LEGISLATIVE COUNCIL

Tuesday 16 November 1999

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

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions on notice be distributed and printed in *Hansard*: Nos 14, 52 and 53.

ROADS, RESEALING

14. **The Hon. R.R. ROBERTS:**

1. (a) Has the main arterial tourist highway between Port Wakefield and Port Broughton been assessed for re-sealing; and
   (b) If not, will priority be given to an assessment?
2. When can residents and tourists expect the resealing and upgrading of this particular highway?

The Hon. DIANA LAIDLAW:

1. The arterial road links connecting Port Wakefield, Kulpara, Bute and Port Broughton have been assessed as part of a regular asset condition auditing process carried out on all roads under the care and control of Transport SA.

Transport SA recognises that some sections of the route have relatively high roughness. However, they are maintained in a safe and trafficable condition in accordance with Transport SA's maintenance standards.

2. A sum of approximately $300 000 has been budgeted in the 1999-2000 financial year for reseal and rehabilitation works along sections of the route between Port Wakefield and Port Broughton. This work includes 9km of resealing works north of Kulpara, rehabilitation in excess of 1km north of Bute to improve safety and rideability, and additional shoulder works to improve safety.

Reseal and rehabilitation works are expected to commence in January 2000 and be completed by late March 2000.

As part of the continuous improvement of the road network, further remedial works will be included in a list of candidate projects for future funding. However, it will be necessary to prioritise this project against other State-wide projects. This approach ensures that the funds available each year are allocated to the projects where the greatest benefit can be provided to the community as a whole.

CONSUMER AFFAIRS COMPLIANCE UNIT

52. **The Hon. T.G. CAMERON:**

1. How many officers does the Office of Consumer Affairs Compliance Unit currently employ?
2. What are their duties?
3. During 1998-99, how many supermarkets and shops did the officers visit?
4. During 1998-99, how many warnings and/or prosecutions were issued by the Consumer Affairs Compliance Unit against supermarkets and shops visited?
5. What is the annual budget of the Consumer Affairs Compliance unit?

The Hon. K.T. GRIFFIN:

1. The Compliance Unit is a section of the Office of Consumer and Business Affairs (OCBA). The unit has eight permanent employees, and one graduate legal officer employed on a 12 month traineeship.

2. The role of the compliance unit is to promote compliance with the Fair Trading, Occupational Licensing, and Births Deaths and Marriages Registration legislation administered by OCBA. The primary focus is on providing education and advice to traders, occupational licensees and others, to foster awareness of legal rights and responsibilities. This is backed up by an inspection and monitoring program, in which compliance unit officers visit building sites, shops, hotels, entertainment venues etc.

In cases where non-compliance persists or serious breaches are detected, more strident action is taken, such as public naming, disciplinary action or prosecution.

In the financial year just ended, OCBA instigated disciplinary action or prosecution in 43 serious cases. These included disciplinary action in relation to insolvencies, bankruptcies or unlicensed or shoddy work. A specific campaign in the second hand vehicle industry against unlicensed dealers led to several prosecutions and disciplinary actions being taken. Several security agents had their licences suspended following disciplinary action taken by OCBA in response to the agents being convicted of recent offences. Other actions included prosecutions against promoters of pyramid schemes and against a Funeral Director for breaches of the Births Deaths and Marriages Registration Act. The compliance unit played a major role in all of these.

3. During 1998-99, as one component of its ongoing monitoring and inspection program, the compliance unit led visits to over 800 retail premises in South Australia. Other staff of OCBA participated as necessary, as did staff of the Australian Competition and Consumer Commission during a campaign to educate traders on the law relating to refunds.

4. In 1998-99, there were no prosecutions arising from the shops and supermarkets inspection program. However, numerous verbal warnings were given as a result of incorrect 'No Refund' signs displayed in premises, and shopkeepers were advised of consumers' rights in relation to refunds.

Supermarkets were audited to check their compliance with the code of practice for computerised Checkout systems in supermarkets. Where discrepancies were found, they were generally in favour of the consumer. Those supermarkets where discrepancies were found were very responsive to making the necessary corrections promptly.

5. The compliance unit's total budget for 1998-99 was $497 000.

Industry associations in particular have strongly urged the government to undertake the type of activity performed by the compliance unit, to 'weed out' the undesirable, dishonest and incompetent operators, and to promote public confidence in the various industries regulated by OCBA.

ENVIRONMENTAL PROTECTION AUTHORITY

53. **The Hon. T.G. CAMERON:**

1. How many prosecutions has the Environmental Protection Authority launched against offenders during the years:
   (a) 1993-94;
   (b) 1994-95;
   (c) 1995-96;
   (d) 1996-97;
   (e) 1997-98;
   (f) 1998-99;
2. Of these, how many were successful for the same time periods?
3. What is the average fine following a successful prosecution?
4. What is the maximum fine allowed under the current legislation?

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

The Environment Protection Authority was not created until 1995; accordingly the 1993-94 and 1994-95 figures are not applicable to this question.

1. (a) 1993-94; Not applicable
   (b) 1994-95; Not applicable
   (c) 1995-96; Nil
   (d) 1996-97; Nil
   (e) 1997-98; 2
   (f) 1998-99; 2
2. (a) 1993-94; Not applicable
   (b) 1994-95; Not applicable
   (c) 1995-96; N/A
   (d) 1996-97; N/A
   (e) 1997-98; Both successful
   (f) 1998-99; Both successful
3. To date the average fine imposed by the courts regarding the prosecutions actually undertaken is $13 000.
4. The maximum fine able to be imposed for a single offence is $1 000 000 and relates to serious material harm to the environment as a result of pollution caused intentionally or recklessly by a body corporate.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

Office of the Commissioner for Public Employment—
Report, 1998-99
Office of the Commissioner for Public Employment—
South Australian Public Sector Workforce Information, June 1999
Regulation under the following Act—
Education Act 1972—Teachers' Registration

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

Reports, 1998-99—
Department of Correctional Services
Industrial Relations Advisory Committee
South Australian Metropolitan Fire Service

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

Regulations under the following Acts—
Emergency Services Funding Act 1998—Remission of Levy
Liquor Licensing Act 1997—Dry Areas—Brighton

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

Reports, 1998-99—
Arid Areas Water Resources Planning Committee
Board of the Botanic Gardens and State Herbarium
Clare Valley Water Resources Planning Committee
Eyre Region Water Resources Planning Committee
Homestart Finance
Mallee Water Resources Planning Committee
Office of the Ageing
River Murray Catchment Water Management Board
Water Well Drilling Committee
Regulations under the following Act—
Road Traffic Act 1961—
Road Rules—
Miscellaneous
Readers' Guide
Variation—Clearways

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

Reports, 1998-99—
Community Information Strategies Australia
Disability Information and Resources Centre Inc
Jam Factory Contemporary Craft and Design Inc
South Australian Museum Board
Department of Industry and Trade

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

The Hon. J.S.L. DAWKINS: I lay on the table the report of the committee on mining oil shale at Leigh Creek.

NEW YEAR'S EVE

The Hon. R.I. LUCAS (Treasurer): I seek leave to table a copy of a ministerial statement made by the Premier in another place on the subject of the New Year's Eve IR deal.

Leave granted.

BUS AND RAIL TERMINALS

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I seek leave to make a short ministerial statement on the subject of bus and train terminals.

Leave granted.

The Hon. DIANA LAIDLAW: Yesterday and today the *Advertiser* newspaper took great liberties with an answer I gave to a question in the Legislative Council last Thursday 11 November relating to the bus and rail terminals in the city. Any fair and reasonable, let alone accurate, reading of my comments will confirm that I was referring to a very specific issue—that of integrated infrastructure and services in the central business district—when I used the word 'shambles'. Yet the *Advertiser* has reported my comment as applying to the public transport system as a whole.

This distortion, whether deliberate, mischievous or in ignorance, has definitely achieved a better headline for the newspaper. However, it is a false reporting of my comments and a most regrettable reflection on the system as a whole. As I stated last Thursday: neither the Keswick interstate train terminal nor the Adelaide bus terminal are owned by the state government—and they never have been.

The government is working with Great Southern Railway and the Adelaide City Council respectively to improve the integration of services in the public interest. The Adelaide City Council has incorporated an upgrade of a new bus terminal in its capital works agenda—and I welcome this investment decision. A report on the future of interstate train services at Keswick or the Adelaide train station is imminent. Meanwhile, I am pleased to advise that, last month, the public transport network recorded an across-the-board increase in patronage. This is terrific news.

QUESTION TIME

PROBITY AUDITOR

The Hon. CAROLYN PICKLES (Leader of the Opposition): I direct my question to the Treasurer. Given that the first probity auditor for the ETSA privatisation stood down due to a conflict of interest, can the Treasurer assure the Council absolutely that the process has not been contaminated and that no inside information has been passed onto any of the bidders?

The Hon. R.I. LUCAS (Treasurer): The government is confident, given all the advice I have received, that the decision for the original probity auditor not to continue in the task was handled appropriately and that all issues were properly advised. That is the advice that has been provided to me. I have not been provided with any evidence or indication that any concern has been raised in relation to the sorts of issues that the Leader of the Opposition has just canvassed.

ETSA CONSULTANCIES

The Hon. P. HOLLOWAY: I direct my question to the Treasurer. Given that more than $60 million has been spent so far by the government on ETSA sale consultants and given the current serious problems with the ETSA lease process they have helped put in place, as identified by the Auditor-General, is the government examining legal options to recover money and withhold fees from these consultants? If not, why not?

The Hon. R.I. LUCAS (Treasurer): The honourable member's question is based on a false premise. It is a good try, but he will have to try again.

The Hon. K.T. Griffin: He still won't get anywhere, though.

The Hon. R.I. LUCAS: No; he still won't get anywhere. In my absence last week the Auditor-General raised a number of questions and, as is always the case, the government has indicated that it will give any issue that the Auditor-General raises proper and appropriate consideration. We are in the process of doing that. I met with the Auditor-General for a couple of hours yesterday and I had a further, briefer meeting

with him this morning. I have given him an undertaking on behalf of the government—which really did not need to be given because it is just a statement of the normal process of the government—that we are more than happy and willing to work cooperatively with the Auditor-General and his staff and officers in the interests of reaching a resolution of any concerns that he might have. As I have indicated on a number of other occasions, having given proper consideration to any concerns that the Auditor-General has raised, in some isolated circumstances there may well be the odd occasion when the government and the Auditor-General do not have entirely the same view, and the Auditor-General obviously understands that position.

But the government does not start from that position. We are starting from the position of listening to the issues he has raised. We will provide information to him and to the Economic and Finance Committee. It may well be that, when that information is received, what are perceived to be significantly different approaches to important issues are not so different. Ultimately that is a judgment for the Auditor-General and for others to take. I am very hopeful that, working cooperatively with the Auditor-General and his staff, we can reach a resolution on most of these issues and still stick with, most importantly from the viewpoint of the taxpayers of South Australia, the timetable and program that has been outlined.

ELECTRICITY, PRIVATISATION

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Treasurer a question on probity.

Leave granted.

The Hon. T.G. ROBERTS: I refer to an article in today's *Age*, by Penelope Debelle and headlined '$4b electricity sale in SA faces crisis', which states:

> The South Australian Government's planned $4 billion electricity sale faces a crisis this week over the possible release of damaging information about the tendering process. Matters raised in secret before a parliamentary committee last week by the Auditor-General, Mr Ken MacPherson, are believed to include a possible conflict of interest, the potential for litigation arising from the bidding process, and the timing of the receipt of at least one bid.

We found in the select committee that we had on the water contract that one bid arrived some four hours late after acceptances had closed, that other bids had been photocopied and distributed—

The Hon. L.H. Davis: Two late bids, in fact—not one.

The Hon. T.G. ROBERTS: There were two late bids, that is right, and they were photocopied and distributed. There was the issue of the use of mobile phones in the closed lock-up at that time, and there were other breaches of probity during that very important period, at the end of the assessment, which led to some of the bidders laying complaints of foul play. My question is: can the Treasurer outline—

The Hon. L.H. Davis interjecting:

The Hon. T.G. ROBERTS: The committee did not report—

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: I have just said that there were claims by some of the bidders that the process was not acceptable to them, and we did take evidence on that, although we did not make any findings. My question is: can the Treasurer outline the protocols for the acceptance of any late bids or expressions of interest in the ETSA privatisation process?

The Hon. R.I. LUCAS (Treasurer): The honourable member will be delighted to know that the probity auditor was present during the opening of the bids—and we are talking of the indicative bids, not the final bids. I will need to check, but I am fairly sure that there were two separate cameras containing film and operating during that process. The probity auditor has raised no concerns at all. I understand that he was happy with the total process. I think that that satisfactorily resolves the concern. It is fine for the honourable member to go back to history and precedent but, in relation to this event, I understand that there were not dissimilar concerns that the honourable member might have had some fears about.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: It will be the same. The probity auditor, the Auditor-General, Tom Cobley and a whole variety of people will be there, working with the Auditor-General and the probity auditor. That is the way that we have structured this deal.

STATE RECORDS

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Administrative Services a question about State Records.

Leave granted.

The Hon. J.F. STEFANI: In a recent media report I noticed with interest that the original plans of Old Government House at Belair National Park had been presented to State Records. In South Australia we are fortunate to retain and preserve a number of important historical buildings, and I was therefore somewhat surprised that the original plans of Old Government House at Belair had not been previously lodged with the state archives. Can the minister advise what steps are being taken by the government to ensure that the valuable historical records of our state are being preserved for future generations?

The Hon. R.D. LAWSON (Minister for Administrative Services): It was a pleasure for State Records to receive from the Friends of Old Government House at Belair an indication that the friends had in their possession the original plans for that historic building, which was constructed in about 1860. The friends had apparently displayed the plans at Old Government House at some time in the past, but they had been removed from display and had been severely damaged by water.

The friends had a certain amount of conservation work undertaken on the plans through Artlab, and those plans were then formally presented to State Records at a small ceremony that I was delighted to attend. It is worth recording that Old Government House at Belair, I think one of the hidden gems of our past, is very strongly supported by a group of dedicated volunteers who are friends of the organisation. They staff Old Government House and show people through the house as well as the gardens, which I think are a tribute to all responsible for the conservation and preservation of this delightful part of our history.

State Records is charged with the statutory responsibility of preserving documents of enduring historical value for future generations, and I think it is testament to the dedication of the volunteers that they not only made this presentation but also at their own expense, with the support of some sponsors, undertook the conservation work themselves. State Records is dedicated to the preservation and retention of documents. At its repositories, both at Netley and elsewhere, it is doing

a great job in ensuring that this part of our history is recorded and preserved for future scholars and generations.

PIPPOS, Mr N.

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General a question relating to the settlement of legal action against Sergeant Nick Pippos.

Leave granted

The Hon. IAN GILFILLAN: Earlier this month two separate actions were begun in the Adelaide Magistrates Court against Sergeant Nick Pippos of the South Australia Police Vice and Gaming Task Force. One was a civil suit and the other was a private criminal prosecution, which is something quite rare. The action arose out of an incident which occurred when the Vice and Gaming Task Force was raiding a Kent Town massage parlour on 17 June this year. Both actions were brought by lawyer Tony Tropeano, who alleged that he was assaulted by Sergeant Pippos. Video footage of the incident captured on security cameras at the massage parlour was shown on Channel 7. Both sides briefed queen's counsel to represent them, and I understand the case lasted several days before an out of court settlement was reached last Friday. Neither party will reveal the nature of the settlement, but my inquiries lead me to believe that many tens of thousands of dollars, at least $100 000, must have changed hands to persuade Mr Tropeano to withdraw the charges. My questions to the Attorney are:

1. How much taxpayers' money was or is likely to be involved in this settlement?

2. How much of the settlement was to pay for the legal costs of each party, and how much was for damages?

3. Assuming that taxpayers' money has been spent on this settlement, is there any justification for keeping it confidential?

4. Does the government pay for the defence and/or settlement costs of every employee who is defending criminal or civil charges?

5. On what basis does the government decide whether or not to pay for the legal defence and/or settlement of claims against its employees?

6. Are those decisions made under guidelines that are different from those which the Legal Services Commission uses to allocate funding for members of the public defending criminal or civil actions?

I realise the Attorney will not be able to answer the next two questions and may need to seek information about them. They are:

7. How much money does the government spend each year defending employees who are facing charges of assault or other criminal offences?

8. How much money does the government spend each year defending or settling cases where employees face civil suits for assault or other civil wrongs?

The Hon. K.T. GRIFFIN (Attorney-General): I do not know what money, if any, was paid in relation to the settlement that was reported in the *Advertiser*. I will make some inquiries. I will endeavour to bring back replies to all those questions.

The Hon. IAN GILFILLAN: I have a supplementary question, Mr President.

The PRESIDENT: The honourable member should bear in mind that there is not a supplementary question unless it is based on an answer, and I do not believe there has been an answer.

The Hon. IAN GILFILLAN: Mr Attorney, the questions related to other than Mr Tropeano's case. I was asking for answers in general terms.

The Hon. K.T. GRIFFIN: I am not really sure what that means. I have said I will get some answers. There is a policy generally of providing either representation or indemnity for employees in certain cases. It is not at large. But if the honourable member wants the detail of that, I will get it.

PROBITY AUDITOR

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Treasurer a question on ETSA.

Leave granted.

The Hon. CARMEL ZOLLO: In his report, the Auditor-General stated:

> On 11 October 1999, I requested the Treasurer to provide me with a copy of this legal advice [in relation to the Electricity Reform and Sales Unit] by 20 October. At the date of preparation of this report, that is, 26 October 1999, I have not received a copy of that advice. With respect to the Treasurer and his legal adviser, I am not able to agree with his legal advice that there is not a contractual scope limitation regarding the responsibilities of the probity auditor.

The Auditor-General told the Economic and Finance Committee that, at the date of preparation of his report, 26 October, as I said, he had not received a copy of that advice. My question to the Treasurer is: why did the government fail to respond to this request from the Auditor-General for crucial advice on the responsibilities of the second probity auditor for the sale of ETSA, as requested by the Auditor-General, prior to the completion of his report to parliament?

The Hon. R.I. LUCAS (Treasurer): I would need to check the precise dates. But let me go on memory, which generally works, although sometimes fails me; so let me at least say that in terms of protection. My recollection is that the letter went to the Auditor-General obviously the day after he finished the writing of the report and, obviously, before he submitted it. I think it was 27 October, as opposed to 26 October. The letter made it clear to the Auditor-General. I have been advised that, prior to the letter going, my staff advised the Auditor-General's staff of the nature of the response that was coming back to the Auditor-General. It just had not been conveyed in writing at that stage. I had not signed the letter, but the information in the letter was provided by some of my staff to some of the Auditor-General staff, so I am told.

Nevertheless, the letter of 27 October, I think it was, confirmed to the Auditor-General that one of my officers had had discussions with and taken advice from crown law. The advice was not written but of a verbal nature. The names of the two crown law officers were provided to the Auditor-General (I am not sure whether in the letter or verbally) so that the Auditor-General's staff could speak to the crown law officers if they wished to confirm the nature of the discussions they had with my officers and the advice that they had provided.

It is a fairly simple explanation: it was not written advice. Therefore, it is not that I was unable to provide him with written advice, as it was verbal advice that had been taken from crown law. He has expressed the view that he has a different legal view on this issue from the crown law advice that I have taken.

The Hon. P. HOLLOWAY: As a supplementary question, why did the Treasurer not announce the resignation of the first probity auditor and why did the Treasurer not state that the probity auditor had been replaced, when answering questions in this parliament on the progress of the ETSA lease?

The Hon. R.I. LUCAS: I do not think that the Hon. Mr Holloway or, indeed, anyone else asked me.

AGED CARE FUNDING

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for the Ageing questions regarding residential aged care and federal/state funding arrangements.

Leave granted.

The Hon. T.G. CAMERON: Over the past few years we have witnessed a fast track of reform in the area of residential aged care. Mr Viv Padman, the Director of Padman Health Care, in his address at a recent aged care conference welcomed the reforms for which the residential aged care industry had been crying out for years. These ranged from a certification and accreditation process to the accommodation charge, which will go some way toward meeting the cost of renovations and new buildings. However, there is acknowledgment that the pace of these reforms has caused considerable stress and heartache to both nurses and carers.

Currently, the taxpayer is spending something like $3.5 billion a year to house 130 000 Australians in residential aged care, an increase of 42 per cent since 1966. South Australia has received an increase in funding of $95 million since 1996. However, when you quarantine the accommodation charge income for rebuilding from the aggregate income strain, funds available for nursing have dramatically decreased in real terms by 4 per cent. The industry has been arguing for over a decade that the arbitrarily chosen figures to determine subsidies to the states are wrong.

Recently, the Productivity Commission supported this and unequivocally determined that the maximum deviation from the average running costs of aged care facilities right across Australia is only 3 per cent, yet subsidies vary by up to 20 per cent. Quite simply, South Australia is not receiving its fair share of the aged care dollar.

A simple examination of subsidy rates reveals that a South Australian 50 bed high care facility receives $175 000 less per year than a Victorian one with equivalent categories of residents. This represents the cost of funding five extra staff members on the floor of a 50 bed facility. On top that, there have not been any new facilities developed in South Australia by the private sector in the past 10 years, despite facilities being built all around the rest of the country. My questions are:

1. Will the minister take up this grossly inequitable and unfair funding arrangement with the federal minister (Bronwyn Bishop) and stand up for the older people of South Australia—and do not be frightened of her, she is not that tough?

2. Does the minister agree with the recent statement by Mr Viv Padman that this is a discriminatory practice and is a gross violation of the Constitution of Australia?

The Hon. R.D. LAWSON (Minister for the Ageing): I am aware of the disparity that exists between the nursing home subsidies paid to operators in South Australia and those paid in Tasmania, New South Wales and Victoria. This disparity arose under the Labor administration at a time when the honourable member was a member of that party, in 1987. Since that time, the funding mechanism that was put in place has operated to the detriment not only of aged care home operators in this state but, more particularly, of the residents of aged care facilities. There are about 14 000 elderly South Australians in our aged care facilities.

To its credit, the federal government recognised that the system introduced by the Labor Party in 1987 was unfair. Warwick Smith, the then minister, as part of the aged care reforms introduced a system called 'coalescence' under which the subsidies paid to all states would, over time, be brought into conformity. That policy envisaged that it would take seven years in which to achieve that parity. At that time, the South Australian government made representations to the commonwealth government that the process of coalescence should be speeded up and that parity should be introduced earlier in the interests of South Australians.

The Commonwealth then commissioned the Productivity Commission to examine this issue, because there had been objections from operators on the eastern seaboard to the process of coalescence. The Productivity Commission's report was released in March this year. As the honourable member said in his introductory explanation, the Productivity Commission found that there really was only a 3 per cent (plus or minus) variation in the cost of operating aged care facilities across the country.

The Productivity Commission confirmed that there was no rational basis at all for any disparity and certainly no substantial disparity of the kind which presently exists. The Productivity Commission also provided a possible solution for the federal government to adopt to speed up the process of coalescence by using the money available annually through indexation to bring up the level of subsidies paid in South Australia and Queensland.

To date, the commonwealth government has not made any decision on this matter. It is true that the federal minister, the Hon. Bronwyn Bishop, has expressed a number of views about this matter. She has reminded operators in South Australia that a substantially greater amount in monetary terms is now paid to this state than was paid when the present federal government came into office. The sum of $95 million mentioned by the honourable member in his question has been mentioned in that connection. However, I remind the Council and the federal government that that $95 million includes a rental subsidy of $75 a week which was previously paid to pensioners in residential facilities and then on-paid by them to the operator of the facility (whether a 'for profit' or 'not for profit' operator).

So, previously that money was paid to the pensioner and then by the pensioner to the operator. As a result of changes that have been made, those funds ($70 per fortnight) are now paid directly by the Commonwealth to the operator. It seems to me that this is not an increase at all in payments made by the commonwealth to the state: it is just a different means of paying funds for aged care facilities.

I think we have a proud record in this state in terms of the standard of our facilities and especially the quality of care. Our operators have faced the difficulties of certification and accreditation, both of which are challenging processes, and emerged extremely well. However, to undertake that process one must have plenty of staff available, and of course one also needs staff for resident care.

