interjecting:

The Hon. R.R. ROBERTS: I did not say that. If the Minister has taken offence that he would be called a racist on a personal basis, that behoves him well. I said that, and I stand by that.

Members interjecting:

The Hon. R.R. ROBERTS: If it was genuine, it is to his credit. However, I will not apologise to the Minister for something I did not do. I clearly stated this in the *Hansard*. It was not touched up in the *Advertiser* nor was it a trap for young journalists by the Minister using them as he uses other people in this Parliament. I went to the Minister during discussions on this Bill. He was, as I have stated, on this matter—

The Hon. R.I. Lucas interjecting:

The Hon. R.R. ROBERTS: I thank the Minister for his help. On a number of occasions, I asked him to undertake certain things. When he had slurred other people, I asked him whether he would apologise. He said, 'The answer is "No".' I asked him whether he was proved wrong. I went to him after, in the spirit of cooperation, trying to lift this debate above the hurly-burly of the Council, and I pointed out to him the very question of jurisdiction. We talked about jurisdiction. I suggested to him that he had missed the point that the people with the jurisdiction were in the Anangu Pitjantjatjara Services Council and not the school council. He said, 'I'm advised that they are in control.' I said, 'I think you're wrong. If you are proved wrong, you should withdraw and apologise.' He then said, 'That will never happen.'

The Hon. R.I. Lucas: When did I say that?

The Hon. R.R. ROBERTS: That is what you said. You said, 'That will never happen.'

The Hon. R.I. Lucas: When?

The Hon. R.R. ROBERTS: When I spoke to you about it.

The Hon. R.I. Lucas interjecting:

The Hon. R.R. ROBERTS: Yes, right where you're sitting now. During this performance—

The Hon. R.I. Lucas interjecting:

The Hon. R.R. ROBERTS: If you want to get down in the gutter, you get it back. The Hon. Diana Laidlaw talked about integrity. When the Minister was putting on his performance for the Council last week, she kept saying that I should apologise. Let us look at the record. In a debate with the Minister some weeks ago, in respect of a matter between her and the Australian Workers Union, she made certain assertions about the Australian Workers Union and certain members—under parliamentary privilege, I might add. She then got up, to her credit, and said that bans and limitations had been lifted.

The ACTING PRESIDENT: Order! That is straying absolutely.

The Hon. Diana Laidlaw interjecting:

The ACTING PRESIDENT: Order! The Minister for Transport.

The Hon. R.R. ROBERTS: Mr Acting President, this is my motion.

The ACTING PRESIDENT: Order! That is straying absolutely from the parameters and the substance of that which we have before us. What the Minister for Transport said in another debate on another issue is really beyond the bounds of the substance of the question. I ask you to cease using that example and to address yourself within the parameters of the motion before us.

The Hon. R.R. ROBERTS: I moved this motion, and I draw your attention to that motion, Mr Acting President. Part of the motion—and this must be tied in—refers to the accusation that I have not been prepared to apologise.

The ACTING PRESIDENT: Order! It is an accusation with respect to the substance of your motion, not to the substance of a comment by another member on another matter. I ask you again to stay within the framework of the debate.

The Hon. R.R. ROBERTS: What occurred during this debate with the Hon. Mr Lucas is that he made an assertion that two of my colleagues had approached him and dissociated themselves from the fact that I had called him racist. I understand that he said it was two. During the debate, by way of interjection, he said it was now four.

The Hon. R.I. Lucas: Two on the record.

The Hon. R.R. ROBERTS: By interjection you kept saying it was now four. I have made some inquiries amongst my colleagues. As Acting President on that day you—and I am sure that you will remember this—advised me that you commented to the Hon. Mr Lucas that there was an accusation in the Council that I said that he was a racist. I do not believe that you, Mr Acting President, thought I had said he was a racist; you reported there was an issue. Nobody else—and I am not intimidating anybody—has come forward.

The ACTING PRESIDENT: Order! I do not think that the honourable member has fully reported our conversation. For the sake of accuracy in *Hansard* record, I said to you—

The Hon. R.R. ROBERTS: On a point of order, Mr Acting President—

The ACTING PRESIDENT: Order! I do not know what your point of order is. You made reference to the Chair.

The Hon. R.R. ROBERTS: The point of order is that you, Mr Acting President, are not entitled to enter this debate.

The ACTING PRESIDENT: Order! I am not entering the debate. You have raised my name in a manner which does not accurately reflect that which I have said to you. I said to you that when I was in the Chair in this House I did not consider anything you had said was of a racist nature. I said that to the Hon. Mr Lucas, and that was on the evening of that debate. I further said to the Hon. Mr Lucas that I did not believe he was a racist, either now or then or was ever likely to be. That was the content of what I said.

The Hon. R.R. ROBERTS: The Minister continued to make assertions that members on this side of the Council had approached him. I refute that entirely. We need no longer go back into these issues about what was said. The *Hansard* record clearly shows what was said and clearly shows that the Minister made certain other assertions about my ability to apologise—

The ACTING PRESIDENT: Order! I cannot speak for others.

The Hon. R.R. ROBERTS: —and to the cries of his colleagues that I should apologise. It has never been my intention to apologise. When I have called on members to apologise opposite for deriding members of the public, I have been given such answers as, 'Like hell I will!' and 'That will never happen.' I make no apology for protecting the interest of those people at Mimili. In this place I did acknowledge that the Minister made a proper attempt to try to resolve the Hillcrest situation. My condemnation of the Minister and those people who made decisions for which he is responsible is that he did not apply the same evenhandedness of principle to those people at Mimili.

I had intended to mention other matters contained within this article, but I take up only one issue. The article states:

> Visibly angry yesterday, Mr Lucas—whose mother was Japanese—defended himself during Question Time.

There is the argument of the reverse racist. The mother of the Hon. Mr Lucas was Japanese, and I respect that completely. The father of the Hon. Mr Lucas was a trade unionist of high repute—the sort of person that anyone would want to go to the wall for them. This article implies that, because the mother of the Hon. Mr Lucas is Japanese, he could not be racist—and bear in mind that I have said that the Minister is not. Let me say that the unwarranted attacks on trade unionists never stop, and never once has the honourable member withdrawn any of those assertions, so let us forget all about that. This article is just a stunt, and the victim of the stunt is not me; I am not the victim here.

The victims of this stunt are the children and teachers of Mimili. Those people, located 1 200 miles from this place, have been treated in an absolutely disgraceful manner. The attitude of this Minister has been cavalier at best—derelict, in fact—and he has no remorse for his decision. He has treated this matter with absolute contempt, and that is quite clearly proven by the fact that, five or six weeks later, we have still not been graced with one answer to any of my questions to the Minister or, indeed, from the Attorney-General in respect of jurisdiction under the Act.

The people who need and demand an apology and who are entitled to an apology are those people at Mimili—not the Minister, not me and not the Hon. Diana Laidlaw. The people at Mimili deserve even-handed treatment, and the Minister should be big enough to apologise to those people at Mimili. As for my apologising for something that I have never said and never believed, I use the words of my opposition: 'Like hell I will'. And it will never happen.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): What a sad, pathetic contribution from the Deputy Leader of the Opposition. One can see the uneasy shifting in the chairs of his own colleagues as he squirmed for over one hour and 10 minutes to try to deny what all members of this Chamber know he said just over a week ago. The *Hansard* record is quite clear. Whilst some of the honourable member's colleagues are squirming, a few are privately gloating and quite gleeful at the dilemma in which the Deputy Leader has found himself in relation to these issues. I will not mention the honourable member's own colleagues by name: they can identify themselves—

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: No, not at all. Let the *Hansard* record show that this is too serious an issue for petty politicking and, if some colleagues of the Deputy Leader are secretly gleeful at the dilemma in which the Deputy Leader finds himself, we will address that on another occasion.

Members interjecting:

The ACTING PRESIDENT: Order!

The Hon. R.I. LUCAS: Let us refer to what the *Hansard* record shows and not what the Deputy Leader of the Opposition sought to reinterpret, in effect, rewriting history in his hour and 10 minutes this afternoon about what he claims he said.

The Hon. T.G. Cameron: The words speak for themselves.

The Hon. R.I. LUCAS: The words speak for themselves. I will refer to some other aspects later, but the Deputy Leader of the Opposition said, amongst other things:

> I said at the time that it was an outrageous situation to subject those children to that sort of treatment, and I said that the Minister should be condemned for doing it.

The honourable member further states:

> Let us look at the difference in treatment between Hillcrest and Mimili schools, because it is as different as black and white. That is what it is: this is a racist decision, and you have been involved in it.

Who made the alleged racist decision? The Deputy Leader of the Opposition is suggesting that in his earlier contribution he was referring to the Hon. Robert Lawson. The Hon. Robert Lawson, as a member of the backbench of this parliamentary Party, is the excuse this afternoon for the Hon. Ron Roberts. The honourable member said that he was not referring to me, as the Minister: he said that the Hon. Robert Lawson was responsible for this racist decision. It was, in effect, the Hon. Robert Lawson's fault and, if it was not the Hon. Robert Lawson's fault, later in his contribution he said that it was the Hon. Diana Laidlaw's fault. Then, if it was not the Hon. Diana Laidlaw's fault, it was the Hon. Caroline Schaefer's fault.

Members interjecting:

The ACTING PRESIDENT: Order!

Members interjecting:

The ACTING PRESIDENT: Order! The cacophony decibel level is too high for the Chair to hear the speaker.

The Hon. R.R. Roberts interjecting:

The ACTING PRESIDENT: The Hon. Ron Roberts will come to order.

The Hon. R.I. LUCAS: For the Deputy Leader—

The Hon. Diana Laidlaw interjecting:

The ACTING PRESIDENT: I call the Minister for Transport to order.

The Hon. Diana Laidlaw interjecting:

The ACTING PRESIDENT: I call on the Minister for Transport to cease interjecting.

The Hon. R.I. LUCAS: The Deputy Leader of the Opposition said that this was a racist decision. This afternoon he sought to claim that the racist decision was the responsibility of the Hon. Robert Lawson, the Hon. Diana Laidlaw and the Hon. Caroline Schaefer; that he was not referring to the Minister. The Deputy Leader said that it was not a racist decision taken by the Minister but by the Hon. Robert Lawson. That is the most ridiculous, pathetic—

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: The Hon. Terry Cameron has at least got it right. At least he claims that I am the Minister and that I am responsible, but why would the Deputy Leader be blaming the Hon. Robert Lawson in trying to defend his position? It is the most ridiculous, pathetic attempt to wriggle off the hook that I have ever seen from an honourable member in this Chamber. This afternoon the Deputy Leader deliberately chose not to refer to his earlier contribution when he sought to redefine and rewrite history, and one wonders why he did not refer to this part of his contribution. He spoke for one hour and 10 minutes, so he could not claim lack of time. His earlier contribution took only five minutes. What did the Deputy Leader further say in his contribution last week? The Deputy Leader said:

> When one compares the treatment handed out to Aboriginal children in out-of-the-way Mimili with the treatment given to white children in the metropolitan area, under the full gaze of the popular press, one can see the hypocrisy between the two groups in respect of the treatment they received. I said it was racist. The Minister for Transport disagrees with me. I ask the people to judge. The difference is as clear as black and white. That is exactly what happened: one sort of treatment for the black children at Mimili and a different sort for their white counterparts in metropolitan Adelaide.

The Deputy Leader of the Opposition's pathetic attempt to rewrite history can be analysed in two parts: first, he said that he was not referring to the Minister but to the Hon. Robert Lawson. Not another member in this Chamber believes that attempt at a defence by the Deputy Leader of the Opposition. His second attempt at defence is that he says he is describing the decision as racist and, therefore, whilst he describes the decision as a racist decision, he is not therefore calling the person who made the decision a racist.

Again, no-one in this Chamber or in the community would accept that attempt at rationalisation by the Deputy Leader of the Opposition. That is, he accuses someone of making a racist decision on the basis of the colour of a person's skin—whether they were black or white—and then, as soon as the heat is put on him and someone suggests that that is an accusation of racism, he says, 'No; I am not calling you a racist: I am just saying that you made a racist decision on the basis of the colour of a person's skin. It was a racist decision.' I had the opportunity to speak to some journalists who spoke to the Hon. Mr Roberts last week and they indicated the degree of discomfort that the Deputy Leader of the Opposition showed in relation to this issue, and we have seen that again here this afternoon.

On Thursday or Friday last week when he had to do radio and other interviews it was quite clear to everyone that the Deputy Leader of the Opposition was seeking to rewrite history. He was claiming to anyone willing to listen that he had not called the Minister a racist and was not accusing the Minister of making a racist decision; that was not his style and not what he was doing, even though *Hansard* clearly showed that it was. If the Deputy Leader of the Opposition had had the courage to do this when another member was in the Chamber, even if one disagreed one could at least accept and marginally respect that, even though I believe that it was beneath contempt. But when, having made the accusation when the other honourable member was not in this Chamber, the honourable member does not have the courage to own up to what he said, and when he speaks to others in the community or to members of the media seeking to pretend that he never really said that and that others are misinterpreting what he said—

The Hon. Diana Laidlaw: Pathetic.

The Hon. R.I. LUCAS: —it is pathetic. As my colleague indicated, that is pathetic. If the Deputy Leader is the tough boy that he thinks he is, at least he should have the courage to stand by and defend his claim, not to squeal, whine and run away from his claim. At least he should have the courage to face up to a colleague or to a member of this Chamber, to make the accusation face to face and then be prepared to defend it, not to pretend that he did not say it, or that it is someone else's responsibility. Let him have the courage to confront someone and say it to their face. What we have seen this afternoon is a very sad performance from an honourable member who has not had the courage to stand up and confront another honourable member and call him a racist. He has been prepared to do it behind that honourable member's back when he is not in the Chamber and then, when the honourable member comes into the Chamber, he pretends that he did not do it. That reveals the Deputy Leader of the Opposition for the man he is.

As I said last week, I can understand that in the heat of the moment members can make statements that they might otherwise regret. If an honourable member comes into the Chamber or approaches another honourable member privately—as the Deputy Leader has had plenty of opportunity to do—and says, 'I am sorry; I lost my cool, I lost my temper and I lost control. I did not know what I was saying and made an accusation for which I am sorry,' that is acceptable. I certainly indicate that I would have been prepared to accept such an apology from the Deputy Leader of the Opposition either privately or publicly. If the Deputy Leader of the Opposition has integrity he ought to have the courage to stand up in this Chamber and apologise for the statements he has made in relation to this issue. I am disappointed that the Deputy Leader of the Opposition has not had the courage to be able to make that statement.

Over many years I have had hundreds of private conversations with you, Mr Acting President, none of which has ever been revealed publicly.

Members interjecting:

The ACTING PRESIDENT: Order!

The Hon. R.I. LUCAS: I do not intend to reveal the nature of any conversation I have had with you, but I will say that your conversation with me, which will remain private, came after I stated in the Council that two members of the Labor Party had approached me privately and had dissociated themselves from the comments made by the Deputy Leader of the Opposition. I will say no more about that. I note with interest that the Deputy Leader of the Opposition recounted in Parliament his version of a private conversation that he claims to have had with me; he placed that on the public record and acknowledged that he had no problems with that.

I indicate to you, Mr Acting President, and to other members of this Chamber that the nature of that conversation is a complete figment of the honourable member's imagination. Certainly, I had a conversation with the honourable member and, certainly, I indicated that I had no intention of apologising, because I had nothing to apologise for. But I did not and have never used the particular words that the honourable member has quoted and placed on the public record as being our private conversation.

I want to address a number of issues in the honourable member's contribution, and I will need to address a number of them when we reconvene in February next year. Mr Acting President, I have too much respect for you and the position that you hold to refer to the Deputy Leader as a self-confessed liar, and I will not: I will indicate that he is a self-confessed deliberate teller of untruths. Last week the Deputy Leader of the Opposition said:

> . . . the teachers at Mimili School decided to evacuate the children from the building and notified the Education Department.

The Deputy Leader of the Opposition knew at the time he made that statement that the statement was untrue. He came into this Chamber and deliberately claimed again that children had been placed at risk and had been evacuated by teachers from this building with asbestos sheeting.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: Now he says that he did not say 'from the building'. The *Hansard* record states 'from the building'. Now he says that the *Hansard* record is not correct, but that he said 'from the school'. The Deputy Leader of the Opposition is now saying that the *Hansard* record, which reports 'from the building', is not true. One cannot argue with an honourable member who, as I said, refuses even to acknowledge the accuracy of the *Hansard* record in relation to his own statements.

I am disappointed that the honourable member knew that in his five minute contribution he intended to label the Minister a racist and he knew that, in order to do that, he had to construct a series of events in an attempt to try to backup that claim. He knew that he had to construct a fictional series of events, which he conceded today were untrue. Finally, we got a confession today that his statement that the teachers at Mimili school decided to evacuate the children was not true. The honourable member had to construct a fictional series of events in an endeavour to make out that the Minister had made a racist decision on the basis of the colour of the children's skin.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: We will match you anywhere, Ron. As I said, the Deputy Leader of the Opposition had to construct his statement on a series of events which he knew to be untrue. If the Deputy Leader described the facts of the situation he knew he could not make that accusation of racism. The honourable member had to deliberately create a series of events which he knew were untrue.

The Hon. T.G. Cameron: You have said this three times: it is not like you!

The Hon. R.I. LUCAS: It takes a while for the information to settle into the Deputy Leader of the Opposition.

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: You might be marginally quicker than the Deputy Leader, and that would not take much. I accept that it is all relative.

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: No, I certainly do not do that.

The Hon. T.G. Cameron interjecting:

The ACTING PRESIDENT: Order! Mr Cameron, you are quite right about repetitive matters being raised in debate. Standing Orders also deal with interjection on a repetitive basis. I call you to order.

