LEGISLATIVE COUNCIL

Tuesday 9 December 1997

The PRESIDENT (Hon. J.C. Irwin) took the Chair at 2.15 p.m. and read prayers.

SENATOR, ELECTION

The President laid on the table the minutes of proceedings of the joint sitting of the two Houses held this day to choose a person to hold the place in the Senate of the Commonwealth rendered vacant by the resignation of Senator Dominic John Foreman, whereat Mr John Andrew Quirke was the person so chosen.

Ordered that minutes be printed.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

District Council By-Laws—Cleve
No. 2—Animals and Birds
No. 5—Motor Boats
Economic Development Authority—Report, 1996-97

By the Minister for Justice (Hon. K.T. Griffin)—

Optima Energy—Report for six months ending 30 June 1997
Regulations under the following Act—
Mining Act 1971
Determination of the Remuneration Tribunal—
No. 3 of 1997—Ministers of the Crown and Officers and Members of Parliament
No. 6 of 1997—Conveyance Allowances and Motor Vehicles Schedules
No. 7 of 1997—Deputy Electoral Commissioner

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

Independent Order of Odd Fellows—Registered Rules

By the Minister for Police, Correctional Services and Emergency Services—(Hon. K.T. Griffin)—

Reports, 1996-97—
Country Fire Service of South Australia
Fire Equipment Services South Australia
SA Ambulance Service
South Australian Metropolitan Fire Service
State Emergency Service South Australia

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

Reports, 1996-97—
Department of Housing and Urban Development
Department of Transport
South Australian Community Housing Authority
Regulations under the following Acts—
Harbors and Navigation Act 1993—Blood Test
Motor Vehicles Act 1959—Power-assisted Pedal Cycle
Development Act 1993—The Administration of the Development Act 1996-97
Non-Metropolitan Railways (Transfer) Act 1997—Leases of Land to the Purchasers of Australian National

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

Reports, 1996-97
Adelaide Festival Centre
Art Gallery of South Australia
Arts SA
Carrick Hill Trust
Community Information Strategies Australia Inc.
History Trust of South Australia
Libraries Board of South Australia
South Australian Country Arts Trust
South Australian Film Corporation
South Australian Housing Trust
South Australian Museum Board
State Opera of South Australia

By the Minister for the Status of Women—(Hon. Diana Laidlaw)—

Office for the Status of Women—The Women's Statement, 1997.

QUESTION TIME

LION ARTS CENTRE

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for the Arts a question about the Lion Theatre and bar.

Leave granted.

The Hon. CAROLYN PICKLES: What is the Minister's long-term plan for the Lion Theatre and bar complex? Have the Minister or her representatives undertaken negotiations with private operators interested in subleasing the theatre and bar from the Adelaide Fringe? If so, what is the result of these negotiations? Will the Minister guarantee the ongoing availability of the Lion Theatre to the many theatre companies currently using this space?

The Hon. DIANA LAIDLAW: I can certainly make such a guarantee. As the honourable member may be aware (because I advised the Hon. Anne Levy of such matters when she had such a keen interest in the arts in this place earlier this year), there have been discussions. In terms of its new funding and performance contract, the Fringe has been able to gain all the proceeds from the bar and the theatre. However, it has determined that it does not want to be in that management business, and it has had some negotiations with the private sector. However, in the meantime a group, Praxis Theatre, has been running the theatre with great success and has gained an occupancy rate this year together with forward bookings for next year that are quite remarkable in terms of the history of that little theatre at the Lion Arts Centre.

As I understand, following discussions with me in the last few weeks, Arts SA has informed the management and board of the Fringe that if they wish to proceed with subcontracting the management of the bar and theatre to Praxis Theatre Company, therefore providing subsidised support for theatre in this State through that theatre complex, the Government and Arts SA would be pleased to endorse such an arrangement. But it is for the Fringe to determine such an arrangement because Arts SA has allowed the Fringe to manage that bar and theatre. If they want to subcontract we would be pleased if they wish to continue with Praxis.

AUDITOR-GENERAL'S REPORT

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Attorney-General a question about the Auditor-General's Report.

Leave granted.

The Hon. P. HOLLOWAY: Last week in the House of Assembly the Premier was asked to explain discrepancies in expenditure within the Department of Premier and Cabinet on the use of external consultants. In his annual report, the Auditor-General found that the Premier's Department spent more than $1 million employing consultants using processes which in many cases were found by the Auditor-General to be outside the law.

The Auditor-General found that some of the contracts for consultants exceeded legislation and that there was no record of the name of the consultants employed, the estimated cost of the contract or the purpose of the consultancy. He stated that no documentation could be found to support the decision to waive the competitive tender process. He found that there was little in the way of formal documentation supporting why a particular consultant was appointed and that contracts were signed by parties who did not have the legal status to enter into legally binding documents.

The Auditor-General found also that there was no effective monitoring, management and control of the consultancies and, further, that consultants had been able to change the conditions of the original contract without legal redress. The Auditor-General said in his report that he had referred these matters to the Crown Solicitor. My questions to the Attorney-General are:

1. What action has the Crown Solicitor taken in investigating the processes used by officers within the Premier's Department in employing consultants?

2. Will the Attorney request that the Crown Solicitor fully investigate all the Auditor-General's claims about who these consultants were, what they were paid and why?

3. Will the Attorney bring back a report to this Council on the results of the Crown Solicitor's investigations into the Premier's Department's use of consultants?

The Hon. K.T. GRIFFIN: My understanding is that the matter was referred to the Crown Solicitor for advice, not for investigation. I am not aware of what the advice may have been directly to the Department of Premier and Cabinet or to the Auditor-General. I will have some inquiries made and bring back a reply.

ABORIGINES IN CUSTODY

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Justice a question on prison policy.

Leave granted.

The Hon. T.G. ROBERTS: In the *Advertiser* of Saturday 6 December an article appeared about two escapees who fled prison to attend a funeral. On Saturday morning I was approached by a member of the public who was quite upset that this circumstance had prevailed. The article described a refusal by, I assume, correctional services management in charge of Mobilong Prison to permit two Aboriginal inmates to attend the funeral of a relative.

Aboriginal law is much stronger than our own in this regard in that, for us, we pay our respects to the living relatives and to the dead individual by attending a funeral, but for Aboriginal people it is an insult to the relatives if one does not attend. With that in mind, I think it is understandable that a number of people were upset about the refusal of permission to attend, and the last resort of escaping from prison to attend the funeral is abhorrent. The two men were assisted by a third person who, according to the article, had been refused permission to attend a funeral the previous week or a fortnight before.

It appears that breaches of recommendations in the report into Aboriginal deaths in custody have occurred, and it also adds insult to injury to note that the two victims have been given an extra eight months sentence in addition to the head sentence for escaping from gaol for 24 hours to try to attend a relative's funeral. I know there are a lot of people in prison who may not be—

An honourable member interjecting:

The Hon. T.G. ROBERTS: No, they've already been sentenced, and they have pleaded guilty, so I do not think they will be appealing. It appears that there is a problem with prison authorities either not understanding Aboriginal culture and taking into account Aboriginal law or, as I indicated earlier, given that many people in prisons are not angels, the prison authorities might believe there is a risk of the two applicants escaping if they were allowed out under supervision. I do not know this. I have not been contacted by the two individuals themselves. As I said, a member of the public raised the matter with me. My questions are:

1. Could the Minister provide me with details of the applications and the reason for refusal of the requests of the two individuals, plus the previous individual case that had been refused?

2. Is the Minister for Justice concerned that recommendations made into the inquiry into Aboriginal deaths in custody may be breached regularly in this State?

The Hon. K.T. GRIFFIN: The answer to the last question is 'No.' Most of the recommendations with which the Government agrees in relation to Aboriginal deaths in custody are being implemented on a regular basis and within the Correctional Services system, as well as within the Police Department. There is great sensitivity towards the issue of deaths in custody.

In relation to the escapes to which the honourable member referred, I will get some detailed information about them. Quite obviously, they have pleaded guilty, and the magistrate—although his reported comments were sympathetic to the offenders—was not sufficiently convinced to give them no penalty but imposed a fairly heavy penalty for an escape.

One must remember that within the prison system there is a constant dilemma for prison authorities in terms of a person who has been charged with and convicted of a serious offence and the need to ensure that that person is retained in custody for the period for which the law has determined, and on the other hand to endeavour to respect some of the customary matters which might warrant some closer association with one's family or in this case for a funeral. It is a dilemma, and I do not think this case will change that dilemma.

The obligation of the Correctional Services institutions is to comply with the law. The law is that, if you are sentenced to gaol, you stay there until you have served the period of sentence required by the law. But, of course, things such as day leave and work leave, and other practices, whether in relation to Aboriginal or non-Aboriginal people, are built into the system in what is generally a flexible process. I do not acknowledge and I do not agree that there has been any breach of the recommendations of the Royal Commission into Aboriginal Deaths in Custody. I will obtain more detail in relation to this case and bring back a reply.

The Hon. G. WEATHERILL: As a supplementary question to the Attorney-General, it is also a dilemma that they can go by escort to court but not to a funeral.

The PRESIDENT: That is just comment.

MURRAY-DARLING BASIN

The Hon. DIANA LAIDLAW (Minister for the Arts): I seek leave to table a ministerial statement delivered today by the Hon. Dorothy Kotz, Minister for Environment and Heritage, relating to outcomes for South Australia from the

recent Murray-Darling Basin Ministerial Council Meeting held in Victoria.

Leave granted.

LEGISLATIVE COUNCIL, ROLE

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Treasurer, in his role as Leader of the Government in this place, a question about the role of the Legislative Council and the issue of bipartisanship.

Leave granted.

The Hon. A.J. REDFORD: In October 1996 the ALP State Conference approved policy statements, some of which related to the Legislative Council. In its policy platform two policies stand out:

> That the Legislative Council be reformed to operate as a House of Review only as a prelude to its eventual abolition.
>
> Reform the powers of the Legislative Council as a prelude to its abolition such that any other Bill becomes law if it is passed by the House of Assembly in two successive sessions whether of the same Parliament or not and rejected by the Legislative Council in each of those sessions provided that one year elapses between its second reading in the House of Assembly and its passing by that House in the second session.

The Hon. R.I. Lucas: Is that Labor policy, is it?

The Hon. A.J. REDFORD: Exactly. During the course of the election campaign the Hon. Mike Rann, Leader of the Opposition, told the media that he was prepared to adopt a bipartisan approach on a number of issues. Since the election he has said, 'Ring me, John. I'm waiting by the phone.' Well, Mike, I've got a suggestion. Last weekend the ALP State Convention was held. The member for Ross Smith moved a motion to the effect that an additional levy be placed on ALP members of the Legislative Council to be paid into ALP coffers. I am informed by my source that considerable debate took place and that a great deal of criticism was levelled at the Legislative Council and its ALP members.

In the face of that criticism the Leader of the Opposition in this place said nothing. She did not defend the role of the Legislative Council and she did not defend the work of her ALP colleagues in this place. One might have thought that she could have explained to the ordinary rank and file members just how hard members opposite work and attempt to explain the important contribution they make to the development of legislation and other issues.

Perhaps it was too hard. There was not one word from the Leader of the Opposition or any member opposite to defend their position and it was left to the junior member for Peake, Mr Tom Koutsantonis, to make a spirited plea on behalf of members opposite. My source tells me that many of the delegates at the convention waited for the Leader to explain what role members opposite have and the important role the Council plays. The Deputy said nothing. One might have thought that the Deputy, who is a bit more articulate than most, would have explained the role of members of the Legislative Council. As I said before, it was left to the junior member for Peake to undertake that task. In the light of these developments my questions are:

1. Will the Minister explain to the Leader of the Opposition the role of the Legislative Council and its importance and provide a copy of the same so that if a similar motion is raised and similar disparaging remarks are made about this place she will be in a position to explain her role and the role of the Legislative Council?

2. Will the Minister ask the Premier to invite Mr Rann to adopt the ALP policy on the Legislative Council by allowing the passage of Government legislation if presented twice, in accordance with ALP policy? Is not this an opportunity to test Mr Rann's offer of bipartisanship?

3. Is the Premier prepared to cooperate with Mike Rann in allowing the ALP to adopt its Legislative Council policy over, say, the next three years?

The Hon. R.I. LUCAS: I thank the honourable member for his question from left field—

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: I assure members that I was not aware of the Labor Party policy in relation to the Legislative Council. Now that I am, I am delighted to hear—

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The Hon. R.I. LUCAS: Ralph Clarke—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order! The Hon. Mr Redford will come to order.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: The Hon. Carolyn Pickles has just indicated that Ralph Clarke's motion was stupid; I can only presume that she makes the same judgment.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: And the Hon. Ron Roberts seconds that. I can only presume that they have the same view of the Mr Clarke in relation to not only his motion but his—

The Hon. L.H. Davis: That is their definition of a unity ticket.

The Hon. R.I. LUCAS: The unity ticket. I thank the honourable member for his information in relation to the Labor Party policy. I can think of one Minister in particular, the Minister for Justice or Attorney-General, who I am sure during this session will be delighted to test the intentions of the Leader of the Opposition both in this Chamber and in the other place on a piece of legislation which he has tried to get through on three occasions, and certainly separated by more than 12 months since originally introduced. It will be interesting to see what the Leader of the Opposition in this place and in the other place do, and not just on that. I am sure the Minister for Justice, as I said, will test the integrity of the Leaders of the Opposition in both Houses on this issue by trying to find out the attitude of the Labor Party on that piece of legislation.

Perhaps, as the Hon. Angus Redford has indicated, some other legislation might be tested to see whether or not the Labor Party is prepared to abide by its own policy, evidently, in relation to the Legislative Council. I am not surprised that the Leader of the Opposition in this place did not defend her colleagues. When one looks at the Hon. Ron Roberts and the Hon. Terry Cameron on her back bench—

The Hon. L.H. Davis interjecting:

The Hon. R.I. LUCAS: No, I am not indicating any particular reference on this occasion to talent but, perhaps, disloyalty or attitude towards the Leader. I am not surprised she did not seek to defend some of her colleagues on the backbench.

An honourable member: She could have tried.

The Hon. R.I. LUCAS: She could have tried or pretended to support them, but I am not surprised that the Leader of the Opposition was not prepared to defend some of her colleagues during the recent debate at the council. In relation to Tom Koutsantonis, the member for Peake, I am pleased to hear that at least one member of the Labor Party, albeit in the other place, was prepared to defend members of the

Legislative Council, in this case members of his own Party, in terms of the work they undertake on behalf of the Party and the community. There have been some who, unfairly, have referred to Mr Koutsantonis as a wholly-owned subsidiary of the member for Spence, Mr Atkinson and, as I say, unfairly—

The Hon. Diana Laidlaw interjecting:

The Hon. R.I. LUCAS: I am saying that, in this case, the member for Spence has not been known for his favourable attitude towards his colleagues in the Upper House, as the Hon. Mr Weatherill and others can well attest over the past four years. It is pleasing to see that Tom Koutsantonis, the member for Peake, has demonstrated, at least on this occasion, that he is not a wholly-owned subsidiary of the member for Spence in relation to all matters. Whether he is a substantially-owned subsidiary we will establish over the next three or four years.

INFORMATION TECHNOLOGY

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Justice, representing the Minister for Government Enterprises, a question about information technology.

Leave granted.

The Hon. M.J. ELLIOTT: At the launch of a Government initiative to promote software development industries last month, the Government Enterprises Minister, Michael Armitage, predicted that there would be a shortage of appropriately trained technical staff in this industry in the next couple of years. I understand that that will be a part of what will be a worldwide shortage by the year 2000 of up to 700 000 people. After the Minister's comments were relayed to me, my office made contact with the Playford Centre which is a joint initiative between Government and the private sector and which offers assistance to developing companies in this industry.

The CEO of the centre, Mr Robert Norton, has confirmed that there is already a lack of technical resources to support this fast growing industry sector. He used as an example a report from earlier this year that an IT company, Texas Instruments, decided at the last minute not to set up a base in Adelaide as the city lacked the supporting technical resources needed for growth, including, as I understand, suitable trainees. Mr Norton says that there is a need for organisations to understand what information technology is accomplishing in South Australia, and the need to support the industry through the provision of appropriately skilled people. My questions to the Minister are:

1. What is the expected shortfall of trained technicians in the information industry in South Australia?

2. What programs are in place to ensure that enough people are being trained in this field?

3. Based on the Minister's acknowledgment of the shortage, what initiatives is the Government pursuing to respond to the expected shortage of trained technicians in the information technology industries?

The Hon. K.T. GRIFFIN: I will refer those questions to my colleague in another place and bring back a reply.

ROAD DEATHS, COUNTRY

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport questions about the high number of road deaths on South Australian country roads.

Leave granted.

The Hon. T.G. CAMERON: Figures released by the Office of Road Safety show that in November this year 13 people were killed on country roads, compared to just one person for the metropolitan area. Whilst the city road toll for November is down on figures for the same time last year, the non-metropolitan toll has gone through the roof with over 90 per cent of fatalities occurring on our country roads. Over the past three months, 31 people were killed on our country roads compared to 18 for the same period last year; that is, over 75 per cent of our road deaths in the past three months occurred on country roads. This carnage can only be described as 'sickening'.

There have been a number of very sad incidents in the past few weeks—several where two or more members of the same family have been killed in the one accident. My questions to the Minister are:

1. How many people have to die before your Government finally gets the message and begins to take country road deaths seriously?

2. What is the Government doing about this appalling situation?

3. In the interests of saving lives, is the Government prepared to consider introducing reasonable measures, such as: making it mandatory for all new drivers to spend at least one driving lesson on country roads, including a dirt or gravel road before being able to gain their probationary licence; undertaking a major campaign warning drivers of the dangers of inattention and fatigue whilst driving in the country; committing extra funding for prioritising and upgrading rest stops; asking country petrol stations, motels and the local community to participate in a road safety program by displaying signs and leaflets warning drivers of the dangers of fatigue; and directing the police to provide extra resources, including permanent resources onto country roads, especially at known black spots?

The Hon. DIANA LAIDLAW: There was a bit of an elaborate build-up to the question in terms of the explanation because the honourable member would know that this year road deaths are dramatically down in South Australia because of the concentrated effort from the police and road safety authorities, and also with $1.2 million extra funding from the State Government in terms of speed and drink driving enforcement measures and general advertising.

The Government takes road deaths seriously at all times and has therefore provided the extra money and focus on road safety. We also take road deaths in country areas particularly seriously because there has been a higher *per capita* death rate in country areas for some time and road deaths on country roads are particularly high among rural people. It is not a fact, as the honourable member's question may have suggested in terms of city people gaining country road experience during their learner or P-plate driving period, that it is city people who are dying in greater proportions on country roads. It is country people who are dying at a greater proportion on country roads.

I know there will be many arguments from country people, for example, the fact that they drive longer distances and do not necessarily have the support of public transport or taxis as an alternative to driving, but notwithstanding such arguments I think there has been general support for the Government's initiative through the South Australian Road Safety Council for a rural road strategy. I have received that strategy and it will be given consideration by the Government during this month and next month in terms of a range of

measures. Seat belts, for instance, is one very easy measure that country people could take but there is a defiance or an ignorance, I am not sure which, amongst country people about wearing seat belts. A much higher proportion of people in country areas who are not wearing seat belts are dying on our roads than in the city area. Therefore, a campaign about the wisdom of wearing seat belts is just one initiative that should be undertaken.

In terms of extra funding for rest stops, the honourable member would be aware that the national road safety strategy, which all State, territory and Federal Governments signed off on earlier this year, includes extra commitment and funding for rest stops and that will be a priority in the future. Petrol stations can be involved and I think they would participate willingly in terms of advice to drivers about fatigue management, to which references are made in this rural road strategy. I was not able to note all the honourable member's questions, but I will read through the questions and get further answers for the honourable member. I say briefly in passing that, in terms of making it mandatory that there be country road experience for all L-plate drivers, that has been raised in the past but it has generally been considered by road safety authorities across Australia that it not be progressed, but if the transport safe committee is established—and the Government is keen to see it established by this Parliament—in addition to compulsory inspections of vehicles at change of ownership, one of the first references we could have is this issue of driver standards in terms of licensing. South Australia leads Australia in this field, but we must maintain that lead and this is one matter that could be addressed by this parliamentary committee in the future.

GAMBLERS' REHABILITATION FUND

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Human Services, a question about the Gamblers' Rehabilitation Fund.

Leave granted.

The Hon. NICK XENOPHON: On 23 August 1994 in a ministerial statement the then Premier and current Minister for Human Services announced that the Gamblers' Rehabilitation Fund was being established. He said:

> This fund will provide programs for gamblers in need of rehabilitation and for family counselling services.

Further, the fund received assistance from the Adelaide Casino in terms of funding the 1994-95 year. I further refer to the media release of the Minister for Human Services dated 9 December 1997 which announced the distribution of $500 000 to the Salvation Army and other welfare services before Christmas to provide material assistance to families affected by gambling. My questions to the Minister are:

1. What is the criteria for providing material assistance to families affected by gambling?

2. Does the Minister concede allowing funds from the gambling rehabilitation service to be used in this way breaches the criteria set by the Minister and the then Premier in August 1994?

3. When does the Government propose that the 24-hour telephone counselling service referred to in today's media release of the Minister will commence?

The Hon. DIANA LAIDLAW: I understood that that media release related to funds that the Government has allocated from the fund. I will refer the honourable member's specific questions to the Minister and bring back a reply.

ELECTRICITY SUPPLY

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Government Enterprises, a question about the lengthy power blackouts experienced by many South Australians on the first weekend of November this year.

Leave granted.

The Hon. SANDRA KANCK: As a consequence of stormy conditions in South Australia on Friday 31 October, two circuits of the electricity interconnect from Victoria went down at approximately 8 a.m. and were not reconnected for another 3½ hours. ETSA responded with a deliberate policy of load shedding, that is, the shutting down of services to sections of the grid in an attempt to cope with the loss of supply from Victoria. Radio announcements informed users of which suburbs were to be deprived of power next. Some consumers have complained to me that the announcements were behind the actual process of load shedding, and while that is of concern it is indicative of a greater lapse in strategic planning by ETSA.

I have been told that ETSA does not have a load management plan drawn up and ready to run in the event of the loss of the interconnect. The events of 31 October were dealt with on the run. An engineer has told me that when two circuits go down in the same easement at the same time during an electrical storm there is a 99.99 per cent chance that this is the result of a lightning strike and that, given that this was the case on 31 October, an earlier effort should have been made to restore one of the circuits. My investigations have highlighted some interesting contrasts with the situation in Victoria where power restoration has never taken so long. In Victoria, aluminium producers Alcoa had penalty clauses inserted into its contract with the SEC. If power was not restored within two hours Alcoa could sue the State Government for breach of contract. The SEC was always extremely motivated to ensure the restoration of power and it never failed to restore it within the required two hour maximum. That contract is indicative of the level of service customers receive from the State utility in Victoria.

The lengthy delays in the restoration of power to many suburbs in South Australia after the storms of 31 October would have brought howls of protest if they had occurred in Victoria. ETSA's performance on 31 October raises many questions about its capacity to continue to supply power to South Australia. My questions are:

1. What strategies are in place or are being developed to ensure an adequate reserve of electricity is available for South Australian consumers?

2. What time frame has the Government placed on the construction of an interconnect from New South Wales?

3. Does the Minister consider that a 3½ hour delay in restoring power through the interconnect was acceptable given that the two circuits which cut out did so at the same time, in the same easement and during a thunderstorm?

4. Does ETSA have a comprehensive plan for load shedding? If so, when was it formulated and was it used on 31 October? Will the Minister provide a copy of that plan to the Parliament?

5. If there is not a load shedding plan, is one to be developed?

6. In the event of the next weather precipitated electricity crisis, what steps does the Minister propose to take to ensure

that the public is more adequately advised of ETSA's load shedding schedule?

The Hon. K.T. GRIFFIN: I will refer those questions to my colleague in another place and bring back a reply.

BUSHFIRES

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about bushfire protection.

Leave granted.

The Hon. R.D. LAWSON: The Minister recently announced that the Government had allocated a further $250 000 to the Country Fire Service, stating that this extra funding would bring the total cost of providing fire bombing services to between $750 000 and $1 million. The Minister was quoted as saying that if extra funding had not been forthcoming the State would have been without aerial fire bombing services for between five and eight weeks, and he noted that that was simply unacceptable. My questions to the Minister are:

1. Will the Minister assure the Council that the Country Fire Service is adequately resourced to meet foreseeable dangers presented by the bushfire risk this coming summer?

2. What other steps have been taken or are in contemplation in respect of providing appropriate bushfire protection?

The Hon. K.T. GRIFFIN: I can give the Council an assurance that the CFS is adequately resourced in the circumstances to which the honourable member referred. Obviously, we would always like to spend more on emergency services, and it may well be that in relation to the Country Fire Service, as with other branches of the emergency services, one could always find a way of spending more money on improved vehicles and other plant and equipment, for training and a variety of other purposes. But that is something that is not relevant to the immediate issue of aerial fire bombing.

It is correct that the Government has put out to tender the aerial fire bombing for, particularly, the Adelaide Hills and the Lower South-East, which provide the areas of highest risk to the State from bushfires or wildfires, as the Country Fire Service now prefers to describe them, to connote the much more serious nature of a wildfire than just what some people regard as a bushfire away from the settled areas of the State. There was a concern that the aerial bombing services should be available for a reasonably long period over the Christmas-New Year break throughout the summer season. I am told that over the past four years total aircraft hours flown in water bombing exercises vary between 40 hours and 300 hours for a season. And it depends very much on the season: whether it is hot, windy and dry or whether it is a more temperate summer with more rain.

Of course, it varies from year to year, and we took the view that it was important throughout what was likely to be a very serious fire danger period to make more money available so that there could be a longer period of water bombing facilities on standby and available for use. Just as a matter of information for the Chamber, there are likely to be two AT-802 air tractor aircraft for the Mount Lofty Ranges available daily, carrying 3 200 litres of water and fire retardant (and that, I should indicate, exceeds a single Canadair water bomber such as was stationed in Adelaide last year); one AT-502 air tractor for the Mount Lofty Ranges, which carries 2 000 litres; and another of a similar configuration for the Lower South-East on very high fire danger days. They have the flexibility to move aircraft anywhere in the State as the CFS requires.

As the expertise has developed, so the proper targeting of the aerial water bombing has been refined and developed to a very high level of competency. The concern about the fire season is that many of the citizens of the State seem to have ignored the lessons of Ash Wednesday 1983, Ash Wednesday 1980, fires in Sydney of less than two weeks ago and other fires that occur; and there is much debris around homes in heavily forested areas of the State, particularly the Mount Lofty Ranges. The CFS is promoting an educational campaign to encourage people to take some precautions, because it is all very well to rely upon the emergency services but, unfortunately, they are limited by the number of personnel who can get to particular places to deal with wildfires, and they are not encouraged by the dense undergrowth that will cause an even greater problem in terms of the spread and devastation likely to be caused by such fire activity.

So, I encourage every member of the community to take steps to protect their property. Every member of the community has a responsibility to play their part in this task, and they should not sit back and expect that the emergency services will roll up at their doorstep if there is an extensive emergency created by wildfire, and expect that their property will be saved if they have not taken some precaution to assist in the protection of that property by clearing undergrowth and debris, overhanging trees, clearing out gutters and so on. So, education is an important part of this. The community has a responsibility, as do the emergency services, in fighting wildfires. The aerial water bombing provision that we made only a few days ago will ensure that we have the best configuration of resources available to combat those sorts of emergencies.

COOBER PEDY SCHOOL

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister representing the Minister for Education, Children's Services and Training a question about school facilities in the town of Coober Pedy.

Leave granted.

The Hon. CARMEL ZOLLO: Several weeks ago I had the pleasure of visiting Coober Pedy with several of my parliamentary colleagues, including the member for Giles, Lyn Breuer. I must admit that it was the first time I have visited this part of South Australia, although I have often heard Coober Pedy described as a unique town. I certainly enjoyed the visit, and find it difficult to come up with another adjective. Coober Pedy has a great sense of community spirit and is a melting pot of many ethnic communities. The sentiments expressed to me by many people who call Coober Pedy home is that their town, which has now been there for over 80 years, has always been treated as a temporary town.

Nothing epitomises this mindset more than the state of the buildings of the Coober Pedy Area School. In a town where the temperature regularly hovers around 40° for a week at a time, not one single classroom building is of solid brick construction. I was told that many of the buildings are sinking, twisting, and the walls need relining.

The majority of the buildings are already second hand when they are trucked up there. The last building received provided great entertainment—it still had the graffiti from the last occupants. I was told that a substantial amount of money has been made available for an upgrade but that there is enormous concern that, basically, old buildings are being

repaired. Indeed, there is concern whether it is good economics to continue to pour money into buildings that are not designed for the local climate, particularly as they are not dust proof. The community plays its part by raising funds to maintain the airconditioning system, and I understand that a sporting facility is now being shared between the Department for Education, the council and sporting clubs.

A number of people made comparisons with the very smart, new facilities provided to children attending the school at Olympic Dam. Are there any plans to replace timber-framed classrooms with solidly constructed buildings which take into account the harsh weather conditions of the Coober Pedy area?

The Hon. R.I. LUCAS: The honourable member has very adequately described the effects of 20 years of Labor inactivity for many of our country schools and communities. The honourable member indicated that this was her first visit to Coober Pedy. Let me assure her that, when she does travel wider and visits a number of other country schools in regional communities, she will see many other examples of the neglect of 20 years of Labor Administration in South Australia's country and regional communities and schools. I can only urge the honourable member—

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: We fixed that one up, Ron. I am delighted that the honourable member has visited Coober Pedy to look not only at the state of the school facilities but also, I am sure, at other facilities as well. I am delighted that she has also reported that the Liberal Government was the first one, after many years of Labor Administration, to give a commitment to upgrading some of the facilities at Coober Pedy, something which is warmly welcomed by the Coober Pedy community. I will refer the honourable member's question to the Minister and bring back a reply.

KANGAROO ISLAND FISHERY

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Minister for Justice a question about fisheries on Kangaroo Island.

Leave granted.

The Hon. IAN GILFILLAN: We realise that there must be some surveillance of fisheries regulations and legislation, but I have been advised that there is serious concern by locals on Kangaroo Island about frequent breaches of the Fisheries Act which are going unreported and unpunished. I have received correspondence from the Kangaroo Island Recreational Fisheries Committee and the American River Progress Association in which they both plead for fisheries enforcement officers to be stationed on Kangaroo Island.

Kangaroo Island has 500 kilometres of coastline and a vast number of remote and secluded access points. Therefore, it is relatively easy for those so disposed to exceed bag limits, to take undersized fish or to take scale fish, abalone and rock lobster for subsequent illegal sale. It is easy for them to do that but it should not be easy for them to get away with it. Although Kangaroo Island is geographically large, the island community is relatively small. Many people are related and know of or know each other. Many people know exactly who is flouting the fisheries law. They know who is selling abalone or rock lobster at the local pub, who is supposedly an amateur but fishing on a commercial basis, and so on.

The Secretary of the American River Progress Association, Michaela Swan, advises me that, because these offenders are well known in the local community, the combination of apathy and long-standing friendships leads to a reluctance to report breaches to Fishwatch verbally and an even greater reluctance to make a written report.

The Chairman of the Kangaroo Island Recreational Fisheries Committee, Tony Geyer, in a letter to Ms Swan, endorses this view and adds another disturbing note. Mr Geyer says that the people of Kangaroo Island are apathetic about making reports to Fishwatch because, in the past, there has been only a 'low level of response' to such calls. Mr Geyer has previously urged Fisheries Manager Brian Hemming to appoint full-time enforcement officers to Kangaroo Island. Mr Geyer said:

> Mr Hemming, while sympathetic to our needs, suggested the situation is one dominated by economic considerations.

My questions to the Minister are:

1. Why has the Government not appointed fisheries enforcement officers to Kangaroo Island?

2. On the basis of law enforcement, how does the Minister expect adequate policing and apprehension of offenders without putting officers *in situ* to do the job?

3. If the issue is cost, has the Government calculated the harm, both economic and environmental, that would be caused to South Australia if the waters off Kangaroo Island were to be overfished, or depleted of particular species such as abalone or rock lobster?

The Hon. K.T. GRIFFIN: I will refer the question to my colleague in another place. It is not an area where I have any specific ministerial responsibility. I will bring back a reply.

MEMBERS' ACCOMMODATION

The PRESIDENT: Before calling on Orders of the Day, I indicate that I have made a decision about accommodation for honourable members, and I will try to get a letter out to the Parties this afternoon.

PUBLIC SECTOR MANAGEMENT (INCOMPATIBLE PUBLIC OFFICES) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Minister for Justice) obtained leave and introduced a Bill for an Act to amend the Public Sector Management Act 1995. Read a first time.

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

That this Bill be now read a second time.

In his audit overview for the year ended 30 June 1996, the Auditor-General dealt with the question of incompatible public offices. One of his recommendations was that a detailed review should be made of existing potential incompatible appointments of public servants within ministerial departments. He recommended that, where appropriate, remedial arrangements should be put in place to regularise the position so as not to prejudice public servants who have acted in good faith and who may be affected by the operation of the common law rule.

In the audit overview, the Auditor-General discussed issues relating to incompatible public offices. Two offices may be described as being incompatible where there is an inconsistency or conflict between their respective functions. At common law in such cases the doctrine of incompatible public offices operates to either invalidate the second appoint-

ment, or to vacate the first appointment. The law is uncertain as to which of those two outcomes applies. The Auditor-General expressed particular concern that incompatibility could arise where a public servant board member is an employee in the ministerial department that has responsibility for the statutory board in respect of which the public servant is a member.

The Government therefore proposes to amend the Public Sector Management Act to provide that, where a public officer is appointed to a second or subsequent public office, the public officer is taken not to have vacated the first office (and is not to have been taken to have been invalidly appointed to the second or subsequent office) merely because of the potential for a conflict of duty and duty between the two offices, or by reason of any implication that the duties of either office require the full-time attention of the officer.

It is also proposed to provide that the Governor may give directions in relation to incompatible offices that are held concurrently, and if the office holder concerned complies with those directions he or she will be excused from any breach that would have occurred.

The Government also proposes to instigate a targeted review of existing appointments to Government boards and committees to ensure that chief executives and statutory office holders are not holding incompatible offices and to include guidance and principles on the issue in relevant Government handbooks and publications, and in material produced by the Commissioner for Public Employment on ethical behaviour. I commend the Bill to the Council and seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Insertion of s. 70A

This clause inserts new section 70A into the principal Act. Section 70A excludes the doctrine of incompatible public offices in certain situations.

Subsection (1) provides that where a person holding an office is or has been appointed to a further office, he or she is not to be taken to have vacated the first mentioned office or to have been invalidly appointed to the further office simply because of a potential conflict between the duties of the offices, or because the duties of either one or more of the offices impliedly require the person's full time attention.

Subsection (2) provides that where a person complies with directions from the Governor in relation to an actual or potential conflict between offices held concurrently, he or she is excused from any breach that would otherwise have occurred.

Subsection (3) defines 'office' for the purpose of this new section.

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

UNCLAIMED SUPERANNUATION BENEFITS BILL

Adjourned debate on second reading.

(Continued from 3 December. Page 38.)

The Hon. P. HOLLOWAY: The Opposition supports the Bill. One of the most significant achievements of the Hawke Labor Government was its reforms to retirement income. With the ageing of the Australian population, it was imperative that working people became more self-reliant in the provision of retirement income. To achieve this objective, in the mid 1980s the Hawke Federal Government introduced the superannuation guarantee levy, under which all working Australians would contribute a percentage of their income (at that time it was 3 per cent), with that percentage contribution to increase progressively over the years.

Under the superannuation guarantee levy, the number of Australians with superannuation coverage increased from about 30 per cent at the beginning of the 1980s to a figure now where most of the Australian work force has superannuation cover, and I believe that this is one of the most significant social advances in this country. Unfortunately, however, the visionary aspirations of the reform to retirement income was not matched with attention to detail in the administration of some superannuation schemes. Problems have occurred, particularly with low-paid and itinerant workers.

I recall a number of constituents coming to me who had contributed several hundred dollars to their superannuation scheme prior to leaving their job. There was a discretionary power under which, if those benefits were below a certain threshold, they could be paid out, and I think that it was about $750. However, that was the cause of considerable inconvenience and delay, particularly as some of the fees charged by superannuation funds were draconian and, as a result, the benefit of a small amount of money was reduced.

Since the introduction of the superannuation guarantee scheme, a large number of delays have been experienced in the provision of information to workers who are covered by the schemes, and one need only cite the State superannuation scheme, which at least until recently was some three or four years behind in informing members of their entitlement.

Inasmuch as this Bill seeks to redress and deal with some of the administration problems in superannuation, the Opposition will support it. Under the Bill, superannuation funds and approved deposit funds that are registered within this State will report and pay to the Treasurer all unclaimed benefits held by the funds as at 30 June. Unless this Bill is passed, those unclaimed benefits will be payable to the Commonwealth Commissioner of Taxation. The Bill also requires the trustees to report member and benefit details to the Treasurer, so that a register of unclaimed superannuation moneys can be kept to assist the Government in paying any subsequent claims that could be made under the provisions.

I also indicate that the Bill brings the State into line with all other States of Australia which have similar legislation, so its passage will facilitate cooperative working in this aspect of superannuation.

Before I conclude, I would like to place on record a number of questions about the scheme, for which I do not expect the Minister to have answers straight away. However, he may be able to provide them here or in another place before the final passage of the legislation. Those questions are as follows: for how long does an entitlement to unclaimed benefits exist? What are the expected financial benefits, such as interest, and the cost to the State of administering this scheme? Based on experience in other jurisdictions, what proportion of unclaimed superannuation benefits does the Government believe will ultimately be claimed and what proportion will remain in Consolidated Revenue?

Also, will the Treasury levy any charges to claims on the use of the fund? What is the number and the amount of unclaimed benefits that the Government expects to receive each year? Who is able to claim an unclaimed superannuation benefit under clause 7 of the Bill? For example, is it just the person who made the superannuation contribution or can it

be the estate, the beneficiary, creditors, relatives or any other person?

I should like the Treasurer to provide me with answers to those questions at some stage. However, the Opposition sees this as a simple administrative measure to speed up the operation of unclaimed superannuation benefits and, as such, we are happy to support it.

The Hon. M.J. ELLIOTT: The Democrats support the second reading of the Bill because there is no contention in it whatsoever. I am sure that the Federal Treasury would have been quite happy to claim the money, but I understand that the State is keen to have some potential minor sources of revenue that it might call its own, and that is what this Bill is. It is one little niche through which the dollars can still come directly, without having to rely on the Federal Government. The only potential for concern would be if the rightful owners of the money did not have rightful claim to it, and it is quite plain from the Bill that they do, so we have no problems with the legislation.

The Hon. R.I. LUCAS (Treasurer): I thank members for their indication of support for the second reading of the legislation, and I give an undertaking to the Hon. Paul Holloway that, prior to the passage of the Bill in another place, hopefully tomorrow, I will endeavour to get answers for him. Should that prove a bit difficult with respect to a couple of the questions that he asked, I undertake to correspond with the honourable member and provide him with further answers by way of letter.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

The CHAIRMAN: I point that clause 7, being a money clause, is in erased type. Standing Order 298 provides that no question shall be put in Committee upon any such clause. The message transmitting the Bill to the House of Assembly is required to indicate that this clause is necessary to the Bill.

Remaining clauses (8 to 11) and title passed.

Bill read a third time and passed.

LOCAL GOVERNMENT (HOLDFAST QUAYS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 December. Page 39.)

The Hon. P. HOLLOWAY: The Opposition supports this Bill subject to the passage of an amendment to examine alternatives to the proposed boat launching facility at West Beach. My colleagues in the House of Assembly—Patrick Conlon, John Hill and Ralph Clarke—are well briefed on the Holdfast Shores West Beach development and, when this Bill goes into the House of Assembly, they will explain the Opposition's position on this project in greater detail than I am able to do. So I apologise in advance for any shortcomings in my speech. I hope I can at least outline the basis of our position on this Bill.