At present, South Australian operators are suffering because they have lower staffing levels than operators elsewhere are able to provide. For example, I have been told

that the operator of a substantial community owned facility called Boandik Lodge in Mount Gambier received $158 000 a year less than a comparable facility just across the border where the cost regime is entirely the same. I have made this point to the federal minister on a number of occasions in both correspondence and discussions.

I have also made members of federal parliament aware of this situation. As I mentioned, the commonwealth government has not yet made a decision on it. The South Australian government made a formal submission to the Productivity Commission outlining the position which I am putting now. We are determined to ensure that South Australian residents receive the same treatment as is received by those elsewhere.

An honourable member: And the staff?

The Hon. R.D. LAWSON: The staff and all involved in aged care. We will continue to press the federal government for those measures. The honourable member asks in his second question whether any constitutional issue arises as to possible discrimination against citizens of this state as opposed to residents of other states. I have not examined the question in detail. However, my initial response is that, of course, there are many cases in Australia where various states and regions receive disparate federal funding. Those measures do not necessarily involve anything that offends the provisions of the constitution which prohibit discrimination of that kind. However, I will look a little further into that question and, if I can provide further information to the honourable member, I will do so.

DREDGING COSTS

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Urban Planning a question about Patawalonga and West Beach boat harbour dredging costs.

Leave granted.

The Hon. M.J. ELLIOTT: On 10 March this year I asked a question of the minister, which was answered by letter on 15 August and subsequently in this place on 28 September, in relation to the costs of dredging the Patawalonga boat harbour. The minister provided the following reply to the fifth question:

> Direct maintenance costs for the dredging of the harbour to the end of June 1999 were $306 000. Future annual expenses for further dredging are not expected to exceed this figure.

I note that the term 'direct maintenance costs' was used, and I will be asking the minister what other costs were associated with dredging, apart from direct maintenance. That aside, in the *Advertiser* of Monday 8 November a letter to the editor from Dr M.R. Allen of Henley Beach referred to the Patawalonga development, more so the West Beach end of that development. The letter states:

> So far, in less than 12 months, the predicted sand depletion north of the boat harbour has been greater than anticipated by the government, and sand replenishment has been undertaken on two occasions. Now unexpected work has started on dredging the boat harbour, because it is filling up with sand and seaweed, and the local yacht club is having trouble launching boats at the same site.

I think that was the problem originally experienced at Glenelg when it was decided to do this whole development. I ask the minister:

1. What was the total cost of dredging the Patawalonga, as distinct from what are called 'direct maintenance costs'?

2. Will the minister also give an indication of the anticipated annualised costs for dredging in the West Beach boat harbour?

3. What additional expenses have now been incurred in relation to additional top-ups of sand to the north of that site as a consequence of the increased erosion rates?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I will get answers to the detailed questions asked by the honourable member and bring back a reply. With respect to question two, I would say that it was always anticipated (and he is aware of this) that dredging would be associated with these facilities.

An honourable member: Forever?

The Hon. DIANA LAIDLAW: Yes, it has always been anticipated; there is provision in our budget. I am not sure that there is any substance to the honourable member's contention that there is increased erosion and that there is an increased requirement for dredging over what had been anticipated. So, with all the reports that have been made available on this issue—and the honourable member is aware of this because of his interest in the issue—ongoing dredging has been part of this project.

PROBITY AUDITOR

The Hon. P. HOLLOWAY: My question is directed to the Treasurer. When was the second probity auditor for the ETSA lease process formally appointed, and when did he take up his duties? Given that the first probity auditor verbally advised the government on 22 June this year (and quoting from the Auditor-General's supplementary report):

> . . . that it would be inappropriate for his firm to continue as the probity auditor because of potential conflict of interest—

and that on 14 July this was acknowledged by the principal adviser to the Treasurer, who undertook probity audit tasks between 22 June and the commencement of the second probity auditor?

The Hon. R.I. LUCAS (Treasurer): I will take advice on the precise dates involved and bring back a reply.

CORONER'S OFFICE

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Attorney-General a question about the Coroner's office.

Leave granted.

The Hon. NICK XENOPHON: An article in *The Advertiser* last month headed 'Register of deaths a life saver' reports that, in a world first, there will be a new database which will document deaths and their causes to be made available on the database within 48 hours. *The Advertiser* article also states:

> If newly available goods were causing death, for example, a new type of baby's cot, then authorities could immediately order the removal of the item from the nation's shelves.

The article refers to the work of the Monash University National Centre for Coronial Information in establishing the new system, which is expected to be fully operational within six months. The information I have obtained from that centre is that it will be looking into the question of establishing a 'likely causes of suicide' module in due course and, in particular, will have workshops with interested parties to set out the criteria that should be considered.

Given the concern of welfare agencies and researchers on the link between gambling addiction and suicide, and indeed

the statements by Mr Stephen Richards, CEO of the Adelaide Central Mission, some three years ago, that he was concerned that in South Australia we could be heading in the longer term to a gambling-related suicide rate of up to 50 people a year, my questions are:

1. To what extent are the Attorney's department and the Coroner's office participating in the establishment of a new register of deaths database?

2. Will the Attorney's department and/or the Corner's office participate in the process to pinpoint with a greater degree of certainty the likely causes of suicide and, in particular, factors leading to a person's death?

3. Is the Attorney able to report back to this Chamber on the availability of statistics on the number of suicides in this state since 1990, where problem gambling or gambling losses have been a factor in a person's death?

The Hon. K.T. GRIFFIN (Attorney-General): South Australia is part of the proposed national coronial information system. We are making a contribution to both the capital and operating costs, as far as I can recollect. I do not have all the detail at my fingertips, so I will obtain the information and bring back a reply.

In relation to the question of whether we will have data linking the suicide to particular causes, I cannot believe that we will end up with that sort of information, certainly not from past coronial inquiries. It may be that that information will be available in the future, but of course it is a very complicated issue. What is the cause of a suicide? Frequently it will not be possible to identify that cause. One can determine the cause of death but not necessarily the reasons why a person may have been driven to suicide. It will not be such a simple issue as the honourable member perhaps suggests, but I will obtain some more information and bring back a reply.

HOUSING TRUST, RELOCATIONS

The Hon. R.R. ROBERTS: I seek leave to make an explanation before asking the Minister for Transport, representing the Minister for Human Services, a question about Housing Trust relocations.

Leave granted.

The Hon. R.R. ROBERTS: Some weeks ago I was approached by a very distraught Mrs Patterson, who lives at 159 Esmond Road in Port Pirie, where she has been a resident in a Housing Trust home for some 35 years and has raised five children on her own. A new project is under way for housing redevelopment which involves refurbishing existing Housing Trust stock and putting it on the market for sale. One assumes that the logical conclusion is that some of that money would be used for maintaining the remainder of the Housing Trust stock.

Mrs Patterson has been a loyal and good husband of the Housing Trust stock for some 35 years: I understand that she has been a model tenant. She was recently advised, after 35 years of loyal service and good husbandry, that she is to be relocated into another area where she will probably know nobody. She has no transport, and she has told the Housing Trust it is not her wish to go.

In the first stage of development I had consultations with Housing Trust officers in Port Pirie. They were very cooperative and, I believe, sensitive, but they are obviously being directed by policy. I have advised them that Mrs Patterson and the few other long-term residents along Esmond Road in Port Pirie are entitled to some respect and consideration and are probably entitled to better quality housing because, if they have paid rent for 35 years, they have perhaps paid for the house three or four times over. I advised them that I believe that they do not deserve to be uprooted and traumatised by being placed in lower standard housing, to start again away from their family and neighbours.

Only this morning Mrs Patterson was advised that she may be forcibly relocated, although the housing officer, Mrs Margaret Brooks, advised me that she will do whatever she can to relocate Mrs Patterson into an area in which she will be happy. However, Mrs Patterson has made very clear and has told the Housing Trust this morning that the only way she will leave is if she and her furniture are physically moved into the gutter.

It seems quite heartless that these long-term residents are being traumatised in this way when people in similar circumstances during stage 1 were given the opportunity to buy their own refurbished homes or pay the extra few dollars per week to bring the rent up to the market rate rather than being uprooted and moved away. Given all that, I ask whether the Minister for Human Services, the Hon. Dean Brown, as minister responsible for housing, will intervene in the processes of the Port Pirie Housing Trust refurbishment and disposal program to ensure that long-term, loyal and responsible tenants are fairly treated and respected, are not subjected to undeserved trauma and concern during their twilight years and are allowed to stay in their present homes?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I will refer the honourable member's question to the minister and bring back a prompt reply.

ALICE SPRINGS TO DARWIN RAILWAY

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Treasurer a question about the Alice Springs to Darwin rail link.

Leave granted.

The Hon. G. WEATHERILL: Will the Treasurer explain in detail what specific long-term big picture benefits the Alice to Darwin rail link will provide to South Australia and to the nation as a whole? What is the annual dollar value of benefits to this state over the next 10 years or so, and how likely is it that this dollar value will be realised?

The Hon. L.H. Davis: Are you in favour of it, George?

The Hon. G. Weatherill interjecting:

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order, the Hon. Mr Davis!

The Hon. R.I. LUCAS (Treasurer): I will be happy to get that information for the honourable member. I did see on my return a very succinct but detailed one or two page statement from the Premier highlighting all of those expected benefits to the state. I will be happy to get some version of that particular document for the honourable member and provide that to him.

RALPH BUSINESS TAX PACKAGE

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Treasurer a question about the Ralph business tax package.

Leave granted.

The Hon. T.G. CAMERON: In a recent *Advertiser* article, 11 November 1999, the Australian Society of Certified Practising Accountants has warned that Australia's one million small businesses are likely to miss out on the

benefits of tax reform unless key changes are made to the federal government's Ralph business tax package. Society spokesman, Mr Paul Drum, has stated that, while the aim of the tax package is to simplify the compliance burden on business, the association is 'extremely concerned' that assumptions behind the $1 million threshold test are seriously flawed.

The association views the use of a simple average to estimate turnover of small business from Australian Bureau of Statistics data as an unrealistic result for small businesses. There is evidence that small businesses operating with low margins can generate gross incomes in multiples of $1 million even though net incomes are very low. Mr Drum said aspects of the changes would be complex and difficult to comply with, increasing the red tape burden. The society has called on Treasurer Peter Costello to review the position and to increase the turnover threshold. My question to the Treasurer is: do you agree with the Australian Society of Certified Practising Accountants' view that aspects of the changes sought under the Ralph business tax package will be complex and difficult to comply with, and will you, on behalf of South Australia's 80 000 or so small businesses, ask the federal Treasurer to review the turnover threshold?

The Hon. R.I. LUCAS (Treasurer): I have not seen the article to which the honourable member refers. He will be aware that I have been in other parts of the world for the past two weeks. I understand also that in my absence the federal Treasurer has made some public announcements in relation to the further measures which will obviously impact on both small and large business. I must admit that I have not seen the detail of those. I indicate to the honourable member that I will certainly have a look at the article and try to bring myself up to speed as to what Treasurer Costello has said in recent times, and I will certainly bring back a reply to the honourable member.

The only other point I would make, and I am sure that this will be part of the commonwealth government's responses, is that we need to look at the total package and its impact on small business in terms of an additional load or there not being an additional load, and that is the impact of the original GST and related changes that impact on small business at that time, and look in terms of the totality of the impact on small business. I am sure the honourable member will appreciate that small business will move from one regime to a new regime which includes some Ralph changes but also the GST and related changes. I think the important comparison is the before and after of the total rather than just the Ralph aspects that he is referring to. So I am happy to take advice on the question that the honourable member has raised and get back to him as soon as I can.

OPTIMA PLAYHOUSE

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for the Arts a question about the Optima Playhouse.

Leave granted.

The Hon. SANDRA KANCK: I am sure that it has not escaped the minister's attention that our electricity utilities, including Optima Energy, are about to be sold off. As they are significant sponsors of the Playhouse in our Festival Centre, will the minister advise what impact the sale of Optima Energy will have on the sponsorship deal with the Optima Playhouse and, if there is to be an impact, when does the sponsorship cut out and what alternative sponsorship is the government seeking?

The Hon. DIANA LAIDLAW (Minister for the Arts): The honourable member is correct: Optima is a significant and valued sponsor of the Playhouse. The sponsorship was negotiated by the Adelaide Festival Centre Trust with the company for a contracted period, and I will obtain further details for the honourable member. I received a briefing earlier this year at the time of the heat of the debate, but I must have that updated. I will try to obtain that for the honourable member this week.

SPEED CAMERAS

In reply to **Hon. T.G. CAMERON** (28 September).

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency Services has been advised by Police that while both Victoria and Tasmania have the larger signs, they do not have the smaller portable signs on display after a speed camera site.

Larger signs have been erected at two locations within the Adelaide metropolitan area on a trial basis. These are located on Grand Junction Road at Rosewater and on Burbridge Road, near the Airport. The effect of these signs on the motoring public is the subject of an assessment by Police Traffic Research and Intelligence section and is currently ongoing. There are also a number of larger signs installed by local councils warning motorists the area is subject to speed monitoring.

Police have no objections to the larger signs, however, if they were to be introduced consideration may be given to the proliferation of signs in general. The portable signs placed after a speed camera site by the operator were never meant to be warning signs; they are there to remind motorists who pass through a speed camera location to check and adjust their speed, if necessary.

PUBLIC TRUSTEE

In reply to **Hon. CARMEL ZOLLO** (28 October).

The Hon. K.T. GRIFFIN: I am advised by the Public Trustee of the following information:

1. The Crown Solicitor has now received legal advice on the matter of the loss of money through an electronic funds transfer. A legal consultant has been engaged by the Crown Solicitor, and the Crown Solicitor's office will commence legal action shortly.
2. The originally intended beneficiary has been paid in full, with interest, and Public Trustee has no outstanding liability to her.
3. Public Trustee has implemented comprehensive new policies, procedures and standards for both electronic transfer of funds, particularly to beneficiaries overseas, and the payment of distributions from estates of significant value. These policies and standards were developed after consultation with the Reserve Bank, and aim to prevent and/or minimise the possibility of a recurrence of a similar event in the future.
4. The pertinent information about this matter, contained in the Crown Solicitor's report and the Auditor-General's report, has been forwarded to the Department of Treasury and Finance, in order that it may be included in the financial management framework, which is a set of policies and statements of best practice, distributed to all Government agencies.

LEGAL PROFESSION

In reply to **Hon. A.J. REDFORD** (21 October).

The Hon. K.T. GRIFFIN: I have been advised by the Crown Solicitor that Mr Howells is not a practitioner admitted to practise in South Australia. The matter referred to by the honourable member were proceedings in the Federal Court. Interstate practitioners may appear in Federal Courts in South Australia by virtue of registration on the High Court roll of practitioners.

Consequently, Mr Howells is not subject to South Australian Bar Association rules nor is he subject to the Legal Practitioners Conduct Board. If his conduct were such that disciplinary action was warranted then it is for the High Court to take action pursuant to the powers granted to the Court by section 55C of the Judiciary Act.

GOVERNMENT LAND

In reply to the **Hon. J.F. STEFANI** (19 October).

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency Services has been advised by the South Australian Country Fire Service of the following response:

With regard to the precautions taken by government to clear vegetation on its own vacant land prior to the commencement of the fire danger season, this is well established in the Country Fires Act, 1989. A minister, agency or instrumentality of the Crown that has the care, control and management of land in the country must take reasonable steps to protect property on the land from fire and to prevent or inhibit the outbreak of fire on the land, or spread of fire through the land.

Through established consultative forums such as regional and district bushfire prevention committees, government agency representatives detail their plans for the coming fire danger season in respect of the lands they manage. If such lands pose a significant problem to these committees then the committees can advise these authorities of the fire hazard within their areas and make recommendations for its removal. This process allows local communities to influence the fire safety strategy for their area targeting their areas of concern.

While it may appear important at first glance to reduce all hazards in fire prone areas the nature of the hazard may also have values and which the community feel are significant. This includes the environmental and amenity value of the vegetation, such as parklands, on government land. Therefore hazard reduction must be focussed on hazards causing greatest threat to the community inclusive of hazard management on both public and private lands. A targeted approach also becomes a cost effective approach to reduce the overall fire hazard.

As mentioned earlier the consultative forums established in the Country Fires Act, 1989 are the 'check and balance' for the government's actions for bushfire prevention. This in effect becomes a community based audit process to ensure the overall fire hazard in a community is managed and the hazard reduced in a cost effective way.

PROBITY AUDITOR

The Hon. P. HOLLOWAY: My questions are directed to the Treasurer, as follows:

1. How much did taxpayers pay for the work undertaken by the first probity auditor for the ETSA sale process?

2. Were those costs set at the normal commercial rate?

3. How many hours were claimed by the first probity auditor?

4. Why was the first probity auditor not held to his contract to meet the cost of a replacement?

The Hon. R.I. LUCAS (Treasurer): I will take advice on the issues in relation to costs and bring back a reply.

EMERGENCY SERVICES LEVY

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Emergency Services, a question about a form for farmers.

Leave granted.

The Hon. IAN GILFILLAN: An apparently very simple form has been sent to farmers. It is an application form for levy reductions so that there can be an identification of sections which are run as one business enterprise but which may not be contiguous or, in some cases, are contiguous. On the front page it very simply asks for that detail. However, turning over the page, the top paragraph states:

3. Joining land.

Looking at all the land you own, please indicate if any of the parcels of land are contiguous (joining), meaning they are either connected, or are separated only by a street, road, lane, footway, court, railway, thoroughfare, travelling stock route, or a reserve or other similar open space dedicated for public purposes.

Then comes the sentence I will ask the Attorney to explain:

Pieces of land will be taken to be separated by intervening land if a line projected at right angles from any point on the boundary of one of them with the intervening land would intersect the boundary of the other with intervening land.

I have pondered that sentence for some time and do not understand it. I know that there is an expectation that farmers are a bit thick, and I therefore ask the Attorney to explain the sentence I quoted.

The Hon. K.T. GRIFFIN (Attorney-General): The honourable member obviously wants some free legal advice, and I do not intend to give it to him.

The Hon. T.G. Cameron: You mean you can't.

The Hon. K.T. GRIFFIN: I can understand the first sentence: there is no problem with that.

The Hon. T.G. Cameron: I'm not sure he can afford the advice even if it is free.

The Hon. K.T. GRIFFIN: He is a member of parliament: and you can take that how you like. I will take the question on notice and obtain a reply for the honourable member, even though it may result in his gaining some free legal advice.

PUBLIC SECTOR INTERNET USAGE

In reply to **Hon. CARMEL ZOLLO** (9 November).

The Hon. R.D. LAWSON: In addition to the answer given on 9 November 1999, the following information is provided:

DAIS has established and is continuing to establish a number of policy initiatives, both at department and whole-of-government level that address the potential internet risks detailed in the Auditor General's report. These include:

- Government Website construction protocols—these have been issued by DAIS, endorsed by the Information Economy Cabinet Committee, and they apply to all public access web sites established and maintained by or for SAG agencies. Contained in the protocols are policy statements relating to copyright, discrimination standards, and website presentation and post development issues.
- South Australian Government IT Security Guidelines and Standards cover DAIS, agency and EDS responsibilities for data/information protection. These guidelines and standards are the subject of a full review and update of all government IT security policies, standards and guidelines—that will produce a new government IT security framework. This is expected to be completed in the second quarter 2000.
- Webworks—This is a DAIS created website that has been designed to provide a one-stop-shop for government departments wishing to develop an internet site or redevelop an existing site. All the processes and procedures are documented, with references to the appropriate government policies.
- Communication Policies—DAIS is fully supportive of the need for individual agencies to develop and implement their own communications policies which cover use of the internet, e-mail etc. DAIS has developed a policy and guidelines for internet use. This is available to other agencies to be used as a model for further development relevant to particular agency requirements and needs.

PROBITY AUDITOR

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Treasurer a question about the probity auditor for the ETSA lease process.

Leave granted.

The Hon. P. HOLLOWAY: On page 25 of his supplementary report the Auditor-General states

On termination of his contract, the initial probity auditor should have been required to provide to the Treasurer a sign-off in respect of the activities performed during the course of the performance of the probity audit. This sign-off should be sufficient to provide an assurance as to the status of the probity issues which the initial probity auditor had considered during the term of his engagement.

Without such an assurance the replacement probity auditor is necessarily required, not only to review, but also, to independently

substantiate the work of the initial probity auditor. The form of this sign-off (save for necessary qualifications which may emerge as the probity audit is undertaken) should generally be negotiated at the same time as the probity auditor is first engaged.

In view of those comments, why was the first probity auditor not required to provide to the Treasurer sign-off in respect of those activities performed during the performance of his duties?

The Hon. R.I. LUCAS (Treasurer): I will be happy to take advice on that and bring back a reply. What I can say in addition to that is that the changes that I—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: I thank the Leader of the Opposition for her assistance and interjection: it's good to see she's alive. What I was going to say before that vicious interjection from the Leader of the Opposition, which has left me stunned and mortally wounded—

The Hon. Carolyn Pickles: Just get on with it, you stupid man!

The Hon. R.I. LUCAS: Now look what I've done!

An honourable member: Not 'stupid person'; you're a stupid man.

The Hon. R.I. LUCAS: Just a stupid man: it's even worse, obviously! I'm suitably chastened. Now I have lost my train of thought: I'm just reeling. I'm wounded. I'm personally hurt. I've forgotten the question. What I was going to say is that, in addition to taking—

The Hon. A.J. Redford: You can always say 'Mine's better than yours.'

The Hon. R.I. LUCAS: No, I'd never use that in the parliamentary forum. In addition to saying that I will take advice, prior to leaving for overseas I indicated that, when questions were being raised about the scope of the probity auditor's contract, the government was making clear by way of amendment to the probity auditor's contract that he would be able to look at any document or, indeed, any issue dating back to the start of the whole privatisation process back in February 1998.

Should there be any issue in terms of overlap, the scope of the probity auditor's contract makes it quite explicit that he can look at any issue, any document, any material or any matter dating back before his original appointment, through to February 1998.

POLICE, RESPONSE TIME

The Hon. T. CROTHERS: I seek leave to make a precied statement prior to directing a question to the Attorney-General, representing the Minister for Police, Correctional Services and Emergency Services, about police response time.

Leave granted.

The Hon. T. CROTHERS: According to an *Advertiser* article dated Saturday 13 November this year, a 78 year old woman who was mugged had to wait for 43 minutes before police arrived. The article stated that the woman was hit with an iron bar by a man who demanded her handbag at around 3 p.m. on 1 November. The first phone call about the incident was made to police at 3.06 but it was not until 3.27, after the afternoon shift had arrived, that a patrol was dispatched, arriving at the scene at 3.49. The victim was then taken to a nearby medical centre and then to a hospital. My question to the minister is: although the article describes human error as the main cause for the long police response time, does the minister concede that low police numbers is also a contributing factor in cases such as the abovementioned?

The Hon. K.T. GRIFFIN (Attorney-General): In relation to the latter part of the question: no. In relation to the former part of the question, my understanding is that the Minister for Police, Correctional Services and Emergency Services has already indicated publicly that the delay was unacceptable—that it occurred at a change of shift, but that the reasons for the delay were unacceptable. As far as the minister's formal response is concerned, I will obtain a copy for the honourable member.

The Hon. T. Crothers interjecting:

The Hon. K.T. GRIFFIN: I will do everything that I possibly can to assist the Hon. Trevor Crothers to meet that noble and worthy goal.

PROBITY AUDITOR

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Treasurer a question about the ETSA probity auditor.

Leave granted.

The Hon. P. HOLLOWAY: On page 27 of his supplementary report, the Auditor-General states:

Following the withdrawal of the initial probity auditor, a limited tender was conducted by a working party of the Prudential Management Group with a view to appointing an alternative probity auditor. This involved issuing invitations to four prospective probity auditors (in fact, four South Australian barristers) to submit a proposal and attend an interview.

It is not clear why the invitation was limited to barristers rather than taking into account the skills and experience required to undertake the probity audit function in relation to a major asset disposal. Further, the documentation does not indicate that the working party was assisted in its selection process by anyone with probity audit expertise.