The Hon. R.I. LUCAS: The other issue which has been raised on a number of occasions is the Deputy Leader's false claim—and he knows it to be false—that in relation to the Mimili school the Minister made a decision to force students back into particular buildings.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: Yes. The Deputy Leader has claimed that the Minister directed this decision. Again, the Deputy Leader of the Opposition knows that that is not true. I have indicated on a number of occasions that the Coordinating Principal (Mr Mark Connelly) took a decision as he saw it in the best interests of the students' safety. He was on the site; he took a decision; I support that decision. If the Deputy Leader of the Opposition wants to criticise me because officers have taken decisions, that is fine—he can do that. But the honourable member cannot construct a series of events where he says that the Minister ordered action to be taken at Mimili. The Deputy Leader can attribute blame to the Minister because one of the Minister's departmental officers took a decision, and if the Deputy Leader were honest enough to at least describe it that way, I would have not objected to that aspect of his claim.

However, the Deputy Leader of the Opposition was not honest enough to describe the situation in that way. He indicated that the Minister ordered a decision in relation to the students at Mimili. The Deputy Leader knew that that was not true. It did not suit his version of the events and, therefore, he again deliberately constructed a fictional series of events to try to suit his purposes. There are a number of other examples where, because the facts did not suit the Deputy Leader's story, he had to invent or construct further fiction in terms of trying to portray this as a racist decision made by a racist Minister, namely, me. At this stage I will not detail all the Deputy Leader's fictional ideas: I will do that early next year.

The third area to which I refer is the issue of the building which is constructed, in part, of panels consisting of asbestos cement sheeting. In his early contributions the Deputy Leader of the Opposition sought to portray a situation whereby the Government sent these buildings and facilities to the Aboriginal lands and that it was not using these facilities in any parts of the metropolitan area, in particular the eastern suburbs. By early next year I hope to have a more detailed explanation of the number and location of such buildings throughout South Australia under this Government and under the previous Labor Government. Suffice to say, there are a large number of Government buildings within the Department for Education and Children's Services and other departments which have asbestos cement sheeting within their cladding. Those buildings are all over South Australia.

I know that the Leader of the Opposition (the shadow Minister for Education and Children's Services) was somewhat embarrassed by the Deputy Leader's early claims that in some way this was something which had been used only in the Aboriginal lands because they were far enough away. The shadow Minister for Education and Children's Services knows full well that these buildings were used by previous Labor Governments and that they continue to be used by the current Government in schools all over South Australia. The stickers to which the honourable member

refers are also prominent on buildings in the metropolitan and country areas of South Australia. They are classified by the Asbestos Management Unit within Services SA as low-risk asbestos cement sheeting product within Government buildings. This type of building is used all over South Australia. The next issue—

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: Because they are the same all over South Australia.

The Hon. R.R. Roberts: You moved the buildings with 'dangerous' stickers 1 200 kilometres.

The Hon. R.I. LUCAS: There are buildings such as this at Indulkana.

The Hon. R.R. Roberts: Why didn't you fix it?

The Hon. R.I. LUCAS: It has been fixed.

The Hon. R.R. Roberts: Before it went, or after?

The Hon. R.I. LUCAS: The Deputy Leader of the Opposition again demonstrates his ignorance of the facts in relation to this situation. I will be able to detail—

The Hon. R.R. Roberts: So you have done it at Indulkana as well. You ought to be ashamed of yourself. You have done it in two places; not once but twice.

The Hon. R.I. LUCAS: Just be careful. We will be able to detail which Government did it. The Deputy Leader of the Opposition keeps leading with his chin and getting whacked.

The Hon. R.R. Roberts: With a wet lettuce leaf!

The Hon. R.I. LUCAS: A wet lettuce leaf would suit the Deputy Leader of the Opposition. In February next year when we return I will be in a position to detail the background of the Indulkana situation. I am not aware of all the detail at the moment. Unlike the Deputy Leader of the Opposition, until I have the facts, I will not spout off at the mouth. I will wait for the facts and then I will share the information with the Parliament.

In rebuttal of what the Deputy Leader claimed, let me say that it is just untrue to suggest that these buildings have been sent only to the Aboriginal lands: they are used all over South Australia. The Labor Government of which he was a member—

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: Now he is denying even that. It is unbelievable. He is not prepared to answer up to anything on the public record at the moment. The *Hansard* has got it all wrong. Someone else must be responsible. I will be able to detail—

The Hon. R.R. Roberts: Show me the *Hansard* and I will apologise now.

The Hon. R.I. LUCAS: No, we will have all of them in February, thanks. In February I will be able to provide further detail about the early claims made by the honourable member. The Deputy Leader also sought to compare Mimili with Hillcrest and, as I indicated last week, contrary to the claims made by the Deputy Leader, the building at Mimili did not have to be evacuated. At Hillcrest, the situation was completely different.

The girls had to continue to use the girls' toilet about which there had been complaint concerning the removal of asbestos. It was not a situation where a building could be left vacant and not used, as was the case at Mimili where, the principal and others advise me, the students could use the other buildings which were not the subject of an asbestos cement sheeting complaint. The other area was isolated. At Hillcrest, we could not expect the girls not to use the girls' toilet.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: Now the Deputy Leader is being flippant and asks where do the boys go.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: The complaints were made only about the girls' toilet.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: At Mimili, the offending building could be isolated and the students could use other buildings. As I said, the coordinating principal made a judgment that they were safer in those buildings than they were outside. That is a different situation from Hillcrest where the advice was that the girls could not do without the girls' toilet and the girls facilities. That is why it had to be treated differently. It had nothing to do with the colour of their skin. It had nothing to do with location. It had to do with judgments that were made at the local level by either school people or departmental officers.

When I come back in February, I will be able to refer to some of the claims made by the Deputy Leader of the Opposition about unqualified and qualified inspectors. He made some further claims again today which I will have checked. The advice that I have been provided with by the Department for Industrial Affairs and Services SA is that the decision was taken by Mr Ron Roberts' own Government, the Labor Government, in 1991. It was the Labor Government in 1991 which changed the regulations and the code of conduct to allow unlicensed companies to remove asbestos under 200 square metres. It may well be that, prior to 1991, licensed removalists had to be involved. I am advised that the Hon. Ron Roberts, together with the Labor Government, was responsible for changing that situation so that unlicensed people could be involved in the removal of asbestos. That is the advice that I have been given.

The Hon. T.G. Cameron: This is a fantasy. You will wake up in a minute.

The Hon. R.I. LUCAS: The Hon. Terry Cameron is denying that.

Members interjecting:

The Hon. R.I. LUCAS: No, let the *Hansard* record show that the Hon. Terry Cameron is not prepared to deny that.

The Hon. T.G. Cameron: You are indulging in fantasy.

The Hon. R.I. LUCAS: The Hon. Terry Cameron says that I am indulging in fantasy and that the claims that I just made were untrue. For the Hon. Terry Cameron's edification, I will bring back in February the advice that I was given. It is not something with which I am familiar directly. Services SA and the Department for Industrial Affairs have provided me with information in relation to the decision that they say was made by the Hon. Ron Roberts, the Labor Caucus and the Labor Government in 1991 about the removal of licensed asbestos removal contractors in this areas. I am still seeking advice, but my earlier advice was that the Department for Industrial Affairs is reviewing the decision that was taken by the Labor Government in relation to this issue. It is considering the possibility of requiring licensed contractors to remove asbestos products in areas under 200 square metres.

There are two further points that I want to address. One relates to the actions of Mr Ron Roberts' close contact, Mr Jon Lark, and one does not have to wonder where he gets his copies of *Hansard*. The advice that I have been given—

Members interjecting:

The Hon. R.I. LUCAS: We do not have to wonder from where Mr John Lark has been getting his copies of *Hansard* and assistance in relation to these issues.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: Well, you are screaming so much it is hard to tell. I place on the record again the letter of 18 October 1996 from Mr Alec Minutjukur, the Director of PYEC, to John Halsey, the Minister's Adviser, DECS. The letter states:

> Dear John
> Some information for you:
> · Anangu want the building to stay
> · PYEC (the education council for the Pitjantjatjara Lands) have been receiving requests for a new building since 1992
> · Finally have one
> · The community development officer for Mimili wrote a letter and got two Anangu people to sign it but apparently didn't explain what the letter was about. They didn't know what they signed
> · The Chairperson of AP Anangu Pitjantjatjara wants the building to stay and be fixed on site
> · There is a DEMAC building already in Indulkana Community which was safely modified in 1995
> · Currently in Mimili, one class of children has to be taught in a caravan because there is no other building. The new building was to alleviate this pressure.
> Contact for Donald Fraser, Chairperson for AP:
> Yours sincerely,
> Alec Minutjukur
> Director, PYEC

So, I did not make that claim regarding the Community Development Officer, Mr Lark; that claim was made by the Director of the Pitjantjatjara Yankunytjatjara Education Committee (PYEC). I did, however, place on the public record that statement made by Alec Minutjukur. On 5 November, I received a further letter addressed to me from Alec Minutjukur, the Director of PYEC, and Mr Geoff Iversen, Manager, Anangu Education Services. The letter states:

> Dear Rob,
> The Pitjantjatjara Yankunytjatjara Education Committee (PYEC) have discussed the contents of the letter on Mimili Community Council Incorporated letterhead sent to the Minister on 31 October 1996. The following comments are fully understood by all 21 members attending the PYEC meeting held today at Ernabella. We wish the Minister to know:
> · PYEC is the group responsible for education issues on the Anangu Pitjantjatjara lands
> · The Mimili Community know this, are represented on PYEC and take information back to the Mimili Community Council. All letters and concerns raised by a community should be sent to PYEC to discuss and solve first. Mr Lark chose to go straight to the press and radio instead of doing this.
> · Mimili Community members have confirmed at a special meeting that they want this building to stay and are happy for the cement/asbestos sheeting to be removed on site. A process for this removal was submitted by Services SA to anangu Pitjantjatjara Services on 21 October 1996 but approval still has not been issued. The Community development Officer, Mr Lark, was at this meeting and heard confirmation of Anangu wishes to have the building repaired on site. The claim in the letter of 31 October 1996 for removal of the building is not true.

I repeat: 'The claim. . . is not true.' That statement was made by Alec Minutjukur. The letter states further:

> · The building in question has been inspected by Mr Bob Temby from the Asbestos Management Unit of Services SA
> · Anangu members of PYEC have checked with signatories to Mimili Community Council Incorporated letters. They have said that they were not sure what they were signing. This has been restated today.

Again, that claim was not made by me but by Mr Alec Minutjukur. According to Mr Minutjukur, it was checked with the signatories, and it was signed by Mr Minutjukur and Geoff Iversen. The letter states finally:

> · PYEC will be sending a letter to Anangu Pitjantjatjara about their concerns with signing letters first written by 'waipala'.

The Deputy Leader of the Opposition knows that he is skating on very thin ice in relation to the reason for the comments behind that letter and where he gets his information regarding this issue. His contact is becoming increasingly isolated regarding this and related issues.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: No, I don't have to. The Deputy Leader of the Opposition then made a series of further claims, as he has all along, about planning responsibility and the legal position in respect of this area. In February, I will be in a position to respond to some of those claims. All I can say to the Deputy Leader of the Opposition is that he should check the claims that he has made and stay tuned, because I intend to place on the public record a concise and crisp analysis of some of the claims that he has made. I am sure that will reveal the Deputy Leader for the man we all know him to be, and I do not need to describe that in this Chamber. I seek leave to conclude my remarks later.

Leave granted.

POLICE (CONTRACT APPOINTMENTS) AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

ELECTRICITY BILL

The House of Assembly intimated that it had disagreed to the Legislative Council's amendments.

Consideration in Committee.

The Hon. R.I. LUCAS: I move:

> That the Legislative Council do not insist on its amendments.

We debated this issue at some length last night. I do not intend to further expound the very persuasive reasons why the Government believes passionately in the position it adopted last evening. It will not surprise members in this Chamber that, when this Bill went to the House of Assembly, the Government disagreed to the position adopted by the majority in this Chamber.

The Hon. CAROLYN PICKLES: The Opposition opposes the motion. As the Minister has indicated, this matter was debated at some length last night and the Opposition stands firm on its amendments.

The Hon. SANDRA KANCK: Nothing has changed in the less than 24 hours since we passed that Bill. I see no good reason to back down on the position that we have taken and I do not support the Minister's motion.

Motion negatived.

MEMBERS OF PARLIAMENT (REGISTER OF INTERESTS) (RETURNS) BILL

The Hon. T.G. CAMERON obtained leave and introduced a Bill for an Act to amend the Members of Parliament (Register of Interests) Act 1983. Read a first time.

The Hon. T.G. CAMERON: I move:

That this Bill be now read a second time.

There has recently been public debate on the requirements for members of Parliaments to disclose their pecuniary interests. In the Federal Parliament, conflicts of interest which were brought to light by pecuniary interest disclosures forced the resignation of two Liberals from the ministry and put others

under serious pressure. However, it was not these negative examples set by the new Federal Liberal Government that inspired me to bring forward a private member's Bill to tighten the South Australian legislation. It became obvious to me, when preparing my own annual declaration of interests, that the existing law was inadequate to deal with a range of what would be quite widely used investment vehicles and business arrangements. The guiding principle in ensuring that the law is effective should be that a registration of a member's interests exposes anything that might result in a conflict between public duty and private interest when voting in Parliament. The implications of an undeclared conflict of interest are greater where a member is a Minister and Cabinet decides an issue. They are greater again where a Minister makes executive decisions alone.

The last time there was debate about how tightly the legislation on pecuniary interests should be drawn was early in 1993. On that occasion, the then Labor Attorney-General, Chris Sumner, attempted to increase the requirements for disclosure of interests held indirectly by members through all trust companies and investment schemes. His efforts were only partly rewarded. In 1993, the now Attorney-General argued that a member of Parliament could not be expected to know every investment of a large public company or major investment fund and to report that accurately, particularly as in many cases they would change on a daily basis. On that occasion, the Attorney-General was correct.

However, the present requirements for disclosure of interests held indirectly is too narrowly defined. In particular, the investments of family companies must be disclosed, but a family company is one in which the member or the member's family, defined as only their spouse and children aged less than 18 years, has an interest of 50 per cent or more. That leaves too much latitude to overlook the investments of companies in which the member of Parliament has a substantial interest where extended family and close associates are involved. That deficiency is addressed in this Bill by reducing the threshold for detailed disclosures from a 50 per cent interest to a 15 per cent interest.

The circumstances in which a member of Parliament is required under the present legislation to detail the investments of a private superannuation fund are limited in a similar way. If a member of Parliament has a personal private superannuation scheme, full disclosure of its investments is required under the present provisions. However, members of Parliament may also be members of private superannuation schemes which have been set up to provide for a relatively small group of contributors or, as I understand it, you can even set up your own personal private superannuation scheme. As the number of contributors becomes larger and each contributor's knowledge about the day to day investments of the scheme diminishes, the requirement for disclosure could be regarded as impractical, as it was in the 1993 debate on this issue.

However, there is an area in between the large superannuation scheme with thousands of members not requiring detailed disclosure and the private superannuation scheme set up for one individual or their family that does require disclosure. Where do we draw the line between full disclosure of the investments and only giving details of the scheme? The Bill seeks to draw that line in parallel with the requirements for full disclosure of the investments of other legal entities such as family companies and trusts. If the superannuation scheme is established wholly or substantially for the benefit of a member of Parliament, their family, a family company, a family trust or some joint venture in which the member of Parliament has an interest, full disclosure of its investments is required. That at least provides some consistency of treatment. It is necessary, because the same risks of conflict of interest arise for a member of Parliament who has an investment through a small superannuation scheme as through a family company or other business arrangement.

The Bill also deals with conflicts that might arise as a result of a member of Parliament's business dealings but where disclosure is not presently required because the assets that might give rise to the conflict are held by another party. These joint ventures involve a member of Parliament and another party or parties each contributing certain assets to a business arrangement for the purpose of sharing benefits. An example of a possible conflict of interest arising out of a joint venture would be a property development where the member of Parliament agrees to build on land which is owned by another party that first requires some State Government development approval. The Bill deals with this by requiring that all assets contributed to a joint venture in which a member of Parliament has an interest, including those contributed by other parties, be declared.

Obviously, there will always be problems in specifying in legislation every conceivable set of arrangements that a member of Parliament might establish to hold assets, particularly where a member deliberately set out to circumvent the requirements for disclosure. For the first time, this Bill seeks to deal with that difficulty by the inclusion of a general anti-avoidance provision, designed along the lines of the general anti-avoidance provision contained in the Income Tax Assessment Act.

The Bill makes a member of Parliament who carries out or is a party to a scheme to defeat, evade, prevent or limit the operation of the Act guilty of an offence and subject to a $5 000 fine. I am not aware of any member of Parliament who is currently in breach of any of the provisions that I propose in this Bill but, then again, without provisions such as these, how would I or anyone else know? The Bill proposes a number of other amendments. It will make members' disclosures of their pecuniary interests easier to interpret by requiring that they separately identify investments held by the member, the member's family, a family company, a family trust, a superannuation scheme and a joint venture. If any members have any doubts about what I am talking about, they need only look at how the Hon. Anne Levy sets out the interests on her disclosure to see what I mean.

The Bill removes the present exemption for the declaration of testamentary trusts, because a member of Parliament or their family may be a beneficiary and the investments of the testamentary trust may well give rise to the same conflicts of interests as other trusts and investments. The Bill reduces the thresholds for disclosure of debts by members of Parliament from $7 500 to $5 000 and loans or deposits made by a member of Parliament from $10 000 to $5 000.

The Bill requires that Ministers disclose all gifts with a value of $200 or more received by them, except gifts received by them from a person who is related to them by blood or by marriage. It also requires that they declare how these gifts have been disposed of. I believe that this Bill will help ensure that the South Australian Parliament maintains the highest standards of accountability and integrity. As members are well aware, I am not a solicitor, and it may well be that, in the instructions I have issued to the parliamentary secretary, some other lawyers in this place can suggest improvements,

where my intention is quite clear. If they disagree with the drafting, I am more than amenable to suggestions by the lawyers on the opposite side of the Chamber.

