LEGISLATIVE COUNCIL

Wednesday 12 February 1997

The PRESIDENT (Hon. Peter Dunn) took the Chair at 2.15 p.m. and read prayers.

PAPER TABLED

The following paper was laid on the table:

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

Occupational Health, Safety and Welfare Advisory Committee—Report, 1995-96.

LEGISLATIVE REVIEW COMMITTEE

The Hon. R.D. LAWSON brought up the tenth report of the committee and moved:

That the report be read.

Motion carried.

The Hon. R.D. LAWSON brought up the eleventh report of the committee.

PROPERTY TRANSACTION

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to read a statement made by the Premier in another place today about conflict of interest inquires.

Leave granted.

The Hon. R.I. LUCAS: On behalf of the Premier I read the following statement:

If the inquiry by the Anti-Corruption Branch does not deal with allegations of conflict of interest by Mr Dale Baker, I, the Premier, have arranged for the Crown Solicitor to inquire into them. To that end the Crown Solicitor has recommended that Mr T.R. Anderson QC undertake the work and has engaged him for that purpose.

SHINE

The Hon. DIANA LAIDLAW (Minister for the Arts): I seek leave to make a ministerial statement on the subject of *Shine*.

Leave granted.

The Hon. DIANA LAIDLAW: I wish to make a statement on a matter that gives me a great deal of pleasure and a matter in which I believe all members will take a great deal of pride. Early morning news services this morning reported an event which took place on the other side of the world last night. That event was the announcement of the nominations for the 1997 Academy Awards. The South Australian developed, produced and directed film *Shine* has been nominated for seven academy awards: actor in a leading role, Geoffrey Rush; actor in a supporting role, Armin Mueller Stahl; best original dramatic score; best screenplay written directly for the screen; best film editing; best director; and best picture.

Shine has emerged as an equal favourite for best film. I understand Ladbrokes is giving odds of two to one. Each of these nominations reflects the extraordinary talent of South Australian director Scott Hicks and also reflects his extraordinary passion and dedication. Scott Hicks conceived the idea of making a film about the life of pianist David Helfgott some 10 years ago after attending a performance by David Helfgott in Adelaide. Like many of the world's film makers, Scott Hicks had a dream and he has now realised this dream. Scott Hicks was aware that the creation of this dream would not take place overnight and it is for this reason that all South Australians should take some pride in the film's achievement. An environment has been provided and maintained in South Australia for the development and nurturing of films, actors, film technicians, producers, writers and directors to realise their many dreams.

An academy award would seem to be the ultimate achievement for anyone involved in the film industry. Win or lose, *Shine*, Scott Hicks (the director), Jane Scott (the producer), Jan Sardi (the writer), David Hershfelder (the composer), Geoffrey Rush, Armin Mueller Stahl, and Noah Taylor (actors), Geoffrey Simpson (the cinematographer), Pip Carmel (the editor) and everyone else associated with *Shine* are by virtue of these nominations in the league of the world's greatest film makers.

I seek leave to table a complete list of the awards and nominations for the film, which includes nine Australian Film Institute awards, nominations for each of the American film craft guilds and one Golden Globe award.

Leave granted.

The Hon. DIANA LAIDLAW: *Shine* had its genesis in South Australia but had it not been for the direct support of this Government in providing the last and vital component in the financing package for the film it would have been made elsewhere. I sought and obtained the support of Cabinet to provide a loan facility against one of the pre-sales for *Shine* and this loan facility was vital in securing the production of the film in South Australia when it was likely to be lost to New South Wales. The State funds advanced ($1.7 million) to *Shine* for this purpose have been repaid in full as contracted and the South Australian Film Corporation, which from its own investment funds made an equity investment in the film, has had its investment returned and is now participating in the profits from the film.

I should say that it is a sign of the extraordinary success of this film that the advanced funds have been repaid so quickly because that is not the practice in the film industry. I place on record the Government's congratulations to Scott Hicks, Jane Scott and the entire creative and technical team who assisted Scott in realising his dream. I also congratulate Scott's wife, Kerry Heysen, who as creative consultant was intensely involved in the development of *Shine* over 10 years.

JETTIES

The Hon. DIANA LAIDLAW (Minister for Transport): I seek leave to make a ministerial statement about jetty agreements.

Leave granted.

The Hon. DIANA LAIDLAW: This morning I signed the first transfer lease agreement for the care and control of our recreational jetties.

Members interjecting:

The Hon. DIANA LAIDLAW: Don't you care about the maintenance of our jetties? I should think you would, and it is about time that you went on the record instead of mumbling such destructive comments under your breath.

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: The agreement is with the District Council of Port Elliot and Goolwa for the transfer of Port Elliot jetty from Government to council responsibility. As a result of this agreement, work on the upgrading of the Port Elliot jetty at a cost of $80 000 can begin almost

immediately with contractors expected to be on site at the end of this month. Members will recall that on 10 August last year the State Government announced an unprecedented $12.8 million committed for the upgrade and maintenance of the 48 recreational jetties in Government ownership along our coastline and inland waters. This included a boost in capital funding of $2 million each year for the next four years to undertake urgent capital works to bring jetties up to recreational standard, which is recognised as being 30 per cent of the original commercial standard when the jetties played a critical role in the State's commercial development. In addition, funding of $1.6 million per year over three years up to 1998-99 has been made available for maintenance. Of the 48 recreational jetties in South Australia, seven are in the metropolitan area and 15 are listed on the State heritage register.

The Government congratulates the Port Elliot and Goolwa council on becoming the first South Australian council to take this important step. I understand also that the council has resolved to request that the Department of Transport dedicate the Goolwa wharf under the care, control and management of the council. Under the transfer lease agreement, once the jetty upgrade is completed, the council will be responsible for the day-to-day maintenance such as repairs to the decking and the handrails.

On the subject of liability, the agreement provides indemnity against storm damage and any other extraordinary damage that may occur. The estimated premium on such indemnity is expected to be substantially less than the estimated total maintenance savings of between $1.5 million and $1.75 million. In providing money to save our jetties, the State Government is keen to encourage partnerships, which mean local communities can share more responsibility for jetties in their region.

The priority for upgrade work will depend largely on the support received from community groups and individual councils together with other factors, including whether the jetty is heritage listed. In the past, communities have been reluctant to assume responsibility for these important facilities due to their poor condition. Now that the funds are available to upgrade all recreational jetties, a number of councils are now working with the Department of Transport to take responsibility for jetties in their area. So far the district councils of Meningie and Morgan have requested a dedication for the facilities at Meningie, Narrung and Morgan. A further 10 councils covering 17 jetties and wharves have indicated their agreement in principle on formal leases and dedications.

I believe it is worth noting that all councils that have indicated such support to date are in country regions. Since the Government's commitment to upgrade facilities, many country councils in particular have been negotiating with the Department of Transport to take control of the jetties. I trust that, for the benefit of metropolitan jetty users, respective metropolitan councils can work through this process as expeditiously as possible so that urgent upgrading of jetties can begin as soon as possible. Time is of the essence. With all capital funds for this year's jetty upgrade program earmarked, metropolitan councils in particular will need to act quickly to receive priority allocation of funds for next financial year. Jetties are highly valued by local communities for recreational purposes, and they are also important to tourism. These arrangements will ensure that people can continue to enjoy using their local jetty for many years to come.

QUESTION TIME

SMITHFIELD PLAINS JUNIOR PRIMARY SCHOOL

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 asbestos at Smithfield Plains Junior Primary School.

Leave granted.

The Hon. CAROLYN PICKLES: Following the fire at that school on 13 September last year, contractors were engaged to clean up the damaged building and dump asbestos contaminated material from the school into bins located at the school. I have been advised that this material then sat there until it was removed in February 1997.

I have discussed this issue with the Minister and he has agreed to provide me with a briefing on it, but I would also ask that he address the following questions, because I understand that the parents are most concerned about the issue. My questions to the Minister are:

1. Was a check made to establish if the damaged building contained asbestos and, if not, why not?

2. Why was the clean-up contractor not qualified to handle asbestos material?

3. Why was the contaminated material left on the school premises in an uncovered bin?

4. Why were parents not notified of the asbestos?

5. What readings of asbestos contamination were taken by SACON, both in the school building and the rubble; when were they taken; and what were the results?

The Hon. R.I. LUCAS: I thank the honourable member for her question. As she indicated, she raised this issue with me, I think, late last week. I had hoped to have a written response for the honourable member yesterday, and I now have a written response which I will provide to her after Question Time. However, I will refer to some aspects of the written response because it does address some issues that the parents have raised. As a general overall statement, with the increasing number of questions being raised about asbestos in Government schools, the advice I have is that every one of our Government schools—all 650 of them—have asbestos in one form or another. The notion given last year that perhaps only schools in the far flung climes of South Australia have asbestos buildings was incorrect, as I indicated then. I have taken further advice that virtually every one of our schools has asbestos in it. We have a requirement that every school must have an asbestos register that is publicly available to parents in its administration area. It has to be completed by 30 June this year, and I am told, I think on reflection, that only six out of 650 schools have not yet completed their asbestos register. That is an important first step.

Secondly, clearly there have been a number of examples where building workers—both Government and contracted—have not necessarily followed the procedures recommended by Government in relation to building work in sections of school buildings which relate to asbestos. The Minister responsible for Services SA (Hon. Dean Brown) shares my concern about this issue, and he is addressing a number of matters in relation to it. Part of it is that an asbestos awareness program will be presented to all Government building maintenance services personnel to reinforce the requirements relating to asbestos management in Government buildings.

Similarly, there will need to be a process with Services SA in relation to contracted personnel, because it is not just Government personnel who work on redevelopment work within our schools. Again, it is a responsibility for Services SA, as the risk manager for all Government services, to look at that issue as well.

I am also advised (I do not have the detail as yet) that an asbestos protocol setting out the steps to be taken in planning and managing projects has been established as well. As Minister for Education and Children's Services, I can say that, whilst the major responsibility rests with the Minister responsible for Services SA, nevertheless our officers within our Facilities Division can be of assistance to Services SA, whether that just be in terms of reminding people that the protocol should be followed or whether they are aware of it and have checked with the register. We are certainly looking at our procedures in our agency to see how we might improve an assisting role in Services SA work in Government schools and facilities.

As new information becomes available on those initiatives being instituted by Services SA, I shall be pleased to share it with honourable members if they are interested. The advice provided to me, and which I am providing to the honourable member by way of letter, is that contrary to established practice and policy the asbestos register at Smithfield Plains Primary School was not checked to ascertain if asbestos materials were present and, as a result, the asbestos backed vinyl was removed and disposed of as normal building waste. Further advice with which I have been provided is that on Thursday 30 January 1997 Mr Gary Thompson, Project Officer with Services SA Asbestos Management Unit, attended Smithfield Plains Primary School.

The inspection involved the portion of the junior primary block gutted by fire in September 1996. It was found that the vinyl floor covering listed in the asbestos register as having an asbestos backing had been removed, but the asbestos backing was still present on the concrete floor slab. The contaminated area of the floor slab was approximately 14 per cent of the total fire-affected area.

I advise the honourable member that the concrete floor slab was in a section which had been sealed immediately after the fire late last year, and students and others were kept away from that building. A claim has been made on radio that teachers were taking students through the damaged area as part of a grief counselling process. The principal of the school has advised me that she has discussed this issue with her teachers and staff and that that claim is not true. I can only place that response from the principal on the public record. I know parents have been advised of that and on talk-back radio and a number of other radio news bulletins have been making that statement. The removal work was carried out by an appropriately licensed contractor on Saturday, 1 February 1997. Air sample monitoring carried out in conjunction with the removal indicated that no airborne fibres were present. That is the advice that has been provided to me.

The honourable member has raised some other questions, some of which have been covered by that response. In relation to questions that have not been answered, I will seek formal advice and bring back a further reply.

MINISTER'S CODE OF CONDUCT

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General a question about the ministerial code of conduct.

Leave granted.

The Hon. R.R. ROBERTS: The member for MacKillop in his private capacity is known as a major producer of proteas. As of earlier this week, the Hon. Dale Baker is a director of Tomina Pty Ltd as well as Tyncole Pty Ltd and Dale and Robert Baker Nominees Pty Ltd. The stood down Minister for Finance told Parliament last week that he had resigned as a director of the Banksia Company immediately he became a Minister (in December of 1993). However, corporate records show a Dale Baker as being one of the people carrying on the business of the Banksia Company until 26 December 1994, over a year after he was appointed Minister for Primary Industries. Tomina Pty Ltd, whose principal activity is described as a trustee for the Dale Baker Family Trust, is today described on corporate records as carrying on the business of the Banksia Company—the same company from which the Minister said he had resigned his directorship immediately after becoming a Minister. Elders file notes record contracts between the Minister and Elders in 1994 regarding the Minister's personal interest in the property named Gouldana—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: —on sections 35, 36, 37 and 190 in the Hundred of Smith in the South-East of the State. The file notes include an entry on 29 March 1994 which states:

> Dale Baker rang. Interested in purchasing 500 acres along parallel strip of Jorgenson Lane [including scrub].

The Minister's company, trading as the Banksia Company, wrote to Elders Real Estate in March 1994 expressing an interest in purchasing the same 500 acres detailed in the letter dated 2 June 1994. During 1994 when he was the Minister for Primary Industries, the Minister had dealings with officers of his department regarding their interest in purchasing the property Gouldana. It is unclear as to whether the Minister disclosed to the departmental officers that he or his Banksia Company's interest in purchasing part of the property was revealed.

In a letter dated 14 July 1994 the Forestry Division of the Department of Primary Industries wrote to the Millicent office of Elders Ltd, and I quote:

> Primary Industries SA Forestry is able to offer $600 000 for the property as it stands subject to the approval of the Minister for Primary Industries.

The Opposition has a further letter from Elders to the Manager of South-East Forests dated 20 July 1994, which states that the vendor found the offer acceptable and asks that the offer be presented to the Minister for Primary Industries to seek his approval. That approval ultimately was not forthcoming. It is stated in the Liberal Government's code of conduct—and I need to quote this to put the matter in context:

> Ministers will cease to be actively involved in the day-to-day conduct of any professional practice or in any business in which the Minister was engaged prior to assuming office—unless on some special, technical or other reasonable grounds the Premier deems it appropriate for a Minister not to do so, and where retaining an interest upon conditions approved by the Premier would not create any conflict with the Minister's responsibilities in his or her portfolio or portfolios.

It states further:

> Ministers will inform the Premier should they find themselves in any situation of actual or potential conflict of interest. This information will be tendered at Cabinet immediately a Minister becomes aware of an actual or potential conflict of interest and a

record will be made that the Minister tendered that information. The record will be available for scrutiny by the Auditor-General.

It appears that the Minister for Finance has not acted in accordance with his Government's ministerial code.

I draw the attention of the Attorney to section 238(1) of the Criminal Law Consolidation Act which indicates that an MP or any other public officer commits an offence under the criminal law if they 'knowingly or—

The Hon. A.J. Redford: What about the presumption of innocence?

The Hon. R.R. ROBERTS: Presumption of innocence? What about Barbara Wiese?

The Hon. A.J. Redford interjecting:

The Hon. R.R. ROBERTS: He is enthusiastic, Mr President, but then again so was Eddie the eagle. I reiterate: 'knowingly or recklessly acts contrary to the standards of propriety generally and reasonably expected by ordinary decent members of the community to be observed by public officers of the relevant kind. . . ' My question to the Attorney-General is: if a Minister contravenes the ministerial code of conduct is that *prima facie* a breach of the criminal law as provided in section 238(1) of the Criminal Law Consolidation Act?

The Hon. K.T. GRIFFIN: That is disgusting! The fact of the matter is that there is an inquiry and now an investigation by the Anti-Corruption Branch prompted by the questions raised in this Council and referenced by the Hon. Michael Elliott. An inquiry is being undertaken, and it is appropriate that I answer no questions in relation to the issues that the honourable member has raised, because to do so may seek to pre-empt the deliberations of the Anti-Corruption Branch.

If the worst comes to the worst and the Anti-Corruption Branch decides that some further action ought to be taken, by raising these issues and debating the issue of criminality, the honourable member is pre-empting the inquiry. You may well create a situation where there is an abuse of process. If you want to abort proceedings which ultimately the Anti-Corruption Branch may raise, then be it on your head. It is typical—

The Hon. ANNE LEVY: I rise on a point of order, Mr President. The Attorney is using the word 'you' instead of addressing the Chair.

Members interjecting:

The PRESIDENT: Order! The honourable member has a point of order, which I uphold. The Minister should address other members as 'honourable members'.

The Hon. K.T. GRIFFIN: If the Hon. Ron Roberts and other members opposite want to compromise the investigations, be it on their head. These investigations ought to be carried out in an impartial manner, and I have no doubt that the Anti-Corruption Branch in conjunction with the DPP will take that course. The honourable member seeks to compromise that publicly, let alone do something privately. Ultimately, if what the honourable member raises now happens to reflect upon the work that has been undertaken already and seeks to pre-empt the outcome of any inquiry, if there happens to be a recommendation by the Anti-Corruption Branch that further action should be taken, it will constitute an abuse of process.

An honourable member: Rubbish!

The Hon. K.T. GRIFFIN: That is the issue: it is not rubbish. The honourable member ought to learn about issues of propriety, judicial process and police investigations. He does not have a clue, nor does the Opposition. They have got something going at the moment with the Anti-Corruption Branch. In terms of conflict of interest, the Premier has indicated the way in which that will be handled. There is nothing knew in that, and that is where it ought to rest.

NUCLEAR WASTE

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport a question about the transport of high level nuclear waste.

Leave granted.

The Hon. T.G. ROBERTS: The growth of the nuclear industry in Europe and Japan has brought about an industry being built up around the transport of high level nuclear waste in international waters. Currently a number of ships are plying the trade, one in particular being a British ship, the *Pacific Teal*, which is moving high level waste between Japan and France. France is able to reprocess the high level nuclear waste and extract plutonium out of it for its fast breeder reactors. As the nuclear industry gets more sophisticated the opinion of experts is that more high level plutonium waste will be transported between countries such as the United States, Japan, Europe, including Britain, which is now part of Europe, with its nuclear fuel cycle going down that road.

As the industry expands, perhaps into the Korean peninsula or the Indonesian archipelago, we can expect more ships to ply this trade. I understand that a ship is planning to sail into international waters off South Australia, and that it will be sailing into the Southern Ocean and around the cape. I know that the South Africans and Western Australians are concerned. I understand that questions have been asked of the Commonwealth Government as to its contingency plans and that there has been a fairly negative answer, saying that the potential for disaster, any sort of mishap or emergency is too slight for it to consider a contingency plan. My questions are:

1. Is the State Government working with the Federal Government on an emergency plan for dealing with the probability of an emergency or disaster?