My questions to the Treasurer are:

1. Who were the members of the working party who made the appointment of the second probity auditor?
2. Why was the invitation limited to four barristers?
3. What qualifications and experience does the current probity auditor bring to this position?
4. What measures did the Treasurer put in place to ensure that the serious conflict of interest issue involving the first probity auditor did not occur again?

The Hon. R.I. LUCAS (Treasurer): The current probity auditor, Mr Simon Stretton, has considerable experience in a number of related areas. I am happy to bring back some of the detail of his CV which would have led the members of the Prudential Management Group or the committee associated with that group to make the judgment that he was the appropriate candidate.

Regarding the quote which the honourable member has taken from the Auditor-General's report, which says something like 'rather than. . . skills and experience', those who selected the probity auditor would certainly argue the case that the skills and expertise that this person would bring to the job obviously formed one of the issues. So, if the inference from the Auditor-General's statement is that the skills and expertise that the person brings to the job was not a factor in the person's appointment, then certainly—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: It should be obvious to even the shadow minister for finance that one of the issues relating to why the first probity auditor found that he had a conflict was that, if you are working for a big legal or accounting practice, there is obviously much greater potential for your company,

business, partners, associates or the people who work for you to find themselves in a position of potential conflict.

My understanding is—and I will have this confirmed—that it was a strongly held view of the people who selected the second probity auditor—I was not part of the selection process, but obviously in the end I had to approve the recommendation—that, in appointing a barrister, you were much less likely to find yourself exposed to that sort of circumstance. A barrister is not part of a big legal or accounting firm where, inevitably, the partners, associates or colleagues may well do business with bidders or bankers, lawyers or accountants who work for bidders, unrelated to the electricity business but as part of the normal run of the mill of their business. Mr President, I move that standing orders—

The PRESIDENT: A recently passed standing order enables the minister to continue to answer a question if it was asked before the end of Question Time.

The Hon. R.I. LUCAS: That is an excellent change that has been made to standing orders.

The Hon. Diana Laidlaw: You were a member of the committee.

The Hon. R.I. LUCAS: Yes, I was. It was an excellent change. Thank you for reminding me of it, Mr President. I will not abuse the process by going on for too long. It should be relatively self-evident to the shadow minister for finance that that is one of reasons why that group would have looked at a process that may have reduced the possibility of potential conflict. The reality, regarding a deal as big as this, where virtually every accounting or legal firm and every banking institution and most public relations and communications consultants in Australia has had some role to play with someone associated with the bidding process at one point or another, makes the issue of conflict of interest inevitable.

It is not a question of whether or not there is a conflict, because in all these issues there are potential conflicts, but it is an issue of how your process manages those conflicts to determine whether or not they are significant or material: first, whether they should be declared, and then working your way through a process. It is good fun for oppositions, and I say good luck to members opposite. I had 11 years in opposition, and I hope they have many more so that they can at least match my record in opposition. It is good fun for oppositions to say 'Shock, horror—potential conflict' and all those sorts of things, but the reality is that, inevitably, there are potential conflicts of interest in a whole variety of areas related to a deal as big as this.

This is the biggest deal that the state of South Australia has ever done or is likely to do. So, whilst as I said it will be grist for the opposition mill to shout, 'Shock, horror—there is a conflict of interest', the important issue is not that there might be a potential conflict of interest but how you handle the process, whether you do so appropriately, and—

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: Well, the Auditor-General has said only what you have quoted—he has not said much more than that, and—

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Even I had difficulty understanding that interjection from the Hon. Mr Roberts. Good luck to everyone else. It is a question of materiality. I am happy to respond to the issues raised by the honourable member in his question.

The Hon. R.I. LUCAS (Treasurer): I seek leave to make a ministerial statement on the subject of the probity auditor's contract.

Leave granted.

The Hon. R.I. LUCAS: I wish to advise the Council of the action the government has taken to respond to one of the key recommendations made by the Auditor-General in his supplementary report on 'Electricity businesses disposal process in South Australia: arrangements for the probity audit and other matters' tabled in the Council on 28 October 1999.

As members will be aware, the Auditor-General has recently made a number of comments concerning the disposal process to the parliamentary Economic and Finance Committee. In meetings that I held with the Auditor-General yesterday he also discussed with me the significant issues which he believes need to be addressed immediately. A detailed response to these matters will be provided to the Economic and Finance Committee for consideration at its meeting tomorrow.

At the outset I would like to make it absolutely clear that the government has always strongly defended the authority and independence of the office of the Auditor-General and will continue to do so. The government will work cooperatively with the Auditor-General and his staff and attempt to resolve all the major concerns he has raised. In saying that, the Auditor-General understands that occasionally the government and the Auditor-General might not always agree.

In his supplementary report the Auditor-General made a number of comments in relation to the role of the probity auditor, as well as a specific recommendation concerning the probity auditor's terms of engagement. In particular, the Auditor-General expressed the view that the probity auditor's contract should be made public. He also recommended that the terms of engagement for the probity auditor should be widened to cover all aspects of the disposal process and that additional resources be made available to the probity auditor.

Due to the fact that I would be overseas when the report was due to be tabled, I issued a media release on 27 October in anticipation of his report, indicating that in order to address the principal concerns of the Auditor-General I had ordered that the terms of the probity auditor's contract be rewritten to put beyond any legal doubt that he was able to look at any document and consider any aspect of the bidding process from the time of the government's first announcement in February 1998.

In regard to the resources available to the probity auditor, I also announced that I had directed the probity auditor to employ additional staff to assist him in his task. This meant that, in addition to the barrister already provided to the probity auditor, at least three additional staff would be added to his team. I also indicated that we would respond positively to any requests he might make for further resources and that we had no objection to him discussing his future staffing requirements with the Auditor-General.

By way of further response to the Auditor-General's supplementary report, the government has now put in place changes to the probity auditor's terms of engagement, to put beyond doubt the fact that he has the wider powers recommended by the Auditor-General, and agrees that the contract with the probity auditor should be a public document. Accordingly, I now (or will, as soon as it arrives) table the agreement between me as Treasurer and Mr Simon Stretton QC, the probity auditor, dated 10 July 1999; a letter from me to Mr Stretton dated 17 August, modifying that agreement to ensure that Mr Stretton had the power to

provide training and awareness sessions for all ERSU staff in relation to the application of probity principles; and a deed of amendment to the original agreement dated 28 October, again between Mr Stretton and me, which amends the terms of engagement to ensure that the probity auditor has the wider powers recommended by the Auditor-General. In line with the proposal of the Auditor-General, schedule 1 of the agreement dated 10 July 1999, which is related to the remuneration of the probity auditor, has not been tabled.

I would like to highlight the changes that have been made to the contract to take account of the Auditor-General's concerns. However, before doing so I believe it would be of value to the Council to outline the existing and extensive powers held by the probity auditor. These are set out in the original 'Annexure, services specification' of the agreement dated 10 July 1999, at item 3, stage 2, as follows:

Item 3

(Stage 2)

The consultant will review the bidding rules developed by the project steering committee to ascertain whether those bidding rules can be expected to ensure that the bidding process for that government enterprise satisfies probity requirements, including, but not limited to:

(a) ensuring that the bidding process as it affects bidders is fair and is fairly managed;
(b) ensuring that bidders are afforded equality of opportunity to participate in the bidding process;
(c) ensuring that the process is conducted in the public interest and that those involved in the bidding process do not use it to obtain improper personal advantage;
(d) ensuring that the bidding process is transparent and that bidders have confidence in the bidding process and its outcome;
(e) ensuring that bids are received and opened in a secure environment;
(f) assuring bidders and government of confidentiality during the bidding process;
(g) whether sufficient resources are provided to enable proper evaluation of bids;
(h) ensuring bidders have equal access to relevant information;
(i) identifying and appropriately addressing any conflicts of interest which may occur in the bidding process;
(j) ensuring that decision making is consistent with key administrative law principles including, but not limited to:
    (i) only taking into account relevant matters;
    (ii) not applying inflexible policies or rules; and
    (iii) not exercising a power for an improper purpose;
(k) ensuring the evaluation criteria and methodology is applied in a consistent manner as between bidders; and
(l) ensuring the defensibility of the bidding process by adequately documenting the making of decisions in that bidding process and the reasons for those decisions.

In addition to these powers, the probity auditor is required to advise me through my representative of any changes or additions which he considers should be made to the bidding rules to satisfy probity requirements, to identify and advise my representative as to any potential problems with respect to the probity of the bidding process, and to provide me with strategies to address those problems. He is also required to immediately report any departures or potential departures from the bidding rules and to recommend strategies for dealing with that situation if it should arise.

Following the amendment to the agreement, the probity auditor now has powers in addition to those relating to the matters specifically referred to in the terms of engagement. The amendment has been made in the following terms:

Amendment of terms of engagement

2.1 The terms of engagement are amended in the following manner:

2.1.1 In providing the services in relation to the bidding process for the electricity assets:

(a) the consultant may, in addition to the matters specifically referred to in the terms of engagement, look at any documents relating to the probity of the bidding process, and may consider, review, investigate and take into account any aspect of the conduct of the bidding process occurring since February 1998;

An honourable member: That's broad.

The Hon. R.I. LUCAS: I do not think you get much broader than that. It continues:

(b) the consultant must seek advice and assistance from any person or persons made available by the Treasurer to the consultant to advise and assist the consultant in the performance by the consultant of the services;
(c) where the consultant considers at any time that he requires additional assistance or resources to perform the services, the consultant shall notify the Treasurer's representative of that requirement.

The government believes that with these changes there can be no doubt that the probity auditor has sufficient scope to ensure that the disposal process is based on fairness, transparency of process, and that it is conducted according to the highest standards required by law and the traditions of the public sector. In making these changes it is important to understand the different roles and responsibilities of the probity auditor and the Auditor-General. I would also stress that it is, of course, not the intention of the government—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order! The Hon. Ron Roberts will come to order.

The Hon. L.H. Davis interjecting:

The PRESIDENT: The Hon. Mr Davis will come to order. This is a ministerial statement.

The Hon. R.I. LUCAS: I would also stress that it is, of course, not the intention of the government that the probity auditor should replace the proper role of the Auditor-General, as the probity auditor is appointed by contract to assess the probity of the disposal process, whereas the Auditor-General must assess the total disposal process from a broader public interest perspective in accordance with his legislative requirements.

Members will recall that this issue was examined in some length during the debate on the Electricity Corporations (Restructuring and Disposal) Act, particularly in relation to an amendment moved by the Hon. Nick Xenophon which ultimately became section 22 of the act. That section ensured that, following the conclusion of the privatisation program, the Auditor-General, in addition to reporting to the parliament on the proportion of lease proceeds used to retire the state's debt and the amount of interest saved on state debt as a result, would also report on the probity of the process leading up to the establishment of each long-term lease. In the course of that debate I advised the chamber, and I believe the chamber accepted this advice, that it was important that the reporting process did not give rise to adverse commercial ramifications which might diminish the value ultimately to be received by the taxpayers of the state.

Notwithstanding this, I acknowledged that the broad powers of the Auditor-General under the Public Finance and Audit Act mean that he can bring forward reports on any matter at any time he so wishes, and that no government is in a position to dictate to the Auditor-General, and that this government in particular did not seek to do so. The government acknowledges that the Auditor-General can comment on all issues undertaken by the government and therefore will

be able to comment on issues such as restructuring of the electricity businesses before disposal, the proposed arrangements for the regulatory regime and the arrangements for the transfer of staff in the electricity businesses. The government does not believe that the probity auditor has the responsibility for commenting on the policy aspects of these and related issues, but he can of course comment on any probity related aspects of these and other issues. The government will work with the Auditor-General to try to ensure that there is a clear understanding of the roles to be undertaken by the probity auditor and the Auditor-General.

We are now entering a critical time as far as the disposal process is concerned, and I am accurately reported in *The Advertiser* today as stressing that time is of the essence. We have already had to deal with innumerable delays, many of which were unfortunately more related to politics than good public policy. The world is full of investment opportunities for companies interested in the energy sector. Some of those potential investors will not necessarily be prepared to sit and wait.

In conclusion, the government will do all it can to ensure that the timetable remains on track by responding to all of the concerns raised by the Auditor-General and by ensuring that he has continuing and meaningful access to all the information he requires. I seek leave to table a copy of the probity auditor's contract.

Leave granted.

YUMBARRA CONSERVATION PARK

Adjourned debate on motion of Hon. Diana Laidlaw:

That this Council requests His Excellency the Governor to make a proclamation under section 43(2) of the National Parks and Wildlife Act 1972 that declares that rights of entry, prospecting, exploration and mining under the Mining Act 1971 may be acquired and exercised in respect of that portion of Yumbarra Conservation Park being section 457, north out of hundreds, County of Way (Fowler).

(Continued from 11 November. Page 407.)

The Hon. R.R. ROBERTS: Mr President, before this matter proceeds, I seek your direction on this motion about a proclamation. A matter was raised with me by the Hon. George Weatherill who, as Whips do from time to time, received information, and it was pointed out to my colleague that there was some problem with the timing requirements of this motion. I have looked at section 43 and ask for your clarification as to how we proceed with this motion. I refer particularly to subsection 5(3) which talks about a proclamation made in pursuance of a resolution passed by both Houses of Parliament and (6), that a notice of a motion for a resolution under subsection (5)(c) must be given at least 14 sitting days before the resolution is passed. Given the fact that 14 days have not elapsed, and on checking the date that the motion came before the Council, it seems to me that, by Thursday night, we will have had only 12 days prior to the motion's coming before the Council.

Mr President, my question to you is: what is the earliest date under the act that this proclamation can be agreed to, and what is the earliest date that this resolution can be passed? If you are not fully *au fait* with that situation, I am happy to await your reply and, if you need to take parliamentary counsel's advice on this, could you please explain the legal ramifications and provide any precedent, if one exists?

The PRESIDENT: I thank the Hon. Mr Roberts for addressing this point. I understand the point he is making. I am taking advice on the issues that he has raised. My advice is that the debate can proceed at this point. That is all I want to say at this time. There is nothing in my understanding to prevent the debate from proceeding, but I am taking advice on the points raised on where we are able to go from there.

The Hon. R.R. ROBERTS: I am not worried about the debate. My concern is the earliest date that the resolution can be passed.

The PRESIDENT: I have taken—

The Hon. Carolyn Pickles interjecting:

The PRESIDENT: Order, the leader! I have taken into account the points made by the honourable member and I will read them when *Hansard* is available to me but, from what I understand the member is saying, I reiterate that my advice is that the debate can proceed at the moment, but the issues may need to be resolved about when the vote is taken on that debate later on. We are not up to that point yet.

The Hon. CAROLINE SCHAEFER: Before I begin speaking to this motion, in his question to you the Hon. Ron Roberts implied that the Opposition Whip (Hon. George Weatherill) had received information on this issue. I happen to be the Whip on this side, and I speak with the Hon. George Weatherill daily while Parliament is sitting, and I want to make it quite clear right now, since everyone knows that I am very involved in this issue, that certainly I have not discussed this matter with the Hon. George Weatherill, nor will I in the future.

I want to appeal most passionately to members in this parliament to pass this resolution. In doing so, I want to speak a little about the Yumbarra Conservation Park. People know that it is some 30 kilometres north-west of Ceduna, and that the size of the Yumbarra Conservation Park is in total 327 589 hectares. However, what is less well known is that Yumbarra is a small part of the Yellabinna Regional Reserve which totals more than 4 million hectares in area. Also less known is the fact that the area for reproclamation is only part of the entire Yumbarra Conservation Park. So, even if the area that is required for exploration were to be re-proclaimed, that would not mean that the entire Yumbarra Conservation Park would need to be re-proclaimed.

I might add that the area for reproclamation is approximately one per cent of the entire Yellabinna region. What is also less well known is that there is a vast area of contiguous (that is, joining) mallee reserve area, reaching from the Pinkawillanie Reserve in the east, to the Unnamed Park in the west. I do not know the size of that entire area, but it would have to be something in excess of the land area of Victoria.

I have been to the Yumbarra Conservation Park. As members know, I grew up in mallee area, and I can assure members that there is nothing in the Yumbarra Conservation Park that is not typical of all mallee areas. There is nothing there which is exclusive, which is any different from the vast area to either the east or the west, or indeed the north or the south, of the conservation park. In 1968, the conservation park was proclaimed under the National Parks and Wildlife Act, and prior to that it was grazed, during drought years only, by adjoining land-holders. So, it is not the pristine area that people would have us believe. I might add that I am considerably experienced in this area, and there are considerably better examples of untrammelled mallee area, if that is what people want to conserve.

In 1992, under the then Labor government, an aeromagnetic survey of the state began in order to try to identify and establish areas of significance with respect to the ability to

mine. One cannot help but speculate, if this particular magnetic anomaly had been found prior to a Liberal Government's election, whether there would have been such highmindedness about preserving such a tiny area which, as I say, is not different in any way—I was going to say not significantly different, but it is not different in any way—from the surrounding millions and millions of hectares.

In 1995, I think, this area was discovered, and it has been described as the most significant magnetic anomaly discovered in South Australia. However, because of the wailings of a few, a parliamentary select committee was formed in 1996 to provide a report and recommendations on the reproclamation of the Yumbarra Conservation Park. The committee submitted its report in March 1997, and it included a recommendation in favour of reproclamation.

A biological survey of the area, which I have here and which is very extensive—in spite of the fact that the Hon. Mike Elliott described it as a survey over 'a couple of weeks'—was conducted in 1995. One finding was that 'the area of geological interest is unlikely to contain any species or ecological communities not also found to the east or west of the proposed mineral exploration areas'. I read the survey over the weekend and, having grown up in a mallee area (even though the mallee area I was talking about was stocked), I found that not only the horticulture but the living creatures photographed and described in the book were familiar to me: there is nothing in that area that is not common to all mallee areas.

I do not know anyone who is not in favour of reproclamation, including most members of the Labor Party. The Hon. Terry Roberts' defence of their stance, which as we all know is based on the orders they have received from their state council, was, to say the least, a half-hearted defence—

The Hon. Carolyn Pickles interjecting:

The Hon. CAROLINE SCHAEFER: Yes, we have the Leader saying, 'It's our party position'—not that they are committed to it, not that they believe in it but that it is their party position. Interestingly, Mr Bob Sneath of the AWU supports it, as I believe do most of his union members, because they, too, know that it is of great significance to the employment, economic development and future of the area.

The member for Giles, Lyn Breuer, put up, I thought, a very spirited argument for reproclamation of the park. However, she did not and could not bring herself to cross the floor—and given that she has had such a short parliamentary career I suppose one can understand her not crossing the floor. However, she did have the courage to support what she, too, knows is of extreme importance to the area.

I would like to put on the record that the Spencer Gulf Cities Association, which involves Whyalla, Port Pirie, Port Augusta, Port Lincoln and Roxby Downs, has supported the reproclamation of the park—as a body and as individuals. The local Aborigines, the Wirangu, have supported in writing the reproclamation of this park, and I have their letter here signed by—

The Hon. T.G. Cameron: It's not true about the councils, Caroline.

The Hon. CAROLINE SCHAEFER: It is true about the councils.

The Hon. T.G. Cameron interjecting:

The Hon. CAROLINE SCHAEFER: The Hon. Terry Cameron interjects, 'This can't be true of the councils of the Spencer Gulf cities: what about the Labor members of those councils?' But I think the Hon. Terry Cameron knows, as we all do, that many Labor members support this reproclamation. In spite of the fact that it is hard to detect it in this place, there are a number of Labor Party members who have a modicum of commonsense, and most of them support this proposal.

The Eyre Peninsula Local Government Association supports this reproclamation, and I would like to put on the record some of the things that it has stated. It has 12 member councils; represents a population of 70 500 people; directly employs 500 people and indirectly creates jobs for many more; has a gross expenditure in excess of $52 million; and covers an area of 4.54 million hectares. Its letter continues:

> In other words, the sentiments expressed in this letter of support represent the feelings of the majority of the people living in the northern and western part of our state. In 1993, this association established the Eyre Regional Development Board as a controlling authority. The charter of the ERDB is an economic one, namely, 'to promote, encourage and develop commercial activity throughout the Eyre Peninsula region of South Australia, to increase the economic viability of the region and to maintain and generate employment opportunities within the region'.
>
> There is absolutely no doubt that a significant mineral find in the western part of our region would achieve all three core objectives. As a general philosophy this association believes that Eyre Peninsula's future growth and prosperity will heavily rely on enhancing our performance in traditional industries; however it is mining that is likely to provide our region's best shot at real and significant economic growth beyond 2000.
>
> The primary impact of a major mineral discovery on Eyre Peninsula would be considerable in terms of both generation of economic activity and the creation of jobs. However, the secondary or multiplier effect of such a development in our region would act as a catalyst across a much broader range of commercial and community activity, namely:
>
> · economic growth in rural townships;
> · new business and support industries;
> · stimulation of existing business, manufacturing and service sectors;
> · value adding opportunities;
> · export growth;
> · improved infrastructure, with particular reference to ports, airports, rail, roads and transport facilities;
> · diversification of Eyre Peninsula's traditional economic base;
> · better community services and facilities;
> · reversal of population drift that is witnessing the loss of vital skills of Eyre Peninsula's young and not so young;
> · improved level of telecommunications and information technology;
> · spin-off effects for existing industries of farming, fishing, aquaculture and tourism;
> · breaking down the barriers of distance; and
> · putting Eyre Peninsula on the map in both domestic and global markets.

Recently we have heard a lot about 'Labor Listening'. I have reminded Labor members that the Spencer Gulf cities, which include Port Augusta, Whyalla and Port Pirie, are in favour of the reproclamation of Yumbarra Conservation Park; and I have reminded them that the Aborigines who in that area represent the greatest indigenous proportion of the population of anywhere in this state are in favour of the reproclamation of Yumbarra. If they listen, this is an opportunity for them to show that they do.

The Hon. J.S.L. DAWKINS: I will speak briefly on this motion, which I support, and I support the contribution made by my colleague the Hon. Caroline Schaefer, who is far more familiar with and aware of the region in which Yumbarra is situated than I am. However, I wish briefly to cover some points. As my colleague said, when you take into account the size of the respective areas that we are talking about, it is helpful to put the whole question into perspective. We are talking initially about an area which comprises 4 million hectares of mostly sand dunes and desolate mallee scrub. The other day I heard the Hon. Michael Elliott refer to the mallee,

and we are all familiar with it; some of us more than others are more familiar with the mallee. My understanding of this area—I have not been there but I have spoken to many people who have—is that, let us face it, just about all of it is desolate mallee scrub.

Within the 4 million hectares of the Yellabinna Aboriginal Reserve is a much smaller area of 327 000 hectares which is known as the Yumbarra Conservation Park. Within that area there is an even smaller area of 26 650 hectares where mining is not allowed. My understanding is that the area which has shown some potential at this stage but which cannot be opened for investigation and possible mining unless this motion goes through represents less than 1 per cent of the total area.

I support this motion because, like many others, I have a focus on regional development. I know that there are some members on the other side of the chamber, not all, but certainly some members of the Australian Labor Party and the Australian Democrats, who talk a lot about regional development but when genuine opportunities come along they find ways to obstruct it. I think the investigation, the exploration and the subsequent development, if it proves to be a viable situation, will be a great boost for Ceduna, Upper Eyre Peninsula and the people of South Australia as a whole.

In my somewhat limited research it was interesting to remind myself that the first discovery of the potential of this area was as part of the aero-magnetic surveys which were carried out at the direction of the previous Labor government. I commend that government for actually starting those surveys, but what is the point of doing them if you are not prepared to follow through with them? We have great resources in this state. I think we need to go on and make the best of them, and certainly this area deserves to be investigated. I have come across a number of groups and people who support this very strongly. In fact, I have not come across anybody, other than in this place, who has told me that they do not support this motion.

I shall read, first, an extract from the Chairman of the Wirangu Association, Mr Milton Dunnet, and this letter was written to the Department of Primary Industries:

> This is to formally advise you that the Wirangu Association met and has advised me to inform you that it fully supports mineral exploration in the Yumbarra Conservation Park and also the reproclamation of the park for those purposes.