The Hon. J.C. IRWIN secured the adjournment of the debate.

'WRITE AROUND AUSTRALIA' COMPETITION

The Hon. ANNE LEVY: I move:

That this Council congratulates Christy Hill, a student at Lockleys Primary School, on being the national winner, as well as the South Australian winner, of the 'Nestle Write Around Australia' short story competition.

It is with great pleasure that I move this motion to congratulate Christy Hill, an 11-year-old student in year 5 at Lockleys Primary School, who lives in Mile End. A number of years ago, the Nestlé company introduced a short story writing competition for primary school children. Initially, this was done in New South Wales with the cooperation of the New South Wales State Library, which cooperated extremely well with the private sponsor and which advised on the best means of running such a competition through the public library system, ensuring that it was in no way elitist and that all New South Wales children would be able to participate. Following the great success of the competition in New South Wales, this year, for the first time, Nestlé broadened the competition to become Australia wide under the title 'Write Around Australia'.

Five public libraries in South Australia took part in the organisation: Noarlunga library in the south; West Torrens Public Library in the central metropolitan area; Salisbury Public Library in the northern metropolitan area; Port Augusta Public Library hosted the northern and western country zone; and Mount Gambier Public Library hosted the south and east country zone. It is interesting that, in the South Australian section of the competition, over 2 000 entries were received. As a result of the stories submitted, creative writing workshops were held in the five participating libraries. The workshops involved children—I think, 20 at a time—working with established South Australian authors.

In South Australia the authors were Christine Harris, Peter MacFarlane, Dyan Blacklock, Christabel Mattingly and Caroline McDonald. These workshops gave the young authors the opportunity to develop their literary skills, working with the popular authors, who certainly helped them to demystify the writing process. Each of the five zones then selected 20 finalists (which made 100 in all), who were given the opportunity to attend an extended practical writing workshop within their zone in conjunction with a published children's author. The winning writers for years 5 and 6 from each of the five zones were then eligible to become State winners for years 5 or 6.

The State winners, including Christy Hill, were announced by the Hon. Diana Laidlaw, as Minister for the Arts, on 8 November. I attended that ceremony. I was delighted with the occasion and with the congratulations extended to all the South Australian winners. I was most impressed with the quality of the writing from these young children, samples of which were read on the occasion. The winners from the six States and two Territories then became part of a national competition, and news was received last week that Christy Hill had not only won the South Australian competition but was, in fact, the national winner for the whole of Australia.

She was awarded her prize in Sydney a few days ago. I understand that the winners' stories from all States will be published and copies will be distributed free to all school and public libraries in Australia. It is a remarkable sponsorship by Nestle, which certainly will encourage these young primary school children to engage in the wonderful pastime of writing and producing stories. I understand that the guidelines for the stories were simply that they should be of no more than 500 words, but apart from that the children's imaginations were able to run wild and certainly there were some remarkable results.

I understand that the judges were particularly impressed with the lateral thinking, the creativity and the highly imaginative abilities of many of the finalists. The winning story by Christy Hill is called *Catastrophe*. She indicated that she wrote it after her 15-year-old cat died and she wondered whether a person could be reincarnated as a cat. The story, which I will not read out (although I have it here), concerns a person who dies and finds himself or herself (one is never sure of gender) reincarnated as a cat and, whenever the individual tries to speak, all that comes out is 'Meow'. There is then a catastrophe—a play on words—as the cat comes to a sticky end.

It is a remarkable achievement and we should all be very proud indeed that a South Australian lass has been awarded the national prize for a very interesting story. We should be very proud of the achievements of South Australians. It is sad that the media in this State did not give greater attention to the fact that Christy had won this national prize. I understand that she had far more publicity in Sydney than she had in Adelaide. Admittedly the award presenting ceremony took place in Sydney, but one would have hoped that the media here would feel some pride in this good news story of a kid from Mile End winning a national story telling competition. Her story is now on the Internet and anyone who is interested in reading her story before it is actually published and placed in school and public libraries can do so on the Internet. I have the address here, but do not propose to put it in *Hansard*. If any members want it, I am happy to give it to them.

In summary, we should all be very proud of Christy's achievement. It gives me great pleasure to congratulate her on winning this national prize, and I hope that this motion can be passed unanimously with equal pleasure by all members of this Council.

The Hon. DIANA LAIDLAW (Minister for the Arts): Certainly, on this occasion I am very pleased to be referred to as the Minister for the Arts, because that is the capacity in which I speak on behalf of all Government members in support of the Hon. Anne Levy's motion. On 8 November I was fortunate enough to have the opportunity to present to 10-year-old Christy Hill from Mile End and 11-year-old Lauren Thurlow from Tanunda the prizes they received in recognition of South Australian finalists of the Nestle 'Write Around Australia' creative writing program. I note that in the month since Christy became a South Australian finalist she has turned 11 years old. In one month she has gone from 10 to 11 and from a State finalist to a national finalist, so it has been a pretty sensational month for young Christy Hill. This is an extraordinarily wonderful honour that Christie has been paid and also a wonderful recognition for South Australia. The competition was stiff, with 25 000 entries from around Australia in years 5 and 6.

The South Australian zone finalists were Christy Hill, from Lockleys Primary School; Suzanne McCallister, from

Ardtornish Primary School; Jessica Roylens, from Glenelg Primary School; Laurie Jennings, from Willunga Primary School; and Louise McBride, from Port Augusta School of the Air. Louise McBride came from Canegrass Station via Burra, some 125 miles north-east of Burra. It is a thrill to think not only of Christy, who attends Lockleys Primary School, but of other metropolitan and close country schools that have been represented by wonderful writers, and equally that there is such opportunity existing through the Port Augusta School of the Air.

The year 6 zone winners from South Australia were Simon Zerner, from Pulteney Grammar School; Leah Wilson, from Redwood Park Primary School; Laura Condon, from Belair Primary School; Kylie Hordace, from Victor Harbor R7 School; and Lauren Thurlow, from Tanunda Lutheran Primary School. From those winners whom we announced, Christy Hill and Lauren Thurlow became State winners and went on to represent our State in the national finals with Christy coming out top of the zone 5 winners.

The Hon. Anne Levy mentioned that all the zone winners' work is on the Internet, not just Christy Hill's work but that of all the zone winners. I commend the State Library for taking this initiative, because I understand it is the first State Library in Australia to seek to promote and honour young writers and to provide such access to their work. Today I intended to find out how many people may have accessed the Internet and see how many people had sought to read the 500 words by all these young South Australians, but I ran out of time. With regard to writing, I acknowledge that Australians are known as a nation of sport lovers, but we are also the third highest consumer of books *per capita* in the world. We trail in this only behind Iceland and Ireland and that is a remarkable reflection on Australians.

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: Yes. As the Hon. Anne Levy says, if you look at the climate in Iceland and Ireland, it can be pretty cold during winter. We are essentially an outdoor people and, notwithstanding our love of sport, we are the third highest consumer of books *per capita* in the world where 94 million books are purchased in Australia each year and public libraries are the most visited recreational outlets in Australia. It is excellent that Nestlé has decided to support writing in this country so strongly and so effectively. The subjects from the zone winners in South Australia reflect their life, their experience, their concerns and their imaginations and the short stories show humour, the importance of families, empathy with animals, concern for the environment and compassion for others. These are all values and emotions that are important in our society, and are ones we bemoan that we do not see often enough, yet they were all values that these young year 5 and 6 South Australians thought were so important that they would write about them when asked to do so for this competition.

These young people demonstrated an ability to communicate through the written word which is just outstanding. Great creativity and imagination was used in writing the stories. Therefore, I have much pleasure in supporting the Hon. Anne Levy's motion and I congratulate Christy Hill, as a national winner, and all other South Australians for providing Christy with such strong competition. She has reason to be exceedingly proud of her fine achievement and I hope that she continues to write well and receive further recognition and enormous pleasure from writing throughout her life.

Motion carried.

STATUTORY AUTHORITIES REVIEW COMMITTEE: LEGAL SERVICES COMMISSION

The Hon. L.H. DAVIS: I move:

That the report of the Statutory Authorities Review Committee on the Review of the Legal Services Commission Part I be noted.

The Statutory Authorities Review Committee in its eleventh report to the Legislative Council has reviewed the Legal Services Commission in some detail. This is the first of two parts examining the operations of the commission under terms of reference set down and agreed to by the committee. The report has a number of recommendations that are unanimous. A pleasing feature of the Statutory Authorities Review Committee in its 2½ years of existence is that to date every recommendation has been unanimous.

This report exposes and highlights the severe impact on the Legal Services Commission of the recent Commonwealth Government decision to slash legal aid funding to the States as a result of a decision in July this year and supplemented by additional cuts in the Commonwealth budget in August. In fact, Commonwealth funding to the Legal Services Commission in South Australia will be cut by an estimated $2.7 million, which represents a 25 per cent reduction in Commonwealth Government funding to the commission. For a commission which is already lean and, arguably, the most efficient legal aid commission in Australia, if that cut is brought into effect as from 1 July 1997 it can only mean that financially disadvantaged members of the South Australian community will suffer significantly.

The Legal Services Commission was established formally by an Act of Parliament in 1977. It is by far the most significant provider of legal aid in South Australia, employing over 60 legal practitioners. It derives the bulk of its funding from the Commonwealth Government. In 1995-96 the Commonwealth Government provided nearly 60 per cent (about $10.3 million) of the commission's funding with the State contributing 34 per cent (about $4.5 million) and the balance of $1.5 million was generated by the commission itself. The commission provides a wide range of legal services including: legal representation to individuals in the field of family law, criminal law, civil law, the provision of duty solicitor services at the magistrate courts and legal advisory services. It performs the very valuable task of community education in legal matters and has a number of regional offices at Port Adelaide, Noarlunga, Modbury, Whyalla and Elizabeth.

The committee believes that the commission is a well run and efficiently managed organisation which is held in high regard by the State's legal profession. As the report notes, the commission has delivered a comprehensive range of legal services well above the national average to the South Australian community. My colleagues, the Hon. Angus Redford and the Hon. Anne Levy, have led the development of the report, and they will speak to it in more detail shortly.

In conclusion, I pay a tribute to the extraordinary cooperation we received from the Legal Services Commission in South Australia which provided the detail and information we requested. I also thank a range of witnesses from the legal profession in South Australia—judges, the Law Society and other people with a particular interest and knowledge in this important area. It should also be recognised that this excellent and voluminous document has been prepared with the assistance and professionalism of the Research Officer to the committee, Mr Andrew Collins, and the Secretary to the

committee, Ms Anna McNicol. I pay a special tribute to their efforts.

The Hon. ANNE LEVY: It gives me great pleasure to support the motion that we note this extremely important report. In fact, it is probably the most important report produced by the Statutory Authorities Review Committee in its 2½ years of existence. It is only the first of two reports relating to the Legal Services Commission. We expect to have the other half of this report, which will deal with other terms of reference, ready to present to Parliament early next year.

This section of the report gives a very wide overview of the Legal Services Commission and uses a range of measures to examine its efficiency and effectiveness and its administration and guidelines. In every respect, one can only say that the Legal Services Commission comes up trumps. It is an extremely valuable institution in South Australia. It provides a great range of services to a very large number of people on a very limited budget. Using interstate comparisons, one can see that it provides more services *per capita* to South Australians than do any of its counterparts interstate, and it does it on the least amount in dollars *per capita* of any of the Legal Services Commissions in Australia. So, there is no doubt that it is efficient.

One might mention some of the data detailed in the report. In the past financial year, our Legal Services Commission assisted over 122 000 people: 8 per cent by means of a duty solicitor; for 13 per cent of that number, legal representation was provided for court cases; 22 per cent of that number received advice and minor assistance, usually involving face to face interviews; and 57 per cent of that number received advice over the telephone. The telephone advice system of the Legal Services Commission with, of course, a 1800 number for people outside the metropolitan area, provides legal assistance to a vast number of South Australians who benefit enormously from the advice they receive.

The Legal Services Commission in South Australia in the past financial year assisted 2.55 per cent of our population. In Australia as a whole, Legal Services Commissions assisted 2.27 per cent of our population. In South Australia, with less money *per capita*, our Legal Services Commission helps a greater proportion of our population with their legal problems.

The other main thrust of the report is to examine the funding of the commission and in particular what the Federal Government is about to do to our Legal Services Commission. Currently, in a budget of about $18 million a year, about $10 million comes from the Commonwealth Government. The rest comes from State sources, made up largely of grants from the State Government but also some money from the interest on solicitors' trust funds which goes into the pool for the Legal Services Commission. Mr President, I seek leave to conclude my remarks.

Leave granted; debate adjourned.

WAITE TRUST (MISCELLANEOUS VARIATIONS) BILL

Returned from the House of Assembly without amendment.

ADOPTION (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

ELECTRICITY BILL

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

The Legislative Council agreed to a conference to be held in the Plaza Room of the Legislative Council at 10 p.m. this day, at which it would be represented by the Hons P. Holloway, Sandra Kanck, R.D. Lawson, R.I. Lucas and Carolyn Pickles.

FISHERIES (PROTECTION OF FISH FARMS) AMENDMENT BILL

The House of Assembly intimated that it had disagreed to the Legislative Council's amendment.

[Sitting suspended from 6.20 to 7.45 p.m.]

STATUTORY AUTHORITIES REVIEW COMMITTEE: LEGAL SERVICES COMMISSION

Adjourned debate on motion of Hon. L.H. Davis (resumed on motion).

(Continued from page 717.)

The Hon. ANNE LEVY: Before the dinner break, I spoke of the great service that the Legal Services Commission provides to the South Australian public and of its efficiency and effectiveness in supplying a wide range of legal services to many people. One of the reasons the inquiry by the Statutory Authorities Review Committee was set up was the publication of the Evatt report at a Federal level which indicated that women were missing out in terms of access to justice and which made a number of proposals in that regard. There will be further discussion of this matter in part 2 of our report to be presented early next year, but I would like to indicate briefly that some of the figures from the Legal Services Commission certainly bear out the diminished use of Legal Services Commission money made by women in our society. For example, I can give the figures relating to the face-to-face advisory services that the Legal Services Commission provided in the last financial year.

For women, civil matters made up 20 per cent, criminal matters only 3 per cent, and family law matters 24 per cent of the services provided by the commission—a total of 47 per cent. For men, civil matters made up 26 per cent, criminal matters 11 per cent, and family law matters 16 per cent of the services provided by the commission—a total of 53 per cent. For these cheaper services, which involve advice and a simple interview, the disparity between men and women is not great. However, if we look at the applications for legal aid that were granted by the commission in that same period we see that they can be split up as follows: for women, civil matters, 3 per cent; criminal matters, 14 per cent; and family law matters, only 12 per cent—a total of only 29 per cent of applications being granted to women.

However, for men, civil matters made up 3 per cent, criminal matters 61 per cent and family law matters 7 per

cent—a total of 71 per cent. It is quite obvious that in the expensive areas of legal aid, that is, with legal representation, men receive more than twice the amount that women receive, and that in the area where women particularly request legal aid, that is, in the area of family law, while they outnumber men nearly two to one, overall the money going to family law is far less than that going to criminal law, where predominantly men receive the grants of aid. As I say, the second report will cover that aspect in far more detail.

With respect to the Federal Government's proposed cuts to the Legal Services Commission, the previous Federal Government in May 1995 brought down a justice statement, as a result of the Evatt and Sackville inquiries into access to justice, which promised a great deal of funding for new legal services throughout Australia, particularly to restore some of the imbalance between men and women in the legal aid money they were receiving, but also to implement a whole raft of measures to improve access to justice for ordinary Australians.

The current Federal Government has decided to completely abolish all justice statement funding and to make a huge cut in the funding to legal aid through the Legal Services Commissions. In fact, our Legal Services Commission is expected to take a cut of roughly $2.7 million from an approximate total of $10 million which the Federal Government was providing. Such savage cuts will greatly impede the commission in carrying out its statutory functions as set down in the law passed by this Parliament and certainly the functions which it wishes to undertake.

I am sure others will say a great deal about these cuts in Commonwealth moneys to legal aid. Our report shows that, in terms of cuts to the Attorney-General's Department in Canberra, legal aid is taking a disproportionately large cut compared with other areas of activity for which the Attorney-General's Department in Canberra is financially responsible.

I stress that the calculations of this disproportionate cut to legal aid are conservative estimates of the cut and will, I am sure, be borne out by anyone who examines the Federal budget figures relating to the Attorney-General's Department. The committee was unanimous (and I stress unanimous) that the effects of these cuts would be disastrous to legal aid in this State. The Commonwealth has stated that it wishes its contribution to legal aid to be devoted solely to matters involving Commonwealth law, largely but not entirely family law matters. However, our Legal Services Commission has calculated that conservatively it is spending over 90 per cent of the current Commonwealth grant on what could be called Commonwealth law matters.

There is no question that Commonwealth matters are subsidising what may be called State law matters although, as pointed out in the report, it is fairly arbitrary into what category some of these matters fall and, certainly for particular clients seeking assistance with family law as a result of domestic violence, there will be neither comprehension nor understanding of the distinction between Commonwealth and State law and the different procedures that the Federal Government apparently feels should be used. It will be absolutely nonsensical for the individuals concerned.

Furthermore, it is clear that, if cuts of this magnitude are imposed on our Legal Services Commission, areas of Commonwealth law will suffer because they cannot sustain cuts of close on $3 million without its affecting the aid the commission currently gives in family law matters. As family law assistance for family law matters predominantly is given to women, this is yet another instance where the Federal Government disproportionately will be disadvantaging women. It claims a great deal that it wishes to assist women and families, yet the outcome of its cuts will disproportionately disadvantage women in our society. I wish that that message could get through and that it would cease the rhetoric of pretending that it is assisting women when it is disproportionately disadvantaging them.