The purpose of the Bill is to formally vest with the Crown a strip of land parallel to the coast at Glenelg. This land stretches from the south bank of the outlet channel of the Patawalonga river to Magic Mountain, and includes part of the car park at the end of Anzac Highway, the amusement park on the western side of Colley Reserve, the Glenelg Life-saving Club and the banks of the southern Patawalonga shore, which are used as a boat ramp by members of the Glenelg Sailing Club.

It is my understanding that the land in question was originally a road reserve, and I know that down the years a number of Acts of Parliament have been responsible for that area, including the Glenelg Foreshore Act 1923 which became the Local Government Act after 1934. It is under 886ba of the Local Government Act that the Holdfast Bay council is required to hold this strip of land as public park and not to deal with that land without the consent of the Minister for Local Government.

The purpose behind this Bill is to formally vest this land in the Crown to facilitate the Holdfast Shores development at Glenelg. The land subject to section 886ba of the Local Government Act is part of the site for the $185 million development, and we are told that vesting of the land is necessary to enable that development to proceed.

I want to make it quite clear from the outset that the Opposition supports the Holdfast Shores development—that is, the marina and the housing development at the mouth of the Patawalonga—and we are certainly happy to support the change in land title to facilitate the development.

We reserve judgment on the financial aspects of this project from the point of view of the cost to taxpayers, as we have not had the opportunity to examine in any great detail the costs or risks associated with this project. We can certainly say that the taxpayer contribution to this project has been considerable, and I will say more about that later. I trust that the Auditor-General will at some stage in the future judge the merits of the Government assistance and transfer of land, and so on, to this project in relation to the benefits. But that is not really our concern here.

The Opposition has real concerns with the associated West Beach boat launching facility. The link between the Holdfast Shores and the West Beach project is as follows. To enable the development at Glenelg to proceed it is necessary to relocate the boat ramp on the north side of the Patawalonga channel and the Glenelg Sailing Club from its current site near the Patawalonga lock. To solve the problem of where to relocate these activities the Government has decided, at an expense of some $10.6 million to the taxpayer, to build a 250 metre-long groyne at West Beach. This groyne is five meters high, and associated with it will be a boat ramp at West Beach. The Government will also build new clubrooms for the Glenelg and Holdfast Bay Sailing Clubs at the West Beach site.

It is this massive and expensive groyne at West Beach and its likely impact on the beaches and costal dunes north of West Beach reserve which is the principal concern of the Opposition and, indeed, of many residents, scientists, the local council, and so on. I will address that matter in a moment. When the Patawalonga was being dredged, using the Better Cities money provided by the former Federal Labor Government, it was realised that the basin would soon become polluted again unless the outflow from the Sturt River and Brownhill Creek was diverted to the sea near the Glenelg treatment works at West Beach.

The Hon. L.H. Davis interjecting:

The Hon. P. HOLLOWAY: I will say plenty in due course, if the Hon. Legh Davis cares to listen. Opposition to an open channel to the sea was so strong amongst the community that the Government ultimately went back to the drawing board in relation to this project. The alternative proposal for a pipeline out to sea to isolate the Patawalonga Basin is also part of this project and, indeed, that is a matter

on which I would appreciate some enlightenment by members opposite, to tell us exactly what is happening in relation to the discharge of stormwater from the Glenelg and Brownhill Creek channels and whether this will coincide with the construction of the groyne at West Beach.

The concern within the community over the impact of the massive groyne at West Beach is understandable. The groyne at the mouth of the Patawalonga has been responsible for a massive buildup of sand on Glenelg beach south of that structure, while the North Glenelg beach has been progressively eroded and degraded since the groyne was built there, and there are obviously fears that the same fate will occur to the beaches north of this proposed new groyne at West Beach, if it is built.

This section of beach contains some of the few remnants of the sand dune system which once stretched south of Brighton all the way to Outer Harbor. People in the community who have seen the magnificent coastal systems that still exist in cities such as Perth—because the Governments and communities of those cities had the presence of mind to protect them—can only look with some dismay at what has happened along our stretch of the coastline. It would be a great pity if some of the very few dunes we have left along the metropolitan Adelaide coast were destroyed as a consequence of this proposal.

I turn now to the question of community concern about the West Beach boat launching facility, because this concern has been substantial.

The Hon. L.H. Davis: This is a sort of neutral opposition to it.

The Hon. P. HOLLOWAY: I would like the interjection of the Hon. Legh Davis to go on the record. He says these are the people who used Stephanie Key's posters, and so on. I am not sure whether Steve Condous MP, Chris Gallus or John Mathwin (former Liberal member for Glenelg) used Stephanie Key's posters. However, all these people did express some concern about the project, so it is probably a good place to start. I do not have Chris Gallus's statements but I know that she was at a public meeting last week and spoke out against the proposal. Steve Condous was quoted in the Messenger *Guardian* of 22 October this year as follows:

> . . . there was a growing chance that the Government may 'have another look' at the proposal. Mr Condous said he had recently lobbied several Ministers and gained their support to look for an alternative proposal. 'I have spoken to the Premier and said that I want to sit down with him and discuss the proposal. . . '

So, Steve Condous, the local member for the area, has expressed his concern about the project. John Mathwin, a member of the Holdfast Bay Council and the Metropolitan Seaside Councils, was reported in the *Weekly Times* Messenger of 22 October as follows:

> 'I am concerned in relation to the possible permanent damage to the foreshore. It's not fixable. If they put this groyne in it's there forever,' chairman John Mathwin said. 'It's a problem, it's one I shudder about.'

The above comments are just some of the concerns of members who are associated with the Liberal Party. However, a number of other people in the community are also concerned about it. The Mayor of the Charles Sturt Council, John Dyer, is not somebody who can be described as a Labor stooge, and his council has set up a $25 000 fighting fund to help residents campaign against the development. The *Advertiser* of 12 November contains a report as follows:

> The council's mayor, Mr John Dyer, said there were not sufficient explanations to satisfy concerns about the development. 'They are playing the same old tune,' Mr Dyer said. 'It's time the Premier. . . talked honestly about this project.' He said there were no guarantees that the Government would continue to cover the cost of sand removal to ensure the beaches did not disappear.

It is recognised in the reports on this project that the massive sand buildup on the southern side of the groyne structure will need to be shifted to the north—up to 50 000 tonnes of sand a year. This will cost between $100 000 and $500 000, in perpetuity. So it is inevitable that the councils and residents of the area are greatly concerned about what will happen in the future, given that it is acknowledged that there will have to be a massive transfer of sand, which will vary between years depending on weather conditions.

Members interjecting:

The Hon. P. HOLLOWAY: I am hearing all these interjections which illustrate the tactic that the Government is using. The Opposition is raising genuine concerns about a structure, which everybody knows will have a massive impact upon the coastline of this State—

The Hon. L.H. Davis: Are you in favour of it or not?

The Hon. P. HOLLOWAY: No, I am not in favour of it, not without adequate discussions.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: The Opposition will move an amendment which requires the Government to look at some alternatives. The Opposition believes that before we rush headlong into supporting this massive structure we should look at some alternatives.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: It has not been going for 15 years. Earlier this year the Government, in its initial proposal, was looking at a channel. The Government wanted to channel directly out to sea all the waters from the northern end of the Patawalonga. The Government has now come up with this alternative proposal, and that brings me to an important point. The original environmental impact statement was done for the original Jubilee Point EIS back in 1990, and there was an amendment to that. However, the amendment that was done for Holdfast Shores does not consider in detail the West Beach part of this project. So, no major environmental impact statement has been done on the impact of the West Beach boat launching facility. The EIS on the Holdfast Shores development considers an earlier and quite different project which involved a channel being cut out to sea. I think that that is a very important point.

I will continue with some of the concerns of other people. I have referred to some of the Liberal members who represent that area. Twelve scientists who work for SARDI jointly signed a letter expressing their serious concerns about the effect of the proposed facility.

The Hon. R.R. Roberts interjecting:

The Hon. P. HOLLOWAY: As my colleague the Hon. Ron Roberts says, they have now been muzzled. They have been told that they cannot comment on it. Yesterday the Minister for Government Enterprises derided them and said that because they were marine scientists they could not comment. He said that they needed to be engineers to speak about it. It is tragic that we are still back in the era when we have not realised yet that there is an important interaction between the coastal system environment and the marine environment and the movement of sand. Those two cannot be divorced. For years we had engineers running the River Murray but we finally realised that we needed to look at the River Murray not as a freely provided pipeline but as an

environmental system. When we realised that, we started to make some improvement in managing the River Murray, yet here we are trying to run the beach as if it is a whole lot of sand that needs to be trucked and moved from point A to point B. Until we start looking at all aspects of the marine environment we will not effectively come up with a solution to this problem.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: I mentioned earlier how the EIS for the Holdfast Shores development does not consider the West Beach proposal even though it will have a massive environmental impact. As well as that we need to ask what will happen in relation to the environmental consideration of the pipeline which will be used to divert the water from the stormwater outflow from the Brownhill Creek and Sturt channels out to sea, which will clearly be part of this whole project. I would have thought that that by itself would be sufficient to warrant some proper investigation.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: The stance of the Government, clearly, is to try to misrepresent the Opposition's position on this. I reiterate: we are not opposed to the Holdfast Shores development at Glenelg, that is, the related residential and marina structures, and we are happy to facilitate that part.

We are concerned that major changes are proposed to our coast without adequate investigation into the issue, and that is the Opposition's position in a nutshell. I would have thought that, after nearly 100 years of destruction of our coastal system and ruining so much of our coastline, we would finally reach the stage where we act very carefully before taking any further action that might damage our little remaining coastal dune systems.

Concerns have been expressed by many local residents. For example, the spokesman for the West Beach Surf Life Saving Club, Mr Peter Bardadyn, said that the number of people and organisations opposed to the structure was growing. He said:

> There are people of all ages and from all walks of life.

Local residents' groups have expressed their concerns. The Henley Grange Residents' Association spokeswoman said that there was at least one alternative to creating a boat launching facility at West Beach. She also said:

> A viable alternative exists in the proposal to use West Beach land for car and trailer parking, but launching the boats in the north end of the Patawalonga . . . At least then we will only have one huge and expensive obstruction across the beach at Glenelg.

That, in a nutshell, is the Opposition's approach. We believe that before we rush into building this massive groyne structure—which is proposed to be five metres high and 250 metres long and which will inevitably have a massive impact upon our last remaining stretch of beach that contains a coastal dune system—we should at least explore whether there are other alternatives. I will move an amendment during Committee that contains some alternative suggestions that we should look at over a three-month period. The Opposition is seeking nothing more nor less than that we should consider alternatives; that is what the local residents and councils are asking for and that is what the scientists who work in the area are asking for.

Incidentally, it is also what the Chairman of the West Beach Trust is asking for. In his letter to the editor dated Wednesday 3 December, the Chairman of the West Beach Trust, Mr Miles, said:

> In the case for the West Beach boat harbor project, comment was made that there were no residents or houses within a kilometre of the proposed construction site. For information, the triple tourism award-winning West Beach Caravan Park and Marineland Holiday Village, which last year hosted in excess of 60 000 visitors (more than one-third of whom were from interstate and overseas), are both adjacent to the site. With a gross income of $3 million in tourism dollars, any damage to the beach—which is a critical factor in attracting tourists to West Beach—would prove disastrous and impact on the adjoining tourism industry.

That is another very sensible reason why we should be somewhat cautious before rushing headlong into this proposal for a boat-launching facility. The West Beach tourist resort is very important. I believe that the West Beach Caravan Park is one of the largest caravan parks in Australia in terms of the number of people it accommodates. I think that almost a third of the tourists to this State stay at that particular village. Why would those people stay at that village if the beach system along that part of the coast is destroyed? We have seen what has happened to North Glenelg beach since the establishment of the groyne. Do we want the same thing to happen to the stretch of beach at West Beach and north of the proposed groyne?

In relation to the tourism development at West Beach, the question needs to be asked: what will happen when all this sand needs to be moved? The proposal, as I understand it, is that all the built-up sand to the south of the groyne will be trucked to the beaches to the north. One can imagine what will happen with trucks carrying 50 000 tonnes of sand from south of the groyne to the beaches to the north of the groyne—and that will occur every year.

Members interjecting:

The Hon. P. HOLLOWAY: There is a lot of noise from the other side of the Chamber, but I am suggesting that the West Beach reserve is one of this State's foremost caravan parks. Many people who stay there have travelled from Broken Hill and country areas of the State, and they do so because of the attraction of the beach. Will they be attracted by seeing dozens of trucks moving back and forth up that beach carting sand—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: They do not go to that part of the beach. It is a great pity that the Treasurer has not visited this area, as I have done over a number of years, because if the Treasurer visited the area he might understand better why the people have great concerns about this beach. I repeat: the Opposition's concern does not go beyond that. We say that there must be a better alternative.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: There must be a better alternative to a 250 metre long, five metre high groyne which extends from the coast at West Beach and which will have a large impact along the coast. We also must take into consideration the cost.

Another point relates to sand carting. On 1 October the Messenger *Guardian* reported that the board executive officer of the Coast Protection Authority, Mr Rob Tucker, appeared before a parliamentary committee—I assume that it was the Public Works Committee—and advised the hearing that Government figures on sand management in the area could also blow out the $250 000 annual cost estimated earlier this year. Mr Tucker told the committee:

> It is important to note that sand management is a very highly variable activity on the coast; it is very weather dependent . . . And this $250 000 could vary as much as between $100 000 and $500 000, assuming that most of it can be done by trucking sand along the beach.

For the large number of people who have expressed concern in relation to this project, I hope that I have been able to demonstrate that the Labor Party, as the Opposition, is doing its job in representing the quite legitimate concerns of a large number of people within the community.

Members interjecting:

The Hon. P. HOLLOWAY: Members opposite are getting a little excited about this project.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: We are talking about a development that will irreversibly change the environment along a section of this State's coast. Past experience of structures along the coast of this State suggests that the impact of that development along that beach will be disastrous. If we are talking about jobs and development, what about the jobs of those people at the West Beach Caravan Park? What about all the other people in that area whose security will be adversely affected if this development has the impact that many fear? I again make the point that the Opposition is not saying that we should not have a facility for trailer boats—far from it.

In relation to the sailing club, the Sea Rescue Squadron is already located at this site. It is quite possible to launch boats off the beach; indeed, at nearly every sailing club along the coast of Adelaide boats are launched off the beach. It is done from Brighton and other areas, and it can be done just as easily here. Launching trailer sail boats directly off the beach is no problem. We are talking about a much-needed facility for power boats within the area. My amendment, which I will move in Committee, suggests that we look at a number of alternatives that would enable those boats to be launched, at a much reduced cost to the taxpayer. We suggest that it does not need a $10.6 million massive structure that can cause damage to the environment and viability of the West Beach Trust Caravan Park and a number of other areas. We suggest that there may be much cheaper alternatives.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Read the motion. If the Leader of the Government cares to read the motion, he will see that it is all there, and I will be happy to explain it when we come to the appropriate stage of the Bill. At this stage I make the point that we believe we should be looking at some alternatives to this massive structure. Again, we wish to see the Holdfast Shore development at Glenelg go ahead. This facility at West Beach is purely an addendum that the Government has given to us. We suspect that it is trying to hide the pipeline out to sea to deal with the outflow from the Sturt and Brown Hill creeks about which it has not said much.

The Hon. R.R. Roberts interjecting:

The Hon. P. HOLLOWAY: Yes, my colleague the Hon. Ron Roberts reminds me of the other problem that it will cause to SARDI, which is located in the vicinity.

The Hon. Diana Laidlaw interjecting:

The Hon. P. HOLLOWAY: They are certainly not queuing up for the destruction of the area.

The Hon. R.R. Roberts: They'll be able to watch the degradation from the shore.

The Hon. P. HOLLOWAY: That is right; SARDI will certainly get plenty of work in terms of watching what the impact of this development could be. At this stage I will conclude my remarks by again summing up the Opposition's position. It supports the Holdfast Shores development at Glenelg. It believes that this development can proceed in a way that does not involve taxpayers putting $10.6 million into a massive boat launching facility several kilometres up the coast. It believes that, at the very least, we should look at alternatives to that proposal which will be less environmentally damaging, which will be cheaper for the taxpayers of this State but which will serve the needs of the public. The Opposition's position is as simple as that and, if we can pass a sensible amendment along those lines, it will support the Bill.

The Hon. L.H. Davis interjecting:

The Hon. M.J. ELLIOTT: In response to the Hon. Mr Davis, who interjected before I had even spoken, which is not bad, yes, the Democrats are realists and can see that the development at Glenelg will proceed as the Government proposes: matters have got to such a point that that much is inevitable. However, I do not see the form of the development at West Beach as being inevitable and at this stage I certainly would hope that it is in a vastly different form. If we are to discuss these issues rationally as distinct from what members of the Government are trying to do through their interjections, then it is useful to look at some history. I have known of this proposal in the Glenelg area for some time because it was not long after I came into Parliament that the Jubilee Point proposal was before us under the previous Labor Government.

The Jubilee Point proposal was one of a number of projects that got into trouble largely because the then Labor Government said to developers, 'Do not worry, this project will get up no matter what' and tried to use the crash through approach, but in so doing it ignored concerns that were being raised about sand movement in the vicinity of Glenelg and a number of other problems. The more the public realised it was being ignored the more the public dug its heels in. I remember one particular meeting at the Glenelg town hall where the town hall was full to capacity and some 300 people were outside as well. It was very soon after that meeting that the Bannon Government pulled the plug because it realised that it was running into significant public opposition.

The Hon. L.H. Davis: St Peters Town Hall was full, too, about the O-Bahn.

The Hon. M.J. ELLIOTT: I will give my speech and you can give your speech later. The point is that the previous Labor Government recognised that it could not afford to have development proposals being put up and then fall over and significant heat was already developing in relation to another marina development on the southern end of the metropolitan coastline. As a consequence of that, the Government did something which was rarely sensible—it set up a marina assessment advisory committee. The Government's idea was to identify sites in the vicinity of Adelaide which would be suitable for marina developments and, having done so, consider most of the environmental, social and economic variables early so when a developer came in it knew it had a site which had been through a significant screening process to begin with. That had not happened to Glenelg; it certainly had not happened to West Beach; and nothing similar had happened previously.

The marina assessment advisory committee comprised representatives of the following departments: Attorney-General's, Engineering and Water Supply, Environment and Planning, Fisheries, Lands, Marine and Harbors, Premier and

Cabinet, State Development and Technology and Tourism—a very wide spread of interests covered by the Government. The committee was given a list of sites to consider. The first thing it did was to develop guidelines by which it would assess whether or not a marina site was suitable.

The Hon. R.D. Lawson interjecting:

The Hon. M.J. ELLIOTT: This was April 1988. It was not long after the Jubilee Point proposal had failed and, as I said, pressure was on in relation to some other proposals. It was seeking to identify suitable sites and then give developers a little more certainty than they had up until that time. It is worth looking at some of the guidelines it came up with and see how Glenelg and West Beach measure up against these guidelines. In relation to economic impact on page 7 under 'Key Issues' the document states:

- marina developments in general should be economically viable without financial contribution from the Government.
- if Government expenditure is involved in a marina development then these costs should be reimbursed, however the use of Government funds for such developments is not a preferred Government option.

I would like the Government to put on record in this place precisely how much the Government is contributing to this project. The document continues:

- under special circumstances the Government may consider funding assistance for public facilities—

and I note 'for public facilities'—

associated with the marina development.

In relation to land use and tenure—

The Hon. R.D. Lawson: This is not a marina; it's a boat launching facility.

The Hon. M.J. ELLIOTT: I am talking about the overall development. Further, in relation to management and maintenance the document states:

- the marina developer will be responsible for establishing a maintenance fund which shall be held in trust by the local council or Government and this fund may be supplemented from extra rate revenue relating to the development or any other source as agreed by the local council and the Government.
- the local council or Government shall be responsible for investing and administering this fund and shall withdraw from the fund such monies as are necessary for maintenance as detailed in the agreement.

In relation to environmental and social guidelines, key issues, the first point is as follows:

- a marina development should minimise any impact on natural coastal processes.

It is a self-evident point. The document continues:

- if a marina development has adverse effects on the existing coastline then the developer shall provide sufficient funds to compensate for any long-term protective or maintenance works deemed necessary by the Government.

Finally and most importantly it states:

- a marina development should not be sited in an area of coastal instability or rapid change.

In relation to aesthetics, another key issue, the first point is as follows:

- careful consideration needs to be given to impacts on coastal vistas and whether they might be regarded as detracting from the natural amenity.

In relation to design parameters the document states:

- breakwaters and protective works shall be designed for a maximum annual exceedance probability of 0.01.

I have listed a number of guidelines which I want to address during the Committee stage to see how both aspects of this development measure up against those types of guidelines.

This Marina Assessment Advisory Committee set up guidelines, not worrying what a particular developer wanted but asking, 'What would a good development look like and what are the sorts of rules that we should have?' That seems a very intelligent way of doing things: to actually set the rules in place first so that developers can come in knowing what they can and cannot do. They then said, 'Okay: now let's look where in the vicinity of Adelaide we could put a development.' They had—

The Hon. R.D. Lawson interjecting:

The Hon. M.J. ELLIOTT: Okay, I will say 'marina'. The fact that West Beach happens to have a 250 metre breakwater means that it goes into exactly the same issues.

The Hon. R.D. Lawson interjecting:

The Hon. M.J. ELLIOTT: You've become a marine engineer now!

Members interjecting:

The Hon. M.J. ELLIOTT: At least I have a couple of years engineering under my belt, which is far more than the lawyer to my left. The Marina Advisory Assessment Committee identified potential sites to start off with: Mutton Cove (near Port Adelaide), Glenelg, Kingston Park, Marino Rocks, Lonsdale, O'Sullivan Beach, Witton Bluff, Old Maslin Quarry, Port Willunga, Sellicks Beach, Myponga, Carrickalinga North, Wirrina, Second Valley, Rapid Bay and Cape Jervis. They produced a preliminary report in relation to those 16 sites and took that to the Resources and Physical Development Committee on 5 April 1988.

On the basis of that preliminary report, that list of 16 was taken back to 13, and at that point Glenelg was removed, because, even on the basis of the preliminary report, they could see that if you were being sensible about where you would locate a marina you would not do it. In fact, members will find that they did not recommend a single site anywhere along the main Adelaide beachfront, starting at Seacliff and going all the way to Port Adelaide.

The Hon. R.D. Lawson: This isn't Glenelg; it's at West Beach.

The Hon. M.J. ELLIOTT: I just said that they did not recommend a single site for a structure on the beach between Seacliff and Port Adelaide. This was on the basis of recognising the sorts of difficulties that such a development would have created. They did recommend four sites: Marino Rocks, Wirrina, Old Maslin Quarry and Mutton Cove. One of those has been largely built and, contrary to what the Hon. Mr Davis would want to say by interjection, we never at any stage resisted the construction of a marina at Wirrina, and I challenge him to find anywhere on the record where we did so.

The Hon. L.H. Davis: That is not true. You weren't keen on that development.

Members interjecting:

The Hon. M.J. ELLIOTT: No, now you've set about telling more lies, because you know very well that the Wirrina development went through a significant environmental impact assessment process and was approved. There was never a word of criticism from us. The criticism that came from us was in relation to the construction of a housing site: the construction of housing contrary to the recently amended Mount Lofty Ranges Development Plan, which had come out only in the previous two years and which said that there should be no significant new housing development outside

the existing townships. That is precisely what it said, and we stand by the criticism of the housing development. At no stage whatsoever did we criticise the development of the marina.

The Hon. L.H. Davis: It was part of the one development.

The Hon. M.J. ELLIOTT: It was not a part of the original development.

Members interjecting:

The PRESIDENT: Order! There is only one honourable member on his feet.

The Hon. M.J. ELLIOTT: If it is an example of anything, it is an example of where the Government has developers coming to it saying, 'We know this is outside the rules. Will you ignore them?' That is precisely what has ended up happening. So far as there was public reaction, it was where something was going outside what any reasonable person would have said was within the guidelines. Clearly, what happened at Wirrina—not in relation to the marina, which had been approved with virtually no opposition whatever—was that the public opposition arose in response to the significant housing development that went into that resort. It went in there because the Government does not believe in rules. The Government breaks rules. In fact, the Government encourages people to break rules.

It is worth noting that the Bannon Government, having had a couple of disasters in terms of failed developments, set about trying to establish guidelines so that developers would have certainty. In fact—

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: They identified four preferred sites and gave some others a potential go, but they said quite clearly that building in a place like the active beaches was really not sensible. However, I note that by 1988 the suggestion of Glenelg had snuck back onto the agenda in another report. I presume by then that there had been a change of Minister and that certain public servants who had been pushing this from the beginning were back at work. We all know who they are, and they will get a brass plaque in due time.

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: I think they deserve one, don't you? Despite the fact that it was recognised that there could be significant difficulties with Glenelg, it was persisted with by certain people. It was not in the political arena to start off with: it was being driven outside the political arena. Certain people in the development community and certain people from within the public sector kept it alive, despite what I thought was the very sensible approach that the Bannon Government had taken through its Marina Advisory Assessment Committee.

I will not go through all the history of what has since happened at Glenelg. As I said, as far as I am concerned it is really a *fait accompli*, but it is worth noting that Glenelg was looked at in the first place for anything because there was concern about water quality and sand movement.

Sand movement at Glenelg was costing about $50 000 a year, and people were not too happy with that, and we have a water contamination problem. Some brains really got to work here, did they not? How did they fix up the water problem? They put it out to sea somewhere else. We can have some arguments about how much cleaner it will be, but they solved the water problem at Patawalonga by putting it out to sea somewhere else. That took sheer genius. So, what do we do about the sand movement problem? We build an even bigger groyne at Glenelg than we have now, and we will build another one down at West Beach as well. That solved the sand movement problem. We now have a bill that will be at least 10 times as big as, if not bigger than, the small sand movement problem with which we started off.

There is no question that the issue of sand movement deserved addressing. There is no question that issues of water quality needed addressing, although it is worth noting that the most obvious thing to do is fix up the sewerage works up in the Hills, which is putting over half the phosphorus and nitrogen into the stream. The Government still has not committed to a timetable to do that. The biggest single polluter of the Patawalonga is the Government, through a sewerage scheme up in the Hills on which it is not prepared to spend money. If you look at the amount of money that it has spent at Marino, you wonder why it is struggling for the money.

Members interjecting:

The Hon. M.J. ELLIOTT: I didn't say I was for the project: I said that the project at Glenelg is a *fait accompli*. I can tell members that developers right around Australia, if they had been offered free land on the Glenelg foreshore, would have formed a queue. This is what is being given. These characters are actually being given more than foreshore: they are actually being given the shore under this proposal, because the marina pier residential and retail area that is to be constructed is, in fact, below the high water mark. What the Government is doing is pushing the high water and the low water marks out to sea, and the developers are getting that land free, as indeed they are the present car park, the current fairground area, as well as the area where the yacht club is; and they are also getting significant land on the north shore.

I reckon that any developers offered that would have been in quite an enormous queue. I would also argue that you could have had developers who said, 'We won't even change the current shore line and we will build you a development with five star hotels, shops, restaurants and all the sorts of things that are coming here. We will do it on the land without having to shift the high water mark.'

The Hon. R.I. Lucas: So you're a development expert as well. You have no idea.

The Hon. M.J. ELLIOTT: Are you telling me that you doubt that, when offered many millions of dollars worth of free land at Glenelg, which is an absolutely choice location, you would not have a queue of developers? What is being offered outside the lock is berths for about 60 yachts. These 60 yachts are not your average Joe Battler's yacht: these are the big ones. So, vast amounts of public money will be spent on a development where the biggest single beneficiaries will be the 60 owners of the luxury yachts that will occupy the external marina—

The Hon. R.I. Lucas: Class warfare.

The Hon. M.J. ELLIOTT: Absolutely, and you guys are running it. I imagine that the top end of town would be the significant occupiers of most of the residences of the marina pier as well but, of course, what else would we expect from a Government that has no concept whatsoever of social justice or how to spend Better Cities money? The Liberal Party will live with the long-term consequences of Glenelg. As I see it, what happens at Glenelg will be a foregone conclusion. But it is not too late to revisit the West Beach Marina.

Those people who take the time to read the environmental impact assessment process in relation to this development will find that it had as its key focus the Glenelg part of the

development and that it paid very little attention to what was happening at West Beach, which was always seen to some extent as a sideshow. It was seen as a sideshow because the Government realised that to get this development up and, in particular, to get more luxury units onto the north side of the development, it needed to remove the boats. The boats to which I refer are the tinnies and are more likely to be the battlers' boats. They will be removed and shifted to West Beach.

The Government was also keen to move the yacht club, but the most important land is probably that used by the tinnies, fishing and amateur boats on the north side of the development. There was a need to shift those, so the proposal was, 'Well, we will shift those down to West Beach.' The structure that was proposed under that environmental impact assessment bore no resemblance to what is currently before us. For the Government to try to suggest that everything is okay at West Beach because it carried out an environmental impact assessment process is an absolute laugh.

Some people have tried to claim that it was after the EIS was carried out and the previous idea criticised that we designed this to respond to the criticism. However, if you produce a structure which is substantially different from that proposed before, it deserves to get the full analysis that it should attract under an EIS—and it did not get that. Frankly, the Government can have no confidence whatsoever in terms of—

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: Well, we in fact pushed for it before the 1993 election.

The Hon. Diana Laidlaw: I am surprised you didn't change your mind.

The Hon. M.J. ELLIOTT: You are pathetic. The whole time the debate about Hindmarsh Island was going on we said there should be a bridge at Berri. We identified that site as the place where it should be built.

The Hon. Diana Laidlaw: Yes, this Government has done it.

The Hon. M.J. ELLIOTT: You can't renege on that. First you said, 'You opposed the Berri Bridge.' Well, we did not, and it is on the record in this place on any number of occasions. If you people come up with bozo ideas, I will address them as bozo ideas. I am afraid that what is happening at West Beach is precisely that. I note that in interjections the Hon. Robert Lawson wanted to question the Manly Hydraulics Laboratory and the qualifications of its representatives. It seems to me that the relevant experience of one of the two people who analysed the area, Douglas Lord, does not read too badly, as follows: Coastal studies, maintenance dredging and beach nourishment, Shoal Bay, New South Wales; review of adequacy of existing sea wall, Lake Ainsworth, New South Wales; review of EIS for proposed development of a boat harbour, Shell Cove, Shellharbour, New South Wales; coastal investigations for a proposed sand extraction industry offshore from Royal National Park, New South Wales, including preparation of a major report on the coastal processes of the Sydney offshore region; coastal studies for design and development of the Anchorage, Port Stephens marina, Corlette, New South Wales; investigation, design and EIS for a coastal management strategy at Lennox Head, New South Wales; investigation of coastal processes relating to a fibre optic cable crossing of Middle Harbour, Broken Bay, New South Wales, and Brisbane Water for Telecom and Optus; multi-disciplinary coastal process investigations along the New South Wales coast, including Byron Bay Hastings Point erosion, Tathra erosion study, Coffs Harbour coastal process investigation, Ballina coastal process investigation, studies for proposed tourist development at Yamba, Woolli coastal process investigation, Sawtell erosion study, and investigation of sand build-up against the Tweed River breakwaters. That is not all the studies, but those are the most relevant of them.

One of the two people who authored the document does seem to have at least some level of knowledge of coastal processes and would clearly have had the same sorts of concerns as the people who carried out the original marina assessment work and who decided there should be nothing on the sandy beaches of Adelaide. They did it because of the history of construction of impediments to sand movement on sandy beaches. I recommend that members read the book called *The Beaches are Moving*, which documents work done by the US Army Corp of Engineers in the United States and which depicts an absolute litany of problems that have been produced by building structures on sandy beaches all over the US.

The Hon. R.D. Lawson interjecting:

The Hon. M.J. ELLIOTT: In fact, if you look at this book you will find that they analyse breakwaters that are not connected to the beach. They analyse breakwaters that run parallel to the beaches, that run across the beach and that start at the beach; they look at all the configurations. Having read the book, I can tell you that those sorts of things are looked at. You have to understand that the decision to interfere with sand movement should not be taken lightly—

The Hon. Diana Laidlaw: That is why we have done the EIS.

An honourable member: You haven't done the EIS.

The Hon. M.J. ELLIOTT: You haven't done an EIS on this structure and you should damn well know that. If you don't you are not doing your job, because an EIS has not been done. I understand that from its proposed amendments the Labor Party is saying, 'For goodness sake, do some work on the environmental, economic and social impacts of both the proposed structure and some other alternatives.' It is a job that should have been done. I ask: how thorough were the people who were doing this project, and why are we debating this right now? It is because they suddenly discovered that they have a small problem as to who owns the land. What genius is responsible for that? We would not even be debating this now if it were not for the sheer genius of the people organising this project! They have really messed up. In fact, it is most likely that some work that took place was absolutely illegal. That is why we are debating this legislation right now—because they messed up. It is not the only place they have messed up: they have messed up time and again.

Some tried to suggest that the people from the Manly Hydraulics Laboratory did not know what they were talking about. Well, they clearly do. It is obvious that they have not carried out a full environmental study of their own and that they were not in a position to do so. People who have read the document will note that the consultants raised a high level of doubt in relation to the report because they had access to the information upon which the Government is claiming that there is no problem. It is worth having a look at their conclusions.

The Hon. R.D. Lawson: Commissioned conclusions!

The Hon. M.J. ELLIOTT: Are you suggesting that it was just bought advice, nothing more or less, and that they have given the answers that the Charles Sturt council wanted?

Members interjecting:

The Hon. M.J. ELLIOTT: Would you refute any suggestion that the report that was prepared by the proponents is of a similar nature?

The Hon. Diana Laidlaw: That is the EIS system.

The Hon. M.J. ELLIOTT: It has not been done under the EIS system.

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: It was not done under the EIS system. I am saying that the Government's work was not done under the EIS system. The Government claimed that it was not necessary because one had already been done on a structure that was not even considered at the time. Among the conclusions contained in the report, it was suggested:

> While it is apparent that a boat harbor could be constructed in the vicinity of West Beach and that beach system maintained through sand management practices *ad infinitum*, this is not in keeping with normal coastal management practice for a net littoral drift coastline.

That is precisely what we have in Adelaide. In fact, it is a very active coastline and a lot of that activity is caused by the fact that we have already made one mistake, and that was to allow building on the sand dunes. Sand dunes play a key role in the stability of beaches and net littoral drift would have been far less if we had not made that mistake. However, that mistake cannot be undone easily, but the speed of littoral drift is relatively high on this coastline and it is certainly faster than it was before we interfered with the beach processes. The report states that the costs will increase significantly if we put structures on the beaches.

The report also states that the maintenance requirements quoted should be viewed as lower limits and the likely bypassing and dredging requirements could exceed those requirements outlined given the natural variation in the processes. Certainly any future sea level rise would result in an increase in the bypassing required to maintain the facility and existing beach dune system to the north. The report continues:

> We cannot see from the information provided that adequate consideration has been given to the impact of variations in the coastal processes and the impact of severe storm events on the system.

Further in the conclusion, this statement is made:

> From the documentation reviewed it would appear that there is limited use of field data collection and analysis or correlation of the modelling to historical events, i.e. calibration and verification. It would appear that the rationale for the development configuration proposed is aimed at minimising the capital costs associated with construction without due regard to expenditure committed to the future maintenance requirements.

In the body of the report, the consultants significantly doubt whether a tombola will form, as has been suggested, and whether the removal of sand by the use of trucks will work. In fact, they suggest that even a single storm event—not a 100-year storm—of the severity we get most years, could fill the whole structure with sand, and it could not be removed with trucks, and there will be major, ongoing problems.

It does not seem unreasonable to me to say, 'Okay, you have got your development at Glenelg, for better or worse, but there are options as to the form that the West Beach development might take.' A number of options are available, so let us take a careful look at them so that we do not make a mistake on this part of the coast which, as has been suggested, still has sand dunes that are more or less intact. In fact, it is one of the few Adelaide beaches where they can be found. Some councils in the Henley Beach area are trying to re-establish dunes, but it is a long, slow, painful process. We should not put at risk the most southerly extent of the dunes on the basis of inadequate research, given that this part of the development was always seen as relatively minor.

Nobody to whom I have spoken at any stage has questioned whether or not the sailing club should be relocated to that site. The only questions have concerned the structures that should be in place for the launching of the boats. People want to see a structure that will have the least long-term impact on the viability of the Adelaide beach system and the State's finances, and that seems to be a reasonable position to take.

The Hon. R.D. Lawson interjecting:

The Hon. M.J. ELLIOTT: I have no problems with their launching small boats where they are launched now.

The Hon. R.D. Lawson interjecting:

The Hon. M.J. ELLIOTT: No, but you can do that with most of the other developments staying there. The fishing boats, which are mostly what the ramp is being built for, are launched from the northern side, which is a relatively minor part of the development and would not impact on the other components—marina east, the hotel tourist part, the marina pier residential, the waterfront tavern area, or the waterfront marina. There are other options, and all I am saying is that all options deserve to be studied openly, publicly and, importantly, in a little more depth than they have deigned to do so far.

The last major structure to be built on the South Australian coast was the Port MacDonnell breakwater. I do not know how many members have been to Port MacDonnell in the last 15 years, but I can tell the Council that they got the design horribly wrong.

The Hon. R.D. Lawson: What about the Wirrina marina?

The Hon. M.J. ELLIOTT: That is not on a sandy beach, so it is different. The Port MacDonnell breakwater was built to protect the fleet at Port MacDonnell, but now they can hardly get into the harbor because it has filled up with sand. It has been an absolute, unmitigated disaster, which was designed by some Government experts. At the time, the locals had the temerity to suggest that they had got the design wrong, but they were told to go away and shut up. Unfortunately, they were right.

I hope that this project will not cause problems that resemble those at Port MacDonnell, but in many ways I expect there could be greater problems, because the breakwater at Port MacDonnell was built at one end of a sandy beach, but this development will be built slap-bang in the middle of a sandy beach system, and it will have a profound impact on sand movement. The only question is whether or not the relatively low level of work done so far has got the numbers right. If they have got it wrong—and I think there is a high chance that they have—this State will pay for that mistake for a long time to come. When one looks at who the major beneficiaries are and how much public money is being expended, one wonders where the principle of user-pays comes into this debate.

I will tackle one other issue by way of amendment, but I am open to suggestions from the Government, which may consider that it can be handled differently. It relates to the shoreward boundary of the development at Glenelg. At present it is proposed to leave it open-ended and, essentially by proclamation, to say what the seaward boundary of the development will be. I have some concern with that, and my amendment provides that it should be done by regulation. There may be other ways of doing it, but not having access to the information as to where the boundary might be, I was not in a position to draft an amendment which would have the effect of defining where the outermost boundary might be.

If the Government says that it is a further 50 metres out than we expect to allow room to move, I will not have a problem with that, but I do not like what is an open-ended clause at this stage. I indicate to the Government and to the Opposition that the reason for the amendment is purely to get some way of defining what the outer boundary of the development is, rather than leaving it open to proclamation. With its access to the appropriate personnel, the Government should be able to come up with some sort of definition that would satisfy what I am trying to address. I await the Committee stage with great anticipation.

The Hon. R.D. LAWSON: This Act will facilitate the establishment of the Holdfast Shores development at Glenelg—a $185 million project, comprising apartments, marina berths, amusement facilities, an entertainment precinct, beachfront boulevard, a new marina, tavern and other worthwhile facilities. This Holdfast Shores development involves, as I mentioned, $185 million in expenditure. It presents economic opportunities and job opportunities, and I strongly support any measure to facilitate that development. The opposition that has been expressed today—and I will come to it later—from the Australian Labor Party relates to the associated boat launching facility at West Beach. In his speech, the Hon. Mike Elliott made it clear that he is opposed to the establishment of the marina at the Holdfast Shores. He is implacably opposed to it and read into *Hansard* a great deal of material, which tends to suggest that in his view it is inappropriate for there to be any marina whatsoever.