2. Has the State Government received a timetable and course for the chartered ship, the *Pacific Teal*, and, if not, why not?

The Hon. DIANA LAIDLAW: I will make detailed inquiries in relation to the questions and bring back a reply.

AUSTRALIAN NATIONAL

In reply to **Hon. SANDRA KANCK** (5 November 1996).

The Hon. DIANA LAIDLAW:

1. To the extent that Australian National have ceased to operate the bogie exchange at Dry Creek, yes I am aware of the problem. Whilst it is regrettable that this facility was closed at short notice, the consequential additional volume of trucks travelling through the Port Adelaide-Osborne area does not represent a significant increase in relation to the total number of movements. The increase equates to three (3) movements per day, or less than a 0.03 per cent increase per annum.

Subsequently, the Minister for Transport and Regional Development, the Hon. John Sharp, MP, has instructed Australian National not to make any further such closures until the future of Australian National is resolved, and indeed, I am not aware of any other instances in which Australian National have scaled down their rail freight operations.

2. The honourable member's question assumes that all aspects of Australian National's business is profitable. The bogie exchange was unprofitable to Australian National. However, what Australian National currently considers unprofitable could possibly become profitable if another investor operated the service(s) in a different manner or attracted new customers.

3. Tonnages lost to Australian National are—

Coke from Whyalla	33 000 tonnes/annum
Ammonia from Victoria	None (this is NR traffic)
Grain	Infrequent and low tonnages

4. No. Neither the Whyalla traffic nor the bogie exchange at Dry Creek were services offered by the former South Australian Railways and are thus not covered by the terms of the Railway Transfer Agreement.

5. Further to the instruction by the Federal Minister for Transport and Regional Development, that Australian National undertake no further closures, I have confirmed that the Office of Asset Sales will incorporate the bogie exchange as part of any sale process. Thus, any new operator will have the opportunity to reopen the facility.

FINANCE MINISTER

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Attorney-General a question about yesterday's ministerial statement of the Premier about the current Anti-Corruption Branch investigations into the business dealings of the Hon. Dale Baker.

Leave granted.

The Hon. SANDRA KANCK: During the past week we have heard serious allegations against senior members of both the Federal Liberal Government and the State Liberal Government, yet the respective Leaders have handled these allegations in a diametrically opposed manner. The Prime Minister, Mr Howard, was first informed by his Attorney-General of the allegations against Senator Bob Wood in September 1996, and he received a second briefing on 21 January.

I have no comment to make on the Prime Minister's curious lapse of memory with respect to the briefings he received concerning these allegations but rather point to the fact that the Prime Minister chose not to make any public comment about the matter. When questioned about police investigation of Coalition MPs on the *7.30 Report* on Tuesday last the Prime Minister stated:

> I'm asking you to accept that there is a long-standing practice that Attorneys-General and Prime Ministers don't comment on intelligence and security matters and police investigations when they are not in the public domain.

Yesterday, the Premier made a ministerial statement concerning various allegations about the business dealings of the Minister for Finance, Mr Dale Baker. The Premier stated:

> This morning I was advised by the Police Commissioner (Mr Hyde) that the Anti-Corruption Branch—

The Hon. A.J. Redford: The hypocrisy is stunning.

The PRESIDENT: Order, the Hon. Sandra Kanck!

The Hon. A.J. Redford: You put it in the public arena—

The PRESIDENT: Order, the Hon. Angus Redford!

The Hon. SANDRA KANCK: So that the Attorney-General can hear my explanation, I will repeat it. The Premier stated:

> This morning I was advised by the Police Commissioner (Mr Hyde) that the Anti-Corruption Branch, acting on information sourced from the Hon. Michael Elliott MLC, has commenced an inquiry.

The Premier further stated:

> At this stage the ACB inquiry is of a preliminary nature.

Yet, the Premier chose to make a public statement about it and name one of the sources of the information. My questions to the Attorney-General are:

1. When was the Attorney-General informed of the inquiry and who informed him?

2. Was the Attorney-General the first Government Minister informed of the ACB inquiry concerning the Minister for Finance?

3. Was the Attorney-General consulted about the Premier's decision to comment publicly on the existence of the inquiry?

4. Does the Attorney-General agree with the Premier's decision to publicly comment on the preliminary inquiry?

5. Is there an accepted protocol when it comes to ministerial comment on police investigations of allegations of illegality concerning South Australian politicians? If so, will the Attorney-General reveal to the House what that protocol is?

6. Does the Attorney-General support, as a matter of principle, the public naming of police sources of information regarding complaints?

The Hon. K.T. GRIFFIN: Let me have the questions and I will answer them. You don't expect me to answer six questions without some notes. Let me have the questions and I will answer them for you. If you rattle off six questions, particularly when you are looking to trap people with them, it is appropriate that I have them before me.

The Hon. T.G. Cameron: Are you a speed reader?

The Hon. K.T. GRIFFIN: You make your own judgment about that. The problem the honourable member has with her question is that she misunderstands the role of the Attorney-General federally and the role of the Attorney-General at a State level. Federally the Attorney-General is also Minister for Justice or the equivalent and is responsible for the Australian Federal Police. I am not the Minister responsible for police in this State. In those circumstances I have no role in relation to the Police Commissioner. Whatever the Federal Attorney-General informed the Prime Minister, whenever that might have been, it could only have been in the context of the Attorney-General's being responsible for the Australian Federal Police. In the context of South Australia I am not the Minister responsible for police. I have no role in relation to the Police Commissioner, and therefore it is not my role or responsibility to carry messages from the Police Commissioner to the Premier. Let us get the process straight right from the start.

In terms of what I do or do not discuss with the Premier, that is my business and that of the Premier and I do not intend to disclose it here. The honourable member knows that, in terms of the role of the Attorney-General, I have a role which is partly one of ministerial responsibility but partly also a role in respect of the criminal justice system. In respect of the role relating to the criminal justice system, the Attorney-General cannot be given directions in relation to any course of action that should or should not be taken and the Attorney-General cannot be compelled to answer questions in relation to those issues which fall within that category. In relation to the other questions of ministerial responsibility, the Attorney-General again cannot be compelled to answer the questions, but may choose to do so.

Members opposite know that my most immediate predecessor, Mr Sumner, declined to answer questions about a number of issues from time to time that fell within his ministerial responsibility. That will continue. Issues such as the disclosure of legal advice that may be given by the Attorney-General or the Attorney-General's officers, the Crown Solicitor or the Solicitor-General are not matters normally tabled within the Parliament or released publicly and are protected by legal professional privilege, and that is the way it will stay.

In terms of the Premier's announcement in relation to the inquiry, I do not have a difficulty with his announcing that. In the sort of political environment in which all of this is taking place there would have been criticism if there had been an inquiry and subsequently an investigation by the Anti-Corruption Branch and it had been covered up and the Minister had continued to perform all the duties and functions of a Minister. I can imagine the uproar in this place if there had been this inquiry, it had not been identified as an issue of importance and the Minister had decided to tough it out. Blood would have run in the streets. Everybody would have protested about the impropriety of that.

Members cannot have it both ways: either they want some openness, which the Hon. Dale Baker and the Premier have decided to follow in the context of identifying that there is an ACB inquiry and now an investigation, or they do not. The Hon. Dale Baker took leave during the preliminary inquiry and has now stood aside whilst the Anti-Corruption Branch investigation is continuing. As the *Advertiser* recorded this morning in its editorial, that is a perfectly proper and honourable course to follow. If it was on the other side of politics, what would members opposite have done? They would have toughed it out. The Premier and the Minister for Finance and Minister for Mines—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN:—took what is generally recognised to be the proper course. You cannot take the proper course without identifying that there is an inquiry or investigation. You cannot have it both ways. There is an inquiry, which arose out of allegations made in the Parliament and everybody acknowledges that, and it is now being investigated. The proper course to follow is to let the Anti-Corruption Branch get on with its job because ultimately—

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: I did not raise these allegations when they were being investigated by police. Come on! Members ought to get their facts straight.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: Members ought to get their facts straight from the start.

The Hon. T.G. Cameron: I wouldn't have believed that you'd stand there and talk like a hypocrite, and that's what you're doing.

The Hon. K.T. GRIFFIN: I am not talking in a hypocritical fashion. It is easy to make these sort of allegations across the Chamber. I am telling you what happened. What more do you want?

The Hon. Anne Levy: There was no police inquiry for Wiese or Sumner.

The Hon. K.T. GRIFFIN: I am not saying there was or was not.

The Hon. Anne Levy: You said there were no questions when there was a police inquiry.

The Hon. K.T. GRIFFIN: The honourable member is splitting hairs. I am telling you the course which was followed on this occasion and which is recognised to be a proper course. As I said earlier, if members opposite persist with their questions that is fine; it is up to them. They can ask anything in the Parliament; it is not *sub judice*. But if the Anti-Corruption Branch recommends further action, there may be a question of abuse of process. Then members opposite and those on the cross benches carry the responsibility for it because they are pushing the barrow.

The honourable member asked a question about a protocol. There is no protocol about whether or not in the circumstances in which we find ourselves there should be any reference to a police investigation. Members must recognise that there is an interrelationship between the political process and the police process in this instance. If the honourable member wants to suggest that some other course should have been taken, let her suggest it and I will deal with it.

ABC NEWS

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question on the subject of ABC news reports.

Leave granted.

The Hon. R.D. LAWSON: During an ABC news broadcast and on Simon Royal's program this morning, I thought I heard the Hon. Michael Elliott claiming that he had not made any allegation of criminal conduct in relation to a former Minister of Agriculture. The same honourable member is reported in *Hansard* as making remarks which would appear to me to be inconsistent with those ABC reports. My questions to the Minister are:

1. Did he hear or has he read a transcript of the ABC broadcasts?

2. If so, did he discern any inconsistency in the member's comments in relation to this matter?

The Hon. R.I. LUCAS: I must say that it was fairly dark about six o'clock this morning when I had the ABC radio on. I nearly choked on my peach, passionfruit and orange fruit juice drink at 6.2 a.m. when I heard the Hon. Michael Elliott in similar fashion claiming that he had never raised questions about criminal activity or criminal behaviour. I was so flabbergasted that I nearly did not get to my morning fitness session with Phil Carman at 6.15 a.m. When I arrived at work I asked for a transcript of the 6 a.m. news broadcast on 5AN. I want to share that transcript with honourable members and the Hon. Michael Elliott. This is honest Mike on 5AN at six o'clock this morning.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order, the Hon. Angus Redford!

The Hon. R.I. LUCAS: The Hon. Michael Elliott is recorded as saying:

> Oh, I certainly hadn't been making any allegations of. . . of criminal behaviour, so I guess at this stage I. . . I will just let the police investigation itself run the course.

Members interjecting:

The Hon. R.I. LUCAS: Don't worry about Sandra. Let us look at what the Hon. Michael Elliott said last Wednesday in this place. When he first raised this issue he said:

> My questions to the Attorney-General are:
> 1. Is he prepared to investigate, first, whether or not there has been a breach of section 251 of the Criminal Law Consolidation Act in terms of abuse of public office and will he see that a proper investigation is carried out to ensure that that has not occurred?

After he detailed a series of allegations and claims in this Chamber last Wednesday and asked a question in relation to the Criminal Law Consolidation Act, the Hon. Michael Elliott is now stating publicly, 'I have not been making any allegations of criminal behaviour in relation to this particular issue.' It reminded me of yesterday when he indicated that he had not laid a complaint or raised the issue with the ACB. In response to interjections and further questions he said, 'Well, actually I telephoned the ACB; they came to interview me

and I said that I had suspicions that some of these materials might be destroyed.' This morning in other radio interviews the honourable member indicated that he was fearful that these materials might have been destroyed in some way. Yet the Hon. Michael Elliott then said that he had not raised or lodged a complaint with the Anti-Corruption Branch.

The Hon. A.J. Redford: He actually said:

I made contact with the Anti-Corruption Branch.

The Hon. R.I. LUCAS: Exactly. Can you imagine the scenario if the Hon. Michael Elliott, having contacted the branch, had its members come down to Parliament House or his office to interview him at great length in relation to these serious matters and his concerns, the clear inference being that either the Hon. Dale Baker or someone working with the Hon. Dale Baker would destroy documents which needed to be protected before they could be looked at? That was the clear inference in what he was alleging and implying in the Parliament and elsewhere. Can you, Sir, imagine what would have happened if the Anti-Corruption Branch had decided to do nothing? I am sure that if they had done nothing or chosen to do nothing we would have the Hon. Michael Elliott standing in this Chamber accusing the Government and the police of a cover-up. He would be claiming that he raised the issues with the ACB yet they did nothing about it.

That would be the sort of pious, hypocritical approach that the Hon. Michael Elliott might have adopted in those circumstances. Then he has the hide, the effrontery, to indicate that he did not raise a complaint with the ACB. Again, at six o'clock this morning on the ABC he said, 'I have not raised any allegations of a criminal nature in relation to these particular issues.' It is interesting that the Hon. Michael Elliott has had to back off today and have the Deputy Leader—

Members interjecting:

The Hon. M.J. ELLIOTT: Exactly. He was not prepared to stand up because he knew that the Attorney-General was waiting for him to give him a good clip around the ears. So what did he do? The Attorney-General was waiting for him; today we had to hold back the Attorney-General, who was waiting for Question Time and waiting for the Hon. Michael Elliott to stand up. We had the leash on the Attorney-General.

An honourable member: Bitterly disappointed.

The Hon. R.I. LUCAS: Yes, and what happened? The Hon. Michael Elliott pushed the Hon. Sandra Kanck in front of him and said, 'You ask the question today. I have had enough. You go first.'

An honourable member: Out of the trenches.

The Hon. R.I. LUCAS: Exactly. That is the Democrats: women and children first and the leader stays behind. The Deputy Leader gets pushed up the front to take it.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: We will let the Attorney-General loose on you, Sir! The Hon. Michael Elliott's behaviour and the way in which he has raised these issues, what he is claims publicly and then retreats, and what he claims in this House and then retreats, reveals a lot about the honourable member in relation to these issues.

SPEED CAMERAS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services, representing the Minister for Police, questions about recent speeding offences at Dry Creek.

Leave granted.

The Hon. T.G. CAMERON: On 23 June 1996 a number of motorists were caught by speed camera and issued with expiation notices for speeding on the Salisbury Highway bridge over Port Wakefield Road at Dry Creek when roadwork signs were in place. Section 20(2) of the Road Traffic Act 1961 provides:

Such signs may be placed on a road for the purpose if indicating a maximum speed to be observed by drivers while driving on a portion of a road on which works are in progress or on which workers are engaged.

One can only speculate in this instance as to why the speed camera was sited where it was, given there was no evidence of roadworks in progress at the time the alleged offences were committed.

I am in receipt of a letter signed by Mr Jeff Dodd, site engineer of the Department of Transport, which confirms that there were no roadworks in progress nor any workers engaged at the time of the alleged offence. My office was recently contacted by Ms Korreng, one of the motorists caught that day. Ms Korreng appealed the expiation notice on the grounds that the law quite clearly states that an offence can only occur with regard to 60 kilometre roadwork restriction speed signs pursuant to roadworks being in progress or workers being engaged. Clearly in this instance this was not the case.

Ms Korreng refused to pay the fine and sought the advice of her solicitor. A court date was set for 15 January. On the advice of her solicitor, Ms Korreng sent the information she had received from Mr Dodd to the prosecutor at the Holden Hill Police Station. Two days before the matter was due to be heard, the expiation notice was withdrawn by the police. Ms Korreng has been informed by her solicitor that a number of other clients would soon appear before the Christies Beach court for similar fines from the same camera, on the same day and at the same place that Ms Korreng had received her notice. My questions to the Minister are:

1. Why was Ms Korreng issued with an expiation notice when no roadworks were in progress nor any workers engaged at the time of the alleged offence?

2. How many other notices were issued at the same site on 23 June last year?

3. Will the Minister undertake to fully investigate this matter to ensure that any other motorists caught under similar circumstances on the same day and at the same location as Ms Korreng have their fines withdrawn also?

4. Considering that events such as this only serve to ingrain into the public perception that speed cameras are nothing more than mobile tax collectors, will the Minister ask the Police Department to reexamine the placement of speed cameras so that similar occurrences are not repeated in the future?

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

CRIME STATISTICS

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General a question about crime statistics.

Leave granted.

The Hon. L.H. DAVIS: I notice that the South Australian print and electronic media continues to give prominence to

crime in South Australia with suggestions that there has been an increase in the level of criminal offences. The Office of Crime Statistics prepares comprehensive statistics which provide useful comparative data on the incidence of crime and monitors the movement in the number of reported offences in a range of categories. The office also makes comparisons in some instances between South Australia and nationally in relation to crime trends. Does the Attorney-General have any observation to make on crime trends in South Australia in view of recent and continued publicity which suggests that the level of criminal offences is escalating in South Australia?

The Hon. K.T. GRIFFIN: As members know, the Office of Crime Statistics seeks to keep the community informed about crime statistics and undertakes research on various subjects that may be related to crime. From the work it does, I think it is generally highly regarded, not just in South Australia but across Australia. The office prepares periodically discussion papers and information sheets on the various levels of criminal activity. I have not sought to place significant emphasis upon statistics because, as we all know, if the figure is down one year, it might just as easily be up the next year, so one has to be very careful in relying only on crime statistics to determine what is the level of crime and whether it is going up or down.

Of course, in addition to the material that is put out by the Office of Crime Statistics, information is put out through the Australian Institute of Criminology and also through the Australian Bureau of Statistics. In that context, victimisation surveys are conducted periodically and provide perhaps a more objective analysis of the level of crime, particularly because the Office of Crime Statistics' crime and justice reports refer to matters which come to the attention of police and, as we know, many people do not report criminal behaviour. They are prepared to grin and bear it. It might be of a minor nature, or it might even be of a major nature. We know that, for example, with sexual assault and rape, there has been among a number of victims an unwillingness to report, although in South Australia—

The Hon. T.G. Roberts: Like bikie gangs?

The Hon. K.T. GRIFFIN: A whole range of things. With sexual assault, for example, in South Australia, there is probably a higher level of reporting than perhaps in other States, very largely because we have traditionally had a higher level of support services and an encouragement for people to report that sort of criminal behaviour. So, victimisation surveys tend to provide a picture of the underlying level of criminal activity within the community.