I will comment on some of the regulations in this report. There are a number of recommendations, some of which relate to how the commission might attempt to cope with the cuts foreshadowed from 1 July next year by the Commonwealth Government. One strong recommendation from the committee is that, if cuts have to be made, the commission should not disproportionately reduce resources for its access and advisory services: if there are to be cuts they should be across the board, even though some will argue that providing representation in criminal cases should be the top priority. There is no doubt that, in assisting a vast number of ordinary people with legal matters, the access and advisory service—the telephone advice service—is absolutely crucial, and we were unanimous that it should not suffer a disproportionate cut to enable other activities of the commission to continue without effect.

We also strongly recommend that the State Government continue negotiations with the Commonwealth Government to try to maintain the existing level of Commonwealth funding for the commission. We also recommend that the State Government continue negotiations to secure a more equitable distribution of national legal aid funding. I say this because the figures in the report clearly indicate that South Australia is receiving from the Commonwealth less *per capita* than many other States for legal aid. There is a historical basis for this, which the Statutory Authorities Review Committee explored, but it is certainly time that this inequitable funding distribution between the States was changed and that funding should be more equitable between the States. We had the strong feeling that because our Legal Services Commission is so efficient it is penalised for its efficiency by being granted less money *per capita* than other States, where the costs per person assisted are greater than they are in South Australia. It would surely be wrong for the Commonwealth to continue rewarding inefficiency in other States and penalising efficiency in this State.

We suggested ways in which the commission might look at increasing revenue for legal aid with such measures as moderate increases in application fees for legal aid. Currently they are of the order of $20 or $30. It could look at perhaps greater recovery of legal aid costs from recipients, where this was possible, and perhaps even the collection of new statutory levies and contributions. But we suggest that, in investigating these ways of increasing revenue, their effects on access and equity in terms of having legal aid available to anyone should be very carefully investigated and that exceptions would always have to be made for people with very low income.

One other recommendation we have made is that the commission could look at a whole number of matters, including tendering and franchising of blocks of legal aid work as a means of obtaining more legal aid per dollar expended. This is being trialled by the Queensland Legal Services Commission and may well lead to changes occurring right around Australia. Another matter we felt the commission should investigate was whether it should place limits on the principle that assisted persons can access the legal practitioner of their choice. That is one of the matters in our

Legal Services Commission Act, that is, that people should have the legal practitioner of their choice.

That does not apply in a number of other States, where Legal Services Commission granting of legal aid means that someone is assigned a legal practitioner without their having any say in the matter, in the same way as a publicly assisted person going to a hospital requiring medical attention does not have choice of doctor. They have a doctor assigned to their case and it is the responsibility of the hospital to ensure that the doctor is appropriately qualified to undertake care of that patient. Certainly, it has been suggested that people seeking legal aid should be assigned a legal practitioner, and have no choice in the matter, but of course the commission would have the responsibility of seeing that the legal practitioner had the appropriate knowledge and skills to undertake the legal work required. Despite it being in the Act, it is not always feasible in particular cases for a client to have the solicitor of choice and removing that from the legislation would probably not make much difference, if any, to the way in which the commission operates.

Certainly, while there was some suggestion from some witnesses that the commission was reducing the amount of work that it gave to the private profession, the figures presented to us showed that 64 per cent of legal representation was assigned to the private sector and, in fact, 64 per cent of the cost of legal representation also was being paid to the private profession. I do not think the profession has much to complain of in that regard, though they, and we, certainly recognise that much of the work given to the profession through the commission is paid at rates far below what practitioners would earn through private clients. We commend the legal profession for the way it has cooperated with the commission in supplying extensive legal aid without what could be regarded as proper remuneration but appreciate that, given the financial constraints on the commission, there is absolutely nothing that can be done about it at this stage. We hope the private profession will continue to cooperate as it has done.

Another recommendation that we make suggests that there should be further investigation regarding the establishment of legal assistance schemes. Two are in existence in South Australia at the moment: both obtain through membership of two unions, which provide this legal service to their members. Members of the Public Service Association obtain legal assistance through the commission, but paid for by their union, and the Australian Nurses Federation in South Australia is likewise providing a legal assistance scheme to assist members, again through the commission, but paid for through union affiliation fees. This seems a very valuable service which is being provided by those unions to their members and it would be highly desirable to see whether similar schemes could be implemented for other unions or groups of defined employees which would be of considerable assistance to people who need legal aid on a whole variety of questions.

Another concern presented to the committee was that currently no legal aid is being provided to fund environmental test cases, consumer test cases or a whole variety of public interest matters. The committee was very sympathetic to these pleas and felt it would be highly desirable that such test cases be funded through legal aid. However, this would mean altering the guidelines for assistance which the commission currently applies. We recognise that, given the absolute funding crisis into which the Commonwealth is plunging our Legal Services Commission, it would not be practical to suggest that such funding of test cases be applied at the moment. However, we very much hope that, when the financial position improves somewhat, the commission will sympathetically consider legal aid for such test cases, which would be very much in the public interest.

As I indicated, there are a number of recommendations in the report but not a vast number—there are only seven in total. The bulk of the report discusses the work of the Legal Services Commission, how legal aid is provided in South Australia, who gets it and what for, and the absolutely catastrophic effects on legal aid which will occur if the Commonwealth Government applies the cuts that it announced in August this year. I stress that these conclusions were absolutely unanimous. Despite the fact that the Government has a majority of members on the committee, no different approach was taken by any member of the committee.

I started by saying that this is the most important report the committee has produced—I repeat that remark. It is an extremely valuable document with a wealth of information which will be examined carefully by people concerned with the legal profession and with legal aid and legal aid matters not only here in South Australia but throughout the Commonwealth. We hope that, while vindicating the efficiency and management of our Legal Services Commission, the report will persuade the Commonwealth to be a little less hard-hearted, to keep its election promise of not cutting legal aid and to restore the current levels of legal aid funding from the Commonwealth not only to South Australia but to legal aid throughout this country. I support the motion.

The Hon. A.J. REDFORD: I support the motion and wholeheartedly endorse the recommendations contained in the report. This unanimous report, supported by both Liberal and ALP members, unreservedly condemns the Federal Government decision to cut legal aid funding, particularly in the way, to the extent and in the manner that it has. On 18 February 1996, in launching the election campaign at the Ryde civic centre, John Howard, the then Leader of the Opposition, said:

> It is to build within the Government of this country an attitude of mind where we listen to all, that we make decisions in the aggregate interests of all of the Australian people. When we talk to all of us it also means that we have to represent all sections of the Australian community.

Having said that—and I am sure no-one would disagree with that statement of principle—he went on and said:

> My horizon has always been one nation of many sources but united in a common commitment to a decent, fair future for all of us. I want an Australia respecting a common set of laws to which all are accountable but from which all are entitled to an equal dispensation of justice.

Indeed, during the course of the campaign, the now Government's 'Law and Justice Policy', released in February 1996, stated:

> For far too many Australians, access to justice is limited.

It made a commitment to 'keep a continual focus on the problems and task at hand—the achievement of a justice system that is accessible to all Australians, regardless of their means.' The promises included: the maintaining of current levels of legal aid funding; the examining of ways of increasing the extent to which aid is granted in civil proceedings and the family law area; and ensuring ways of achieving equity in the allocation of legal assistance.

The Coalition also released its 'Opportunities and Choice for Women Policy' prior to the election. It recognised, amongst other things, that the Government will continue to support and fund the maintenance of specialist women's legal centres around Australia. The policy also referred to the issue of domestic violence. I pause here to say that domestic violence under the proposal and the rationale put by the Federal Government is, generally speaking, a State matter. That is particularly so where children, parents and de facto relationships are involved or, indeed, where married couples go to the State police and the State courts seeking justice.

The policy said that the Federal Coalition would promote greater uniformity in combating domestic violence. 'So what?', one might ask. 'They were only promises and they were made before discovering the $8 billion black hole. Doesn't that entitle the Federal Government to renege on this promise?' In the case of Daryl Williams' proposal, I would say 'No'. Legal aid is such an essential element to the equal dispensation of justice that such a promise should not be lightly thrown away. After all, in his policy speech, the Prime Minister said:

> The very last thing I want to say to all of you, ladies and gentlemen, is that policies and programs are important commitments, should be carefully made and fully honoured. But the most important thing that any Government can do is to build a sense of trust, a sense of integrity, a sense of honesty and a sense of commitment to the Australian people. The Australian people have been misled too often. The Australian people have been told things only to be disappointed after an election.

Members interjecting:

The Hon. A.J. REDFORD: Mr President, there are eight conversations going on at the moment. I do not mind if there is no-one in the Chamber, but I would rather make a speech without the eight conversations going on, if you please.

The PRESIDENT: Order! It is a good point of order. I would ask honourable members to keep it down to a dull roar, please.

The Hon. A.J. REDFORD: I do not mind if they go outside and have their conversations.

The PRESIDENT: Order! I ask honourable members to desist from their conversations.

The Hon. A.J. REDFORD: I am quite happy to hand the speech to *Hansard* and just get it printed. The Prime Minister also said:

> I think it is important to the future of our country that we rebuild a sense of trust and confidence in words given and commitments made by our political leaders.

In the light of these sentiments, I urge—indeed, implore—the Prime Minister to intervene and stop this mad decision. The Prime Minister is a good man, a man who has demonstrated that he is in touch with mainstream Australia.

This decision must be changed: it must be reversed. Some of the more ignorant might think that the only losers as a consequence of this decision are the lawyers, and they can take the hit. Nothing could be further from the truth. The potential losers are ordinary Australians. Children whose parents are undergoing divorce, middle aged people charged with offences of dishonesty, such as shoplifting for the first time, young people planning to join the army or the Police Force or who are charged with possessing marijuana, a single parent who makes a mistake in filling out a social security form all miss out on aid if the Commonwealth proposal is implemented. In such cases, the impact on their life can be irreparable.

It is not as if legal aid is overly funded now. In Australia, we spend $13 per head of population on legal aid. New Zealand spends $16 a head, Canada $18, Scotland $58 and England $65. New Zealand, which has adopted a very strong policy of smaller government over successive Administrations, spends $3 per head more than Australia. Indeed, if we adopted the New Zealand level of funding (and their system, not being a federal one, is less complex), we would increase legal aid funding by $60 million per annum in Australia or $5 million in South Australia as opposed to the $33 million cut or the $1.9 million cut in South Australia.

The cut simply does not stack up. I do not propose to go into any detail, as the report eloquently sets out many of the facts, but I draw members' attention to an exchange between Senator Ellison (Liberal, Western Australia) and Mr Norman Raeburn of the Attorney-General's Department in November 1995 regarding a Family Court case known as *In re K*. The case led to a decision by the Full Bench of the Family Court where occasions on which the appointment of a separate legal representative for children were substantially increased. This is what was said:

> Senator Ellison: In relation to *In re K*, the family law case with a separate representation, what ramification has that got for legal aid funding?
>
> Mr Raeburn: Potentially quite a significant one. It opened up an additional area of calls upon the resources of legal aid structures. . . I think about $5 million up.

In light of that (and events subsequent would indicate that *In re K* has added $15 million to the budget), how can the Commonwealth cut the budget by $32 million based on 1993-94 figures? After all, the decision was made only in 1994 and the cuts are made on the basis of figures prior to that decision. I will turn to the absurdity of the Commonwealth position later.

Last Wednesday I went to Canberra to attend a national summit on legal aid funding organised by the Law Council of Australia. In attendance were people from throughout Australia. They included representatives from the National Children and Law Youth Centre, the Defence for Children International, the directors of public prosecution, women's legal centres, ACOSS, local magistrates, church groups, offices of the status of women, the National Farmers Federation, the Vietnam Veterans Association, the Council for Civil Liberties, the Association of Non-English Speaking Background Women of Australia, the Federation of Ethnic Community Councils of Australia, the National Association of Community Legal Centres, the Salvation Army, the Council on the Ageing, and many others. Indeed, it was a very representative group and one that, in my view, would cover 'all Australians' referred to in the Prime Minister's policy speech.

At the end of the meeting, the following motion was passed:

> That the Federal Government be called to:
>
> 1. meet with a delegation from the summit to hear first-hand of the community's concerns;
> 2. recommit itself to the concept of provision of legal aid as an essential element in providing access to justice and acknowledge the adverse consequences to other Government expenditure of cuts to legal aid;
> 3. recommit itself to the principle of equality before the law;
> 4. reverse the decision to cut legal aid funding and comply with its election promise to maintain legal aid funding in real terms;.
> 5. enter into meaningful negotiations with the States to ensure that legal aid in the Commonwealth of Australia is appropriately funded; and
> 6. note an expression of concern by the summit at the proposed funding cut processes adopted by the Commonwealth.

It was apparent that all persons attending (with the exception of the representative from the Commonwealth Attorney-General's Department) laid the blame solely at the feet of the Commonwealth and did not accept the Commonwealth line that the States should increase their funding. During the course of the summit speakers, both eloquent and passionate, pointed out the real and human effect of the Commonwealth cuts, and I will touch on some of them.

Chris Staniforth, Chairman of National Legal Aid, said that each year legal aid touches some 430 000 people. The cuts will directly affect 130 000 people per annum. He said that the Commonwealth sums were inaccurate. He said:

> The sums are wrong. They overlook the massive increase in family law work done nationally in 1995-96.

He was referring to the decision to base the cuts on the 1994-95 financial year. He said that the cuts to legal aid in Australia are happening to a program already acknowledged to be one of the developed world's cheapest yet best in terms of effectiveness and fairness. They run cases at half the cost of what the same case would cost to run privately. Mr Staniforth went on and said:

> The real subsidisers of Australian legal aid are not the various Governments. They are Australia's lawyers. Next time we hear a lawyer joke we might stop to think that lawyers have provided, in increasing amounts, a vital subsidy of the legal aid program. . . Lawyers play a vital role while giving freely of their services in so many areas of our community.

Judy Harrison of the National Women's Justice Coalition, which consists of 50 national women's peak organisations and about 200 State groups, explained in some detail why the Coalition pre-election promises were so important to women. The principal reasons she gave were:

> 1. Women as a group are less likely than men to be able to afford private legal services.
> 2. Many women have little concept of the legal aspects of a particular problem and additional obstacles face particular groups of women including those from non-English speaking backgrounds, those living in rural and remote areas (about 2 million women), older women, indigenous women, younger women and women with a disability.
> 3. Violence against women continues to be a pervasive problem and, at a recently convened national domestic violence forum, the Prime Minister assured participants of the Government's commitment to substantially reduce the incidence of domestic violence. The cuts will put women's safety at risk.
> 4. All figures indicate that indigenous Australian women are particularly at risk and violence against them occurs more frequently than others.
> 5. The Australian Law Reform Commission has found that the legal system frequently discriminates against women, that there is gender bias in virtually every area of the law.
> 6. The legal system's discrimination against women is often subtle and indirect.

I have to agree with the last point, as I have been involved in cases where clearly that has been the case. I have seen personal injuries cases where women are expected, in the assessment of damages, not to go onto meaningful, productive and remunerative work. In one case there was a massive reduction to a damages award because the court believed that the female plaintiff could have returned to domestic duties, despite the fact that she held qualifications as a plumber.

A most important speech was made by Padma Ramen of the Association of Non-English Speaking Background Women of Australia. She pointed out that there is a huge problem for non-English speaking women and that has been consistently identified by various Government reports. Indeed, Ms Ramen was quite strong in her statement that non-English speaking background women in particular would find it extremely confusing in a system where there is a delineation between what is described as 'a State matter' on the one hand, and 'a Commonwealth matter' on the other. Reverend Harry Herbert, who is the community and consumer representative on the New South Wales Legal Aid Commission—appointed by the previous Liberal Government, I might add—pointed out some of the important matters that the Legal Aid Commission has undertaken in the area of civil law. Funding pressures over the years have managed to diminish the role of legal aid in the area of civil law. A trite suggestion has been that the legal profession will pick up on these speculative cases.

However, Reverend Herbert correctly pointed out that that is not always the case. He cited some clear examples of important work done by the New South Wales Legal Aid Commission in that area. He referred to the Lansdowne Caravan Park case where the commission successfully defeated moves by a major Australian property development company to evict 25 residents who owned their own caravan or manufactured home in the park. He referred to the Graves case, which resulted in a client receiving a damages award as a result of an assault on him by Federal police at Sydney Airport. The well-known Chelmsford case and the Home Fund case are but two examples where disputes with State institutions and banks have seen the commissions acting on behalf of people who would have had little likelihood of being assisted by any other source. Helen Bayes, the National Convenor of the Defence for Children International, stated:

> The defunding by Commonwealth of legal aid puts even those limited services to children that exist in dire risk of closure.

She was referring to the granting of aid to children in various cases which come before the courts. She referred to the Convention on the Rights of the Child, which states that the child should be provided with the opportunity in any judicial or administrative proceedings affecting the child either directly or through a representative or an appropriate body. A further article states that Governments must guarantee the child access to appropriate assistance in preparing or presenting his or her defence and have a fair hearing in the presence of legal or other assistance.

The Commonwealth signed these treaties. The Commonwealth, on behalf of the Australian people, undertook these obligations, and it is grossly unfair and irresponsible of the Commonwealth to walk away from that responsibility. Indeed, no-one has suggested that the Commonwealth should withdraw from those treaties. Following that meeting, a debate took place in the Senate. Senator Ellison of Western Australia responded on behalf of the Federal Government. He referred to the $8 billion black hole that needed to be addressed. He made a number of comments with which I take issue. First, he said:

> It is not always true to say that cuts are having drastic consequences because the cuts have not yet taken place.