Mr Dunnet goes on to say:

> The Wirangu Association likes to express that in the event that the exploration is approved we would like a guarantee that Aboriginal employment is assured.
>
> For the local community to obtain benefit from mining or exploration it is important that the local people have access to education and training opportunities so that a local pool can be developed in conjunction with the ATSIC funded organisations.
>
> A high proportion of our people are unemployed with limited opportunities available locally for employment. This has resulted in a drift from our community to other centres, separating our families and children.
>
> Exploration/mining will provide direct benefits into the local community and the state.
>
> There is little doubt that if mining goes ahead it would act as a catalyst across a much broader range of commercial and community activities.
>
> We regard the protection of our culture as a number one priority and we also care for the environment. We therefore wish to state that any reproclamation of the park for mineral exploration must, and we stress 'must', be contingent upon an Aboriginal heritage survey being conducted.

The Hon. Caroline Schaefer interjecting:

The Hon. J.S.L. DAWKINS: And that has been agreed to, Mr President. That is probably enough of an extract from that letter, but it is very important that we take note of that. I also refer to another letter that was sent to the Deputy Premier from the Spencer Gulf Cities Association. This letter, written by Mr Ian McSporran, the Secretary of that association, states:

> On behalf of the Spencer Gulf Cities Association, I extend congratulations to you and the government for its decision to have state parliament agree to allow for exploration and test drilling to be undertaken within the Yumbarra National Park on Eyre Peninsula.
>
> The issue of the exploration and test drilling of the major magnetic anomaly which has been detected by aerial magnetic survey in the Yumbarra National Park has been the subject of discussion at a number of recent meetings of the Spencer Gulf Cities Association. At the last meeting, it was resolved to draw to the attention of the major political parties and all Independent members of the parliament the association's view that exploration and test drilling of this magnetic anomaly should proceed. The advice provided to parliament on 28 September that the government intends to seek to have parliament agree to such a course of action is welcomed by the association. It is sincerely hoped that sufficient members of parliament will agree to the government's proposal, and thus allow for the proposed works to be expedited.
>
> Once again, I extend congratulations on the decision made by the government in relation to this matter.
>
> Yours sincerely,
>
> Ian McSporran, Secretary.

I think it is also worth noting that, while there is the support of the Spencer Gulf Cities Association, there is also considerable support from the general communities of Eyre Peninsula and Whyalla, and I understand that there is also significant support from both the Adelaide and Whyalla-Woomera branches of the Australian Workers Union. That emphasises the fact that this resolution is important to the communities of that part of regional South Australia and, having expressed a strong view in relation to the potential for regional development and the diversification that it brings to those areas, I strongly support the motion.

The Hon. NICK XENOPHON: I indicate that, after carefully considering all the issues with respect to this contentious motion, I cannot support the motion, for a number of reasons. Firstly, whilst I have some sympathy for the concerns of those in Ceduna and on the West Coast with respect to regional development, I am concerned that the manner in which the government is attempting to make this proclamation can set a precedent in terms of future national parks. I can say that I have been to Yumbarra, almost 12 months ago, with a number of my parliamentary colleagues and I spoke to the local community there. Clearly, they are enthusiastic as to the potential for the region, that the geological anomaly could well prove to be an area of significant mineral wealth, but that does not get around the issue that the proclamation that is being sought here can have all sorts of ramifications with respect to the very nature of national parks.

I am on record already as having said that, if the government were to agree to a comprehensive environmental survey, in particular a biodiversity survey, for this area, I believe there could be a way out of this. If a comprehensive survey had been undertaken—which has not taken place, and the government has been on notice that this is what a number of parties, including members of this place, have been quite concerned about—then the government really could have had a solution that I believe would have received the support of many more members in this Council.

In the absence of a comprehensive biological and biodiversity survey, I cannot support this motion. I am disappointed that the government has not taken up the clear indications from a number of members about the need for such a survey but has taken what some would see as an approach that is more crash than consultative. It may well be that, if this motion is passed and there is exploration in this park, the long-term consequences will not be great. But that does not ignore the point that there ought to have been protocols and procedures to follow in terms of this survey.

I hope that, if there is exploration, the impact will be minimal and there will not be any long-term damage, but I would have thought that, for those concerned about the status of national parks, if we went down the path of a comprehensive survey, that would have allayed many concerns in the community about this. Until that survey takes place, I cannot support this motion.

The Hon. T. CROTHERS: I support the motion. I said some time ago that I would be supportive of any matter going ahead if it advanced the economic best interests of this state and its people, and this is such a matter. I indicate at the outset that I shall be supportive of the proposition currently before the Council, and I hope that helps clear the decks for the very pertinent and necessary point of order that was taken by the Hon. Mr Roberts earlier, a point of view which I believe had to be raised, and I congratulate him on so doing.

I would not like this matter to be progressed to the point of taking a vote on it only to find it subject to challenge in the Supreme Court farther down the track. Even if the court is not prepared to interfere, it could hold up the procedure from going ahead. I heard the arguments developed by the two major speakers in opposition thus far, the Hon. Terry Roberts and the Hon. Mike Elliott, and I thought that they were very thinly lacquered veneer. They were veneer based basically on rhetoric and on emotional environmentalism, and very little on the substance of the matter as it would provide economic dividends to the people of that area, should the anomaly be as prospective when delineated as would apparently be the case.

As has been said by the explorer, Dominion and Reliance Mines, it may well be a different anomaly from that which existed at Roxby Downs in so far as the main sulphide in the ore body could well be nickel. Nickel is one of the few metals on the London market that lifted its price over the weekend by some $150 a tonne.

The Hon. T.G. Cameron: $160.

The Hon. T. CROTHERS: Sorry, $160 a tonne. I am corrected by the might sitting on my right-hand side. That $160 means that it is now worth something like $9 600 a tonne, because of the nickel strike in Canada at this time.

The Hon. T.G. Cameron: Falconbridge.

The Hon. T. CROTHERS: Falconbridge: quite correct. You are pretty knowledgeable for—

The Hon. T.G. Cameron: I've had a good teacher.

The PRESIDENT: Order! Will the honourable member please address the subject?

The Hon. T.G. Cameron: I know a bit of trivia, too.

The Hon. T. CROTHERS: I thought that was what the T stood for in your name. Anyhow, I support the proposition simply because—and this is the real nub of it—not only will it have economic benefits to the state as a whole, it will have economic benefits to the people living in the area. Of course, I have had the usual orchestrated approaches made to me by people interested in matters environmental, but I have had hundreds upon hundreds of letters from residents of Eyre Peninsula, from as close as Port Pirie right through to Thevenard and points beyond.

I have hundreds of letters on file, which I am prepared to produce and put on record, beseeching us to support the present proposition—and for good reason. Unemployment on the peninsula is running at about 20 per cent. Young people, because of depressed farm prices and the drought this year, are leaving their farms (or their parents' farms) in droves simply because there is no work available for them. There is a particularly high percentage of young people unemployed in that area but, above all else, the people who are less fortunate than anyone else in this nation—the Aborigines—are also suffering from very high levels of unemployment and all the evils that advance and attach themselves to the human spirit when unemployment becomes a way of life.

Indeed, the white community and members of the black community there have been to see me—adult members, both white and black, both separately and jointly—and appealed to me for a vote so that this matter will go ahead. Despite the letters from the greenies, these Aboriginal people have been looking after that land for some 40 000 years. As we are often told—and I think we were told by the Hon. Terry Roberts in his contribution—if anyone would know what would be detrimental to land, they would.

It was noted that the majority of the Aboriginal people were in opposition to the reproclamation, and I agree with that. They were by far and away the majority, including the man who was formerly the ATSIC Commissioner over there and who came down here to see me and my colleague from SA First to plead with us in respect of supporting this proposition. I will support it, and at an earlier moment of time I already told the mining companies that, if I were to support it, the bulk of their employees must be local people.

I understand that with engineering and some specialist skills they would have to bring people from outside the peninsula, but the bulk of the people employed on that project, should it go ahead, or even at these early stages, have to be local people. The honourable leader is shaking her head: she is either very foolish or she has St Vitus dance, because what I am saying is absolutely correct. These people came to see me, and the caveat that I will put on it will be that most of them will be local people and they will be proportionate in percentage to the number of unemployed that exist among the white and the Aboriginal community in that area. I understand that it currently stands at 21 per cent.

An honourable member interjecting:

The Hon. T. CROTHERS: What?

The Hon. T.G. Cameron: That was him, not me.

The PRESIDENT: Order! The Hon. Mr Crothers will not be diverted.

The Hon. T. CROTHERS: It is difficult when one hears unnecessary, unknowing inanities not to be diverted, Mr President. I apologise for my temporary diversion. I now return to the summary of my logic and rationale for the reasons which I have delineated and for many others which I have not yet delineated but which I may well delineate when the 14 days are up. I understand that that will now be Thursday because this is now a notice of motion and not something which is tabled. It is the date by which the parliament is first notified. That 14th day will be Thursday—not Saturday, fortunately. But it will be Saturday if it must—or Sunday. I do not care, as I am here for the duration.

I am here for the economic well-being of the people of this state. I am not here to endeavour to garner a niche corner of

the electoral vote by being politically correct in my assertions irrespective of what my electorally directed political correctness will mean to the economic well-being of the people in the western area of our state or the people of South Australia in general.

South Australia has been on the decline for many years. Over the next five years I think we will see South Australia advance in leaps and bounds via the mining route in respect of what is yet to be revealed and what will be proceeded with by way of mining. It will be similar to the situation in Western Australia 20 years ago when a relation of mine was the economic adviser to Sir Charles Court senior. At that time, that state went ahead. I know about this because Wesley Lyons, the economic adviser, was related to me. So, I know a fair a bit about what it meant for that state. It also brought into Western Australia the manufacture of heavy mining equipment and many other aspects of manufacturing needed for the plethora of mining activities that are ongoing in Western Australia.

The Hon. Diana Laidlaw: It was the heyday of the manufacturing industry in this state, too.

The Hon. T. CROTHERS: It was indeed. I believe that those times are upon us again. If we are to continue to knock back mining project after mining project using all sorts of mechanically devised rationale to excuse what we all know to be the right path (that is, to proceed with the mine), and if we are to continue to do that for our electoral well-being, we shall see—I may not be a member of this parliament at that time—what the future does in respect of electoral enhancement for those parties who with their myopic vision had their vision tailored by their own self-advancement and self-interest; and we shall see what the silent majority of South Australians do about that matter. I have no doubt what they will do.

The people have been hanging on a knife's edge since the collapse of the State Bank. They have had their hearts restarted again. Their minds are now starting to turn over to what lies in the future not only now for themselves but more importantly still for their children as this state's economy improves with the Adelaide to Darwin rail link. I do not think we would have got that had we not voted for the lease of ETSA. It is as certain as day that that was a spin-off from the ETSA lease as anything could be. I do not decry in any way the activities of some members of the government, but I think they saw that this spate of opportunity was in full flood and they took advantage of it. Good luck to them because that, in itself, will mean an extra 7 000-odd jobs to the people of this state and its surroundings. It will mean the ongoing permanence of jobs in respect of track maintenance, the manufacture of steel for rail (repair and replacement) and concrete sleepers and, I suppose, water supply at different places.

The Hon. Diana Laidlaw: And terminals.

The Hon. T. CROTHERS: Yes, terminals. All those matters are germane, particularly other potential mineral sites which the Adelaide to Darwin rail link will pass close by both here and in the Northern Territory. This will certainly ensure that Australia's economy advances even better than it has under Treasurer Costello over the past several years. I do not particularly like Peter Costello—I do not particularly like most Treasurers—but, on the surface, from an economic ignoramus such as me, he has done a good job and there is much to be lauded for that. It is the foresight that we will exhibit during the next several years that will determine the future of this state and its people for five, six or seven decades or more.

I shall support Yumbarra. It will do many wonderful things for the people in that area if the anomaly is proved to be, what I think it is capable of becoming, an active mine of some substance. I commend the proposition to the Council, its members and the people of this state.

The Hon. G. WEATHERILL secured the adjournment of the debate.

HINDMARSH ISLAND BRIDGE BILL

Adjourned debate on second reading.

(Continued from 30 September. Page 68.)

The Hon. SANDRA KANCK: The Democrats' opposition to the construction of the Hindmarsh Island bridge is well known. It is longstanding and consistent: unlike some of our political opponents we have not tacked in the winds of public opinion searching for an electoral advantage. The principles of reconciliation and environmental sustainability have informed our stance on this issue from the beginning. The Bannon government's decision to guarantee the building of a bridge to Hindmarsh Island (known to the Ngarrindjeri people as Kumarangk) has proved an expensive folly. To date, $20 million of taxpayers' money has been wasted on this divisive proposal of dubious economic value.

This Bill has the effect of enshrining the 1993 tripartite agreement between the then Minister of Transport Development, the district council of Port Elliot and Goolwa and Binalong Pty Limited to construct a bridge between Goolwa and Hindmarsh Island. It imposes a financial liability on owners of allotments that have been subdivided or created since 28 September 1993, thereby returning a modest sum to the South Australian Treasury.

This bill also marks the triumph of a ruthless, deceitful and undemocratic campaign to secure the construction of the bridge. This second reading debate provides an opportunity to place on the parliamentary record the sad and sorry history of that campaign. An application by Binalong Pty Ltd in 1980 to the Department of Housing and Urban Affairs for the development of a boating and recreational complex on Hindmarsh Island marks the beginning of the chain of events that leads us here today. Approval for stage 1 was granted on 21 December 1982 and the first boats were arriving by April 1985. By 1988 plans were afoot to extend the marina and suggestions of a bridge had been floated in the local press.

In October 1991 the Bannon government announced that the bridge would be built. I can remember sitting back and watching it on TV that night, wondering what on earth had got into John Bannon's head. In July 1993 Binalong was advised by the Office of Planning and Urban Development that any extension of the marina was conditional on the building of a bridge providing access between Goolwa and Hindmarsh Island. By this time, local opposition to the bridge had already emerged with the Friends of Hindmarsh Island, which later became the Friends of Goolwa and Kumarangk. Aboriginal opposition to the bridge publicly manifested itself as a protest on 8 October 1993. On Saturday 11 December 1993, the Arnold Labor government was decimated at the so-called 'State Bank' election. On 23 December 1993 the Aboriginal Legal Rights Movement simultaneously applied to the state Minister for Aboriginal Affairs for a direction prohibiting the construction of the bridge under the Aboriginal Heritage Act 1988 and to the federal Minister for Aboriginal Affairs for a similar direction under section 10 of

the Aboriginal and Torres Strait Islander Heritage Protection Act 1984.

The newly elected Brown government, which had opposed the construction of the bridge when in opposition, appointed Samuel Jacobs QC to assess the government's legal obligations regarding the construction of the bridge. Jacobs concluded that the government was legally obligated to build the bridge. This set the state government on a collision course with opponents of the bridge and eventually the federal government. On 3 May 1994 the Minister for Aboriginal Affairs at that time, the Hon. Michael Armitage, announced a disgraceful decision—that he was using section 23 of the Aboriginal Heritage Act to authorise the damage or destruction of Aboriginal sites in the course of the construction of that bridge. My colleague the Hon. Mike Elliott, in an earlier time having the position of the Democrats' spokesman on Aboriginal affairs, had ensured that a provision was included in the Aboriginal Heritage Act, but he assures me that this provision in section 23 that the Minister for Aboriginal Affairs used then was certainly not what was envisaged at the time.

In response to the application from the Aboriginal Legal Rights Movement, the federal Minister for Aboriginal and Torres Strait Islander Affairs, the Hon. Robert Tickner, appointed Professor Cheryl Saunders to investigate Aboriginal heritage considerations relating to the construction of the bridge. Professor Saunders identified the existence of significant spiritual and cultural matters in relation to Hindmarsh and Mundoo Islands, the waters of the Goolwa channel, Lake Alexandrina and the Murray mouth. In particular, she found within the Ngarrindjeri the traditional belief that the area is crucial for the reproduction of the Ngarrindjeri people and the cosmos which supports their existence. This tradition of women's business became known in a derogatory way as 'secret women's business'. It was secret to the extent that all Aboriginal people in Australia have men's and women's business, and women do not partake of the ceremonies around the men's business and vice versa.

On 10 July 1994, Robert Tickner acted upon the Saunders report and banned the construction of the bridge for 25 years. It should be put on the record that the Saunders report remains the only inquiry to have complete access to the information relating to women's business. All subsequent investigations have been denied the opportunity to properly assess the belief. The federal ban on the construction of the bridge was later overturned in the federal court on the basis that the minister failed personally to read the evidence relating to women's business. The minister's culturally responsible decision to have a female member of staff read and relay the findings to him conflicted with his legal duty under the act to personally consider all representations. I was at a meeting recently at Goolwa and at that meeting the member for Finniss, the Hon. Dean Brown, proclaimed the fact that back in 1993 he was an opponent of the building of the bridge, yet when I go back and look in the *Hansard* record at his various remarks as Premier, I see in fact a member, a minister and a Premier who was antagonistic to the concerns of the Aboriginal people.

At any rate, in response to media reports of a drunken man claiming that women's business was fabricated, on 19 July 1995 the South Australian royal commission set up by the Hon. Dean Brown began hearing evidence. That royal commission was conducted by retired Supreme Court judge Iris Stevens, who found that women's business had been fabricated to obtain a declaration under the federal act to prevent construction of the bridge. But the commissioner based her findings almost exclusively on evidence from a small minority of Ngarrindjeri women and a number of male academics. Most Ngarrindjeri people viewed the royal commission as an inquisition into their spiritual beliefs and almost all Ngarrindjeri people chose not to give evidence. They decided to wait for a second federal inquiry, where they anticipated a fairer hearing. The report of the royal commission shows itself to be appallingly inaccurate. It assigns roles to people that they never had, it asserts that conversations took place that never occurred, and it even gets the genealogy of the Ngarrindjeri people wrong.

The second federal inquiry was commissioned by the Keating federal Labor government, which appointed Justice Jane Matthews to conduct it. The fall of the Keating government saw the appointment of John Herron as the federal Minister for Aboriginal Affairs, and Herron fatally compromised the findings of the second report by failing to appoint a female minister to read the final report. As a result, the evidence of women's business was again not considered, rendering the exercise, like the royal commission, redundant. As it transpired, Justice Matthews' inquiry could not be used by John Herron, due to a breach of the doctrine of the separation of powers. Despite being hamstrung, Justice Matthews conducted a revealing inquiry and made a number of telling observations that cast serious doubts on the findings of the royal commission. The royal commissioner concluded:

> . . . the Seven Sisters Dreaming Story was never part of the Dreaming of Ngarrindjeri people. It was part of western desert mythology and is likely to have been introduced by Doreen Kartinyeri.

But she failed to explain why the Seven Sisters Dreaming, which is common to Aboriginal women of all tribal groupings across the country, is isolated from the knowledge of just one small group in Australia. Justice Matthews found:

> There is considerable material, much of it unearthed for the purpose of this report, which directly refutes the royal commissioner's findings on this matter. References to the Seven Sisters Dreaming Story in Ngarrindjeri culture can be found in several sources, some of which go back a long time.

Justice Matthews further states:

> There are undoubtedly gaps in what is known of the Seven Sisters Dreaming Story and the sacredness of the waters of the Goolwa channel. But I nevertheless think that Betty Fisher's version of the story reveals enough to enable the connection to be made between the story and the significance of the area.

While the evidence of Betty Fisher was dismissed out of hand by the royal commissioner, Justice Matthews found that some of the paper on which Betty Fisher wrote her notes relating to the issue of women's business was around 30 years old, thus bolstering the validity of her evidence. The royal commission's finding that women's business is a recent fabrication is unsustainable in the light of that evidence.

I also want to take issue with a number of other points stressed by the royal commissioner. She made much of subjecting the few known facts concerning women's business to a rigorous logical examination. This is an intolerant and I would suggest racist path to tread. It is the belief in the Virgin Mary's immaculate conception that is sacred, not its logical proof. Furthermore, the commissioner's own logic is found wanting. She stressed that the late public appearance of women's business was evidence of its fabrication. Yet she failed to explain why people who allegedly had no interest in

the matter would suddenly, belatedly, concoct a story to prevent the construction of the bridge.

Aside from the Saunders report, the Ngarrindjeri women have not had a fair hearing; nor have many others. There has been a series of legal manoeuvres to prevent the open and thorough discussion of beliefs and concerns throughout the saga. The marina developers—Tom, Wendy and Andrew Chapman—have launched a raft of defamation actions against people involved in the anti-bridge campaign. This has been a brazen—

The Hon. T.G. Cameron interjecting:

The Hon. SANDRA KANCK: It includes the Australian Democrats, most certainly. It has been a brazen attempt to intimidate opponents of the bridge into silence. It sadly confirms—

The Hon. T.G. Cameron interjecting:

The Hon. SANDRA KANCK: No, and it is not shutting me up now. It sadly confirms that the use of SLAPP suits (Strategic Litigation Against Public Participation) is now firmly entrenched in the Australian legal system. SLAPPs usually rely on allegations of defamation, conspiracy or economic loss. SLAPPs are an abuse of process that threaten to corrupt the core of our democracy: freedom of speech. SLAPPs exploit the ponderous nature of our legal system and the potential for financial ruin that accompanies any such action, regardless of the merits of the case. They are a very effective tool of suppression.

Amongst the victims of the Chapman's orchestrated campaign—and I have already acknowledged to the Hon. Terry Cameron that the Democrats are amongst those—are also Dean Whittaker, Margaret Allen, Neil Draper who, to my delight, recently had the award against him overturned, former Democrats Senator John Coulter, the Conservation Council of South Australia, the Friends of Goolwa and Kumarangk, the Kumarangk Coalition, Gregory and Chris Lundstrom, Margaret Bolster, David Shearman, Richard Owen and numerous media organisations. I understand that at one stage even our transport minister was subject to legal action by the Chapmans, but I do not know what the position of that is.

The Hon. T.G. Cameron: They are old mates.

The Hon. SANDRA KANCK: Yes. I wonder whether they are after that. It is very hard to retain mateship under some of those circumstances.

The Hon. T.G. Cameron interjecting:

The Hon. SANDRA KANCK: It is a bit like the old song *Lloyd George loves Sir Arthur*. Nor have attempts to silence critics of the bridge been confined to the use of SLAPPs. In August 1997, the Kumarangk Coalition organised a forum on understanding defamation law and invited four Adelaide lawyers to offer their perspective on the role of the law in matters of protest and free speech. While most of the audience was made up of people opposed to the construction of the bridge, at least one person there had a contrary view, and this person took particular offence to the contribution of Mark Parnell, a Flinders University law lecturer, long-time conservation campaigner and part-time solicitor with the Environmental Defenders Office.

Two complaints were lodged against Mark Parnell as a consequence of his contribution to that conference. The first was with the Commonwealth Attorney-General, who provided some of the EDO's funding, and secondly with the South Australian Legal Practitioners Conduct Board. The first complaint related to an alleged breach of the restriction on EDOs using commonwealth funds for litigation-related activity. The second complaint identified the heinous crime of 'inciting known troublemakers to break the law', and advising protest organisers to encourage large crowds at demonstrations. Both complaints were dismissed as being without foundation, but they provide another example of attempts to silence critics of this bridge.

I refer to a letter that was written to me in response to the government's announcement that it was going to meet some of the legal costs of the Chapmans. The letter states:

> A small printing business here is suffering costly litigation at the hands of the Chapmans because it entered a normal commercial undertaking to print a community explanation leaflet for a heritage and environmentally concerned organisation in response to an unsigned, unauthorised racist leaflet previously distributed. Will their legal expenses be paid by the government? How many other developers anywhere in this state could expect such privileges?

I believe that the Law Society should investigate the conduct of the Chapmans' solicitor, Mr Steve Palyga. I suspect that the advent of this type of legal intimidation requires a legislative remedy. Certainly if this government has any commitment to justice, it would look at that. It is such a difficult situation with this SLAPP writ that if I were to write a letter to the Law Society complaining at the way Steve Palyga, acting in concert with the Chapmans, is preventing freedom of speech in this state, that in turn could and probably would result in Mr Palyga's taking legal action against me. So much for freedom of speech!