The victimisation surveys of 1991 and 1995 indicate, I am told, that during this five year period there has been a significant decrease in break and enters. A total of 6.9 per cent of South Australian households were the victims of this offence in 1991, compared with only 4.6 per cent in 1995, and attempted break and enters decreased from 5.2 per cent in 1991 to 4 per cent in 1995. Over the same period, offences against the person, notably robbery, assault and sexual assault, remained relatively stable.

Although, as I have said on a number of occasions, it is not much comfort to the victims that crime statistics might be going down, it is important to recognise that each time there is some sort of emphasis upon a crime or criminal activity it creates in the community a level of fear of crime which is disproportionate to the level of criminal behaviour. In this State, the level of criminal behaviour, whilst no-one can be comfortable with it, is nevertheless a much lower level than that in other jurisdictions both in Australia and overseas.

In some of the work which the Office of Crime Statistics has done—and I have put these on the public record through press release and public comment—there have been a number of fluctuations. However, in 1995 the total number of offences reported to police was marginally higher than in 1994, but in fact 2.1 per cent lower than in 1993. Between 1994 and 1995, there was a significant downturn in a number of areas. There has been an increase in some areas and a stable approach in others, but breaking and entering, for example, is down by approximately 15.1 per cent, the lowest since 1986, and shop break and enter is down by 4.7 per cent, the lowest in 15 years. Other break and enter offences are down by 16.4 per cent, the lowest since 1987.

Members interjecting:

The Hon. K.T. GRIFFIN: Homicides do not fluctuate significantly, and you can—

Members interjecting:

The Hon. K.T. GRIFFIN: I will finish in a minute. The level of homicide offences in this State is generally fairly stable. It does fluctuate, but the perception is that the numbers are on the rise, because we have reports of homicides around Australia and internationally, and there is generally no sort of by-line indicating that it involves Adelaide, Sydney, Melbourne or whatever. Indecent assaults decreased by 8.5 per cent and so on. Because of the time, I seek leave to table a summary of these statistics for the benefit of honourable members.

Leave granted.

ROSS RIVER FEVER

The Hon. T. CROTHERS: I seek leave to make a precied statement before asking the Minister for Transport, representing the Minister for Health, a question about Ross River fever.

Leave granted.

The Hon. T. CROTHERS: It is interesting to revisit the history of Ross River fever here in South Australia because 20 years ago Ross River fever scarcely existed in South Australia. I am told that Ross River fever is a very debilitating disease and is somewhat difficult to treat and detect. Experts believe that Ross River fever was transmitted into Australia from New Guinea. The major carrier of the virus is the mosquito and hence the majority but not all reported cases in South Australia have occurred in the Murray River Valley. With the mosquito being the major carrier of the virus, it is a water-borne disease and experts opine that it reached South Australia from New Guinea by travelling along the various river valleys that exist throughout the length of Australia.

As I said, 20 years ago there may have been only one or two cases per year and it may astonish members to learn that this year 38 detected cases have been reported and many experts believe that recent record rains and floods will give rise to more breeding grounds for mosquitos and there exists a strong probability of many more cases of Ross River fever being detected, given the recent rapid spread of the disease. Therefore, my questions are as follows:

1. What, if any, work is being done either here or in New Guinea with respect to a vaccine being developed against Ross River fever, thus preventing it from occurring?

2. What,if any, work is being done here or elsewhere to develop a serum to assist people who already have the complaint?

3. What moneys, if any, is the Minister's department expending on the type of research and development mentioned in questions 1 and 2?

4. If no, or limited, research is being undertaken, will the Minister undertake to raise this matter at the next meeting of Health Ministers and forward a subsequent report on this matter to me?

The Hon. DIANA LAIDLAW: I will refer the honourable member's questions to the Minister and bring back replies.

HINDMARSH ISLAND BRIDGE

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Attorney-General a question about the Hindmarsh Island bridge.

Leave granted.

The Hon. A.J. REDFORD: On Monday this week I understand the State Government learnt that attempts to amend the Commonwealth law so that the Hindmarsh Island bridge could be built were thwarted. Whilst the Government has expressed its disappointment about the continuing delays, there seems to be some confusion about who does and who does not want the bridge built and whether or not there are any legal impediments. Therefore, my questions are:

1. What is the State Government going to do about building the bridge?

2. Is Senator Bolkus right when he says there are no legal impediments to building the bridge?

The Hon. K.T. GRIFFIN: Senator Bolkus is wrong. He has been peddling the view that there is no legal impediment to building the bridge.

Members interjecting:

The Hon. K.T. GRIFFIN: It is a fact. The fact is that under the Federal Aboriginal and Torres Strait Islanders Heritage Act, if Senator Herron does not make a declaration, it is equally open to judicial review as much as the fact that he might make a declaration. Under the Federal legislation Mr Tickner made an interim declaration which prevented the work continuing on the bridge until the Saunders inquiry had been concluded. That was subject to challenge and, if he had not made the interim declaration, my advice is that, equally, that could have been the subject of judicial review. So, whichever way you move, it is always open to judicial review. The Government was always hoping that, and we were staggered to learn on Monday night that it was not successful, the Federal Senate would pass legislation which would not completely remove the prospect of litigation but which would substantially reduce that prospect.

The only possible litigation that could have arisen under the Commonwealth Act, if amended as the Federal Government wished, would be largely in relation to the issue of constitutional validity. That is something that we were prepared to chance but, in terms of the judicial review of ministerial decisions, that is something that we were not prepared to risk, particularly with contractual obligations which, if the bridge commenced, would expose us to claims for substantial compensation and we may well end up, even if there was no immediate injunction, with an order at some time in the future, with the bridge half way across the water between Goolwa and Hindmarsh Island, unfinished and a monument to the stupidity of the Federal Australian Labor Party and the Federal Australian Democrats. That was the last thing we wanted to do.

The taxpayers of the State would suffer because they ultimately would have to pay the compensation through taxes and charges and it would have been a real bonanza for more litigation. We have already spent across Australia a substantial amount of money trying to get all the facts clear and on the record about why this bridge should or should not be built. For that reason, it really was a significant surprise to the Government in South Australia to find that this legislation would not pass. I note from media comments from the Prime Minister that he intends to run the legislation back through Federal Parliament with a view to testing the issue yet again before Federal Parliament. We certainly hope that this time the legislation will pass.

When the Federal legislation was introduced, my recollection is that Mr Ralph Clarke, Deputy Leader of the Opposition, clearly said that from the State ALP's point of view he would want to get the bridge built and out of the way. He said it had been held up for too long and the issue should be resolved at the Federal level. What surprises me about that is that that will did not seem to be carried through in consultation with Senator Bolkus and other Labor and Democrat Senators from South Australia, because it is my strong view as well as that of the Government that we have been sold short by the Federal Labor and Democrat Senators from South Australia, in particular. From the Government's point of view—

The Hon. T. Crothers: Are there not connections between the State and Federal political Parties? Is there not a connection between the State Liberal Party and the Federal Liberal Party?

The Hon. K.T. GRIFFIN: There are connections. I have no difficulty about that at all. I would have thought that, whilst our Federal colleagues do not always accept what we say and what we want to occur, nevertheless, there is at least on this issue one mind in relation to what should occur. The State Government has always said that it wants to build the bridge, but it is not going to put at significant risk the assets of South Australians and South Australian taxpayers in tempting the courts and litigants—and, of course, there are a number of people who are significantly litigious in respect of this matter—and we would look to see that there is some safeguard for us in proceeding with the bridge.

We are not yet clear as to what the Federal Minister for Aboriginal Affairs and the Federal Parliament will finally do and, for the moment, we are holding our fire to determine what course of action they will take and then what course of action we shall take. However, it is a significant disappointment to the State Government, and we would hope that the State ALP at least would be able to make representations to its Federal colleagues to ensure that when the Bill goes back through the Federal Parliament this time commonsense prevails. I repeat what I said at the beginning: Senator Bolkus is wrong.

MATTERS OF INTEREST

RAIL, SOUTH AUSTRALIA

The Hon. CAROLINE SCHAEFER: An article by Senator Jeannie Ferris entitled 'South Australian Railways: 13 Years of Neglect' has come to my notice and I wish to bring some of the matters raised in that article to the attention of the Council. In her article Senator Ferris notes that 7 000 railways jobs have been lost in the past 13 years—mostly in South Australia—and that taxpayers were subsidising every remaining employee by $30 000 per annum. The Brew report suggests that this subsidy would increase to $220 000 per employee per annum in just four years unless substantial changes were made. The Brew report forecast that AN would lose more than $100 million per year, worsening under the pressure of the competitive market required by the Hilmer report, which was commissioned by the previous Federal Government.

The South Australian rail network has, since 1982, lost 1 375 kilometres of rail line. Much of that has been closed or, worse still, torn up and sold for scrap. So, in 15 years 50 per cent of the South Australian network has been closed. The most recent was the Eudunda line in October 1995, and our own Minister Laidlaw appealed to the then Minister for Transport, Laurie Brereton, asking that that line at least be left intact pending discussions on the future. However, her request fell on deaf ears and the rail line was dismantled and the rails were stockpiled and sold.

By far the greatest tragedy is in Port Augusta, where thousands of people have lost their jobs—40 of those since last Christmas Eve. In 1974 there were 2 157 men and women working in the rail industry in Port Augusta. In June last year that figure was 618. Those of us who live near the area—including the Hon. Rob Roberts and many others—would be well aware of the human factor that is involved in watching these people who are efficient and willing workers who, through no fault of their own, are looking down the barrel of having no employment.

Mayor Joy Baluch has said that she is pleased about and welcomes the Brew inquiry because she was sick and tired of the pious platitudes of the previous Government Ministers on the railways' future. They in fact swept the problem under the carpet and were unwilling to face the fact that rail in Australia—and particularly in this State—is in dire straits. Mayor Baluch said she welcomed the Brew inquiry because the rail industry in Port Augusta was being strangled and employment opportunities were continually being lost. The more human face of that is shown in young men and women leaving Port Augusta in an effort to find work elsewhere, and the expertise they have being lost with them. It tells of older family members taking redundancy packages in the hope that younger members of their family will be retained.

The story is similar throughout Australia but, as I said, the impact is far greater in Port Augusta, where the chances of other employment are much less than in urban areas. A $2 billion reform package has been put forward by the current Government, which will address some of the problems of the national rail system. It will look at establishing an authority to manage the interstate rail network and it will look at introducing competition to the rail industry by involving the private sector. I suppose none of us are aware as to how well any of those efforts will work, but at least something is being done to address the problem which is, indeed, a human tragedy in the township of Port Augusta in particular, and in rail centres throughout Australia. Many of us have seen the demise of smaller rail tracks: not only were they abandoned, but they were ripped up and lost as a method of transport probably for all time. I think it is a great tragedy and a great indictment on the former Commonwealth Government.

MEAT PROCESSING INDUSTRY

The Hon. R.R. ROBERTS: I rise today to address the issue of the crisis in the meat processing industry in South Australia. Members would be aware that recently, through a protracted and sometimes disgraceful process, we finally got to a stage where the assets of SAMCOR were sold to a company called Agpro. This sale has, unfortunately, left the industry in an insecure position and in absolute mayhem. One of the conditions of the sale was that 120 employees would be offered employment. Indeed, some of those employees received correspondence from Agpro, which states in part:

> We are pleased to offer you regular daily employment with Agpro Australia Pty Ltd. This employment will initially be under the terms and conditions defined by the current South Australian Meat Corporation (SAMCOR) Award.

Those people were denied access to the enhanced redundancy package that was paid out to those employees who lost their jobs at SAMCOR when it was sold. The reason that there was an enhanced package was that after the intervention of the Opposition, and in cooperation with the union, they were deemed to be public sector employees—not public servants, but public sector employees—and were paid. The 128 people who were left there were feeling some sort of security, especially when they received this letter from the company.

Since the take-over, under the new process, not one beast has been killed. What has occurred is that the union, as I understand it, has received a letter from Agpro, which states in part:

> We have reviewed the figures based on the mannings provided and also considered possible savings. It is clear that despite the best efforts of all involved that Agpro is unable to operate profitably unless it can kill more than 600 per day, five days a week. As you are aware, this is unrealistic. Such targets can't be achieved in the best seasons, let alone during winter. On this basis Agpro can't afford to commence operations. To do so would be pointless and result in the failure of the venture.

One would have assumed that if one is going to buy a facility of this nature there would have been some investigation and all these things would have been known. It has not only left the workers at SAMCOR not knowing where they want to go—and I understand that their union is going to make an application for redundancy on their behalf and they will be claiming, and I think rightly so, the enhanced package—but it has left the whole of the meat industry in South Australia in absolute turmoil. We have had situations where stock has had to be transported to Queensland.

Given that there are problems in the north at present and that no export abattoir for multi-species is available in South Australia, what undoubtedly will occur is that the stock that normally comes to the Northern Territory to be processed in Adelaide will go to Queensland. What we have is a crisis in the industry. What is required is action by the Minister. It was always going to be part of Labor's policy that upon election to Government it would call a meeting of the principal players in the meat industry. We cannot wait that long. This industry is in crisis. I call on this Government, posthaste, to call together the principle players in the meat industry in

South Australia to find a direction and come up with an action plan.

We face enormous losses in the primary industries area: the loss of export income and many jobs as well as everything that goes with that including infrastructure and training. This situation must not be underrated. It is apparent that the meat industry is in crisis when we look at what is happening to small abattoirs in South Australia that are being hampered by the new regulations under the Meat Hygiene Act. It will not be long before South Australians will be eating meat that is killed under trees as it was in the bad old days. We could well see a situation of another epidemic as we did with the Nikki Robinson case in 1995. I draw this matter to the attention of members, and I urge the Minister to act immediately and achieve some sort of a focus by calling together the principal players in the meat production industry in South Australia as soon as possible.

ITALIAN NAVY VISIT

The Hon. J.F. STEFANI: Today, I wish to speak about the recent visit to Adelaide by the Italian Navy. The two naval ships were not originally scheduled to visit South Australia. However, following an official discussion between Admiral Guido Venturoni and the South Australian Government during the Admiral's brief visit to inspect the Submarine Corporation's facilities, Admiral Venturoni arranged for the naval visit to Adelaide. Admiral Venturoni is the Joint Chief of Staff of the Italian Armed Forces, and the two naval vessels are part of the twenty-seventh group of the Italian Military Navy. The visit was also made possible through the cooperation of the Royal Australian Navy and the Italian Embassy in Canberra and it also had the strong support of the Italian Consulate office in South Australia.

The ships, the destroyer, *Luigi Durand De La Penne* and the frigate, *Bersagliere*, were under the command of Rear Admiral Claudio Maria De Polo and Captain Callini, who were officially received by the Premier of South Australia (Hon. John Olsen). The Premier also hosted a civic reception at Parliament House in honour of the commanding officers of the ships. The reception was attended by more than 150 leaders from the Italian community. Because South Australia is the home for many thousands of Australians of Italian background, the visit by the Italian Navy was a great honour for us all. I believe the visit was a clear acknowledgment by the Italian Government of the deep respect and affinity which many South Australians of Italian origin maintain with their motherland.

The naval visit to Adelaide, which was part of a nine month global promotional mission, was indeed a memorable event, which further promoted our existing strong cultural and trade relations with Italy. We are all aware that South Australian companies supply approximately 40 per cent of the total Australian defence expenditure budget. It is important, therefore, for British Aerospace Australia and the defence science and technology organisation to work cooperatively with Italian-based companies such as Elettronica Spa to increase our opportunities to supply electronic warfare and high-tech defence systems for the multi-million dollar Australian defence navy helicopters contract. I understand that Elettronica has a close working relationship with the defence science and technology organisation through its UK subsidiary. DSTO is currently building under licence an Adelaide developed checking unit for aircraft on board missile detection systems.

I conclude my remarks by saying that it was a great honour for me to join His Excellency the Governor of South Australia, Sir Eric Neal, on board the destroyer *Luigi Durand De La Penne*, for the official luncheon. I take this opportunity, on behalf of all South Australians, to express our appreciation to the Italian Government and the Italian Navy.

PATAWALONGA

The Hon. T.G. ROBERTS: Today, I wish to raise the issue of the Patawalonga clean-up and the debacle that occurred recently when detergent spilled from a tanker in the Adelaide Hills and flowed down a creek into the Patawalonga to create the largest bubble bath in Australia. The *Guardian* of Wednesday 5 February carries a story entitled 'Pat backslides as State Government dithers: Nadilo'. I would not suspect that this story would end up in the *Advertiser*, because the *Advertiser* has greatly promoted the Patawalonga clean-up and the proposed development in that area, but it did appear in the son or daughter of the *Advertiser*: the *Guardian*.

The Mayor of Glenelg has been a strong supporter of the Patawalonga clean-up. It has always been the Opposition's view that the Patawalonga has been cleaned up from the wrong end, that perhaps the Government should not have begun by using the $12.5 million which the Liberal Government provided for the Better Cities program, but that it should have allocated funds of its own in conjunction with the Better Cities money to clean-up the upper reaches of the Patawalonga through the creek system that runs through the foothills to the Patawalonga and stopped the pollution at the point source—that is, at the eastern end—so that the Patawalonga could be kept as clean as possible while those works were going on.

The Opposition has also been critical of the method used to clean the bottom of the Patawalonga. The proposal, and ultimately the method used, was to remove the mud and store it. An alternative idea put forward by a number of developers who were interested in the process was to take the mud out and clean it to remove the toxins, heavy metals, anything that could be associated with disease and any other problems that might have been caused by residues in the mud. Unfortunately, the Government did not adopt that plan. It adopted the idea of having a pristine Patawalonga and cleaning up the end where development was to take place in order to attract the finance required to enliven the area by making it attractive to big developers. Unfortunately, as this article states and the photograph indicates and as an inspection will confirm, after stormwater runs into the Patawalonga it ends up as it has for about two decades, and that is in a terrible state.

So, much time and energy has been wasted because the methodology used and the principles under which the clean-up process was started were wrong. I would like the Government now to admit that it was wrong and to start a clean-up program by removing the solid waste upstream and attempting to stop any point source pollution similar to that which occurred recently, and any treatment projects farther up the creeks so that the Patawalonga is given the opportunity to revive itself. By that process, the clean-up farther downstream can reflect without any additional pressure the energy and money that has been spent on the attempted clean-up on which the Government has embarked.

We have heard no announcements from anyone as to what the next step will be. We can only assume that after future storms more damage will be caused to the clean-up attempts that have been made and that unless the wetlands associated

with the project are put into place instead of the cut-out proposal at the West Beach end we will end up with more of the same.