With all due respect to Senator Ellison, that shows a gross ignorance of how grants of legal aid are made and when payments take place. Funding announcements do have and are having an immediate effect. Commissions throughout Australia are having to tighten their guidelines now so as not to impact upon the reduced funding that they are likely to receive next year. I cite a practical example. If one should undergo a marital breakdown now and seek legal advice next week in relation to property, custody and access matters and qualify for legal aid, which is pretty unlikely even under the existing guidelines, the commission is unlikely to be required

to fund the case until some time in the next financial year simply because of court delays. Many of these court delays are a consequence of either poor management of the Family Court or a lack of resources. I have some criticisms of the Family Court and the way in which it operates, but I will not digress from the main issues before us at the moment. Senator Ellison went on to say:

> Although the Commonwealth is expending more money on legal aid, we had a decrease in funding for family law matters. Therefore, the Commonwealth was not getting value for its legal aid dollar.

That is palpably false. As I said earlier, as a consequence of the decision of *In re K*, there has been a significant increase in funding for family law matters, and that is likely to grow at a rapid rate. Senator Ellison continued:

> The Government is negotiating these legal aid agreements with various State Governments. The Government has maintained that it will fund only Commonwealth matters, but negotiations are still on foot. Senator Bolkus has implied that the door has closed, but that is simply not so. Over the forthcoming months, the Senate Legal and Constitutional References Committee will be looking at the reference into legal aid which I mentioned earlier.

That would have to be one of the more stupid decisions of this Federal Government. It brings me into a situation where I agree with Senator Bolkus. I have to say, with due respect to my Liberal colleague, that Senator Ellison is displaying a gross ignorance of the budget process that has been foisted upon the various commissions throughout this country by the Commonwealth decision. Even if the Senate committee reports to the Senate a day after its last date for the taking of evidence—14 March 1997—it will be some six months after a commission is likely to have set its budget for the future year. It will be nine months after the commission might have assigned aid to particular matters where funding will be required from the next year's budget. It simply misunderstands—and I hope not deliberately—the nature of the budget process that pertains to almost every public institution, whether State or Federal, in this country. It is trite and it is an insult to the intelligence of the Australian people. I make no apology for saying that I believe that for a Senator, who represents the States, to glibly make such statements to the Federal Parliament is an abrogation of his responsibility as a Senator and of his duty to the States.

The Commonwealth seems to be labouring under the misapprehension that it has been funding or subsidising State matters. The information that I received from the Queensland Legal Aid Commission last week is that it is in fact the other way around, and has been for some time. Indeed, it has been instructed to prepare papers for the purpose of extricating all Commonwealth matters from the Queensland legal aid office, and I am told that the Queensland Government expects to make savings as a consequence. That shows just how drastically short-sighted and ridiculous the Commonwealth decision is.

I make no apology for stating that it is my view that the Commonwealth's position is completely dishonest and draws in question the ability of either the Minister or, more likely, his department to analyse precisely the information given to them by the various commissions throughout the country.

Let me give an example of how silly this decision and its effect are. Let us say a woman leaves her husband with her children following a sustained period of domestic violence on the part of her husband. She goes to a women's shelter and is advised by shelter staff to get a restraining order. Upon approaching the police, she is told that her former husband has already sought the assistance of police, falsely alleging violence and threats on her part. Thus, based on current policies, they will not help. She is referred to the State Legal Services Commission. They obtain a restraining order. Later, when her former husband fails to return the children after access, she returns. She is told that she has to go to another office, deal with another person and explain her whole situation because 'that's a Commonwealth matter'.

Sometimes she might get the Family Court order first. Obviously, she would go to a Commonwealth office for that. When that order is breached and she complains to the State police, she is told that they will not enforce it because it is a Federal order. She then has to go to the State legal office for that. It is absurd, and to people in a highly distressed state it defies belief that the Commonwealth could possibly justify it. Last week it came to my attention that standard letters were being sent to various Federal Liberal members of Parliament to respond to queries or complaints about the Commonwealth decision to withdraw from legal aid funding agreements. That letter states:

> Under present arrangements, the Commonwealth provides more than half of the total Government funding for Legal Aid Commissions. In recent years legal aid for matters arising under Commonwealth law, particularly family law and civil law matters, have not been given the same priority as assistance for criminal law matters which are primarily a State and Territory responsibility. In effect, the Commonwealth has been subsidising the States and Territories for matters which are properly their responsibility.

I have to say that the Commonwealth has always undertaken responsibility for those people who are in receipt of Commonwealth benefits. It has unilaterally withdrawn from that area—hardly consistent with the Prime Minister's statement in his policy speech. The Commonwealth has consistently stated that there is some difficulty in obtaining data from the State commissions. The Commonwealth has maintained that the funding reduction of $33 million is calculated on the basis of inadequate data that legal aid commissions provide to the Commonwealth about their operations.

That comment from the Commonwealth is quite outrageous. The Commonwealth has always had sufficient data in that it receives annual reports, monthly reports provided to commissions (and the Commonwealth has always had at least one representative who attends such meetings), annual approval of its budgets by the Commonwealth and details on internal overheads and cost structures. Indeed, until the recent announcement, the Commonwealth has consistently had a policy of not being interested in the Commonwealth-State divide. In fact, over the years it has been the States that have consistently sought a change in the reporting structures so that such identification could take place, and the Commonwealth has not cooperated in any way at all.

Indeed, the States have been consistently critical of the standard of information that the Commonwealth has through its software. The Commonwealth also said, in this information circulated to Federal Liberal members of Parliament:

> Despite repeated requests, only preliminary data has been provided by some legal aid commissions.

Again, that is an outrageous statement. Let me go through the chronology of what has occurred since the Commonwealth unilaterally renounced its obligations. On 20 August 1996 legal aid cuts in the Commonwealth budget were announced. On 26 August 1996 the Standing Committee of Attorneys-General (SCAG) officers meeting was held, at which the Commonwealth failed to produce a paper promised at the June-July meeting, outlining its position and reasoning for the

basis of the change from the Commonwealth persons to the Commonwealth law types. In fact, the Commonwealth was forced to apologise for its failure to produce a paper.

On 14 October 1996 the Commonwealth position paper was finally provided to the State Attorneys-General, with a response required by 18 October 1996—some four months after it was due. The States were given four whole days to respond prior to the meeting scheduled for 24 or 25 October 1996. The paper was voluminous, comprising 80 items, and it was unreasonable to expect any meaningful response to be made in that time frame. On 26 October 1996 the Standing Committee of Attorneys-General meeting took place in Canberra, at which meeting the Commonwealth undertook to provide details of the basis of the calculation of the Commonwealth cuts no later than Tuesday 29 October 1996.

On 4 November 1996 the SCAG officers met in Sydney, and on that morning the State officers met prior to meeting the Commonwealth and came to the unanimous view that the Commonwealth's basis for the cuts were irretrievably flawed because: first, the 1994-95 figures were used and they are not representative of present activity levels; secondly, the Victorian-Western Australian commission's in-house cost allocations were not representative of national practices amongst commissions; and, thirdly, the in-house commission activity levels were so greatly underestimated as to be meaningless. For example, $5.5 million was allocated by the Commonwealth nationally by the use of the Commonwealth model, and it was calculated that the figure would not even pay the annual cost of running the New South Wales practice alone.

Indeed, in South Australia, the cost of the commission's in-house practice is roughly $2 million *per annum* for a commission that takes only 8 per cent of the national legal aid funding. How, then, can the $5.5 million figure stand up? No meaningful response or guidance has been provided by the Commonwealth in response to the States' request, and the responses received clearly indicate that the Commonwealth was either unable or unwilling to provide details of its calculations of the levels of cut. It comes up with this figure of $32 million before it does any analysis. It seems to me that the Commonwealth is changing its position in order to fit the $32 million cut.

The reference to repeated requests, which has been circulated amongst various Liberal members of Parliament, is grossly misleading and places those members in a shocking position, given the extraordinary delays made in the provision of information by the Commonwealth Attorney-General's Department. No State or Federal Minister should put up with that sort of rubbish.

Indeed, it is an absolute disgrace that a department would seek to mislead elected members of Parliament in the manner in which this department seems to be doing. The Commonwealth Attorney-General's Department has also suggested that only preliminary data has been provided by some legal aid commissions. In that regard, that is also palpably false. The commissions have given the following to the Commonwealth: South Australia has provided the information to the Commonwealth about in-house and other Commonwealth law related practices and programs in a letter from the State Attorney-General to the Commonwealth on 16 October 1996 and further detailed information was given on 8 November 1996. Indeed, on 11 November 1996 a telephone conference was conducted by officers of the South Australian commission with officers from Legal Aid and Family Services, following which some further documentation was requested by the Commonwealth. It was only supportive or explanatory information.

The Northern Territory provided information to the Commonwealth prior to 4 November 1996 and the Commonwealth has indicated its satisfaction with that data. The ACT provided information to the Commonwealth on 4 November 1996 and has since satisfied the Commonwealth bureaucrats that the information provided is valid. Queensland provided the data to the Commonwealth prior to 4 November 1996. Victoria provided the information to the Commonwealth prior to 13 November 1996. How can the Commonwealth say that the information is not being given? It is only correct in so far as Western Australia, New South Wales and Tasmania are concerned, and I understand that the information has since been provided and the issue is resolved. Finally, the Commonwealth has said:

> The Commonwealth considers the Governments which claim the sovereign right to enact laws for their citizens should bear the commitment and responsibility of the consequences of those laws including the provision of legal aid services.

That has not been representative of the legal position of the Commonwealth in the past. Indeed, the fact that the Commonwealth enters into treaties and has done so without any reference to the States or any agreement by the States, imposing obligations in relation to the provision of legal services, to my mind means that the Commonwealth has irretrievably and irreversibly undertaken responsibility for those matters. If the Commonwealth wants to be honest about it, it should resile from all those treaties, thereby ensuring that the States are not by Commonwealth actions in breach of treaties entered into solely by the Commonwealth.

Finally, the States on many occasions have sought from the Commonwealth the basis for the cuts over the two-month period since the budget. The information provided by the Commonwealth on 29 October 1996 was provided only after the State and Territory Attorneys-General directly requested its provision. Indeed, if anyone is to be criticised for tardiness in this matter, it is the Commonwealth that should be subjected to that criticism. I also draw members' attention to pages 59 and 60 of the report. I await with a great deal of interest the response from the Commonwealth to that part of the report.

In brief, if one looks at the Commonwealth Attorney-General's budget and one excludes the national firearms program and the cancellation of the proposed construction of the Melbourne law courts building, the projected net reduction in spending by the Attorney-General's Department is some $223.3 million; some 45 per cent of that $223 million is directly attributable to cuts in legal aid funding. That is in spite of the fact that only 14 per cent of the department's total budget was spent on legal aid. I wholeheartedly agree with the following comment from the report:

> The committee is appalled that expenditure on legal aid has been reduced so disproportionately when compared to other programs.

It seems to me that this whole process has been driven by the bureaucrats, and I hope that at some stage in the near future the Federal Attorney-General will take charge of that department, analyse specifically all the programs undertaken by the Attorney-General's Department and allow the cuts to fall where they can be best afforded and not on the disadvantaged in this community. At a recent colloquium in South Australia on 28 September 1996, Chris Butler from the Community Legal Centre said:

> The really great news for the Attorney-General's Department was that they received a 16 per cent increase confirming an earlier pre-

budget memo from the department to staff assuring them that any cuts to the portfolio budget would be to programs rather than to administration. I am not sure how the mathematics work in this equation: less service with more bureaucrats to administer them, but then maths was never my forte.

Less service and more bureaucrats. I am ashamed to say that I am a conservative associated with that decision. Even if she is only partially correct, it is an absolute indictment on the process adopted by the Commonwealth Attorney-General in determining where the cuts should fall. It would seem that the State Attorney-General (whom I congratulate in his forthright opposition to this ridiculous Commonwealth measure) has only three options: first, withdrawing from further negotiations with the Federal Government in relation to any future Commonwealth-State funding agreement; secondly, amending the Act to provide that the Legal Services Commission will in future provide services only to State law related matters; and, thirdly, directing the commission to cease funding Commonwealth law related matters immediately, and start winding down its operations in these areas.

On any analysis the State has no alternative other than one of those. We here are all aware of the enormous pressures on the State budget. We here are all aware that the Commonwealth has increasingly taken a greater proportion of the national cake in terms of retention of taxation revenue. We here are all aware of the diminishing payments by the Commonwealth to the States. It would not be so bad if the Commonwealth had taken the attitude of increasing outlays to the States and allowed the States to then undertake State-only matters, but that has not occurred.

In closing, I must say that I am extraordinarily disappointed with the actions of the Commonwealth. When I first suggested to the committee that we adopt the terms of reference that we ultimately did adopt, I was concerned at the level of funding then applying. I was also very concerned about the inequities in relation to the Commonwealth funding with which the South Australian Legal Services Commission was having to cope. Indeed, I was well aware of the evidence of the former Director of the South Australian Legal Services Commission, Lindy Powell, when she said that the South Australian Legal Services Commission had effectively been 'discriminated against for its prudence'. Ms Powell further stated:

If we had been less of a spendthrift in previous years, we could have started from a stronger base.

In other words, South Australia has always been frugal and it has suffered a funding disadvantage as a consequence of its frugality. I digress to say that when I put that to the representative from the Commonwealth Attorney-General's Department, to say the least and to put it at its kindest, his evidence was flippant and insulting to me, as a member of the South Australian Parliament, and to all South Australians. In fact, South Australia received the lowest level of *per capita* funding for legal aid in Australia at $6.99, well below the national average of $8.31—some 30 per cent less.

South Australia has the highest level of applications for legal aid per head of population and, indeed, provides a greater service through its telephone advice service and other services to the people of South Australia. It is clearly either the most efficient or second most efficient (Tasmania might argue) commission in Australia. The Commonwealth, until recently, has undoubtedly treated South Australian citizens as second-class citizens. The cuts will make us third-class citizens and the Victorians and New South Welshmen second-class citizens.

I felt that the committee would have had an opportunity to attack the former Federal Labor Government for its discrimination against South Australians. Little did I know that a Coalition Government, which I supported and still do support, although not on this issue, would make the actions of the previous Federal Labor Government look kind in comparison. The Commonwealth cannot hide behind glib statements, such as 'States should pay for State matters.' This area is too important for the Commonwealth to be glib or cute. I am sorry that time does not permit me to go into every other important area covered by the committee. I will canvass those areas in more detail in my next contribution. However, I congratulate and thank the Director of the Legal Services Commission of South Australia, Jim Hartner. He is one of the most capable administrators and bureaucrats I have had the good fortune to meet since my election to this place.

Through Jim and his excellent staff a very important and valuable service is provided to the community of South Australia. It is provided at a cost well below the benefits. It is provided through the good graces of a cooperative, socially aware and responsible legal profession. It is provided despite enormous funding pressures and misguided criticism from many quarters. Certain people within the legal profession on occasion have criticised the commission for the manner in which its members are paid and remunerated. From where I sit the criticism unfairly falls upon the Director of the commission or the commission itself. The blame more directly ought to be attributed to Governments which continue to think that justice and access to justice can be acquired cheaply.

Justice and fairness is as important a service provided by Government to its people as is health and education. Often it is treated as a poor cousin and unfairly so. After all, we cannot have a civilised society, let alone a good quality education or health system, unless we have a legal and political system that is receptive and responsive to the needs of its citizens and maintains the respect of those citizens. The decision by the Commonwealth has been a major step away from that basic and fundamental responsibility of Government.

I sincerely thank my parliamentary colleagues on this committee, which was ably and fairly chaired by the Hon. Legh Davis. I thank my fellow members—the Hons Trevor Crothers, Anne Levy and Julian Stefani—who all made valuable and strong contributions to this unanimous report. Their individual contributions were valuable and are reflected in what I believe is an excellent report.

Finally, I thank our research officer Andrew Collins—a man of such qualities that I doubt whether we will be able to hold him as he will go on to bigger and better things—and Anna McNicol, about whom I hold the same view. Both Andrew and Anna are extremely capable, and we are lucky to have them. The quality of this report is in no small measure due to their work.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

FIREARMS

The Hon. R.D. LAWSON: I move:

That the general regulations under the Firearms Act 1977, made on 5 September 1996 and laid on the table of this Council on 1 October 1996, be disallowed.

The Hon. P. HOLLOWAY: I welcome the opportunity to support this report from the Legislative Review Committee concerning the firearms regulations. Members would be well aware of the origin of these regulations. Earlier this year, following the Port Arthur massacre, the Prime Minister and Premiers agreed to change the firearm laws in this country to provide much tougher laws that would increase the safety of the people of Australia. Following that agreement and the passage of the legislation, these regulations were drafted to give effect to many of the details of the agreement.

The Legislative Review Committee has recommended that those regulations stand: in other words, we will not persist with the disallowance of those regulations. However, we would not want this opportunity to pass without expressing some concerns about particular aspects of those regulations. In particular, I refer to the time frame of the regulations. When the Prime Minister and the Premiers agreed to the package of measures to restrict the use of dangerous firearms in this country, all other States of Australia agreed that there would be a period until September 1997 for which the transitional arrangements would have to operate. Within this State there are much more stringent time frames and, whilst we would all like these matters resolved as quickly as possible, it is clear from the evidence presented to the Legislative Review Committee that the timetables impose unreasonable restraints on many law abiding citizens.

Evidence was presented to the committee by a number of the representatives of shooters in this country where law abiding citizens who were doing their best to comply with the laws of this State were being put in an impossible position. Because of the time frames imposed on them they were simply unable to comply with the law even though they had the best intentions to do so. In particular, I am sure members would be aware of an article in the *Advertiser* as recently as Saturday 20 November, entitled 'Storm over wrong photo gun licences' where it is quite clear that there is chaos within this State with the issue of new photographic licences. Those photographic licences are being processed in Victoria, so the problem has nothing to do with the Police Force in this State or the other authorities that are enforcing these laws. However, great difficulties are resulting from administrative problems. In particular, the *Advertiser* article of 20 November states:

> The Combined Shooters and Firearms Council Vice President, Mr Michael Hudson, described the licensing system as a complete shemozzle. He called for the November 8 deadline to be extended to September next year.