It is worth going back into some of the history of this site, because the unhappy saga of the Glenelg foreshore redevelopment is actually a commentary upon the stagnation of much what has happened in this State over the past 13 years. It was 13 years ago, in August 1984, that the initial proposal for a Glenelg redevelopment was announced. At that time, it was a $220 million plan, which was then proposed to be completed in stages, with the marina, the first stage, due to be completed by South Australia's Jubilee 150 year, 1986. It was announced by the South Australian engineers Kinhill Stern, and it was given quite some prominence in 1984. In 1985, there was a great deal of publicity about the matter, and over the years, there has been a great deal of publicity and public expectation being raised about what would happen, but with absolutely nothing happening.

It is interesting to note that the public support for what became known as the Jubilee Point development was strong. However, out of the woodwork eventually came the Conservation Council of South Australia as being an implacable opponent of the Jubilee Point development. Indeed, from the publicity it put out over the years it was opposed to any form of development at Glenelg. However, as the years went by, opposition to the Jubilee Point development gained some momentum—mainly local residents. This was nimbyism—not in my backyard—at its best and running rampant. The Nature Conservation Society joined with the Conservation Council in expressing opposition to any form of development. When any questions were raised on environmental grounds about the proposals, as there were concerns raised from time to time, they greeted them with glee.

The Government expressed the desire to press on, and it laid down, as it claimed, tough conditions. However, the opposition continued and it was egged on, I might say, by the Hon. Mike Elliott who, in my brief examination of the newspaper files, was expressing opposition much the same as he has been expressing today. In 1987 the Conservation Council called on the State Government to place a 10 year moratorium all new coastal developments until it is clear whether foreshore properties might be affected by rising sea levels. That was its particular concern.

Eventually, by 1987, some three and a bit years after it was proposed, the Government established a committee under Brian Hayes QC and that committee recommended against proceeding with Jubilee Point and the proposal was unceremoniously dumped by the Government of the day. Mr Bannon was quoted as saying in the *Advertiser* of 22 December 1987:

> The work the developers have done over the past four year has resulted in a substantial body of information, both technical and environmental, being established, which will be of great help in planning future development.

Even as the proposal was dumped, the people of South Australia were being told by the Government, 'Don't worry; notwithstanding this proposal being shelved, the work that has been done will lead to some form of development.' This led to a South Australian mindset of negativism, which members have seen well illustrated here today. Just by the by, the West Beach Trust has been mentioned today as apparently being opposed to the West Beach boat launching facility. That trust itself got into the act of costal redevelopment. Its attempts to redevelop the Marineland site, not far from the proposed boat launching site, were met with financial and other disasters. Members will recall that Zhen Yun, the Chinese company which entered into an agreement to takeover the Marineland site and establish a hotel on that site, eventually pulled out, frustrated by Government vacillation on planning and other matters. In May 1990, even the then Chairman, Geoff Virgo, formally a Labor Minister in the State Government, was reported as speaking of the many stumbling blocks that had been placed in the way of that development.

People nowadays will greatly congratulate Bill Sparr and the company that developed the Grand Hotel at Glenelg. That is a wonderful facility and a great improvement on the foreshore of Glenelg itself. Of course, those developers had to face opposition to their plans, and they themselves were being undermined in their development aspirations by the Government's double dealing with Zhen Yun which, as members will recall, ultimately cost the taxpayer dearly in the form of a substantial damages settlement which the Bannon Government paid.

Then in 1990, there came new proposals for the redevelopment of the Glenelg foreshore. On 26 May 1990, the Mayor of Glenelg, Mr Brian Nadilo, was reported as saying that it was 'the last chance for development of a foreshore'. He said:

> This is really the last chance Glenelg will have for sometime to develop the foreshore, and if it fails to get off the ground like the Jubilee Point proposal it will be a real tragedy.

Announcements were made about four proposals, all of which were exciting. Of course, the West Beach Trust got into the act once again. As some of the land adjoined the West Beach Recreation Reserve, that trust unanimously rejected any of the proposals and expressed total opposition to any developments because they impinged upon the West Beach Recreation Reserve.

As I said, four companies were bidding for this redevelopment. Carmo Pty Ltd proposed to convert the Patawalonga into a tidal reach, with a 250 berth marina at the mouth, a ferry and other residential developments. The South Australian companies Fricker, Baulderstone Hornibrook and Esanda were proposing a tidal flushing lake similar to West

Lakes for the Patawalonga, with associated residential and tourist developments. The Foremost group of companies proposed a 180 to 250 berth marina, with a ferry terminal for the service to Kangaroo Island. Bund and Associates was yet another proponent, and its proposal involved the conversion of the Patawalonga into a saltwater lake, with no open outlets into the sea, as well as a 500 berth marina. The *Advertiser* of 23 May 1990 states:

> Mr Nadilo said he was confident that there would be no repetition of the Jubilee Point controversy which had occurred two years before.

As we all now know, those developments eventually came to nothing. The *Advertiser* of 24 May 1990, in its editorial under the heading 'The Pat's time has come', and in commenting on those four proposals, states:

> If there are problems with proposals, the aim must be to fix the problems rather than scrap the ideas. . . The State cannot afford the destructive angst of ill-informed public squabbles again; and we cannot afford a Government that fluffs fast-tracking.

The Bannon Government did fluff those proposals. New snags were placed in the way of the foreshore redevelopment.

In January 1991 the Nature Conservation Society of South Australia called upon the then Planning Minister, Susan Lenehan, to reject the draft environmental impact statement on the proposals. In 1992 changes were made in consequence of the environmental impact statements. At that stage there was only one proponent left in the field—a Glenelg company, Glenelg Foreshore Developments—and it was seeking some form of commitment from the Government and the council before it was prepared to go any further—and that is not surprising given, by that stage, eight years of delays, changes, prevarication and procrastination.

By 1993 the Glenelg Foreshore Development proposal, said to have been worth $80 million, was in jeopardy because the company was having difficulty establishing its financial lines. Frankly, it is not a surprise that no financier would have had any confidence in it given the shifts and changes that the developers had had to endure. As I look through the press clippings on this unhappy saga, it is interesting to note that shortly before the election in December 1993 the *Sunday Mail*, in a special report on the Glenelg beach, the foreshore and the Patawalonga, said:

> If politicians can't fix the mess in our waterways, how can they fix the mess in our economy? Our challenge to both Parties in the lead-up to Saturday's election is to stop the verbal promises, the banter and rhetoric and release a concrete plan of action with timespans and deadlines. In times of economic hardships, the parks, waterways and beaches are some of the few free pleasures we have. Don't subject them to further degradation.

The Brown Government, when it came into office in December 1993, did address—and address positively—the issue of the pollution of the Patawalonga. For the first time in years funds were devoted to the project. It is all very well to say that it was Better Cities money but it required the dedication and commitment of the Government to get ahead and clean up the Patawalonga. That is the first step in establishing a viable tourist and residential development on the Glenelg foreshore.

The Government has embraced the proposals of the Holdfast Shores consortium. The project that is coming to fruition is a most exciting one, after all the delays, shillyshallying and Government impotence. There will be economic development, jobs and opportunities at Glenelg instead of what we now have alongside the Patawalonga—a degraded car park at the end of the street and a tired fun park that is well past its use-by date.

There is not only a catalogue of Government neglect and inaction in relation to this but a long catalogue, month after month, of failure, deferment, further committees, further opposition from local people and an additional interest group, in many cases involving those who do not live anywhere near the site. These constant criticisms have created in South Australia this attitude of negativism towards development. It is a truly depressing story. No wonder when one goes out into the community one constantly hears stories of Governments not being able to do anything and make any decisions. 'In South Australia we never get anything done.' All members have heard that time and again, as they have, 'Over the border in Victoria they manage to get things done and make decisions, but not here in South Australia. Here it is a State of negativism.'

Today in this Chamber we heard extraordinary humbug, first from the Australian Labor Party. The Hon. Paul Holloway somewhat unctuously says, 'The Australian Labor Party is not opposed to the Holdfast Shores development. We wish to see it go ahead.' In the same breath he foreshadows that he will move amendments to the legislation the sole purpose of which will prevent the Holdfast Shores development to proceed. He says, 'The deal is not at all with the West Beach boat launching facility. The Bill does not mention it at all.'

The Opposition cannot let the opportunity pass without seeking to amend the legislation and frustrate it. There is no doubt that the effect of these amendments will be to frustrate the Bill, and the desire to permit the West Beach boating facility to be brought into consideration with this development. It will require this process to be put through the political mill. Rather than seeing what we understood from the Hon. Mike Rann in the election campaign to be a bipartisan approach to development in South Australia we see here negativism, opposition and obstructionism. We see impediments being placed in the way of this development.

The Hon. Mike Elliott in his contribution makes it clear that he is opposed, on whatever grounds, to the establishment of any marina development at the Glenelg site. He is opposed to the West Beach boat launching facility on the basis of what we term a half-baked report prepared on inadequate information and commissioned by a council which announced its opposition to the proposal the day the proposal was made.

The council had no scientific basis for its opposition: it simply said, 'We are opposed because it might affect the pristine condition of the beaches in our municipality way to the north.' The project is not even within the municipality of the council of Charles Sturt. The Hon. Mike Elliott is opposed not only to the West Beach boat-launching facility on the basis of that half-baked commissioned report which was based upon inadequate information, but he is implacably opposed to the establishment of a marina. Why does he not come out and say that? No, he moves an amendment which is designed to place an impediment in the whole process.

The honourable member proposes to move an amendment which will mean that this proclamation will be subject to disallowance in this Chamber where he knows that, in combination and in conjunction with the Labor Party, he will be able to secure the numbers to kybosh the whole proposal. Why does he not come out and say, 'We are against it. We are against the economic activity. We are against the jobs that it will create. We are against the development. We are quite happy for South Australia to muddle along as it has without

opportunities and without any economic progress.' I support the second reading.

The Hon. R.I. LUCAS (Treasurer): I thank members for their contribution, albeit not their support, for this essential project, with due exception to my colleague the Hon. Robert Lawson, who clearly supported the development in South Australia. This is a crunch issue at the start of a four-year parliamentary term because, as members would know, we have just been through a State election where the Leader of the Opposition, the Hon. Mike Rann, made great play that he was extending the arm of bipartisanship; he wanted to embrace the Premier.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: He said, 'John, give me a call.' Let me assure members that the bells will be ringing in the Hon. Mike Rann's ears over this issue for a long time, because the hypocrisy of the Labor Party is there for all to see in relation to its attitude on this issue. During the election campaign, in a desperate bid for extra votes, there was this clear ploy by the Leader of the Opposition to embrace the Premier in bipartisan support for development and for jobs in South Australia. As I said, the Hon. Mike Rann gave the indication, 'John, get on the phone, give us a call; anything to do with jobs, we will be there supporting you.'

The Government is intent on testing in the first two weeks of the session—not a year or two years down the track when perhaps the Hon. Mike Rann might have forgotten about his commitment—Mike Rann and the Labor Party and whether or not they are prepared to support—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: If it is a test, the Hon. Paul Holloway has comprehensively failed. Let us test the *bona fides* of the Leader of the Opposition. Let us test whether or not he is genuine in terms of wanting to see development and young people getting jobs in South Australia. Let us see whether the Labor Party is prepared to support one of the critical development investment decisions we have seen in South Australia. As the Hon. Robert Lawson and, to a lesser degree, the Hon. Michael Elliott have indicated, this issue of a development in the Glenelg area has been on-going for years. For 15 years or thereabouts, we have been hearing Governments, and in particular the Bannon Government and Governments of its particular political persuasion, talking about major developments in the Glenelg area.

It came to nothing. We are now within a hair's breadth of being able to deliver a major development. At this time one issue remains to be resolved with the support of the Labor Party, the Democrats and the Government. We have before us, as has been indicated, a bald-faced attempt by the Hon. Paul Holloway, the Hon. Michael Rann and others, supported, obviously, by the Hon. Michael Elliott, to, in effect, stop this major development in South Australia. Forget all this hogwash by the Hon. Paul Holloway about, 'We support the development but we will stop the critical part of it' because, in effect, that will mean the West Beach part of the development cannot go ahead.

An honourable member interjecting:

The Hon. R.I. LUCAS: Because the deals have been done. The deals have been signed and the approvals have been given, and we will talk about this in Committee. The Hon. Paul Holloway, in a recent debate in this Chamber, talked about the importance of his views in relation to retrospectivity. In this instance we have developers who have gone through a process, been through an EIS, I am told, have received all their approvals and we now have the Hon. Paul Holloway and the Hon. Mike Elliott retrospectively wanting to rip all that away from them.

We have members on the other side of the Chamber who piously last week talked about not wanting to support retrospective legislation. Yet we have developers who have done all the right things. They have been wrestling with the environmental issues for years; they have been looking at all the options; they have listened to the complaints in relation to the beach at West Beach; and they have amended—

The Hon. M.J. Elliott: Bullshit!

The Hon. R.I. LUCAS: The Hon. Mike Elliott says 'bullshit'. It is unfortunate that the honourable member cannot control his emotions and language on issues such as this. It is disappointing that the Leader of a political Party, such as the Hon. Mike Elliott, has to descend to using that sort of language in the Chamber on an issue such as this. That indicates that when an honourable member, such as the Hon. Mr Elliott, has no substance to his argument he either resorts to personal abuse or profanity. It is sad that the debates in this Chamber by a senior member, or someone who should be a senior member, should descend to that sort of language. I am shocked, horrified and appalled that the Hon. Michael Elliott should respond in that way.

An honourable member: He should be ashamed.

The Hon. R.I. LUCAS: Yes, as the Hon. Terry Roberts says, he should be ashamed.

The Hon. T.G. Roberts: I didn't say that.

The Hon. R.I. LUCAS: Someone said it. I see that the Hon. Terry Roberts supports the honourable member. I am disappointed in the Hon. Terry Roberts. That sort of conversation might be acceptable in the front bar of the Somerset Hotel which the Hon. Terry Roberts might frequent on occasions during the Christmas break, or at a Democrat convention but it is not acceptable—

The Hon. M.J. Elliott: Or on a basketball court.

The Hon. R.I. LUCAS: Or on a basketball court, that is right, but it is not acceptable in the Parliament by a Leader of a political Party. Nevertheless, my point is that when the Hon. Mr Elliott or others lack substance in their argument their only response is to resort to personal abuse or profanity.

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: If the Hon. Terry Cameron can give me one example where I have used profanity on the public record in this Chamber I will be delighted to buy him a glass of Coke in the bar or a cup of tea. There is no example, in 15 years in this Chamber, of my using profanity as a member in Government or in Opposition—even though I have been sorely tested on many occasions. This is a crunch issue. How important is this development? Clearly members of the Labor Party and the Democrats are not aware of the significance of this development in terms of jobs for young people and for working class people.

The Hon. T.G. Cameron: Tell us.

The Hon. R.I. LUCAS: The Hon. Terry Cameron says, 'Tell us,' and I am delighted to respond. We are talking about—

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: No, the honourable member will hear the facts. All up, it is a $180 million project. Evidently there have been some discussions about an $85 million project, but the advice provided to me is that, all up, we are talking about a $180 million investment project for Holdfast Shores. We are talking about construction expenditure of $120 million, which, I am advised, will support the equivalent

of 1 200 direct jobs and 1 100 indirect jobs during the construction period.

The Labor Party, supported by the Hon. Mr Elliott, is trying to stop jobs for 2 300 young working-class South Australians during the construction period over the coming years. The Hon. Paul Holloway, supported by the Hon. Mike Rann, the Hon. Michael Elliott and others of their ilk are wanting to stop working-class South Australians from getting jobs. Thank God—

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: There might be truck drivers as well. Certainly, the Hon. Terry Roberts, I will not run down the significance of truck driving as an occupation, and I will support the importance of truck drivers and indeed all occupations because a job is—

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: Well, exactly. A job is a job. The Hon. Terry Roberts and others might decry the importance of truck driving as an industry—and some other members who have represented unions in this place in their past life might disagree with the Hon. Terry Roberts—but the Government will support the truck driving jobs, the construction jobs and indeed all the jobs involved in this major construction project. What we have—

An honourable member: Any job is a good job if you are under 21.

The Hon. R.I. LUCAS: It does not matter how old you are, but, yes, for young people any job is an important job. Jobs are important for young people and anyone else. At least the Hon. Michael Elliott is consistent, as he said earlier. The Hon. Michael Elliott has consistently opposed every development that this State Liberal Government has put up on every single occasion in this place and publicly as well. At least we can say that the Hon. Michael Elliott is consistent. He does not come into this Chamber and say, 'I am for the development.' All he was prepared to say was, 'This is a *fait accompli*.' He did not come in and say, 'I am for the development,' because he knows that is not true. He opposes everything. The Hon. Michael Elliott will oppose anything that moves and anything that can provide a job to young South Australians. He has done it consistently and he has done it on this occasion. That is fair enough from his perspective in terms of how we get this State's economy going.

The Hon. T.G. Cameron: That's him.

The Hon. R.I. LUCAS: That's him, okay. Let us now talk about the Hon. Mike Rann and the Hon. Paul Holloway. This is the ultimate example of hypocrisy from a political Party. We have them standing up in this Chamber offering the hand of bipartisan support for jobs and development in South Australia. The Hon. Paul Holloway had the hide to stand up in this Chamber with a straight face, albeit with his head bowed when he said it, and say that he supports the development on behalf of the Labor Party but will seek to gut the development and to stop it going ahead through the amendment that he will move in this Chamber. He knows that he will gut the development. He knows that he will stop the jobs for young South Australians. He knows he will always get the Hon. Mike Elliott's support for any anti-development amendment. He knows that can stop the development. The honourable member has the hide to stand up in this Chamber and say that he supports the development when, at the same time, with the support of the Democrats, he will try to gut and stop the development in its tracks.

Members interjecting:

The Hon. R.I. LUCAS: The Hon. Paul Holloway knows because he has been advised of what the developers have said from last Friday onwards when they first became aware of his amendment in this Chamber. He knows. He has been advised of what the developers, the financiers and the investors are saying about the Holloway amendment.

Let me tell members of the courage of the Hon. Mike Rann on this issue. The media pursued Mike Rann last Thursday when this amendment became apparent and said, 'We want you on the record to talk to the TV stations about why you are moving this amendment.' What did Mike Rann say? He replied, 'No, I am not talking on this particular issue.' This is the first time I have ever heard Mike Rann turning down an opportunity to get his face on TV. He said, 'I am not prepared to do a TV interview with you at Channel 9. Go off and speak to the new member for Elder, Mr Pat Conlon. Go off and speak to the Hon. Paul Holloway.'

The TV people said, 'No, we want to speak to you.' He said, 'Look, I do not know all the detail of this issue. You need to speak someone who has all the detail.' When has that ever stopped Mike Rann from speaking on an issue on television previously? He has never had to know the detail previously. He has never had to know the detail or the facts about any issue previously, but on this issue he was not prepared to front up. He is pushing the Hon. Paul Holloway up front, saying, 'You take it, Paul Holloway.' Poor old Pat Conlon: he was shell-shocked. Having done his TV interview he walked into the members' bar and he was shell-shocked. He had been with the TV people who had been at him wanting to know what the Party's attitude was.

I will not say what Pat Conlon said in the privacy of that bar, but I know from the TV people that they did not want Pat Conlon or Paul Holloway. They wanted Mike Rann—he who would offer the hand of bipartisanship support; he who wants to support development and jobs; and he who wants to embrace the Premier in a bipartisan way. He says, 'Give me a ring, John; I am on the other end of the telephone, and I will support you on these issues.' But, no, Mike Rann was nowhere to be seen. He scurried into his little bunker, disappeared and left poor all Pat Conlon to face the music and answer the questions. What sort of courage—

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: Those who saw him on TV that night realise that he had that blank look of someone who did not know what had hit him. It said, 'Hell, why am I answering this question? Why is not Rann fronting up to this particular decision and issue?' What sort of courage and what sort of leadership is that from a person such as the Hon. Mike Rann, who is not prepared to front up and justify his decision on the critical development issue—the first chance. We are told that there will be 2 300 jobs in the construction stage and 300 direct and indirect jobs when this development is up and going. We are told that commercial, retail and other turnover in the order of approximately $30 million a year in economic benefit will be generated by this development. That is the importance of this development for South Australia.

The Hon. P. Holloway: We are not talking about that.

The Hon. R.I. LUCAS: We are talking about it. The Hon. Paul Holloway says, 'I am quite happy. I want to breathe life into this patient or keep the patient alive, but on the same hand I want to rip his heart out.'

The Hon. T.G. Cameron: You explain it to us. This is the place to do it.

The Hon. R.I. LUCAS: We have done so, and the Hon. Terry Cameron—

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: We have. I tell the Hon. Terry Cameron, if he cannot understand: I am disappointed.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Because the Glenelg Sailing Club will not move unless this part of the deal at West Beach goes ahead: it is as simple as that. Even the Hon. Paul Holloway should be able to understand that. They have their rights. What is the honourable member suggesting—that they should be forced out? What is the honourable member suggesting?

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Okay. I challenge the Hon. Paul Holloway. What is the honourable member saying to the Glenelg Sailing Club? Is the Labor Party saying to it, 'We will rip you out and, if you do not like where you are sent, we will send you (as the Hon. Michael Elliott wants) either north of Port Adelaide, south of O'Sullivan Beach or somewhere else. You can have the—

Members interjecting:

The Hon. R.I. LUCAS: No, Michael Elliott is suggesting that. We should not have anything in between Port Adelaide and O'Sullivan Beach, Hallett Cove or whatever it was. The Glenelg Sailing Club can have its sailing club at Victor Harbor or somewhere. It can become the Victor Harbor Sailing Club instead of the Glenelg Sailing Club.

Members interjecting:

The PRESIDENT: Order! The Chair has been pretty tolerant. If members are going to—

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order, the Hon. Mr Cameron! The Hon. Mr Cameron.

The Hon. T.G. Cameron: Yes, Sir.

The PRESIDENT: Please, I am trying to address honourable members. The Chair has been reasonably tolerant. If members want to make out of order interjections, can they do them one at a time and not have a shouting match? If members want to debate this further, they can ask any question they like of the Minister and the Minister can answer when we go into Committee. However, I remind members that this is the Minister's reply to the second reading debate.

The Hon. R.I. LUCAS: I invite members to queue up for interjections—to put their hands up, or something. This is an important development, as I have indicated, and I will not go into that detail again. It is an important signal. As with the Mount Lofty redevelopment in 1983, or whatever it was, after 13 years eventually there was a light on the hill and this Government, a 'can-do' Government, actually got something done. After 11 years of inactivity by the Bannon and Arnold Labor Governments, finally we got something done. I challenge any of the Labor members to be critical of the quality of the development at Mount Lofty.

Having been up there again 10 days ago, I know that literally thousands of ordinary South Australians are going there for a variety of reasons, including an opportunity to view the wonderful sites of Adelaide at night time. Thousands of tourists and visitors are using that facility. This is another symbol development—an icon development at Glenelg. This is something which demonstrates that this Government, and more importantly this State, is open for business, open for development and prepared to take some decisions.

The Hon. T.G. Cameron: At any cost.

The Hon. R.I. LUCAS: Not at any cost. Is 15 years at any cost, Mr Cameron?

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: Sadly, the Hon. Mr Cameron and the Hon. Mr Holloway are members of a Party and a previous Government that was never prepared to take a decision. No matter what development decision you take in this State, as the Hon. Rob Lawson has indicated, you get opposition. You can guarantee that the Democrats and their fellow travellers will oppose everything, but occasionally we hope that the Labor Party will show some leadership, as it promised during the election campaign, and some bipartisan support for a major development. But we have the Hon. Paul Holloway, as I said—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: As I said, the Hon. Paul Holloway will not respond to this question. I invite him to do so during the Committee stage. If the Glenelg Sailing Club says that it will not move, the development will not go ahead, and it will move because of the quality of the development at West Beach. The Hon. Paul Holloway has to answer the question of what he will do with the Glenelg Sailing Club. Will he rip it up and send it, as the Hon. Michael Elliott wants to, north of Port Adelaide or south of Victor Harbor, Hallett Cove or wherever it was, because we are not going to have any marinas up and down the coast?

What will the Hon. Paul Holloway do, because we can forget the Hon. Mike Elliott ever supporting any about development in South Australia? What will the Hon. Paul Holloway do with the Glenelg Sailing Club? That is the challenge for him and for the Hon. Mike Rann. What will you do about the sailing club? Will you rip it up, compulsorily acquire it and say that it does not have a home?

The Hon. Carmel Zollo: We're not saying that.

The Hon. R.I. LUCAS: Well, what are you saying? Tell us what you are saying.

Members interjecting:

The Hon. R.I. LUCAS: Where will they go?

The Hon. T.G. Cameron: They can go to West Beach: they don't need a 250-metre groyne.

The Hon. R.I. LUCAS: They won't go there without these facilities: that is the point. Can't we get that through your head? They want offshore launching facilities: they want to be able to launch offshore. That is the deal that has been done. If you want to stand up in this Chamber and say that you oppose the development, like the Hon. Michael Elliott does, okay. As I said, he is consistent: he opposes anything. But you cannot stand up in this Chamber and say that you support the development and then try to rip its heart out.

The Hon. T.G. Cameron: We do support it.

The Hon. R.I. LUCAS: You don't support it: you are trying to rip its heart out. I am advised that the Glenelg Sailing Club, the Holdfast Bay Yacht Club, the Sea Rescue Squadron, the South Australian Recreational Boating Council and the Boating Industry Association of South Australia all want a share in the benefits to be provided by this new West Beach facility. Together, those associations represent tens of thousands of boaties here in South Australia. We are not talking about the wealthy—the Hon. Michael Elliott's hang-up about anyone with any money in South Australia. The rich and the privileged—

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: There's an indication. The Hon. Mr Elliott, as I said by way of interjection earlier, is a poor man's version of Michael Atkinson. Michael Atkinson has made a career of a sort of class warfare between the western suburbs and anyone who has any money anywhere other than in the western suburbs. The Hon. Mr Elliott is wrong to

suggest that only the wealthy, the privileged and the elite will benefit from this. You cannot say that the Boating Industry Association and the South Australian Recreational Boating Council represent just the wealthy and elite: they represent tens of thousands of ordinary South Australians and, frankly, many members of unions and others with boats and interests in this area—ordinary South Australians who have a particular interest.

The Hon. T.G. Cameron: Come on: tell us all the facts. We're still waiting for them.

The Hon. R.I. LUCAS: I am just about to. I am advised that the West Beach facility will provide a long-awaited safe boating facility on the central metropolitan coast. The car park facility will be five times the existing Patawalonga launch site. There will be no impact on the residential areas, unlike the present difficulties being experienced at Glenelg. It will offer a huge boost to the West Beach Trust tourism facilities. The all-weather boating facility will provide world class competition headquarters and tremendous growth opportunities for both the Glenelg and Holdfast Bay clubs, which will be relocated to the new club premises at West Beach.

I am told that it will vastly improve the response capability of the Sea Rescue Squadron. I heard the Hon. Michael Armitage explain the other day—and I hope I remember all the detail—that under current arrangements the Sea Rescue Squadron currently has to scoot southwards to Glenelg to launch itself in an emergency and in some circumstances, when Glenelg is not available, it must turn round and head north to North Haven, again delaying response times in emergency situations. This will allow launching directly off the new West Beach facility for the Sea Rescue Squadron. That is why, in the interest of the safety of ordinary workers in South Australia, not just the wealthy and the elite, this Government is supporting these facilities.

The Sea Rescue Squadron sees it: that is why it is supporting the facility. As we indicated earlier, SARDI is queuing up: it has written a letter to the Minister saying, 'Please, we want to be in there on this development. It is obviously a pretty good development, and we want to harbour our boat there.' So, everyone is queuing up to use the facilities down there. Let us talk about ordinary South Australians, not the wealthy and elite, as the Hon. Mr Elliott would wish us to believe. What has been said by Ken Holbert from the South Australian Recreational Boating Council, which I am told represents 45 000 boat owners in South Australia—not half a dozen wealthy, privileged millionaires in South Australia?

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: If the Hon. Mr Cameron says that Ken Holbert does not represent 45 000 boat owners, let him stand up and say so.

The Hon. T.G. CAMERON: On a point of order, the Hon. Robert Lucas is putting words into my mouth again: I never said that. He has done the same thing with the Hon. Mike Elliott today. How much longer do we have to put up, when we interject, with his misquoting us?

The PRESIDENT: Order!

The Hon. T.G. CAMERON: I ask him to withdraw his comment.

The PRESIDENT: Order! There is no point of order. If the honourable member wants to make a personal explanation, he can certainly do that.

The Hon. R.I. LUCAS: The simple solution for the Hon. Terry Cameron is not to interject. If he did not interject, no-one could put any words in his mouth, so the solution is there for the Hon. Terry Cameron. What does Ken Holbert of the Recreational Boating Council, representing 45 000 boat owners, say? He says, 'This is a superb plan. We have been crying out for this for years.' That is the South Australian Recreational Boating Council. It wants this development. It wants to see it go ahead on behalf of the recreational interests of ordinary South Australians. What did Stan Quinn, President of the Boating Industry Association of South Australia, say on behalf of the boat industry:

> It's the result of thorough investigation, it will not adversely affect the local environment and it is well positioned to become a major regional centre for recreational boating. Let's get on with it.

The Hon. P. Holloway: That's what the *Advertiser* said about the Myer development.

The Hon. R.I. LUCAS: The Hon. Paul Holloway puts his foot in his own mouth. He wants to recall the Myer development where his Government and associated interests spent $1 100 million and ended up selling it for $150 million. Let us not be diverted.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The Hon. Paul Holloway and the Hon. Michael Elliott touched in brief on some of the environmental issues in relation to this development. Obviously, we will be able explore some of those in greater detail later on. On behalf of the Government I refer to this supposed expert independent report which was cobbled together at the last moment on behalf of the Charles Sturt council, which the Hon. Michael Elliott sought to defend in this Chamber. I note that the Hon. Paul Holloway was wise enough not to lock himself into that. The Hon. Paul Holloway did not come down in the last shower: obviously the Hon. Michael Elliott did.

We are told that Charles Sturt council took a decision on 10 November this year to oppose the project at West Beach. The council was then challenged in terms of the basis upon which it had taken the decision. What report or evidence had it used to make the decision? It was then shamefaced in having to admit that it had done it on the basis of no evidence at all. Having been caught out in relation to that decision, it hurriedly decided to try to get a report done to justify the decision it had taken.

I am told that this report does not provide any evidence. No studies, investigations or independent research at all were conducted in this hastily cobbled-together report. I am told that there are only views and opinions expressed in this report. I am also told that the consultant did not even make contact with the consultants or the Coastal Management Branch to check the facts. He wrote a report and, in the preparation of that report, did not even check with the Coastal Management Branch or the consultants. He probably said, 'What do you want? We will do this report pretty quickly; we will not worry about talking to the Coastal Management Branch to check the facts; we will not worry about talking to the consultants in relation to the report.'

I am told that the document is heavily qualified. As an example of some of the qualifications in it, it states:

> We have briefly reviewed the information provided—

so someone obviously gave them the information—

> within the time and budget constraints of the engagement. Our comments are restricted to a broad overview of the findings of those studies as reported. Our review of the proposed West Beach boat harbor development has been limited to a broad overview of the information provided to us.

The Minister in another place went into much more detail in terms of a very thorough and effective destruction of the credibility of this report. Obviously, we will have an opportunity to look at that report in greater detail during the Committee stages.

The Hon. Mr Elliott, in his opposition to everything the Liberal Government does—and I do not think even the Hon. Paul Holloway did this—attacked the clean up of the Patawalonga. After 10 or 20 years of mess and neglect—and you could have almost walked across the Patawalonga because it was so solid with waste and refuse—the Government as part of all this has been committing significant expenditure—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: I acknowledge that there was a contribution from the Federal Government. We are not mealy-mouthed about these sorts of things. We give credit where credit is due. If a Labor Government is prepared to support something, we will acknowledge it. We are not small-minded about these things. We would like to see the Labor Party support this total package. That is all we are asking for; we are not asking for much more than that. If, on occasions, a Federal Labor Government did a good thing, we would acknowledge and support it. You would not have any opposition from me or the Government about that, Mr Holloway.

In relation to the clean up of the Patawalonga, the Hon. Mr Elliott even attacked the whole premise of the clean up of the Patawalonga, that is, the diversion of stormwater away from the Patawalonga outlet. Mr Elliott says that we need to inject more money into the hills areas by way of some treatment plants and that that will solve the problem. It is not true that that will solve all the problems; that is just a nonsense.

The Hon. T.G. Roberts: It is a start.

The Hon. R.I. LUCAS: At least the Hon. Terry Roberts is honest enough to say that it might be a start. The Hon. Mr Elliott stands up, in his glib, superficial, Democrat way and says, 'You don't have to do all this stuff about diverting stormwater,' and makes some glib comments about the outrage of it all and how it is inappropriate. He then says—and you can check the *Hansard* record—that all we have to do is go up there and, in effect, redevelop the treatment plants, or whatever it is up there. That will not solve the total problem of the Patawalonga. I do not profess to be an environmental expert in the way the Hon. Mr Elliott does, but even I realise that that claim is nonsense. It is not so superficial and simple that you can do one instead of the other and that that will solve the problem. We still have to do something about all that stormwater, because there is too much stormwater coming from too large a catchment area into too narrow an area, namely, the Patawalonga. I have seen the figures compared to West Lakes and areas such as that where too much water enters the catchment. The water has to be diverted in some way.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: I do not know where the Hon. Paul Holloway has been for the last two years.

The Hon. L.H. Davis: He is only the Deputy Leader.

The Hon. R.I. LUCAS: I am appalled at the ignorance of the Deputy Leader in relation to this issue. Obviously, we will get into a bit more detail—and I look forward to it—in the Committee stages of this debate. In conclusion, this is a crunch issue for the Hon. Mike Rann and the likes of the Hon. Paul Holloway. This package has to go ahead for jobs for young South Australians and South Australians in general. The critical test question is: are the Labor Party and Mike Rann prepared to support this package? The Labor Party cannot any longer get away with this effrontery that it supports the development but that it will rip its heart out by stopping the West Beach proposal from proceeding. It is its heart; it is critical. The package is the package: if you want the one, you need the other. That is what the investors and the developers are saying. Therefore, we need it to go ahead.

Bill read a second time.

The Hon. P. HOLLOWAY: I move:

That it be an instruction to the Committee of the Whole that it have power to consider new clauses concerning an amendment to the Development Act 1993.

Motion carried.

In Committee.

Clause 1.

The Hon. P. HOLLOWAY: I move:

Page 1, lines 10 and 11—Leave out this clause and insert new clause as follows:

Short title

1. This Act may be cited as the Statutes Amendment (Holdfast Shores) Act 1997.

This simply changes the name of the legislation to take account of the fact that the amendments that I will move are to the Development Act 1993. In many ways, it is a test for that later series of amendments, but it might suit the Committee that I speak to clause 4.

The Hon. M.J. Elliott: Speak to them all.

The Hon. Diana Laidlaw: Who is running this amendment?

The Hon. P. HOLLOWAY: I am addressing my remarks to the Committee as a whole, Mr Chairman. I like to be courteous.

The Hon. Diana Laidlaw interjecting:

The Hon. P. HOLLOWAY: No, Minister, I just like to be courteous to the Committee because I want to be helpful and to know what other members want. If it suits the Committee, I am happy to use this as a test clause for the later amendments that I will move.

I will summarise the arguments that have been put forward in the second reading debate. The Opposition supports the Holdfast Shores development at Glenelg, but we are concerned about the boat launching facility, which is some 1 to 2 kilometres north of the Glenelg site at West Beach. We are particularly concerned at the impact that a 250-metre long, 5-metre high groyne would have upon sand movement which, in turn, would affect the beaches north of that site, particularly those at West Beach and Henley Beach.

This amendment seeks to require the Minister, within three months after the commencement of the section, to prepare a report on options for that boat launching facility. In other words, we do not have any concerns with the development at Glenelg, but in relation to the West Beach development, any alternatives such as those listed in the amendment to clause 4, which I will move in a moment, should be considered. We ask the Minister to look at the number of options that are provided and to prepare a report on those options so that we can have the benefit of that information to determine what is the best alternative for dealing with the problem of small boats along the metropolitan Adelaide coastline.

As I indicated in my second reading speech, our concern is that, although we support the Holdfast Shores development, we have to do something about the sailing boats and power-

boats at Glenelg, but we believe that a $10.6 million development is a very expensive one for the taxpayer and it is one about which a number of people from a lot of different walks of life have expressed concerns, and I made that point in my second reading speech. The amendment that I will move seeks to enable a proper evaluation of alternatives to this proposal to be undertaken. We see no reason why the consideration of an alternative should interrupt the development of the Holdfast Shores development at Glenelg.

At this stage I should also like to address some matters that the Leader of the Government raised in his reply at the second reading stage. This amendment was the subject of discussion last week because the Opposition was given an indication that the Government wished to proceed with this Bill fairly quickly. Because it had to get through both Houses of Parliament, we were given the impression that the Government wanted this Bill through this Chamber last week, and to facilitate that wish we quickly drafted this amendment to enable us to put our position on this measure.

It is a bit rough for the Minister to blame us for some of the debate that occurred last week. The Opposition was told that this Bill had to get through Parliament quickly. Why is it, for example, that the Minister for Local Government, Recreation and Sport did not introduce this Bill in his House? Why was it introduced in the Legislative Council first? After all, this Bill is an amendment to the Local Government Act, so why is it that Mr Ingerson did not deal with the Bill in the Lower House first? Why was it necessary to introduce this Bill into the Legislative Council?

Members interjecting:

The Hon. P. HOLLOWAY: The Government is trying to be clever with this measure, but I think it is a pretty reasonable question to ask: given that the Local Government Act is being amended, why was it not the Minister for Local Government in another place who introduced the Bill? Why has it been introduced by the Leader of the Government in the Legislative Council? That is a reasonable point, so I find it a bit rich when the Leader of the Government starts making comments about my colleague in another place and my Leader, and about their remarks on the Bill. It has been done in such a messy way because of the Government's choice, not because of members of the Opposition.

The other matter that the Leader of the Government raised is the diversion of stormwater. The Minister suggested that everybody knows exactly what will happen, but I again put the question to the Minister: is the diversion of stormwater from the Patawalonga basin part of this development? I cannot see anywhere on the record whether that particular diversion—I assume it is a pipeline out to sea—is part of this development. Will it be constructed at the same time as the groyne goes ahead? I would have thought that was a pretty reasonable question, given that there has been a large amount of public interest in the diversion of stormwater. Where will it happen? Will a separate environmental impact statement be prepared in relation to that proposal? I would have thought that was a fairly reasonable query, and I would like the Minister's response to it.

In relation to the Glenelg Sailing Club, the Minister has raised a number of matters. I am not party to any agreements that may or may not have been made on that subject. What I would say—

The Hon. L.H. Davis interjecting:

The Hon. P. HOLLOWAY: The Hon. Legh Davis should just be patient for a moment. I do not see any reason why the Glenelg Sailing Club cannot be relocated to the proposed site at West Beach. There are plenty of sailing clubs along the coast of Adelaide that launch their boats from the beach with, perhaps, smaller groynes. However, the question that I would like the Minister to answer in view of his comments earlier is: why does the Glenelg Sailing Club need a 250-metre long, 5-metre high groyne for it to launch its sailing boats, when plenty of sailing clubs like Somerton and Brighton launch their boats off the beach? They do not need any groynes, so why do we need such a massive structure for the Glenelg members to launch their boats?

The Hon. A.J. Redford: Where were you when North Haven was proposed?

The Hon. P. HOLLOWAY: I do not see what North Haven has to do with this. The amendment that the Committee is debating seeks to change the Act. The Opposition would like to see the Holdfast Shores development go ahead. A number of community concerns have been raised by many people about the impact this structure at West Beach might have. It has also been suggested that there may be alternatives that are not only cheaper but also less environmentally destructive and more in the public interest. All we are asking is that the Government have a look at those options, do a quick report over three months and allow us the benefit of looking at that report so that the right decision can be made in the interests of taxpayers. The point is—

The Hon. R.I. Lucas: So you can vote against it.