The Goolwa District Ratepayers and Residents Association held a public meeting a fortnight ago, and at that meeting there were representatives from Transport SA and Built Environs, who are constructing the bridge. A question was asked about whether there would be disruptions to the ferry service during construction. The answer given was that the builders were getting around that problem by including a curve in the bridge. That sounds as if they have answered the problem, but there was also a later question about wind sheer. Anyone who has been down to Goolwa would know that the area very often experiences extremely strong winds. Some of the locals had concerns about the ability of a campervan, for instance, being able to traverse that bridge. The engineers told us that they had taken the wind sheer into account in designing the bridge, but I was told afterwards by an engineer—not one of the engineers of this company but an engineer who had a quick look at the plans and who knows a little bit about design—that that curve is there to deal with the wind sheer.

I have also been told about a study done at Adelaide University back in 1993 or 1994 that indicated that, for 28 days of the year, the bridge would be closed to traffic because of the danger of the high wind speed on top of that bridge. If that is the truth, when the ferry is removed for roughly one month out of 12 each year, the people who choose to live on that island will find themselves cut off from the mainland.

All members would have received an email from Geoffrey Johnstone about his catamaran and how he has discovered that it will be unable to pass under the bridge. He says in his email that his catamaran has a 16.5 metre mast. I do not know much about boats, but he states that there are at least 30 local residents who will have a similar problem. Today I received in my mail a copy of a letter that the transport minister has sent to this man indicating that the bridge height of 14 metres will stay, so it is just tough luck. I just wonder how much proper planning has gone into this bridge when it has been known for so long that there are boats with this height mast—

Members interjecting:

The ACTING PRESIDENT: Order! The Hon. Sandra Kanck has the call.

Members interjecting:

The ACTING PRESIDENT: Order!

The Hon. SANDRA KANCK: I will respond to that interjection, because Mr Johnstone says in his letter that, at the time he purchased the boat, it was his understanding that, even when a bridge was constructed, he would still be able to navigate under it. So he obviously purchased that boat in good faith.

The Hon. Diana Laidlaw interjecting:

The Hon. SANDRA KANCK: It is very likely that the Chapmans would tell him something like that, but I have already expressed my view about the way these people operate.

Members interjecting:

The ACTING PRESIDENT: Order! The honourable member is on her feet.

The Hon. SANDRA KANCK: Further to the discussion at the meeting that I attended, the builders of the bridge, in answer to a question, revealed that, in the first 30 metres of drilling into the mud, no bedrock was detected—but they said that they designed the bridge in that knowledge. I suddenly had a picture of a bridge that had no strong footings, with a mast on the top of it to catch the breeze and, when these extraordinarily strong winds blow, the whole bridge sailing out to sea. I guess, if it did, some people would not be particularly sad. In relation to that, one of the Ngarrindjeri elders, Maggie Jacobs, spoke at the meeting and said that, although construction of the bridge might begin, it will never be completed. I hope she is right.

Turning to the bill, I note that the government plans to recoup at least some of the construction costs. At the meeting we were told that a maximum of $4 million would be paid by Hindmarsh Island residents. Given that the government says that it will cost $10 million to construct the bridge—and that is the cost before any predictable blow-outs occur—that means that the rest of the money will be paid by the taxpayers of South Australia. I think that, if the majority of South Australian taxpayers knew that they were up for another $6 million or more, they would be very outraged.

Another question that was asked was, 'How much land will need to be subdivided in order for the government to get back that first $4 million?' The representatives from Built Environs, at the public meeting, said that they did not know. I find that an absolutely nonsense response. I would like the Attorney-General to respond to this when he sums up at the end of the second reading stage, because there is a very easy way to calculate it if you put a simple program into the computer. Firstly, you need to know how many allotments have been subdivided since 28 September 1993; then you make assumptions, and you can have a series of different models, about how many people will pay the up front, one-off cost of $4 500 and how many will pay the annual payment of $325; and then you will be able to work out your shortfall. It is very simple.

If the government cannot provide that information, I ask the Attorney-General to provide the Council with that information—that is, how many allotments have already been subdivided since 28 September 1993—and I will provide the information back to the parliament about how many subdivisions will be required to recoup the $4 million.

The Hon. T.G. Cameron: How many blocks?

The Hon. SANDRA KANCK: Yes, how many blocks there will need to be. The real fear is that we will have almost a city on Hindmarsh Island. The ratepayers association, in a letter it sent to most MPs, raised issues about the tripartite deed, stating:

> The Goolwa District Ratepayers and Residents Association is concerned that the Hindmarsh Island Bridge Bill 1999 is in effect designed to enact by operation of law the tripartite deed which is attached to the bill. The tripartite deed was entered into between the Minister for Transport of the South Australian government, the District Council of Port Elliot and Goolwa (now the Alexandrina council) and Binalong Pty Ltd (now in liquidation) in 1993.
>
> The tripartite deed was agreed to by the parties to enable the building of a bridge to Hindmarsh Island and for the collection of contributions towards the cost of the bridge from newly developed properties. Binalong (now in liquidation) was to provide certain moneys towards payment. Binalong was subsequently placed in receivership.
>
> The deed did not allow for such an event. Our advice is that the deed is now voidable, that is, that the government and council are no longer bound by the deed unless they want to be. The deed did not allow for Binalong to assign or transfer its obligations or benefits under the deed.

The Hon. A.J. Redford interjecting:

The Hon. SANDRA KANCK: At the time Sam Jacobs gave his report, Binalong was not in receivership. It continues:

> Our association is of the view that our council is not obliged to proceed should it not wish to. It is our belief that the bill is being introduced in this way as a means of seeing to it that the bridge is built without any further challenges being possible by seeking to have the parliament of South Australia embrace the tripartite deed as though it were enforceable at law.
>
> This we believe would be intolerable and a true example of government by stealth. Should the bill be passed, the rights of the people and community would again be cast to the wind. Our plea therefore to you is to be aware of the true purpose of the bill. If the bill fails in parliament then the tripartite deed itself must be relied upon in its own right, without the statutory authority of a bill of parliament. This then will allow the people to be heard should they not be happy with the deed.

The Democrats are absolutely opposed to the tripartite deed being included in this legislation. It leads me to conclude that the government and the Chapmans must be on very shaky ground: it would not need to be incorporated otherwise.

The Hon. T.G. Cameron: Why do you say that?

The Hon. SANDRA KANCK: For exactly the reasons that the Goolwa District Ratepayers and Residents Association states—that the deed that was entered into was entered into with a company that is in liquidation, and that deed did not have any provision for that to occur. The minister's media release of 11 August announcing that the Hindmarsh Island bridge was to go ahead indicates that the bill makes a variation to the tripartite deed. I do not have access to the original tripartite deed, so—

The Hon. A.J. Redford: It's annexed to the bill.

The Hon. SANDRA KANCK: There is a tripartite deed annexed to the bill: absolutely. But the Attorney-General's media release states that the bill also makes variation to the tripartite deed. So I want to know—

The Hon. A.J. Redford interjecting:

The Hon. SANDRA KANCK: I want the Attorney-General to state clearly, when he sums up, what those variations are. I cannot see, just as the Goolwa District Ratepayers and Residents Association cannot see, how any variation can occur, given that Binalong is in liquidation and the council is not in agreement. I turn now to the issue of the Chapmans' costs, which again the Attorney-General referred to in his media release.

The Hon. A.J. Redford interjecting:

The Hon. SANDRA KANCK: They certainly have, and that is the point I have been making about the way the Chapmans continue to use SLAPP writs to silence people. The Attorney-General's media release of 11 August states:

> The government has agreed to contribute up to $2.37 million for infrastructure work on Hindmarsh Island including roadworks, street lighting, water and sewerage. This work will be carried out by the Chapmans but will be overseen by the government. The government is also paying $22 000 towards the Chapmans' legal costs in relation to litigation connected with the former State Bank subsidiary, Beneficial Finance Corporation.

I am bemused by that. What has Beneficial Finance Corporation to do with any litigation over the building of this bridge? I would like the Attorney-General to explain that to the chamber when he sums up.

Also, the Attorney-General's media release had an attachment—the Hindmarsh Island Bridge Summary of Settlement. As an example, the first point states that 'Binalong Pty Ltd, Kebaro Pty Ltd and the Chapmans agree not to make or bring any claim against the state in relation to the failure or delay in constructing the bridge up to the present time.' I would like the Attorney-General to explain what Kebaro is: who are the principals and the shareholders of that company, and why is it involved in this. Similarly, I note that one of the dot points is as follows:

> Beneficial agrees to sell the former home of the Chapmans on Hindmarsh Island, which it is in possession of as mortgagee, to Kebaro.

Again, I would like to know how much this will be sold for and how much of that the government will recoup into its coffers, or is this going to be another gift to the Chapmans?

I have a letter from a resident of Goolwa, who recounts to me the following situation that occurred early in August:

> On the previous Sunday my partner and I were strolling through Amelia Park (adjacent to the ferry) late afternoon and stopped to read a large sign hanging from a tree there. While bending down to read a petition attached to the bottom, a car pulled up behind me, the occupants presumably also wanting to read it. However, a woman emerged photographed the sign and my partner and I. We each received an identical copy (as per the enclosed) in the mail on the following Tuesday.

That is a letter from Steve Palyga, to whom I have already referred.

The Hon. A.J. Redford: Not a bad lawyer. I have used him myself.

The Hon. SANDRA KANCK: I don't know whether he is a good or bad lawyer, but he doesn't act with any moral constraints.

Members interjecting:

The PRESIDENT: Order!

The Hon. A.J. Redford interjecting:

The Hon. SANDRA KANCK: I don't stoop as low as lawyers, Mr Redford.

Members interjecting:

The PRESIDENT: Order!

The Hon. SANDRA KANCK: This letter says:

> We are instructed that you were involved yesterday in the publication of material which is defamatory of our clients by means of a sign erected adjacent to the Hindmarsh Island ferry approaches at Goolwa.

It goes on to elaborate and asks that they sign a statement that says:

> . . . I was party to the display of a sign at the Hindmarsh Island ferry approaches at Goolwa.
>
> The sign alleged that the Chapmans had issued 'SLAPP suits' and were undermining free speech and democracy.
>
> I accept that those statements are untrue, and I retract them without reservation, and I apologise to Mr and Mrs Chapman for being involved in their publication.

I have had no further correspondence with this man so I do not know whether he did sign such a statement. But how could you sign a statement like that, saying that you don't believe the Chapmans are issuing SLAPP suits and you don't believe that they are undermining free speech and democracy? You would be lying.

The Hon. L.H. Davis interjecting:

The Hon. SANDRA KANCK: I have already gone through what Iris Stevens had to say and talked about the inaccuracy. Anyone who signed a statement like that, the statement that the Chapmans and Steve Palyga want signed, would be lying. You could not live with your own conscience to sign a deposition such as that.

I have hardly touched on the issue of environment, apart from the issue of subdivisions, but there is great concern about the impact that all these subdivisions ultimately will have on the Ramsar-listed wetlands in that area. If this bridge goes ahead it will destroy the character of Goolwa, and particularly Hindmarsh Island. Many of the residents in that area are very angry about it, and I can assure the Council that the meeting I attended a fortnight ago was a very good exhibition of that anger. Most of the people who were there did not want that bridge built.

Members interjecting:

The PRESIDENT: Order!

The Hon. SANDRA KANCK: The people who have chosen to live down there, the people who have chosen to retire there, have done so because of the quiet and gentle character of that region. They do not want a bridge that is going to bring more and more people into the area, both as tourists and as residents. I express my outrage that the Bannon government ever entered into this, and I express my outrage that the Brown and then the Olsen governments have perpetuated it. The Democrats believe that we would have been better off, back in 1994, cutting our losses and paying the Chapmans out. Unfortunately, I think other agendas predominated and we now are in a position where we have to consider this bill. I indicate that the Democrats will not be supporting it.

The Hon. T.G. CAMERON: SA First is supporting the second reading of this bill and we will be supporting the carriage of this bill through the parliament. I have been instructed by the Hon. Trevor Crothers, who is having some difficulty with his voice, to advise the Council that he, too, will be supporting this bill. I am not sure what there is left to say after the very extensive address made by the Hon. Sandra Kanck. I thank her for it; it was interesting, it was entertaining but, unfortunately, it was not very persuasive.

Members interjecting:

The Hon. T.G. CAMERON: I respect the Hon. Sandra Kanck's views. She honestly holds those views, even if they are wrong.

The Hon. Sandra Kanck: No, they are not wrong.

The Hon. T.G. CAMERON: Well, they are wrong in my opinion. I have just said that I respect your right to hold your views. I just happen to disagree with them.

Members interjecting:

The PRESIDENT: Order! There should be only one member speaking.

The Hon. T.G. CAMERON: It is all right, Mr President, I will ignore them. The previous Labor government entered

into a tripartite deed with Binalong Pty Ltd and the District Council of Port Elliot and Goolwa, which provided that that council would contribute to the cost of the bridge by levying allotment owners. As I understand it, this was a means by which the state could recoup the cost of the bridge construction. It provides a statutory liability to impose on owners of subdivision post 28 September 1993. But it also provides for the collection of moneys by council, at the same time as the collection of rates. The owners' obligation and liability ceases after 20 years from the completion of the bridge construction. As I understand it, owners can elect to pay $4 500 in lump sum, after which their obligation ceases. The bill limits the liability of owners in the Goolwa Binalong marina area, to equal approximately an amount had the bridge been constructed in 1994.

I have some questions similar to those that were raised by the Hon. Sandra Kanck. How much money will in total be raised from these allotments, which will be put towards bridge construction? How many allotments will there be in total that will be affected by this liability? As I understand the proposal, ratepayers or owners of property can elect to pay a lump sum. So my question to the government is: is that lump sum to be the same in quantum for all owners of property in the Goolwa marina? If that is the case, then I submit that this legislation is unfair.

I do not know how many members of this Council have had a look at the marina or at the subdivision down there. I went down there three or four times to have a look at it. I do not agree with the Hon. Sandra Kanck when she almost suggests that, because the people who live at Hindmarsh Island and Goolwa do not want to be disturbed, the region cannot be opened up for tourist development and the enjoyment of people who live here in Adelaide. However, getting back to this amount of $4 500. If it is a flat sum then I consider that to be grossly unfair, in the sense that there are some allotments down there which are selling for well in excess of $100 000. I understand that there are some prime blocks down there that are selling for between $150 000 and $200 000. Yet, if you go into the backblocks of the subdivision you will find that you can buy a piece of land with a brand-new house on it for somewhere in the vicinity of $80 000 to $85 000.

So, if it is a flat sum being levied equally to all allotment holders, there is no vertical equity at all. I do not intend to turn my contribution into a debate on the merits or otherwise of what has been a very costly and ongoing saga. One wonders just how many winners there are out of this entire exercise to date.

The Hon. Sandra Kanck: The Chapmans.

The Hon. T.G. CAMERON: The Hon. Sandra Kanck interjects and says, 'The Chapmans.' I have the benefit of never having met the Chapmans or spoken to them, so I have no pre-conceived ideas about them. Irrespective of that, I am not sure that anyone in this chamber would want to go through what the Chapmans have gone through over the past six or seven years. As I said, I do not know them, but one can only speculate as to the mental trauma that they have been through as they have been dispossessed of everything they own.

The Hon. Sandra Kanck: My heart bleeds for them.

The Hon. T.G. CAMERON: The Hon. Sandra Kanck interjects and says that her heart bleeds for them: that is not the position I am putting. It is just that for anyone who has gone through what they have gone through, going bankrupt and losing every possession they own, it would have been a traumatic experience. As I said, I do not believe that there are any real winners out of what has transpired down there.

I will not be casting aspersions or making criticisms of the royal commission. I think that the entire exercise was basically a demarcation dispute between the Australian Workers Union and the CFMEU, which ended up in an unholy and costly mess for the taxpayers of South Australia. That is the reality of it: that is where we are today. It is not my intention to cast barbs at a former (labor) government that entered this deal in what I believe was good faith, or to be critical of the difficulties the government has had to work its way through as it sought a resolution of this matter.

I do not think there have been any winners in this matter, although there have been lots of losers. Another person who I believe copped a degree of unfair criticism over his involvement in this was the reporter Chris Kenny, from Channel 9. The treatment he received over this matter was also a disgrace. There are so many people who have not covered themselves in glory with all this that it is really time to pass this legislation, build the bridge and let us get on with it, please.

At some stage or another in any political battle you have to recognise when you have won and when you have lost. The saga of Hindmarsh Island bridge will slowly come to a conclusion. The bridge will be built: people will enjoy the amenity of Hindmarsh Island and the world will still go on.

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

THE CARRIERS ACT REPEAL BILL

Adjourned debate on second reading.

(Continued from 26 October. Page 224.)

The Hon. T.G. CAMERON: SA First supports the second reading. Under the 1995 COAG intergovernmental agreement, state governments undertook to review all existing legislation that restricts competition. It is interesting to watch the liberal party decide which it wants to examine first and which it would prefer not to review, but the process requires it to do it. As part of that process, the Office of Consumer and Business Affairs has recently reviewed The Carriers Act 1891 and recommended that it be repealed.

The Carriers Act provided a framework for limiting the liability of common carriers who essentially provided for the movement of a limited type of goods specified in the act, including paintings, pictures, glass etc. Under the act, carriers were not liable for loss or damage to certain types of goods where the value is greater than $20. The review panel found that such provisions had not been used for so long that the act was no longer relevant and was, to some extent, in conflict with today's emphasis on consumer protection.

I also note that Queensland and Tasmania are in the process of repealing their equivalent legislation, and I support removing from the statute book all legislation that is not in force. I believe that this fits that category and I support the second reading.

The Hon. CARMEL ZOLLO: The opposition supports the legislation. The Carriers Act has been made redundant by the changes that have occurred to the common carriage of goods in this day and age. The legislation before us is the result of the Office of Consumer Affairs' review of legisla-

tion in light of the competition principles agreement agreed to by the Council of Australian Governments in 1995.

Having looked at The Carriers Act of 1891, with its scant regard for consumers and its clear protection bias towards carriers, it would appear to be quite out of step with the expectations of today's community. The act limits the liability whilst carrying certain goods such as jewellery by common carriers, mail contractors and, curiously, stagecoach proprietors. The bill is also consistent with the objective of the lifting of the restrictions on the handling and transportation of goods under the Competition Principles Agreement.

Measures in the act such as those that limit the liability of the carrier to a paltry $20 unless the value of the carried goods has been declared would allow little or no recourse for a consumer. Of course I appreciate, as indicated by the Attorney-General in his second reading explanation, that this provision has not been utilised for some time. The act deals only with common carriers, of which I note few if any exist in this state, and not private carriers such as furniture removalists, stevedores and the like, who are all deemed private carriers.

Whilst I appreciate that this is a repeal bill, I would be interested in the Attorney-General's views (later in the debate) regarding the status of courier services. Are they considered private carriers and, indeed, are they covered under any legislation? In speaking to people generally, there appears to be some confusion.

The opposition agrees that the review panel of the Office of Consumer and Business Affairs has made a sound decision in calling for this act to be repealed, having given due regard to the determining principles necessary when applying unfettered competition. Those principles are that competition is to be implemented except in cases where the community benefit surpasses the costs of implementing competition or the legislative objectives can be met only by limiting competition. I have also noted that the Attorney-General has sought and gained a broad range of support from members of the industry, as has the opposition.

In dealing with this bill it would be remiss of me not to comment on the initiating force behind it, that of National Competition Policy. Whilst in this case we are looking at repealing a largely redundant piece of existing legislation, in some quarters there is a growing sense of concern over the carte blanche powers that National Competition Policy seems to exert over matters of regional significance. It is important for many that the National Competition Council not continue to pursue an agenda of competition at all costs whilst ignoring the human and community costs.

I am not suggesting that all competition is inherently flawed, but I agree with the initiatives of the Queensland labor government in promoting a public benefits test and placing competition policy in the context of community benefit. Competition policy will not provide the necessary answers to ensure that states such as ours do not lose out to unfettered competition. The time has arrived to humanise competition and help sustain the self-respect and livelihood of many South Australian families. The opposition supports the second reading of the bill.

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their indication of support for the bill. This is, I suppose, historic. This act is over 100 years old and, as we approach the end of this century, we are clearing this one from the statute book. The Hon. Ian Gilfillan raised a question about the revival of common law. I followed that up, and the advice I have is that, as no contrary intention is expressed in the repealing act, section 17 of the Acts Interpretation Act 1915 operates to prevent the 1830 imperial act from being revived. Section 17 provides:

> Where a repealing enactment is repealed by an act, there is no revival of any act or enactment previously repealed unless the contrary intention is expressed.

I think that deals adequately with the honourable member's point.

The Hon. Carmel Zollo raised the question of couriers. Without knowing what couriers hold themselves out as being prepared to undertake, my guess would be that they are probably private carriers and not common carriers because they do not carry all goods. I think they reserve the right to distinguish goods, and they do not appear to carry the sorts of items which are specified in The Carriers Act 1891. My understanding is that liability of common carriers is limited to the carriage of a limited range of goods, including: paintings, pictures, glass, lace, furs, maps, title deeds, engravings and stamps. Perhaps couriers will carry things such as title deeds, but I am not sure about lace and furs.

If the common carrier reserves the right to choose from amongst those who send goods to be carried, that courier is generally a private carrier and not a common carrier. All inquiries suggest that that is the norm in the goods carriage industry in South Australia rather than their being predominantly common carriers. So, one could probably presume that couriers are private carriers rather than common carriers. In their contractual arrangements they may already have some limitation of their liability, but it might not be the same limitation which is included in The Carriers Act. I think that answers all the questions that honourable members have—

The Hon. Carmel Zollo: In other words, they are covered under consumer protection.

The Hon. K.T. GRIFFIN: Yes, under the normal contractual obligations, and if someone is being ripped off the normal rights of consumers apply. As I said, I think that covers all the issues raised by members. Again, I thank them for their support.

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

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 November. Page 401.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The opposition supports the second reading. This Bill seeks to address three issues: mortgage investment broking and claims from the guarantee fund; the employment of suspended legal practitioners in legal practice; and the determination of what is a valid claim against the guarantee fund.

The first aspect of the bill is designed to remove discrepancies from the Legal Practitioners Act 1981 which allows abuses to occur regarding claims from the guarantee fund. According to section 60 of the current Legal Practitioners Act, where a person suffers loss as a result of fiduciary or professional default and there is no reasonable prospect of recovering the full amount of that loss, the person can claim compensation from the guarantee fund.

However, legal practitioners who operate a legal practice and mortgage investment service are claiming compensation

from the fund with respect to their mortgage investment service operations. The opposition supports the government's position that mortgage investment broking is not a general part of legal practice and that claims of this nature should not be paid.

Under this bill, all clients accepting mortgage investment services will be treated the same regardless of the profession of the person facilitating the mortgage investment scheme. However, I note the Law Society's view on this matter is that the government amendments do not go far enough to minimise exposure to the fund. The Attorney may wish to comment on this. I note also that the Attorney has on file an amendment which may go some way towards alleviating the concerns of the Law Society.

Regarding suspended legal practitioners, the proposed legislation intends to prohibit suspended practitioners from gaining employment within a legal practice as a law clerk or a paralegal, for example. The government's arguments, which are supported by the Law Society, suggest that such employment allows suspended individuals effectively to be re-employed as legal practitioners despite their suspension. The bill makes it an offence for such a practice to occur. However, employment is permitted if it does not involve practising law.

The Hon. Nick Xenophon raised some concerns regarding this aspect. I must say that the opposition was a bit concerned that this provision seems to be unnecessarily punitive. For example, does this mean that someone who has been struck off but who wants to go back at some time in the future to be a manager—and the firm is amenable—still has to go through a process to gain approval? That seems to be an unnecessarily onerous way of going about things.

One of the things that we try to do when dealing with people who have offended in all aspects of the law is to allow them to rehabilitate themselves. As long as they are not in the business of practising law or acting as paralegals, I would have thought that they could go back into the practice in some other form, whether it be as a manager or to make the morning and afternoon tea.