That would comply with the deadline in other States. So, it was quite clear from the evidence presented to the Legislative Review Committee that there are real difficulties in relation to the time frames that have been imposed. However, one of the difficulties that the Legislative Review Committee had was that many of the deadlines, including those in relation to licences, are contained in the Act and are therefore beyond the jurisdiction of the Legislative Review Committee. Basically, the Legislative Review Committee was faced with the situation where it could recommend either the disallowance of the entire firearms regulations and therefore the creation of a state of perhaps even bigger chaos than we have at the moment, or accepting them. On balance, the committee has decided that it would be better to accept the regulations in spite of the imperfections, which I will outline in a moment, because that is preferable to the alternative. Many of the problems that exist at the moment are provided for in the Act and, therefore, the regulations that are before the Council now and before the Legislative Review Committee could not be altered.

At this stage, I acknowledge the people who came before the Legislative Review Committee, in particular, the various shooters groups, the Antique and Historical Arms Association of South Australia, the International Practical Shooting Confederation, the Sporting Shooters Association of Australia (South Australia) Incorporated, the Firearm Traders Council and the Western Shootists Society. All those groups presented evidence on behalf of shooters in this State, and I compliment them on the very professional and reasonable way in which they presented their evidence to the committee. These are people who are responsible in their use of firearms. If all the people in this State were like the people from these societies who came before us we would not have a problem with firearms.

The committee also received evidence from police officers, Sergeant Ted Warren and Inspector McCarron, and I compliment those two officers on the evidence they provided to the committee and the very reasonable approach they took to the evidence put before the committee. A number of problems were identified by these various groups, who of course are the experts in their area and there was a great deal of concern about how these regulations would affect the viability of the clubs. As I said earlier, one of the biggest problems concerned timeframes, for example, in relation to the interim licences where law abiding citizens going about their business could be put in a position where they would be in breach of the law through no fault of their own even when they were acting in accordance with the spirit of the legislation. To give an example, the interim licences that were issued to shooters said on them that they would expire after 28 days or after the issue of the new photographic licence, whichever came first. The problem was that, because of the problems with the new photographic licence system to which I referred earlier, the new photographic licences did not become available in time and, therefore, these firearm users who had gone through the procedures with the best of intention and had received an interim licence were put in a position where they were in breach of the law even though they had done absolutely nothing wrong.

We know that the Minister in another place recognised the problem and issued a directive. The temporary licences were issued under the Act and are not strictly within the regulations which we are considering today but, nevertheless, it is symptomatic of some of the problems encountered. The committee considered a number of the cases brought before it and within the committee's lengthy report we go step by step through each of the problems identified. In many of the cases the committee decided, on balance, that we did not accept the arguments put to us. However, in a number of cases the committee believed that the case put forward by various associations was reasonable and that the Minister should consider looking seriously at the regulations with a view to amending them to recognise the genuine concerns raised by groups.

I will now briefly go through some of those concerns. One was a requirement for collectors to have active membership in a club. The problem was the definition of what was 'active'. In relation to that matter the committee concluded:

> The committee recommends that the efficacy and practicality of the new definition of 'active' member be reviewed after the new regulations have been in operation for, say, two years. Any deficiencies in the definition should have manifested themselves within that time.

We recognise that the definition contained in the regulations had the potential to cause hardship. I will briefly mention a number of other regulations because the committee's Chairman, Hon. Rob Lawson, in his summing up will provide more detail about the committee's recommendations.

The regulations which the committee recommends the Minister review includes those in relation to the firing of firearms by collectors and those in relation to homemade firearms. In that respect we refer to the antique firearm operators who, for example, use muzzle loading rifles. They are not involved with firearms that are regarded as a real danger to the community. These are people who have an interest in the history of firearms and who wish to recreate the weapons of last century and earlier. They feared that they would be caught up in the regulations. Again, the committee thought that their representations were reasonable and, accordingly, recommends that the Minister look at them.

The regulations contain provision to change the definition of 'firearms' by regulation, that is, the definition in the Act which is generally an unsatisfactory provision. The committee recommended that the requirement to keep records on premises be reviewed and that regulations relating to the display of historical ammunition be looked at. Similarly, the definition of 'military ammunition' needs to be reviewed. Following a submission from the Firearm Traders Council in relation to the recording of transfers, we recognised that some difficulties may have been identified by those traders which could be looked at by the Minister.

There are a number of areas where the committee thought that the views put to it by the various groups were very reasonable, and as such we believe that the Minister should review them. In most of those cases the police, when it presented evidence to the committee, accepted that there was some possibility of problems with those areas. It was inevitable that, because of the haste with which the Act and the regulations were introduced, there would be some teething problems with definitions in the Act. The committee has tried to identify those and to recommend to the Minister that we have a look at them.

I will not take too much time, because I am aware that the Council has a lot of business to complete tonight. In conclusion, I believe that good firearm laws require a level of faith and confidence by law-abiding citizens in those laws. If reasonable concerns about laws are expressed by those individuals but not addressed by governments, frustrations will inevitably follow. I do not believe that we will have problems with representatives of firearms clubs who are all law-abiding citizens, but there is a potential problem that, if we do not address reasonable concerns which individuals have, those individuals will become frustrated. It will bring the operation of the laws into disrepute.

In relation to firearm laws, it is most important that the vast majority of the community has confidence and faith that those laws not only protect the public but also are fair to the law-abiding firearm operators. I hope that the Minister responsible for this legislation seriously considers the Legislative Review Committee's recommendations and is genuinely prepared to undertake the reviews suggested by it. I refer to one part of the evidence of Inspector McCarron, Officer-in-Charge, Police Firearms Section, because it indicates that there is a genuine concern with the operation of some aspects of this legislation. During the course of his evidence, I asked Inspector McCarron:

> That raises the question of whether 31 December—

which is the deadline for many of the new provisions contained in the regulations—

> will be sufficient time for the firearms owners to comply with all these regulations. We heard from—

and I mentioned a couple of the witnesses from the firearms groups—

> about the availability of gunsmiths in rendering firearms inactive. It could take years. Do you accept that it will be very difficult for gun owners to comply with some of these regulations by 31 December, even with the best intentions on their part?—There will be some areas in which it will be difficult to comply, yes.

I think that was a recognition by the police that there are some difficulties. The evidence before the committee, I might say, was that the police have been very fair-minded in their operation of the new regulations to date. They have been mindful of the fact that there are some teething problems, and they certainly indicated to the committee that they would be prepared to show a lot of discretion. However, it is quite clear that that discretion will need to be offered by the police for some time to come yet. In some cases it could take a very long time before some of the provisions in this legislation can be totally worked through. Until that time, we really have nothing more than the good faith of the Police Force to ensure that otherwise law abiding citizens are not put in a position where they will be in breach of the law.

In conclusion, I can only say that I hope the Minister will not only accept the recommendations of the Legislative Review Committee but will also accept the intention and spirit of our recommendations and that he will genuinely review the regulations to ensure that those parts of it which do impose unnecessarily harsh conditions on firearms owners will be reviewed to enable them to comply. I have pleasure in supporting the report of the Legislative Review Committee.

The Hon. R.D. LAWSON: I thank the Hon. Paul Holloway for his remarks in relation to the report tabled today of the Legislative Review Committee on regulations made under the Firearms Act. I thank not only the Hon. Paul Holloway but other members of the Legislative Review Committee for their contribution to this report which I also commend to members of the Council. The report is reasonably detailed with some 47 pages, together with a series of appendices. However, the matters raised in the committee on the subject of the firearms regulations were reasonably serious and the committee considered that, in the circumstances, it was appropriate that a detailed report be tabled.

By way of background, I remind the Council that in May this year State and Territory Police Ministers, at a meeting of the Australasian Police Ministers Council, adopted a plan which had been brokered by the Prime Minister for a national approach to firearms control in this country. As a result of that plan, amendments were made to the South Australian firearms legislation, embodied in the Firearms (Miscellaneous) Amendment Act 1996.

It must be said that the South Australian legislation on firearms was amongst the most advanced in the country, if not the most advanced, putting us well ahead of many other States and Territories in this regard. However, further and more stringent requirements were needed to meet the national standards agreed upon, and South Australia was one of the first States to move. The amending Act envisaged that the existing regulations would be amended and, indeed, they were. It was the amending regulations which came before the

Legislative Review Committee in the ordinary course of events.

There were two sets of regulations before the committee, the first being No. 208 of 1996, which is the subject of the motion presently before the House. These are amendments to the general regulations. The other regulations, entitled the firearms compensation regulations, No. 209 of 1996, are the subject of the motion in Order of the Day: Private Business No. 2. That motion will be before the Chamber shortly, but I do not intend to speak to that motion because the report which I am now discussing covers compendiously both sets of regulations.

As the Hon. Paul Holloway has mentioned, the committee received a number of objections in the form of written submissions from a number of interested organisations, namely, the Antique and Historical Arms Association of South Australia Incorporated, the Sporting Shooters Association of Australia (South Australia) Inc., the Firearms Traders Council, the Western Shootist Society, and the International Practical Shooting Confederation. Not only were written submissions received from those organisations but members of the organising committees or office bearers gave oral evidence to the committee.

It is fair to say that all the submissions were well researched, supported by detailed material and evidenced the fact that those responsible for them had put a great deal of time and effort into making those submissions to the committee. The committee was greatly aided by the assistance of those detailed submissions. That is not to say that the committee ultimately found that all the submissions were well founded in fact, but the views were responsibly and sincerely put before the committee. Members of the South Australian Police firearms section, Inspector Cormack McCarron and Senior Sergeant Ted Warren, also gave evidence to the committee and provided written material. Once again, their assistance was gratefully received by the committee and was fairly and appropriately given.

I will not mention all the matters in the report. However, the substance of the report contains a detailed analysis of the objections made by the objectors and also the responses by the police firearms section and, in each case, the committee expressed a view in relation to each objection. A number of the objections concerned provisions relating to firearms' collectors who have now been subjected to a more stringent regime than previously applied. A number of other objections were in the general category of the wide discretions granted to the Registrar of Firearms.

There were submissions in relation to homemade firearms, the storage of ammunition, the keeping of records, the definition of 'active member' of collectors' clubs, the provisions relating to the exhibition of firearms and ammunition, the carriage of ammunition, antique firearms, grenade launches, and the like. A separate chapter of the report deals with a number of objections raised by the Firearms Traders Council, which in the submission of that council adversely affected its members and the way in which they carried on their business. Objections, as I have mentioned, were also received from the International Practical Shooting Confederation and the Western Shootists Society, both of which took the view that preferential treatment had been accorded to the Clay Target Associations which are associations of those engaged in olympic sport.

A number of brief points should be made in relation to the ultimate treatment of these regulations by the committee. The first is to remember always that the Legislative Review Committee does not concern itself with the policy underlined in regulations. Policy is a matter for the Executive Government and the function of the committee is to satisfy itself that in the use of regulations to implement policy appropriate regulatory mechanisms are adopted. The committee frequently laments the granting of wide administrative directions to officials. The committee frequently laments the fact that regulatory mechanisms are used rather than statutory mechanisms and both of those objections were made in relation to these particular regulations. However, the committee only has power to recommend to this Chamber and to the Parliament the disallowance of the whole of the regulations. It is not possible for the committee to suggest to the Council that there be a partial disallowance of regulations. The mechanisms simply do not reside within the Parliament to enable that to happen.

The committee was strongly of the view that appropriate regulations were necessary to the implementation of the national policy which had been adopted with bipartisan political support. That is not to say, however, that the committee did not feel free to recommend to the appropriate Minister amendments and modifications of the regulations and, in a number of cases, suggestions were made to that effect in the regulations. The committee is also concerned to ensure that regulations are made within the power granted by the relevant legislation. This is a matter that the committee examined in some detail and because the regulation making power in relation to the firearms regulation was very wide and because that regulation making power specifically authorised the making of regulations which conferred on the registrar very wide discretionary powers, the committee was bound to find that the regulations were within power of the enabling Act.

In a number of areas the committee recommended that the operation of the new regulations be monitored. This was because some of the objections were based upon the fear by the firearms associations that the new regulations may be administered in a manner which is inconsistent with their apparent spirit. Not surprisingly, the representatives of the Police Firearms Section disavowed any intention or desire to administer the new regulations in an arbitrary or capricious fashion. Only time and experience will demonstrate whether that intention and desire will be fulfilled. In its report the committee urged the objectors to maintain a vigilant observation of the administration of the regulations to ensure that after the passage of a reasonable time the responsible Minister can again be approached to modify or amend any of the regulations which are not operating satisfactorily. I am confident that the bodies that have taken the time and trouble to make submissions to the Legislative Review Committee will maintain a very vigilant observation of the way in which these regulations are administered and they are to be applauded for that. The ultimate recommendation of the committee was that the Parliament take no action in relation to either of the new regulations.

In concluding my remarks, I should say that the members of the committee are to be congratulated on the way in which they approached the difficult task posed by these regulations. The Secretary, David Pegram, and the Research Officer, Peter Blencowe, performed an admirable task in collating the information and undertaking a number of difficult tasks which were posed in this report. I commend the provisions of the report to anyone who is interested. It contains as one of its appendices the resolutions of the Australasian Police Ministers Council. I believe that this report is one of the few

places which will provide ready access to that valuable resource document. With those remarks and in light of my indication that the committee recommends that Parliament take no action, I move:

That this Order of the Day be discharged.

Order of the Day discharged.

FIREARMS

Order of the Day, Private Business, No. 2: Hon. R.D. Lawson to move:

That regulations under the Firearms Act 1977, concerning compensation, made on 5 September 1996 and laid on the table of this Council on 1 October 1996, be disallowed.

The Hon. R.D. LAWSON: I move:

That this Order of the Day be discharged.

I do so on the grounds that I have previously given in relation to Order of the Day, Private Business, No. 1.

Order of the Day discharged.

The Hon. R.I. LUCAS: Mr Acting President, I draw your attention to the state of the Council.

A quorum having been formed:

LEGISLATIVE REVIEW COMMITTEE: ANNUAL REPORT

Adjourned debate on motion of Hon. R.D. Lawson:

That the report of the Legislative Review Committee 1995-96 be noted.

(Continued from 16 October. Page 140.)

Motion carried.

ROAD TRAFFIC ACT REGULATIONS

Adjourned debate on motion of Hon. P. Holloway:

That the principal regulations under the Road Traffic Act made on 29 August 1996 and laid on the table of this Council on 1 October 1996 be disallowed.

(Continued from 6 November. Page 350.)

The Hon. P. HOLLOWAY: Members will recall that I originally moved this disallowance motion following a lack of response from the Minister for Transport to some correspondence that one of my colleagues, Michael Atkinson, had raised with the Minister in another place. The Minister subsequently responded, and I thank her for that response, although we do not necessarily support everything that the Minister said in her speech. Nevertheless, we appreciate that she answered the questions and, as a consequence of the assurances that she provided, I do not wish to proceed with this motion. Therefore, I move:

That this Order of the Day be discharged.

Order of the Day discharged.

ST JOHN (DISCHARGE OF TRUSTS) BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill to provide a means of discharging or replacing charitable trusts affecting property held by the St John Ambulance; to provide for the disposition of property; and for other purposes. Read a first time.

The Hon. K.T. GRIFFIN: I move:

That this Bill be now read a second time.

This Bill seeks to release St John Ambulance Australia from trusts associated with property held by it. Part 3 of the Ambulance Services Act 1992 authorises the Minister and the Priory in Australia of the Grand Priory of the Most Venerable Order of St John of Jerusalem ('the Priory') to form an association for the purpose of carrying on the business of providing ambulance services. An association has been formed and incorporated under the name SA St John Ambulance Service Incorporated ('the Ambulance Service'). The Ambulance Service now operates the ambulance service formerly operated by the Priory through its State Council—the St John Ambulance Australia—South Australia Incorporated ('St John').

Properties currently occupied by the Ambulance Service are owned by or leased to St John. Much of the property held by St John is vested in St John as a trustee of a charitable trust. The joint venture agreement provides that St John will continue to administer, as trustee, the real property which is the subject of the charitable trust. St John administers this property in accordance with decisions jointly made by the Ambulance Service and St John. The Ambulance Service and St John are seeking to rationalise properties between the two organisations.

Discussions held between St John and the Ambulance Service have identified a number of properties that will have the ownership transferred to the Ambulance Service. Some other properties will be retained by St John with the Ambulance Service continuing occupancy until relocated to other properties. A difficulty arises because much of the property is held by St John as trustee. A number of these properties involve charitable trusts involving public interests which extend beyond St John. For example, property may have been purchased with contributions from St John, the Government and others. In other cases, land may have been specifically donated by private individuals. In order to deal with the properties, consideration would need to be given to the rights of parties who may have an interest in the properties by reason of financial contributions.

To obtain the precise terms of the trust it would be necessary to inspect all documents and correspondence and the terms of all advertisements or public statements soliciting donations. It would be an enormous task to use the processes of the courts to identify the trusts and then to obtain authority to modify those terms to meet the circumstances of each case. The possible outcomes of proceeding judicially would lead to uncertainties and delay and there would be no guarantee that overall fairness of the result on a statewide basis could be achieved.

The practical way to effect a rationalisation of the properties would be by legislation. This Bill provides a means of discharging or replacing charitable trusts affecting property held by a St John association. Clause 2 defines 'St John association' to mean the Priory, St John or St John Nominee (SA) Pty Ltd. This is included to ensure that all relevant property falls within the legislation. Clause 3 provides for the preparation of a scheme covering land in the State that is or may be subject to a charitable trust of which a St John association is the trustee.

The scheme may provide for the transfer of ownership of the land and should set out the terms of any replacement trust. The Attorney-General is responsible for approving the scheme with or without amendment. Before approving the scheme, the Attorney-General may consult with any persons who, in the Attorney-General's opinion, have a proper interest in the matter. On publication of a scheme in the

Gazette, land subject to the scheme is discharged from all charitable trusts. Depending on the terms of the scheme, a replacement trust could be imposed or the scheme could operate as a conveyance of land to a nominated person. The Bill also provides a mechanism for registration of transfers effected under the scheme. Clause 5 of the Bill provides that the reasonable costs of investigating and evaluating the scheme are to be paid by the party who in the Attorney-General's opinion benefits from this scheme.