The Hon. P. HOLLOWAY: It is not our intention to vote against anything. All we wish to see is a proper study done of all the alternatives to deal with the problem of small boats along the metropolitan foreshore, because we believe that there could be a cheaper and more effective solution than to build this massive structure, which is very expensive, involving nearly $11 million of taxpayers' money. That is not a particularly onerous thing to ask, and to ask that question is not taking an anti-development attitude. I do not believe that asking that question is in any way going against public interest. I ask members to support this amendment and subsequent amendments so that we can obtain that report. With the benefit of the report, we can hopefully come up with a cheaper and better solution for the problems associated with the West Beach boat launching facility.

The Hon. R.I. LUCAS: The Hon. Paul Holloway kept referring to the massive investment into this development of $10.6 million of taxpayers' money. I am advised that the nature of the decision made is that the vast majority of, if not all, that money will return to the Government over a period of up to five years, out of profits made from the development. It is not a deal which says, 'Here's $10.6 million,' as the honourable Paul Holloway was seeking to portray it, in an obvious attempt to scuttle the development.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Well, I'm just telling you. The Hon. Mr Holloway has had the opportunity for briefing on this issue. He knows that; he can't say that he hasn't. Advisers were there—

An honourable member interjecting:

The Hon. R.I. LUCAS: No, I think he has been advised, but he obviously didn't ask the questions in relation to this. Therefore, I can't do any more than that on this issue. If you are going to attack the development because of a massive $10.6 million worth of taxpayers' money, when you were being briefed you should have checked whether any money was coming back to the Government. I would have thought that was a pretty obvious question for the shadow Minister

for Finance to be asking—and thank goodness they are not controlling the finances. Those sorts of basic questions—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Here we go! As soon as we start talking about finance, the Hon. Mr Hollow asks, 'Why isn't your Minister for Local Government handling this Bill?'

Members interjecting:

The Hon. R.I. LUCAS: Exactly!

The CHAIRMAN: Order!

The Hon. R.I. LUCAS: When the Hon. Paul Holloway gets nailed on a point, all of a sudden he wants to talk about something else; he doesn't want the answer. It is a pretty obvious question—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Well, I've just given you the answer: the vast majority, if not all, the money will be returned to the Government over five years by way of profits being made out of the development. The Government will also be recouping some moneys through stamp duties and other taxation measures as well. It is a pretty obvious question. If the honourable member is going to set himself up and attack the Government over a massive $10.6 million investment of taxpayers' money in the form of a 250 metre long groyne—and all these wonderfully colourful adjectives the shadow Minister for Finance has been using—one would have thought he might at least brief himself or ask a simple question such as, 'Will the Government actually get any money back from this?'

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: The Hon. Terry Cameron had a bit of a chuckle. I am sure that if he were being briefed on this issue (and he at least has some knowledge of matters of finance—but not much) he would have at least asked the question, 'What is the net cost, and what money will flow back to the Government as a result of this?' It is a fairly obvious question. The shadow Minister for Finance stands up in this Chamber and says 'A massive $10.6 million' and 'I'm not aware of that information.' That is no excuse. It is a sad indictment that obviously one of the Labor Party's chief spokespersons, the shadow Minister for Finance, did not even have that information. It made a decision to try to gut this development without even knowing the facts of the situation. The honourable member has probably said to Mike Rann and to the Labor Party—not that Mike Rann would have needed any excuse—'Look, a massive $10.6 million is being invested; this is a massive cost for a few wealthy boat owners down there; no money is coming into the project;' and they make their decision on the basis of ignorance.

The Hon. G. Weatherill: Come on!

The Hon. R.I. LUCAS: This is the Deputy Leader. In the unlikely event that the Labor Party is ever elected to government, this is one of the four people in whose hands the future destiny of the State and the finances will be controlled.

The Hon. L.H. Davis: It's a frightening prospect.

The Hon. R.I. LUCAS: It's a frightening prospect but you must ask those sorts of basic questions. If you make decisions about major multi-million dollar developments which will cost investors and developers millions of dollars, and threaten thousands or hundreds of jobs, both short and long-term, you have to ask the questions, the Hon. Mr Holloway.

An honourable member interjecting:

The Hon. R.I. LUCAS: So, you asked the question, and you didn't get the answer? The Hon. Mr Holloway did not, and he knows that. He should not now try to seek to defend the indefensible.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: You can't wipe your hands of it and say, 'I've just been handed this issue.' It is a bit like Pat Conlon, who said, 'I've just been handed it. Mike Rann doesn't know anything about it, and Paul Holloway says he doesn't know anything about it. It's not my fault; I'm not an expert in this particular area.'

The Hon. A.J. Redford: He can't say that he's not responsible.

The Hon. R.I. LUCAS: Exactly! There has also been some criticism of the environmental impact statement by both the Hon. Mr Paul Holloway and the Hon. Mike Elliott. I am advised as follows: the West Beach boating facilities were part of the original master plan publicly released in December 1995. The facilities were included in the EIS amendment report, released in May 1996, and in the assessment released in May 1997. I am advised also that issues such as sand management, impact on residential areas, impact on the beach, visual impact and traffic and parking impacts were all relevant to the environmental impact statement. I am also advised that the only change to the proposed boating facilities was a decision made by the Government in May this year, after taking account of the EIS comment, to require the boat ramp to be constructed off-shore. This was to avoid cutting the beach, because there was a big protest. On the back of Stephanie Key's posters, the Labor Party had 'Save our beach.' As the beach has been saved, the Labor Party now has another message on it. This was to avoid cutting the beach in response to comments raised in the EIS on this point. I am also told that the Coast Protection Board has supported the Government's plan. I am also told that the major difference between the current proposal and the old proposal was for 70 metres of jetty, compared to 70 metres of rock wall across the beach.

A cynic might suggest that, if there is now a problem with the EIS, the best way is to go back to the original proposal and drop 70 meters of rock under the jetty to prevent public access along the beach so that the Government cannot be criticised for varying its earlier proposal which had been through the EIS process. I am told that all the off-shore stuff is virtually the same as the proposal that went through the EIS process. The difference is we now have a jetty going across the beach in response to the earlier criticisms instead of 70 metres of rock, which would cut in half the beach. I challenge the Hon. Mike Elliott, who is prepared to stand up in this Chamber and make all the wild allegations—

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: I challenge the Hon. Michael Elliott, who is shaking his head, to stand up during the Committee stage and put an alternative point of view.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: I am pleased to see that. I challenge the Hon. Mr Elliott to bring back that information.

[Sitting suspended from 6 to 7.45 p.m.]

The Hon. R.I. LUCAS: Before the evening meal break we were discussing a number of the provisions of this amendment. Can the mover of the amendment indicate, now that he has had a couple of hours to reflect on it, where he sees the Glenelg Sailing Club going? The honourable member has indicated Mr Rann's and the Labor Party's position—that the Glenelg Sailing Club can be moved to West Beach but

cannot have an off-shore facility and can launch off the beach because everyone else does so.

I have been advised that the Glenelg Sailing Club at present has some capacity for off-shore launching in a protected harbor in the Glenelg area, and that a number of its boats are able to be launched off-shore with regard to its current arrangements and facilities. If one puts oneself in the position of the Glenelg Sailing Club, if it is to be moved to a new location it is not unreasonable for it to be arguing that it ought to have at least the equal to and if not better than its current capacity.

I want to know whether the Hon. Mr Holloway, now that he has had a chance to reflect on it, is seriously suggesting that the Hon. Mike Rann's solution for this situation is that the Glenelg Sailing Club should be moved from where it is and should be required to launch its boats off the beach at West Beach, and that it would be required by the Labor Party to settle for a lesser level of facility than it currently has?

Secondly, let us say that the Glenelg Sailing Club, under the Rann proposal, refuses to move. What then is the Hon. Mr Holloway suggesting should be done? Should it be compulsorily moved, under compulsorily acquisition proposals, from its current—

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: This is the amendment being moved by Mr Holloway on behalf of Mike Rann, and it is fair that these questions be put. In those circumstances is Mr Rann's proposal that there be compulsory acquisition and that the Glenelg Sailing Club against its wishes be forced to move and settled somewhere with a lower level of facility than it currently has?

The Hon. P. HOLLOWAY: I wish the Leader of the Government had answered the questions that I raised earlier about whether the pipeline from the outlet of the Sturt River and Brownhill Creek will be part of the project and whether there will be an EIS. The Minister has not answered those questions. He has now raised the question of the Glenelg Sailing Club. It is not the Opposition's duty to deal with that: it is up to the Government to negotiate the position. If the Leader reads the proposed new subsection (4) he will see that the Government must, within three months, prepare a report on options relating to it, and there are three listed in new subsection (4)(a) paragraphs (i), (ii) and (iii). We are asking the Government to look at alternatives for this measure.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Perhaps the Minister can provide details of the arrangement that his Government has with the Glenelg Sailing Club. If he wants us to talk about it, perhaps he can provide that detail. Are you ready, Minister, to give us a copy of the arrangement that you have with the Glenelg Sailing Club?

The Hon. R.I. Lucas: What do you want to know?

The Hon. P. HOLLOWAY: Are you prepared to show us the agreement? You are asking us what we would do. Are you prepared to give us a copy of the agreement?

The Hon. R.I. Lucas: What do you want to know?

The Hon. P. HOLLOWAY: I want to know what the agreement involves.

An honourable member: Why do you want to know?

The Hon. P. HOLLOWAY: Let me pursue this.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Are you prepared for us to see this agreement?

The Hon. R.I. LUCAS: I will take advice on that. My early advice is that there will probably not be a problem in relation to providing the detail of this question. In broad terms, as I have indicated already, there is an agreement with the Glenelg Sailing Club which it has voted on in the last couple of weeks or so and which says that it is prepared to move but on the condition that the facilities that we have talked about for some hours this afternoon at West Beach are provided. It will not settle for the Hon. Mike Rann's suggestion, that is, we will turf it out of where it is and that it can launch its boats off the beach. Whilst I am not an expert in boating matters, I am advised that a number of crafts or boats are not able to be—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: There are a number that you cannot launch from the beach.

The Hon. A.J. REDFORD: On a point of order, Mr Chairman, if the Leader wants to ask a question should she not rise to her feet rather than do it by way of interjection?

The Hon. R.I. LUCAS: It's all right. If it is important to the Leader of the Opposition to know what class of boats cannot be launched from the beach I would be delighted to seek that information and provide a very full response prior to the debate in another place.

I am also advised that the agreement basically states that if no substantial progress has been made on the development of the West Beach site by next Easter, the Glenelg Sailing Club can decline to allow the developers to demolish its building which is required for parts of the development to go ahead. So, some progress must be made by that time. This Government is always very open in its dealings in these sorts of matters and, as I said, I am very happy to take advice as to whether we are able to provide any more detail in relation to this agreement.

It has been approved by the members, and the critical question from the members' viewpoint is that they have the deal. We will explore this shortly, as well as putting another question to the Hon. Mr Holloway. However, the fact is that these developers have already had Development Assessment Commission approval. They have been through the approval processes, and the Hons Mr Holloway, Rann and Elliott are seeking retrospectively to rip away the development approvals that the developers already have.

Members interjecting:

The Hon. R.I. LUCAS: And we are still looking for a response on this issue from the Hon. Mr Holloway. We intend to pursue the Hon. Mr Holloway on this issue on behalf of the Hon. Mr Rann in order to get some sort of response, particularly given the claims made by the Hon. Mr Holloway in this Chamber only last week in respect of retrospectivity. That is as much information as I have in relation to this Glenelg deal. As I have kept my end of the bargain, I look forward now to a response from the Hon. Mr Holloway as to the Hon. Mr Rann's policy in relation to the Glenelg Sailing Club should it decide not to move. Will it be the Labor Party's policy that the sailing club be compulsorily moved from its current site and, against its wishes, moved to another location?

The Hon. P. HOLLOWAY: The Opposition will certainly, if this amendment is carried, be prepared to look at all the options, and that is all this amendment asks for. It is worth pursuing this point further—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: The Treasurer has not provided me with the details—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I am now pleased that we have reached the stage of starting to get details about these agreements—details about which the Opposition was not aware. I remind members that this Bill has been pushed through in the final two weeks of a parliamentary session. The Opposition agreed to deal with this proposal, along with a number of other measures that this Government wanted to ram through Parliament, at the end of the session.

The Hon. L.H. Davis: You have not asked the right questions.

The Hon. P. HOLLOWAY: Just a moment. The point I want to raise—

Members interjecting:

The CHAIRMAN: Order!

The Hon. P. HOLLOWAY: Perhaps the Hon. Legh Davis might care to be silent for a moment. It is my understanding (and I am sure that the Minister will tell me if I am wrong) that the Public Works Committee has not yet considered its report on this matter. Given the Auditor-General's Report which was released last week and in which he made some very scathing comments about this Government and its expenditure of funds on projects prior to consideration of the Public Works Committee, and so on, and his statement that it was unlawful and violated a procedure established by this Parliament, I hope that the Government would be very careful about signing documents and becoming involved in projects if matters have not been through the relevant parliamentary committees.

Because I know that this matter has not been through the Public Works Committee process, it is pretty reasonable to assume that the Government would not allow itself to be locked into all sorts of arrangements. It is very interesting now to discover all these details and signed arrangements and agreements. If the Government can produce these details and documents, the Opposition will consider that information. I should have thought it was a pretty reasonable assumption that, as this matter has not yet been approved by the Public Works Committee, there would still be time to consider matters in relation to the project.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: If what the Leader says is true, perhaps he could tell me what would happen if the Public Works Committee does not approve this project. He has asked me to say what will happen if certain hypothetical things take place. If the Public Works Committee did not approve this project or recommend changes to it, would that mean that it could not go ahead? I remind the honourable member—

The Hon. L.H. Davis: Are you a member of the Public Works Committee?

The Hon. P. HOLLOWAY: No, I am not a member of the Public Works Committee: it is a Lower House committee.

The Hon. L.H. Davis: What do you think about the project?

The Hon. Carolyn Pickles interjecting:

The Hon. P. HOLLOWAY: I will not be distracted. I simply make the point that, given that the Public Works Committee has not yet considered this project, it is a reasonable assumption that no airtight agreements have been made. If agreements have been made, then let us hear about them. Perhaps the Minister can give us the details.

Members interjecting:

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

The Hon. P. HOLLOWAY: Perhaps the Minister can give us the details of all these agreements—

The Hon. A.J. Redford interjecting:

The CHAIRMAN: The Hon. Angus Redford will come to order.

The Hon. P. HOLLOWAY: I am sure the Opposition will be happy to consider these matters when all this information is on the table. I believe that this matter—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: I understand that the Hon. Angus Redford would like to divert attention away from this matter, but I remind him that we are dealing with the development at West Beach. If the Minister is contradicting anything, then let the Minister provide us with the information as well as these agreements. Let him tell us what we are locked into. Let him give us the information. To date, that information has not been made available. It is about time that this Government came clean and provided us with this information.

The Hon. L.H. DAVIS: I would like to ask the Hon. Paul Holloway a question about the West Beach development. The honourable member put himself on record this afternoon as opposing the development.

The Hon. P. Holloway: The West Beach facility.

The Hon. L.H. DAVIS: Yes, the West Beach facility. I think we are all aware what I mean when I talk about the West Beach development!

The Hon. P. Holloway interjecting:

The Hon. L.H. DAVIS: No, the honourable member opposed it, end of story. He is on the record, and when the honourable member reads the *Hansard* record tomorrow it will show that. My question is—

The Hon. A.J. Redford interjecting:

The CHAIRMAN: Order!

The Hon. L.H. DAVIS: Is the Hon. Paul Holloway aware of the report that was prepared for the Charles Sturt council, and is he aware of the conclusion therein which, of course, has been trumpeted as a report which is critical of and against the West Beach development? Is he aware of that conclusion and, if so, can he tell the Council what that conclusion is, given that he is so well briefed on this matter?

The Hon. P. HOLLOWAY: I have never claimed to be particularly well briefed on this matter. However, in answer to the honourable member's specific question, I have not read the report. Of course, I am aware of its existence: it has been spoken about on radio, but that really is not the point. However much the—

The Hon. Caroline Schaefer interjecting:

The Hon. P. HOLLOWAY: The Hon. Caroline Schaefer can be funny and try to distract my attention, but let us get back to the matter. The Opposition's position is that we should look at alternatives to the West Beach boat launch facility because we believe that there could be alternatives to it which are less environmentally damaging and cheaper to the taxpayer.

That reminds me of another matter that I would like to address on this occasion. Before the dinner adjournment, the Leader of the Government made some disparaging remarks against me in relation to my comments about the cost of the development. He said that I should be aware of the liability to the Government. The Opposition has obtained that information and, to be fair, I now put it on the record. I refer to a document from the developers of the project which states:

The development margin will be generated from each of the packages and will be returned to the consortium and the Government in accordance with the following:

- Accrued project overheads [the developer]
- Glenelg civil works
- Next $10 million to be split 75/25—consortium/Government
- Next split to be 30/70—consortium/Government until consortium has received $10 million or the Minister has recovered all of West Beach, whichever occurs first.
- Next distribution all to the Government until West Beach fully recovered.
- Finally, any balance to be distributed equally.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Yes, indeed we have.

Members interjecting:

The Hon. P. HOLLOWAY: No, on the contrary. The Opposition had asked the developer a number of questions. I seek leave to table this document for fairness and so that anyone wishing to get details from it can do so.

Leave granted.

The Hon. P. HOLLOWAY: I did not have the opportunity to address this question before the dinner adjournment. I did have that document before the break, but I did not have the chance to speak to it.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: No, I had it. The Minister did not give me a chance: he reported progress.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I did know—indeed I did.

The Hon. L.H. Davis interjecting:

The Hon. P. HOLLOWAY: It would be nice to have a chance to answer these questions. As I was saying, the Auditor-General in his report also made a number of comments about risk, and so on. It is clear from those figures to which I referred that the Government is effectively taking most of the risk in this project.

The other point is that, if there is a cheaper solution, it would benefit all taxpayers because the money will be spent by the Government up front. I should have thought it would be in the Government's interest that, if the cost could be reduced, it would be beneficial to the taxpayer. The Leader of the Government in the Council, namely, the Treasurer, tried to make disparaging remarks about my comments earlier but, if he thinks that that is not true and that through spending much more money on this facility the taxpayer will be better off, let him stand up and say so. I contend that they would not be. The final point is that—

The Hon. L.H. Davis interjecting:

The Hon. P. HOLLOWAY: I would think that the Hon. Legh Davis's rather rude behaviour is embarrassing, Mr Chairman. If the Hon. Legh Davis has a good case, he can get up in a moment. He can inform everyone about his case if he wants to, but at the moment all he seeks to do is interrupt, and he is doing that very effectively.

The third point is that, if this boat facility goes ahead, one of the large recurring costs to the Government will be sand carting. It is a cost in perpetuity. According to the Government's own public servants, that will vary between $100 000 and $500 000 a year: a cost in perpetuity. That will not be recovered from the developers. I was making the point before the dinner adjournment that, if we could find a cheaper alternative, it would be much better for the taxpayer.

I have made those three points about the components of the cost. If the Leader of the Government—the Treasurer—wishes to dispute them, let him do so. Again, I conclude this section of remarks with the comment that the Opposition believes that this amendment simply seeks alternatives to the West Beach facility because, first, a large amount of community concern has been expressed about the scale of this facility and because of the possible environmental and economic consequences for those people from the West Beach recreation area who depend on the beach. That is the reason for our raising this issue.

The Hon. T. CROTHERS: I was not going to enter into the debate but I do so with some knowledge as a fully qualified ship's carpenter.

An honourable member interjecting:

The Hon. T. CROTHERS: Thank you. One of the puzzling things to me during the currency of the debate was the 250 metre groyne. I understand from—

The Hon. L.H. Davis: A big groyne.

The Hon. T. CROTHERS: I can either spell it 'groin' or 'groyne', depending on how rough the Hon. Mr Davis wants to be with his interjections. That was one of the things that puzzled me. I could not fathom out why that groyne would have to be 250 metres long. I talk as one with some knowledge of the sea. Then the Leader made it reasonably clear to me, in so much as I can piece it together from the limited amount of information the Government has provided, why the breakwater—and I use the term 'breakwater' now as opposed to 'groyne'—is to be 250 metres long. He leads to us that prior to coming to this Parliament with the Bill the Government had entered into an agreement with the Glenelg Sailing Club. He further informed us five minutes ago that some vessels (the owners of which are members of the Glenelg Sailing Club) are too large either by length or tonnage to launch off the beach.

Length is not the limiting factor in respect of launching off the beach unless you have a very shallow beach. The limiting factor is tonnage. Obviously, there are some fairly large vessels within the confines of the waters to which the Glenelg Sailing Club has access. That then leads me to understand why the groyne is 250 metres long. It is this groyne, I understand from those with the scientific knowledge that, in part at least, will cause some of the dramas of the shifting sands. I remember reading a book once called *The Riddle of the Sands*. Again tonight from the Leader and the mouth of his interjectory vice-captain, this pseudo-interjector, this excuse for an interjector (Hon. Mr Davis), we get the second volume of *The Riddle of the Sands*. That made me think of another saying, namely, 'Out of the mouths of babes and sucklings'.

The Hon. A.J. Redford interjecting:

The CHAIRMAN: Order!

The Hon. T. CROTHERS: I wish Rough Redford would stop interjecting. Anyhow, even with the limited knowledge that we have been given, that leads me to the reason why the groyne or the breakwater, more properly called the breakwater, is 250 metres long. In my view, it is to provide a lee shore or a weather shore for the Glenelg Sailing Club. It is to provide a lee shore for the heavier vessels of the Glenelg Sailing Club; that is, vessels which cannot be put into the water easily but which, in the event of a storm coming up over the gulf, cannot be got out of the water easily, either. The difficulty I have is that I am not opposed—

Members interjecting:

The CHAIRMAN: Order!

The Hon. T. CROTHERS: —to development. I believe that, at times, the Bannon Government was too much swayed by some elements. I refer, for instance, to Marineland, in which some members of the Opposition were involved. Some

elements that were opposed thereto would think up an excuse and then run with it. That I believe is not the case with this project. There is a genuine—

The Hon. L.H. Davis interjecting:

The Hon. T. CROTHERS: I wouldn't support you if you were covered in gold leaf. That then leads me to believe that the Government has gone and done a deal with the Glenelg Sailing Club. It is rather like putting the cart before the horse. Then it comes before us and says, 'Look, we have this deal with the Glenelg Sailing Club and, if we cannot get this up and running by February or March'—whatever the Leader said—'it is down the drain.' To some extent, I would think that was an act of foolhardiness on the part of the Government. If it wants to play with that sort of fire, it might just get its fingers burnt. The place where these matters are decided in totality and finality is this Parliament.

If the Government—and the minority Government, at that, in another place—goes and makes a deal with a body such as the Glenelg Sailing Club, however well met it is, it is not of this Parliament. This Parliament has a greater responsibility. It has a responsibility to the citizens of all of this State and not just for some citizens in a particular niche. Having said that, I have admitted on record that very often when we were in government we were too prepared to accept some excuses that I thought were manufactured in respect of development. But I do not think that this is a manufactured excuse that we are dealing with here. This is something in respect of those sands and their shifting that has occurred time and again off our metropolitan shores. We know that, because time and again over the past 10 years we have had to move hundreds of tonnes of sand to replace sand that has been washed away.

Obviously, the groyne will have an effect of concentrating the waters that were already doing that in their particular frontage, and doing even more damage. I believe that the so-called groyne is a breakwater for the Glenelg Sailing Club. You can tell me anything you like: it is a lee shore in respect of their heavier craft. I may be wrong in that, because I have limited information to go on given me by the Leader. But it does raise that spectre in my mind. Take it from me, the Labor Party is certainly not trying to torpedo the development.

The Hon. L.H. Davis: Paul Holloway is. He is against it. Read *Hansard* tomorrow. He said he was against it.

The Hon. T. CROTHERS: With your inane interjections, you may well be playing no small role in torpedoing it, from those amongst us who do not want to see that happen.

The Hon. L.H. Davis: So, there is a split in the Labor Party, is there? You're saying you're in favour of it; Holloway says he's against it.

The Hon. T. CROTHERS: The only split I am concerned about at the moment is the one below your nostrils that keeps opening and closing with unmitigated and ill-timed ferocity. I'm sorry for that, Mr Chairman; I shouldn't do things like that, but he drives one to it.

If I am wrong in that, then I will stand corrected. But the error of judgment that members of the Government made was entering into an agreement with the Glenelg Sailing Club when it knew full well that the matter had to be ratified by both Houses of this Parliament. I understand that the Government has to negotiate in respect of getting things up and running, but that is as far as it should go. When you give an agreement to someone, before you get it ratified here, that is asking for trouble.

I am not opposed to this development, which will bring jobs to the community. But, before I would be prepared to pass this measure, I would want to know much more than the scanty detail that we have thus far got from the Government, given that, in the second week of the Parliament's meeting, we are asked to consider this Bill, which we have agreed to do. But given that our responsibility, particularly in this Chamber, is for all South Australians and not just for little segmented elements of it, I think we should get the detail that it is necessary for us to have in order that we can make the type of decision that perhaps the Government is looking for.

The Hon. R.I. LUCAS: I welcome that olive branch from the Hon. Mr Crothers. I am pleased to see that the Hon. Mr Crothers, at least, is prepared to see what might be done to assist the passage of the legislation—

The Hon. T. Crothers: The Hon. Mr Holloway, too.

The Hon. R.I. LUCAS: No, you have taken it quite a step further. Given that the Bill is to be debated here tonight and will go to another House before it comes back again, if the likes of the Hon. Mr Rann and the Hon. Mr Holloway have their way, I am prepared to offer the Hon. Mr Crothers a briefing tomorrow morning with all that detail that he is seeking. I will be delighted to make the resources available to try to provide that briefing for the Hon. Mr Crothers so that—

The Hon. T.G. Cameron: Put it on the record now: put it in the *Hansard*.

The Hon. R.I. LUCAS: I am happy to. Members opposite ask the questions: we will give the answers. The Hon. Mr Crothers has indicted his willingness to consider this issue fairly, and we are prepared to take that up. Just give us a call, TC, and we will organise that. The other question that the Hon. Mr Crothers asked—and again he is endeavouring to be sensible and reasonable in relation to this—was why there needed to be a 250-metre groyne. I am advised that that was the advice of the Coastal Management Branch. The advice I have been given is that, during the quite detailed coastal management and sand movement studies undertaken as part of this comprehensive preparation, the consortium and a number of others had thought that it might be possible to use smaller groynes, not the 250-metre variety that has been finally decided upon.

However, the expert advice was that the smaller groynes were not going to work in terms of managing this issue. In the end, the advice that the consortium, the developers and others had to take was that the best way of managing it was this construction of the groyne, the shape and nature of it, with the length of approximately 250 metres that was eventually decided upon.

The Hon. L.H. DAVIS: I was rather startled to hear the lead Speaker of the Opposition admit that he was not particularly well briefed on this matter. Here he is leading opposition to a serious development and admitting that he did not know too much about the subject. I did ask him, in fact, whether he was familiar with a briefing paper that had been prepared for the Charles Sturt Council (which appears to be quite hostile to this development) and the conclusion of that report, and he claims that he was not. I must admit—

The Hon. P. Holloway: I said that I had not read the report but I was aware of its existence.

The Hon. L.H. DAVIS: He was aware of its existence but he had not read the report. He came into this Chamber taking a serious stance of naked opposition—and that was in black and white this afternoon—to an important proposal that is part of the package of the development of Glenelg, which the Opposition appears to deny even though, from his own lips,

he read the fact that there was a financial arrangement that depended on both Glenelg and West Beach. He admitted that in his own musings to the Committee only minutes ago, which, in fact, confirms the existence of the package. It appears that this lead Speaker from the Opposition has come in as the Deputy Leader in some coup in the Labor Party, by which the Hon. Ron Roberts who, as we all know, was a very accomplished and resilient speaker, has been banished to the back bench—

The Hon. T.G. Cameron: That's not what you used to say.

The Hon. L.H. DAVIS: That's all politics, but deep down I had a high regard for the Hon. Ron Roberts. In debating I might have belittled him on occasions: that is true; I will admit that. I must admit that I did humiliate him on a few occasions, but that is all part of the theatre of politics, as the Hon. Terry Cameron realises. But I had a deep and abiding respect for his political ability, his political strategy, his nous and his debating skills. I will humbly admit that. And I find it hard to force myself to have to debate against his replacement, because it is so easy. But I must.

Therefore, I was somewhat startled to find that, despite this pungent opposition that has been trailed through the community by the Charles Sturt Council which, for reasons best known to itself, has decided to oppose this decision, he is not even aware of the conclusions of this report. Let me put on record that he has had the opportunity of a briefing from the Government. From what we have heard today, the few readers of *Hansard* who might bother to read his speech would be forgiven for thinking that he has had no briefing at all, although I think from his own lips he admitted that he had a briefing; is that correct? The honourable member had a briefing? He is not quite sure whether he had a briefing. Can he remember whether he had a briefing on this?

The Hon. P. Holloway interjecting:

The Hon. L.H. DAVIS: You've had a briefing. Okay, he has now thought about it—

The Hon. P. Holloway interjecting:

The Hon. L.H. DAVIS: But you haven't had a briefing yourself.

The Hon. P. Holloway: I have been briefed by those who were briefed.

The Hon. L.H. DAVIS: So, the newly appointed Deputy Leader of the Opposition and shadow Treasurer in the Legislative Council, the Hon. Paul Holloway, has confirmed that he had a second-hand briefing. It is a bit like a second-hand rose—by the time you get it, there is not much perfume left. He certainly did not get any facts at all out of the briefing, because listening to him today one would not even think that he had had a second-hand briefing. But it does appal me that on such a serious matter the Opposition rolls out this newly elected Deputy Leader of the Opposition, a convert to power dressing in this newly elevated position, who puts up a lamentable performance. From the discussion we have had today, he would not know one groyne from another. My question to the Leader of the Government—because I want to be brief on this—is: is he aware of the conclusion of the Charles Sturt Council report, given that the Hon. Paul Holloway has a blanket opposition on behalf of the Labor Party, although the Hon. Trevor Crothers—

The Hon. T.G. Cameron: That's not true.

The Hon. L.H. DAVIS: It is absolutely true, although the Hon. Trevor Crothers had a more reasonable position and held out a very big olive branch. Could the Leader of the Government inform the Committee—and the Hon. Paul Holloway in particular—of some background to this report that was prepared for the Charles Sturt Council, the conclusions of that report and his reaction to it?

The Hon. R.I. LUCAS: I refer the honourable member to page 6 of the Manly report, or whatever the correct title was—

The Hon. L.H. Davis: He has a copy of it. He doesn't even know what the conclusion was. He told me he did not know what the conclusion was, but he is looking at it now. It is extraordinary. Does this mean he can't read?

The Hon. R.I. LUCAS: Mr Chairman, I will give the Deputy Leader some respite from the caning he has been taking from the Hon. Legh Davis; he can at least take a deep breath. I refer the Deputy Leader to page 6 of the report, under the heading 'Conclusions'. The report there states:

> Our review of the proposed development of the West Beach boat harbour development has been limited to a broad overview of the information provided.

I indicated earlier when I made reference to three particular quotations—

The Hon. M.J. Elliott: It sounds pretty honest.

The Hon. R.I. LUCAS: It is an indication of the limited information that was made available to this person to conduct what was a very quick—

The Hon. M.J. Elliott: Why don't you table it all in here?

The Hon. R.I. LUCAS: I do not have a copy with me, but I am happy to table it. Mr Holloway has a copy. The next part of the conclusion reads as follows:

> While it is apparent that a boat harbour could be constructed in the vicinity of West Beach and the beach systems maintained through sand management practices *ad infinitum*—

it is very important to emphasise that—

> this is not in keeping with normal coastal management practice for a nett littoral drift coastline.

The important point to take from that conclusion is that the writer is at least conceding that a boat harbour could be constructed in the vicinity of West Beach. The writer is also conceding that the beach systems could be maintained through sand management practices *ad infinitum*. It is fair to say that the flavour of the report is very different from what has been quoted by others who have referred to the report. There are many questions that this person raises from a very limited information base, obviously, but in the conclusion the writer says that a boat harbour could be constructed in the vicinity of West Beach and that the beach systems could be maintained through sand management practices *ad infinitum*.

Members who have quoted this report, both in another place publicly and in here, have not referred to that aspect of the conclusion of this report. By way of out of order interjections earlier this evening, the Hon. Mr Elliott said, 'Table the information in relation to sand management practices'. I am informed that this information has been made available to a large number of people, and I am delighted. Mr Redford, councils and a whole range of people have it. I am very surprised that, if he professes to have such an interest in this issue, the Hon. Mr Elliott does not have a copy of it. I think he is seeking to make a political point, or trying to create an impression that this is a secretive Government not prepared to share information.

I am very happy to indicate that we need this copy of the report for the Committee stage of the debate but that at the end of the Committee stage I will be happy to table a copy of a report that I have been given, entitled 'Shoreline evolution study, West Beach facilities, Draft final report for the West

Beach boat launching facility,' prepared in August 1997, which contains—

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: If there is a final one I will try to get it; this is the only one I have at the moment. I will try to provide that information for the benefit of members. As I said, it is not secret. Evidently, it has been made available to a significant number of people as part of the public debate on this issue. Finally, after the dinner break this evening, the Hon. Mr Holloway sought to put a different perspective on the difficulties in which he found himself before the dinner break when he conceded that he was not aware of the information in relation to revenue clawback to the Government from the development. Subsequent to the dinner break he has now tabled a copy of information which, clearly, already was available to him and which he had either forgotten or was not aware of.

Prior to the dinner break he clearly indicated that he was not aware of the clawback, which is important. This Labor Party—this alternative Government—has taken a position whereby it wants to rip the heart out of this potential development and destroy potentially hundreds of jobs for working-class South Australians on the basis of ignorance. The Hon. Paul Holloway (the Deputy Leader), in charge of the Bill in this Chamber, was not aware of the revenue pluses and minuses of this development and, as justification for his position, made a significant number of claims about a massive taxpayer-funded commitment of $10.6 million to this development. He was again saying that we need to look at cheaper alternatives.

If the Government is to claw back a significant proportion of that cost over five years as part of the development, clearly, the honourable member is arguing from a flawed information base and from a position of ignorance in this matter. When the jobs of hundreds—if not thousands, during the construction phase—of South Australians are potentially at risk because of the attitude being adopted by the Hon. Mr Holloway and the Hon. Mr Rann on this issue, it is a matter of great concern to the development and investment community in South Australia that an Opposition should base its decisions on a position which is one of ignorance, and one where its Deputy Leader not only admitted that he did not have that information but also indicated that he was poorly briefed on this legislation. He has made that clear in this Chamber as well, which is a matter of concern to the development and investment community here in South Australia.

I understand that during the second reading debate the Deputy Leader (and the Hon. Mike Rann, I understand) refused to say whether or not they will force the Glenelg Sailing Club out of its facilities. It is important that it be made clear to the Glenelg Sailing Club and to other recreational boat users that the Labor Party, through the Hon. Mike Rann and the Hon. Paul Holloway, is refusing to rule out forcing the Glenelg Sailing Club out of its facilities and forcing it somewhere else—who knows where—with whatever facilities—

Members interjecting:

The Hon. R.I. LUCAS: I have challenged the Hon. Mr Holloway on four separate occasions to give that commitment. He refuses to do so. I am prepared to put it to him for the fifth time. Will the Hon. Mr Holloway indicate what he will do—

Members interjecting:

The CHAIRMAN: Order!

The Hon. R.I. LUCAS: —and what the Hon. Mr Rann will do to the Glenelg Sailing Club if those people say they will not accept Mr Rann's idea about launching their yachts out to sea, and that they have to launch directly off the beach? I leave that challenge for the fifth time with the Hon. Mr Holloway. Will he indicate what the Labor Party's position is in relation to the Glenelg Sailing Club in those circumstances?

The Hon. P. HOLLOWAY: Again I make the point that all the Opposition is seeking to do is look at alternatives. The Government has not provided information in relation to all the agreements. The Minister told us earlier that he would seek to provide it, and I think that his words were—he can correct me if I am wrong—that he would provide it when this Bill goes to another place. If there are difficulties in showing us these agreements, I am sure that the Opposition will be prepared to look at those things because we are very reasonable people.

However, as I pointed out earlier, the West Beach launching facility has not been through the Public Works Committee. Given that that committee may be able to recommend changes to the project, it is a reasonable assumption that changes could be made to such agreements, and that is the basis on which I have been working. If these agreements present difficulties, I am sure that, when the Minister provides that information, we can look at those problems. The Opposition is not seeking to dispossess anybody. All we are seeking is a more satisfactory solution for the environment and for the taxpayers of this State.

I should also say something about the Hon. Legh Davis. His contribution was probably not worthy of response, except that I think for anybody reading *Hansard* it makes the point that the Government is not really serious in addressing the reasonable concerns that have been made by a wide cross-section of people in this State, not just the residents of the area, but scientists at SARDI, the local council, the local surf lifesaving club, and a number of other people. It is not unreasonable for the Opposition to move amendments which seek to address some of those concerns.

The Hon. Legh Davis can make all sorts of smart alec comments and, indeed, he is very good at that. It is a pity that he is not present in the Chamber to hear this, but perhaps that explains why in 15 years he is still on the back bench. He is very good at making smart alec remarks and he has done it very well for a number of years, but his great failing as a politician is that he cannot be positive, and we saw a classic example of that this evening. He is very good at making smart alec comments, but people who are concerned about this project would see the utter contempt with which the Hon. Legh Davis treated their concerns, and I need say no more.

The Hon. M.J. ELLIOTT: As is usual, at the close of the second reading stage the Hon. Robert Lucas decided to put words in other people's mouths and misrepresent their positions, but that is nothing unusual. We see it at Question Time and in Committee, as well, when he clearly misrepresents other members' positions. For the few people who bother to read *Hansard*, what I said in the second reading debate should have been clear, but I want to summarise my attitude to the development overall.

As I said, I think that the Glenelg development is a *fait accompli* in terms of the form that it will take. The breakwaters have already been built and in terms of any impact they will have on sand movement, that is done. Whatever it costs and whatever are the impacts, the State will now have

to live with that. That cannot be undone. What is happening at West Beach is not a *fait accompli*. It is most likely that a launching facility will be built there, so what we are really looking for is the least worst option. Let us be honest with ourselves: what we are looking for is the least worst option.

Members of the Coast Management Board, both previous boards and the present one, with whom I have spoken over many years, have told me that ideally there should be no structures on the beach. There is no question about that, and that is the point that I was trying to make before. For years people have been saying that one way of protecting our beaches is to put a series of small groynes along the coast. All those things have been investigated and the conclusion that the Coast Management Board came is to is that there should not be structures on the beach. If there is to be some sort of launching facility at West Beach, the question is not whether we are going to have one but whether it will cause the least damage in terms of sand movement, aesthetics, etc.

I noticed that the Leader of the Government criticised the Deputy Leader of the Opposition about what he knows about the project, but the level of debate coming from the Leader in this place suggests that he knows very little about it, so he has concentrated on the political rhetoric rather than put on the table what he knows about it. Just before the dinner adjournment, he started to say, 'I am advised'. He knew that he was in dangerous territory. Let us have a look at the question of environmental—

The Hon. A.J. Redford: He hasn't got your massive engineering—

The Hon. M.J. ELLIOTT: I have to say one thing: that you have had a lot of training in the law, and it has done you no damn good—yet people queue for him: silk. In April 1996, an amendment to the environmental impact statement in relation to the Glenelg foreshore and environs was released. It was considered that an EIS was not really needed because one had already been done. On page 69, the amended EIS lists some changes to the earlier EIS, as follows:

Table 3.1 defines the main features of the original Holdfast Quays proposal and compares those features of the amended proposal relating to the infrastructure issues. The main changes to the original proposal creating the need for this EIS include:

- configuration of the marine harbor basin at Patawalonga mouth;
- configuration and length of the breakwaters at the Patawalonga mouth;
- provision of a temporary and permanent ferry berthing facility;
- methods of improving water quality;
- harbor dredging and sand management;
- breakwaters and boat launching facility at West Beach; and
- methods for discharging stormwater outfall to the sea at West Beach.