Finally, on the third matter the bill seeks to clarify the provisions regarding a valid claim from the guarantee fund. The Attorney's minor amendment regarding partners is noted and supported by the Law Society and the opposition. However, the Law Society does make a point about the use and interpretation of the phrase 'dishonest conduct' contained in section 66 on the basis that it has never been used before in the act. Secondly, how does one judge dishonest conduct? Does the Attorney have a comment in response? I support the second reading.

The Hon. J.S.L. DAWKINS secured the adjournment of the debate.

STATUTES AMENDMENT (VISITING MEDICAL OFFICERS SUPERANNUATION) BILL

Adjourned debate on second reading.

(Continued from 28 October. Page 283.)

The Hon. P. HOLLOWAY: The opposition supports this bill. The aim of the bill is to correct an anomaly in the act which effectively excludes newly appointed visiting medical officers from government superannuation. This anomaly arises because the act provides that newly appointed VMOs have to be members of the VMO superannuation fund unless they have been accepted as a contributor to a scheme established under the Superannuation Act 1988. The problem is that those schemes established under that act have been closed. All public servants who have joined the government since that time are members of the SSS scheme. That anomaly means that VMOs have no government superannuation fund available to them, and the purpose of this bill is simply to correct that anomaly.

It is my understanding that the VMO superannuation fund is a separate fund. I believe it is solely a contributory scheme, with a minimum of 10 per cent contribution. I understand there might be some attractiveness in enabling visiting medical officers to join the SSS scheme—also a contributory scheme—because there are some superior benefits, particularly in relation to death and invalidity benefits. Some other amendments are provided for in this bill to allow that, if a visiting medical officer who was previously a member of one of the defined government benefits schemes is appointed, they can remain members of that scheme.

The purpose of this bill is in a small way to make the job of visiting medical specialists more attractive by making government superannuation available to them. I should place on record that visiting medical officers play a very important role within our public health system. I believe that about 1 800 medical officers work within the public health system. Some are trainees, some are visiting medical officers and others are salaried medical professionals. They are an essential element of the public health system of this state, and clearly it is important that the conditions offered to those medical officers are at least as attractive as those offered in other states.

While I am speaking on this bill I want to raise a matter that the South Australian Salaried Medical Officers Association has raised with members of parliament. I will read the letter that I and I am sure other members received recently, because it goes to the heart of this problem of attracting and keeping medical specialists within this state. The letter states:

> The South Australian Salaried Medical Officers Association (SASMOA) is the industrial organisation representing the interests of salaried doctors employed in South Australia's public health system. Base salaries for our members are among the lowest in Australia. In recent years, remuneration packages for salaried doctors have been boosted by the provision of salary sacrifice free of fringe benefits tax for those doctors employed in public benevolent institutions (public hospitals and health services) in lieu of salary increases. Under the federal government's ANTS [the new tax system] proposals, the Treasurer is expected to introduce legislation into the federal parliament to cap fringe benefit tax free salary sacrifice at $8 755. Our members currently sacrifice up to 30 per cent of salary. If passed, the proposed federal legislation will see the remuneration package of our members slashed by up to 20 per cent or more. If the South Australian public health system is to attract and retain the high quality medical skills for which it is renowned, this shortfall, which will total millions of dollars, will need to be made up by the state government. SASMOA urges you to:
>
> · Note our concerns when speaking with your federal colleagues and lobby them to think carefully about the impact of the new fringe benefits laws on public health in South Australia when that legislation is before them in the parliament.
> · Tell the state government that it will be called upon to make up any remuneration shortfall if South Australia is to remain medically competitive.
> · Contact SASMOA if you need further detail about how the federal government's proposed changes will impact on South Australia's public health system. SASMOA will contact you again once the impact of any new laws are assessed.

Clearly, we have a problem. Certainly, we support this bill and we would like to see it go through as quickly as possible so that the conditions of visiting medical officers can be kept

as attractive as possible but, however beneficial this bill might be in its own small way, it is clear that the problems of the federal tax package could be much more serious. I looked at some of the figures that are involved, and I understand that, for a senior visiting medical specialist or a senior salaried medical officer who might be earning $100 000 a year, which for medical specialists is by no means a huge salary, the cost of this federal measure could be anything up to $20 000 a year. If states such as Queensland are to offer much more attractive salary packages to attract visiting medical officers, we have a real problem here. If this tax change makes them thousands of dollars a year worse off, that means we will have a real problem in holding our best medical specialists here. It means that it will inevitably put cost burdens on this state.

On other occasions I have raised in this Council questions in relation to the impact of the GST package on this state. It is my fear that a number of hidden costs associated with that GST package will adversely impact upon the finances of South Australia. This is yet another one. Given that there are about 1 800 medical officers—although some of them would work only a few hours' sessional work—it is quite conceivable that, if this tax impost were to be made up, the cost to the state budget could be anything up to $20 million a year. So, clearly we do have a problem, and I would like the Treasurer to address this matter in his response. I would like him to indicate whether the state government was aware of this problem prior to the introduction of the GST at the federal level, and what action the state government will take to deal with this quite serious problem.

So, with that again I indicate the opposition's support for this bill and we will certainly assist to ensure that our visiting medical officers, who keep our public health system working, are given the conditions to which they are properly entitled.

The Hon. M.J. ELLIOTT: On behalf of the Democrats I support the second reading of this bill. There is no need for me to go through its purpose: that has already been covered. I have made an attempt to talk—and I think I have succeeded—to all relevant representative groups who have an interest in such matters, and I can say they are all supportive of the legislation. In those circumstances, the Democrats have no difficulty in also supporting it.

The Hon. R.I. LUCAS (Treasurer): I thank members for their indications of support for the bill. I understand the issues raised by the Hon. Mr Holloway. I have had a private discussion with him and as a result of that I undertake to have my officers, particularly Mr Deane Prior, who is my Treasury expert on these and related matters, to provide me with advice and get a response to the honourable member as soon as I can.

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

SOUTH AUSTRALIAN HEALTH COMMISSION (DIRECTION OF HOSPITALS AND HEALTH CENTRES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 October. Page 258.)

The Hon. R.R. ROBERTS: Introduced by the Hon. Dean Brown, this bill allows the Health Commission to direct hospitals and health centres. Most of the issues have been canvassed by a number of my colleagues in another place. I will not go over each one of them, but I wish to comment in respect of the explanation provided by the Hon. Dean Brown when he talked about what the bill will do and also what it is not intended to do. He said:

> It is not intended that the power be exercised capriciously—it would be reserved for matters of some policy or financial substance.

I would read into that the provision of budgets and budgetary measures. He continues:

> There are limitations on the exercising of the power. Clearly, it is not intended to extend to individual clinical decision-making or to the sale or disposal of assets not held by the Crown.

In other words, those correspondents who have written to each of us and who have worked as support groups to hospitals and who provide certain amenities to people in their communities have been assured that those facilities will not be touched, and I am happy about that. The Minister continues:

> Accordingly, it would specifically provide that
> - A direction cannot be given to affect clinical decisions relating to the treatment of any particular patient; and
> - A direction cannot be given for the sale or disposal of land or any other asset that is not held by the Crown.

I have just commented on that. I go back to the first point, which is what concerns me mainly about some of the things that are happening at the Port Pirie regional hospital in respect of classes of patients. Whilst the minister directs that no individual patient will be affected by a decision or direction of the minister, it does not say that a class of patient or classes of patients may not be affected by a decision.

I raise again the situation that is occurring in Port Pirie over Christmas and as we go into the year 2000 whereby a decision has been made, basically on budgetary grounds, to close the maternity ward at the Port Pirie regional hospital which services a vast area of the state. I am advised that some 17 to 18 women will be affected by this closure over that Christmas period. It seems astounding that we will be faced with this situation in a regional hospital which boasts some of the best maternity services in South Australia outside the metropolitan area, where women who are to give birth over the Christmas and new year period will be housed in the general ward, along with all the other patients, whether they are sick or suffering from dementia or a range of other illnesses. We see that mothers of babies in the year 2000 will be lumped into the general meat machine of medical services at Port Pirie over that period.

I raised this matter on another occasion and we talked about the funding. Since that time I have attended the annual general meeting of the Port Pirie Regional Health Service when a petition with some 550 signatories was presented to the meeting by a group of young mothers and their friends asking the hospital to reverse its decision. There was a unanimous decision of probably the best attended public meeting at a medical service since we have introduced the system of having medical boards, and that unanimous decision was that the board and the administration would apply its best efforts to ensure that the decision was overturned.

I understand that a meeting of the board was held on 10 November, and a press release was issued the next day in the name of the new president of the health services, Mr Mervyn Lewis. I refer to his third paragraph which really highlights the situation facing people in country areas and, indeed, all health services—but it is particularly harder on country health services, because they do not have the

throughput that occurs in the major metropolitan areas. Some of the economies of scale that are available to be utilised by hospital boards in the metropolitan area are not available to those boards operating in country South Australia. The statement reads:

> It was a situation where we had to balance the wishes of the community with the decreasing health budget, Mr Lewis said. In the past the board has prided itself on being responsive to community demand, but on this occasion we are faced with a budget deficit of hundreds of thousands of dollars, and we simply cannot avoid the closure. We are well aware of the impact this may have on some members of the community but believe we have no other alternative but to maximise the cost savings.

He is really saying that they are minimising the services to birthing mothers over the Christmas period and new year. It means that, because of the imposts of budget restraints by the Olsen government, the constraints on the health services in Port Pirie and its regions are extended to such an extent that in the year 2000, at the peak of our medical knowledge, we are now going back to a situation where a mother cannot find a bed in a recognised hospital at Christmas time to have her baby at the standard of accommodation and services—

The Hon. M.J. Elliott interjecting:

The Hon. R.R. ROBERTS: This government has managed at least to equal the service provided 2 000 years ago. They may well have been able to get a bed at Joey Lambert's Federal Hotel across the road, but he has pulled down his stables, so that option has been cut off! The cost saving of hundreds of thousands of dollars indicates quite clearly there is a problem with the funding of health services in country areas far beyond the running of the maternity facilities at Port Pirie from 20 December to 14 January. Whilst the services are first class, and the nursing and other staff at the Port Pirie regional hospital are excellent people and committed to the work they do, we will not save hundreds of thousands of dollars, even at those very high standards. So, we have to come back to the issue of funding generally by the Olsen government to health services. I raised this matter in my Address in Reply speech, and I notice that the Treasurer responded to some of my remarks by saying that he believes we do not understand the sums involved. We clearly understand the sums involved.

I congratulate Dean Brown, because again today he is demanding more federal funds for health services in South Australia—and so he should. I suggest to the Olsen government and to the Hon. Dean Brown in particular that he apply the same standards to himself as he applies to the Port Pirie regional hospital. He accuses it of not being able to handle its budget. That was reinforced by the member for Frome, the Hon. Rob Kerin, who said, when asked, that 'we are pouring thousands and thousands of dollars into the hospital system and it is never enough'. His suggestion was that it was a good idea to close the maternity services at Port Pirie and that that ought to be done in the metropolitan area as well. That clearly indicates the concern that this government has for health services.

I have been doing some surveying in the country areas of South Australia. I can tell Dean Brown and the Premier that the single greatest thing of importance to people living in regional South Australia, especially in the Mid North, is health and health services. Whilst they are talking about budgets, they are doing other things. As one of my constituents from Laura said, 'They are worrying about window-dressing around issues like wine centres and rose gardens while people are suffering with health problems.'

I put to the Hon. Dean Brown and Mr Olsen that they have to do something very quickly about health services in country areas; and in particular they have to listen to what people are saying. The petition that was presented to the hospital board was put together by a couple of mothers, including Ms Kelly Clonin, whom I congratulate for her dedication as regards not only services for herself but for all the other expectant mothers in Port Pirie. She has done a marvellous job and a service for her community by gathering signatures and fighting the good fight.

After the decision was made I was approached by a Mr Bill Warner, who is a resident of the Patterson Retirement Village in Port Pirie and who, some months ago, was to be evicted from his unit. Because he had received so much support from the Port Pirie community he offered his services to gather signatures on a petition which would be given to the government—and I make no secret about the fact that I constructed the petition for him.

It is unfortunate that today I cannot present that petition. I understand that in just over a week he had collected some 2 000 signatures by riding around on his gopher and talking to his friends. Unfortunately, Mr Bill Warner has taken ill and, as I understand it, is in the Repatriation Hospital, and that has meant that we could not collect his petition. However, I congratulate him on the work that he has done for the people of Port Pirie in trying to secure proper birthing facilities in Port Pirie over the Christmas period. I take this opportunity to wish him well as regards the problems he has with his own health. I hope that he is back on his feet before Christmas so that he can come back to his friends at Port Pirie and enjoy some of the rewards and congratulations for the work that he has been trying to achieve on behalf of his fellow citizens in Port Pirie.

Whilst this bill is supported by the opposition for the reasons given by my colleagues in another place, I ask the minister handling it to address himself to the point that I made earlier regarding a direction not being given as to affect the clinical decisions relating to the treatment of a particular patient. I ask him to address whether an amendment may be worthwhile in that it states 'a particular patient or class of patients or the provision of a particular health service from time to time'.

I understand what the minister is trying to achieve with this bill. But once again I plead with this government. It can find money: when we find a noxious weed in the mallee area, it can come up with $400 000 to tackle the problem; it can come up with hundreds of thousands of dollars for inquiries into rural affairs; but it cannot come up with the money to provide decent, modern health services for women having babies in the year 2000. I am sure that we will all be sending congratulations to the first baby born at the Port Pirie hospital in the year 2000 and, if he is true to form, the local member will probably do exactly the same thing. We do not need his congratulations: what we need from the local member is money and support. In my submission, he has been derelict in his duty to those people living in that region. He ought to be out fighting for his electorate to provide services equivalent to those provided to people in the metropolitan area. I conclude my remarks at this stage.

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

[Sitting suspended from 6.02 to 7.45 p.m.]

TRANSPLANTATION AND ANATOMY (CONSENT TO BLOOD DONATION) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 9 November. Page 323.)

The Hon. SANDRA KANCK: There is a lot of recognition in education circles that, when you put a certain practice into place with young minds, it tends to stay with them through into adulthood, and I think this bill is clearly based on that view. It seems to me that 16 year olds are perfectly capable of making informed decisions about their own bodies and their health, and being able to give blood is one of those things about which they would be capable of making decisions.

I note that the Hon. Carmel Zollo said in her contribution that she understood that an education program would be put into place after the legislation was passed. I have not been informed of that and it was not in the minister's speech. I would be pleased if the minister could provide some details of that, either in response or in writing to me afterwards. I indicate that the Democrats are very happy to support the bill and consider it to be a very sensible move.

The Hon. J.S.L. DAWKINS secured the adjournment of the debate.

STATUTES AMENDMENT (UNIVERSITIES) BILL

Adjourned debate on second reading.
(Continued from 27 October. Page 261.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The opposition supports the second reading. This bill deals with the Office of Visitor to the three universities in the state. It has traditionally been the Governor of the state. It is a very archaic office. Jurisdiction extends to matters concerned with the internal management of the university. These matters may include disputes involving members of the university arising from promotion or dismissal of staff and the power to interpret the statutes of the university. The visitor's powers are quite limited. This bill seeks to hand over those powers to the Ombudsman, which I think is far more appropriate.

We amended the Universities Act some time ago and perhaps this matter should have been addressed at that time. I understand there will also be an amendment to the Ombudsman's Act which will bring all legislation in line. The opposition supports the second reading.

The Hon. M.J. ELLIOTT: I indicate, on behalf of the Democrats, support for the second reading. Effectively, the role of the Governor of South Australia as a visitor to the universities is to be replaced by that of the Ombudsman. It will come as no surprise to people who know that I supported a minimalist approach on the Republic that I believe the Governor's role or a Governor-General's role should be very limited—in fact, largely limited to interpretation in terms of whether a party has the numbers to form a government, whether or not it continues to enjoy the support of the parliament and whether or not laws are passed through the parliament in a correct manner and therefore deserve to be signed off into law.

That is as much as I think Governors and Governors-General effectively should do in any sort of legal sense. This is really a left over from a very long time ago. A bit of tidying up is required. It is certainly consistent with the approach that I took in suggesting that Governors should have very much a minimalist role in the affairs of state.

The Hon. J.S.L. DAWKINS secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION (SERIOUS CRIMINAL TRESPASS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 11 November. Page 403.)

The Hon. CARMEL ZOLLO: I support this legislation. Over the past few years there has been an increase in the momentum and perception in the community that our laws and judicial systems do not reflect the concerns of citizens when it comes to the invasion of personal property and self. It would be fair to say that the opposition has supported such concerns and has been calling for some action for nearly 2½ years. The message we have all been hearing is that our community sees home invasions as a different and more aggressive crime than a simple break-in.

We saw this community concern culminate in a large rally on the steps of Parliament House a few weeks ago. Essentially, the bills before the chamber are the government's response to those concerns. The government has introduced two of the three bills presented as options in the discussion paper on home invasions. I notice that the Office of Crime Statistics defines 'home invasion' as follows:

> Home invasion seems to be understood, at the very least, as an incident involving unlawful entry into a house with intent to commit a crime when the occupants are at home.

Labor called for an additional non-parole period for a convicted burglar if they have not just broken into a house but terrorised, hurt or threatened someone in their home. However, the Attorney-General spoke at some length on the reasons for not introducing minimum penalties. I understand that the changes contained in the proposed legislation clarify and widen the scope of the burglary offence already on the statute book, which already carries a maximum penalty of life imprisonment. It gives further impetus to the existing legislation by providing appropriate punishment for this very serious crime.

I note also that top criminal lawyers have come out to slam this legislation and to accuse the government of over-reacting. In that case I guess that they would, no doubt, accuse the opposition of gross over-reaction. Whilst respecting the opinions of the legal profession, I see no problems in updating legislation or inadequate legislation in response to overwhelming community opinion or changed circumstances in our society. If such outdated legislation still allows for enough flexibility to respond to individual circumstances, as this legislation does, I think it deserves the support of the opposition.

I notice that in his second reading contribution the Attorney-General said that community demands for the bill were based on a number of false assumptions. Many might not agree that these assumptions were false, but at least he acknowledges that the public expects the government to do something and it has decided to do so. I would be very surprised if constituents do not look to their legislators to produce laws which reflect their concerns. We all know why and how these concerns have come about, and as a commun-

ity there is a great deal more that should be undertaken besides updating legislation. There are many differing points of view as to how and why we have reached this point, whether it is related to drug addiction or unemployment, and there are even more differing opinions as to how such issues should be tackled.

I think we are all sensitive to the fact that no-one is immune to misfortune, and we all would want to be given the opportunity to be part of a legal system that does have the flexibility to respond not only to individual circumstances but exceptional circumstances in which people might find themselves. As this legislation assists in rectifying and strengthening existing legislation, along with my party I am happy to support the second reading.

The Hon. A.J. REDFORD: First, I support the second reading of this bill and believe that this is an appropriate acknowledgment of the real fear that has been generated in the minds of the public, and particularly the elderly, in relation to offences of this nature. In supporting the bill I should indicate that I have a sense of unease in relation to this bill, and I hope that we will keep a very close eye on how this legislation will operate.

I attended the rally on the front steps of Parliament House and was moved by the fact that ordinary people who were not generally moved to attend public rallies or demonstrations and who are not generally part of any specific organisation took the trouble to attend and demonstrate to us as members of parliament their genuine fear. On a couple of occasions there were some speakers who did go a little over the top, but I am not an orphan in that regard and know that there are probably many in this place, including me, who, armed with a large audience, occasionally do go a little over the top.

I hope that reasoned people within the community will not think that we are reacting to any radical or zealous element within our community but to an ordinary person's fear and their quite legitimate expectation that their home is their castle and they ought to be able to go about their daily lives within their homes without intrusion from strangers. My other unease in relation to this—and I acknowledge that there has been a real and specific demand on this parliament and, in particular, on the Attorney that we respond very quickly to these community fears—is that even as late as this morning we received some amendments to the legislation.

I have not had an opportunity to consider them in any detail, but I acknowledge that we will not be dealing with the committee stage of this bill until tomorrow, which will give us time to look at those amendments in more detail. I would also like to go on record as congratulating the Attorney-General. With the benefit of hindsight, one might say that in a political sense we might have seen this issue coming like a steam train a little earlier than we did, and we might have responded a little more promptly than we did, but I acknowledge that the Attorney has at all times endeavoured to listen to all sides of the debate and to be as fair as he possibly can.

I found it quite distressing that, missing a number of meetings, the Attorney took the trouble to stand within the audience at the rally on the steps of Parliament House for the whole period and to listen to every single speaker. I am not sure that many other members of parliament would have done that. I know that some members of parliament stood up side by side with some of the organisers, and I must admit that I was struck at one stage that Mike Rann was seen to be very closely associated with members of the One Nation Party.

Members interjecting:

The Hon. A.J. REDFORD: I do not criticise the leader for that, but there were some elements within the audience with which the Labor Party would not normally associate itself and about which it has been quite pious and strident in its criticism in the past. But Mike Rann, being the ever-vigilant political opportunist that he is, did not hesitate to associate himself with that element.

As I said the other night in parliament and think appropriate that I repeat, I am very disappointed with the way in which members of the legal profession have dealt with this issue. They appear on too many occasions to sit back, watch a debate develop, let the Attorney take all the heat—and significant heat—and then only after the Attorney responds to the public demand do they come out and, instead of putting a position in relation to home invasion that they should have put earlier, they attack the Attorney-General—so he gets it from both sides.

I really must say that I am extremely disappointed in my colleagues in the legal profession in the way in which they dealt with this issue and with the Attorney-General. I know that he will be far too polite and far too politic to make any comment about that—but I am not as astute in that regard and will go on record as saying that I think that, if the legal profession had a viewpoint on this, it is deplorable that it waited so long, when the debate had pretty much run its course, to go public about its views.

I note from a letter that the Attorney-General wrote to members of this place concerning proposed amendments that he will classify the offence of serious criminal trespass as a minor indictable offence—subject, of course, to what takes place in this chamber. In the letter he states:

> The Acting Director of Public Prosecutions has made it clear that she considers that the basic offences should be minor indictable so that is what the amendment does.

I would be most interested to hear why the Acting Director of Public Prosecutions has come to the conclusion that these basic offences should be minor indictable, as I have no doubt that there may well be some out there in the community who believe that should not be the case. In other words, I am asking for a clear and definitive explanation as to why this offence that we are creating through this bill should be classified as a minor indictable offence.

I suspect I am familiar with the answer, but I would be grateful if the Attorney-General in responding would set out clearly the effect of classifying these offences as minor indictable offences, bearing in mind that the penalties for these offences range from a period of imprisonment of 10 years up to life imprisonment. I would like to be assured that those who are charged with these offences have the same rights as any person who is charged with any other major offence that attracts similar ranges of penalty. I support the bill and look forward to the debate in the committee stage.

The Hon. IAN GILFILLAN: The Democrats have not rushed into debate on this issue. We have taken note of the petition collected by Mrs Ivy Skowronski and of the rally on the steps of Parliament House last month. We note that home invasion is and always has been against the law. We note that, depending upon the definition of the offence, it already attracts a maximum gaol sentence of life imprisonment. Therefore, we are not of the view that if there is to be any change in the law it needs to be accompanied by any great haste. We have noted also the contributions on this bill of the Hons Nick Xenophon, Terry Cameron and Trevor Crothers. As they pointed out, this bill does not address the causes of

crime such as we might do if we looked seriously at the way we respond to the illness of drug addiction.

In past years, criminal elements seeking access to cash to support a drug habit or for any other reason used to target banks and building societies. When those institutions tightened their security, desperate robbers moved on to target service stations. Service stations too became harder targets installing security screens and time delay locks. In recent years, the soft targets for robbers have been corner delis and now, perhaps, to some extent residences.

As previous speakers have pointed out, we will not remove this problem by creating laws which impose tougher penalties or even by turning our houses into fortresses. If they are desperate enough, criminals will attack the ultimate soft target: people on the streets. I note that that has occurred in the past few days. A much more effective strategy is to address the root of what causes criminal behaviour.