I hope that the Government does not embark on a cut through the sandhills at the West Beach end because not only will it upset the Opposition but also a lot of Government supporters in that area.

MIDDLE CLASS ATTITUDES

The Hon. R.D. LAWSON: I wish to draw to the attention of the Council an interesting article which appears in today's issue of the *Australian's* 'Review of Books' by the respected commentator, John Carroll. The commentator in his essay speaks of the changing attitudes of the Australian middle class, and he makes a number of comments which I think are very pertinent. Bearing in mind the accusations of plagiarism levelled against Helen Demidenko, I wish to make it clear that much of what I hereafter say comes directly from Mr Carroll's article. He expresses the opinion that the March Federal election in 1996 was an earthquake on the Australian cultural landscape. He says:

> It reflected a revolt in middle Australia against the new Labor Party, exemplified by Paul Keating, and its internationalist, cosmopolitan vision for the country. I shall suggest that the bitterness [evident in that election] had older and deeper roots, those of a feeling of betrayal by the nation's elites, irrespective of political orientation.

In the view of Carroll, this so-called 'earthquake' has 'thrown open. . . the cultural issue of what sort of society Australia should be, given new global pressures, a multicultural and multiracial population, and the fact that the economic golden age of the 1950s and 1960s is over, and does not look like returning in the near to medium term'. Carroll categorises most of the Australian population as, what he calls, the lower middle class, which he says now about 75 per cent of the population occupies. He says:

> A new class battle has broken out, one that has little to do with the old Marxist categories.

He stigmatises the 13-year rule of the Federal Labor Government as being one that gave rise to the perception that that Party had given up any commitment to full employment, and he said:

> . . . that it now derided any special support for local industry, for Australian-made goods over imports, preferring to preach such abstractions as the level playing field. It showed no interest in helping the poorer suburbs and country towns as their factories closed down, or tackling high near-permanent youth unemployment. Paul Keating with his Italian suits and multi-millionaire exit from office even made Menzies. . . look like a man of the people, not to mention Chifley. Then there were the new Labor causes, all seen as upper middle class follies—feminism, gay rights, multiculturalism and a gullibility for certain minority interests symbolised in the Hindmarsh Island debacle.

Carroll is not only criticising the Australian Labor Party but he does a very effective job of it. He comments:

> One of Paul Keating's many lacks as Prime Minister was that he failed to lead the people, convince them of what his move to Asia meant. The people are not fools. They know that a leopard does not change its spots. This is a European culture, with partially adapted British institutions, customs, manners and procedures. A strength of that culture is its openness to both outside influence and internal movement. . . Labor had done very little in office to support Australian industry and jobs, had run up huge international debt, and seemed to encourage the selling of local assets to foreigners. Now it wanted us to change into Asians.

But Carroll says—and I think it is fair to say—that Australia, if it is to become a country closely allied to Asia, must do so as an independent nation with its own character and strengths. Let us engage with Asia from a base of strength, not weakness.

RYAN, EDNA

The Hon. ANNE LEVY: Today I want to pay tribute to an outstanding Australian who died in her sleep two days ago. Edna Ryan was a true woman of the twentieth century, a political activist, a fighter for social justice and women's rights, a feminist and a true friend to all who knew her. Edna Ryan was born in 1904 and was 92 when she died. She will probably best be remembered for leading the fight for equal pay for women. She headed the equal pay campaign throughout the 1940s, 1950s and 1960s, long before it was fashionable to do so.

In 1974 she represented the Women's Electoral Lobby before the Industrial Commission, arguing its case in the great minimum wage case, and her victory there removed the last vestiges of sexual discrimination in wages against women. This achievement affected the lives of millions of Australian working women and was the triumph of which she was most proud.

Born into a working class family in Sydney, she had little formal education. She believed most strongly in the value of education, though, and for over 20 years attended classes at the WEA and became a voracious reader and extremely knowledgeable in many areas. She encouraged many young women to continue with or return to education as the means of access to a better and more fulfilling life. In her youth she was a member of the Communist Party, but left it in the early 1930s and she joined the ALP in 1935. She was a member of the ALP for 62 years and was awarded life membership of the Party in 1985.

She was very active in the New South Wales ALP, holding office in several sub-branches and Federal and State councils, and this at a time when women were usually relegated to the back rooms of the Party, making tea. She was even campaign manager for Gough Whitlam in the seat of Werriwa in the 1950s, long before he became leader of the ALP and Prime Minister of Australia. She was very active in the trade union movement, too, being a member of the Municipal Employees Union from the 1940s until her retirement in 1970 and playing an important role in that union.

She was a most astute political activist and a feminist before the term was invented. All her political activity was founded in strong principles of social justice and to improving the status of Australian women, particularly working class women. In her retirement she wrote two books. The first, published in 1975, was *Gentle Invaders—Australian Women in the Work Force*, and detailed the role of women from 1788 to 1975 in the Australian work force. It was a groundbreaking work, based on her research for the minimum wage case and is still a seminal work today.

The second was *Two-thirds of a Man*, published in 1984 and launched on her eightieth birthday. This work provides case studies of the work experience of women in the work force, particularly in the early years of this century. Throughout her life, Edna Ryan was an inspiration to many women. Her enormous vitality and enthusiasm was infectious, and she encouraged us never to give up the fight. She herself never lost her belief in the possibility of social change and social justice and would gently argue against pessimism and low spirits.

I personally did not meet Edna Ryan until she was in her late 70s, but feel privileged to have known her. She certainly has her place in the history of this country. All those who knew her or knew of her life and work will feel that, with her death, it is indeed the end of an era. I am glad to be able to salute her today in this Parliament and, on behalf of Australian women, thank her for what she achieved on our behalf.

FLOODS

The Hon. J.C. IRWIN: I commend my colleague Dale Baker for standing aside from his duties while an investigation is proceeding and acknowledge that it is a lonely and proper decision. I make no comment about the specific issues involved, except to say that he, by standing aside, is showing a vastly different standard from the many examples of ALP Ministers here and in Canberra who first refuse an investigation and many further refuse to stand aside while there is the inevitable investigation. I commend the *Advertiser* editorial today, which supports my point, and I hope that it is not lost on members opposite.

The Hon. Anne Levy: Barbara stood aside.

The Hon. J.C. IRWIN: It took a long time. It is difficult to know how to make constructive comment on the recent torrential rain in the State's north and the subsequent flooding. I suspect there are more positives than negatives from the rain. There will be scars on the land and the people.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.C. IRWIN: I do not know what you are talking about—I cannot hear what you are saying. Some scars will take longer to heal than others. The enormity of the damage to roads and railways, apart from other property damage, has struck me. The scale of damage to roads and rail is vastly more than I experienced in the South-East in the early 1980s, although there are some similarities that I want to explore.

In the so-called 100 year flooding in the South-East in the early 1980s, it was found that the recently constructed highway did not take into account the possibility that, by lifting the highway above the surrounding country, it would impede the natural flow of water from east to west. The few culverts under this highway were hopelessly inadequate to cope with the flood waters when they arrived. The highway had to be cut through in three places. It was eventually reconstructed with low sections designed to let through future floodwaters.

My South-East experience with floodwater shows that engineers and planners must take account long documented evidence of surface water movement, including 25, 50 and 100 year floods. They must do this when designing any road or rail structure which, in effect, is placed across the dry waterway.

In my experience, which covers Western Victoria and the South-East of South Australia, account also has to be taken of road engineers and farmers who through various constructions or farming practices divert water from its natural course. I do not have any specific reports on the flooding around the Olary area, although like other members I have seen photographs. It seems that the construction of the railway and the highway above the surrounding country did not take into account the natural flow of water as they effectively formed barriers that held up the water flow and thus caused great damage and inconvenience.

I am not sure how we cost those sort of things. It may well be in the thinking of some departments that one does not need to worry about the cost as it will be only a 40, 50 or 100 year occurrence, but when it inevitably comes there is that cost. I hope that those who reconstruct the railway and the roadway there and in other places make adequate provision for water to flow under.

As it is some time since I have had a chance to comment, I briefly mention another matter in the time I have left, namely, speed cameras. On the down side of the Morphett Street bridge going north yesterday, where peak hour traffic can bank up for a kilometre back to where one turns out of the Festival Centre car park and comes out onto that road—hardly anyone is speeding down there then—I should have thought that it would be far better for those employed taking speed photographs at that time of the day to be around the traffic lights where daily I observe examples of people running red lights.

Every time I stop at a red light someone goes across. When I look for a law enforcement person to be about to observe it I have never found one yet. No doubt my comments will fall on deaf ears, but I hope that some people can be redeployed to police red light running as much as they are deployed on speeding offences.

PROPERTY TRANSACTION

The Hon. M.J. ELLIOTT: I move:

1. That a select committee of the Legislative Council be appointed to inquire into matters surrounding the purchase of property known as Gouldana, sections 35, 36, 37 and 190 in the hundred of Smith, and any potential conflict of interest that may have existed for the then Minister for Primary Industries, the Hon. D.S. Baker M.P., and any related matter.

2. That Standing Order 389 be suspended as to enable the Chairperson of the committee to have a deliberative vote only.

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

4. That Standing Order 396 be suspended as to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

Today I am to—

An honourable member interjecting:

The Hon. M.J. ELLIOTT: I noticed that Heckle and Jeckle came in the moment I started, and no doubt there will be much heckling and jeckling while I try to speak.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. M.J. ELLIOTT: Been warming up in the bar! They don't want me to talk.

The PRESIDENT: Order! Comments like that only provoke interjections. If the Hon. Michael Elliott makes comments like that he can expect a response, and it does not matter from whom. I suggest that he keep to matters of importance, keep to the motion and not worry about what other people are thinking.

The Hon. M.J. ELLIOTT: I apologise, Mr President, but the interjections had started before I said the first word of my speech. Today I aim to put together all the pieces of the jigsaw puzzle that have emerged so far in the process of

questioning the Finance Minister about his involvement in land dealings while he was Minister for Primary Industries from 14 December 1993 to 22 December 1995.

Last Wednesday I raised a series of questions relating to the negotiations around the purchase of sections 35, 36, 37 and 190 in the hundred of Smith near Greenways in the State's South-East.

I have received many documents that seem to implicate not only the Minister in an apparent conflict of interest but also evidence suggesting that, once these questions were first raised with members of the Liberal Party—not by me but much earlier, no action was taken to ensure appropriate investigation of these allegations.

I strongly make the point that, if the questions asked last Wednesday had been answered and answered in full, we would not have come to the position in which we currently find ourselves. I invite members to look at the 13 questions that were asked and, if the Minister in answer to question No. 3 could say that he did not inspect the property at all or after his department had shown interest, that would have significantly reduced the probability of conflict of interest. However, he did not do that. There were 13 questions that were quite capable of being answered 'Yes' or 'No'—there was no trickery about them—but he chose not to answer them, and anybody who reads the record will find that is the case.

The Minister certainly made a ministerial statement the next day, but he did not address some very straight-forward questions. He should have done so. Accountability demands that questions of such seriousness be not avoided but answered, and we are now here discussing a potential committee because he chose not to answer those questions. The questions not having been answered in the Parliament, I find it outrageous that the Parliament now attempts to suggest that an inquiry be set up with a QC to investigate allegations of conflict of interest against the Liberal Minister.

The Premier is attempting to take the non-answering of questions in the Parliament out of the parliamentary process. Questions have been asked in the Parliament and not been answered. The Parliament is taking steps to ensure that those questions are answered fully in a public forum, which the Parliament is. The Government is seeking to take it out of the forum of the Parliament and put it into a forum which is not a public forum. The Premier is avoiding parliamentary scrutiny.

Members interjecting:

The Hon. M.J. ELLIOTT: The Premier is avoiding the answering of the questions. Why did not the Hon. Dale Baker come into this place last Thursday and say, 'No, I did not inspect the property,' and 'No' to a series of other questions which would have clearly indicated that there was no conflict of interest?

An honourable member interjecting:

The Hon. M.J. ELLIOTT: What other interpretation can you put on events when he chooses not to answer those questions?

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: So much for the Government which said in a policy speech before the last election that the express policy position of the Government is to be accountable to the people through the Parliament. The Liberals are so concerned because many of them are tainted by this issue, as many of them have known for some time about various allegations and have been using them for political reasons which have been suiting their own purposes and have not been suiting the purposes of public accountability.

As early as August-September 1994, then Premier Dean Brown's office received documents relating to this deal direct from the land owner. In fact, I believe that most, not all, of the documents that I received were also received by the Premier. In March 1996, the Liberal Party President Martin Cameron received copies of the same documents. These are the documents that appear to have been tabled in the South Australian Parliament by the Labor Party because there was a cover sheet addressing them to Martin Cameron; they do not appear to have been the documents that were given to the Premier in August-September 1994.

It is also worth noting that another senior Liberal, Vicky Chapman, last December made inquiries over the telephone of certain people in the South-East, trying to get further information on this matter. But, again, this was an in-house investigation which seemed to have little to do with the purposes of parliamentary accountability but seemed to have more to do with internal politics of the Liberal Party.

An honourable member interjecting:

The Hon. M.J. ELLIOTT: December last year.

An honourable member interjecting:

The Hon. M.J. ELLIOTT: I have reliable sources. The key to this case lies in the allegations about conflict of interest. In fact, the sole term of reference relates to potential conflict of interest that may have existed. The Liberals went to the December 1993 State election with a code of conduct which set out a code of behaviour that the Liberals expected of its Ministers. It states:

> A Minister of the Crown is a position of trust bestowed by the people of South Australia. A Minister has a great deal of discretionary power, being responsible for decisions which can markedly affect an individual, groups of individuals, organisations, companies, local communities or all South Australians. For these reasons, Ministers must accept standards of conduct which are higher than those applying to others having office in the Parliament or the wider community. Ministers must act honestly and diligently and with propriety in the performance of their public functions and duties and ensure that their conduct does not bring discredit upon the Government or the State.

Further on, the document states:

> A Minister must not knowingly use his or her position for the private gain of the Minister or the Minister's spouse or children [and importantly] or for the improper gain of any other person. A Minister will seek to avoid all situations in which his or her private interests, whether pecuniary or otherwise, conflict. . . with his or her public duty.

That goes to the very core of what we are debating today. The document further states:

> Ministers will inform the Premier should they find themselves in any situation of actual or potential conflict of interest.

When dealing with shareholdings and interests the code states:

> Ministers must divest themselves of shareholdings in any company in respect of which a conflict of interest exists as a result of their portfolio responsibilities, or could be reasonably expected to exist. . . In respect of decisions affecting the conduct of the trust, the Minister and his/her family are not to be involved.

In respect of the use of information obtained in the course of official duties, the code states:

> No Minister will use information obtained in the course of official duties to gain a direct or indirect financial advantage for himself or herself, or any other person. In particular, a Minister shall scrupulously avoid investments and transactions about which he or she has confidential information as a Minister which may result in an advantage which is unreasonable or improper.

Why should we not let these conflicts of interest occur? Ultimately, when you have a conflict of interest you are

attempting to serve two masters and where your duty to one group is in conflict with another. I believe we will find that the Hon. Dale Baker had a duty to the State and to the public as a Minister and that he had a duty to himself, his family and his companies as a private individual.

The Hon. Dale Baker's duty to his family company to maximise profits is clearly in conflict with his duty to South Australians to maximise the efficiency of the State, and he cannot serve the two masters. To the best of my knowledge South Australia, compared with other States, has been largely corruption free, and I hope that is indeed the case on this occasion. I think we all want to work to ensure that South Australia stays that way.

The question which is being asked in this Parliament and which is being asked of the select committee is not to examine whether or not there has been corruption in this State: rather, the question which is a matter for the Parliament and not a matter for police is whether or not there has been a conflict of interest.

The Hon. A.J. Redford: The section mentions conflict of interest.

The Hon. M.J. ELLIOTT: As a lawyer you should read your Acts carefully. If you read the criminal section, you will find that there are questions of intent and questions of gain.

The Hon. A.J. Redford: It also has questions on conflict of interest.

The Hon. M.J. ELLIOTT: Conflict of interest is not sufficient in itself for there to be any sort of criminal charge, and you should know that very well. The honourable member should go back and read the Act.

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: I can read the law. I have documents which show that the Department of Primary Industries began discussions regarding the purchase of the land in question on or before 28 February 1994. I made that allegation on Wednesday, but the Minister did not respond to it. I said that I had copies of the documents, but the Minister has not acknowledged whether or not his department had already begun investigations. The documents also show that Alan Gray of Woods and Forests inspected the land on 9 March 1994. Again, the Minister did not address whether or not that had occurred.

Those documents also show that the Hon. Dale Baker personally inspected the land on 12 March 1994 after not showing any personal interest in the land during the previous two years, although it had been for sale all that time.

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: That is exactly right. You choose to come in and out of this debate, choosing when you want to play and when you do not. The point that I have made repeatedly—and you do not want to know about it—is that if the Hon. Dale Baker had chosen to answer the question in the other House we would not be here now. He could have said, 'Those documents are not real and I dispute it.' The Hon. Dale Baker did not dispute, and has not disputed, the veracity of those documents, which show that the Department of Primary Industries—

Members interjecting:

The PRESIDENT: Order!

The Hon. M.J. ELLIOTT: The documents show that Dale Baker expressed interest in buying in a personal capacity about 500 acres of the abovementioned land along Jorgenson Lane. In answer to the questions, the Hon. Dale Baker could have come in and said that those documents are fraudulent, they are not real and it never happened. He has never done that. A week later he has not done that. He should have done that the next day, and he had the opportunity.

Members interjecting:

The PRESIDENT: Order, the Hon. Angus Redford!

The Hon. M.J. ELLIOTT: The documents show that the Department of Primary Industries continued to assess the land for suitability for use for the growing of pines through March, April and May, and was interested in purchasing that land, and completed its survey on 23 May 1994. At that stage it was waiting for written confirmation from the Native Vegetation Authority before proceeding further.

The documents upon which I based my questions and which were subsequently tabled also showed that the Banksia Company, a company in which the Minister has an interest, made a written offer for a portion of sections 36 and 37 hundred of Smith on 2 June 1994. Only today I received another document which indicates that also on the same date (2 June), Mr Alan Gray of Primary Industries South Australia met with Dr Bob Inns, the senior scientific officer, Native Vegetation Branch of DENR, to discuss the likely attitude of the branch. So, on the same day that the Banksia Company was making an offer for that land—

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: I only received it about half an hour ago.