This amendment to the EIS recognises that breakwaters and boat launching facilities at West Beach are new, but how much time does this amendment to the EIS spend analysing the impact of this change? I point out that at this stage the yacht club was still at Glenelg. This amended EIS did not deal with everything that is now proposed, but only some sort of boat launching facility, presumably mainly for fishing boats.

How much time did this supplement spend analysing the environmental impacts, looking at the issues that were not addressed in the former environmental impact statement? Sand management is covered on pages 73 and 74. That is it: a detailed analysis. Perhaps I should read the detailed analysis so members can see how good it was.

The Hon. Carolyn Pickles interjecting:

The Hon. M.J. ELLIOTT: No, I think it deserves to be put on the record. Let us put some facts into this argument rather than the political rhetoric that we have copped from the Leader so far. With respect to current sand management conditions (4.1.1), the document states:

The active coastal erosion processes affecting the metropolitan coastline have, over the years, resulted in a range of management strategies designed to minimise erosion impacts.

Rock or sea wall protection, as currently exists from Glenelg through to West Beach, is the most noticeable strategy, while sand replenishment programs are undertaken to enhance beach amenity. With an average annual net sediment transport capacity of 50 000 cubic metres northward, the existing Patawalonga breakwater interrupts this flow causing accretion adjacent to the south edge wall, the development of a sand bar/spit off-shore north beyond the breakwater and the depletion of sand on the North Glenelg beach. This results in significant siltation of the boating channel at the mouth of the Patawalonga, restricting safe and convenient boating movement. No effective long-term strategy exists to manage this situation. Some form of mechanical bypassing is essential.

Off-shore dredging of harbor sand is being undertaken off Brighton; this sand is being pumped to the beach where the natural longshore sediment transport process facilitates the metropolitan sand replenishment program. Without such intervention, longshore sediment movement would be insufficient to maintain future beach amenity along the metropolitan coastline. The following key issues currently exist:

- the northward sediment transport movement will continue to cause siltation of the Patawalonga outlet unless regular sand bypassing is undertaken;
- the beach at Glenelg South will continue to retain sand, particularly adjacent to the breakwater;
- the beach at Glenelg North will continue to be depleted of sand, with an off-shore sand bar extending parallel to the beach;
- sand will need to be regularly introduced onto the metropolitan beach system in the vicinity of Brighton and at Glenelg North to maintain beach amenity.

4.1.2 Sand management strategies related to the project.

Management of the metropolitan coastline is the responsibility of the Coast Protection Board. The proposals to enhance Patawalonga Harbor and to create an all weather metropolitan wide launching facility at West Beach will need to be developed and managed within this metropolitan framework and will necessarily include:

- provision for the regular bypassing of sediment to ensure the northward movement is not interrupted;
- sand bypassing will be required for both Glenelg and West Beach, possibly involving a single linked system.

In other words, they have not even worked out what it will look like. It continues:

In the event of a linked bypass, the Glenelg North beach will need to be stabilised, using off-shore bars or groynes—

it is still very much a proposal—

- enhanced Glenelg North beach amenity associated with sand bypassing, as sand will be placed on the beach and the beach system will be stabilised rather than sand being lost to the off-shore sand bar;
- no change to Glenelg South beach amenity;
- beach conditions at West Beach north of the boating channel to remain unaffected, given proposed bypassing measures; and
- provision for all year round, all weather, safe recreational boat launching and ferry harbor facilities.

The user pays principle could apply to assist with the ongoing sand bypassing costs.

In the supplement to the EIS, that is the analysis of sand movement and it takes into account what is proposed at West Beach. I hope members picked up the in-depth analysis. The Government said, 'We don't really need an EIS, because we've already had one.' That is what it said in relation to this, but it said there were a few changes. As a single dot point, members can see that there is a change, and at that stage it was a boat launching facility not for the yachts but for the fishing boats, and that would happen in conjunction with a

channel that was being proposed at that stage. If you have a look at the diagrams proposed at the time, you will see that the breakwaters proposed were quite different in form and size from those currently proposed by the Government. That is in the supplement to the EIS, as I said, in 1996.

More recently, the Government released a document—and unfortunately I did not have a chance to go through all my files during the break because I had appointments, but I grabbed a couple—that is 'A supplementary review of the Glenelg foreshore and environs EIS and its implications for the Patawalonga catchment plan, February 1997'. The form of the breakwaters at West Beach still remain exactly the same as those proposed in the 1995 supplement to the EIS. No detailed analysis is put through the environmental impact statement process so that it can be looked at by the public at large to analyse the impact of that. The Government was getting responses, saying, 'We are very concerned.'

After this, some time after February this year, a totally new form was developed. There is a totally new shape. No longer is it running across the beach, and there are good reasons for not wanting it to run across the beach in terms of amenity. It is longer, and it is hooked right around. Previously, it was a breakwater which headed straight-out from the beach due west, and then had a slight turn to the north-west. The new proposed breakwater is much longer, goes directly out to sea, then makes a right-hand turn and then heads probably another 150 metres north, and then turns marginally east. It is an entirely different shaped and sized breakwater from anything that was contemplated under any of the environmental impact assessment processes.

Yet the Minister has the nerve to come into this place and say, 'I am advised that the environmental impact assessment process has looked at all this.' It has not. The Minister says that he was advised. I say to the Minister that he was advised wrongly. Under the environmental impact assessment process in South Australia, there has never been anything which even approximates a detailed analysis of what is happening at West Beach. West Beach has been very much an afterthought. The attitude was, 'Where will we put the boaties?' I heard the Leader of the Government asking, 'What about the boaties?' The boaties were getting pretty short shrift in all this deal. They were just shunted out. They were not wanted. The developers did not want them in Glenelg. They asked, 'What will we do with them?' Stage 1 involved shifting out the fishing boats, and they were going to run them out through the same culvert that would empty the Patawalonga. In 1996, the yachties were still at Glenelg, but they were shifted out, too.

Members can see that, from the sort of documentation I have here from the environmental impact assessment process, they never did the sort of detailed analysis of the long-term impacts that were likely to happen at West Beach. It was an absolute farce. It was an absolute disgrace. The Minister says, 'We are looking after the boaties.' Blow that! They are looking after the developers. That is what they are doing. I want to see whether the Minister still feels whether he is being advised that the environmental impact assessment process in any way considered development of the form that is currently proposed for West Beach. The nub of the problem we have is that there is a strong belief in the community—and I share that belief—that the work that should have been done has not been done.

We are in Parliament with the legislation, because there was a little mess up with some of the other planning in terms of checking who owned what land, and what could happen on it. That late discovery and the fact that we are debating it this far into its development is the Government's fault, and the fault of whoever has been advising the Government. It is not our fault. We have been concerned about what has been happening at West Beach, but we have not had a chance to make sure the issues were properly addressed, just as so many other issues in this State are not properly addressed. It is the responsible thing to do to insist that this sort of work is done, because we know what will happen if we get it wrong. History all around the world shows that, if you build on sandy shores and get it wrong, the consequences are quite severe.

John Mathwin, a former Liberal Party member of the Lower House and now a member of the Holdfast Bay council, has made comment. He has travelled around the world and been through Europe and seen the destruction of the sandy beaches after similar sorts of structures have been built there. He has seen it with his own eyes. There is an enormous record of the role of the United States Army Corps of Engineers in the United States and the impact that structures have had on beaches there. On the East Coast, there has already been a number of real concerns; the Tweed Heads area is one example. One of the experts the Leader of the Government tried to decry here has been involved in that and other projects. He has had more real life experience of looking at this sort of stuff than the people who have done the work here. I ask the Minister—certainly before the Bill (and it will obviously go backwards and forwards between the Houses) gets back to us—to table in this place all the detailed analysis the Government has had done in relation to the West Beach development.

The Hon. R.I. LUCAS: Again, we are never surprised at the contributions from the Democrats and the Hon. Mr Elliott in particular. As I said earlier, I will not go over it in great length again, the Democrats oppose anything that is related to development or jobs. So it does not surprise us that they adopt this position. It also does not surprise us that truth and the Hon. Mr Elliott are not close acquaintances. The Hon. Mr Elliott referred to the particular EIS and said that no reference was made to sailing clubs and that this was an afterthought. He said that this was something done only in recent times. I refer the Hon. Mr Elliott to a number of places in this EIS that he knows already refer to the sailing club. A number of diagrams are contained in the EIS which refer to the sailing club in terms of discussion. The Hon. Mr Elliott knows that, yet he is not prepared to provide that information to the Committee. He stands up tonight and tries to make out the claim, and we catch him out. There is no reference to the sailing club; and the boaties have been an afterthought and have not been considered at all. He does not realise that we have the information here, and we catch him out straight-away.

The claims that the Hon. Mr Elliott makes in relation to the issue are not true. The facts are there. The document is part of the public record. He cannot justify the statement he has just made, and he knows that. Yet he stands up in this Chamber and makes those claims. It does him no good to make those claims in this debate and to make all sorts of wild interjections and accusations from his seat, and to be caught out.

The Hon. Mr Elliott referred to pages 73 or 74 of this report and then read large chunks of it, if not all of it, and said that this was the only reference in this big report to these issues.

The Hon. M.J. Elliott: You read the rest.

The Hon. R.I. LUCAS: I am not going to read the whole lot, but let me refer you to the pages. I have been directed to page II, which refers not only to the key issues but also to the assessment issues, and it there lists coastal processes; sand management boating facilities, pages 91 to 97; the marine environment, pages 97 to 101; and construction, maintenance and dredging, pages 102 to 106. I do not need to go on.

The Hon. Mr Elliott stands up in this Chamber and makes all sorts of wild accusations but it is referred to on only two of all these pages. The honourable member gets caught out again. The Hon. Mr Elliott has to do his homework a little better than that if he is to make these sorts of allegations. He then tries to mislead members in this Chamber that that is the only reference to these sorts of critical issues in the report that members are considering.

There are a number of original references as well. I highlight the grossest examples of where the Hon. Mr Elliott is seeking to mislead members in this Chamber during the Committee stage. Time does not suffice tonight to enable me to go through all the examples of where the Hon. Mr Elliott is seeking to mislead members of the Committee in relation to this issue.

As I said, it does not surprise me because the Hon. Mr Elliott comes from an ideology and basis that opposes all development and, therefore, he will oppose this development. I think that he should at least share facts with members of this Committee and not seek to mislead them, as he has done in the grossest possible way in his contribution this evening.

As I referred to earlier, the sand management reports that were available to the Government's advisers and departmental officers have already been made public. They are not secret. A number of groups and individuals have got them. I think the Hon. Mr Redford said that he had seen one or got a copy himself. I indicated that I am happy to table that document during the Committee stage of the debate.

Also, I have already indicated to the Hon. Mr Holloway that the agreement was discussed by about 60 members of the Glenelg Sailing Club at its meeting. They were all given copies of the agreements in terms of whether or not they were going to vote to approve or not approve them. So, that sort of information has not been hidden or made a secret. I am prepared, between debate in this Chamber and the other Chamber, to endeavour to get a copy of that document and table it. All that information has been publicly circulated, discussed and voted upon comprehensively and overwhelmingly by the Glenelg Sailing Club.

The Hon. Mr Elliott and the Hon. Mr Holloway seek to defend their position by saying, 'We don't have the information. You're keeping all this secret from us,' but that is not true. I give these examples to indicate where the Government already has provided that information to the various interested parties and is happy to share that sort of information.

The Hon. P. Holloway: What about the pipeline?

The Hon. R.I. LUCAS: I want to go back to the stormwater pipeline in a moment. If the Hon. Mr Holloway would like to repeat the questions that he put in the second reading debate, I will take advice and give the responses that I can. I cannot remember the detail of the Hon. Mr Holloway's questions from his second reading contribution prior to the dinner break. I am happy to endeavour to provide the honourable member with whatever information we have this evening.

In relation to the issue of sand management, again I do not have a copy of it with me this evening, but I am happy to obtain copies and provide them to members. The Coast Protection Board is a group of people with a lot more expertise in this area than the Hon. Mr Elliott—in everybody else's judgment except perhaps Mr Elliott's. In everybody else's judgment, if we put the Coast Protection Board and the Hon. Mr Elliott up against each other, who has more expertise, who knows more about—

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: I don't know whether they have done two years of engineering on the way to a teaching diploma or whatever. If we are going to line up the experts, I think most people would say that they would back the Coast Protection Board, its expertise and the advice available to it rather than the Hon. Mr Elliott who, as I said, comes from a basis where he opposes anything that moves in South Australia, in particular this development.

I am advised that the Coast Protection Board over a long period of time—and as recently as the last two or three weeks—has written letters to the West Torrens council and has issued press statements (and I will endeavour to get copies of those statements as well) in which it has indicated that the sand management strategies that have been developed by the developers in consultation with the Government and with the Coast Management Branch are appropriate (I think those are the words it used, or something along those lines). I am advised that it then uses a phrase along the lines that it will not cause erosion of the beaches to the north of the groyne.

That is not the Leader of the Government in this Chamber making that statement, and indeed it is not the Hon. Mr Elliott with all his knowledge in this area making that statement: the statement is made by a body that is charged with the responsibility of looking, and provided with the expertise to enable it to look, at these sorts of issues. It has been successfully looking at these issues for a long time—as long as I can remember, anyway. We have been moving sand backwards and forwards in terms of managing the process, and the board and the officers available to it have the expertise in this area.

Let us give some credit to this board and the officers available to it and the expertise that it has in terms of its signing off and saying, 'This is an appropriate process.' The Government is not standing there with a loaded gun at the head of these officers or whatever else and saying, 'You must sign off on this issue.' This issue is of genuine concern to everybody. No Government goes into a development wanting to see the ruination of beaches in metropolitan Adelaide.

I am just not sure of the attitude of members in this Chamber towards the Government and departmental officers. No-one goes into a major development like this which seeks to provide hundreds and thousands of jobs in the interim with the express intention of recklessly abandoning any sort of genuine attempt to look at these issues or to destroy the beaches of Adelaide. They are one of our selling points. They are a significant issue.

I am told that this Government has maintained the spending on sand management programs. It was the Hon. Mr Holloway's Government, for three years or so (I will take advice on that), which either reduced significantly or did not provide the level of funding that was meant to be provided for these programs. This Government is sensitive to these issues. We are aware of them and we want to see them resolved. We have gone to the Coast Protection Board and the Coast Management Branch—we have gone to the experts—and asked, 'How do we do it?' Originally the consortium was talking about a whole range of smaller groynes or different

proposals. It has been based on the expertise and the advice that said, 'This is the way to do it.'

The Hons Mr Elliott and Mr Holloway have this view that the Government and the developers come in with this proposal and steamroll everyone out of the way and say, 'We will do this come what may, and this is the way that the sand management problem will be resolved.' That is just not the real world. It might be the sort of airy-fairy land of the Democrats and the Labor Opposition, but it is not the real world of trying to get developments up and going. The Government is not intent on recklessly going about a process of destroying the beaches of Adelaide as a result of a development.

It is not in the Government's interests, if one wants to look at it that way; it is not in the interests of the people; and it is not in the developer's interests consciously to go about a process that will destroy the beaches just to the north of the West Beach facility. I do not know, for the life of me, what the Hon. Mr Holloway, in particular, wants because, on occasions, he has supported development—I at least give him credit for that. The Hon. Mr Elliott, as I said, will oppose everything. For the life of me, I cannot understand the position adopted by the Hon. Mr Holloway, other than presuming that the Hon. Mr Rann has said to him, 'You must find a way of scuttling this proposal. Put in this amendment and try to gut the whole development. Pretend we support it, but gut the whole development.' As I said, the Hon. Mr Holloway still refuses to give any indication of what the Hon. Mr Rann will do with respect to the people of the Glenelg Sailing Club.

The honourable member, in his second reading contribution and again tonight, raised some questions about stormwater. I invite the honourable member to stand up and put those questions so that I can take advice and give him some answers.

The Hon. P. HOLLOWAY: Will this stormwater outlet be part of this project? In other words, will it be built concurrently with this project?

The Hon. R.I. LUCAS: I am advised that this is a separate project. It is not part of the Holdfast Shores development directly. The Government indicated its intentions some time earlier this year and, if that is important, I can obtain the date for the honourable member. Further work is being carried out, mainly in relation to the environmental aspects.

The Hon. A.J. REDFORD: I make a couple of points that concern me about this clause. I am concerned that, for more than 10 years, major projects have been put up and continuously knocked down, and I am not talking in a Party political manner in this respect. The Wilpena development was an issue under the regime of the Labor Government, as well as developments on Hindmarsh Island, Mount Lofty and Kangaroo Island. About the only development that got up, to the eternal tragedy of this State financially, was the Myer Remm Centre. It is disappointing because this clause basically says that the Minister must, within three months, prepare a report.

The report is then tabled in Parliament and must be dealt with in Parliament. I would imagine that, on a conservative estimate, this whole process will not be completed inside the space of 12 months. I am concerned that the change in economic cycle may mean that the developer walks away from the project, and yet another golden opportunity to resurrect the Glenelg foreshore to make it something which is attractive will be lost. I notice that the Hon. Paul Holloway has left the Chamber, but I want to ask him a couple of questions. For the life of me, I cannot understand this problem in relation to a lack of information. I have personally taken an interest in this development. I have had briefings; I visited the site when we first started cleaning out the Patawalonga in 1994; and we have had briefings in Parliament with various people on a regular basis.

The Hon. M.J. Elliott interjecting:

The Hon. A.J. REDFORD: The Hon. Mike Elliott interjects. When this Government took over, the Patawalonga was a sewer, and people were not allowed in it. We got up off our butts, as a Government, and did something about it, and where is the Hon. Mike Elliott? We find him bagging the Minister. I well remember the Hon. Mike Elliott moving a motion of no confidence in the then Minister (Hon. John Oswald), and it was knock, knock, knock. Not once has the Hon. Mike Elliott stood up and said, 'This Government has done something positive and it ought to be congratulated.' When one contrasts the record of this Government with the Opposition when it was in government, one finds that we have a proud record. However, one would think, when one listens to the Hon. Mike Elliott, that we had not done anything.

I am sick and tired of the Hon. Michael Elliott knock, knock, knocking and never giving this Government some praise and credit for what it has done. That is a dishonourable thing to do and it annoys me. I see that the honourable member is not in the Chamber, but if there is a delay of some 12 months, is the honourable member confident that the economic cycle will not turn—bearing in mind that we now live in a global economy and national and State Governments do not control economies to the same extent—to the extent that a lift in interest rates or a change in the economic climate may well mean the stalling of this project into the foreseeable future? Is the honourable member, on behalf of the Opposition, prepared to take responsibility for that in the event that this project is delayed by what I would imagine to be 12 months?

Secondly, has the Hon. Paul Holloway—and I put the same question to the Leader—spoken to the developers in relation to this amendment and, if so, what was their reaction to the potential delay? Have the developers made any statements to him or to the Government about what their reaction will be should this amendment ultimately be successful? Thirdly, has the Hon. Paul Holloway or the Opposition approached the various boat user representatives, to whom the Hon. Rob Lucas referred earlier? Whom have they approached, what has their reaction been to this amendment and when was that approach made?

It ill behoves an Opposition to say, 'We want, we want, we want.' An Opposition has a responsibility not only to question the Government but also to be constructive. The fact is that this is not a constructive option. If the Asian economy impacts on the Australian economy in a negative manner to the extent forecast by some commentators, I suspect that this project will never get off the ground. It will join Wilpena, Hindmarsh Island, Mount Lofty and Kangaroo Island in the list of projects that have been spoked. At the end of the day, I am seriously concerned that a delay of this nature will cost us the project.

I do not know where the Hon. Mike Elliot has been, but I know that I have had the opportunity—admittedly I made an initial inquiry—to read a 36-page report on sand management in relation to this new project. It has been available since August this year.

The Hon. M.J. Elliott: The West Beach part of it?

The Hon. A.J. REDFORD: The West Beach launch part of it. I am sure the Hon. Mike Elliott will stand up and say, 'I have rung the Minister, the developer and the Coast Protection Board, and they have refused to give it to me.' I suspect that the Hon. Mike Elliot has taken a position; he has assumed that the Government has done the wrong thing; and he has come into this place and said, 'It has not done anything except this two page EIS 12 months ago.' That is what I suspect the honourable member has done. I am sure that, if I am wrong, he will stand up and say, 'No, I rang the Minister and I did not get anything. I rang this and that person and I did not get anything.' The fact is that if the honourable member has not done that he ought to show a little more initiative.

The Hon. R.I. LUCAS: The honourable member put some questions to the Hon. Paul Holloway and I trust at some stage he will respond to those questions. I will put the Government's position on behalf of what I understand the developer's position to be. If you are a developer in South Australia and if you are working with the investment and financing community, the development community of Australia, and South Australia, and you have been through all these processes which you have to go through and received approval from the Development Assessment Commission for the West Beach facility and suddenly you have a Labor Opposition supported by the Hon. Mr Elliott who retrospectively wants to rip the guts out of the development and take away the approval, what sort of message does that give to the investment community of Australia about wanting to invest in South Australia? It is a development which would provide hundreds of jobs in the long-term and thousands of jobs in the construction stage in the short term. What sort of message is that giving to the business community and the developers in the investment community?

Without wishing to put words in the developer's mouth, if the Hon. Mr Redford's assessment was right—and I say, if that assessment was right—that there was a 12 month delay, they would turn over with their toes in the air and that would be the end of it. These people have been battling for years to get this development up and going. The Labor Party is about putting in a series of delaying mechanisms and the Hon. Mr Redford has indicated the problems. First, the report has to be done. Sure as eggs, Mr Holloway and Mr Rann will say—and certainly they will be supported by Mr Elliott because he does not support any development in South Australia—'There is not sufficient information. It has not been done quickly enough. The wrong people did the report. We demand that you go away and do another report before we will approve or even consider approving it in the Council.'

I know what the Hon. Mr Rann and the Hon. Mr Holloway are up to. As I said, whatever they do in relation to this issue the Hon. Mr Elliott will support. That is the dilemma the investors and the developers have with this amendment. The Labor Party is setting up a framework where it can delay it for as long as it wants and certainly for longer than the developers will be prepared to hang around for. Even then, we have no idea at all whether or not the Hon. Mr Rann and the Hon. Mr Holloway will be prepared to support it.

The Hon. Mr Holloway cannot and will not give a commitment on behalf of his Party that, even after this process is done, the Labor Party will support the development. As I said, we can write off the Democrats forever: they will vote against everything. But we will not get a commitment from the Hon. Mr Holloway and the Hon. Mr Rann that, even after we go through this process—whether it be three, six or nine months, whether it be the February session, the June-July session or the October session at the end of next year—they will do anything other than then say, 'You have not done it properly. We do not agree with it. We are going to scuttle it and vote against it.'

If you are an investor, if you have an $185 million project which you are trying to get up and going, will you wait around for the likes of the Hon. Mr Holloway and the Hon. Mr Rann to make a decision over three, six, nine or 12 months, when the Hon. Mr Holloway will not and cannot give a commitment concerning any time frame regarding whether or not he will accept it—he who will make a judgment about this $185 million development and thousands of jobs in South Australia?

What do you think the developers and investors will say in relation to this project? I say to the Hon. Mr Holloway that they are playing with fire. What are other developers, other investors and other business people going to do when they see the Labor Party retrospectively ripping away the planning development approval that they already have for this proposal? Last week we had these lofty claims from the Hon. Mr Holloway about retrospectivity and now he is moving an amendment to rip away retrospectively an approval the developer already has for a $185 million development which, as I have indicated, is a package. I reckon the Hon. Mr Holloway owes it to the developers and to working-class South Australians who may lose jobs if this development does not go ahead to stand up in this Chamber and try to defend the indefensible in relation to this issue and why he is going down this path to try to stop this development.

The Hon. M.J. ELLIOTT: It has been a while since the Minister raised some matters but I have the chance now to respond to those and do something that he never does in debate, and that is to say, 'Yes, I made some mistakes but I stand by the essential points that I made.' The original Glenelg development as proposed and under the amendment to the EIS did not have the sailing club at Glenelg. It had the yacht club at Glenelg. That was my fault for simply confusing the two, but the yacht club also is to be moved out of that development and down to West Beach. That is the first point I make and concede, although I suspect it is the movement of the yacht club which probably would have the most profound impact. Certainly the yacht club launching was still part of the proposal as contained in the supplement to the amended EIS released in 1996.

On the question of sand management, yes, there is a little more. The Minister said pages 91 to 97, but if he read them he would find that a number of those pages were not relevant to the debate. However, on the couple of pages where it touches on the proposal, it does not do any detailed analysis of the system. The sand management system as proposed is still substantially different, and certainly the structures contained within that are substantially different from those which are currently being considered. The essential point I was making, and one which the Minister did not contest was, that the environmental impact assessment process did not consider structures which one can say in any way resemble what is now being considered at West Beach. That was the core point I made. I am willing to concede that there were some errors in what I said but the core point still stands.

That is something that the Minister should say he got wrong when he said that the environmental impact assessment process did address the structures at West Beach. It did not. In fact, the structures were proposed after the environ-

mental impact assessment process. The Government's response has been, 'Well, we had an EIS. This is our response to the EIS. Therefore, that is what normally happens.' I would argue that the structures are so substantially different that they deserved to have been given full public scrutiny in the way in which the environmental impact assessment process theoretically allows. It is one of the weaknesses of the environmental impact assessment process and one to which I have alluded in other debates. What happens so often is that a problem is identified and then a change is made, but that change is not capable of being scrutinised because the environmental impact assessment process does not anticipate it. It is on that basis that in this place on a number of occasions I have argued that one of the major problems where so many projects in South Australia have gotten into trouble is as a result of the deficiency in the environmental process.

Some members in playing their little games of point scoring said that the Government would get no praise from me in relation to projects. That is plainly wrong. I have been on the record in this place on at least four or five occasions congratulating the Government, in particular congratulating David Wotton, for the way in which he handled the development at Mount Lofty. It is true that I was critical of one thing that happened towards the end in relation to tree lopping, but on a number of occasions in this place on the record and on a number of occasions outside I have noted that the environmental assessment process, which was not the official EIS process but one that Mr Wotton devised in relation to Mount Lofty, worked extremely well.

I suppose one of the more frustrating things might be that one of the people involved in that was Howard Young who is also involved in the Glenelg development. As one of the people involved in the Mount Lofty development I had discussions with him and he told me that the process in that case worked extremely well. That process was important because it was very inclusive and brought the community into the process early. There was never any question concerning whether or not there was to be a development at Mount Lofty. The debate was what form will get up and what form will give developers certainty. Mr Wotton says that, if he made one mistake, it was that the consultation process he had under way was disbanded once the design stage started. He has said quite openly that he regretted not maintaining it right through. He has been praised in many quarters for that. The sad thing is that he is one of the people who lost their ministry, yet he was one of the few people in the Government who finally got to understand why projects were failing. He got one up and he got it up quickly.

It was interesting that many environmentalists attended that opening, because they were so supportive of what David Wotton had done, and the Premier, John Olsen, stood up and had a bit of a hop into environmentalists. Clearly, he had no understanding whatsoever as to why that project was so successful and why it had so little opposition. The fact was that it addressed almost all the problems up front. I think what we are seeing here is an example of something that I have been raising for most of the 12 years I have been in Parliament, namely, that a number of projects in South Australia have failed when they need not have. They failed because the environmental assessment process does not work, and I have been involved in several meetings where both representatives of the Employers' Chamber and conservation groups have sat down and been able to reach points of agreement—besides the obvious, that it does not work—and I think both representatives of developers and conservationist groups will tell you that the process does not work, and yet we persist with it.

I am afraid that that is what we are seeing here. The environmental assessment process was supposed to be—but has never managed to be—a process that brings in the public and makes sure that issues are addressed early. Firstly, they have to be adequately raised and then they are explored, and you seek developments that as far as practicable avoid them. Unfortunately, with this development, I think the Government, in terms of changing anything, has taken the view 'over our dead body'. Even the change of a channel to a pipe to take the water out to sea was something that the Government and the advisers never wanted to do but were forced to do by strong public reaction, and at the end of the day it is the public's fault. The issues that caused that change were in the public arena for a long time.

I am afraid that the issues that surround concerns at West Beach have been in the public arena but, I would argue, have been addressed with contempt. The process is not working and is not inclusive. If the Government has not worked out that one of messages of the last election is that it is a Government that is not inclusive of the public and that it does not treat the public with respect, then it really has not understood one of the big messages from that election. What is happening here is symptomatic of it.

I understand that people are sick and tired of projects running into problems, but it is about time that we actually wound the tape back a bit and asked: why are they running into trouble? Simplistically you say it is because of a few Nimbys; simplistically you say it is because of conservation groups; simplistically you go blaming other people. I think it is actually the process that is failing. It is nobody's fault in particular other than those who are failing to recognise that the process does not work, and it is about time we addressed it. I feel absolutely confident that if we addressed the process then many of these arguments would not get to the stage they get to, and that a number of projects that have failed would not have.

There would have been a project at Glenelg a long time ago; there is no question in my mind. There would have been a project on Kangaroo Island, although probably not at the Tandanya site. Wilpena would not have happened because, frankly, it was a stupid idea. But most of the projects that have failed in South Australia have failed because of an inability to identify the key problems early enough and then to seek to address them. The environmental impact assessment process simply does not work, but some people say it is better than nothing, and that is what I am saying in regard to this. We have an environmental impact process which does involve the public. However, what happened here?

In fact, all the major changes happened after the environmental impact assessment process was finished and the public was no longer inclusively involved. There was the odd public consultation and the odd public meeting, which are always very controlled and premeditated, and they simply do not work. I suggest that the Government go and have a talk to David Wotton, who has a bit of time on his hands now, and look at the way he handled Mount Lofty and use that as an example. There is an awful lot they could learn from that and we would not see the sort of nonsense that is going on here.

The important point about the Coast Management Board is that the first position of the board is that you really should not be putting groynes on the beach at all. How substantial their agreement is with the current structure, whether they think it is the best, I am not in a position to comment, and I

have not commented. What I have said is that the starting position of the Coast Management Board is that you should not be building on active beaches at all. That is the point I made in relation to the Coast Protection Board and, in discussions I have had with individual members over many years, they continue to restate that position.

The Hon. R.I. LUCAS: If I can respond to a couple of those issues. Again, I remind the honourable member of the paper of 38 pages or so which I am prepared to table—August 1997 Shoreline Evolution Studies—which looks at all the issues of sand management of the current structure and arrangement we are talking about. I again remind the honourable member that the current structure and proposal has been through all the development proposals, and that is the point I made earlier about retrospectively taking away the approval by this amendment.

The advice that I have in relation to these sand management studies is, in essence, the extension of the groyne out into the sea, and the current proposal of extension of about 250 metres out into the sea is exactly the same length as the old proposal. Whilst it is true that some other aspects have been altered, the extension out into the sea in terms of stopping the drift, the sand movement and all those sorts of issues, the 250 metres, remains the same under the two proposals. As I said, countless hours of work have been done. I am prepared to table that particular report which indicates some of the work. I have undertaken to try to get copies of the letters of the Coast Protection Board in relation to its final assessment of these issues as well and make them available to members.

The Hon. CARMEL ZOLLO: My question is simply to ask, and perhaps the Minister has already answered it: did I understand you to say that the groyne will solve the sand erosion problems now to our northern beaches, for sure?

The Hon. R.I. LUCAS: I am not sure whether the honourable member was here when I responded earlier to the Hon. Mr Elliott. I said then that, in these issues, the body on which substantially we rely for advice is the Coast Management Board, the Coast Management Branch, which is the body charged with the responsibility, and it has the expertise and the officers. I am trying to get copies—and I am happy to provide the honourable member with them—of a number of letters, some as recently as two weeks ago, and I think also press releases, where it has said that the sand management processes which have now been developed are appropriate, and it has also indicated that the estimates of the cost of the sand movement are correct, or appropriate, some similar word like that. It has also said that it believes that these proposals will not lead to the erosion of the beaches north of the groyne.

It cannot be much more comprehensive than that, and the point I made to the Hon. Mr Elliott is that that is the body with the expertise. I also made the point that neither governments nor the developers are in the business of ripping apart good beaches here in South Australia. We are looking at what we hope is a sustainable development from the economic viewpoint and, clearly, from the environmental viewpoint as well.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: We were not responsible for the State Bank.

The Hon. M.J. Elliott: It was not deliberate.

The Hon. R.I. LUCAS: Well, you have a responsible Government here now. Countless hours of work have gone into tackling these issues. As I said, the body that has that responsibility, authority and expertise has given that sort of broad imprimatur to the proposal.

The Hon. P. HOLLOWAY: Some questions were asked earlier but it was so long ago it is difficult for me to remember them. The only point I make is that it was not the wish of the Opposition to delay the Holdfast Shores development. The Hon. Angus Redford asked questions about consultation with the developers and so on. The consultations that have taken place were conducted by my colleagues in another place who are the relevant shadow Ministers for this project. I am sure that they can respond in the other House to those questions as, indeed, the Minister has indicated he will provide some information on that matter by the time this Bill gets to another House.

The Hon. R.I. Lucas: Were there other questions?

The Hon. P. HOLLOWAY: No, these were questions that the Hon. Angus Redford had asked me. Basically, they related to the Glenelg Sailing Club arrangement. What form of development authorisation has been given to this project? Earlier, the Minister said that environmental studies were still being undertaken on the stormwater pipe. Ultimately, will a report on those environmental studies be issued, and when does the Minister expect work on that to be undertaken?

The Hon. R.I. LUCAS: A report will be issued, because it has to go through the Patawalonga Catchment Water Management Board. The answer to your question is 'Yes.' The latest estimate is for some time early next year. I am advised that all the relevant agencies report to the Development Assessment Commission. It then makes its assessment and judgment and then makes its recommendations to the responsible Minister.

The Hon. P. HOLLOWAY: On what date was the authorisation given?

The Hon. R.I. LUCAS: We will have to check the precise dates but, in terms of the Development Assessment Commission, it was about a month or so ago. It then went to the Minister and, obviously, some time since then the Minister gave her approval.

The Hon. M.J. ELLIOTT: Will the Minister put on the record the sequencing of events at Glenelg in terms of the proposal from this point forward? For instance, I understand the next stage at Glenelg is the excavation of the marina. I want to know if that is, in fact, the next work (I understand it is), and over what time frame that will extend. I believe that the marina pier residential and retail area, which is on the western side of the marina, is next, that the waterfront tavern at marina east where the current yacht club is will be third cab off the rank and that, finally, development on the north side of the Patawalonga and waterfront housing where currently the trailer park is for fishing boats will be the last bit to happen. Will the Minister confirm both the sequence and the time frames involved with each of those stages?

The Hon. R.I. LUCAS: The work under way now, which will take about six months, is the excavation of the marina, the offshore reef and creation of the building platforms. That is the first stage and that is already under way. It is envisaged that that will take about six months. The next stage is the marina pier development, which will start in about April-May next year, take approximately 12 months and be concluded in about the middle of 1999. The next stage is the marina east section which will take roughly about 12 months again. The third stage and the second stage will run roughly in parallel. The third stage will start about a month after the second stage starts—

The Hon. M.J. Elliott: That is marina east?

The Hon. R.I. LUCAS: Yes. That will start in about May.

The Hon. M.J. Elliott: 1999?

The Hon. R.I. LUCAS: No, May 1998. They will run in parallel. The first stage will take about six months through to April-May next year, stage 2 will start in about April and take 12 months, and stage 3 will start in about May 1998—roughly the same time, that is, one month apart—and will also take about 12 months. That is the stage that the developers cannot get access to, because that is the Glenelg Sailing Club. That is why I highlighted earlier the issue of the Easter stage. Clearly, by then the members of the club have to feel as though the part of the deal where they will get better facilities somewhere else at West Beach will have been achieved. If it is not, then there is a problem. The tavern development might also be broadly in parallel. These all are broad ballpark estimates at this stage, but it might start a little bit later—perhaps in the middle of next year—and might take about 12 months as well.

The Hon. M.J. Elliott: What about the north shore development?

The Hon. R.I. LUCAS: Glenelg North cannot start until late 1998 and until there are alternate boating facilities at West Beach. That will take until approximately mid 1999.

The Hon. M.J. ELLIOTT: The Minister talked about construction of the platform. I presume that is the platform under the marina pier residential and retail building. I imagine that the other two buildings—marina east and the waterfront tavern—are more or less on current ground levels. All you have to do for marina east is remove the yacht club. I presume that in relation to marina east the major preparation will be the removal of the yacht club.

The Hon. R.I. LUCAS: Yes, and the lacrosse club as well. I am advised that, broadly, the schematic of the planned program of the development has been provided to members of this Council and another place. As I understand, it is not really a secret; it has been part of the briefing process. I am happy to obtain a copy of that and to provide it to the honourable member as well if he wishes.

The Hon. M.J. ELLIOTT: I think it is important that some of this material is on the public record. In relation to the West Beach work, what is the anticipated time frame for each of the construction works there? Both onshore construction and offshore construction has to occur. Will the Minister put on the record the proposed time frames for the sailing club, the yacht club, the boat trailer park and the offshore structures?

The Hon. R.I. LUCAS: I am advised that these are also ballpark estimates and that the onshore facilities might start in January or soon after and be concluded in about October, and the offshore facilities might start some time soon after January and be concluded by the end of the year.

The Hon. M.J. ELLIOTT: Is the Minister saying that the yacht club facilities will be finished in October but that by April/May next year marina east could be started where the current yacht club is? There seems to be six or seven months between the two. What is happening there?

The Hon. R.I. LUCAS: They have agreed to that in order to get the development to go ahead, but they need to be convinced by about Easter that they will get what they have been promised. That is a critical period for the Glenelg Sailing Club as to whether or not they will be prepared to move out and allow the demolition of their facilities.

The Committee divided on the clause:

AYES (8)

Davis, L. H.	Dawkins, J. S. L.
Griffin, K. T.	Laidlaw, D. V.
Lawson, R. D.	Lucas, R. I. (teller)
Redford, A. J.	Schaefer, C. V.

NOES (11)

Cameron, T. G.	Crothers, T.
Elliott, M. J.	Gilfillan, I.
Holloway, P. (teller)	Kanck, S. M.
Pickles, C. A.	Roberts, T. G.
Weatherill, G.	Xenophon, N.
Zollo, C.	

PAIRS

Stefani, J. F.	Roberts, R. R.

Majority of 3 for the Noes.

Clause thus negatived.

The Committee divided on the new clause:

AYES (11)

Cameron, T. G.	Crothers, T.
Elliott, M. J.	Gilfillan, I.
Holloway, P. (teller)	Kanck, S. M.
Pickles, C. A.	Roberts, T. G.
Weatherill, G.	Xenophon, N.
Zollo, C.	

NOES (8)

Davis, L. H.	Dawkins, J. S. L.
Griffin, K. T.	Laidlaw, D. V.
Lawson, R. D.	Lucas, R. I. (teller)
Redford, A. J.	Schaefer, C. V.

PAIRS

Roberts, R. R.	Stefani, J. F.

Majority of 3 for the Ayes.

New clause thus inserted.

Clause 2.

The Hon. P. HOLLOWAY: The Opposition opposes this clause. We have had the substantive debate on this matter. The following amendments will be consequential on the debate that we have just had.

The Hon. R.I. LUCAS: As we indicated earlier, the last votes were indeed a test on these issues. We see them as consequential and accept that.

Clause negatived.

Clause 3.

The Hon. P. HOLLOWAY: I move:

Page 1, line 15—Leave out 'the principal Act' and insert 'the Local Government Act 1934'.