This Bill is an important measure and will facilitate the rationalisation of properties between St John and the Ambulance Service. I commend this Bill to members and seek leave to have the detailed explanations of the clauses incorporated in *Hansard* without my reading them.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Interpretation

This clause provides that where land is used in the Bill it includes an estate or interest in land and that St John association means the Priory in Australia of the Grand Priory of the Most Venerable Order of the Hospital of St John of Jerusalem or St John Ambulance Australia—South Australia Incorporated or St John Nominees (SA) Pty Ltd.

The clause also provides that if land is dedicated for use by a St John association for a particular purpose specified in the instrument of dedication, the St John association is taken to be a trustee holding the land for the specified purpose.

Clause 3: Preparation of Scheme

This clause provides for the preparation of a Scheme by a St John association to be submitted to the Attorney-General covering any land in the State that is, or may be, subject to a charitable trust of which a St John association is the trustee. It also allows the Minister to request a St John association to prepare and submit a Scheme. A Scheme prepared under this Bill must indicate in relation to land to which the Scheme applies whether there is to be a transfer of ownership under the Scheme and if the land, or part of the land, is to be subject to a charitable trust after the Scheme takes effect, must set out the terms of the trust and state whether the trust is to affect the whole or a part of the land and, if it is to affect part only of the land, specify the part of the land to which it is to apply. The Attorney-General, after consulting with any persons who in the Attorney-General's opinion, have a proper interest in the matter, may approve the Scheme without amendment or, with the agreement of the association, amend the Scheme and approve the amended Scheme. On approval of the Scheme, notice of the approval, setting out the terms of the Scheme, must be published in the *Gazette*.

Clause 4: Effect of Scheme

On publication of notice of approval of a Scheme in the *Gazette* the land subject to the Scheme is discharged from all charitable trusts to which it was formerly subject and if the Scheme indicates that the land, or a specified part of the land, is to be subject to a charitable trust, a charitable trust arises on the terms stated in the Scheme and, if the Scheme indicates that specified land is to be transferred to a specified person, the Scheme operates as a conveyance of the land to the nominated transferee.

If a person to whom land is transferred under a Scheme applies for registration of the transfer in a form approved by the Registrar-General, submits with the application the Scheme and any other document that the Registrar-General may reasonably require and pays the appropriate fee the Registrar-General must register the transfer of the land under the *Real Property Act 1886* or the *Registration of Deeds Act 1935*.

Clause 5: Costs

The reasonable costs of investigating and evaluating a Scheme submitted for the Attorney-General's approval under this Act are to be paid, if the Attorney-General so determines, by a party to the Scheme who in the Attorney-General's opinion benefits from the Scheme.

The Attorney-General is to determine the amount of the costs payable by St John under this section and may recover the amount so determined as a debt.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

SOUTH EASTERN WATER CONSERVATION AND DRAINAGE (CONTRIBUTIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 December. Page 683.)

The Hon. R.R. ROBERTS: This Bill comes before the Parliament with somewhat of a history. Members would remember that about this time in 1995, the late session, I believe, we considered the South Eastern Water Conservation and Drainage Act. The substance of the Bill that came before us on the last occasion was an identification of the project that has been named the Upper South-East Dry Land Salinity and Flood Management Plan. This came about after a degree of consultation—five years, in fact—between local government, land-holders, the State Government, the Federal Government and a range of conservation groups in addressing what is an apparent problem in the South-East, which has been widely recognised and which needs to be addressed.

It was after a great deal of angst and negotiation that final agreement was reached that 37.5 per cent of this project would be paid for by the Federal Government, 37.5 per cent by the State Government, with the other 25 per cent being picked up by land-holders, beneficiaries to the scheme, holding quantities of land in excess of 10 hectares. That agreement was reached. The Opposition was advised that all parties had reached agreement and that we needed to sign off on it. Members would also recall that the Minister for Primary Industries at that time was the Hon. Dale Baker. It was his Bill and management plan that were agreed to by all parties and passed. The first sod was turned on this project in the South-East in July this year by the new Minister for Primary Industries, the Hon. Rob Kerin. I am reliably informed that the previous Minister, the member for MacKillop, made a statement (which alarmed me) that this was the plan the Government had slipped past the Opposition and the Democrats. I believe that that was a somewhat unconsidered statement, and that sort of bodgie activity is not conducive to gaining cooperation at this late stage of the sitting. However, we now see a contribution from the member for MacKillop, the former Minister for Primary Industries, in the *Stock Journal* of 21 November, where he states:

> . . . problems with the drainage plans stem from provisions on Cabinet documents stating that no Government money should be advanced until there is clear commitment from the community to pay its share.

I think that is a reasonable assumption. Three parties have made an agreement that is locked in, and one party is now saying, 'Hang on, let's have a think about this.' A further statement from the member for MacKillop is as follows:

> That is the most stupid and arrogant thing you could ever hear from anyone. . . No landholder should have to pay anything before the drains go past their farm gates. And secondly, Primary Industries South Australia has tonnes of finance available, in these times of wool and cattle hardship, to lend them (the landholders) money to pay levies over 10 years at reasonable interest. They could even pay nothing for three years and pay over seven . . . all the people concerned are viable and long term.

Quite clearly, the member for MacKillop, who introduced the previous Bill, has been going around white-anting this new proposal in a somewhat mischievous way. This proposal varies from the original, and follows submissions by a range of people who are suffering some hardship as a result of the downturn in the cattle and wool industries. They put submissions to the previous Minister that there ought to be some

other mechanisms by which they could gain some relief. We now have a contractual arrangement between three parties and, after the contract has been signed, one party has indicated that he has some problems.

In a spirit of cooperation the Federal Government (paying 37.5 per cent) and the State Government (paying 37.5 per cent) have said, 'Yes, we hear what you are saying, and we are prepared to make some accommodations.' This Bill reflects that spirit of cooperation. The Government should be commended for making those accommodations to those farmers who are suffering hardship in the South-East. I am a great supporter of the Upper South-East dryland salinity and flood management plan, and I am a great supporter of appropriate relief being afforded to primary producers who suffer hardship.

However, I am strongly critical of anyone who makes an agreement, signs off on a deal and then seeks not to pay their share. I am not saying that that is the feeling of every landholder in the area, but I have a suspicion that a significant number of people are trying to avoid their responsibilities, and I cannot support that.

Clause 2, referring to contributions by landholders to the cost of the board works, provides:

> The board may levy contributions from all landholders.

The Minister and his advisers are being mischievous here as the original proposition clearly defined those people identified in categories A, B and C who would be paying this levy and at what levels they would be paying. A bit of mischief is involved there. I have had submissions from local government and others saying precisely that: that this plan and the principal players have been identified. It is those people who have been identified and nominated as being categories A, B and C contributors to the scheme. It would be my intention to amend this Bill so as to cover only those persons who have been identified, and I will be putting the appropriate amendments on file.

At page 2 another problem has been identified by SELGA with regard to subclause (4), namely, that 'money received by the board under this section will, after the deduction of administrative costs relating to the collection of contributions, be applied towards the cost to the board of constructing, altering, removing or maintaining any water management works'.

My constituents believe that this whole proposal was about the construction of the Upper South-East dry land salinity and flood management plan and it would be my intention to remove all words after 'constructing' and insert 'the Upper South-East dry land salinity flood management plan'.

The Hon. K.T. Griffin interjecting:

The Hon. R.R. ROBERTS: The maintenance will have to be addressed when construction is finished, remembering that we are guaranteed funding from the Federal Government only for the construction. I understand that money guaranteed by the State Government is for the construction of this facility. The Attorney-General asks by way of interjection what will happen to the maintenance: ongoing discussion about the maintenance is needed, which is not new or unique, because there are already situations where maintenance takes place. Local government is making a rod for its own back, as under these provisions the board will collect the levy, and I suspect that as we go down the track local government will not have 37.5 per cent of funding coming from the Federal or State Government and there will not be a guaranteed 25 per cent from the landholders. Maintenance will have to be addressed in that forum, anyhow.

The amendment that I flag, if other projects are identified, also lays down a format or foundation that can be used as a blueprint for negotiation of a future project. There is no guarantee that for the next project undertaken in the South-East—and undoubtedly there will be one—the Federal or State Government will provide 37.5 per cent. It will be a situation where consultation and cooperation will be required and, in the event of one of those projects being identified, it will involve only a small amendment to this legislation to identify such in this clause and the project can go ahead. I also point out that this project has a life of six years; there will be three-year reviews and in six years time it will expire.

I have been approached by local government, who talk about a six year sunset clause. I note that the Hon. Mr Elliott has an amendment on file which deals with a sunset clause and review of these provisions after 12 months. I understand that his thinking is that it has to do with the Water Resources Act. At this stage I indicate that I do not intend to support that. I see this as a sunset clause by the very fact that it is a six year project.

An amendment to subclause (10) has also been proposed, which provides that a scheme may for example provide for an accelerated payment option or options under which conditions are discounted, and four our five other examples. I have been lobbied along the lines that 'for example' should be deleted, to read: 'a scheme may provide for an accelerated', etc. I am happy to support that. However, I do think that it reduces the options that are available to provide relief for farmers or primary producers who are under stress.

I note again that the Hon. Mr Elliott has an amendment on file to subclause (11)(c) on line 29, which provides that, if an amount payable under this section is not paid on or before the date on which it falls due, the amount will be regarded as being in arrears (and there is no problem with that), a fine of 5 per cent of the amount is payable and, on the expiration of each month from that date, interest at a rate fixed by the Minister is payable in respect of the amount of arrears, including the amount of any previous unpaid fine or interest.

The Hon. M.J. Elliott interjecting:

The Hon. R.R. ROBERTS: Mr Elliott points out that it is identical to the Local Government Act. I understand what that means, but what we are really talking about is an impost on people who have not paid by the month. The reason most people do not pay by that time is that they are not in a position to pay. A prescribed rate is laid out. The Hon. Mr Elliott will undoubtedly outline the logic for the prescribed rate, and it is his intention that the interest should be at the prescribed rate. It is my intention to have an amendment drafted which would provide that, on the expiration of each month from that date, interest at a rate up to the prescribed rate will be fixed by the Minister and is payable with respect to the amount of arrears. The reason I do that is that we have to remember that these people have not been able to pay and, often because they are in hardship, are already facing a fine of 5 per cent. With this prescribed rate it could be as high as another 5 per cent.

I believe that these are matters in which the Minister ought to have some flexibility and ought to be able to make a judgment. Instead of saying 5 per cent and 5 per cent, he may, for example, determine that it will be 5 per cent and 1 per cent. In many instances the extra 4 per cent may be the straw that breaks the camel's back and puts that farm into liquidation, which is not what we are all about. It is my intention to

provide that the Minister should have that flexibility to determine the rate up to the prescribed rate. That gives some assurance to people trying to get their financial affairs into order, knowing exactly what the maximum would be but able to negotiate with a sympathetic Minister a fee which may provide some relief which is acceptable in the circumstances. The Bill provides for the waiver, in some cases, of the full fee.

There is enough latitude and flexibility within the board to allow the Minister to ensure that this vital project goes ahead, which will ensure that the 37.5 per cent of the $23 million is paid by the Federal Government. It will lock in the State's position and it will ensure that those people who have contracted to pay the 25 per cent will pay it but they will have great flexibility in cases of hardship for waiver or adjustment of those payments with reasonable interest rate imposts but, most importantly, ensuring that the debt owed will finally be collected. The Bill also provides a facility which ensures that, in the event that no moneys are paid, there will be a method for collecting those fees, as a debt against an estate, at the end of the day. For all those reasons I indicate the Opposition's support for the Bill.

In conclusion, it is not my preferred position to put the measure through at this stage as I would have liked the opportunity to visit some people in the South-East. My colleague the Hon. Terry Roberts has been negotiating with a number of groups in the South-East but, unfortunately, he is away ill and I do not have the benefit of his valued advice on these matters. The Hon. Mr Elliott has indicated his intention to deal with the Bill and I must admit that it is vital to get the project up and running for the benefit of the people importantly for the environment and amenity of the South-East. The Opposition supports the Bill and will be moving a number of amendments in Committee tomorrow.

The Hon. BERNICE PFITZNER secured the adjournment of the debate.

IRRIGATION (CONVERSION TO PRIVATE IRRIGATION DISTRICT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 November. Page 559.)

The Hon. SANDRA KANCK: The Minister for Infrastructure sent out a draft Bill, which we received on 23 October and, unlike a Bill we were dealing with last night, the Bill introduced into the Parliament was the same Bill, which is fortunate.

The Hon. M.J. Elliott: That's a novel idea!

The Hon. SANDRA KANCK: It is a novel idea to have the same Bill appear in Parliament that people okayed in the consultation process. We have been told that the Bill is before us at the behest of irrigators in the Government Highland irrigation districts and the contributions from the Government and the Opposition in both Houses indicate that it is non-controversial and in keeping with a number of other irrigation trusts already operating in this State. Given that everyone else is saying so, I have to accept that it is non-controversial but I would appreciate the Minister's providing some extra information about the costs involved in the whole exercise.

I would like to know what the costs will be and who will bear them? Will any property be transferred in the process? If so, from whom and to whom? Will the taxpayer benefit from this? I ask the usual environmental question: will there be any decrease in the use of water from the Murray River as a consequence of the enactment of this Bill? I indicate that the Democrats' support the second reading, but I ask these questions because there was insufficient detail in the Minister's second reading explanation for me to reach conclusions on these questions.

The Hon. R.R. ROBERTS: I indicate that the Opposition supports the second reading of the Bill. The Opposition accepts that the Bill flows from the Irrigation Act passed in 1994, and to that extent it is consequential. We have one concern in respect of loss of control over water use in the highland irrigation districts. What action will the Government take to ensure that the private irrigation trust facilitated by this Bill will act responsibly as to water usage, maintenance of infrastructure, equity among irrigators, and so on? If these issues can be addressed we are prepared to facilitate the passage of this Bill, and in any case we support its second reading.

The Hon. K.T. GRIFFIN (Attorney-General): I reply on behalf of my colleague the Minister for Education and Children's Services. The Hon. Sandra Kanck asked about costs. No costs are associated with the Bill. The Bill merely facilitates the conversion of the Government highland irrigation districts to private trusts—an initiative that has had bipartisan support from the outset. A significant feature of the Irrigation Act 1994 was the provision it made for the conversion of Government districts. This Bill merely complements the provisions of the Irrigation Act 1994. No costs are associated with this. The Hon. Sandra Kanck also asked: who pays? The private trust will now have responsibility for running its own affairs. It will have to cover all costs, including asset maintenance and replacement, from rates.

The Hon. Sandra Kanck also asked: if any property is being transferred, from whom to whom? The conversion process itself will result in irrigation assets transferring to the trust from government. This Bill merely provides for transition arrangements to be made with some certainty. She also asked: will the taxpayer benefit? The answer to that is 'Yes.' The irrigators will manage their own affairs with little input from government. The change in the institutional arrangement from Government management to self management will provide the irrigators with greater incentive to introduce efficiency measures. The final question from the Hon. Sandra Kanck was: will there be a decrease in the use of Murray River water? The answer is that there will be no direct impact on the use of Murray River water as a result of this Bill. However, a number of other initiatives being pursued by the Government and made possible by the 1994 enactment have resulted and will continue to result in the more efficient use of Murray River water.

The Hon. Mr Ron Roberts raised one question to which the answer is not available immediately. I am prepared to give an undertaking to provide that by writing at an appropriate time, rather than delaying the passage of the Bill. If the honourable member is prepared to accept that undertaking, it will facilitate the passage of this legislation.

Bill read a second time.

In Committee.

Clauses 1 to 10 passed.

New clause 11—'Amendment of schedule 3—Consequential amendment of other Acts.'

The Hon. K.T. GRIFFIN: I move:

Page 4, after line 5—Insert new clause as follows:

11. Schedule 3 of the principal Act is amended by inserting the following amendments to the Rates and Land Tax Remission Act 1986 after the amendment to the Local Government Act 1934:

Rates and Land Tax Remission Act 1986

Insert the following paragraph after paragraph (b) of the definition of 'rates' in section 3:

(ba) charges payable to an irrigation authority under Part 7 of the Irrigation Act 1994;

Strike out schedule 1 and substitute the following schedule:

Schedule 1

Local Government Act 1934
Renmark Irrigation Trust Act 1936
Sewerage Act 1929
Waterworks Act 1932

Strike out schedule 4 and substitute the following schedule:

Schedule 4

Crown Lands Act 1929 (Part 8)
Irrigation Act 1994
Local Government Act 1934
Renmark Irrigation Trust Act 1936.

The new clause, as far as I can see, is a series of consequential amendments of other Acts, including the Rates and Land Tax Remission Act, the Local Government Act, the Sewerage Act, the Waterworks Act, the Renmark Irrigation Trust Act, and a further amendment to the Irrigation Act. It is consequential.

New clause inserted.

Title passed.

Bill read a third time and passed.

SOUTH EASTERN WATER CONSERVATION AND DRAINAGE (CONTRIBUTIONS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 731.)

The Hon. K.T. GRIFFIN (Attorney-General): The Hon. Mr Elliott raised a number of matters in his second reading contribution:

1. Is it the Government's intention to use new section 34A only in respect of raising funds for the Upper South-East Dry Land Salinity and Flood Management Plan?

Answer: The principal aim is to use the amendments to raise funds for the Upper South-East. It provides the flexibility of raising funds for other projects. The South Eastern Water Conservation and Drainage Board may negotiate with the community in the future, which would require ministerial support as the Minister is responsible for gazetting any other levy arrangements.