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: Do you want me to? On the same day the Banksia Company was making an offer for the land, the major and final impediment as I understand it for the land in terms of whether or not Primary Industries would want to buy it, the question of native vegetation, was actually being resolved at a meeting.

The Department of Primary Industries made an offer for all the abovementioned land on 14 July, but that was subject to the approval of the Minister for Primary Industries. It did indicate at that stage a very clear interest to buy, and that was the one caveat—the department needed the Minister's approval.

Allegations have also been raised of the involvement of a friend of the Hon. Dale Baker in a bid to purchase the identical portion of land that the Banksia Company had shown interest in subsequent to Primary Industries after 14 July 1994. I have been informed that, on 27 August 1994, Dale Baker told the land agent charged with the sale of Gouldana, Roger Watson, that the Woods and Forests regional office had no authority to make an offer for the land, and that a ministerial review of the land could take six months and that he would find a way around the conflict of interest issue.

I have also been told that on 30 August 1994 Dale Baker told the land agent, Mr Watson, that he would get a call from a friend of the Hon. Dale Baker. Later that day, the man faxed through an offer for the same 500 acres that Dale Baker had been interested in for the purpose of growing banksias. Ultimately, the Woods and Forests Department forwarded an offer for the land, which the land owner, Mr Leopold, accepted, subject to the Minister's ratification.

Some 40 days after the landowner had accepted the Woods and Forests offer, the landowner was concerned about the reason for the Minister's delay in signing off the deal and contacted through another source the then Premier's adviser, Richard Yeeles. I am told that Richard Yeeles gathered details of the transaction. In fact, they were faxed to him, including copies of documents later sent to Martin Cameron, and he said that the problem would be fixed within days. I am

told that the Hon. Dale Baker was then instructed by the former Premier to allow the Department of Primary Industries to proceed with the Government's purchase of the land, which was then signed off.

In March 1996, the Liberal Party President, Martin Cameron, contacted the former landowner, asking to be faxed details about the land deal, and it was suggested these could be used to keep the recently dumped Baker quiet. At the end of last year, former President Vicki Chapman also contacted the former landowner out of the blue, intimating there was a possibility that a disgruntled public servant may release information about this.

With the exception of the information I gave today in relation to the events on 2 June 1994 in which Mr Alan Gray and Dr Bob Inns from the NVA met, all the other information I have put on the table today is information that has been tabled through a series of questions asked by me and by the Labor Party. So, in moving this motion today, I have not sought to introduce significant new information. I think all of it in various pieces for the most part, except for some of the internal actions in the Liberal Party, has in fact already been put on the record. I do not think the latter is actually much of a surprise.

What I sought to do was ensure that the sequence of events was mapped out and I invited the Hon. Dale Baker to answer the questions I asked initially on Wednesday—and at that stage it was simply a series of questions, and I invited people to look at that. The next day, at the beginning of Question Time, there was a ministerial statement. Any reasonable reader will find that that statement skirted around most of the issues. In fact, if he had said 'No' to a couple of those questions, as I see it, most likely it would have killed off the concerns, but that was not the approach that was chosen.

The Hon. A.J. Redford: When did you tell the police?

The Hon. M.J. ELLIOTT: It was after that. As I said before, the reason we are here now is because the scrutiny of Parliament, the answering of questions on a matter which is significant—questions of conflict of interest—had been avoided. We know that sometimes Question Time becomes a bit of a game, and some Ministers are experts at never answering a question. It is all part of the game. Some Ministers, like the Leader of the Government in this place, are particularly good at it, and I know that his backbenchers are very proud of it.

However, when we come to a question such as this, a question that gets to the very heart of ministerial accountability and responsibility, it is not the sort of question you can play games with. It is the sort of question you have to answer. There were no tricks in those questions. The answer was either 'Yes' or 'No'. Perhaps some of the 'Yes' answers may have been embarrassing, but that is a quite different question. If the 'Yes' answers are embarrassing, if they seem to indicate there was a conflict of interest, then he has to face up to the fact that at that point he has breached the code of ethics under which the Government is supposed to be operating.

Either the Government has rules and believes in accountability or it does not, and that is the question that has to be faced. When the Government went to the last election and talked about a ministerial code of conduct, did it mean it? If it meant it, what is it going to do about it?

The Hon. Caroline Schaefer: A police inquiry is not good enough?

The Hon. M.J. ELLIOTT: In fact the police indicated to me, when we had the discussion, that there are questions which clearly can only be resolved in the Parliament and which are not police questions. They cannot resolve questions about conflict of interest, and I would not expect them to resolve that.

The Hon. A.J. Redford: The section specifically refers to 'conflict of interest.'

The Hon. M.J. ELLIOTT: Read the Act in context. Do not take one part of a clause and read it out of context. That is precisely what you are doing. Quite clearly the police cannot investigate this question. The question as to whether or not there has been any illegal behaviour has nothing to do with whether or not there has been a conflict of interest. They may both occur together, but you can have a conflict of interest without actually using it. If we are going to allow Ministers to be in positions where they can do favourable deals with themselves, it is inevitable if we continue to tolerate that that corruption will eventually follow.

In setting a code of conduct, the Government realised there were certain standards that should be set, and it was right. The Government was right in the standards it set. The problem is, having set what I think are appropriate standards—and it seems that Mr Howard has had some of the same problems—it is not prepared to abide by them, because it has now become politically dangerous for it. It has its own internal problems. There has been a recent change of leaders, and the person who most assisted the new leader happens to be the person now currently being scrutinised. That is the problem and that is the embarrassment. That is why they do not want to face up to this.

If it had been another more junior Minister, and there had not been the internal turmoil, I think the Premier would have had the guts to insist that those questions were answered and, if the answers were embarrassing, he would have taken it on the chin. The problem is that it is a political liability at this stage to admit that there may have been a problem. If there has been a conflict of interest the Government has to be big enough to acknowledge it.

The Hon. A.J. Redford: But there are two other inquiries.

The Hon. M.J. ELLIOTT: I have already addressed the question of the other inquiries. I said the accountability is ultimately a matter of answering the questions in Parliament, particularly on ministerial responsibility, which is something that rightly and appropriately belongs in this place. Certainly, all committees have the potential to be political and the Hon. Legh Davis and the Hon. Robert Lucas will recall the committee set up to look at the sale of Scrimber, Satco and various other—

The Hon. L.H. Davis: Do you call the loss of $60 million political?

The Hon. M.J. ELLIOTT: That is exactly the point. The committee was not political but the Government of the day claimed that it was.

Members interjecting:

The Hon. M.J. ELLIOTT: My point is that we will always expect the Government to squeal that it is political. If we have public hearings, the evidence is there for everyone to see; the media and the public are in a position to look at the evidence—

The Hon. L.H. Davis: Where were the Democrats on Scrimber?

The Hon. M.J. ELLIOTT: You know that we supported your position; you know exactly.

The Hon. L.H. Davis: You came in behind us—

The Hon. M.J. ELLIOTT: Okay, if you thought of it first, I am happy to acknowledge it.

The Hon. L.H. Davis: If you call losing $60 million political—

The Hon. M.J. ELLIOTT: You have missed the point: my point is that Governments will always complain when select committees are set up that potentially it may be embarrassing. Again, this Government will scream for exactly the same reason and there is no surprise in that. I conclude my remarks and hope that all honourable members treat the issue of conflict of interest seriously and recognise that it is of such seriousness that this Parliament has to address it. The Parliament must insist that standards are set and adhered to.

The Hon. R.R. ROBERTS: I support the motion on behalf of the Opposition. I believe that this is the select committee that we have to have. Last week in this place we saw the Hon. Mike Elliott table a list of documents and questions. During his presentation of those questions he was invited by the Government to take any information he had to the police. On a number of occasions since then the Government has sought to examine the Hon. Mike Elliott's actions in this matter. It is doing that because it does not want to examine the Minister's actions. In the past couple of days we have seen a situation where the Premier has obviously been advised by the Minister for Police that, based on the concerns expressed by the Hon. Mr Elliott, he had decided to conduct an investigation.

If members opposite had listened intently to what the Hon. Mike Elliott said or tried to say, with very little protection from anyone, in his personal explanation, they would know clearly what the Hon. Mr Elliott put to the Police Commissioner. But what did we see? We saw a situation where the Premier made a ministerial statement. At 12.30 p.m. on the day in question the Hon. Dale Baker was wandering around the House and in the Blue Room chatting away with everyone. Then came the edict that the bomb was about to drop and we got a ministerial statement which says, in part:

> The Minister welcomes that decision, informs me that he has no fear of any inquiry or investigation (which he strongly believes will exonerate him), has sought to take several days leave (which I have agreed to). . .

He claims there is nothing to worry about, but he takes the Majorca option and runs away. The Minister does not come and face the questions in the Parliament and the Premier gives him permission. In itself that indicates clearly the contemptuous way in which this Government treats the processes of Parliament. They are screaming like stuck pigs that the information will be dragged out and the truth will out. The Government is frightened of parliamentary scrutiny and the Hon. Mr Elliott is absolutely right: there are two parts to the equation. One is the criminal activity and the second is the parliamentary responsibility of a Minister and conflict of interest. It is a simple proposition and, if we had more time, we could explain it to Government members. Government members do not want a privileges committee, and they have demonstrated it repeatedly. I cannot understand why they do not take the same option as when we called for a privileges committee in the other House with regard to the Hon. Mr Ingerson. We called for a privileges committee and this matter possibly could have been sorted out by such a committee, but then we would have had parliamentary scrutiny and the Government will not do that. The Hon. Mr Elliott has asked questions and they have not been answered. This is typical.

Day after day the Government will not answer the questions in this Council or the other House. Given the past actions of this Government, the only way the people of South Australia, who actually have some say about parliamentary representation and the right of accountability, are going to get parliamentary scrutiny of the Minister's activities, whether he is guilty or innocent, is through the processes of the Legislative Council. We see, when we raise these matters in the Lower House where the numbers are 36:11, the most blatant abuses of Parliament just crashing through on the 36:11 principle. They have to understand—

The Hon. A.J. REDFORD: Mr President, I rise on a point of order.

The Hon. R.R. ROBERTS: Sit down, you squealing little rat.

The PRESIDENT: Order! Emotions run high in these debates. I suspect that that sort of language, which you would not use in your own home, should not be used here.

The Hon. A.J. REDFORD: Mr President, I had one point of order but now I have two. First, I ask the Hon. Mr Roberts to withdraw without qualification and apologise for calling me a squealing little rat. Secondly, Mr President, I draw your attention to Standing Orders. It is inappropriate to reflect on the proceedings in another place in that manner and I ask him not to do so.

The Hon. R.R. ROBERTS: This substantive motion talks about the Minister's activities—

The PRESIDENT: Order! I uphold the first point of order and I ask the honourable member to withdraw and apologise.

The Hon. R.R. ROBERTS: I withdraw, Mr President.

Members interjecting:

The Hon. R.R. ROBERTS: I apologise to the offended people, Mr President, whoever they may be—probably the rats!

The PRESIDENT: I suggest that the honourable member does not reflect on proceedings in another Chamber in such a manner. It is a reasonable request and I ask that in future he not do so.

The Hon. T. CROTHERS: Mr President, I rise on a point of order. The member on his feet is entitled to be heard, and some members who reflect on Standing Orders in this Council are among the biggest interjectors. Therefore, I ask you to remind honourable members that Standing Orders provide for speakers to be heard in silence.

The PRESIDENT: I agree with that. I made a statement earlier saying that I believe that we will not make much progress if we do not get down to the subject at hand and that it would be wise to take a little time to think about what is being said. I will give all members protection, but I cannot give them protection if they provoke interjections from either side. And you are all guilty of it.

The Hon. R.R. ROBERTS: Quite clearly, what is being sought here is reasonable in the circumstances. All that is being asked is that there be parliamentary scrutiny of the actions of this Minister. There is an inquiry taking place and we have now seen events move on. We had a ministerial statement in this House today after it was well known that the Hon. Michael Elliott was going to move this motion today—which he flagged yesterday. There is now a proposal to have an in-house inquiry by a QC. Each time the Opposition and the Democrats have tried to have this matter examined we have been frustrated. We could have done without all of this select committee if only people had been prepared to front up.

Members interjecting:

The Hon. T. CROTHERS: I raise again the same point of order I raised several moments ago: the Standing Orders of this place provide that the speaker on his feet will be heard in silence. I ask you, Mr President, not only to uphold that point of order but also to enforce it, as is right and proper.

The PRESIDENT: I uphold this point of order. I point out, though, that both sides were interjecting at that stage in a very vigorous manner: eventually I hope that they will blow out.

The Hon. T. CROTHERS: I rise on a point of order. If what you, Sir, say is correct, that both sides were interjecting, then I ask you to uphold the Standing Orders of this place against any member. That was the point I made. I did not refer only to members on the Government benches: I said against any member who interjects. So, I want you to make that very clear, Mr President, in your ruling: that was the statement I made.

The PRESIDENT: I think I will use my discretion there.

The Hon. R.R. ROBERTS: Thank you, Mr President, for your protection. However, I am not really concerned whether they interject or not, because their inane interjections will not change the facts of this case. The facts are that questions were put which could have been simply answered, and dodging and weaving has taken place. The Hon. Mr Elliott has a perfect right, as a member of this place, on behalf of his constituents—as does the Opposition—to see that the facts of this matter are laid out. There are two aspects: one is the criminal aspect, the other is the conflict of interest. What is involved is a legitimate right of this Legislative Council.

When this Legislative Council was set up it was given the same franchise as the House of Assembly. It is a responsible activity that we all ought to consider an honour to perform, to get to the bottom of matters which affect the public. This is what the Legislative Council is all about, to review situations. If there is information not flowing through to the people and the people's representatives are unable to pursue those who are being accused in the parliamentary process, when they are not ill, and have not received leave of the Parliament—as is required by the Standing Orders—but have got permission from the Premier not to turn up and face their responsibilities and legitimate questions by members of Parliament. That is what we are faced with. This is a process which will allow the truth to emerge. This matter could have been sent to a privileges committee of either House of Parliament, but nobody has ever been successful in doing that. On only one occasion has the Opposition in this State moved for that type of situation, and in both cases we were defeated. This is initiated by the Hon. Mr Elliott, who is a member of this House, who has a perfect right to do it and to ask these questions on behalf of the people of South Australia.

What we saw today during Question Time was the old Dorothy Dix question. We heard the Leader of the Government say that he heard the Hon. Mr Elliott on the radio this morning. He gets one of his colleagues to ask a question and then, under the protection of this place, attacks the credibility of Mr Elliott, with no fear of any retribution whatsoever. I accuse Government members because they do not want their own record under scrutiny: they do not want maters to be revealed. I understand that the Government is going to oppose this motion—and let me use the legal parlance: those who are not guilty have nothing to fear by this investigation.

The Opposition has clearly made a decision that it wants to look at this particular matter. It was our intention to look very closely at the Hon. Michael Elliott's proposal, listen to what he had to say, and then see where events progressed from there. It was my intention to indicate that, *prima facie*, we were going to support this proposition, but we wanted to listen to both sides of the argument. I put this through the parliamentary process. I went to the Whip and said that I wanted to seek leave to conclude my remarks prior to this debate being concluded.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: The Attorney-General has indicated to me that he wishes to speak today and will oppose any motion for me to conclude, which leaves me with no alternative but to indicate with great conviction that the Opposition will support the motion of the Hon. Mr Elliott to go to a select committee, on the basis that the people of South Australia have a right to know the truth, and this seems to be the only option in the parliamentary system where that can occur.

The Hon. K.T. GRIFFIN (Attorney-General): Let me make it clear right from the outset that we do oppose the motion. We think it is an improper proposition to establish a select committee of the Legislative Council inquiring into the activities of a Minister in the Lower House but, more particularly, because there is already currently being undertaken an inquiry first, now an investigation, by the Anti-Corruption Branch into issues which have been raised publicly both through the Parliament and outside the Parliament, and also because the issue of conflict of interest is being properly investigated once the Anti-Corruption Branch investigation has been concluded.

The Hon. Rob Roberts says I indicated to him that I wanted to speak. It would seem to me that it was quite proper for me to do that, particularly because I learnt that he was going to seek leave to conclude, and that would have denied the Government an opportunity at least to put a few matters on the record in answer to the approach of the Australian Democrats and the Australian Labor Party. I personally do not believe that indicating to the Hon. Rob Roberts that I wanted to speak and, therefore, that he would be denied leave was really the issue that caused him to ultimately say that the Opposition would support this select committee. My belief is that all along it intended to support the committee and intended to play it a bit coy in the expectation that it could somehow manufacture a rationale for ultimately saying it had been convinced by the Australian Democrats that it should support the select committee. My assessment is that it was a ploy, and the bluff was called.

The way in which the Opposition has approached this matter leaves a significant amount to be desired. The Hon. Ron Roberts has accused Mr Baker of taking leave and running away, or the Majorca option. Obviously, the Majorca option refers to Mr Christopher Skase. That is an outrageous comparison raised by the Hon. Ron Roberts. As a result of the matters which have been raised, the Anti-Corruption Branch indicated that it was conducting an inquiry of a preliminary nature. Having conducted its preliminary inquiry, it indicated that it would proceed to an investigation. No-one should read into that that Mr Baker is guilty. There are matters which must be addressed by the law enforcement agency, the Anti-Corruption Branch. Mr Baker has expressed the very strong view that at the end of that process he will be exonerated. He is entitled to that strong belief, and he is also entitled to be

treated as innocent until proved guilty. If it ever gets that far, that will happen in a court of law.

That is why it is inappropriate to have this motion which, in view of the numbers, I presume will ultimately result in the setting up of a select committee. There is no strict rule to prevent Parliament from discussing or dealing with a matter that is under police investigation—the *sub judice* rule does not apply until charges are actually laid where it relates to a criminal matter—but I suggest that normally the Parliament is very careful to ensure that investigations are not prejudiced and that the actions of the Parliament do not result in possible prejudice if charges are eventually laid. That is merely a recognition that the *sub judice* rule is an aspect of a wider principle that the tasks of investigating crime and determining guilt or innocence in respect of alleged criminal acts are not the responsibility of the Parliament. Not only are these tasks not the responsibility of the Parliament, but the Parliament has no particular skills or experience to bring to these tasks.