Amendment carried.

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

Page 2, after line 7—Insert new subsection as follows:

(4b) A proclamation under subsection (4a) will come into operation on the day after 12 sittings days of each House of Parliament have elapsed after a copy of the proclamation is laid before each House unless, within that period, either House disallows the proclamation.

I indicated during the second reading debate that I would move this amendment and that I was more than amenable to suggested amendments. I was seeking to address an issue in so far as the Bill as the Government currently has it drafted allows, by proclamation, a definition essentially of what will be the western boundary of the development. Not having access to draftspeople and whatever else would enable me to be able to put in a fixed definition now, I simply had drafted an amendment which allowed for regulation to be used as a device.

I can understand that the Government might want to include a bit more certainty up front on this matter. Rather than relying on the device of proclamation to define the western boundary, I am asking whether the Government (and this Bill will clearly come back to us, either tomorrow or Thursday), if we passed the amendment now, would be prepared to look at some way of giving a little more certainty in terms of what the western boundary of the development would ultimately be. In arguing for the amendment, I am also arguing that a case can be put that a little more certainty could come into it. I am already indicating that I am prepared to look at that and ask the Government whether it would be prepared to address it further.

The Hon. P. HOLLOWAY: I indicate that, on the evidence we have, the Opposition would not support that amendment. As I have indicated, we would like to see the Holdfast Shores development at Glenelg proceed. As I have indicated earlier, our concerns were purely with some aspects of the boat operation. We believe that, if this amendment was carried, it would have the effect of putting unnecessary doubt over the Holdfast Shores development. Nevertheless, the point that is raised by the Hon. Mike Elliott is at least worthy of an answer by the Minister. If he can give some assurances and guarantees in relation to that seaward boundary, we would be pleased to hear them. However, we are not inclined to support the amendment.

The Hon. R.I. LUCAS: The Government does not believe that the amendment is necessary and will join with the Labor Party in opposing it.

The Hon. M.J. ELLIOTT: As I said, the purpose of this amendment was not to frustrate—although I said that I understood that the wording might have been capable of doing that. I indicated a willingness to look at something which gives it a little more clarity. It is fair to say that I have already expressed concern that what is happening at Glenelg is not the first mistake to be made on the foreshore over the past couple of decades building on the dunes. This development is in front of the dunes and is going onto the beach. We are pushing out the high water mark out quite some distance. I would have liked some sort of certainty in terms of just how far out we want to push high water mark at this point, because it has impacts in terms of locking up sand. If you push the high water mark out, for several hundred metres out to sea you will have to raise the seabed. It will have to find an equilibrium. Large amounts of sand will be taken out of the system there. The Government is talking about the sand that is going under the development, but that is not very much.

You have to do your sums on what will be caught up if you shift out the high water mark. There has to be an equilibrium, as the whole sea floor stabilises against that new high water mark. It is a bit like drilling a well and pumping water at one point. It does not just affect the water table there: the water table in the surrounding district responds to it, and there will be significant amounts of sand.

I presume that the Government has a reasonably clear idea about where the development is proposed to finish. I would like to see some certainty incorporated within this Bill, because we are essentially rubber stamping the extent of the development, yet in one regard, namely, the western side, it is simply not defined. I just cannot see how that is portrayed as being opposed to the development; I just wanted it defined.

The Hon. R.D. LAWSON: I should raise one point in relation to this amendment: it does seek to make disallowable a proclamation. Proclamations are not disallowable instruments under our conventional arrangements. Of course, regulations are disallowable, as are by-laws and certain other forms of statutory instruments. However, proclamations have never been disallowable. But if the indications were that this amendment was to be supported, I would certainly be urging the replacement of 'proclamation' with 'regulation' where both appear in the amendment.

Amendment negatived.

The Hon. R.D. LAWSON: Subsection (3) preserves the rights of a lessee or licensee under any lease or licence granted by the council prior to 3 December 1997. Is the Minister able to indicate what leases or licences are in existence and would be preserved by this subclause? Are appropriate arrangements being made in relation to any outstanding terms of the leases or licences?

The Hon. R.I. LUCAS: I understand that the licensees to whom the honourable member primarily is referring are the licensees of the amusement park who are operating on monthly licences. As to the precise numbers, I do not have that information with me. That is primarily what we are talking about. If members have been down there they will know roughly the number of potential licences about which we are talking.

Clause as amended passed.

New clause 4.

The Hon. P. HOLLOWAY: I move:

Page 2, after line 9—Insert new clause as follows:

Amendment of Development Act 1993

4. The following section is inserted in Part 4 of the Development Act 1993 after section 56:

West Beach boating facilities

56A. (1) In this section—

'boating facility' means a marina, boat mooring or boat launching facility;

'West Beach area' means an area 500 metres wide running along the coat of Metropolitan Adelaide in Gulf St Vincent between the northern side of the entrance of the Patawalonga Boat Haven to the sea and the point where a westerly projection of West Beach Road meets the sea, and bounded on the east by the highwater mark.

(2) A person (including a State agency within the meaning of section 49) must not construct a boating facility within, or adjacent to, the West Beach area without the approval of both Houses of Parliament (in addition to any other development authorisation required under this Act and despite section 49(16)).

(3) A development authorisation (if any) given before the commencement of this section for the construction of a boating facility within, or adjacent to, the West Beach area has no effect unless or until the construction is approved by both Houses of Parliament under this section.

(4) The Minister must, within three months after the commencement of this section, prepare a report on—

(a) options relating to the construction of a boating facility or boating facilities in the West Beach area or in the Patawalonga Boat Haven area, including—

(i) constructing a boating facility for power and sailing boats in the Patawalonga Boat Haven or on the seaward side of the lock to the Patawalonga Boat Haven (or a combination of both);

(ii) constructing a boating facility for power boats in the Patawalonga Boat Haven or on the seaward side of the lock to the Patawalonga Boat Haven (or a combination of both), and constructing a boating facility for sailing boats at West Beach;

(iii) combining an option referred to in subparagraph (i) or (ii) with an upgrading of existing boating facilities along the coast of metropolitan Adelaide;

(b) other viable options for the provision of additional boating facilities along the coast of Metropolitan Adelaide.

(5) A report under subsection (4) must include information on the potential environmental, social and economic impacts of each option and strategies that could be employed to lessen those impacts, especially in relation to sand movements and the protection of the amenity of surrounding areas.

(6) The Minister must, within six sitting days after the expiration of the three-month period referred to in subsection (4), have copies of the report required under that subsection laid before both Houses of Parliament.

This new clause follows our earlier discussion.

New clause inserted.

Long title.

The Hon. P. HOLLOWAY: I move:

Page 1, line 6—After '1934' insert 'and the Development Act 1993'.

This is a consequential amendment.

Amendment carried; long title as amended passed.

Bill read a third time and passed.

[Sitting suspended from 10.8 to 10.38 p.m.]

DEVELOPMENT (BUILDING RULES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 December. Page 43.)

The Hon. T.G. ROBERTS: The Opposition supports this Bill. This is one of those principled positions which have been developed through consultation with the Commonwealth and the States to bring about a legislative framework to provide principles under which the whole country can operate. I understand that South Australia is the only State that has not adopted the Building Code, and that the Northern Territory picked it up on 1 July 1997.

The Hon. Diana Laidlaw: The Territory will do so on 1 January 1998.

The Hon. R.R. ROBERTS: Very well. Once the Territory and South Australia come into line, I understand that all Australian building codes will be unified, and the Bill provides for that process to occur. The Australian Building Codes Board recently published a performance based Building Code which will allow for flexibility of codes so that some uniformity can be established.

This Bill will enable the building codes to be applied uniformly across Australia and will allow for some flexibility within those codes. It will lead to a dismantling of local building code boards and set up a commission that will approve of codes locally, based on a national code.

The Government has put together a template, or a framework, for national uniformity. The Opposition's position is to support those uniform laws where benefits can be reached, but I would agree with the Democrat's position that you must be careful that the uniform laws uniformly improve or, at least, establish to a particular point and that the State laws or the codes of practice are not undermined by a weaker Commonwealth position. In this case, the Opposition does not see any problems associated with uniformity; in fact, it is cost neutral and should bring about some lowering of costs within the building industry. For those reasons, we support the Government's initiative in bringing this Bill before the Council.

The Hon. M.J. ELLIOTT: The Democrats support the second reading. This Bill brings South Australia into line with the national Building Code. There do not seem to be any problems with the proposed measures, but I ask the Minister to address the following issue either in closing the second reading debate or in Committee. I believe that if there are problems with the national code it is not so much what is in it but what is not in it that needs addressing. The code fails to acknowledge and recognise issues of environment or energy. Most other, if not all, OECD countries have Building Codes that identify environmental and energy issues and have done so for the past decade, or thereabouts.

As with the Australian Federal Government's position on greenhouse, this issue has so far, unfortunately, been avoided. By recognising and including such implications, Australia would be able to begin addressing such issues as greenhouse. It would provide an opportunity to address the issue of energy efficient building. Currently an illegally-built building can be an environmental disaster. This is something that many countries have recognised and addressed. The key to national Building Codes is to have level playing fields in the building industry. Unless this is addressed in mandatory codes industry will not respond, and why should it?

Whilst there are some other issues of environmental impact which the code has failed to address, energy efficiency is the key issue that has been forgotten, and I will give some examples: the simple question of orientation of a building; where windows are placed; the width of eaves and whether a building has eaves. They are simple matters that can have a profound impact on the energy efficiency of a building. For example, I recall a house that I built in Renmark. It was built along an east-west axis and had eaves of, probably, 60 centimetres, yet during summer the sun never fell on the north face of the house, which had windows right along it.

That meant that the heating from the sun was quite dramatically reduced. If that same house had been on a north-south orientation the impact from the heat would have been quite dramatic. I am not saying that a mandatory east-west regulation should be applied, but issues, such as the orientation of buildings and other quite simple matters that have a profound impact on how well a building responds in relation to energy efficiency need to be addressed. It is not a cost issue: it is saying to designers, 'Here are some things that must be taken into account.' Also, the fittings of a building can be important. From personal experience I know that changing the form of lighting one uses in a house can be important, and that the sort of shower rose one uses can have an impact on energy use alone of about 40 per cent in exactly the same house.

Again, we are not talking about significant cost. I say that there are no problems with the legislation in terms of creating any difficulties, but I wonder whether the Minister might respond now, or perhaps at another time, as to whether or not our national Building Code should be starting to ask questions about energy and other environmental issues—issues which, as I understand, have been addressed by most other OECD nations.

The Hon. R.D. LAWSON: I, too, support the second reading. The 1996 performance-based Building Code of Australia has been adopted in most other Australian States and Territories. This measure will adopt that code in this State. I am not one of those who necessarily thinks that national uniformity is, in all respects, a good thing. I believe that a good case can be made for diversity, especially in relation to matters such as this. The Hon. Mike Elliott has mentioned elements, for example energy efficiency in houses and other environmental issues, which are absent from this performance-based code, as indeed they are absent from the Building Code of Australia of 1990.

However, the function of the codes in their present form is really to establish minimum standards rather than optimum

solutions. It is rather difficult in a codification to adopt the sorts of optimum solutions that the Hon. Mike Elliott is talking about. It is possible, of course, to have measures that might encourage the building of energy efficient structures, but it seems to me that if one does not have a uniform national standard it is possible for States and regions to adopt solutions that might encourage the sorts of innovative solutions about which the Hon. Mike Elliott is speaking.

That is the next stage from this performance-based Building Code which gets away from the old prescriptive type code that simply specified the type of material to be used, the way in which it was to be used, the dimensions of features, and the like. Performance-based codes have greater flexibility; they allow more innovative solutions, and it does not seem to me to be inconsistent with that performance-based system into which energy efficiencies, and the like, can be incorporated.

One other point in relation to this measure is that it refers to private certifiers and, as members will know, there was some difficulty in establishing a regime for private certifiers in South Australia. There was resistance from some sections of local government. There was difficulty about obtaining professional indemnity insurance for private certifiers, which set the whole process of private certification off on the wrong foot in South Australia, and when some other States adopted professional indemnity funds it enabled the few certifiers in this State to get up and running.

The second reading explanation rather suggests a bureaucratic structure which is rather daunting, where we have building rules, assessments and commissions establishing statutory subcommittees. We have the integration of both planning and building assessment processes, which leads to complexity. I seek from the Minister an assurance that there is no compromise of the safety standards in consequence of the adoption of these performance requirements. The second reading explanation refers to the fact that councils and private certifiers now have discretionary powers in relation to existing buildings which are upgraded and these powers include altering the safety structure and health standards relating to such building upgrades. I seek that assurance about the maintenance of appropriate safety standards.

Finally, the second reading explanation refers to the cost neutrality of these proposals—that is, cost neutral to Government. Can the Minister indicate at some time in the future, not necessarily in her response now, whether these arrangements will have cost implications for builders and ultimately consumers? It is all very well to say that a proposal is cost neutral to Government, but the issue is not so much the cost to Government but rather the cost to the ultimate consumer. I support the second reading.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank members for their contributions to this Bill and for the prompt manner in which they have all been prepared to address this measure. This planning issue in the Development Act is a new portfolio for me and I had not appreciated that commitments had been made by a former Minister and Ministers generally that all States would have endorsed these performance based Building Code measures by 1 January. With the two week session it would not have been possible for South Australia to participate in this national scheme by 1 January without the cooperation of members, and I thank them for that.

I indicate that we believe this is important not only because of the years of work that have been undertaken at a national level by the Australian Building Codes Board but also because there will be efficiencies which will lead to reduced costs and innovations in the building industry, and that must be an advantage for purchasers and investors. I also highlight that the way in which this has been done on a performance base gets rid of the *ad hoc* way in which the building rules have been adapted in the past, which has not brought much credit to the building industry because it has been considered as bending the rules, in a sense, on an *ad hoc* basis, on many occasions without any consistency or rationale.

By bringing in this guided discretionary based way of considering performance of builders and making the builders responsible for clarifying the way in which the work will be carried out, we believe that this will bring much credit to the building industry, as well as reducing the costs and introducing innovations, particularly for major commercial developments, although there will be benefits in the domestic housing market as well.

I acknowledge a few points made by the Hon. Michael Elliott in terms of the code failing to acknowledge environmental energy issues. This is a matter that I have taken up in the six weeks that I have had this portfolio. I have determined that the only two States in terms of their Building Codes that have made any reference at all—and it is in a very trite way—are Victoria and the ACT. Both of them make reference to energy issues only in terms of insulation. I have determined that discussions have been held in South Australia but to date the Housing Industry Association has been vehemently opposed to the South Australian code incorporating insulation as a requirement in terms of the Building Code because of the cost. They prefer that insulation be an optional cost. It is not a view I hold and I will be taking this up further with the housing industry and others.

The honourable member spoke about earlier experience in the Riverland and the width of eaves and the orientation of the house. I have a townhouse now which is just fantastic but it is north-south. I would not want it any other way, except that, despite my builders telling me there is insulation in the roof, I am quite convinced on the second floor that, if there is, it is the meanest form of insulation that there is. It is not energy efficient and it is jolly hot when I get home at night. I would not wish to have the air-conditioning on all day when I am not there either, so now I will get a timer put on it.

I completely understand the issues about insulation and orientation of houses, designs and fittings and it is something that I want to pursue with the housing industry and the Building Code with vigour. I would be very proud to see South Australia leading the way in this field in Australia. If I can work with members opposite in that zeal I would be particularly pleased for that cooperation and support. If we are up against some industry groups such as the Housing Industry Association, I think I may need a united force of members of this place to advance some of those issues. In the new year I would certainly welcome members' support in considering these issues further and I thank members very much for their cooperation in addressing this Bill so promptly and positively this evening.

Bill read a second time.

In Committee.

Clause 1.

The Hon. M.J. ELLIOTT: I take the opportunity to respond to one issue raised by the Minister in closing the second reading stage. The Minister talked about the fact that she had some insulation that did not work too well. If I might

offer some advice from personal experience. Having built the house at Renmark that I talked about before, I was standing on the ladder one day and touched the ceiling and thought that it was remarkably hot considering the insulation. I stuck my head up into the ceiling space and found out that there was insulation but it was still in the bags. It works much better if it is taken out of the bags and actually spread out! So, just have a look in your ceiling space.

The Hon. DIANA LAIDLAW: Is the Hon. Mr Elliott offering to check out the insulation in my ceiling or did I misunderstand?

The Hon. M.J. ELLIOTT: No. To keep all this above board: I suggest that the Minister gets someone else to look in her ceiling. But it is worth having a look.

Clause passed.

Remaining clauses (2 to 9) and title passed.

Bill read a third time and passed.

GUARDIANSHIP AND ADMINISTRATION (EXTENSION OF SUNSET CLAUSE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 December. Page 95.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. As I understand it, this Bill seeks to make only one change to the Act, by amending a sunset clause that allows the Act to continue for another year to enable a review to have more time to consider and make its deliberations. The only point that I would make is that this is a very important issue and it is a pity that we actually have to wait another year for the review. However, the Opposition believes that, because of its importance, we should support the Bill in this instance. We may have a question at the Committee stage. Will the Minister undertake to bring back a reply before the Bill passes to another place?

The Hon. Diana Laidlaw: Yes.

The Hon. IAN GILFILLAN: The Democrats support the Bill. It seems inevitable that this will be dealt with more constructively after the review has been completed, and extension through the removal of this sunset clause at least still has a determined date, which should act as a spur to the review to be completed and in a position to have been considered by members before we must confront this matter again.

The Hon. R.D. LAWSON: I, too, support the second reading of this measure. It is appropriate on this occasion to make some mention of the work of the Public Advocate. The latest annual report of the Public Advocate deals with the year 1995-96 and presents a comprehensive account of the work of the Office of the Public Advocate. The responsibilities of the Public Advocate are considerable: the primary goal of the office is to promote and protect the rights and interests of people with reduced mental capacity and, where appropriate, their carers. There are many people in South Australia for whom the ability to make independent decisions on matters affecting their own lives is impaired by factors such as intellectual disability, dementia, severe mental illness, acquired brain injury and other conditions that result in a person's being unable to communicate his or her wishes in any way.

The people who suffer from those disabilities can benefit from representation by the Public Advocate. The office is administered through the Health Commission by the Minister for Human Services, and in the Health Commission the Disability Services Office has funding responsibility for the Public Advocate. Curiously, the Public Advocate also has a relationship with the Attorney-General in relation to the Guardianship Board. The work of the office has been quite substantial. The expenditure incurred in 1995-96 exceeded $500 000, and the annual report to which I have referred sets out in quite graphic detail many statistical matters as well as case studies of circumstances in which the Office of the Public Advocate has been engaged.

The office is also an education unit, which provides valuable information leaflets, booklets and the like dealing with guardianship and administration, the Guardianship Board, enduring powers of guardianship and enduring powers of attorney. The office also had a role in relation to the consent to medical and dental treatment for persons with a reduced mental capacity. In South Australia the establishment of the Office of the Public Advocate was a somewhat novel matter and, as the Minister's second reading explanation noted, the proposal really arose as a result of the compromise in the Parliament.

In concluding, I point out that I look forward to the review that is being undertaken of the office. I am confident that that review will have a positive outcome. The Public Advocate (John Dawes), has fulfilled his statutory obligations with enthusiasm and diligence and the review should be looked forward to, but should not be hurried in any way. It is appropriate that the sunset clause be extended for the 12 months provided for in the Bill. I support the second reading.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank all members for their contribution. With the passage of the Government Bill for the creation of five extra ministries, I understand that the Hon. Robert Lawson will soon be Minister for Disability Services and Minister for the Ageing. Therefore, it is appropriate that he should contribute to the debate on the Guardianship and Administration Act, which provides options for substitute decision making for people who are incapable of making their own decisions owing to conditions such as dementia, intellectual disability and brain damage. They are issues that the honourable member will have to deal with to a large extent in his new portfolio responsibilities.

The Hon. Carolyn Pickles noted that it was unfortunate that we may have to wait another year for the report. I anticipate that the report of the review group will be available for all members to consider if not next month then soon thereafter. The year's extension will provide time for consideration and debate in this place of any legislative changes, so the whole matter in terms of the Guardianship and Administration Act will be back in this place next year. In terms of the Hon. Carolyn Pickles's wish to ask a question, I do not have an adviser here tonight. It is not that I want to take the debate or the members for granted, but if it is a question that I cannot answer I will certainly provide a reply if I can do so by tomorrow. I am not sure whether the honourable member wanted the debate held up for the answer. I have been told 'No,' and I thank the honourable member for that.

Bill read a second time.

In Committee.

Clause 1.

The Hon. P. HOLLOWAY: My question relates to a question I asked the Attorney-General on 6 November last year in relation to appeals by patients. The Attorney undertook to get a reply from the Minister for Health. I subsequently put the question on the Notice Paper and it lapsed at the end of the July. I put it on the Notice Paper again and it was still there at the end of the session. I wonder whether the Minister could get an answer for me, but I will read out the question as I originally asked it in November last year.

It has been brought to my attention that hearings by the Guardianship Board of appeals by patients detained at Glenside Hospital and other psychiatric hospitals by hospital psychiatrists have been held at the hospital themselves. So, they are holding appeals at Glenside. Apparently, this practice is aimed at reducing costs associated with such hearings. This is in contrast to the practice of the Mental Health Review Tribunal under previous legislation. Under that tribunal, such hearings were always held at an independent location on the grounds that justice not only be done but be seen to be done.

Concerns have been expressed to me that some patients may feel vulnerable and intimidated by the surroundings of a mental hospital, especially when they are being detained for treatment that they may not wish to receive. Consequently, they may not be in a position to present their best case to the board. I asked the Attorney whether he agreed it was desirable that hearings such as those at the Guardianship Board appeal hearings be held at an independent location. I asked him whether he would review the current practice of the board in relation to those matters. I understand that a review is under way. Will the Minister say whether this matter has been taken into consideration as part of the review? Could the Minister indicate whether those appeal hearings are still being held at the mental hospital?

The Hon. DIANA LAIDLAW: I understood that all matters addressed by the Act are the subject of review. I do not know why the honourable member has not received an answer, but I will follow that up with some speed to see whether he can be provided with the courtesy of an answer. I did indicate earlier to the Hon. Carolyn Pickles that I would try to get an answer to a question by tomorrow. It is not because you have asked it that I cannot guarantee I can get it by tomorrow, but considering the wait so far it might not be quite so easy to fulfil that.

The Hon. P. Holloway: I have been waiting for over a year now, so I guess another few days will not matter.

The Hon. DIANA LAIDLAW: I am sorry about that; I will pursue the issue.

The Hon. IAN GILFILLAN: I will ride on the bandwagon of that question to get information which I have not received, possibly because I have not been in this place or because I have not picked up what detail has been made public. But I would be interested to hear, not necessarily before we finish dealing with this Bill but at some stage, what comprises the review and who or what is represented in the review. In the second reading explanation, reference was made to numerous meetings of the review group. A public consultation process was undertaken to inform that review, and there have been numerous meetings of the review group towards the development of a report on these matters.

The Minister advised that she expected the review would be complete possibly within a month, which would assume that most of the meetings and consultation would have taken place. Is it possible to provide us with the detail of how many public consultations there were, in what form they were and what series of meetings over what period of time took place? To me, it is not significant as far as passing the legislation is concerned, but if answers are to be provided for the Hon. Paul Holloway those extra matters may be added in as riders. Certainly, I would find the information significant and interesting.

The Hon. DIANA LAIDLAW: As I indicated, I thought that most aspects of the Act were subject to review. The advice that I have before me is that the review has been undertaken specifically to address concerns raised by members when the Bill was before this place in terms of the independence of the Public Advocate. It was because of those concerns and the fact that the Bill went to conference that this sunset provision was included before the Bill passed both Houses. So, the review addresses directly the role and independence of the Public Advocate, but I understand that it has been extended to include other matters which are addressed by the Bill. I will provide a copy of the terms of reference to the honourable member.

As I said, it is anticipated that the review will be available for consideration by members, the Guardianship Board itself and by the Public Advocate. The review report will be assessed by the Public Advocate, the Guardianship Board, the Minister and the Government and it will be made available to members as part of the consideration of any legislative measures that arise from that review. But I will seek to provide the information that the honourable member seeks.

Clause passed.

Clause 2 and title passed.

Bill read a third time and passed.

STAMP DUTIES (MISCELLANEOUS No. 2) AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. R.I. LUCAS (Treasurer): I move:

That this Bill be now read a second time.

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

Leave granted.

The *Stamp Duties (Miscellaneous No.2) Amendment Bill 1997* seeks to amend the *Stamp Duties Act 1923* in respect of three issues.

The first amendment proposed in this Bill abolishes stamp duty charged on the presentation of interstate cheques, which is currently charged at the rate of 10 cents per cheque. It also streamlines and modernises the remaining provisions which impose stamp duty on cheques drawn on accounts located in South Australia.

The stamp duty charge on interstate cheques has been a major irritant to both small business and the banking sector, and this change will be welcomed by these groups. South Australia is the last Australian State to abolish stamp duty on the banking of cheques drawn interstate.

The rewriting of the cheque duty provisions have been undertaken in consultation with the banking industry and the new provisions will fit more closely with current banking practices.

These initiatives will further reduce the tax burden on small business, and the administrative burden on the banking sector.

The second proposed amendment reinstates the stamp duty exemption for primary producers who switch loans between financial institutions, to obtain the most competitive deal.

Since the deregulation of the financial community, there has been a significant trend towards more competitive interest rates being offered by financial institutions. Primary producers who wish to take advantage of these favourable interest rate differentials by re-financing their loans, are in many cases prohibited from doing so due to the additional stamp duty implications associated with such a move.

A stamp duty exemption for rural debt re-financing previously operated between 30 May 1994 and 31 May 1996. During that time in excess of 100 refinancing arrangements were lodged with the State

Taxation Office and considerable assistance was provided to the applicants.

The third proposed amendment will provide a stamp duty mortgage exemption for those persons in rural South Australia who are forced by local financial institution closures, to move loans to a financial institution still operating in the town, or in the nearest town.

The recent approach towards greater efficiencies and competitiveness by financial institutions has culminated in the closure of a number of banking facilities throughout country areas.

This trend has meant that in many country townships residents have found it necessary to re-finance their loans with another local financial institution. These options, however, have significant tax implications as well as other inherent costs.

Where a financial institution closes its branch in the town, and it was the only financial institution in that town, then affected taxpayers will be even more disadvantaged if the exemption is also not made available for persons seeking to transfer their loans to another financial institution in the closest town.

These initiatives will assist rural residents in keeping their banking activities local and the viability of financial institutions remaining in rural towns. This should create more certainty for bank staff, encourage banks to more seriously consider the potential loss of business if they close a branch, and enable rural residents access to more competitive finance.

I commend this Bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides that the measure is to commence on 1 January 1998.

Clause 3: Amendment of section 7—Distribution of stamps, commission etc.

This clause provides that a bank paying duty to the Commissioner in respect of cheque forms and cheques may be allowed commission at a rate prescribed by regulations. It reflects the new system under which duty is paid on returns. It also reflects the current practice under which duty is paid to the Commissioner rather than the Treasurer.

Clause 4: Substitution of ss. 46 to 52 and heading

This clause repeals sections 46 to 52 (inclusive) of the Act and the heading to those sections and substitutes clauses 43 to 46 inclusive under the new heading 'Cheques'.

New section 43 inserts new definitions for the purposes of payment of duty on cheques and cheque forms. Outdated instruments have been removed from the Act. These new definitions bring the Act into line with current banking practice.

New section 44, subsection (1) provides that a bank must, not later than the 7th day of each month, lodge a return of all cheque forms issued by the bank during the preceding month and of all unstamped cheques paid by the bank during the preceding month, and pay duty on that return at a rate prescribed by schedule 2. This section reflects the new system of paying duty on a return rather than on the instrument.

Subsection (2) entitles a bank to recover duty either at the point of issue of cheque forms or upon presentation of an unstamped cheque.

Subsection (3) provides that if a bank fails to lodge a return in accordance with subsection (1)*(a)* it must nevertheless pay duty as if it had lodged the return.

Subsections (4) and (5) provide for the manner in which printed cheque forms are to denote, respectively, that duty has been paid, or that a cheque form is exempt from duty. Banks are to issue cheque forms denoting that they are exempt from stamp duty in accordance with the exemptions under schedule 2.

New section 45 corresponds to section 46A(2) of the current Act.

New section 46 provides that the Governor has power to make regulations with respect to the new provisions of the Act.

Clause 5: Amendment of s. 81D—Refinancing of primary producers' loans

Section 81D of the principal Act expired on 30 May 1996. The amendments proposed in this clause would have the effect of bringing section 81D back into operation for mortgages executed after the commencement of the clause.

A minor amendment is made to subsection (1)*(a)* to make it clear that the previous mortgage must be being fully discharged for the section to apply.

Clause 6: Insertion of s. 81E

This clause inserts a new section 81E into the principal Act providing an exemption from stamp duty where a loan secured by a mortgage with a financial institution is refinanced, and the former mortgage fully discharged, due to the closure of a rural branch of the financial institution. The exemption will apply where the mortgagee under the new mortgage is a financial institution with a branch office in the same town or community as the closing branch office or, if no financial institution has a branch office in that town or community, in the next closest rural town or community in which a branch office of a financial institution is situated.

The provision would apply to mortgages executed after its commencement.

Clause 7: Amendment of sched. 2

The amendment of schedule 2 reflects the new system of imposing duty on the return rather than on the instrument. It also brings the Act into line with current banking practice. Outdated instruments have been excluded from the schedule. New exemptions 1(a) and 2 exempt interstate cheques and cheque forms from duty.

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

EDUCATION (GOVERNMENT SCHOOL CLOSURES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 December. Page 38.)

The Hon. R.I. LUCAS (Treasurer): I rise on behalf of the Government to oppose this private member's legislation. In doing so I want to address some of the comments made by the Hon. Mr Elliott and the Hon. Ms Pickles last Wednesday when they addressed themselves to the legislation. There will obviously need to be extensive discussion and debate in Committee because the Bill has been drafted pretty quickly and, even if one wanted to support the legislation, it must be said that some significant issues and questions have not been properly thought through or considered in terms of effective legislation. I make no direct criticism of the Hon. Mr Elliott about that, at least at this stage, because I understand that he wants to rush the legislation through in this two-week session and he has not had a lot of time to discuss the Bill or to consult with interested parties.

One of my questions is whether interested bodies such as SAASSO, SAASPC and a range of other groups, as well as the Australian Education Union, have been consulted in the drafting of the legislation and have expressed their attitudes to the honourable member. To give him credit, quite rightly on occasions the honourable member has been critical of Governments of both persuasions for introducing legislation without proper consultation with affected parties, and that is obviously an important issue. I hope that the Hon. Mr Elliott has been true to his word and has consulted widely in terms of the drafting of the legislation and that all interest groups were consulted prior to its introduction into this Chamber.

As I said, I acknowledge that there have been occasions when Governments of both Liberal and Labor persuasion have not properly consulted with all interested and affected parties and, properly, those Governments and Ministers have been admonished by the Hon. Mr Elliott for failing to consult. As I said, when we get into the Committee stage of the debate, I will be keen to see the extent of the consultation, and I hope that the honourable member will be able to share with us a documented record of responses from parent bodies, teacher bodies, principal associations and the Australian Education Union in relation to this legislation.

I will address my comments to some of the issues that were raised by members last week. I will have two opportunities to do so, both in this session and in February, because the Hon. Carolyn Pickles has moved a private member's motion concerning the closure of Croydon Primary School. I intend to respond to that motion and to put on the public record quite a deal of information about the events leading up and subsequent to the Government's decision to close Croydon Primary School. I will respond in detail at that time. However, given the comments made by members last week, I will need to respond at least in part to some of the issues that have been raised about the closure of Croydon Primary School.

One of the interesting things about the recent State election campaign was that, even with all the publicity, inevitably seven out of every 10 media reports got the name of the school wrong. After all the publicity and all the activity, journalists, media reporters and commentators referred to the closure of Croydon Park Primary School and to the protesters as being from Croydon Park Primary School. However, whilst Croydon Park, too, is being closed, the demonstrators from Croydon Primary School attracted public attention during the election campaign, and even subsequent to the election there has been confusion about which school community the protesters represented.

The Hon. T.G. Roberts: You might have to reopen both of them.

The Hon. R.I. LUCAS: Not likely. Irrespective of what happens with this legislation both in this House and in another place, I place on the record that the Premier of South Australia (Hon. John Olsen) has made it absolutely clear that Croydon Primary School will not be kept open by a Liberal Government. Whether this legislation passes one Chamber or two Chambers in this form or any other form, the Premier has made the future of Croydon Primary School quite clear, and I support him absolutely 100 per cent.

One of the sad miscalculations or misjudgments that Janet Giles and the others who fought for Croydon Primary School made was in believing that, in the way they conducted themselves and their campaign, that was the way to change the Government's decision or the Premier's position on the issue. As someone who has known the Premier for quite some time, I assure members that the activities of those who supported the position to oppose the Government's decision to close the school miscalculated badly in terms of trying to change that decision.

On occasions, having listened to rational debate, the Premier has adopted a position and the Government has moved from one area to another, and today's debate about Holdfast Quays is a perfect example of that: the Government listened to the protests and, on two quite distinct occasions, changed its position. I give the Hon. Mr Elliott that example from today's debate. The debate was sensible and rational and members put forward their propositions in such a way that the Premier decided that changes needed to be made. In relation to licensing issues over the years, positions have been put and the Premier, having heard the protests, decided that there was merit in the way they were put and in the argument, so the Government's position changed.

It is not for me to advise Janet Giles and others—not that she or they would accept the advice proffered by me representing a Liberal Government. However, it was a miscalculation, a misjudgment, and it certainly did their cause no good when on day one of the election campaign representatives of the school dug their fists or fingers into the back of staff supporting the Premier, to a degree where one staff member complained of that action and the bruising that resulted from it. People representing the school also screamed into the ear of the Premier, seeking to deflect him from the announcement that he was making, and that was only day one of the election campaign.

It was a significant misjudgment or miscalculation by those who advised the parents and the school community, and one which did not do their cause any good and only served to cement the Government's view in terms of the political activity of that particular group during the election campaign. Perhaps by that stage they had decided, 'What the heck; let's give it our best shot.' That is a judgment call for them to take in relation to the issue.

The Government's position in relation to Croydon Primary School as announced by the Premier is clear, and I will address some further comments to that issue during this debate and in much more detail in relation to the private member's motion of the Hon. Carolyn Pickles.

One of the issues on the Croydon Primary School debate is that there is this view—obviously held by the Hon. Mr Elliott and by some in the community—that in some way the decision to close Croydon Primary School was taken in some sort of knee-jerk fashion, without proper consideration of all the issues. I suppose that is part of the rationale for the honourable member's legislation.

What the honourable member and many who have heard only the Croydon Primary School version of the story do not realise is that, prior to a difficult decision to close a certain school, there would have been literally months, and sometimes years, of consultation, discussion and review. At this late hour this evening, I must admit that I do not have with me the precise detail of the start of the review of the western suburbs, which was divided into five or six areas but, by the time of the debate tomorrow on the Hon. Ms Pickles' motion, I will have that detail with me. In ballpark terms, prior to the announcement of the decision to close Croydon Primary School at the end of 1996, my recollection is that the discussion process had been going for certainly at least 12 months—in fact, I suspect close to 18 to 24 months—in a variety of guises. As I said, I am working from my memory at this hour, without the benefit of documentation, and I will certainly clarify the exact timing of that.

In the case of a number of other difficult closure decisions, it is not uncommon for the consultation and review process to continue for some 18 to 24 months. One of my criticisms is that this process is such a long and drawn out process and, as we are using exactly the same policy of the Labor Government, it was a criticism that I had of previous Labor Ministers, too. Frankly, the western suburbs review process could go on for years, with a debilitating effect on total communities. One of the decisions we took in most cases—although the western suburbs case got away a bit in the early stages—was not to go down the path of the previous Labor Government which lumped together about 30 odd schools and sought to review that whole western suburbs area in one block.

Having learnt from our four years experience, we tend to take the view that it is best to divide the schools into areas, such that you might have six or eight schools, or perhaps even fewer in some cases—we are talking about the metropolitan area—and then go through the review process of that area. Clearly, if you are talking about a country community, you generally do a review of a certain country school by itself, as we did in the case of Brentwood on the Yorke Peninsula.

We sought to tackle that. As I said, there was a bit of an aberration in the western suburbs which, in the early stages, included a larger number of schools. It was then decided—I think appropriately—to try to divide that into clusters so that the process was a bit more manageable. The schools in the Croydon cluster were just one of those that were then considered in terms of a review. That whole process, from the early stage when they were looking at the whole area, can take from 12 months to 18 to 24 months, before discussions commenced. I am the first to concede that those discussions are not always in the over active stage with the whole community. The early stages obviously involve the committees or groups elected to represent the various communities. So it goes through various stages.

The view is that in some way these difficult decisions are taken without any consideration, but the contrary is true. An argument could be put up that too much time is spent on consultation, consideration and review. The process is debilitating for school communities generally, because you might be reviewing six or eight schools but in the end the decision might be to close one or two of those schools. However, during that period all six or eight schools go through this uncertainty about whether they will close.

One of the problems I will address at some length during Committee will be the extension of this debilitating period—and I will need to seek some clarification from the honourable member who moved the legislation as to exactly what he means by some of the detailed clauses. This period of uncertainty regarding a school's future might extend over maybe three years or so. Frankly, that is an unacceptable set of circumstances, particularly when we have already gone through perhaps a year or 18 months of review and consideration prior to a report being made to the Minister.

The report goes to the Minister, who then goes through a very difficult process of seeking advice from the various sections of his or her department. In some cases, you get conflicting advice, where some officers will say 'Yes' and some 'No.' Indeed, some officers might say, 'This school should close' or 'That school should close,' and then give reasons. The Minister then seeks further information about the educational, financial and various other considerations that have to be taken into account before a final decision is taken.

I know that that final stage, when the review has been received and before the Minister makes a final decision, can sometimes take up to six months. Under the sort of scenario put forward by the honourable member, if the decision is not taken by 15 June in the year preceding the year of closure—as I read it, anyway—that rolls over to the following 15 June.

You might have gone through a process of a couple of years of review and final decision, and you might eventually come to take a decision in September of a certain year but, because you have missed the June deadline, as I read what the honourable member is talking about, you then go into the following year. It is not entirely clear as to exactly how the legislation operates, and I will need to seek guidance. However, the kindest construction is that at the end of the third year, after a full three years, you might finally have a decision after this second review process has been conducted—however that is to be done—confirming the decision of the Minister to close the school.

It is not impossible to construct a set of circumstances where, if you do not meet the particular deadlines, it might be four years. The kindest construction is that potentially you might be looking at three years in terms of this debilitating process through which a school community might be going. In the end, if the Minister has been through 18 months or two years of review and has made a difficult decision to order the closure of a school, it is highly unlikely that the Minister will be swayed by a committee which he or she does not control because the majority of members come from the local community. I think it has been designed that way so that in broad terms it is likely to have a flavour of coming up with the decision against that of the Minister.

Certainly, in my case, having taken all the time that I took in relation to decisions, and having considered every possible issue that could be considered, contrary to the views of others and then making the difficult or painful decision, I can assure members that there would be nothing that a further review by a group dominated by local members and representatives could proffer or develop that would warrant my reversing a particular decision.

I again refer back to the Croydon Primary School case. One of the misleading aspects of the public campaign in relation to this school is that in some way issues were not taken into consideration prior to the closure of the school. The brutal reality is that there are not enough children in that Croydon cluster to justify the continuation of the half dozen schools. I intend tomorrow, if I can find the documentation, to place on the record Michael Atkinson's private views in relation to the issue at Croydon.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: If I can find the documentation I will, yes. It is apparent what the local member's view has been. Without revealing the nature of the discussions that I had with him when I was in Opposition at the time of the western suburbs review, I know what Michael Atkinson's real position was in relation to this issue. However, I will not reveal the nature of those discussions that I had with him. It will be interesting. I think some research is being done at the moment as to how many letters Michael Atkinson wrote to me as Minister protesting over the closure of the Croydon Primary School as opposed to the closure of, I think, the Findon Primary School. I think that will demonstrate an interesting comparison of the view of the local member in relation to the Croydon Primary School. It is fair to say that Michael Atkinson is not a great lover of Janet Giles. That is perhaps putting it in the politest possible form. I do not think that that is any secret. He has indicated that view to a large number of people over a long period of time.