I believe that this bill will do no good at all to prevent crime. It merely makes changes in the way we classify some offences. Some changes are obviously warranted, but others will only create arguments among lawyers or criminal law academics. For instance, as the Hon. Terry Cameron has observed, this bill decrees that offences committed in homes are necessarily more serious than offences committed in workplaces or on the street. I accept that in many, if not most, cases they will be more serious. We are all entitled to believe that our home is our haven. There is a sense of outrage and vulnerability when our privacy and intimacy is violated, but depending on the circumstances there may be similar feelings of indignity associated with other crimes as well.

Not long ago, the Attorney-General's department issued two documents on the topic of home invasion. The first was an analysis from the Office of Crime Statistics (released on 31 August). It showed that, depending upon your definition, the number of home invasion offences was on the rise in South Australia. Then in October the Attorney-General released a discussion paper on home invasion which also included three draft bills. On the cover of this paper it is stated:

> I welcome comments from members of the community on the matters raised in this paper and look forward to receiving them. All submissions will be properly considered before a course of action is determined by the government. Comments and inquiries should be sent to the office of the Attorney-General by Monday 11 November.

The ink was hardly dry on this paper before a course of action was determined by the government. Within a week (seven days) of issuing this discussion paper and inviting public comment, two bills were endorsed by cabinet and declared to be government policy. Obviously, this government was not interested in any public submissions; it judged what it wanted. It wanted immediate action, and the perception of acting swiftly in response to a crowd on the steps of Parliament House—and incidentally to some tirades, particularly on late night radio—was regarded as more important than getting any advice or submissions on any draft bill.

Public consultation? What public consultation? This promise of 'all submissions will be properly considered before a course of action is determined by the government' was meaningless, totally ignored, useless, a charade, a trick, a fraud on anyone who bothered to take the government at its word and respond with meaningful suggestions, criticisms or potential improvements. For that reason, the Democrats did not even wish to enter the debate on these two home invasion bills until after 11 November. We took the view that if anyone had made the mistake of taking the government at its word and planned to respond with suggestions or comments, their views could be taken into account, if not by the government then at least in due course by the parliament.

Our offences of break and enter, robbery and burglary are archaic—they have existed for 100 years or more and could do with updating and clarification—but they are not so seriously deficient that we cannot afford to wait for three weeks to see if any member of the public has some thoughtful comment to make on how the law might be improved. If we are changing a law that is 100 years old and all the advice that we have on which to rely is that considered by the Liberal cabinet, as it struggles to cope with a crowd on the steps of Parliament House and a sensationalist media, then that sort of knee-jerk politics is likely to lead to overlooking some important considerations. How true and how prophetic that has proved to be.

I am of the view that some important considerations have been overlooked. This bill would abolish the offence of burglary and replace it entirely with serious criminal trespass. Amongst the changes that this would cause are the following:

1. Burglary as presently defined can occur only at night (9 p.m. to 6 a.m.). In contrast, serious criminal trespass could occur at any hour. This seems sensible and an overdue reform of an archaic provision.

2. Burglary as presently defined can occur only after a break and enter or a break-out of premises. In contrast, serious criminal trespass does not require any breaking—that is, no locks need to be forced or windows broken, etc.

The Hon. A.J. Redford interjecting:

The Hon. IAN GILFILLAN: No, you are missing the point. It continues:

3. Serious criminal trespass as defined in this bill does not even require unlawful entry: entry can be lawful. In other words, you can be invited onto premises but, if permission is subsequently revoked, you may become a serious criminal trespasser if you have an intent to steal, damage or interfere with property or injure a person while you remain.

4. Burglary as presently defined has no aggravating circumstances which automatically lead to higher penalties. There is already a maximum penalty of life imprisonment for any burglary conviction. Serious criminal trespass, on the other hand, can be committed with aggravated circumstances such as possessing an offensive weapon or being in company with other persons.

It seems sensible to spell out these aggravating circumstances and provide for tougher penalties when these circumstances apply. However, there is a risk that in creating all these new legal pigeonholes we are becoming too prescriptive, and consider this hypothetical example.

The Hon. Sandra Kanck interjecting:

The Hon. IAN GILFILLAN: It does not matter; he can read it later. After a marriage is over, a jilted wife goes to her husband's new home at midday on Saturday to confront him about a toaster which he has taken from the former matrimonial home. The wife believes that the toaster is hers but in fact it belongs to the man. The wife takes along their 10 year old daughter for emotional support. The husband invites them both in to discuss the possession of the toaster but, because no agreement is reached and tempers are being frayed, the wife is asked to leave. She refuses and, what is more, makes up her mind to take the toaster if she can. Police are called and the wife is charged with serious criminal trespass—in fact, an aggravated offence, that is, home invasion.

Under the bill we are debating all the elements of an aggravated offence of serious criminal trespass or home

invasion are included in that scenario that I have just portrayed. There is a trespass: she is refusing to leave. Under proposed new section 168 and the common law, there is no need for forced entry before there is a trespass. If someone merely remains in place, it is sufficient.

Secondly, there is intent. She wants to take the toaster which is not hers. Under proposed new section 168, the offence of trespass becomes serious criminal trespass if you have an intent to commit larceny or other offences. Thirdly, it is in a place of residence. Under the proposed new section 170 that makes it more serious than in a non-residential building; and, finally, she is in company with one or more other persons, her own 10 year old daughter. Under proposed section 170 it is an aggravated offence if a serious criminal trespass is committed in company with one or more persons. I presume that in such a case a court would not impose the maximum penalty of life imprisonment. That is why we give discretion to judges in these matters—

An honourable member interjecting:

The Hon. IAN GILFILLAN: There is an interjection that she would not be guilty, but certainly in the bill that has been presented to this Council it is a reasonable legal position to take the argument that I put up; that is, that this person would be vulnerable and would be at risk of being found guilty. However, she probably would not get the maximum penalty. That is why we give discretion to judges in these matters and there is an enshrined principle in our legal system, namely, the separation of powers. The judges are there; they take all the facts and I know—maybe it is a presumption to say so in this place—that that is one of the cherished beliefs that the Attorney-General has, and that is why I admire the way he has fulfilled his role as Attorney-General in this state.

We can be left to wonder what would happen to such a woman if we also passed the bill which is the companion to this one, namely, the Criminal Law (Sentencing)(Sentencing Principles) Amendment Bill, with its presumption of imprisonment for all home invasions. I will deal with that bill later. In the meantime, let us consider whether any element of the aggravated offence of serious criminal trespass needs to be rethought in the light of the hypothetical example I have raised.

I invite the Attorney-General's response to this option: would it be better to confine the offences at the serious end of the spectrum to those which occur after a forced or unlawful entry, as distinct from an invited entry? It seems to me that having invited the person into your home ought to be a circumstance which makes their continued presence, even with intent to commit an offence, an offence less serious than an occasion when entry is forced or otherwise unlawful. This is especially the case where a property owner willingly invites more than one person onto premises at the same time. We want to assist in getting the law right. We will not get it right by rushing into it. We have not had the benefit of any feedback from the Law Society (we have suffered the same penalty as the Hon. Angus Redford apparently has), the Victim Support Service or others who may have an interest in getting this bill right.

I do not want to be part of a quick fix, or a knee jerk response to a public rally; I would rather do it right than just do it quickly, but some aspects of the law could be changed for the better. We will support the second reading of the bill. I acknowledge that today we have received a reasonably lengthy letter, which we are in the process of studying, and some amendments from the Attorney but, as members would realise, my remarks are addressed at what is properly the subject of the debate, and that is the bill before the Council. In those circumstances the criticisms I made in my second reading contribution stand.

I hope and have some optimism that good sense will prevail in the committee stage and that we will not be drawn into this ludicrous legislation. We would be a laughing stock, and I believe that is one of the reasons why the Attorney-General has taken the unusual step of introducing some substantial and profound amendments at this rather late stage of the consideration of the bill. I assure him and the Council that we will give those amendments the most thorough assessment we can, and will support the second reading.

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their indications of support, at least for the second reading of this bill, and the majority, if not all members, for their indications of support for ultimately seeing the bill through all its stages. I propose dealing with some of the issues raised by the various members who have spoken during the course of this reply. There may be issues which I do not pick up and which may need a response, and I would suggest that we deal with those issues at the committee stage of the consideration of the bill. I note in particular the support of the Leader of the Opposition in this place, although I derive no pleasure at all from the claim that the honourable member made that the state opposition was among the first to identify the significant fear of crime in the community among the elderly and had proposed what the honourable member described as 'tough new laws' at the last election.

I say that I derive no pleasure from that statement because, while the honourable member now finds comfort in quoting considerably from the letter sent to me by the Victim Support Service, it states quite clearly that it does not support the policy of 'tough new laws'. So the matter is placed on the record in the Council, I will quote from a part of the letter that the honourable member did not quote, as follows:

> While the recent rally and petition certainly demonstrate the level of anxiety which exists, we wish to advise that the Victim Support Service has no involvement in either event. Although approached by the organisers, we declined to either sign or circulate the petition, because we cannot support the desire for harsher penalties as the solution to this problem.

So much for a policy based on tough new laws! As the honourable member pointed out, the Victim Support Service, an organisation for which I have the greatest respect, with an Executive Director for whom I also have the greatest respect, supports the general thrust of the government's proposals on this subject.

I might say also that the issue of fear of crime, to which I will direct some other remarks shortly, is one about which the federal government through its national crime prevention program and the state government through its own crime prevention program have been most anxious to address—not only the perception of the fear of crime but the reality of it—as well as addressing the causes of crime. Again, I will make some observations about the causes of crime in a few minutes.

The government has been opposed and continues to be opposed, as is the Victim Support Service, to the tough new laws calls of the opposition and others who play on the fear of crime among the elderly, in particular, for their own political or commercial advantage. I have already said that I think it is disgusting that some people, perhaps for their own personal reasons, are prepared to prey on the fear of crime,

particularly among older persons, well knowing as the honourable member herself pointed out that it is not the elderly who are at most risk of this or other crimes. I have also indicated that it is disgusting that, having helped to feed the fear of crime, then to feed off the fear of crime for base motives is something that ought not to be acceptable in our society.

There is no doubt that there is a genuine fear of crime. I fronted up at the rally on that Wednesday when it was held out the front of Parliament House. I copped some flak from a number of people, particularly some of the speakers who were quite intemperate in their remarks, but I took the opportunity to talk to a number of people who were present, particularly those who were quite reasonable, sensible people, and they expressed to me a concern that they really were afraid of what might happen to them in their own home and urged me to do something to address that issue. I have been anxious to address that issue in all the time that I have been in opposition and in government.

It was quite obvious that some of that fear was created when people at home at night on their own were faced with loneliness and placed a quite significant emphasis on what might happen to them because of what the alleged crime issues were in this state. Having said that, one should nevertheless acknowledge that there is a genuinely held fear of crime and it is important to address it on a broad range of fronts and not just focus only on the criminal law, remembering that the criminal law is really at the tail end of this, and not where we ought to be addressing a number of our resources, and that is on the causes of crime and strategies to address those causes.

In response to the community's call for legislative action, as the Leader of the Opposition in this place has already pointed out, the government has introduced far more than just tough new laws. In the bills that are before the Council, the government has sought to restructure and reform the various offences related to burglary and break and enter, to renovate them and make them more responsive to modern requirements. I have indicated previously that there has been an intention on the part of the government to reform the law of theft, fraud and related offences, including burglary offences. That decision was taken several years ago as a result of the model criminal code officers paper which made recommendations for significant reform. That has been in the process of drafting and discussion over a substantial period. The reform of the law relating to burglary is an essential part of that.

The Leader of the Opposition in this place asked what had been the overall response to the discussion paper. The time for consultation has been very short but, having reached the scheduled date by which responses were due—11 November as I recollect—as far as I am aware, and apart from a number of telephone calls that have been received—and I do not have any count of those—I think approximately 17 written representations were received by my office and the office of the Premier. It is not easy to gauge whether some of those representations are in response to the discussion paper or just in response to the issue's being raised publicly. It is not possible to draw any firm conclusions about this level of response. It might be because all those who attended the rally are satisfied with having done that and have finished with the issue. It might be because they are satisfied with what the government has done. It might be that they are dissatisfied with what the government proposes but do not think it worth while to say so. It might be that the time for comment was too short for them to formulate their thoughts. It could be any of these or other influences.

I am aware of the reports about a group of criminal lawyers who are said to oppose the government's proposals. I do not know whether or not these reports are true because I have not had a written approach of any kind from that or any other group of lawyers of which I am aware. I can say that, so far as I know, anyone at all knowledgeable about the criminal law and the criminal justice system who has contacted me has expressed the opinion that a tough new laws policy in this area is so much nonsense.

Lastly, I agree with the honourable member that it is always interesting to see what effect legislation has. While I am sure that the Office of Crime Statistics can monitor in its usual thorough fashion the number of prosecutions for the new offences, outcomes, sentences and so on, it is not possible to measure in any meaningful way the extent to which new legislation of this sort affects people's behaviour. I note that the Hon. Mr Xenophon proposes an amendment requiring a reporting framework within which the Office of Crime Statistics may report through me on a range of factors, many of which are not presently retained or sought by police in respect of these sorts of offences.

I turn briefly to the other contributions made to the debate. The Hon. Mr Xenophon concentrated to his credit on the need to address the causes of crime. As I have said earlier, and on many other occasions, I agree, and I would add that we need also to concentrate on effective crime prevention strategies as a result of looking at the causes of crime. Like the former government, when the Hon. Chris Sumner was Attorney-General, this government has been keen to build upon modern work that has been done in the area of crime prevention and, although it gains little credit and little publicity, much effective work is being done in community crime prevention. The government has maintained a firm commitment to crime prevention, not only in rhetorical terms but also where it counts, with the allocation of substantial funding for a variety of initiatives.

I emphasise that crime prevention is an holistic approach to tackling the causes of crime, and is one to which I am firmly committed. I make this point in order to make a further one: this legislation does not amount to the sole response of the government to home invasions, in particular, of the fear of crime in general. There are crime prevention programs at the state and national level; pilot projects are being run; Neighbourhood Watch is being boosted by additional funding and support from South Australia Police, and local crime prevention officers have been at work on these problems for some time. Honourable members will know that, as part of the budget for the current financial year, only recently the Premier has announced an initiative to establish a pilot drug court program in this state, which we hope to have up and running by the early part of the year 2000.

The Hon. Terry Cameron stated in his contribution that he had problems with the distinction between offences relating to residential buildings and offences relating to non-residential buildings. I am not sure why that is so. There are two reasons for that. The first is that the distinction exists now. The current offence of burglary contained in section 168 of the Criminal Law Consolidation Act is limited to places of residence. Breakings into other places are lesser and separate offences and are not burglaries. The second reason is that the distinction between a place of residence and anywhere else appears to be at the heart of the great controversy and rally which the honourable member himself

witnessed. The point is arguable but the case for it is put eloquently in the following passage which could also be applied to my concluding remarks on the sentencing bill. Given the honourable member's misgivings, I quote it here as well:

> The theory behind common law burglary was not so much to protect the dwelling as a building but to protect its security. This security was far more than the safety of the occupant behind locked doors. It represented the indefinable idea existent in all climes at all times that the home, as contrasted to the house, was inviolable. But whatever terror is raged in the outer world, every individual exercised his greatest freedom in that place where he or she conceived and built his or her family a place to which he or she imparted part of his or her own soul. Physically, the home consisted of a dwelling house and its curtilage. Basically, it was far more.

I note the honourable member's remarks about the causes of crime and his particular attention to the effects of unemployment and drug addiction which may, of course, be related. I have already spoken about the causes of crime. In relation to drug addiction, all I can say at present is that the government does not have its head in the sand on this issue and that, as we speak, the government as a whole is in the course of developing a series of non-legislative strategies which will try to make a sizeable dent in this undoubted social malaise, which to some considerable but unknowable extent leads to the commission of a variety of crimes, including violent crimes. However, now is not the time to deal with that whole larger set of issues.

I have also noted the Hon. Mr Crothers' remarks to the effect that the media are a part of the problem and, whilst one might be hesitant about taking on the media, there are some areas of concern in certain quarters. Whilst I might be only too pleased to talk on radio talkback and to news services and so on, there is always an attempt by me to put a balanced response to issues about crime which are being raised. It is important that, notwithstanding some of the personal criticism that is made of me, as Attorney-General I have a responsibility to try to put the issues fairly and in a balanced way and not go over the top.

The Hon. Angus Redford did raise an issue about setting out clearly the effect of classifying certain offences as minor indictable. That is something we can deal with in the committee stage. It may be helpful if I indicate that I have written a letter to a number of members which sets out the rationale for a series of amendments which I have put on file and which has become necessary as a result of some issues raised with the government during the consultation process.

They very largely arise from the fact that the discussion paper proposed three alternative models for dealing with the issue of home invasion. We introduced two of those bills—the sentencing bill and a substantive bill—not as alternatives but as separate bills. In fact, it was, quite properly, pointed out that they had not been drafted to be so much complementary of each other but as alternatives and, therefore, raised some important issues of principle—particularly the sentencing bill, which would have meant that a person who, for example, had pleaded guilty to a simple offence which was not a home invasion offence might still, nevertheless, suffer a form of double jeopardy during the sentencing process, where the trial judge would be able to take into consideration, and perhaps even come to a conclusion, notwithstanding that there had been no agreement as to the facts by the defendant, that the defendant ought to be sentenced as one who had actually committed an offence in the home and, therefore, ought to carry the firmer penalty as a result. So, that issue has been addressed, and when we get to the amendments at the committee stage I will be able to explore them with the committee more fully.

The Hon. Ian Gilfillan, quite properly, indicates that the bill does not address the causes of crime. There is no secret about the fact that this is intended to reframe and reform the criminal law as it relates to burglary. What we have endeavoured to do is to ensure that, in that objective, we have maintained an integrity in the criminal law which will ultimately result in just outcomes but will more specifically deal with issues of home invasion. I have no disagreement with anyone—and everyone who spoke of this talked about the causes of crime. We do have to deal constructively with those. We have to put our resources into preventing crime before it occurs. That is not just hardening the target. It is dealing with social issues. It is dealing with issues of drug dependency, and a variety of other issues, both in the broader community as well as in the particularly socially disadvantaged sectors of our community. So, I give every support to those who say we have to deal with the causes of crime. But in dealing with the causes of crime we also have to ensure that the criminal law is properly framed, is workable and achieves at least the criminal law objective which is sought for it.

The Hon. Mr Gilfillan raises an issue about the haste with which the bills were introduced into the parliament, notwithstanding the discussion paper's proposal that all submissions would be properly considered. I can say, as I have already indicated, that there were not a significant number of submissions received, for whatever reason. However, those submissions which have been received and which have been considered and constructive have certainly been taken into account.

The Hon. Mr Gilfillan does deal with an example of a person who might be lawfully on premises but subsequently becomes unlawfully on the premises. The amendments that I am proposing will, to some extent, deal with that issue. But might I suggest that the honourable member is wrong in his conclusion that the woman separated from her husband or partner, leaving premises with a toaster, which she claims to be her property—or any other property, for that matter—would not be charged with any of the offences under this bill. That is not a serious criminal trespass or even a minor criminal trespass. One thing I have been anxious to achieve—

The Hon. Ian Gilfillan: It wasn't her old home: it was another place.

The Hon. K.T. GRIFFIN: It might be another place, but we can deal with the detail of that in committee. My view is that she would not be the subject of prosecution. What I and my officers have been trying to do in endeavouring to ensure that we have a rational approach to this issue, so as far as the criminal law perspective is concerned, is ensure that those who are innocently on premises, who are inadvertently on premises or who might be regarded as having a lawful excuse on premises are not put in jeopardy.

Criminalising trespass is a big step, but there are circumstances in which it is appropriate, and this amendment seeks to address that issue in a rational way. I appreciate that the Hon. Mr Gilfillan wants to get the bill right. I think we all do, and I would hope that—

The Hon. Ian Gilfillan: It is a bit of a struggle, though. It is a very sensitive area.

The Hon. K.T. GRIFFIN: I acknowledge that there are always difficulties in getting legislation right, particularly when we are pushing it along. I think that we are pretty much on top of it but, if the honourable member wishes to make

any suggestions, and if any other member wishes to make suggestions during the committee debate, I am not averse to considering them quite rationally. If any member wants to talk to my legal officer, who has been doing a lot of the hack work on this, they are welcome to do so. I have no problems about that because my goal is to make sure we get this right. I think I have covered most of the points that members have raised. If I have missed any or not adequately addressed them, we can deal with them in committee.

Bill read a second time.

CRIMINAL LAW (SENTENCING) (SENTENCING PRINCIPLES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 November. Page 403.)

The Hon. IAN GILFILLAN: This is draft bill B, which was circulated for comment by the Attorney-General near the end of October as part of his home invasion discussion paper. Section 11(1) of the Criminal Law (Sentencing) Act 1988, as a general rule, states:

> A sentence of imprisonment must not be imposed for an offence unless, in the opinion of the court—
>
> (a) the defendant has shown a tendency to violence towards other persons; or
>
> (b) the defendant is likely to commit a serious offence if allowed to go at large; or
>
> (c) the defendant has previously been convicted of an offence punishable by imprisonment or any other sentence; or
>
> (d) any other sentence would be inappropriate, having regard to the gravity or circumstances of the offence.

The presumption of our current law therefore is that, unless certain defined aggravating circumstances are present, an offender is not automatically sent to gaol. There is a reason for that. Gaol should not be a first option for most offenders. It is expensive to keep someone behind bars unless they are a danger to the community, they are repeatedly offending or their crime is so shocking. We should look first at other methods of punishment or rehabilitation. That is our general rule.

With this bill we are considering two changes to this general rule. Firstly, we are considering changing a prohibition 'a sentence of imprisonment must not be imposed unless' if in the opinion of the court one or more certain aggravating features are present and replacing it with a permission 'a sentence of imprisonment may only be imposed if' in the opinion of the court one or more certain aggravating features are present. Sharper legal minds than mine might be able to point out the significance of that change. I am not convinced that it is necessary, but on the face of it I see no harm in it, except as a signal that there is more of an encouragement to a court to impose a sentence of imprisonment.

However, the second change to the general rule is quite dramatic. We are picking out the offence of home invasion from among all other possible offences and saying that as far as home invasions—and only home invasions—are concerned the general rule does not apply; in other words, this bill sets up a sentencing regime for the offence of home invasion which is totally different from the principles that apply to all other offences. The principles are unlike those which apply to thieves, forgers, rapists, armed robbers or even murderers. For home invaders—and only home invaders—there is to be a special, separate sentencing principle, and that principle says that, even if a particular home invader is not a danger to the community, even if they have never offended before and pose no risk of ever offending again, even if the offence or circumstances are not serious, a gaol sentence may be imposed.

I refer members back to the hypothetical example I gave earlier this evening in my second reading contribution on the previous bill, the serious criminal trespass bill, of a home invasion by an estranged wife and her 10 year old daughter after being invited to the estranged husband's new home. While there, the woman formed an intent to steal back a toaster. What this bill says is that, when sentencing someone for a home invasion such as this, the fact that this woman is not a danger to the community, and the fact that she has never offended before and may never offend again, are all irrelevant. Remember the definition of home invasion: 'It does not need to be a forced or unlawful entry to be a home invasion.' This strikes me as being a completely over-the-top reaction. Home invasions can be and usually are serious; however, they are not the only potentially serious crimes which can be committed.

When on some occasions, like my hypothetical example, they turn out to be not so serious, it will be ludicrous if we have a special exception in terms of sentencing for them and not for murder. There are in fact isolated cases of people who have committed murder but who have been freed after very short sentences—and deservedly so. One celebrated case in Adelaide involved a woman who killed her husband after he had repeatedly abused and tormented her and their children for years. Another person who carried out a mercy killing, the so-called euthanasia of an elderly relative who was in great pain, received a sentence for murder, but it was mercifully short. These are the isolated exceptions, the reasons why judges have these discretions, as I indicated in my previous second reading to the earlier bill.