It may be, as has been asserted by the Hon. Mr Elliott, that issues of conflict of interest are involved. He says that they will not be investigated by the Anti-Corruption Branch. We do not know specifically what the Anti-Corruption Branch will or will not investigate. We know what the broad parameters of the investigation are, and we also know that the Hon. Mr Elliott has referred particularly to sections 251 to 253 of the Criminal Law Consolidation Act which relate to offences of abuse of public office and demanding or requiring benefit on the basis of public office, offences relating to appointment to public office, with section 251 being the key section upon which he has relied. For the record, section 251 provides:

> A public officer who improperly—
> (a) exercises power or influence that the public officer has by virtue of his or her public office; or
> (b) refuses or fails to discharge or perform an official duty or function; or
> (c) uses information that the public officer has gained by virtue of his or her public office,
> with the intention of—
> (d) securing a benefit for himself or herself or for another person; or
> (e) causing injury or detriment to another person,
> is guilty of an offence.

If one looks carefully at the section, one will see that it deals with the concept of impropriety—.

The Hon. M.J. Elliott interjecting:

The Hon. K.T. GRIFFIN: That's right, but importantly it deals with the issue of what is or is not improper. Section 238 seeks to provide a description of what may or may not be considered as acting improperly. Section 238 provides:

> (1) For the purposes of this part, a public officer acts improperly, or a person acts improperly in relation to a public officer or public office, if the officer or person knowingly or recklessly acts contrary to the standards of propriety generally and reasonably expected by ordinary decent members of the community to be observed by public officers of the relevant kind, or by others in relation to public officers or public offices of the relevant kind.
> (2) A person will not be taken to have acted improperly for the purposes of this part unless the person's act was such that in the circumstances of the case the imposition of a criminal sanction is warranted.

So, it is very broad. In that context, it may be that issues of conduct and conflict of interest will be relevant to the investigation. Because I am not privy to the direction the inquiry is taking (neither is anyone else in this Chamber) I suggest that it is inappropriate for this Council to establish a select committee to look at issues of criminality which may include in terms of the police investigation issues relating to standards of conduct.

The Hon. M.J. Elliott interjecting:

The Hon. K.T. GRIFFIN: With respect the Hon. Mr Elliott misses the point. Anyone who has been investigated by the police is entitled to a proper investigation—and I have no doubt that the ACB will conduct a proper investigation—but they are also entitled not to be prejudiced potentially by information floated around in the public arena or, more particularly, by being called before a select committee which has the benefit of parliamentary privilege. So, any member of that committee can say anything they like that may be scandalous, scurrilous or defamatory with impunity. It is that aspect which is of major concern, apart from the fact that I would suggest that there is no prospect of getting a member of the House of Assembly to appear before a Legislative Council select committee in these circumstances. I have not talked to Mr Baker to determine his intention—all that is theoretical at this stage—but, if he declines to appear, where does that take the committee? It then becomes a one-sided inquiry into the behaviour of a member of the House of Assembly.

Parliament does not seek, and the Government does not provide, details of police investigations whilst those investigations are ongoing. To provide such details could prejudice the investigations and potentially create prejudice in respect of those being investigated. I suggest that that would increase the risk of ensuring that any subsequent criminal charges could not be proceeded with, if there are any, because any publicity attached to the parliamentary inquiry could prejudice any subsequent trial. I think that is the nub of the issue: the sort of prejudice that could occur from an inquiry of this nature by a select committee of the Legislative Council without the constraints of natural justice and hearing both sides of the story. So, it is a matter of concern that, in these circumstances, it appears that the Labor Party and the Australian Democrats will be flying in the face of what is a normal and perfectly reasonable practice.

The Hon. Mr Roberts says that there is to be an in-house inquiry. That suggests that the inquiry referred to by the Premier in his ministerial statement is likely to be tainted in some way. Whilst I do not want to get into a debate about the way in which the Wiese inquiry was conducted, particularly for the benefit of members opposite I draw attention to the fact that the previous Government commissioned the Crown Solicitor to undertake that inquiry. The Crown Solicitor appointed Mr Terry Worthington, QC.

The Hon. Anne Levy: While he was conducting his inquiry, you continued to ask questions.

The Hon. K.T. GRIFFIN: It was not a criminal inquiry. I am drawing attention to the fact that the Hon. Mr Roberts is reflecting upon the appropriateness or integrity of that sort of an inquiry. All I am saying is that the Labor Party set the precedent. The Labor Party set the precedent about the way in which issues about conflict of interest, code of conduct, and so on, should be examined. All that is happening in the context of what the Premier has indicated is the same conceptual approach. The Hon. Ron Roberts says, 'We have been frustrated.' I do not know what he means by that. He has asked his questions, which have been asked in both Houses of Parliament. The Hon. Mr Elliott has raised his questions.

The Hon. R.R. Roberts interjecting:

The ACTING PRESIDENT (Hon. T.Crothers): Order!

The Hon. K.T. GRIFFIN: Maybe he has been frustrated, as I said during Question Time, because Mr Baker has acted

quite properly: he has offered to take leave. When the inquiry became an investigation, his offer to stand aside as a Minister was accepted by the Premier, and he stood aside. What is frustrating in that? Nothing—

The Hon. R.R. Roberts: Barbara Wiese showed up and Chris Sumner showed up: they didn't run and hide.

The Hon. K.T. GRIFFIN: With respect, I think that is a disreputable reflection on what has been happening. As I said during Question Time, if Mr Baker had decided to tough it out all hell would have broken loose: 'improper', 'unreasonable' and all those—

Members interjecting:

The ACTING PRESIDENT: Order! I would ask the Hon. Mr Roberts not to use that word. That is a reflection on a member in another place.

The Hon. K.T. GRIFFIN: That is a quite proper reflection on the approach that was taken by the Hon. Ron Roberts. The fact of the matter is that, if you look at it objectively, as the Opposition seeks to put it, the Government is in a no-win position. If Mr Baker had decided to tough it out all hell would have broken loose; if he took the course, which he finally did take, of standing aside, he gets criticised for not turning up to the Parliament.

As I said in Question Time, the Opposition cannot have it both ways. Either the Government acts in a way which is generally recognised as being proper in the way in which it deals with this or it does not act properly and subjects itself to criticism. I know what preference I have, and that is to do what we believe to be proper and responsible in the circumstances—and I believe that that course has been taken.

I cannot understand what the honourable member means when he says that he has been frustrated. The fact of the matter is that he has got his questions out; he has got his comments out through explanations to questions; Mr Baker's activities are being investigated by the Anti-Corruption Branch, and that may impinge upon issues of conduct and conflict of interest; and, if they are not all covered—and that is a decision that can be taken after the Anti-Corruption Branch has made its report—the Premier has indicated that he already has commissioned the Crown Solicitor, who has recommended and has appointed Mr Tim Anderson QC to inquire into the issues of conflict of interest.

What more do members want? Nothing has been demonstrated by either the Hon. Mr Elliott or the Hon. Ron Roberts, in what they have said so far, which indicates any course of action other than a select committee of this Council, where the odds are that they will not get to the truth because they will not have details of the Anti-Corruption Branch investigation, I would suggest, and they cannot compel Mr Baker to appear before the select committee. It is a matter of choice for him—

The Hon. M.J. Elliott: Can a QC compel him to appear?

The Hon. K.T. GRIFFIN: No-one is compelling him to appear. I am saying that there is a process which has been established and which is designed to deal with the issues that have been raised.

The Hon. Anne Levy interjecting:

The Hon. K.T. GRIFFIN: He can do that if he wants to—that is his business—but you do not have to. You know the Standing Orders and the constitutional position as well as I do: you do not have to. I suppose that if you hold the select committee and he does not appear you will reflect on him for not appearing, even though there are none of the safeguards of natural justice in such a proceeding which would normally apply in these sorts of circumstances.

It is important to have those matters on the record without dealing with the substance of the issues which are currently being investigated, I would expect, and if not in respect of conflict of interest matters being covered finally by the ACB then by the inquiry by the Crown Solicitor through Mr Tim Anderson QC. As I indicated at the outset, the Government opposes the motion.

The Hon. A.J. REDFORD secured the adjournment of the debate.

PRIMARY INDUSTRIES

The Hon. CAROLINE SCHAEFER: I move:

That the Legislative Council acknowledges the continuing enormous contribution of primary industries to the economy of South Australia and, in particular, the positive effects which will flow from the second record grain harvest in two years.

I move this motion because it is important to draw people's attention to what I believe is one of South Australia's core businesses. It has become very commonplace for us all to hear of the great importance of industries such as manufacturing, tourism, sport and the arts to our economy and community; and indeed they are most important. We certainly cannot afford to be without any of them.

However, like all businesses, South Australia has a core business—the basic bread and butter on which the State's economy is reliant year in year out—and that core business is primary industry, namely, agriculture, fisheries and mining. The mining section, which includes petroleum, currently represents 2.3 per cent of the State's gross domestic product and 4.3 per cent of the Australian GDP. The latest export figures show that metals and metal manufactures exports in South Australia were worth $604 million, an increase of $33 million in the past year.

A report by the South Australian Centre for Economic Studies on the significance of the mining sector to the State's economy found that mining activity sustained almost 50 000 jobs, paid wages of more than $1 billion and contributed almost 12 per cent of the gross State product. Royalty payments for 1996 totalled $56.5 million, comprising $41 million for natural gas and liquids, $13.6 million for minerals and $1.9 million for coal. Roxby Downs' royalties amounted to $9.3 million from one town—which I recall was a mirage in the desert.

The mining sector has been identified by the Government as a key sector for growth, yet it is one of the most unrecognised contributors to the wellbeing of this State. The expansion of the Olympic Dam operation will lead directly to a further 200 permanent jobs on the site, bringing the total to nearly 1 200 jobs, as well as about 1 000 construction jobs for the next four years. The flow-on effect means that around three jobs are created indirectly for each new employee, and thousands of South Australian families will benefit.

The importance of agriculture in all its diversity is somewhat more difficult to assess. However, at the recent National Outlook Conference rural and mining products were tipped to increase Australia's commodity exports by 7 per cent to $62.6 billion in 1997-98.

Wine exports are predicted to double in the three years to 1998-99. It is expected that this will bring South Australian wine exports up to the value of $600 million by 1998-99 and then to about $800 million by 2002. I remind members that this is export dollars and does not include internal consumption.

Vital commodities such as wool and beef have experienced a prolonged price slump, which makes survival extremely difficult for those who are specialist beef and wool growers. However, their contribution to the gross State product is just as important and just as consistent as ever.

On this occasion, however, I draw the attention of the House to the input of grain growers who have just produced the second record harvest in two years. The South Australian Cooperative Bulk Handling Company has received almost five million tonnes of grain for the 1996-97 harvest, and that is nearly 38 000 tonnes above the 1995-96 record. Neither year was climatically ideal. The 1995-96 year had a very early finish to the rainfall season and 1996-97 had a late start, making both growing seasons extremely short. This indicates that advanced technology and improved farming methods are beginning to pay real dividends which will have year in and year out importance to South Australia's economy.

At this time the Australian Wheat Board reports a 2.7 million tonne harvest valued at around $600 million. An aggressive marketing and early shipping program means that 1.1 million tonnes has already been shipped out of South Australia, generating $230 million to our State's economy so far this financial year.

The Australian Barley Board estimates that the total tonnage produced for South Australia for 1996-97 is 1.9 million tonnes—an estimated value of $280 million. What does all this mean to South Australia? The South Australian Centre for Economic Studies, in its rural sector economic briefing of July 1996, estimated that the flow-on effect from two record harvests would generate approximately 5 000 new jobs, in spite of the fact that South Australian farm cash incomes would fall in 1996 by about $20 000 per farm due to lower commodity prices. Most of the jobs generated will not be generated on farm but by money spent on machinery and on much needed and overdue maintenance. There may, for the first time in some 15 years, be enough money to paint houses, reroof sheds and so on. They will all be trade-orientated jobs.

The Centre for Economic Studies estimates the total output multiplier for agriculture to be approximately two to one and, although I do not know the weighting used to arrive at this overall figure, it would be safe to assume that grain will inject $1 billion at least into the State's economy in 1996-97. This is in spite of an approximate drop in prices of over $20 per tonne from 1995-96.

Agriculture contributes approximately 4 per cent to our gross State product. In South Australia our fortunes are very tied to those of broadacre farmers. In 1994-95 there were 8 451 broadacre farms in South Australia, representing approximately 11.8 per cent of the broadacre farms in Australia.

A table showing the distribution of South Australian and Australian broadacre farms by industry, published by ABARE in 1996, discloses the following: 28 per cent of South Australia's broadacre farms are wheat and other crops as opposed to 14 per cent in Australia; mixed livestock and crop, 39 per cent in South Australia as opposed to 24 per cent in Australia; sheep, 16 per cent as opposed to 20 per cent; beef, only 4 per cent in South Australia as opposed to 26 per cent in Australia; and sheep-beef is 14 per cent in South Australia as opposed to 15 per cent in Australia. In other words, 67 per cent of broadacre farming in South Australia is directly dependent on either cropping or mixed cropping livestock enterprises. There is little doubt, therefore, that grain and livestock is one of the core businesses of the State.

The Hon. Anne Levy interjecting:

The Hon. CAROLINE SCHAEFER: The Hon. Anne Levy interjects that so is car manufacturing, and she certainly has no argument from me on that. I acknowledge very much that the manufacture of vehicles is a core business and a major employer in this State.

The Hon. Anne Levy: Until Howard finishes with it.

The Hon. CAROLINE SCHAEFER: We will wait and see about that, shall we?

The Hon. T.G. Roberts: Between us we have the numbers.

The Hon. CAROLINE SCHAEFER: The Hon. Terry Roberts interjects, 'Between us we have the numbers.' I assure him that it will be a long time before he and I combine to have the numbers on anything.

Despite the evidence supporting our great reliance on agriculture, Nigel Austin, in his article in the *Advertiser* of 8 February 1997 entitled 'The bush may save us all', refers to a new urban chauvinism, as follows:

> It is urban chauvinism and it is tied to a tragic misunderstanding of rural Australia by the general public, with a serious consequential impact on our politicians, Governments and decision makers.

He refers to a speech at the National Outlook Conference by Bernard Salt of Coopers and Lybrand who said:

> Urban chauvinism is the presumption that urban is bigger and that bigger is better. It is the thinking that rural is poor, depressed, remote, out of touch, not quite at the centre of things.

Austin goes on to say in part:

> The bush is now perceived as remote, depleted and depressed—as a target for charity via Farm Aid—or as being stricken with drought or infested with rabbits or mice. While a dramatic restructuring is under way, the emerging picture is of a nation that will continue to lead the world in the production of high quality, environmentally clean food. The issue is crucial for South Australia, which depends far more heavily than any other State on its agriculture and food industries. The ABARE forecasts for wine provide the most glaring example of the exciting future for our food industries on world markets.

Yet, we are indeed beset by urban chauvinism. We are producers, and rural families feel that they are neither understood nor valued. In spite of their enormous contribution to the State's economy, they are in many ways in danger of becoming a new social underclass.

Australia, in particular South Australia, is well placed to become the food supplier for Asia, but in order to do this it will be necessary to promote the industry as progressive, high-tech and an aggressive marketer. It must be seen as an attractive profession for young people, and above all the people of this State who will increasingly dwell in urban areas will need to understand and recognise the contribution to their wellbeing of those who live in isolation.

In order to produce this windfall for us all, those responsible for our agricultural and mining incomes will always have special needs. It is in an endeavour to promote these needs and promote further understanding that I move this motion.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

FREEDOM OF INFORMATION ACT

The Hon. P. HOLLOWAY: I move:

That the Legislative Council requests the Legislative Review Committee to inquire into and report upon the operation of the Freedom of Information Act 1991.

It is now almost six years since the freedom of information legislation was first introduced into South Australia. That legislation was designed to bring about a major change in the culture of Government and Public Service. It was to change the culture from a presumption that a government is intrinsically secret and that information should only be released in exceptional circumstances to the presumption that governments should be as open as possible with information withheld only in exceptional circumstances. That legislation was introduced by the former Government but was supported by all Parties in this House.

In his explanation to the Bill, the Hon. Chris Sumner pointed out that it was based on three basic premises relating to a democratic society, and I quote:

1. The individual has a right to know what information is contained in Government records about him or herself.
2. A Government that is open to public scrutiny is more accountable to the people who elect it.
3. Where people are informed about Government policies they are more likely to become involved in policy making and in Government itself.

The Hon. Chris Sumner also pointed out that a number of rights and obligations are established as follows:

1. A legally enforceable right of access to documents in the possession of Government.
2. A right to amend inaccurate personal records held by Government.
3. A right to challenge administrative decisions to refuse access to documents in the courts.
4. An obligation on Government agencies to publish a wide range of material about their organisation, functions, categories of documents they hold, internal rules and information on how access is to be obtained to agency documents.

Now that sufficient time has elapsed to allow the legislation to settle in, I believe it is appropriate to examine whether those high hopes have been delivered. It is interesting that freedom of information legislation was first enacted in this country by the Commonwealth Parliament in 1982, followed by the Victorian Parliament in the same year. The operation of both the Commonwealth and Victorian legislation was subject to reviews by parliamentary committees; in the case of the Commonwealth in 1987, five years after its introduction, and in the case of Victoria, by its Legal and Constitutional Committee which reported in November 1989. There were reviews after five or six years operation of the two Acts. I believe that time is probably sufficient grounds in itself to justify this motion.

I understand that there have been no amendments to the Freedom of Information Act since it was introduced in 1991, although there is a minor amendment in the Electoral Bill which is to be debated in this place later this evening and which is to make the electoral roll an exempt document. As well as the general case for a review of an Act after it has been operating for some time, there is evidence that there are some problems with the operation of the Freedom of Information Act and I believe that the performance of agencies and departments under the Freedom of Information Act is somewhat mixed. Some agencies appear to have embraced the spirit of the Act—although not many of them—some are more recalcitrant and reactionary in their approach to the Act, while the remainder seem to fall somewhere in between.

A good gauge of how the Freedom of Information Act has operated is given by the Ombudsman's recent report. The Ombudsman is the officer charged with receiving appeals against departments under the Act. In his 1995-96 report, the Ombudsman produced a lengthy chapter on FOI reviews. He pointed out that there has been a 55 per cent increase in the number of external review applications received by the Ombudsman in comparison with the previous year. He comments:

> While this growth in the number of reviews may appear encouraging to some in that it shows a growing public awareness of the right of access to official information, it is also true that a number of cases before me show that a better appreciation of the relevant legislative requirements by the agencies may in a number of instances avoid any need for external review and any inquiry by the Ombudsman into the apparent procedural failures on the part of the agencies involved.