The Hon. T.G. Roberts: I don't think Janet will be sending him a Christmas card.

The Hon. R.I. LUCAS: No. I think that is right, and vice versa as well: I do not think that Michael will be sending Janet Giles a Christmas card. There is no love lost between Janet Giles and Michael Atkinson or the left-leaning Australian Education Union. Members of this Chamber will not be surprised by that revelation.

In relation to the Croydon Primary School example, as I said there are just not enough students. At its peak that cluster of schools had over 3 000 students and it is now down to 1 100 or so students. There has been a massive decline in school-aged children in that cluster. For all the claims that are made—there is to be redevelopment in the community, we are going to have a boom, babies are coming out of our ears or whatever—the reality is that there are not enough students down there to justify the continuation of the six schools in that community.

The review committee, after months and months of review, came to that decision. The review committee

recommended to me as Minister that there needed to be either an amalgamation of two or three schools on the Croydon High School site or the amalgamation of two pairs of schools into two single schools—so the amalgamation of two schools. That was the brutal reality of the report. You cannot get away from it. That is what it recommended.

However, we had the representatives of the school communities saying that they did not want to be the school that was closed. Every one of the schools down there said that they did not want to be the school that was closed. Kilkenny and Challa Gardens put in minority reports. I think three minority reports were lodged. Certainly, Croydon Primary School was one of them and Kilkenny was another, but whether the third was Croydon Park or Challa Gardens I am not sure. But three schools put in minority reports saying, 'Yes, we know schools have to be closed, but it should not be us, it should be somebody else,' and they left the decision to the Minister and the Government as to which schools ought to be closed or amalgamated. I was aware of the strong opposition from the local school communities that they did not want to be the school that closed.

We will get to this debate about the signing of the report by the Croydon Primary School's parents and principals in a moment. I was clearly aware as Minister that none of the schools wanted to be closed. You do not have to be a rocket scientist or a Rhodes scholar to know that school communities inevitably, not always but generally, do not want to be closed. Even in this case where the committee, which comprised local parents and principals, recommended 'There are not enough students, you need to close some schools and you need to reinvest in the remaining local schools,' none of them wanted to be the school that was closed.

Whilst only three of them might have signed minority reports, I was fully aware that the fourth one, even though it had not done a minority report, did not want to be closed either. It was just not a factor in terms of my consideration that I did or did not know about the intentions of the local school communities. I did know that none of the school communities, including those that wrote the minority reports and the one that did not, wanted to be closed. There has been a view (and I will explore this in the private member's motion tomorrow) from the Ombudsman that in some way the Minister might not have been aware or informed of this. I can tell the Ombudsman (or anyone who wants to listen) that the Minister was absolutely aware that no-one wanted their school closed, whether or not they wrote a minority report—and three of them did—and was aware of the arguments from those who opposed the closure or amalgamation of their school prior to having to make the difficult decision.

In relation to Croydon, great play has been sought to be made of one peculiar piece of advice from a senior officer in the department which recommended the closure of three schools and the building of a new school on the Croydon High School site. I did not agree with that proposition. What is not mentioned, and what I place on the public record, as I have done on a number of occasions, is that three separate senior officers in the department, when we looked at the decision as to whether Kilkenny or Croydon should be closed, recommended that, of the two, Croydon Primary School should be the school to be closed. It was not a case of those three officers saying to me, 'You should close Kilkenny', and me rejecting their view and closing Croydon Primary School. The three officers recommended that Kilkenny stay open and that the Croydon Primary School be the one to close.

Croydon has sought to make great play of the fact that it had 190 or 200 students at the time of the closure decision. The important aspect is that that cluster, which had a peak of 3 000 plus students and is now down to 1 100 students, required a decision as to how many schools needed to be left in the cluster. We made the judgment that two needed to be closed. We then looked at a whole range of decisions in relation to education, facilities and other issues such as geographic location, which was one of the issues the officers had recommended given that the Government had already announced the closure of Findon Primary School, and I indicated to the Croydon Primary School parents that that was a factor in the reason why both officers had recommended it and that I had accepted a decision that it was Croydon to close as opposed to Kilkenny. Similarly, I think it was two or three senior officers who recommended that it was Croydon Primary School, as opposed to Challa Gardens, that should close in the area north of Torrens Road.

All that work, as I said, over 12 to 24 months (I cannot remember exactly how long) had been done, all those issues had been considered and all the questions had been asked. I cannot remember when I received the report and when I made the decision, but there were at least a good number of weeks and months where I continued to ask questions in an effort to try to confirm the correctness of the advice and the decision in relation to the closure of the Croydon and Croydon Park primary schools.

In relation to the advice to close three schools and build a primary school on the Croydon High School site, I took the view that I would prefer not to close three existing schools. I took the view that we should close only two primary schools in that cluster. Advice from one officer was to close three schools and to build one new school. That advice entailed building three separate schools on the Croydon High School site with three separate principals, because the Secondary School of English would be established on that Croydon High School site. It had been looking for a home for a long time and we had taken a separate but related decision to locate the Secondary School of English on the Croydon High School site. I made the judgment that it was a recipe for administrative chaos for one site to accommodate three separate schools and three separate principals.

All of the schools were quite different and distinct: a years 8 to 12 school, and I will talk about that shortly; a Secondary School of English, with its own particular challenges and difficulties; the results of the closure of three schools and then the development of a new R to year 7 or R to whatever primary school. Again, I will need to check the detail, but my recollection of that decision was that there was some prospect of, potentially, carving off the senior secondary end of Croydon High School and, looking at that by way of a further review, moving it to Woodville High School. I took the view that that was not something that I was prepared to support at that site.

I am not sure whether members who referred to the advice that I was given, which I rejected, were supporting that proposition that the senior secondary end of Croydon High School might, potentially, be taken away and that those students be required to attend Woodville High School. In relation to the Croydon Primary School decision, as I said, a considerable period of discussion and review took place, and any review under this legislation that might be conducted through all or part of next year will not turn up any new information and will simply delay the closure of Croydon Primary School for at least another 12-month period. That

school community—although I am sure some of those who are active in support of it would be pleased with the prospect of this—would be continuing in that sort of position for a three-year period prior to the eventual closure at the end of 1998, if this legislation were successful.

That raises one of the important general issues in relation to this Bill. I note, and I referred to this point last week, that the Hon. Mr Elliott has been deliberately selective in relation to his application of the transitional provisions of the legislation. I know that during the election campaign the President of the Australian Education Union, Janet Giles, and the Labor Party talked about Croydon and Croydon Park primary schools and McRitchie Primary School in relation to what they saw as the particular special circumstances of those schools.

It is interesting that those schools were in Labor electorates. It is interesting also that the commitments that the Leader of the Opposition gave to re-open schools related to those in Labor electorates, whereas criticism was being directed towards me that, in some way, I had been engaging in class warfare in closing down schools in Labor and not Liberal electorates. Let us put facts to the situation: when the decision in relation to Croydon and Croydon Park primary schools was announced, admittedly in the Labor electorate of Spence, at the same time I announced the closure of Netley and Camden primary schools in the second most marginal Liberal-held seat in the State.

It is a very curious bit of logic from the supporters of the Croydon Primary School that the Minister was closing only schools in Labor electorates when the very announcement of the closure of Croydon and Croydon Park primary schools involved the announcement of the closure of two schools in the second most marginal Liberal electorate in the State. Again, I do not have the figures with me but, I think that, of the 39 schools, over two-thirds or three quarters of the schools closed by me as Minister were located in Liberal electorates. A minority of schools closed by this Government were located in Labor electorates.

The most recent decisions taken on schools such as Sturt Street, Netley, Camden, and I remember Brentwood and others in the electorate of Goyder, and a number of other closures, were all schools located in Liberal electorates, yet the story from the supporters of Croydon Primary School was that, in some way, the Government had been engaged in some sort of Party political exercise to close down only schools in Labor electorates. I made it quite clear on a number of occasions that the particular political flavouring of the electorate was not a factor in the decisions that I took as Minister.

We approached the issues fairly, taking into account educational, financial and a variety of other reasons. As Minister the decisions were difficult and painful. I did not resile from those difficult and painful decisions, but I can assure members, as I have assured anyone who has raised the issue with me, that the political flavouring of the electorate was not a factor or consideration, and the proof of that is, of course, in the decision announced to close Netley and Camden schools at the same time as the Croydon and Croydon Park primary schools. I wish to address a number of issues in relation to the drafting of the legislation before us.

It is very interesting to look at the make-up of the committee to review these decisions, as suggested by the Hon. Mr Elliott. I also need to address the amendment to be moved by the Hon. Carolyn Pickles, which again places another flavour on the issue. The amendment to be moved by the Hon. Carolyn Pickles, at least, has the advantage over the Bill, as I understand it, being moved by her colleague the shadow Minister for Education in another place, which, I am told, suggests a committee comprising a Deputy Director-General nominated by the Director-General.

The Hon. Carolyn Pickles might like to remind Trish White, or the shadow Minister in another place, that there is no position of Deputy Director-General in South Australia—there has not been for three or four years. A decision was taken some time ago to abolish the position of a Deputy Director-General. I am not sure whether that particular Bill has been debated and passed in the House of Assembly, but I think it is an indication of a Bill which has not had proper consultation and which, obviously, has not gone out to discussion to a variety of groups because, if it had, then silly drafting mistakes such as that—and we have seen similar mistakes in drafting from the Hon. Mr Elliott—would have been picked up. Obviously, as I said, in the Committee stage of the debate we will need to explore those problems with the drafting.

Let us look at the make-up of the committee as suggested by the Hon. Mr Elliott. The Hon. Mr Elliott is suggesting the committee comprises two persons nominated by the Minister, the Director-General (or a person nominated by the Director-General), a person nominated by the LGA, two persons nominated by the South Australian Association of State School Organisations Incorporated and a person nominated by the Australian Education Union, South Australian Branch. When one looks at the construction of that committee, clearly there are three nominees of the Minister (or the department) and four nominees of other bodies—local government, parent and union bodies. There might be an argument from principals' associations concerning why they are not represented. I will be interested to know from the honourable member what discussions he had with representatives of principals' associations in the drafting of the legislation.

The Hon. Carolyn Pickles has looked at this issue and is moving a series of amendments which then will mean that, in essence and in general terms, the mayor of the local council (where there is one) will be on the committee, the Director-General (or a person nominated), the presiding member of the school council—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: I think this is an important issue.

The Hon. M.J. Elliott: She is telling you she is not moving them.

The Hon. Carolyn Pickles: So you don't have to waste another half an hour talking about it.

The Hon. R.I. LUCAS: I am grateful to hear that, but it is useful for members to be told when they try to address these issues. The amendment is on the Bill file; it has not been withdrawn. It is 2 minutes past 12 and it is the first advice I have from the honourable member that she will not be moving it. Obviously, both the Hon. Mr Elliott and the Leader of the Opposition knew. We have done all the work in preparation and I am addressing this issue, and suddenly at 2 minutes past 12 we are told that the honourable member will not proceed with the amendment.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: If that is the case, it raises a whole series of other problems because in a couple of areas the Hon. Carolyn Pickles was at least trying to pick up some of the significant problems with the drafting from the Hon. Mr Elliott. Now, at 2 minutes past 12, the Hon. Ms Pickles

is saying that she is withdrawing because, I presume, she wants to go home she has indicated that now she is not proceeding.

The Hon. Carolyn Pickles: I want you to stop wasting the time of the Parliament.

The Hon. R.I. LUCAS: We think this issue is an important one. We did not start debating it until 20 past 11 or so. We have only been going for 40 minutes.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: He made sure. Your members were the ones who went on over the Holdfast quay debate for many hours this afternoon and this evening. The Hon. Paul Holloway had to indicate that he had been badly briefed on the issue. I will not be diverted. Now that I am advised that the Hon. Carolyn Pickles's amendments on file are being withdrawn I will not address her amendment in relation to the committee. But, as I said, in one other area at least she was trying to pick up a problem that she had identified in the drafting from the Hon. Mr Elliott and I will refer to that now. New section 14A(2) provides:

> However, this part does not apply—
> . . . (b) to the closure of a Government school if the majority of parents of the students attending the school indicate that they are not opposed to the closure.

The obvious question is: how on earth does one manage that process? It is entirely unclear how one does that or goes through that process. Is it a vote of the school council? Is it a vote of the parent club, if it has a parent club, or parents and friends? Is it an open meeting of parents? Is it one convened by the school principal, the school council chair, the Minister, the district superintendent or the Director-General? A whole range of issues arise. The Hon. Carolyn Pickles obviously picked up at least part of that dilemma by indicating before—I am told that she has now withdrawn this amendment—that she was going to move to leave out 'indicate that they are not opposed to the closure' and insert 'vote in favour of the closure of the school at a meeting convened by the Minister for that purpose'. Now the honourable member has indicated she has decided that she will not proceed with that amendment.

The Hon. L.H. Davis interjecting:

The Hon. R.I. LUCAS: The honourable member obviously prefers defective legislation because this would be a recipe for chaos. No-one would know how this process was to be conducted at all. As I said, the honourable member was at least trying to make some sense of what was obviously a nonsensical piece of drafting by the Hon. Mr Elliott but now she says she is withdrawing it. The Hon. Mr Elliott clearly has decided that he does not care what shape the legislation is in. He threw something together. I am prepared to bet, but I will ask him the questions at the Committee stage, that he has not consulted with a whole variety of groups and certainly, if that is what I find out, he will be in for the rounds of kitchen during the Committee stage of the debate given the sanctimonious lectures we have had in the past about not consulting widely before drafting legislation. As I said, I am sure the honourable member would not have left himself open to that criticism.

We have sloppy legislation which has been drafted quickly to try to curry favour with the Australian Education Union and Janet Giles and the supporters of Croydon Primary School. That is the reason for the rushed nature of the legislation. It is not an attempt to consider an issue, to have proper consultation and to then have a debate about it. It is a rushed attempt to try to curry favour with the teachers' union and Croydon Primary School to say, 'I am a good bloke. I have kept you open for one more year even though you will get closed at the end of that year because the Minister does not have to accept the decision of this second review process, but I am a good lad; I have done my bit to help you.' The amendment to new section 14B(a) provides:

> the school cannot be closed except at the end of a calendar year.

It is generally true that most school closures will occur at the end of a calendar year. That is a sensible time for a school closure to occur. There are some circumstances, in particular in very small country communities, where it might be sensible for the decision to occur at some time other than the end of the calendar year. For example, we have a number of small country schools which might only have 15 or 20 students. If something happens—for instance, a school community has been declining and two or three big families make the decision to move their children because they might have a problem with the school, the principal or a teacher or for some other reason—and there is a mass exodus away from the school as families move to the neighbouring school, suddenly the school drops back to maybe nine or 10 students. In those circumstances, it might be sensible not to keep a school open for four or five students, or whatever, for the last half of the school year but to make alternative arrangements.

This provision is unduly restrictive. Whilst it is generally accepted that that should be the sensible practice there are some circumstances, in particular in very small rural communities, where having such a provision may well mean that a school of a very small size would be unnecessarily kept open.

I move to the timing provisions in new section 14B. Again, one of the problems with needing to have a decision to close a school by 15 June is that that is unduly restrictive. Some circumstances have occurred in the past three or four years under the Liberal Government and prior to that in the seven years of the Labor Government in which decisions were taken after 15 June to result in a school closure for the start of the following year. I remember one case where representatives of the school community were, in effect, pleading with the Minister—and this is one of those rare circumstances—to make a decision to formalise and finalise the decision for the closure so that they could actually manage the transition to the new school and the new school community prior to the start of the following year. I concede that that is an unusual circumstance because generally, as I said earlier, most schools do not support their own closure. But there are possible circumstances which have occurred and which will occur again in the future in which this restriction of 15 June will be unduly restrictive.

One of the issues that will need to be clarified in the Committee stage—and I have not had a chance to consult in detail to get legal advice on this—is whether or not these deadlines of 15 June etc. apply only to schools where there is opposition. Obviously, I will need to seek some advice from the Hon. Mr Elliott as to how this provision will operate in circumstances where there is perhaps opposition but not majority opposition within a school community. Because the Labor Government had closed 70 or so schools in seven years and the Liberal Government had closed 39 schools in four years, school communities have generally taken the view that, once Governments have made the decision to close schools, the school closures went ahead. That was true under the Labor Government with schools such as Playford.

I remember when we saw protests at one stage from people from Pinnaroo in relation to the closure of some parts

of their school. We had people protesting on the steps of Parliament House, and the Hon. Terry Roberts remembers that. There were a number of protests over schools under the Labor Government. I am not sure whether the Hon. Susan Lenehan presided over any school closures in her last year but, certainly, under the Hon. Greg Crafter, once the painful decisions were made and once you reached the barrier of making a decision to close a school, you had thought of every option, any alternatives, and the decision was not changed. That has also been the case under a Liberal administration.

During the recent election campaign, for example, we had people ringing us from Findon Primary School and The Parks—and I will not use the exact words—and saying words to the effect of, 'If you people back down to this lot from Croydon, we will be on your doorstep on day 1 after you have made that decision, to reverse the decision on Findon and The Parks.' And I think there was one other school where we had contact from the parent community. That is because, whilst those parents did not like the decisions, in the end because a proper process had been gone through, a process established and supported by a Labor Government and continued by a Liberal Government, they grudgingly accepted the decision on the basis that nothing was going to change the view of the Minister, whether it happened to be a Labor or a Liberal Minister, in relation to the closure of the school.

This provision will open up Pandora's box, because what will be seen here is an opportunity to continue the fight and the battle. In every school closure that I can think of there has been at least a minority who have opposed the closure. Because they have been operating in a culture of 'once a decision is taken it will not be changed', that minority in many cases has not been able to become a majority; they have got on with the difficult business of rationalisation. I cite the example of the Fremont closure in Elizabeth City. In 1994 or 1995 I attended a protest meeting of 200 or 300 people who booed me into the gym hall, booed me out of it, booed me during the meeting, heckled and did all those sorts of things that Croydon Primary School endeavoured to do during the election campaign to change the decision.

They said that their students would not be accepted, and a whole variety of other things. As Minister I was delighted to go last year to Elizabeth City. We did as promised and put millions of dollars—although I cannot remember exactly how much—into the redevelopment of Fremont Elizabeth City High School, as it is known now. There are fabulous new facilities, and I was delighted to go round and talk to students and parents from the old Fremont City High School who said that the kids of the working class families of the northern suburbs now had first class facilities at Fremont Elizabeth City High School as a result of the difficult decision that this Liberal Government had made for them. They did not like it; they fought it; they abused me as Minister and abused the Government; but, in the end, they had to acknowledge that they had a quality educational product.

All the money had been poured back into the facilities at Fremont Elizabeth City and their facilities matched those of virtually any other Government school in the State. That is an example of where Governments must make the difficult decisions and in the end the benefits will be enjoyed by the students and the families of those communities further down the track. Local communities do not always have the long-term vision to make these difficult decisions. As I have said to the Croydon parents and to others, as a parent I understand that they obviously do not like and oppose the closure of what has been near and dear to them and to their families. I have no criticism with the genuine parents who have been part of the protest. My criticism has been more directed at some of the others who have associated themselves with this process throughout this period.

There are only two or three other issues that I want to address during the second reading debate on the Bill. I presume that the Hon. Ms Pickles is not proceeding with her amendment and that the decision of the Minister not to accept the committee's recommendation will remain as one that must be published in a newspaper circulating generally throughout the State. There are some issues there that will perhaps be better explored by me during the Committee stage of the debate. A committee in conducting a review of a proposal to close a school must call for submissions and seek expert demographical and educational advice relating to the school's present and future use. One of the questions that needs to be borne in mind here is who will be funding this expert demographical advice that the committee will be seeking.

Will there be any boundaries in respect of the work to be undertaken and the consultants to be commissioned by this group? There appears to be no provision at all for the committee to look at all the work that has already been done and to decide perhaps not to go ahead with the full-scale process of again going through submissions from everyone. There is a requirement that they must invite submissions from and meet with teachers and parents of students in the school likely to be affected by the closure of a school, as well as representatives of local communities. Clearly, it will not involve just teachers, parents and students of the school: there are some significant others in the community such as local businesses, local councils, bus drivers and a variety of others who might need to be consulted as representatives of local communities and who might be affected by the closure of the particular school.

The other remaining issue related to the drafting of clause 14A. I remind the Hon. Mr Elliott that one particular drafting issue which will need to be taken up in the Committee stage is that relating to adult re-entry schools in South Australia. I invite the honourable member to consider the circumstances of schools such as Thebarton, Marden, etc. We are talking about the closure of a Government school where the majority of the parents and the students attending the school indicate that they are not opposed to the closure. For example, if I am a 65-year old adult re-entry student at Marden secondary school, will I be able to find my parents—if they are still alive—so that they can vote on this decision? I am not sure exactly what the honourable member intends regarding adult re-entry schools in relation to that provision.

Again, if there had been proper consultation on this legislation, some of these drafting difficulties and some of the pieces of nonsense within the provisions of the Bill might have been able to be ironed out before its introduction into Parliament. With that, I indicate the Government's strong opposition to the Bill. Obviously, a fair amount of work will need to be done on this Bill during the Committee stage. By way of question of the honourable member who introduced the Bill, I give him fair warning that I will seek answers to a significant number of questions that I have flagged already. With respect to a number of other aspects of the Bill I will also seek explanations from the honourable member in terms of how it might operate.

The Hon. M.J. ELLIOTT: Most of these matters can be addressed during the Committee stage. I always think that

second readings are best to address the principal issues and that finer points can be handled in Committee, but the Minister has his own games to play. I do think that it is worth picking up a few issues. For instance, the Minister has done something in which, apparently, he specialises. He said that the six schools in the cluster had 1 100 students, whereas there were about 3 000 students in the same six schools at their peak. As I understand it, if one takes a closer look at the schools in the cluster one discovers that among the cluster was one high school and that the rest were primary schools, and that it was the decline in the numbers of the high school which had the most profound impact on the overall numbers.

Croydon High School will have declined from 943 students in 1977 to 277 in 2001, and also since that time the Croydon Junior Primary and Hindmarsh Primary Schools, which are part of that 3 000, also have closed. So, since that peak of 3 000, two schools have closed and, of course, the biggest decline happened not in the primary schools but at the Croydon High School. It is one of those cases where a person trained in mathematics, or even not trained in mathematics, can play games with numbers. While there has been a very real decline in primary school numbers, the impact is much exaggerated by the way in which the Minister chose to quote his numbers rather selectively. I think that has been true not only when he has used the figures there but also when he has talked about how many parents support particular moves, and so on.

It is one of those cases where, having made the decision, one sets about justifying it. At least this Minister has been honest in one regard in terms of talking about not just the way he thinks but about the way the Premier thinks. Reading between the lines, he is saying basically that once the mind was made up that was it: it was finished. If the Croydon Primary School parents made a mistake, it was thinking that, regardless of the facts, there was ever likely to be any change, because that is my reading of what he said: that is, they should have laid down and accepted what happened to their school.

In fact, I want to address a lot more issues during the Committee stage, and I will not spend further time during the second reading debate debating other issues that can be quite adequately handled at that point.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. R.I. LUCAS: I invite the honourable member to provide to the Committee some detail as to whether he has consulted the South Australian Association of State School Organisations, the South Australian Association of School Parent Clubs and the five separate principals associations in relation to the drafting of the legislation.

The Hon. M.J. ELLIOTT: I did not personally circulate the Bills—that was done from my office. I cannot say as a clear fact who did and who did not receive it. I do know that the new Minister for Education received a copy of it at least three weeks ago, and I am sure that he would have circulated it very widely as well. My point is that, as a matter of practice, when I receive Government Bills I circulate them to bodies in case they have not received them elsewhere. I do that—

The Hon. L.H. Davis: So you attack the Minister if he has not distributed them. It's his fault, is it?

The Hon. M.J. ELLIOTT: That wasn't what I said.

The Hon. R.I. LUCAS: Obviously, the honourable member cannot indicate whether or not he has consulted anyone. He personally has not sent it to anyone, but he thinks perhaps somebody might have. Perhaps if those in his office did not do so the Minister should have. Did the honourable member receive any correspondence or contact from the South Australian Association of State School Organisations, the South Australian Association of School Parent Clubs or any of the five principals associations in relation to the legislation by way of their comment from any consultation that perhaps one of his mystery staff might have conducted?

The Hon. M.J. ELLIOTT: The only correspondence or discussions of which I am personally aware were held with several principals, the education union and, of course, with parents from several schools—and not just those directly involved by way of mention in the amendment that I will later move. Those are the discussions or correspondence with which I am familiar. That is all that I can say at this point.

The Hon. R.I. LUCAS: Can the honourable member indicate the other school communities from which the parents whom he consulted in the drafting of this Bill came? Can he also indicate which school communities' principals he consulted?

The Hon. M.J. ELLIOTT: No, I will not name the principals with whom I consulted. Because I did not speak with them personally, I can only say that I understand that the parent bodies of each of the schools that were targeted for closure this year were contacted, and I believe that contact was made with the principals. I cannot say for a fact that it happened with every school but I believe that it happened with most if not all of them.

The Hon. R.I. LUCAS: For someone who criticises the Government for not being prepared to indicate the degree of consultation undertaken and provide information, the honourable member is refusing to supply information. In future when Government Ministers refuse to provide the honourable member with information on consultation, we will have a very interesting precedent.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: You do not have to name individuals. Just tell us the school communities. I did not ask for the names of the individuals. The honourable member said that he consulted parents from communities that are not referred to in the Bill, which lists Croydon, Croydon Park and McRitchie. I do not want the names of the people, because I am not interested. I just want to know which other school communities were consulted.

It is interesting that the only association from which the honourable member has taken his instructions is the Australian Education Union, and that is why Croydon Primary, Croydon Park and McRitchie are mentioned in the Bill. During the election campaign they were the three school communities that the Australian Education Union sought to highlight. So, that is no surprise.

The honourable member indicated that he consulted principals. I do not know whether it was he who consulted principals or whether a mystery staff person did so on his behalf. Can the honourable member indicate whether it was he who had these discussions and whether these principals were nominated by the respective principals associations in South Australia to represent the views of all principals in South Australia, or were they just friendly principals with whom the honourable member or his mystery staff member decided to have a bit of a chat in relation to this issue?

The Hon. M.J. ELLIOTT: The smart alec is at work. He refers to the 'mystery staff member', but what stupidity is that? The Minister knows very well that I have one researcher who works for me, yet he talks about a mystery staff member. You really are bizarre.

I have consulted with principals whom I know personally, and it would not surprise anyone to know that, having been a teacher for a long time, I know a large number of principals and I discuss things with them because they are people whom I know and trust. Those are conversations that I personally had, but I instructed my researcher to make contact in particular with schools that were facing closure. It was not just the three named, a matter that I will discuss when we get to that clause. However, discussions were conducted with the other schools as well. I know that those discussions took place. I answer questions straight, which is more than we get from other people in this place. I have said that I quite honestly do not know of the others with whom conversations were had.

The Hon. R.I. LUCAS: I am glad to hear the honourable member say that he answers questions 'straight', to use his words—whatever that means. Can the honourable member indicate who was consulted from Netley Primary School and Camden Primary School and why the honourable member has decided—

The Hon. Carolyn Pickles: He doesn't have to discuss with you whom he has spoken to.

The Hon. R.I. LUCAS: No, he doesn't have to, but he said that he answers the questions straight. It is up to the honourable member; he made the claim.

The Hon. M.J. ELLIOTT: I have already said that I personally did not have conversations with any of the people from those schools, so I cannot answer the question.

The Hon. R.I. LUCAS: We are establishing some useful precedents for further debate and discussion on other Bills over the next four years. In his speech closing the second reading debate, the honourable member sought to make a point based on advice that he had obviously received from Croydon Primary School that the number of 3 000 students in the six schools was in some way a distortion of the truth.

I invite the honourable member to share with the Committee the student population at the six schools at its peak in 1977. I am not referring to the two schools that have been closed, because that is not a valid comparison and is not one that I have entered into. Can the honourable member indicate what date in 1977 he is using as the peak enrolment for those school communities?

The Hon. M.J. ELLIOTT: I ask the Minister to name the six schools so that I can be sure that we are talking about the same ones.

The Hon. R.I. Lucas: You don't even know the six schools?

The Hon. M.J. ELLIOTT: Well, in fact, eight schools are named together, so which six does the Minister want me to address?

The Hon. R.I. Lucas: The six schools that are in the cluster.

The Hon. M.J. ELLIOTT: I am sorry, but you are the one who is talking about the six. I asked for which schools you wanted the numbers and I will give them to you. You name the six schools for 1977 and I will give you the numbers.

The Hon. R.I. Lucas: Table them.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: I invite the honourable member to table the information, if he has it. There is nothing secret in it.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: Well, undertake to provide a copy when you have photocopied it. It is not secret. This information is available. It is just that we do not have the information here as part of this debate at 12.35 a.m. I indicate to the honourable member that the point he made earlier is factually wrong: that the enrolments in those six schools declined from 3 000 to something over 1 100 in that cluster. The honourable member sought to make a point in closing the second reading debate that in some way, perhaps because of my mathematical background, I sought to distort the figures and said that I had not taken into account the two schools that had already closed. That is a nonsense, and I challenge the honourable member to table the information and prove it.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: He can't prove it because his information is wrong. It is another example of wrong information emanating from Croydon Primary School, and, sadly, the honourable member has been gullible enough to accept it.

The Hon. M.J. ELLIOTT: I cannot put a date on it but the figures I have for 1977 in relation to the upper west cluster show Brompton Primary School (317 students), Challa Gardens (407), Croydon High School (943), Croydon Park Primary (283), Croydon Primary (440), Kilkenny Primary (393), Croydon Junior Primary (178) and Hindmarsh Primary (130). That was 1977. I understand that Croydon Junior Primary has now merged with the primary school (the Minister can correct me if I am wrong in that assumption) and that the Hindmarsh Primary School no longer exists. Those are the two schools which are not there in terms of the infrastructure which would be maintained for separate schools.

The other point which I made but which the Minister did not address at all was that we are talking about a rationalisation of primary schools, but among that cluster is Croydon High School, which provided 943 of the 3 091 students for 1977. I raised that issue when I spoke earlier, but the Minister did not respond to that—and that enrolment declined to 327 students in 1995. That is a substantial reduction and makes up a significant component of the overall reduction that occurred in that cluster.

The Hon. CAROLYN PICKLES: I formally suggest that I can deal with that. We will not proceed with the amendment. We believe there is some merit in allowing some flexibility in the method by which parents involved in the school community indicate their attitude to the recommended closure of the school. I will indicate at this point that we do not wish to proceed with our further amendments. Perhaps we can facilitate the passage of this Bill.

The Hon. R.I. LUCAS: I raised this question earlier. How does the honourable member see this provision operating?

The Hon. M.J. ELLIOTT: New section 14(2)(b) is one of those clauses where I lost the fight with Parliamentary Counsel. I would have been quite happy to win it. It is not my preferred wording. Although it is very similar to what is in the New South Wales legislation, I would have preferred that it referred to the majority of parents indicating opposition to closure rather than the negative way it has been put there. The Government has given us a pile of Bills and we have been busy preparing amendments for this, even where we disagree.

Regardless of whether we agree with a Bill, we still prepare amendments. The Minister here, having identified a difficulty, rather than actually producing an amendment as we would always do, has simply raised it as an issue in terms of, 'Why haven't you addressed it?' After all, the Minister for Education has had a copy of—

The Hon. R.I. Lucas: There was an amendment on file.

The Hon. M.J. ELLIOTT: The Minister for Education had a copy of the Bill that I introduced for a much longer period than I have had most of the Bills that the Government has supplied to us.

The Hon. R.I. Lucas: That's not true.

The Hon. M.J. ELLIOTT: Well, it is true. It is quite capable of being addressed simply, and I would agree with the Minister that the wording of 14(2)(b) could be better.

The Hon. R.I. Lucas: The rest is a disaster.

The Hon. M.J. ELLIOTT: As I said, my preference is that it should have been worded such that a majority would indicate opposition, so that a review would then—

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: You people will send it back from the other House, anyway, so let us address it when that happens, or you can amend it down there. That is easy enough. Another issue was raised in the same context in relation to adult re-entry schools. Again, that is capable of a fairly simple amendment to ensure that where the person is an adult themselves, they would indicate that themselves and not have somebody else do it on their behalf. That is a very sensible suggestion from the Minister, and an amendment in the other place will not cause me difficulty.

The Hon. R.I. LUCAS: This is the ultimate sloppiness in terms of drafting. Here we have the honourable member conceding that there are significant deficiencies in the—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: We are here as a Parliament to correct those deficiencies when we identify them. We should redraft amendments and fix it. Potentially there is a form of wording in terms of adults, although again there might be some technical problems because some of our schools actually have adult re-entry students even though they are not formally designated adult re-entry schools. The honourable member will have to look at that sort of detail in further discussions with Parliamentary Counsel.

This other issue is absolutely fundamental to the whole Bill. You cannot blithely wave it away and say, 'It is a drafting issue. Ho, ho, ho! I lost the debate with Parliamentary Counsel; I wish I had won it. We will clear it up somewhere else.' This issue is absolutely fundamental as to whether or not this provision applies. It provides that this part does not apply to the closure of a Government school if the majority of parents of the students attending the school indicate that they are not opposed to the closure. How on earth are they meant to do that? What is the process? Who will manage that process? Do you have anybody? Does one of the parents or students there say, 'As Billy the goose, I'm going to conduct a poll. It is the Billy the goose poll. I will draft the questions, and I will circulate a questionnaire to all the parents and, if a majority vote one way or another, I have complied with this provision?' For the majority of the parents the questionnaire might be, 'Do you agree to the closure of the school if it will mean that your poor five-year-old student will have to walk 25 kilometres barefoot in the rain, across 15 railway lines and 16 double highways to go to the nearest school?'

The Hon. M.J. Elliott: Billy wouldn't do that.

The Hon. R.I. LUCAS: No, I am sure that Billy wouldn't, but Janet Giles might. That is the sort of survey that might be circulated. Frankly, 99 per cent of people might be inclined to vote in a particular way if they have a questionnaire drafted that way. What the Hon. Mr Elliott is saying is, 'Who cares about how this operates?' Ho, ho, ho! I knew this was a bit of a problem with Parliamentary Counsel. I wish I had won the debate with Parliamentary Counsel.' Who runs this place? Who controls the legislation? Is it the Hon. Mr Elliott or is it Parliamentary Counsel?

The Hon. L.H. Davis interjecting:

The Hon. R.I. LUCAS: Exactly! Who gives a continental!

Members interjecting:

The Hon. R.I. LUCAS: Exactly, along the lines of 'Whatever you say, we'll accept that provision. I need to get the legislation into the Parliament, because I want to make myself look good in front of the Croydon Primary School parents. This is all that is important to me. I have to look good for the parents, and I have to get this legislation through. Who gives a continental how it operates! I am not going to be a Minister for Education. I will never be in Government. It will be some other poor fool who will have to operate under the provisions of this legislation.' So, anyone can draft a questionnaire. We might have half a dozen questionnaires, we might have Billy the goose, Jimmy the goose or anyone else doing their own questionnaires. We might have six different survey responses.

There might have been one response to the earlier question and somebody might do a questionnaire which asks, 'Would you like to have your school closed if there will be a $25 million redevelopment at the next school, with hot and cold running showers and air-conditioning and a whole variety of other things?' You might get a completely different response when they see that survey questionnaire. Obviously, I have given extreme examples of the drafting of questionnaires. However, believe me, as someone who, for 20 years, has seen public opinion surveys and questionnaires and the way the drafting of the question can result in different responses to the same issue, let me assure you, without going to the extremes that I have talked about, that the drafting of the question can lead to different responses.

The Hon. Mr Elliott sits there and asks, 'Who gives a continental about all this? I knew this was a problem, but I will not worry about fixing it up. You lot can fix it up.' If we do not fix it up, he thinks he has the numbers to jam it through both Houses of Parliament. His attitude would be, 'I will look good to Croydon Primary School parents and to the Education Union; that is all I am worried about. I don't care whether the thing operates.'

That is not the way to run a Parliament, that is not the way to conduct legislation. The honourable member should do what he occasionally criticises Governments and Ministers for not doing, that is, consult with somebody—actually consult with somebody other than Janet Giles and the union. He should talk to someone other than saying to his hard working staff member, 'You go off and do the consultations.' He should talk to the key associations, because he has not talked to any of the key principal associations—all five of them. He clearly has not talked to the two peak parent bodies. He has talked only to the unions. He might have said, 'Are you happy with this Janet?' She could have replied, 'Yes, fine, no problems, we will go ahead with it.' He might have said to the Croydon Primary School, 'Are you happy with

this?' It might have replied, 'Yes, okay, we will go ahead with it and we will go ahead with the legislation.'

I am just saying that, for someone who is no longer in this area, this drafting provides a recipe for chaos, it is a recipe for disaster. Should this legislation pass, it would be easy for the Hon. Mr Elliott if next year we have all these survey questionnaires going around, the school council chair calling a meeting, a protest group of the parents calling a meeting, and at the same time a Minister calling a meeting or the district superintendent and principal calling a meeting. You would have meetings being called all over the place, with one group purporting to support a decision and another group who is opposing a decision.

The Hon. Mr Elliott will sit back and say, 'It's not my responsibility, it's the Minister's fault. He should have worked it out.' That is the sort of legislation that the honourable member is asking this Chamber, at 12.50 in the morning, to accept. Because he wants to get it through, because he can get the cheers from the Croydon Primary School parents, he says, 'What the heck with the deficiencies in the drafting, I'm not going to worry about it.'

The honourable member has to be held accountable. I suggest that he report progress and goes off to talk to Parliamentary Counsel to draft something sensible. This is just one provision. Let me assure members that there are a number of others in the legislation. The Hon. Mr Elliott wants to ram through this Bill without proper consideration. He cannot get away with that because it is too important an issue for that to occur.

The Hon. M.J. ELLIOTT: The Hon. Mr Lucas has a remarkably short memory. I recall any number of occasions when the Liberal Party when in Opposition would move an amendment—and I particularly remember the Hon. Mr Griffin doing it on a number of occasions and other members doing it too—and the Democrats would say, 'We have some sympathy with the general thrust of what you are doing but we believe there are problems with the amendment.' The argument that used to be put by the Hon. Mr Griffin used to be along the lines of, 'Send it to the Lower House. We know the Bill will come back but it keeps the issue alive and means that it will be handled,' because the Government obviously is able to fix it in the other place. We agreed with Mr Griffin and other members of the Liberal Party on quite a few occasions when they were in Opposition, recognising the way the numbers worked, that there was an issue that we all agreed needed addressing, and although we might have had some dissent in terms of the wording it was capable of being fixed in the movement—

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: I have only just said—and I do not know whether you were here at that stage—that the issues raised by the Minister are reasonable and are capable of fairly readily being fixed.

The Hon. A.J. Redford: By whom?

The Hon. M.J. ELLIOTT: The Government moving an amendment in the Lower House which would be supported by us when the Bill returns.

The Hon. A.J. Redford: What if the Government doesn't do it? Do you have someone down there who is going to do it?

The Hon. M.J. ELLIOTT: It would be really strange if the Government, having said it thought that this is not right and needs fixing—not just the Bill but particular clauses—

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: I am not going to waste my time.

The Hon. A.J. REDFORD: I have a short question about the use of the term 'majority of the parents'. Will the honourable member advise me what is meant by that term. Is it an absolute majority of parents? If some parents do not care, how do you treat that position? How do you treat non-custodial parents? How is it determined whether or not they ought to have a say in relation to the closure of a school? How do you deal with common law parents, if I can use that terminology? I am not sure exactly how a Minister ought to treat that or, if someone challenged the provision in a court, how a court ought to approach it. Will the honourable member answer those questions?