2. If not, what other programs will the funds be used for?

Answer: No programs are being considered at the moment. Funds for the South Eastern Water Conservation and Drainage Board are limited. Any expanded program will need to be negotiated with the community and develop a proposition as has occurred with the Upper South-East Dry Land Salinity and Flood Management Program.

3. Can the work identified in new section 34A(4) only be that which has been identified in the board's approved management plan?

Answer: The board is bound by its management plan and any works it undertakes have to fit within that plan. The plan is, by legislation, a plan that has to be developed with community consultation.

4. Is a levy presently being imposed on any land-holders in the South-East under the provisions of the principal Act?

Answer: No levies are being imposed.

5. How is the levy to be collected?

Answer: The staff of the South Eastern Water Conservation and Drainage Board will send out invoices and collect the funds. Each land-holder has already been notified of the amount they are expected to pay.

6. When was the amount of land which was to be rated and which was referred to in the Act changed from 10 hectares to 30 hectares?

Answer: This was changed from 30 to 10 hectares when the Act was amended in 1995. It was the result of discussions with SELGA where it was agreed that SELGA would put in the urban and rural living component and the South Eastern Water Conservation and Drainage Board would collect the rural area contribution. To ensure that every land-holder was included in that decision, the area of land that best fitted this description was a separation at 10 hectares rather than 30 hectares.

Two other issues were raised. The first is that there be a sunset clause at 12 months. It would not be feasible to stop the arrangements at 12 months. There is a six-year commitment from the State Government with a review before a second three-year commitment from the Commonwealth Government. If there is not an equivalent community commitment, the project is in jeopardy. Arrangements were negotiated to allow flexibility and payment and allow for people to pay the full six years up front or over a longer period of time. This amendment has been made principally to introduce this flexibility. The flexibility would be lost if a 12 month sunset clause was introduced.

The second matter was whether those land-holders with 16 hectares of land, including seven hectares of heritage agreement, would have to pay a levy on the lot. Calculations have been made on what is a reasonable accounting level. The rates applied per hectare are not high and many of the smaller land-holders will receive very small invoices. Levy rates are 11¢, 54¢, $1.07 and $2.24 per hectare depending on where the property is located. Most land-holders with small holdings are in the low rated area.

The Hon. Ron Roberts raised some issues, but I do not have the answers to those available at present. I will conclude the second reading now but I undertake to give the replies at the commencement of the Committee consideration of the Bill.

Bill read a second time.

SOUTH AUSTRALIAN PORTS (BULK HANDLING FACILITIES) BILL

Adjourned debate on second reading.

(Continued from 3 December. Page 668.)

The Hon. DIANA LAIDLAW (Minister for Transport): I thank the Hon. Sandra Kanck and the Hon. Terry Cameron for their contribution to this Bill. The Hon. Terry Cameron said:

> In another place, the shadow Minister (John Quirke) asked whether or not there would be a preferred tendering arrangement. We believe that such a tendering process has been entered into, so we ask whether that is the case and whether the Government has considered whether or not it is in the best interests of taxpayers.

I advise that the Government has authorised the Asset Management Task Force to enter into negotiations with South Australian Cooperative Bulk Handling Limited (SACBH) to seek to agree terms of a sale of bulk handling facilities (BHFs) presently owned and operated by the Ports Corporation. Effectively, SACBH has been given the first right of

refusal to purchase the BHFs, subject to agreement of suitable contractual terms including price. The Government decided to give this first right of refusal to SACBH having considered whether it was in the best interests of all South Australians.

The future of the BHFs is linked with the SACBH grain terminals. SACBH is the main user of the BHFs. It moves grain from its silos to ships via the BHFs. Thevenard is the only port where BHFs can base significant quantities of product other than grain. The economic importance of the grain industry to the State means that it is vital to ensure that BHFs are maintained in accordance with industry plans. Because SACBH is owned by grain growers in the State, then SACBH will manage the BHFs with the grain growers interests in mind. SACBH is keen to acquire the BHFs. By having SACBH control the flow of grain from storage through to ship loading, there is the potential to ensure that the grain is moved from farm to ship as efficiently and as cost effectively as possible. It minimises the number of parties handling grain. This will benefit the South Australian economy. I add that South Australia is the only State in Australia where the Government now, in this instance through the Ports Corporation, still owns the bulk handling facilities.

To ensure the sale to SACBH is in the best interests of South Australians, SACBH will be required to pay a fair price. If SACBH is not prepared to pay a fair price, then the sale process will move to an open tender process where the BHFs will be advertised for sale.

Bill read a second time.

DEVELOPMENT PLAN (CITY OF SALISBURY-MFP (THE LEVELS)) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 December. Page 670.)

The Hon. DIANA LAIDLAW (Minister for Transport): I thank members for their contribution to this debate. I have a response to questions raised by the Hon. Michael Elliott. The MFP Smart City development will be carried out through a joint venture (JV) with the Delfin Lend Lease Consortium (DLLC). Contractual arrangements for the JV are currently being finalised, with the development commencing in 1997. It is important to recognise that it is not a 'standard' development. The MFP development will provide a platform for attracting new international and local investment in technology related businesses, a test bed for innovation of international significance, and a reference site for Australian companies wishing to develop and export technology and services to Asian-Pacific markets.

It will provide a platform for continuous innovation in areas including education, health, transport, the built environment, information technology and energy. This will be achieved through a commitment in the JV agreement to what is known as the paramount objective which sets out the broad goals for the project. It will be reinforced by a series of performance benchmarks which will set targets in the key areas. An innovations and business opportunities forum will be established and funded by the JV. This will monitor best practice around the world, identify innovations and opportunities, and provide input to MFP Australia and the JV. It will be serviced by MFP Australia and it will also draw on its expertise, knowledge and contacts.

Achievement of best practice will be guided through a number of frameworks. First, a more detailed plan amendment report will be prepared following the passage of this Bill. This will set out more detailed planning objectives and principles of development control. It will take place in the first part of next year and be considered by the Development Policy Advisory Committee. The Development Assessment Commission will also establish a specific subcommittee to assess development proposals. Secondly, the JV will establish encumbrances for development of land which will cover design and environmental principles. These will be mandatory and must be met in any development of the land and buildings. Thirdly, design guidelines will be established for those buildings on site. These will be optional but will indicate the benefits of particular approaches.

Clearly, it will be important to encourage people to take up a number of the initiatives outlined by the honourable member. Community education will be critical. However, the extent to which they will be mandated is an issue of freedom of choice and marketability versus the need to achieve the overall objectives and benchmarks.

The Smart City development is expected to open up enormous opportunities for the State to show the world what can be achieved, so this will benefit not only the community that chooses to live and work in the area but also the large number of businesses, particularly small businesses, that become involved. This opportunity will be optimised if all of us in the State get behind the project and look at how we can support it and derive benefit from it. Those who are aware of best practice should be encouraged to feed this information into the MFP Australia so that it can enhance its knowledge base.

The Bill is the first stage in the process and will provide the certainty to set this major project in train. The steps that have been outlined will provide the detail which is essential to its success. It is also important to repeat that, as this Bill is the first stage in the process, the Minister would be very pleased to arrange for MFP personnel to brief the Hon. Mr Elliott on the more detailed issues relating to the MFP. A number of particular issues of an environmental and technological nature that the member addressed in his second reading contribution could be addressed at such a briefing, although I indicate that they will be part of the more detailed studies that I have outlined in my reply.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

The Hon. M.J. ELLIOTT: I made quite plain during the second reading stage that the Democrats support the Bill and have supported the MFP process so far. I also expressed some concern about lack of clarity of direction: what we desperately need on this site is something which is genuinely world best. I have pursued this question of standards outside this place, having already met with people, as arranged by the Minister in charge of this matter. However, I was not satisfied with the answers, and that is why I wanted to ask the questions in this place and try to get something on the record.

From the response we have received it is quite plain that there are no established benchmarks or standards in existence at this stage. If one cares to examine the response of the Minister so far, one sees no evident process by which they will be established. It is a bit disturbing that the nearest we have to a process came when the Minister said, 'Those who are aware of best practice should be encouraged to feed this information into the MFP Australia so that it can enhance its knowledge base.' I suppose we could say that it is pleasing that people are encouraged to speak to the MFP, but I really

would like to see some formalised process whereby we can feed in public knowledge—and when I say public knowledge that will come from experts in universities, among other places—in such a way that we will genuinely set world best standards. I tried to give an example yesterday in terms of energy consumption.

The one figure that was used in discussions was 50 per cent improvement in energy. I hope that I made the point clearly enough yesterday that a 50 per cent improvement is staggeringly easy to achieve in a domestic situation, and we really would not be setting world best practice by doing it. In discussions I have had outside this place and in the response I have had here, there is nothing to demonstrate that there is any real process for trying to set world best practice benchmarks. World best practice benchmarks do not need to be frightening. I noted that the response also stated the issue of freedom of choice and marketability versus the need to achieve the overall objectives and benchmarks. The examples I gave yesterday clearly demonstrated that you do not even have to have increased costs when you are achieving increased efficiency.

You do not have to be talking about something which is not marketable or which is more expensive. Many of the solutions do not incur costs or, if there is a cost, there are usually significant offset savings along the way. I note that in response it was said that a more detailed plan amendment report will be prepared following the passage of this Bill. This will set out in more detail planning objectives and principles of development control, and will take place in the first half of next year. This might be the area in which we could have a formalised process. I was hoping that the Minister would say, 'I will do certain things to ensure that there is a genuine attempt to bring in all the best available information, not just from within South Australia but world wide, so that we will set a series of benchmarks for the MFP that will give us something that will be world best, and then the flow-ons from that will be available for the State.'

We want something that has to be absolutely brilliant, and nothing less than that could justify the money that has been spent on the MFP so far. The MFP so far has not lived up to expectations and, if we closed shop tomorrow, it would mean a few hundred million dollars down the drain.

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: That's right; we will have nothing to show for it. In fact, the last chance for turning around the MFP, in my view, is the development that is happening now. That is why it is absolutely critical that we get this one right. It is the last chance: if we get it right, then there is the chance of the MFP going on to be much more, so long as it does not become a housing development with a few wetlands that are great and a few houses that look pretty good. I know that it will have the Internet in every house, but the fact is that every house in Adelaide will have the Internet in it within five to 10 years, anyway.

The Hon. T. Crothers: Mine won't.

The Hon. M.J. ELLIOTT: You might be surprised. It is amazing how quickly things such as video recorders, which were resisted, moved into houses. Australians adopt these technologies more quickly than any other country in the world.

The Hon. Diana Laidlaw: Mobile phones have been adopted.

The Hon. M.J. ELLIOTT: That's right. The fax machine has already achieved some 30 per cent penetration of Australian homes. It is quite staggering. Just because we wire up every home with Internet from the start, really it will not be that whizz bang. I am sure that we will do something a little better than that, but it must be world best. We must keep pleading with the Government to ensure that there are processes that will ensure that happens. So far, I am still feeling quite nervous that the PR people are the best paid people working for the MFP and there are not enough of the right technologists working for it.

The Hon. DIANA LAIDLAW: I indicated that it is the Minister's and Government's intention that an innovations and business opportunities forum will be established and funded by the joint venture, and that this will be responsible for monitoring world best practice. The issues that the honourable member was talking about identify innovations and opportunity and provide input to MFP Australia and the JV. That forum and the process following the monitoring of best practice around the world will be well serviced and supported by MFP Australia. It is not intended that that exercise be under-resourced. I do not think that anyone denies the claim that MFP Australia has not lived up to expectations. I do not accept, however, that all the money has gone down the drain. The water innovations at Bolivar and the plans to channel that up to the Virginia area are exciting in terms of market garden growth in an area where there is considerable concern about the future of market gardens because of water table problems.

The wetlands utilising the stormwater has been a very important exercise that would not have been possible without resources being funded through the MFP. I am not suggesting, overall, that those projects and others are satisfactory in terms of meeting community or Government expectations. I accept that much is at stake in terms of this housing venture, and we have the right to demand the best.

Clause passed.

Remaining clauses (2 to 4), schedule and title passed.

Bill read a third time and passed.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 December. Page 690.)

The Hon. DIANA LAIDLAW (Minister for Transport): I have some replies to the Hon. Mr Elliott who remarked on three issues in the Bill. First, as to the power of the Minister to investigate various issues as outlined in clause 9, the LGA media statement (to which the Hon. Michael Elliott referred, concerning, in particular, the ability of the Minister to initiate investigation where there is reason to believe that the council has reasonably used the confidentiality provisions) contains a misleading account of the investigatory powers of the Local Government Act. Division 13 of Part 2 of the Act cannot be construed simply as a power to sack councils.

Section 30 gives the Minister the power to appoint an investigator to report on a council and the conduct of its affairs, but only, I stress, where the council has failed to discharge a responsibility, or there has been an irregularity in the conduct of its affairs. An investigator must make a written report to the Minister which must be provided to the council. Based on the report, the Minister may:

- make recommendations to the council in view of the matters raised;

- if the report discloses that the council has failed to discharge a responsibility or an irregularity has occurred, give directions to the council designed to prevent recurrences of such failure or irregularity with which the council must comply;
- if the report discloses serious failure or irregularities, recommend to the Governor that the council be declared a defaulting council.

The council would be provided with reasonable opportunity to respond to the report before such a recommendation was initiated. I stress the following words: 'only in these particular circumstances can an administrator be appointed'. The powers, as currently worded, enable an investigation to be initiated in any instance where the Minister has reason to believe an irregularity or failure to discharge a responsibility has occurred in council affairs. In the case of the confidentiality provisions, however, there is some doubt about whether the investigatory powers can be used where a council unreasonably applies the provisions.

Given the intense public interest in this issue, the Government considered it desirable to give the Minister an express power to commence an investigation in circumstances of complaints of continual suspected abuse of the confidentiality provisions, subject to providing the council with the opportunity to explain its actions and make submissions to the Minister before an investigator is appointed. The provision does not give the Minister a new 'extraordinary and unwarranted power'. Rather, it clarifies that a misuse of these particular provisions is able to be investigated using an existing power.

The Government was happy to support the Opposition's amendment to this provision passed in another place which sets out the procedure to be followed where a council may be misusing the provisions. The clause as amended now gives the honourable member what he has indicated he believes is desirable to encourage judicious use of the provisions, that is, an ability for the Minister to 'ensure the public disclosure of documents kept confidential by a council where deemed necessary'.

It also provides a clear path of inquiry in cases where the provisions are not being used judiciously. There is nothing in this provision to prevent a member of the public seeking recourse via the Ombudsman or freedom of information legislation and nothing preventing the Minister appointing the Ombudsman to carry out the investigation if the path of inquiry set out in the provision showed that it was desirable to do so.

If the amendment moved by the honourable member has the effect of affording the Ombudsman the capacity to direct council, such a capacity would be out of step with the framework established by the Ombudsman's Act and the relationship between the Ombudsman's Act and the Local Government Act.

In summary, the provisions as amended by the Opposition with the Government's support are considered both a practical and fair interim measure pending the comprehensive review of the Local Government Act, including the investigatory powers and the role of the Ombudsman in local government affairs.

A question was also asked by the Hon. Mr Elliott in relation to close of voting, as provided in clause 15. The close of voting for an election or poll carried out entirely by advance voting papers is at 6 p.m. on the day immediately preceding the day appointed for the election or poll. For an election on a Saturday a voting paper must be received by an electoral officer by 6 p.m. on the day before, that is, the Friday. In the event of a major disruption to an election carried out by postal vote, such that it becomes impractical to proceed, the returning officer may use section 116 of the Act to adjourn the election for up to 21 days. In such circumstances the taking of the votes must be recommenced.

A further question was asked by the honourable member about fraudulent voting and matters arising from clause 19. The honourable member is correct in saying that there is no formal means of checking whether someone has voted in another person's name in a postal ballot. Identification is not required to be produced at the time of voting, but this is no different as far as I can see from any other form of voting. Concerns arise from the number of 'unused' ballot papers that could conceivably be used for fraudulent purposes due to people throwing away non-solicited material, but it would be difficult for any person to acquire more than a few such papers as they are likely to be thrown out as rubbish. Some material may be wrongly addressed because people are more mobile and there is a three-month time lag between the close of the roll and the elections. This potential is arguably greater in more densely populated areas.

The perceived greater potential for fraud in urban areas is balanced by the greater numbers involved. A larger vote would require a larger and more organised fraud to successfully manipulate the results. The concerns will be offset by redesign of the declaration envelope and strengthening of the offence provisions relating to candidates in the postal voting process. Returning officers also have at their disposal some administrative means, such as staggering the posting of voting papers.

A number of measures are contained in the Act designed to discourage, detect and penalise fraudulent voting. Some examples are:

1. The requirement that all declaration envelopes must be signed by a witness who must record their name and address.

2. That in addition to the existing prohibition on candidates or their assistants having advance voting papers in their possession, the Bill strengthens that control by forbidding these people from attempting to gain possession of papers.

3. That the returning officer may discard envelopes unopened where two or more are received apparently from the same voter or where a person has apparently also voted at a polling booth (unless the voter has validly voted in more than one capacity).

4. That only the returning officer has access to the marked electoral roll so that it would be impossible to target the fraud by using the names of people who had not voted.

5. Procedures for scrutiny for the counting of votes.

I hope those replies address the honourable member's concern, but I repeat, particularly in this issue of fraudulent voting, that the concerns that I have outlined and the issue of ID being required to be produced at the time of voting are no different as far as I can see from those applying to any other form of voting. It may well be a problem now and in the future, but at least under the provisions in this Bill the possibility of fraudulent voting has been limited by strengthening a whole range of provisions and the insertion of various safeguards.

I understand that the Opposition has expressed concerns about the forward exposure Bills, a draft discussion paper to the Minister for Housing, Urban Development and Local Government Relations and the intent of the Minister to release the package for consultation shortly. The Opposition

may wish to address these matters in more detail in the Committee stage of this Bill.

Bill read a second time.

ADJOURNMENT

At 11.3 p.m. the Council adjourned until Thursday 5 December at 11 a.m.