Clearly, there are some problems. The Ombudsman listed a chapter under the title, 'Current concerns'. He began by quoting the President of the Australian Law Reform Commission who said:

> Freedom of information legislation relates to the way in which the Government utilises the power bestowed upon it in trust for the people, and it is the primary means by which Government can be made accountable directly to the governed. As such it should lie at the heart of any system of governance calling itself democratic.

The Ombudsman went on to outline two central and recurring concerns experienced by his office under the legislation. The first was the onus on agencies to provide reasons to justify the determination. I will quote the first couple of paragraphs because I believe it supports the reason why we need this motion to be supported. The Ombudsman said:

> Section 48 of the Act provides that in any proceedings concerning a determination under the Act, the burden of establishing that the determination is justified lies on the agency. In my view, such proceedings include the external review process.
>
> One of the constant features during an external review process is agencies' abrogation of their responsibilities under the Act to provide proper reasons for their determinations, both at the determination and external review level. This abrogation appears due to a lamentable ignorance, but on occasions is attributable to a deliberate evasion of legislative obligation. Although my investigative powers are expansive in relation to the review process (being derived from the Ombudsman's Act) and although my review may be as flexible as I consider appropriate, this failure by agencies to achieve a reasonable level of argument and reasoning and justification of their determination drains the resources of my office in its endeavours to challenge flawed responses and educate the agencies of the requirements of the Act.

Shortly, I will provide an example of a request which I made under the FOI Act and which illustrates the point that the Ombudsman made. The Ombudsman's report continues:

> Despite the Premier's memorandum to Ministers and the Chief Executives in the latter part of 1994 advising of the necessity to ensure full compliance with the letter and spirit of the Act in responding to applications, from my experience in the external review process, it seems agencies have a still considerable way to go to achieve a desirable level of exercising their responsibilities under the Act.

The Ombudsman listed a second concern which was internal working documents and the public interest and he said:

> It has been my experience in external review that many agencies are still bound up in the culture of caution and secrecy, particularly when it comes to release of internal documents, and public interest considerations.

The Ombudsman provides considerable evidence in his report and proposes three amendments which he considers should be made to the legislation. I am quoting this at length because I believe it indicates how the Freedom of Information Act is in need of some revision. Briefly, his recommendations involve, first, agencies not currently bound. He suggests, for example, the Veterinary Surgeons Board and such boards which are exempted should be brought under the Act. In relation to fees and charges, he points out that section 53 of

the Act appears to lack consistency with section 39. Finally, he makes recommendations in relation to time limits under the Act. The Ombudsman's experiences outlined in this detailed section of his annual report have been mirrored by a number of Opposition members and others who have requested information under the FOI Act. In some cases there have been long delays well beyond the statutory periods in getting information, and in many cases there have been blanket rejections which do not conform with the spirit of the Act.

I also want to make some comment about the FOI Act and outsourcing. The Ombudsman makes a number of comments on page 51 in his report on this subject. He points out that it is an issue that has increasingly presented itself for his deliberation. The Auditor-General has already told us in his report, not in the past financial year but the year before, that accountability was the most important issue facing the Parliament, and the changed circumstances that have arisen from the scale of outsourcing undertaken by this Government require better accountability.

This Parliament, and select committees in particular, have been struggling over the past couple of years to come to terms with how one can properly scrutinise the outsourcing activities of this Government. We have the arrangement between the Government and the Opposition that summaries of contracts should be prepared and given to select committees. We have not yet seen those summaries, but we hope they will be available soon. The Freedom of Information Act is perhaps at the periphery of this sort of accountability, but nonetheless it must be considered as part of any solution if we are to achieve the greater accountability which the Auditor-General reminded us we should be seeking.

I have sought under the freedom of information legislation some information about a number of the outsourcing contracts that have been undertaken by this Government that are not the subject of select committees. Some of these outsourcing activities do involve quite large sums of taxpayers' money. For example, the water filtration BOO (build own operate) contract is worth in excess of $100 million, so we are talking about very large sums of taxpayers' money.

I had sought information in relation to that contract—not just the contract itself, but also documents in relation to that contract. I had also sought them in relation to the Aldinga waste water treatment plant. I received a response from the CEO of SA Water, Ted Phipps, to which I will refer, because it illustrates the point outlined by the Ombudsman. The one and a half page determination that I was given by Mr Phipps in relation to seeking information about the contract to build and operate the Aldinga waste water contract denied access to all documents. In respect of the contract, it claimed that it was confidential and therefore it would not be disclosed. Perhaps that result was not so surprising.

In relation to the second part of the request, documents not forming part of the contract but within the scope of the documents subject to the request, there was a blanket refusal. Every document automatically was excluded under three grounds, either clause 7, 13 or 16 of schedule 1—end of story. There was no listing of the documents and there was no internal review. As a result of receiving that response, I have asked the Ombudsman to review it. It is interesting that it was put to me in subsequent discussions that a blanket refusal as such may actually speed up the procedures under the FOI Act because it enables the final determination to be made more quickly. That may well be right, but I suggest it is not a very good way for an FOI Act to operate.

The Ombudsman, in his annual report, made a comment which I think is pertinent to the case I have just mentioned. He stated:

> Apart from failing in their legislative duty under the Act, agencies which do not comply with the requirements of section 23(f)—

which is the requirement about properly considering their decision and establishing that their determination is justified—

> deprive applicants of the ability to respond in any substantive or meaningful way in their requests for review.

If you are told that every single document must be exempt, but you are not told what those documents are, it makes it very hard to challenge. My own experience certainly conforms with the comments of the Ombudsman.

I accept that there are difficult issues to grasp in relation to contracts. As I have said earlier, the Parliament is working through some of those issues and clearly there are some better procedures that are required and maybe the solutions lie outside freedom of information legislation, but nevertheless the role of freedom of information legislation in all this still needs to be considered as part of that general solution.

So, it would be my hope that, if this motion is accepted, the committee can consider the Act, take evidence from the key players such as the Ombudsman as well as members of the public who may have experiences, good or bad, with the Act, as well as officers within the various departments or agencies. I hope that the committee can recommend improvements to the operation of the Act or better procedures if it is deemed that they are desired.

There is a very good case for conducting this review of the Act. Six years has now passed, and I hope in my address this afternoon I have been able to establish that there is considerable evidence from people involved in requests under the Act to indicate that it is not working as smoothly or effectively as it might. So, I would ask the Council to support the resolution and hopefully, as a result of it, we can make the changes that are clearly necessary in this area.

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

TOURISM COMMISSION

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

I. That a Select Committee of the Legislative Council be appointed to inquire into matters surrounding the—

(a) termination of the employment of Mr Michael Gleeson as Chief Executive of the South Australian Tourism Commission;

(b) attempts to terminate the employment of a senior executive of the Tourism Commission, Mr Rod Hand;

(c) appointment of Ms Anne Ruston to the position of General Manager of the Wine and Tourism Council of South Australia,

including the role of the Minister for Tourism, the Hon. G.Ingerson M.P. in these matters.

II. That Standing Order No. 389 be suspended as to enable the Chairperson of the Committee to have a deliberative vote only.

III. That this Council permits the Select Committee to authorise the disclosure or publication, as it thinks fit, of any evidence or documents presented to the Committee prior to such evidence being presented to the Council.

IV. That Standing Order No. 396 be suspended as to enable strangers to be admitted when the Select Committee is examining witnesses unless the Committee otherwise resolves, but they shall be excluded when the Committee is deliberating.

We have had quite a lot of debate in this Chamber today and over the last few days about ministerial propriety. I do not intend to go into an expansive contribution, but the issues basically cover two events. Without going through the full procedures of the events in the Lower House, as I would not be able to, I do need to outline the sequence of events. I will then sum up and seek the support of members of this Chamber to provide those people—who have been attacked under parliamentary privilege, who have been threatened in a number of ways or had their careers put in jeopardy, having had no ability until this time to have their point of view put—with the same sort of protections as the Minister has enjoyed when, on a number of occasions, he has mentioned by name the people involved in this sorry scenario. He has outlined their performances. He has made accusations under parliamentary privilege which these people have not had the opportunity to answer.

The Opposition has received a number of affidavits and statutory declarations in respect of those matters and believes that the failure of the system in the Lower House again gives the opportunity for the Legislative Council to exercise its constitutional right, that is, to provide some relief for those citizens of South Australia who feel they have been unfairly treated and seek a remedy in relation to the pressure that they have been put under by having a parliamentary committee listen to their case and give them the same sorts of protections which, first, the Minister had and, more importantly, the protections which would protect them from harassment and ensure that their careers were not unduly influenced.

The issues leading to the situation we find ourselves in today result from the appointment of Ms Anne Ruston. Following questions by the Opposition in another place the Hon. Mr Ingerson told Parliament that he did not interfere with the appointment of Ms Anne Ruston on 12 November. When asked if he influenced the decision, he replied that he had not. He also said:

> . . . that Ministers had no right, nor should they have any right, in the selection, payment or enrolment of individual staff.

He said that on 12 November. The Hon. Mr Ingerson then made a ministerial statement, about which I am not going to go into detail, saying that he had no role to play in the appointment process of Anne Ruston but he admitted that he did ring Mr John Lamb, chairperson of the interview panel and the Chair of the South Australian Tourism Commission. He reaffirmed his position:

> I have not, nor have I been involved in the process of the appointment of staff other than the Chief Executive.

At this stage the Opposition was concerned and the Leader of the Opposition took a point of order and rose on a matter of privileges. He asked the Speaker in another place to rule whether there was a *prima facie* case for misleading the House of Assembly. That was on 4 December. The Speaker undertook to consider the suggestions of the Leader of the Opposition and report back to the Parliament the next day when, after his due consultation and deliberations, he would make a ruling. On 5 December, Minister Ingerson made a ministerial statement in the middle of the morning during private members' time on Thursday and admitted that answers to questions put to him by the Opposition spokesperson, Ms Trish White, may have been misconstrued or construed as misleading and that he did not intentionally seek to mislead the House. He stated:

> If my answers had that effect, I sincerely and unreservedly apologise to the House.

I am advised that it was quite unprecedented for a Minister to take that opportunity during private members' time. The House reconvened that afternoon and the Speaker, after his consideration and consultation, ruled that the Hon. Mr Ingerson did mislead the House technically but, because he had apologised, it was the Speaker's view that he should take no further action.

I cast no reflection on the Speaker's decision. I am sure he was convinced that that was what he should do. However, obviously the Opposition was not satisfied with that and, as was its constitutional and procedural right, it moved a motion of no confidence in the Minister. That motion was fully debated and I do not intend to go over all those arguments, because it was a long and detailed debate. The motion was defeated along Party lines. I was interested to note after that debate an *Advertiser* contribution on 4 December. Clearly, the *Advertiser* was of the same opinion and was dissatisfied and sceptical. One need only look at the *Advertiser* headlines, under a sequence of photographs of the Minister and his statements, which screamed 'Oh really, Mr Ingerson.' Clearly, no-one believed that justice had been done.

The second facet of my motion deals with the sacking of Rod Hand and the involvement of Mr Michael Gleeson. This arose after a series of misunderstandings and disputes about the processes by which Tourism Commission property was being disposed of. I am advised that there are statutory or at least departmental procedures dealing with the disposal of land. I am also advised that Mr Rod Hand, whether he liked it or not, was complying with his duties as an officer of the commission and was following those procedures to the letter. I am advised that the Minister indicated that he was not satisfied with the processing of those matters and I read a contribution by the then Minister for Tourism on 4 December, where he made a number of comments about Mr Gleeson:

> I was let down by Michael Gleeson in the management of the project.

He said that Michael Gleeson had lost his confidence, that Michael Gleeson had failed to carry out his duties and concealed documents and information from him. Clearly, these were matters in relation to which Mr Gleeson had no chance to protect himself, certainly not with the same degree of freedom that the Minister had. He did not have the freedom to make these statements and not be challenged in the courts. At the conclusion of his contribution the Minister accused Mr Michael Gleeson of being clearly embittered and 'wanted to damage me for that decision'. On 3 December the Opposition spokesman in another place, Ms Trish White, asked the Minister why he had directed Mr Gleeson to sack Rod Hand when the Minister on 12 November had said:

> I do not interfere. . . in terms of employment.

The Opposition spokesman then quoted from the minutes of the meeting between Mr Gleeson and the Commissioner for Public Employment and the Hon. Mr Ingerson then replied that he did not direct Gleeson. The Opposition spokesman then produced minutes from 5 June signed by 13 members of the Tourism Development Group to Mr Gleeson saying that they thought that the Minister's direction was unethical and 'outside accepted conventions relating to the separation between Ministers and public servants'. These interchanges occurred on 3 December. Again on 3 December, the Opposition spokesman on tourism, Ms Trish White, asked the Hon. Mr Ingerson if he had sacked Gleeson because he would not sack Rod Hand.

That was on 3 December, and the Minister replied that he had not. On 4 December the Minister accused Michael Gleeson of maladministration and implied that that was the reason why he was sacked—and I have alluded to the Minister's accusations in *Hansard*. When asked whether he bypassed the board in the sacking, Minister Ingerson would not provide an answer. I am advised that the Auditor-General's opinion is that the ministerial directions have to be given to the board. In the board minutes of 31 October the board commended Mr Michael Gleeson and expressed a vote of confidence in him and its strong disappointment and concern relating to the sacking of Mr Michael Gleeson.

In December, after the sacking of the Hon. Dean Brown, the new Premier, Mr Olsen, said that he would apply the Ministers' code of conduct to his new ministry. The code of conduct says that Ministers will give full and true disclosure and accountability to Parliament and will not wilfully mislead the Parliament. That led into the events that I described about the accusations that the Minister had misled the Parliament, the consideration of those matters by the Speaker, and the consequent actions of the House in the no confidence motion.

On a number of occasions Mr Michael Gleeson, without the protection of the Parliament, made a number of public statements which, if untrue and contested by the Minister, conceivably, I am told, would be successful in claims for defamation. One of those instances was that in the media Michael Gleeson had said that he was politically influenced to appoint Anne Ruston. He also said that he was told to fire Rod Hand—and that was televised for all people to see—and that there had been occasions before when the Minister had interfered with staff appointments. He said that in an interview on 5AN with Keith Conlon on 5 December, and I have a copy of the transcript of that. Quite clearly, Mr Gleeson has thrown down the gauntlet to the Minister, as he was not protected there by parliamentary privilege when he made those statements, and can be sued. This is not the course that the Minister had sought to take. In fact, he was very, very careful to ensure that all the accusations he had made about Michael Gleeson were under parliamentary privilege.

It is interesting to note that Mr Ingerson has never pursued the right to sue—and I would suggest that he will not do so, because the Minister clearly does not want this matter aired before a court. If it goes to court the Rules of Evidence will come into play and Michael Gleeson will be entitled to cross-examine, to call witnesses, to substantiate his claims and to defend himself with some privilege. Clearly, if Michael Gleeson was at fault, that avenue is open. I am sure that most members would know that litigation for this sort of thing is something that is handled with some relish by members of this particular club—not all of them but, certainly, many of them. That leads us to today's situation, where we have to provide some relief for these people to put their case.

Michael Gleeson was told to sack Rod Hand. Initially, he stood him down, and when he stood up to the Minister what we found was that by exercising his responsibilities as a public officer and a CEO he was sacked. The Minister has quite clearly tipped the bucket on Mr Gleeson using the parliamentary process and not allowing Mr Gleeson the opportunity, either through a privileges committee or otherwise, for answers to be given to questions. What these people are screaming out for is the ability to come forward. They accuse the Minister of making untrue statements. They believe that there has been an abuse of process. They are fearful that they themselves will be subjected to recriminations and they have no confidence that this Minister will not be vindictive. If one follows the events of this scenario, it would be clear, I suggest, to any reasonable minded person, that the Minister has acted vindictively and has caused people's careers to be put in jeopardy. That has led to a situation where there are people out there who are prepared to say that they believe that the Minister has not told the truth; they believe that he has misled the Parliament; they believe that he has acted with impropriety and vindictiveness. Their problem is that they are not protected, as the Minister is protected, by parliamentary privilege.

It is a situation which I alluded to in my contribution on the motion moved by the Hon. Michael Elliott in respect to the stood down Minister for Finance, the Hon. Dale Baker. It is another situation where the people of South Australia, in a bicameral system, have a right to have this House or the other House provide them with relief from the stresses that are being put upon them—and I assert unfairly—by a Minister of the Crown and the parliamentary process. There is no facility within the parliamentary processes for people to come before the bar with immunity and put their case. This is a question of the rights of individuals. It is a question of the parliamentary system providing those protections and, most importantly, getting to the bottom of this situation and determining once and for all what is the case, in a situation where all members represented in this House of Parliament can make a judgment on the events and provide justice for those people who have been accused unfairly, if that is the case, and, indeed, the Minister can have the opportunity to put his case fairly and on the record to refute the allegations. The Parliament can then make a decision in respect of these matters.

I urge all members to consider this matter and vote in accordance with my proposition to provide that relief and the seeking of the truth in this matter. I commend the motion to the members of the House.

The Hon. R.I. LUCAS secured the adjournment of the debate.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

STATUTORY AUTHORITIES REVIEW COMMITTEE: LEGAL SERVICES COMMISSION

Adjourned debate on motion of Hon. L.H. Davis:

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

(Continued from 4 December. Page 724.)

The Hon. R.D. LAWSON: I rise to commend the Statutory Authorities Review Committee on its report on the Legal Services Commission. This report is the first part of the committee's report on this topic. When the committee embarked upon an examination of the Legal Services Commission, the subject of legal aid was not as politically contentious as it has now become. The committee is to be commended for the thorough way in which it has conducted its investigations and, more particularly, for its very helpful report in which it has gathered together the evidence and much material related to the provision of legal aid in South Australia.

Many people regard legal aid as a system devised for the benefit of the legal profession. Nothing could be further from the truth. The legal aid system is an important function of our justice system in this country. Without the effective provision of legal aid, the provision of justice to the community is compromised.

It is a truism to say—and one often hears it said—that at present in this country the doors of the courts are open to either the very wealthy or to those who are the recipients of legal aid and, moreover, that the doors of the courts are closed to any member of the community who is not legally aided or very wealthy.

Examinations and inquiries have been conducted, and this truism has been found to be inaccurate, especially in relation to the civil law. However, the wheels of the criminal justice system cannot work effectively unless indigent persons are provided with legal assistance. The provision of legal assistance is not merely a matter for the benefit of the individual who is brought before the court: it is actually for the benefit of the community generally that the wheels of justice be allowed to continue to operate. As I have said, the committee is to be commended for producing a valuable resource on the operation of the Legal Services Commission in South Australia.