The Hon. M.J. ELLIOTT: What is in this Bill has not been plucked out of thin air; it is based on legislation which New South Wales has had since 1990, as I understand it section 28 of its Education Reform Act. While there are some minor variations, this question of the majority of parents is one that was contained in that legislation as well. While there might be some debate about technically whether or not one or two people here or there are available to vote, I do not think in the overall scheme of things it will make a huge difference one way or the other. That is clearly the view that they took in New South Wales.

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: In the context of the sort of thing we are discussing here, where we are talking about a school community of hundreds people, while there is always—

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: As I said, I do not believe that in reality that will create a problem.

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: I am sorry. If you are talking about a school with five students—

The Hon. R.I. Lucas: If they vote 3-2 to oppose the decision to close, your Bill applies.

The Hon. M.J. ELLIOTT: It does, in exactly the same way as the New South Wales legislation does.

The Hon. A.J. REDFORD: For example, if you can readily identify seven parents and it is 3-2 against the closure, one might says that there is a majority against—3-2—and one might say that there is not a majority because four are not opposed to the closure. I am not sure how that is to be interpreted.

The Hon. M.J. ELLIOTT: What we are talking about here is a majority of parents, and that means more than half. It is not a question of having a vote and how many did participate or anything like that; it means a majority of parents have to give an indication. In terms of the discussion that we have had already, it is preferable not to word it in the way it is in new section 14A(2)(b) but to put it in the positive, to say that the review will occur only where a majority of parents indicate their desire for such a review. In that way you are talking about a majority of the parents.

The Hon. A.J. REDFORD: I do not quite understand. Just to use that specific example—

The Hon. M.J. Elliott: You need more than half.

The Hon. A.J. REDFORD: You have three who are in favour of closure and two who are against, and two are off away on holidays or wherever. How does that clause operate in that circumstance?

The Hon. M.J. Elliott: Probably better than the Constitution Referendum Act right now.

The Hon. A.J. REDFORD: The honourable member has not answered. This is a serious process. If he wants to be flippant, so be it. What is the answer to that question? It is a simple enough question and is straightforward. It is one that might exercise a court's mind. How would you expect a court to approach that circumstance based on this Bill?

The Hon. M.J. ELLIOTT: It requires a majority of parents to say that they require a review. If two happen to be away and do not give an indication they cannot contribute towards the majority. It requires a majority indication is what I am saying.

The Hon. A.J. REDFORD: How then would you interpret this situation? Let's say you have nine parents, four single children and another six from married couples, and there are four non-custodial parents living interstate. Are they part of this majority? How are they treated?

The Hon. Carolyn Pickles interjecting:

The Hon. A.J. REDFORD: The Leader of the Opposition might go 'Oh'. The fact is that if someone wants to challenge in a court this process these are the sorts of issues that a court has to decide. The Leader of the Opposition can go 'Oh', but the fact is that this is a cost to everybody and what you want, as I understand it, is some degree of certainty. This is not certainty, and exclaiming 'Oh' will not make any difference to that. We are legislators. We have a responsibility to ensure that there is some degree of precision in legislation, and 'Oh' is simply not good enough.

The Hon. R.I. LUCAS: Whilst the Hon. Mr Elliott contemplates a response to that question from the Hon. Mr Redford, I want to place on record the example I made by way of interjection, namely, the example of the Corny Point Rural School. The Hon. Mr Elliott, by way of interjection earlier, talked about hundreds of parents, but the Corny Point Rural School had only five students and therefore five sets of parents. A bus took students, on a bituminised road, to the nearest school which was about a 30-minute trip. We took the decision to close the school. The local school community, in this case the parents, voted 3 to 2 to keep the school open. So, the majority of parents voted to keep the school open.

The Hon. Mr Elliott's Bill is saying to the Government to keep a school open when the parents vote 3 to 2, when in anyone's sensible judgment in those circumstances the Corny Point Rural School needed to be closed. But, no, the Hon. Mr Elliott is saying that, by way of this legislation, those three parents constitute a majority. They can go through this process and we will need to keep the school open for at least another 12 months or so, while we seek expert demographic advice in relation to the Corny Point Rural School community.

These are real examples: these are not hypotheticals. This is the real world of running a department and managing a business of $1.2 billion, as it was, or approximately $1.5 billion as it is now. These are the hard decisions that Governments and Ministers must take which, thankfully, members such as the Hon. Mr Elliott and the Democrats never have to take because they can pontificate from the cross benches and talk about what should be. The reality is that Governments are elected and Ministers must take decisions, and they are difficult decisions. That local community did not like the decision taken in relation to the closure of the school. They voted 3 to 2 against it.

What do we do? Do we keep the school open for 12 months and, perhaps, three students attend. Probably the two parents who voted to close the school will send their children on the bus to Warooka and the three parents who voted to keep the school open might send their students to the Corny Point Rural School, but that is not even guaranteed. I can remember the example of the school at Redhill in the early period of this Government where the number of students was of the order of 10 or 20, I cannot remember exactly. A vote was taken but, between the period at the end of the year and the start of the following year, which was about only two months, even those parents who had voted to keep the school open surreptitiously enrolled their children in the neighbouring school.

We decided to keep the school open because the parents, by majority, had voted to keep the school open, but when the school opened in January or February we discovered that it had half the number of students. Parents had voted to keep the school open, but there is pressure in country communities and, because of the local general store, or whatever else it is, you do not vote to support the closure of the school. The parents voted to keep the school open because that was seen to be the right thing to do; but they knew it was not the right thing for their children, so they quietly enrolled their children in the bigger local school.

The Hon. L.H. Davis: And then the Government cops the flak.

The Hon. R.I. LUCAS: Yes, but under this particular arrangement what sort of circumstances will we find ourselves in? This Bill applies not only to Croydon Primary School: it must apply to small country communities and to a range of circumstances. Frankly, it makes a nonsense of some of the difficult decisions that Governments and Ministers, both Liberal and Labor, have made and will continue to make. The Hon. Mr Elliott has no answers to these questions. I do not wish to talk to this provision at any great length. The point has been made. It is a nonsense and I will save my other questions for other clauses. This provision is a nonsense, and the Hon. Mr Elliott knows that but, as I have said, he is cheer chasing at the moment. He wants to see something go through so that he can wave it around and say to the Croydon Primary School parents, 'Here you are, I have given you 12 months reprieve.'

The Hon. M.J. ELLIOTT: In response to the questions asked by the Hon. Angus Redford, 'parent' is defined in the Education Act, and I do not think there are problems in terms of those issues raised by the honourable member.

The Hon. A.J. REDFORD: I am here to help. The other issue about which I am concerned is how the clause might be manipulated by, God forbid, an unscrupulous Minister. We have been fortunate; we have not had one of those for some time. What would the honourable member say in relation to a situation where a Minister, having been warned of an impending large number of people wanting to shift to a neighbouring school, brings on a vote prematurely in order to get the numbers, just in case he is locked into a position later down the track? Secondly, what sort of protective mechanisms—because, as I said, I am here to help—would the honourable member suggest to ensure that an unscrupulous Minister did not manipulate the system?

It is not beyond the realms of possibility that you might have a Minister who would cut resources at a particular school to ensure a favourable vote. How would the honourable member suggest that this legislation prevent those sorts of things happening, not under a Liberal Government, of course, because that would not happen, but under some other unscrupulous Minister or Government seeking some sort of surreptitious way around the objects of this Bill?

The Hon. M.J. ELLIOTT: It would seem to me that, try as you can, you can never make anything 100 per cent watertight. What you seek to do is to ensure that, as best you can, you tackle the worst excesses. The situations as described are possible but would be very difficult.

The Hon. A.J. REDFORD: Given that answer, my question is: why have the Bill at all if you cannot stop it?

The Hon. NICK XENOPHON: Notwithstanding that there is not a gaming machine in sight, I would like to direct a couple of questions to the Hon. Mr Elliott. In terms of the example raised by the Treasurer of the Corny Point Rural School with only five students, would the Hon. Mr Elliott be amenable to a fairly low threshold requirement of 10 or 20 students, something of that order? Secondly, in terms of the points raised by the Hon. Mr Redford as to how a meeting would be constituted and how a majority would be determined, I have some serious concerns that there could be a legal fiasco in many instances where the school community is evenly divided. It seems to me that there ought to be some mechanism to allow for an election to be held in an orderly fashion and for there to be some sort of proper return of that election.

The Hon. M.J. ELLIOTT: The first question related to a threshold size. New South Wales legislation exempts one teacher schools. That State has done it that way. New South Wales has certainly contemplated the idea of some sort of threshold. It has done it by the number of teachers and, I guess, you could quite easily do it by the number of students to exclude very small schools. I would be careful how far you did exclude because you would be talking about, for the most part, some quite isolated communities. As to the honourable member's second question, a majority indication must be capable of being sustained. As I said, I have already conceded that perhaps we should be looking to change. New South Wales legislation determines that a majority of the parents of the children attending the school must, within 21 days of the announcement, submit a request in writing to the Minister. I would have thought that that is a fairly clear indication and would be a suitable mechanism.

I move:

Page 3, lines 25 and 26—Leave out this paragraph and insert:

(d) one person nominated by an organisation that represents the interests of parents of children attending Government schools;

(da) the presiding member of the school council (or a person nominated by the presiding member);.

There are two parts to the amendment and both relate to the review committee. In paragraph (d) in the Bill as originally drafted I had two persons representing the South Australian Association of State School Organisations Incorporated. This amendment seeks to have one person not nominated necessarily by SAASSO but nominated by an organisation that represents the interests of parents of children attending Government schools. In some cases one would expect that the Minister can choose to take a person from SAASSO or from the parent clubs. It might even be possible, for instance, in Aboriginal lands for the local Aboriginal representative body to represent the interests of the parents of the children. That would also be acceptable under that amendment.

New paragraph (da) is clear enough. The presiding member of the school council would be one of the members of that committee. I have sought to try to get a spread of people clearly from within the department, two directly nominated by the Minister and also the Director-General (or a person nominated by the Director-General)—so three of the seven people, if you like, will be coming directly out of the department—a representative of the Local Government Association, one representative of parents (and one would presume parents generally not the parents of the school), one representing parents within the school via the school council and finally one person representing the education union.

The Hon. R.I. LUCAS: In relation to new section 14B will the member respond to the observation I made in my second reading contribution, in particular about the isolated circumstances of a small rural school where it might be advantageous to close a school before the end of a calendar year? Does the member concede that, in some circumstances, this provision would prove to be too inflexible?

The Hon. M.J. ELLIOTT: As it is drafted, I would have thought that it covered most circumstances. Certainly, new section 14A(2)(a) contemplates at least the need for a temporary closure which could happen part way through a year. For instance, a whole lot of asbestos or something such as that is found in a school, or whatever else, which, I presume, could lead to a temporary closure and which ultimately could become permanent. Those sorts of circumstances are covered. I am not sure whether or not the Minister is entertaining other circumstances.

The Hon. R.I. LUCAS: As I said, whilst I am not supporting the whole Bill, again this is a provision which will cause a problem for future Ministers. As I said, there are circumstances, limited admittedly, where you might end up with virtually no students in a small rural school, yet you would be required to keep it open for the remainder of a calendar year. I think potentially we also have that problem with some other parts of the legislation. One of the general observations which I did not make in the second reading debate and which can be made under this amendment is that when a school is nominated for closure parents generally—not always—start looking around pretty quickly in terms of what school their children will attend.

There is another problem with this overall process about which the member is talking. As I said, it is highly unlikely that Ministers (whether they be Labor or Liberal) having gone through the pain and the process of two years of review, 12 to 18 months of review, or however long it has been, and made the decision to close, will then reverse the decision when a body constituted of others looks at it and recommends against the closure. What you will have even during that 12 months is a process whereby significant numbers—and in some school communities it will be a majority—of parents will move their children to a new school. They will not keep their children in a school that has already been earmarked for closure. If the Government says that it will not change its mind in relation to the issue, you will see significant numbers of parents and, in some cases, a majority of parents moving their children to a neighbouring school. Whilst the second review is being conducted during that extra 12 months and under the legislation the school will be required to stay open you will have a debilitating process of a school dying on its last legs. If the Minister confirms the decision through the year, parents will move away in their droves during that school year, whether it be at the start or whenever the decision is taken through the school year.

We saw this happen under the Labor Government at Morphettville Primary School and Oaklands Park Primary School. Families left through the year in significant numbers. What you are left with is a shell of a school. The principal and a staff are shell shocked and trying to manage a process. Parents have deserted the community. You have an unholy

mess of numbers of students because they do not all leave equally. For example, a large number of year sixes may leave and hardly any year twos.

The Hon. A.J. Redford: No long-term plan.

The Hon. R.I. LUCAS: You have no long-term plan. You have nothing other than managing a process of a closure of a school. Time tonight will not permit it, but we have not gone into the process of managing a closure of a school which is difficult enough. Governments will be going through a process of managing a closure of school and then, if this other process is revised—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: All the time. It is a difficult process to manage the process of closure of a school. The Hon. Carolyn Pickles has never done one so she would not know the difficulties of managing that process. For example, each individual student is counselled and students are managed through a process of visiting all their neighbouring schools on a half day or whatever else it is to look at the variety of other schools that might be available. They are given counselling at those schools in terms of which particular school option they might like to choose. There are transition days. There are a whole range of issues such as that, in particular in relation to secondary schools where there are difficult decisions in relation to subject choices and so on and particular career paths that in particular middle and upper secondary students might be wanting to follow. Whilst that process is going on, you have then got this process coming in. I guess that is the question which is not clear to me from my reading of new section 14B. The member has obviously had a discussion with Parliamentary Counsel on this, I guess. This provision I take it only applies where new section 14A has been activated?

The Hon. M.J. ELLIOTT: I am trying to recall all the questions that were asked then. Yes, new section 14B is only activated after new section 14A. The Minister was talking about handling transition as well. I do not believe that this is creating a problem; in fact I would have thought in some ways it would make it easier because by 15 June, which is still fairly early in a year, the Minister has indicated a desire to close the school. In fact, it is in the year preceding closure. So it will not close at the end of that year; it will close the following year and whether or not there will be a review—

The Hon. R.I. Lucas: What do you mean by that? Do you mean 15 June, say, of this year, that is the year preceding the proposed closure. That is next year it closes or the year after, 18 months away.

The Hon. M.J. ELLIOTT: If you announce it June this year you are talking about the end of the following year.

The Hon. R.I. Lucas: Eighteen months away?

The Hon. M.J. ELLIOTT: The fact is that within quite a short time frame after 15 June you will know whether or not the parent body has objected, so you will know whether or not you are into the review process. Therefore, the question of transition is not a major issue. In fact, transition should be relatively easily handled under the sort of structure that is set up in clause 14B.

The Hon. R.I. Lucas: Are you saying the year preceding the year of the proposed closure?

The Hon. M.J. ELLIOTT: In the year preceding the year of the proposed closure; that is what it says. If you are proposing to close at the end of 1998 you would announce that intention in June 1997. You are doing it 18 months out. Whether or not a review is carried out will not change that date one iota, because the review will be carried out within a relatively short time frame and you still have well over 12 clear months before—

The Hon. R.I. Lucas: When you say the year of the proposed closure—

The Hon. M.J. ELLIOTT: The year preceding the year of the proposed closure.

The Hon. R.I. Lucas: The proposal for Croydon Primary School, for example, is that it will be closed in 1998.

The Hon. M.J. ELLIOTT: At the end of 1998?

The Hon. R.I. LUCAS: No. I am not clear on the legal drafting of this provision. I know that the honourable member intends it to mean 18 months, but I am not sure whether or not it does that.

The Hon. M.J. ELLIOTT: That is certainly what I asked for.

Members interjecting:

The Hon. R.I. LUCAS: The Hon. Angus Redford raises an interesting question. If you do it on 16 June will it be 2½ years before you actually close the school?

The Hon. M.J. ELLIOTT: Let us be sensible about it. If you have a deadline of 15 June you would be an absolute dill to leave it to the last day. You would be aiming to do it a couple of weeks beforehand. If you leave it to 16 June, you just get the dunce's cap.

The Hon. R.I. LUCAS: This is an area where the honourable member, given that he has not had the experience of going through these closures, does not understand the situation very well. It might not be 16 June, but you have a process set in train that as Minister you do not control. You have a review committee which, in the case of the Croydon cluster, will have a district superintendent, six principals and six school council chairs, and you just do not control this body. You have no idea when it will report. You might be recommending to the District Superintendent that it makes sense actually to report in January or February, which then gives you three or four months to make a decision before the 15 June deadline, but the Minister does not control it. He or she can seek to control it but, in the end, if everyone refuses to sign the report or whatever it is, superintendents will say that you have to get it in by a particular date and, generally, that will occur.

I know of some examples where other questions were raised so it gets delayed, and you then have a process where, as a department—and, frankly, as a Minister of the Government you should not be rushed—you have a whole series of questions. People come back and say that if you close this school you will get these sorts of issues and questions that have to be resolved. You will then ask a series of questions as to—if we close this school—how much we spend on facilities at the other school, and you will need to go to Services SA to get a cost estimate of the redevelopment of that school. Again, as Minister you do not control that; it goes off to Services SA or to Crown law, if it is a legal question, and it takes weeks at a time on some of these issues.

It is only when you have all that information collected and you have your own discussions that you make a decision. You could rush the thing through, but that would be foolish in terms of decision making. The reality will be that in some cases a decision cannot be made by 15 June but will be made in August or September. As I understand what the honourable member is saying, in these circumstances it will be 2½ years down the track before the school is closed. If the Minister decided to announce the closure of the school in September this year, the school would not actually be closed until the end of 1999 and the start of the year 2000. How many parents

and students does the honourable member think will be left in the school under those sorts of circumstances?

I cited the examples of Morphettville Primary School and Oaklands Park Primary School under the Labor Government, and there have also been examples under the Liberal Government; it happens under both Governments. When it is highly likely that a school will be closed, parents start moving. When the decision is made, parents start moving to another school. That is in the process of perhaps six months. We make decisions up to about June, and in some cases we give them 12 months notice; that is about the longest we have given in terms of an announcement in, say, January, when we close at the end of the year, or whatever. But we are talking here about 2¼ or 2½ years. The Hon. Mike Elliott and Democrat supporters and perhaps a few others, such as the Hon. Carolyn Pickles' supporters, might be left in the school.

The Hon. T.G. Roberts: The headmaster who started the rumour will have already been transferred.

The Hon. R.I. LUCAS: That is an interesting question, because principals and teachers will not hang around for 2½ years. The Hon. Mr Elliott ought to talk to some of his teachers in some of these schools. They will not hang around for 2½ years in terms of promotion prospects and be left in a position where they are in a school closure situation when they can opt to transfer for a whole variety of reasons during that 2½ year period. Really, 2¼ years is way beyond the pale.

I implore the Hon. Mr Elliott to report progress, at 1.30 in the morning; to go away and have a proper think about what he intends to achieve under the legislation; and then to come back when he has done some drafting, and not have a set of circumstances along the lines that we have talked about earlier, in which you have a school dying for 2½ years. That is what you have potentially. Having announced the closure, the Minister might say 'We've already done this for 12 or 18 months.' That is 2½ years after the process of perhaps 12 months to two years before the decision has been made. You might have the process of a review and eventual closure—in a limited set of circumstances, admittedly—potentially taking 4½ years. We would have gone through three Education Ministers, or at least a couple, by that time, I suspect. Is that a process of good Government management? Is that how you run any sort of department? You certainly would not run a business that way.

Is that how you run any sort of department, where the process of review and closure might take four or 4½ years? You do not run departments that way. You just do not run an education system that way. The Labor Government did not for seven years when it closed down 70 schools, and we have not run it that way for the past four years when we closed down 39 schools here in South Australia. The more you look at the detail of this legislation, the more holes there are and the greater the problems in terms of the drafting from the Hon. Mr Elliott.

The Hon. M.J. ELLIOTT: There have been two occasions in relation to this Bill where I have conceded that some amendment could produce improvement. Frankly, the Minister is just rabbiting on a bit in regard to this clause. He has suddenly managed to stretch 18 months out to four years, and if he kept talking much longer it would go past the decade. He added on a year about every five minutes.

A deadline is set. You can shift it back a month but you can then make the same sort of excuses about why you cannot reach that, either. You set up the structures knowing where the deadlines are and knowing how things work. I do not believe that 15 June being set as the date is a problem. As I said, you could set it back a month and say, 'What about July?' But, if you do that, you could end up running exactly the same argument about 15 July.

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: No, I do not concede that at all. As I said, I have conceded in relation to clause 14A. That could be improved by amendment, but certainly not in relation to this.

The Hon. A.J. REDFORD: It might not be a problem for a backbencher or a member of Parliament, but it is a huge problem for a Minister. If I may, I will ask the Treasurer a question in terms of his experience. If one looks at clause 14C, as proposed to be amended by the Hon. Michael Elliott, one will see that a seven person committee will be established: two persons nominated by the Minister, the Director-General, someone from the Local Government Association, a person nominated by an organisation that represents the interests of parents, the presiding member of the school council, and someone nominated by the Australian Education Union. How many of those people are currently involved in the consultation process under the current process before a decision is made on this?

The Hon. R.I. LUCAS: It can vary, but the general principle is that it would be, for example at Croydon, all the school principals and all the school council chair persons and a district superintendent. In some other cases the parents have decided to elect a representative group of school council chairpersons to be on the committee, rather than having all the school council chairpersons on the committee. Sometimes, the same thing is done with the principals and sometimes—reasonably frequently—an Australian Education Union representative might also be nominated to be a part of the process.

I guess there is some flexibility there and that it depends on who the two persons nominated by the Minister might be. Generally, it would tend to be either that one, or with subclause (b) the district superintendent in the area. So, he or she is the head honcho in the area, and they would tend to be the person to chair the committee. There would be some common linkage with the school council chair. The LGA has intended to be a party to it. Certainly, the balance would be different. I do not think there is any doubt in that, although there is some crossover.

The Hon. A.J. REDFORD: As I said earlier, I am here to help the honourable member get the best Bill possible. Is there a real risk that, in reality, when one looks at numbers, all the honourable member is imposing here is, in effect, an appeal from Caesar to Caesar with a net effect of a 12-month delay? Is it arguable, based on current good practices, that this is just simply an appeal from Caesar to Caesar in that the same people will be involved in the initial decision making process, or people who ought to be involved in the initial process, with the result that the honourable member comes along, sets up this new committee with half of them being the same people and they go through this whole process again to come up with the same result?

The Hon. R.I. LUCAS: As I said earlier, you could not say there would be a direct correlation but, certainly, I would have perhaps thought on reflection that the honourable member might have wanted persons who had not participated previously.

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: Perhaps if he had further consultation he may well have taken some advice. Given

what he wants to achieve it might not be sensible to have all the same people on it. That really depends on how—

The Hon. A.J. Redford: But an unscrupulous Minister might do it. Are we not protecting the world against an unscrupulous Minister?

The Hon. R.I. LUCAS: I guess that is always possible. There is a slightly different make-up. Certainly, there is an element of the Caesar appealing to Caesar, because you could have the district superintendent, the school council chair—

The Hon. A.J. Redford: It's sort of like a Clayton's protection: the protection you have when you're not having protection.

The Hon. R.I. LUCAS: Yes—and a number of others who might well be the same persons who were on the first review committee.

Amendment carried.

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

Page 3, lines 26 to 32—Leave out new clause 14F and insert:

Decision not to accept committee's recommendation to be laid before Parliament

14F. If a committee recommends that a Government school should not be closed and the Minister does not accept that recommendation, the Minister must, within six sitting days after receipt of the report and recommendation of the committee, cause—

(a) a copy of the report and recommendation; and

(b) the Minister's reasons for closing the school and for rejecting the recommendation of the committee,

to be laid before each House of Parliament.

Clause 14F as originally drafted by me looked at publication in a newspaper circulating throughout the State. Rather than that, I am now moving an amendment whereby the Minister will respond to the committee by way of a report to the Parliament itself. I think that is a more appropriate way of responding to the report.

Amendment carried; clause as amended passed.

Clause 4.

The Hon. R.I. LUCAS: Can the honourable member explain why he chose only three schools from Labor electorates to be subject to this transitional provision and not schools that were either in Liberal electorates or were in Liberal electorates at the time of the closure?

The Hon. M.J. ELLIOTT: When I first drafted the amendment it was simply to apply to schools that were closing this year. I cannot remember the exact wording, but it was aimed at all schools closing at the end of this year. However, there was a problem as I could see it at that point in so far as I was not absolutely convinced that Parliament would rise this week and not sit another week, and that, as I understand it, assent could take another 10 days. It was a question of when a school was deemed to be closed or not closed. On that basis I went to Parliamentary Counsel and said, 'I want to tackle this to put it beyond doubt.' Parliamentary Counsel's advice was that I needed to name the schools specifically to put it beyond doubt.

At that point I asked my researcher to make contact with the bodies at the various schools to ascertain the likely reactions to the schools being included or not. I understand that the only three schools where there was an indication that it was likely that there would be a desire for such a transitional clause were these three. The Minister could probably inform us in relation to Camden and the other school involved that some other works have already begun in response to the closures there.

I am realistic enough to know that you cannot unscramble an egg. My understanding was that, at least in relation to those two schools, the egg was well and truly scrambled and that the parent bodies were not likely to request a review of closure. If I have made a mistake there I am sorry, but that is my understanding. It certainly did not relate to whether or not they were Labor electorates.

The Hon. R.I. LUCAS: That is the most feeble explanation of a clearly partisan political approach that the Australian Democrats have adopted in relation to this issue. One of the issues that was raised in the election campaign was that if you go down the Democrat path you are likely to end up down the Labor path.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: I am just asking you why you only picked out Labor electorates. That is the issue.

The Hon. M.J. Elliott: Do you want me to put Camden in?

The Hon. R.I. LUCAS: It is your Bill. I want to know why you only did this.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: You had nothing to do with it?

The Hon. M.J. Elliott: I said that it had nothing to do with what the electorates were.

The Hon. R.I. LUCAS: The honourable member said that his staff member consulted with the various communities. Without naming the person, can he say who was consulted to determine whether or not they should be included on the Hon. Mr Elliott's magic Christmas card list of transitional provisions in this Bill? Was it the school council Chair or the principal or someone who happened to answer the telephone at the time the honourable member's researcher rang?

The Hon. M.J. ELLIOTT: I understand that the principal and school council Chair of all those schools were among the people who were spoken with.

The Hon. R.I. LUCAS: Is the honourable member indicating that, for all the other schools that are closing at the end of this year, the principal and the school council Chair said they did not want to participate in this transitional provision in the legislation?

The Hon. M.J. ELLIOTT: That is my understanding, but I also stress they were not the only people spoken with.

The Hon. R.I. LUCAS: What does the honourable member mean by that? If the researcher rang a school such as Netley and the school council Chair said, 'Yes, I would like to be part of this transitional provision,' does that mean that the researcher spoke to someone else he knew at that school and if they said something different he did not put them into the transitional provision? What does he mean by saying that he understands that they were not the only ones consulted?

The Hon. M.J. ELLIOTT: As I said before, I understand that the spokespersons for the school councils and the principals were spoken with, but I cannot give the Minister the names and addresses of everybody else who was spoken with, but I understand that a number of others were spoken with, as well.

The Hon. R.I. Lucas: And school council Chairs?

The Hon. M.J. ELLIOTT: As I understand it, yes.

The Hon. R.I. LUCAS: What the Hon. Mr Elliott is saying is that the principal and school council Chair of Netley and Camden indicated that they did not want to be part of this transitional provision.

The Hon. M.J. ELLIOTT: I did not speak with them but that is my understanding, yes. I will not resist either of them being incorporated in the Bill if it is causing you loss of sleep.

The Hon. R.I. LUCAS: The whole Bill is causing me loss of sleep because it is an absolute mess; it is an absolute

debacle. In relation to McRitchie Crescent Primary School, for example, here we are on 10 December, less than eight days away from the end of the school year, and I presume, although I will need to check this tomorrow, the principal and staff have all applied for transfers to other locations next year because, as the honourable member should know, the transfer process for teachers and principals is generally well and truly resolved by this time of the year.

What does the honourable member think will happen in a school such as McRitchie Crescent Primary School should this legislation pass on Thursday or Friday? What will happen if virtually nobody or a very limited number of parents at McRitchie Crescent Primary School decide to return to the school?

The Hon. M.J. ELLIOTT: I can only indicate that from the advice that I have received from the parent body at least at McRitchie Crescent, I do not think that the scenario that the Minister has painted is anywhere near likely.

The Hon. R.I. Lucas: In terms of teachers and principals?

The Hon. M.J. ELLIOTT: No, I thought that you were saying in terms of parents deciding that they did not want their children to return to that school.

The Hon. R.I. LUCAS: What about the teachers and principals? What are you intending there?

The Hon. M.J. ELLIOTT: My intention is that, where they were not actively seeking a transfer, they would remain.

The Hon. R.I. LUCAS: That would already have been done. The Hon. Mr Elliott knows full well that, much earlier than middle to late December in any year, teachers and principals have put in applications for transfers and may well have already taken family and career decisions to move to a new school community or to a new area. What will happen with McRitchie Crescent Primary School if that is the circumstance, and I do not know whether that is the circumstance? As the honourable member knows, it is difficult enough to attract people for long-term positions in Whyalla, but whilst this further review goes on, even though it will not change the Government's decision, the school will be kept open for a small number of students but the department will have to find a principal, other leadership positions and staff to fill in for the school for next year. I do not know, but a completely new staff may result, and in terms of continuity that does not make any sense at all in terms of primary school provisions for those students.

I assume that Croydon Primary School would have a reasonable number of students who would return next year, but on my information some of those parents—I would not put a number on it—having made the decision now, will continue to send their students to the new school. I am not sure about Croydon Park Primary School at all. If the Government, through the Premier and others, makes it quite clear that forcing through this process will mean only a 12-month delay in the inevitable, the situation at McRitchie and Croydon Park might develop where not only have teachers and staff won other positions and therefore are heading off, but also the decision has been made to transfer resources. I know that Croydon Primary School opposed such a measure but some schools may well be moving through a sharing out and distribution of resources such as—

The Hon. M.J. Elliott: They started and they have stopped.

The Hon. R.I. LUCAS: At Croydon they have, but I do not know whether that can be said about McRitchie. In a lot of cases, schools which are managing a process do not leave it to the last day because the teachers have all gone. During the last term, particularly in December, a process of transfer of resources has already been undertaken. It may be that resources such as books and other things from the library have been transferred or committed to other school communities. It might be things as simple as sporting equipment, for example, and in particular winter sporting equipment, which might have been distributed to other school communities.

I am presuming that the Hon. Mr Elliott will say that someone will have to get it all back, or they will go without for next year because they have given it away and it would not make sense to purchase it for one year. They are just some examples of managing the transition of a closure which will be well and truly advanced by the middle of December and which will be in some cases impossible and in other cases very difficult to unravel, given the lateness of the hour of this decision.

There being a disturbance in the Strangers' Gallery:

The CHAIRMAN: Please desist from interjecting from the gallery.

The Hon. M.J. ELLIOTT: The Minister asked two questions. The first was about staffing resources. If we take McRitchie as an example, the students are not leaving Whyalla but they will be going to other schools, so there will still be a necessity for the sort of programs that were being offered at McRitchie to be offered elsewhere. With the exception of the leadership positions, I cannot imagine that there would be any substantial difference in the net number of teachers in Whyalla. Talking about having to get people to Whyalla is a slight stretch, because the students will still be there. While there will be some variation in class size between a smaller and a larger school, it will not be significant. I do not believe that the net impact on staff numbers in Whyalla—other than the Principal's position—will be substantial.

The Hon. R.I. Lucas: Have you checked it?

The Hon. M.J. ELLIOTT: Commonsense says that, if the number of students in Whyalla stays the same and if staffing ratios stay essentially the same, you will end up with about the same number of staff, regardless of their position between schools. It has a greater impact in relation to principals and to some other additional staff SSOs. In terms of classroom teachers, which I thought was the problem the Minister was raising, the Minister should recognise readily there would be a minor variation in the number teaching bodies, regardless of the disposition of the number of schools. I know that no resources are being reallocated at Croydon, and to the best of my knowledge that issue has not been raised in discussions with the other schools.

Clause passed.

Title passed.

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

That this Bill be now read a third time.

I do not want to extend things further but I indicate that in relation to new section 14A(2)(b), where the Government has indicated that better wording should be possible, I agree with it. In exactly the same way as Bills have been sent from this place in the past when the Liberal Party was in Opposition, knowing that the Bills are going to come back with changes, I indicate that I would support changes to 14A(2)(b) which makes quite plain that a majority of parents have to request such a review and also, if we are talking about adult students, they would be speaking on their own behalf and not requiring parents.

The other issue that had some substance concerns very small schools, and this was raised by the Hon. Nick

Xenophon and I suppose, in a sense, also by the Minister. I note that the New South Wales legislation had one mechanism which referred to the number of teachers instead of the number of students. That might be possible, and I do not see a difficulty with such an approach either.

The Hon. R.I. LUCAS (Treasurer): It will not surprise the Hon. Mr Elliott and others to know that the Government strenuously opposes the third reading. This is a debacle of a Bill. As I indicated earlier, it was conceived by the Hon. Mr Elliott to cheer chase the Croydon Primary School parents and also the Australian Education Union. I will not go over all the detail of that, as I have indicated that in my second reading contribution. The sad thing is that, in cheer chasing, the Hon. Mr Elliott has inflicted a mess of a Bill on this Chamber—one where he acknowledges some deficiencies. Frankly, he has acknowledged all the difficulties, problems and drafting sloppiness in this legislation, and that is just on the drafting side.

The Hon. A.J. Redford: He's proven to us why he'll never be with us.

The Hon. R.I. LUCAS: You never know, he might join the Labor Party; he might do a Cheryl. As well as being sloppily drafted, and the problems associated with that, this legislation will mean that in many cases a school closure process will take at least three years—

The Hon. A.J. Redford: And get the same result.

The Hon. R.I. LUCAS: Yes—because the Government departmental review will be conducted. As I said, that can take somewhere between 12 months and two years in a good number of cases, with an average of 18 months for some cases—I am not saying for all. Then, under the honourable member's proposal, there will potentially be at least another 18 months, and it might be as much as 2¼ or 2½ years before the school finally closes. What the honourable member, this Bill and the majority in this Chamber are saying is that we will have a period of three years minimum—potentially as long as a bit over four years—from the start of the review process to the final closure of the school. That is just a recipe for disaster and chaos, and frankly it comes from someone who has no notion at all of running a Government department or, indeed, a Government agency. On behalf of Government members, I indicate that we strenuously oppose the third reading.

The Hon. A.J. REDFORD: I make one point. I have children who were in a school that was part of a group of schools that the Government was considering closing. The uncertainty of the teachers just with the existing process, and of parents and children was extraordinary. The honourable member wants to extend that out by another 18 months. It is bizarre and, as a parent, I would much rather lobby for the decision, put my submissions in and, when there is a nice clean result, get on as a parent and get on with educating with my children.

There being a disturbance in the Strangers' Gallery:

The PRESIDENT: Order! If there is any more interjection from the gallery, I am afraid we will have to remove you, and we do not want to do that.

The Hon. A.J. REDFORD: If there is another outburst, I am absolutely entitled to ask that this place be adjourned and we will come back and deal with this matter tomorrow. The honourable member's Bill is seeking to drag out the pain. At the end of the day, if the Minister is stubborn, he or she can still close the school. Every now and again we get Ministers like that—not under this Administration, of course—and we are stuck with it. All that has happened here with this legislation is that you have extended the pain. You have extended the process with what I see as no real tangible benefit. Having been a parent who has gone through this process, it is difficult for the teachers and the parents, and there is uncertainty. I went through this period of uncertainty with teachers for eight months. What the honourable member wants is to extend it out potentially by another 18 months. It is ludicrous.

The Hon. M.J. Elliott interjecting:

The Hon. A.J. REDFORD: 18 months. It works this way. The Minister goes through the process—he or she will not bother to give notice of their own consultation process—gives the notice on 14 June, a committee is appointed and you go through that process for another 18 months. It is cruel and inhuman punishment for parents and children. Under a responsible system of Government we give Ministers the job to do a certain task. We do not all agree with everything Ministers do, even if you are on the Government benches with Ministers, but at the end of the day that is what they are appointed to do.

Every four or so years we have an election and if the Ministers do not perform they are voted out and treated on their record. When a Minister is appointed they ought to be allowed to get on with the job. This Bill is stupid because it does not allow the Minister to do that in any sensible way. It gives the Minister little flexibility. In some cases it encourages a manipulation of the system—and for what? For absolutely nothing because if the Minister is stubborn the school will still close. I fail to see the point of this legislation in any genuine sense.

The Hon. T. CROTHERS: Over the past hour and a half I have witnessed what I have to call, and without naming names, no debate to do with the Bill at all. Members in this Chamber would know that this is a private member's Bill and, as a consequence, it goes to the other place where the Government, with the support of the two Independents and the National Party member, has the numbers to do what it wishes to do with the Bill. If it passes this Chamber we will send it to the other place, where I have no doubt the Hon. Mr Elliott's private member's Bill will be knocked off.

The Hon. R.I. Lucas interjecting:

The Hon. T. CROTHERS: That is okay, but if he has not then it will get carried. I hope this is not a vote of confidence in the Government. If the numbers are not there in the other House to pass the Bill then the mechanics of the parliamentary procedures come into effect, and that is that governing bodies of both Houses will meet in an endeavour to thrash out any differences and if nobody yields then the same measure would occur to the Hon. Mr Elliott's Bill as occurs to other Bills where no agreement between the Houses can be reached. Whilst I appreciate the Leader's position as the former Minister for Education wanting to make his position particularly clear on this issue, I think there has been a fair bit of prolixity with respect to our Standing Orders regarding the debate in this matter. I do not mind; I can stay here all night. I have nobody to go home to.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. T. CROTHERS: There goes the master of prolixity again, the young Mr Redford. I really do need some protection from this individual. I indicate that I will be supporting the third reading stage of this Bill, and then the

matter can be debated full term. Once it goes to the other place, any consequential amendments that might be proffered by the other place can then be considered by the mover of the Bill. That position with respect to procedure was well known to everyone in this Chamber tonight from about 11.30 p.m. onwards. It is now 2.5 in the morning. Well might we ask what this long winded debate was all about. I understand the former Minister for Education and the present Treasurer wanting to put his point of view on the record. I cannot understand the amount of prolixity that I witnessed tonight with respect to debating this Bill. Finally, and somewhat reluctantly, I conclude by saying that I will support the third reading of the Bill.

The Council divided on the third reading:

AYES (9)

Crothers, T.	Elliott, M. J. (teller)
Gilfillan, I.	Holloway, P.
Kanck, S. M.	Pickles, C. A.
Roberts, T. G.	Weatherill, G.
Xenophon, N.	

NOES (6)

Davis, L. H.	Dawkins, J. S. L.
Lawson, R. D.	Lucas, R. I.
Redford, A. J.	Schaefer, C. V.

PAIRS

Cameron, T. G.	Griffin, K. T.
Roberts, R. R.	Laidlaw, D. V.

PAIRS (cont.)

Zollo, C.	Stefani, J. F.

Majority of 3 for the Ayes.

Third reading thus carried.

STATUTES AMENDMENT (MINISTERS OF THE CROWN) BILL

Returned from the House of Assembly without amendment.

MOTOR VEHICLES (HEAVY VEHICLES REGISTRATION CHARGES) AMENDMENT BILL

Returned from the House of Assembly without amendment.

ROAD TRAFFIC (SPEED ZONES) AMENDMENT BILL

Returned from the House of Assembly without amendment.

ADJOURNMENT

At 2.12 a.m. the Council adjourned until Wednesday 10 December at 2.15 p.m.