In my view, the South Australian commission is a model to which other States should look. The commission has been well served over the years by effective board members and by a Director who is well attuned to the difficulties involved and the possible solutions thereof. I believe that the South Australian commission is to be warmly congratulated for providing a great service to the South Australian community over many years, notwithstanding the fact that its funding has not been as generous as some others. As the Statutory Authorities Review Committee noted, the level of *per capita* funding for the South Australian Legal Services Commission at $11.91 per head of population is below the national average of $14.56. Notwithstanding that not insignificant differential, the commission has succeeded in providing a better than average level of service to the South Australian community. That is a testimony to the wisdom of its policies and the dedication of its staff.

The recommendations of the Statutory Authorities Review Committee are modest and sensible, and I commend all of them to members. The committee recommends, and I support, that the Legal Services Commission investigate further opportunities for the establishment of and the participation in legal assistance schemes such as the one currently provided by members of the Public Service Association and the Australian Nurses Federation. It is widely believed in the legal community, and it is my belief, that schemes such as those offered by those associations are very effective methods for the provision of widespread legal assistance within the community. The Public Service Association and the Australian Nurses Federation are to be commended for those schemes, and one hopes that they will be extended and expanded.

This report is the first of a number of reports which were promised by the committee on this subject. I look forward to further reports and to the recommendations of this report being implemented. I do not believe it is appropriate on this occasion to engage in breast beating about the decision of the Commonwealth in relation to legal aid. It is undoubtedly true that a great deal of pressure has been applied and will continue to be applied to the Federal Government to review its budgetary priorities which have put in jeopardy the provision of substantial legal aid throughout the country.

Last Friday I was at a seminar of the Australian Institute of Judicial Administration, where the Federal Attorney-General, Mr Daryl Williams, spoke. He indicated with sincerity—and I accept his indications—that the Commonwealth Government is examining, in conjunction with the States, the appropriate terms of a partnership which will adequately reflect the responsibilities of State Governments in this area.

It is all very well for States to talk of States' rights and responsibilities and, when the matter of funding arises for discussion, to wash their hands of States' rights and responsibilities and say that this or that matter happens to be a Federal matter. This is an issue which has to be resolved by negotiation. Legal aid, like every other sector of the Commonwealth budget, is not sacrosanct. I believe that the announcements foreshadowed by the Federal Government indicate a misjudgment by that Government of the appropriate level of priority to be accorded to legal aid.

But, as I say, I accept the Federal Attorney's assurances that that Government will enter into negotiations with the States and that a satisfactory outcome will inure. I commend the report to members and congratulate committee members and staff for a job well done.

Motion carried.

LAND ACQUISITION (RIGHT OF REVIEW) AMENDMENT BILL

Bill taken through Committee without amendment.

Bill read a third time and passed.

BULK HANDLING OF GRAIN (DIRECTORS) AMENDMENT BILL

(Second reading debate adjourned on 11 February. Page 877.)

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

GOODS SECURITIES (MOTOR VEHICLES) AMENDMENT BILL

The Hon. DIANA LAIDLAW (Minister for Transport) obtained leave and introduced a Bill for an Act to amend the Goods Securities Act 1986. Read a first time.

The Hon. DIANA LAIDLAW: I move:

That this Bill be now read a second time.

The purpose of this Bill is to extend the services provided by the Vehicles Securities Register through participation in a national security interests checking system. It is intended that South Australia will enter into a service and compensation arrangements with vehicles securities registers in other States and Territories that have corresponding laws. This will provide South Australia with access to security interests recorded in Victoria, New South Wales, Queensland, the Northern Territory and the Australian Capital Territory. Participation by Western Australia and Tasmania, in the future, will require those States to adopt corresponding laws.

This arrangement will effectively enable South Australia to participate in a national security interests checking system. The Bill proposes amendments to the Goods Securities Act 1986 to enable information on security interests on vehicles to be recorded on the Vehicles Securities Register, whether

the information originates in South Australia or in those other jurisdictions with corresponding laws. This will enable the public to determine if a vehicle is subject to a security interest in any one of the participating jurisdictions. It will benefit the general public by offering further protection against any loss due to a previous owner's undischarged security interests and subsequent repossession by finance companies. It will also further protect the interests of financiers when vehicles in which they have a financial interest are offered for sale interstate.

The Bill proposes an amendment to enable the Registrar to enter into agreements with interstate jurisdictions for the transmission of information and funding arrangements for compensation payments. The Bill will also formally allow the Registrar of Security Interests to record stolen vehicle data supplied by the Commissioner of Police on the register as a further service to clients. This information is recorded at present, but is not specifically provided for by the existing legislation.

Compensation agreements with participating jurisdictions are necessary to avoid applicants becoming involved in difficult across jurisdictional claims for compensation. These agreements will require South Australia to accept initial responsibility for any claim for compensation arising from any erroneous encumbrance certificate issued by South Australia, even though the interest may have been registered elsewhere. However, the agreements will allow South Australia to recover the compensation from the jurisdiction where the error in registering the security interest occurred.

Stolen vehicle information will not be subject to protection or compensation, and will be provided as an advisory service to ensure that the client is aware that a vehicle may still be subject to police investigation. The Bill proposes that the Registrar of Security Interests be provided with the power to authorise persons to conduct Vehicles Securities Register business and that the Registrar, persons engaged in the administration of the Act and authorised persons (including authorised persons from the private sector) be protected from liability for acts or omissions in the exercise or performance, or purported exercise or performance, of powers, functions or duties under the Act.

However, only acts and omissions in good faith will be protected and any right to compensation under Part 4 for loss or damage suffered as a consequence of negligent acts or omissions will not excluded, except that authorised persons will not have a right to compensation for loss or damage they suffer in consequence of their own acts or omissions or those of their employees or agents.

It is also intended to adopt a schedule of fees in the regulations under the Goods Securities Act that are consistent with the fees in other participating jurisdictions. This will allow financiers to register their interest in all participating jurisdictions for a single fee, rather than paying a separate fee to each jurisdiction. I commend the Bill to members. I seek leave to have the detailed explanation of the clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement of the measure on a day to be fixed by proclamation. Under the *Acts Interpretation Act 1915*, different provisions may be brought to operation on different days.

Clause 3: Amendment of s. 3—Interpretation

This clause inserts additional definitions into the principal Act.

"authorised person" is defined to mean a person who holds an authorisation under section 10A.

"corresponding authority" is defined to mean a person declared by proclamation to be a corresponding authority under a corresponding law.

"motor vehicle" is defined to mean a motor vehicle as defined in the *Motor Vehicles Act 1959* or a motor vehicle or trailer as defined in the Commonwealth *Interstate Road Transport Act 1985*. (The definition of motor vehicle in the Motor Vehicles Act includes trailers.)

The clause also amends existing definitions in the Act.

At present "prescribed goods" means—

- a motor vehicle registered under the *Motor Vehicles Act 1959* or that has been registered under that Act but is not currently registered in any State or Territory; and
- goods of a class prescribed by regulation,

but does not include goods of a class excluded by regulation.

The clause amends the definition so that—

- it covers any motor vehicle whether or not it has ever been registered in any State or Territory; and
- it applies to goods whether situated in South Australia or in another State or a Territory.

The definition of "registered security interest" is amended to remove the reference to security interests registered under corresponding laws because such interests will also be registered in South Australia.

The definition of "security interest" is amended so that it applies to security interests whether or not arising under the law of South Australia.

The clause also inserts a provision that will empower the Governor to declare a person to be a corresponding authority under a corresponding law.

Clause 4: Amendment of s. 4—The register

This clause inserts a provision to allow the following information to be included in the register:

- information about prescribed goods that have been reported as being stolen or otherwise unlawfully obtained; and
- such other information about prescribed goods as the Registrar determines may be included in the register.

Clause 5: Amendment of s. 5—Application for registration

This clause amends the provision requiring security interests to be registered in the order in which applications are lodged with the Registrar to make it clear that it applies only to security interests that are the subject of applications under section 5, not to those security interests that will be registered under section 8A because they have been registered under a corresponding law.

Clause 6: Insertion of s. 8A

8A. Interstate arrangements and registration of security interests registered under corresponding law

This section will empower the Registrar to enter into arrangements with a corresponding authority with respect to specified matters relating to the operation of the Goods Securities Act or a corresponding law. It will require the Registrar to enter in the register particulars of security interests in goods registered under a corresponding law and the making of such an entry will constitute registration under the Goods Securities Act. The Registrar will also be required to vary the register so as to reflect cancellations, or variations of particulars, of security interests under corresponding laws.

8B. Time within which Registrar must register security interests

This section provides that the Act is to be taken to require the Registrar to register security interests as soon as practicable after—

- the receipt of a due application for registration; or
- the registration of the security interest under a corresponding law.

However, no right will arise to compensation or damages under the Act or at law unless the security interest remains unregistered beyond the end of the day next following the receipt of the application or the registration of the security interest under the corresponding law.

Clause 7: Amendment of s. 9—Certificate of registered security interests

This clause removes the evidentiary provision (see the proposed section 10C).

Clause 8: Insertion of ss. 10A, 10B and 10C

10A. Registration and production of certificates by authorised persons

This section will enable the Registrar to authorise a person to do one or more of the following by electronic means:

- to register, or cancel, or vary particulars of the registration of, security interests;
- to produce certificates of registered security interests.

An authorisation will be by instrument in writing, may be subject to conditions and may be varied or revoked by the Registrar at any time by notice in writing.

The section provides that if, within 14 days after the discharge of a registered security interest held by an authorised person, the authorised person cancels the registration of the security interest pursuant to the person's authorisation under this section, the person is not required to make application to the Registrar for cancellation of the registration of the security interest.

The section will require a certificate produced by an authorised person to be in the same form and contain the same information as it would if it were issued by the Registrar on application under the Act.

An authorised person will not have a right to compensation under Part 4 of the Act for loss or damage suffered in consequence of an act or omission of the person or an employee or agent of the person.

10B. Inclusion of further information in certificates

This section will permit the following additional information may be included in a certificate issued by the Registrar or produced by an authorised person under this Act in respect of prescribed goods:

- any information in the register indicating that the goods have been reported as being stolen or otherwise unlawfully obtained;
- any other information included in the register in relation to the goods.

However, the section provides that neither the inclusion of additional information in, nor its absence from, a certificate issued by the Registrar or produced by an authorised person under the Act will give rise to any right to compensation or damages under this Act or at law.

10C. Evidentiary provision

This section provides that in legal proceedings an apparently genuine document purporting to be a certificate issued by the Registrar, or produced by an authorised person under the Act, will be admissible as evidence of the matters specified in the certificate other than matters as to which information the Act does not require to be included in the certificate.

Clause 9: Insertion of s. 10D

10D. Application of Part

This section provides that Part III of the Act relating to discharge and priority of security interests will—

- apply only to prescribed goods that are for the time being situated in the State; and
- extend in its application to security interests in motor vehicles that were not prescribed goods within the meaning of this Act when the security interests were created as if the meaning of "prescribed goods" had when this Act was enacted included any motor vehicles.

Clause 10: Amendment of s. 14—Compensation

This clause makes an amendment that is consequential on the provisions about authorised persons.

Clause 11: Amendment of s. 15—Payment of money into and out of Highways Fund

This clause provides for payments received under interstate arrangements to be paid into the Highways Fund and for payments required to be made under such arrangements to be paid out of the Fund and to require the Commissioner of Highways annual report to the Minister to include statements about such payments.

Clause 12: Insertion of ss. 16, 17 and 17A

16. Protection from personal liability

This section provides that no liability is incurred for an act or omission by the Registrar, authorised persons and persons engaged in the administration of the Act in good faith in the exercise or performance, or purported exercise or performance, of a power, function or duty under the Act. However this section does not exclude any right to compensation under Part 4.

17. Unauthorised access to or interference with Register

This section will make it an offence for a person to do the following without the authority of the Registrar or other lawful authority:

- obtain access to the register or information in the register; or
- make, alter or delete an entry in the register; or
- interfere with the register in any other way.

The proposed maximum penalty is a $5 000 fine or imprisonment for 12 months.

17A. Falsification of certificate, etc.

This section makes it an offence for a person to forge or falsify a certificate or other document under the Act. The proposed maximum penalty is a $5 000 fine or imprisonment for 12 months.

Clause 13: Insertion of s. 21A

21A. Account customers

This section will enable the Registrar to authorise a person to be an account customer for the purposes of the Act and make arrangements for the person to pay, on a monthly or other basis, any fees payable by the person under the Act.

An authorisation will be by instrument in writing, may be subject to conditions and may be varied or revoked by the Registrar at any time by notice in writing.

The section also contains a provision to enable the recovery of fees payable by account customers by the Registrar as a debt by action in a court of competent jurisdiction.

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

BELAIR RAIL LINE

The Hon. DIANA LAIDLAW (Minister for Transport): I seek leave to make a ministerial statement about the Belair rail line. I also seek leave to table a report by TMC International with regard to investigation of possible improvements to the Belair line to increase the reliability of the train service.

Leave granted.

The Hon. DIANA LAIDLAW: In terms of background, I provide the following information. Service and patronage issues along the Belair line have been of concern to successive Governments over a number of years. Members will recall that the former Minister of Transport (Hon. Frank Blevins) conducted an unsuccessful campaign in an attempt to increase patronage at these stations in the face of plans for the possible closure of 'smaller inner stations'. As part of the One Nation standardisation of the rail line from Adelaide to Melbourne, the Hon. Barbara Wiese, Mr Blevins' successor and then Minister of Transport Development, endorsed a proposal negotiated between the then State Transport Authority and National Rail to change the Belair passenger rail service from a dual to single line operation, incorporating four passing loops and the need to close some stations.

Accordingly, in December 1993 this Government inherited an agreement to close stations. We had no choice in the matter. Following an analysis of the patronage levels and advice from TransAdelaide on service levels, I announced the closure of Millswood, Hawthorn and Clapham stations on 30 March 1995. It should be noted that as at 30 June 1993 the total boardings and alightings at these three stations averaged only 422 per day. This had fallen to 323 per day by April 1995—an average of three passengers per train stop. In implementing the final closure of these stations, the Government confirmed the decisions already taken by the former Government in order to maintain viable services to the vast majority of customers using the Belair line.

In relation to the TMG report, following operational difficulties encountered with single line operation and representations from local members (Iain Evans, Mark Brindal and the Hon. Stephen Baker), TransAdelaide on 29 January 1996 engaged TMG International Pty Ltd to model options associated with rail services on the Belair line. Their report and investigation of possible improvements to

the Belair line to increase the reliability of the train service outlined three studies and I have just tabled a copy of that report. Study 1: to determine the gains that could be achieved without carrying out any changes to track layouts. Study 2: options to suppress the effects of unscheduled delays on the train service. Study 3: infrastructure changes and compromises to the timetable which would be necessary to enable the station at Millswood, Hawthorn and Clapham to be reopened.

In Study 1 it was determined that improvements in running times could be achieved by:

(a) increasing train speed limits on curves;
(b) reducing the time taken for signals to clear;
(c) reducing level crossing cycle times at critical locations;
(d) reducing the distance trains must travel at 'low speed' when crossing an opposing train; and
(e) introducing automatic route setting at crossing locations.

It also suggested that punctuality could be somewhat enhanced by the retraining of drivers so that they were more aware of their critical role in timekeeping. All these initiatives were accepted by the Government and are now being implemented by TransAdelaide at a cost of $390 000 this financial year, 1996-97. Improvements in reliability have already been achieved and with the completion of the infrastructure works by the end of this calendar year 1997, greater improvements will be achieved.

Study 2 noted that unscheduled delays not only made the delayed train late, but also affected many other trains. TMG concluded that an 80 per cent improvement could only be effected with three major infrastructure changes, namely:

(a) extend Goodwood loop 394 metres to Goodwood Road underpass;
(b) extend Sleeps Hill loop 500 metres to Sleeps Hill tunnel; and
(c) extend Blackwood Loop 500 metres to Brighton Parade level crossing.

Extending the crossing loops at Goodwood, Mitcham, Sleeps Hill and Blackwood were found to be the only effective way to reduce these delays and, as this would have cost a minimum of $8.54 million, this suggestion has not been adopted.

Study 3 found that for the closed stations to be reopened all the improvements in study 1 and study 2 would need to be implemented and, in addition, the Mitcham loop would need to be extended up to and including Millswood. Expenditure of $13.94 million would be required to extend the current loops to permit service to the closed stations.

The closure of Millswood, Hawthorn and Clapham would have been unnecessary had the double line been retained as far as Mitcham and the standard gauge line built as a separate track over this distance as part of the One Nation package. This option was not acceptable to National Rail at the time within the budget set by the former Federal Government for standardisation of the Australian National line between Melbourne and Adelaide. It is worth remembering that the Hon. Barbara Wiese approved 'accepting a compromise solution that may not be optimal in operating terms but still allow the project to continue within the allocated budget'. That memo was signed on 28 October 1992.

In relation to off peak services, since closure of the stations there has also been a request for the Government to reconsider introduction of some services to the closed stations during the interpeak. This is known in rail circles as tiered services, that is, some services stop at some stations but not at others. Any such tiered service would need to operate in the existing running times between loops where crosses take place. Additional advice from TMG concluded that a tiered service of trains at the interpeak could not serve any of the closed stations during the school peak hours and could only serve one station out of Millswood, Hawthorn, Torrens Park and Clapham during the rest of the day. As the closed stations were always the least patronised this did not represent a viable option.

In summary, I would reiterate that there are no plans to close the Belair line. Closing the three stations was a difficult outcome as a result of the former Government's decisions. This Government has accepted the responsibility of spending taxpayers' money wisely, not even denying the fact of inherited debt, and I recall the Hon. Paul Holloway questioning such a debt when he was speaking in a matter of public interest just last week.

The sad fact is that the Government subsidy averages $7.83 per journey for every rail passenger and is currently $9.28 for passengers on the Belair line. While the Government has committed $390 000 of taxpayers' funds for upgrading work this year on the Belair line and, in addition, will upgrade the station at Coromandel with one of the new designs created by University of South Australia students in association with TransAdelaide, we simply cannot justify the huge expense that would be required to bring the closed stations back into service. Therefore, I note again the report I have just tabled and remind members of the history of this line which is but one example of the demise of rail in South Australia created by past decisions and sometimes inactivity by State and Federal Labor Governments and a history against which this Government is trying to revitalise rail and improve patronage overall.

ADJOURNMENT

At 6.38 p.m. the Council adjourned until Thursday 13 February at 2.15 p.m.