The discretion of judges to determine a sentence in the light of the case before them is a mainstay of our judicial system. However, this bill would remove from judges the sort of discretion which we want them to exercise. Judges need this discretion. Home invasion might occur as a result of a mistake or a misunderstanding. Some cases might be quite minor. Judges need to be able to take this into account in the same way as they do for any crime. There is always an opportunity for the Director of Public Prosecutions to appeal against a sentence when it is viewed as too lenient.

In my opinion, this bill is a knee-jerk response which may satisfy some victims of home invasion but which will say to the victims of every other crime, 'Sorry, the type of crime committed against you does not have the same type of political pull as a home invasion crime. If you are knifed on the street, bashed up at work or run down by a hit and run driver (even a child's murder), it is not as serious in terms of the directions we gives judges on sentencing as a home invasion crime.'

I would much rather support something meaningful that will address the causes of crime. The Hon. Nick Xenophon has an amendment on file that seeks to improve our knowledge of the people convicted of serious crimes, and I believe that that deserves serious consideration during the committee stage; I am attracted to supporting it.

The Democrats will be moving to amend the government's bill by removing a couple of key words, to try to ensure that home invasion offences are subject to sentencing principles that are consistent with all other offences. Those amendments are on file and I refer members to them to see their detail and the effect that they will have. For the purpose of debate and

the amendments we hope will be moved in the committee stage, the Democrats support the second reading.

The Hon. A.J. REDFORD: I support the second reading of this bill and acknowledge again the Attorney-General and, in particular, the very detailed explanation of his proposed amendments circulated to members earlier today. I look forward with some interest to the committee stage of this bill. I must say that it is almost trite in legal circles to say that the most difficult job that confronts judges in their day to day work is the task of sentencing. It is far and away the most difficult task that we ask our judicial officers to undertake and, generally speaking, they do so in a manner that is both diligent and fair.

I viewed with some alarm some of the comments made in various quarters about sentencing in relation to matters such as this and, in particular, there was from some quarters even a suggestion that there ought to be mandatory minimum sentences of imprisonment for offences. I am pleased that, first, the Attorney did not rise to that bait and that, secondly—and surprisingly—neither did the opposition. I suspect that the shadow Attorney-General (Michael Atkinson) may well have been rolled in caucus on that issue. If that is the case, I congratulate the Labor caucus in so rolling him.

The real issue in relation to sentencing in this area, as the Attorney noted earlier, has been the real fear that people have of crime, and I hope that this will go some way toward alleviating that fear. In terms of penalties, I draw the attention of everyone in this place to the Northern Territory experience. The Northern Territory has mandatory minimum penalties in some cases and, indeed, a principle of sentencing that is colloquially described as 'three strikes and you are in.' That policy has been adopted in many states in the United States.

The media were very strong in demanding that legislatures adopt a policy of three strikes and you are in, and in some parts of the United States and, indeed, in the Northern Territory, became quite strident in their demands. It is interesting now to see that the media in those jurisdictions seem to be taking quite the opposite tack and are asking governments to unravel those laws because of the large numbers of cases of injustice, which the media highlight, where people are put in gaol for relatively minor offences, causing catastrophic effects on their families, themselves and their future, particularly when one considers them in the context of the crime.

I must say that you can never go too far with some of these debates. I know that you will never satisfy some people unless and until you bring in the death penalty for jaywalking—and I say that lightheartedly, but there is an edge to what I say. I think it is important that we as policy makers do not quickly succumb to those seductive arguments for short-term and base political gain.

On Saturday evening, I spent some time with a Malaysian lawyer. I have spent time in Malaysia staying with friends who are members of the legal profession where they deal with the death penalty on a daily basis, and I can say that I have not met a lawyer from either the prosecution or defence side who deals with the death penalty on a daily basis in places such as Malaysia who do not abhor the death penalty and to a person they acknowledge that the existence of a death penalty makes absolutely no difference to the incidence of crime. Indeed, this particular lawyer to whom I was talking on Saturday night is proposing to be a candidate at the forthcoming Malaysian elections. He will not be standing with the endorsement of the governing party led by Dr Mahathir but, rather, will be endorsed by one of the opposition parties. It was interesting to talk quietly with him, and he freely acknowledged that he is likely at some stage during the forthcoming election campaign to be imprisoned for his political activities. That does bring home some of the excesses of the application of laws by some of our near neighbours. I will not mention his name nor where he comes from, but I will keep a close eye on him and I acknowledge that, as a legal and potential political colleague, I would not like to see him put in gaol.

I think it is important that we all do not just immediately respond to that seductive call for increased penalties. I know in the United States that, behind the gun lobby, the prison construction lobby is now the second biggest lobby group in that country. Indeed, they imprison people at a rate 10 times the rate we imprison people in Australia. Notwithstanding that, they have higher levels of crime per capita and, indeed, when one conducts surveys in the United States—

The Hon. T. Crothers: There have been 127 executions in Texas this year so far.

The Hon. A.J. REDFORD: Yes, and the honourable member makes a very valid point about the 127 executions. What is even more significant is that the people of Texas and the people of the United States have a greater fear of crime than we have in Australia. The ramping up of penalties and things such as the death penalty and the automatic incarceration of people has not led to a safer society and, worse still, has not led to a perception that ordinary Americans live in a safer society. In Australia we have the luxury of some distance and some people might say that we are a bit behind the times of observing the excesses of that country—

The Hon. Sandra Kanck: We learn from their mistakes.

The Hon. A.J. REDFORD: We do have an opportunity to learn from their mistakes, and in that regard the Attorney-General, in the face of some provocative comments and tremendous pressure, has acted reasonably in relation to these bills. I would hope that when this bill gets to the other place Mike Atkinson, in between his chats on talkback radio late at night, will acknowledge in a nice way that the Attorney-General has—

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: The honourable member invites me to go on talkback radio and have a free hit. That could be fun because you know he never goes on talkback: he used to wait until I was in the bar before he rang Bob Francis. He did not do very well on the few occasions I had the patience to listen to Bob Francis all night.

His best bet was when he was running his self-defence argument. Michael used to talk to Bob about the law. He did not understand the law very well at the best of times but, by the time he finished with Bob Francis, Bob was utterly confused. It was easy to go onto the radio and explain to Bob that most of the people who served on juries were like his listeners, and generally they got it right. That would cause a flood of phone calls with people saying, 'Yes, we'd get it pretty well right, Bob, and we wouldn't be bad jurors'—and poor old Mick would go quiet and you would not hear from him on talk-back radio for at least a week. I am pleased that Bob Francis is currently being spared him in relation to his sub-branch elections. Are they in his own electorate—

The Hon. T.G. Cameron: A good result in his own electorate.

The Hon. A.J. REDFORD: It wouldn't be hard there. Is he extending himself?

The Hon. T.G. Cameron: He got three out of three. You can't do better than that.

The Hon. A.J. REDFORD: I am pleased to hear that. I have filibustered until the Attorney has returned—I can now conclude my remarks. I congratulate the Attorney on his reasoned response to what, in some cases, has been a rather hysterical debate.

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their indication of support for the bill. There appears to be a broad consensus about what the bill attempts to do. Having replied at length on the previous bill addressing issues such as the causes of crime and why individuals commit crime in the first place, I do not think I need to repeat what I have said.

The Hon. Mr Xenophon indicates his support, as does the Leader of the Opposition. The Hon. Mr Gilfillan again raises his hypothetical case, but I disagree with its application. I think he misreads the intent of both the substantive amendments to the law relating to burglary and serious criminal trespass in conjunction with this bill. He suggests that the bill removes the discretion from judges so that there is no discretion to deal with even a minor criminal trespass in a way different from more serious offences. I challenge that conclusion.

It may be that the honourable member has been misled to some extent by the framework of the sentencing bill. As I indicated during the debate on the last bill, the two bills were meant to provide alternative means for dealing with home invasion issues and when introduced together were not suitably modified so that they could be appropriately harmonised. The amendments that I have on file significantly overcome that difficulty. When he has had an opportunity to consider those amendments, I expect that the Hon. Mr Gilfillan will recognise that, to a large extent, we have accommodated the concerns that he has raised with the bill that has been introduced. Because of my amendments, he will have to revisit his amendments, which are to the bill as introduced. Given the amendments which I now have on file, I suggest that he might not even need to move his amendments.

There has been consultation on this bill as well and that consultation has resulted in the significant amendments which have been proposed by me. I suppose the temptation has always been—but not, I must say, a temptation to which I have ever thought to yield—that we just push on with the bills without taking into consideration the significant issues of principle which have been raised in the consultation process. As I said on the last bill, we want to try to get it right: we want to ensure that the package of legislation is a package with integrity so far as the criminal law is concerned. It is all very well to pass legislation which might achieve a short-term objective but, if in the long term it creates injustice, then I think that is inappropriate and certainly works against the interests of the broader community.

The criminal law is here to serve the community and to ensure that justice is done. I believe that, with the amendments which I have on file to both bills, we will be moving significantly in that direction. Again, I thank members for their indications of support of the bill.

Bill read a second time.

MINING (PRIVATE MINES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 November. Page 313.)

The Hon. P. HOLLOWAY: I indicated opposition support for this bill on 5 August before parliament was prorogued, and my contribution appears on page 2066 of *Hansard* on that day. The Leader of the Opposition, Mr Rann, in another place had previously supported the bill's passage through the House of Assembly. Briefly, I will give the background to the bill. I indicated previously that the opposition was quite keen to see the bill pass, but unfortunately we were unable to do so at the end of last session and that is why it has been reintroduced.

The background of the bill is that 28 years ago the Mining Act 1971 was introduced and this was a quite profound change to the way in which mining operations were governed in this state. What that bill did 28 years ago was to vest ownership of all minerals in the Crown. Of course, a number of existing private landowners lost ownership of the minerals on their land and they would have had a significant claim for compensation. The government of the day dealt with that matter by introducing the concept of private mines—and that was in section 19 of the Mining Act. Effectively, it exempted those private mines from the operation of the Mining Act.

As a consequence of that—and it has continued to this day—inspectors of mines and officers authorised under the Mining Act cannot legally enter upon a private mine to undertake investigations or surveys. Also many private mines are not in operation, nor are they likely ever to be operated in the future because of environmental, planning or economic constraints preventing them from being mined. This bill provides a mechanism to revoke these private mines, and that is in proposed new sections 73M and 73N of this bill.

This bill also contains a progressive measure in that it provides the community with a level of assurance that operations of private mines will meet appropriate community expectations by providing for community participation in the development of the objectives and criteria of new mine operations plans. It also provides for compliance orders, rectification orders and rectification authorisations. There are also transitional provisions dealing with a phasing-in period.

This bill addresses the situation that was created 28 years ago. As I indicated when I spoke on this measure back in August, it was a quite reasonable thing for the government of the day to do. However, times have changed and 30 years later it is time that we tidied up this whole area of private mines. The opposition supports the passage of this bill.

The Hon. T.G. CAMERON: SA First supports the passage of this legislation.

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their indications of support. The only questions have been raised by the Hon. Sandra Kanck. The first is whether the Extractive Areas Rehabilitation Fund and the bond requirements under the Mining Act would apply to all private mines and whether there is provision for rehabilitation under the scheme in this bill. The answer with which I have been supplied is that the Extractive Areas Rehabilitation Fund requirements under section 63 of the Mining Act 1971 apply to all mining operations, including operations at private mines where the commodity being mined is extractive minerals, that is, minerals for construction purposes.

In the case of mines, including private mines, where the commodity being mined is not an extractive mineral but is instead other minerals such as metals or industrial minerals, such as copper, gold, barytes, etc., the bond provisions under section 62 apply. The bill does not change this.

As to the question whether the bill imposes a requirement for rehabilitation, the answer is yes. Proposed new section 73G(2)(a) provides for the making of regulations. The proposal for the regulations that were discussed with the honourable member included provisions for rehabilitation. These regulations have yet to be drafted.

The second question which the honourable member asked related to an assurance that the Environment Protection Act would prevail for third party rights. The answer again with which I have been provided is yes. This bill not only introduces a duty of care for the environment on private mine operators at proposed new section 73H but also establishes a link between the provision of this bill and the requirements under the Environment Protection Act. In particular, proposed new section 73G(2)(b) requires that a mine operations plan must be consistent with any relevant environment improvement program or environment protection policy under the Environment Protection Act 1993; and proposed section 73H(4) provides that subsection (1) of section 73H (which is the duty of care provision) operates in addition to and does not limit or derogate from the provisions of the Environment Protection Act 1993. It is because of these provisions that the third party appeal rights under the Environment Protection Act could be used for breaches of requirements under this bill.

The third question was whether the request of the Environmental Defenders Office for mine operations plans to be recorded on a public register has been accommodated. The answer with which I have been provided is that, under section 73Q, the bill provides for mine operations plans to be registered in the Mining Register. In this case, the Mining Register is available to the public for inspection to the extent that the following will be available for inspection: the name of the proprietor of the mine, the location of the mine and an extract showing the objectives and criteria applying as part of the plan. It is inappropriate for matters that are commercial in confidence to be made available for inspection. After all, it is the objectives and criteria that are the matters upon which the mine operated, and that may be available. Those were the questions asked by the honourable member, they are the answers and I hope that satisfies the inquiries. I thank members for their support.

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

COMMONWEALTH PLACES (MIRROR TAXES ADMINISTRATION) BILL

Adjourned debate on second reading.

(Continued from 9 November. Page 317.)

The Hon. P. HOLLOWAY: The opposition supports the passage of this bill. My colleague Kevin Foley set out the opposition's position on this bill when it passed through the House of Assembly. This bill is necessary because of the decision of the High Court case Allders International Pty Ltd v. Commissioner of State Revenue (Victoria). That case decided that a state stamp duty imposed on a lease that covered part of commonwealth land was constitutionally invalid. In that case, the lease was in Tullamarine Airport. This decision has meant that the validity of other state taxes imposed on property on commonwealth land has been brought into question.

Safety net arrangements agreed by the commonwealth and the states will ensure that appropriate taxation arrangements for commonwealth land situated in South Australia will continue. The commonwealth has enacted a package of legislation to protect the state's revenue.

The principal act, the Commonwealth Places (Mirror Taxes) Act 1998 ensures that state taxing laws are applied and operated in commonwealth places as laws of the commonwealth. Further, revenue collected by the commonwealth will then be passed onto each state under agreements signed by the commonwealth and the states. This bill provides for the following: that an arrangement may be entered into by the State Governor and the Governor-General to provide for the administration of commonwealth mirror tax laws by state officers; that state officers are empowered to exercise and perform all necessary powers and functions for the commonwealth when administering these laws, including tax collection and compliance; and that modification of state taxing laws occurs to enable state laws to operate efficiently in conjunction with commonwealth laws so that taxpayers are not taxed twice.

This bill is significant in that it allows for the continuation of appropriate taxation arrangements between the states and the commonwealth. The opposition does not support creative or artificial tax avoidance schemes and we will support any government which seeks to stamp out such activities. The ordinary taxpayers of this state shoulder far too high a burden of taxation already to allow clever lawyers and accountants to devise schemes for the wealthy to avoid their fair share of taxes. The opposition supports the bill.

The Hon. T.G. CAMERON: I will be brief as this bill is largely self-explanatory. The bill is the result of a 1996 High Court decision that brought into question the validity of state taxes imposed in commonwealth places. It implements arrangements agreed to by both the South Australian and commonwealth governments to ensure the continuation of taxation arrangements in commonwealth places located in South Australia. In April 1998 the commonwealth government enacted a package of legislation to protect the revenue of the states. This bill complements the Commonwealth Tax Act.

As I understand it, the legislation will permit an arrangement to be entered into between the Governor and the Governor-General to provide for the administration of the mirror tax laws by officers of the state. It will empower state officers to administer the commonwealth tax laws, including the collection of taxes, and enforce compliance, and allows for the modification of state tax laws to enable them to operate effectively in conjunction with commonwealth tax laws, so that taxpayers are not liable for additional cost or effort due to two tax systems applying. This bill seeks to tidy up an unsatisfactory situation and will ensure that the commonwealth and state tax revenues continue to be collected without adversely impacting on taxpayers. SA First supports the second reading.

The Hon. M.J. ELLIOTT: The bill is quite straightforward and has been explained enough times. I will not go through it again.

The Hon. Sandra Kanck interjecting:

The Hon. M.J. ELLIOTT: We'll just keep reading out the minister's second reading explanation. The effect of this is not to create any new tax obligations but just to ensure that what has been in place for a long time continues to be so. The Democrats support that.

The Hon. R.I. LUCAS (Treasurer): I thank honourable members for their indication of support for the bill.

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

WHALING ACT REPEAL BILL

Adjourned debate on second reading.

(Continued from 9 November. Page 327.)

The Hon. T.G. ROBERTS: Along with all the other bills that have progressed tonight with full cooperation from members on this side of the Council, I rise to indicate in respect of this measure that the opposition will support the government's initiative. The bill was referred not to the powerful Environment, Resources and Development Committee but to the parliament for consideration. The bill repeals the 1937 act, which was never proclaimed. The fact that it was never proclaimed says a little about the times in which the 1937 act was drafted and passed—but not proclaimed—in an attempt to protect the whales from over exploitation. South Australia did not have a huge whaling industry, but we certainly had a very lively seal industry that caused a lot of devastation not only to seals—in fact, it almost wiped them out—but also among Aboriginal people, particularly in coastal areas. Anyone who reads the history of the Ngarrindjeri people will find that in the southern regions of the Fleurieu Peninsula those people certainly suffered as a result of whaling and sealing activities because they were exposed to diseases such as measles, smallpox, syphilis, and so on from the exploiters of the resource that was prolific at the time—seals and in some cases whales.

Western Australia had a huge whaling industry, which was dismantled only in recent times, at Albany, and they have built a monument to the folly of whaling. Certainly, it is a stark, realistic reminder of those days when we did, without thinking, exploit the defenceless whales for items that we now create artificially. There are always substitutes for those items that we were getting from commercial whaling, that is, the whale oil and some of those items that went into perfumes, lotions and care products for people at that time. Some countries are still pressuring the international bodies to increase their whaling activities, and Japan is one of those countries. However, that country stands condemned internationally in the eyes of most other countries that have moratoria and have condemned whaling in their countries and are trying to get an international covenant that protects all species of whales, not just some.

We support the bill. It seeks to repeal an act which was passed in this Council in 1937. Whales are now seen as a resource to be viewed in wonderment. Children particularly get a lot of pleasure from seeing whales. Indeed, many adults travel long distances to see whales in their natural surrounds, particularly at the Head of the Bight, and we see that we can now exploit them in a different way, that is, seeing them in their natural environment. I think it has shown that we have evolved as a species with some heart and soul and can leave those wonderful creatures alone. Let us hope that as much pleasure and as many jobs are created by protecting a natural resource such as whales and viewing them in their native environment as could be created by whaling. Let us hope that we follow our example with whales and see other species in the same way—as a resource to protect rather than to exploit to the point of extinction. We support the government's position. I hope that the bill receives speedy dispatch and that we can continue with other bills tonight and be rid of a whole swag of legislation on the *Notice Paper*.

The Hon. M.J. ELLIOTT: The Democrats support the second reading. It is worth noting that, although this act was passed in 1937, it was never proclaimed. So, we are, in fact, repealing an unproclaimed bill. It is a bill that has never taken effect and what is taking place now is, effectively, a bit of tidying up. Of course, there are other pieces of legislation that cover aspects of whaling within South Australian waters and, as such, this act has been redundant for a very long time. The Democrats support the second reading.

The Hon. T.G. CAMERON: SA First supports the second reading and, in fact, supports this bill. It has been correctly described by both the Hon. Terry Roberts and the Hon. Mike Elliott. There is nothing more left for me to say with respect to this bill, except that I find myself in the rare position of agreeing with both the Hon. Terry Roberts and the Hon. Mike Elliott at the same time.

The Hon. A.J. REDFORD: I support the second reading of this bill. When one looks at the debate that has taken place, particularly in the other place, one is not surprised at the level of ignorance that is shown by some members.

I remind members of this place that, indeed, the Legislative Review Committee (and I am sure that all members read with a great deal of interest the reports that are tabled by the committee) recommended the repeal of this legislation back in May 1999, only a few months ago. And, indeed, it was in response to our pointing out to the minister that this legislation, which was passed by the parliament in 1937, had never been proclaimed, and we thought it might be appropriate—

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: I have been chair of the committee for only a little while. It was interesting to see what the future Leader of the Opposition said about how this came about—and I do not want to discourage the future Leader of the Opposition's dramatic seize for power in about July next year. He said:

> It is an interesting piece of legislation, and I gather it arose only because the government was hunting through and looking at what needed to be reviewed in terms of the competition policy, and this was one of the things that popped up.

An honourable member interjecting:

The Hon. A.J. REDFORD: This is the member for Kaurna. I would hope—

The Hon. Sandra Kanck interjecting:

The Hon. A.J. REDFORD: No, the future Leader of the Opposition—because there will be a change in about July next year, I am told. It will be the member for Kaurna.

Members interjecting:

The Hon. A.J. REDFORD: I have obviously struck a bit of a nerve here, sir.

The PRESIDENT: Order! The member will return to the debate, please.

The Hon. A.J. REDFORD: I have obviously struck a bit of a nerve here—

Members interjecting:

The PRESIDENT: Order!

The Hon. A.J. REDFORD: —because they are putting up the silliest looking camouflage I have ever seen. But the reality is that, despite all the lofty statements of members opposite about whaling commissions, and the member for

Kaurna saying that this was part of the government trawling through what needed to be done in terms of competition policy, the Legislative Review Committee has been diligently undertaking its task. In May this year, we drew the minister's attention to just how superfluous this bill was, and I am pleased to see that the minister has responded.

I must point out, though, that there are other pieces of legislation which have not yet been proclaimed and in respect of which ministers are yet to introduce repeal legislation. In particular, in relation to the Minister for Environment and Heritage and Aboriginal Affairs, I point out that the Aboriginal Heritage Act 1979, the Environmental Protection (Sea Dumping) Act 1984 and the Aboriginal Heritage Act 1998 also were brought to that minister's attention, and we look forward to some legislation being introduced repealing those acts.

I also point out that similar pieces of legislation are before other ministers. Whilst he is present, I remind the Treasurer that relevant sections of the Stamp Duties Amendment Act 1978 have never been proclaimed and may well be the subject of repeal acts, so that some lawyers, who trawl through acts, do not get caught out by the fact that some pieces of legislation have never been repealed. The Attorney-General might consider repealing the Appeal Costs Fund Act, the Age of Majority Act and some amendments to the Criminal Law Consolidation Act which were never proclaimed.

Other ministers have legislation that fall into this category and I urge them all to take a leaf out of the book of the Hon. Dorothy Kotz. It is a small step but it is pleasing to see that the work of the parliamentary committees is not completely ignored (perhaps it is largely ignored) and I look forward to similar repeal legislation coming before this parliament. I hope that in future, particularly having regard to his lofty ambitions, the member for Kaurna is perhaps a little more careful in attributing what reason lies behind a repeal bill because mistakes such as that could well nip a challenge to the leadership in the bud.

I do not want to undermine the confidence of the members of the opposition in the member for Kaurna and his leadership capabilities. It is not for us to interfere in the leadership ambitions of the large number of members opposite. However, it is important that we do occasionally point out their errors so that, when they come to that big caucus vote in July or August next year, they make the best choice.

The Hon. R.I. LUCAS (Treasurer): I have been so inspired by the degree of unanimity within this chamber and, knowing nothing about the bill and not being responsible for it, I thought I would shepherd it through very quickly. I thank members for their support.

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

PREVENTION OF CRUELTY TO ANIMALS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 November. Page 328.)

The Hon. T.G. ROBERTS: Again, I rise in the spirit of cooperation in the lead-up to the end of the session and indicate that the opposition will be supporting this bill. The bill makes a number of amendments which seem to be based on commonsense and which, in a lot of cases, is not so common in political terms. However, in this case commonsense has prevailed within the government's quarters and the opposition will be supporting the bill on those grounds. The bill dispenses with the provisions relating to the position of chief inspector, a position which has not been used for some considerable time—in fact, advice given to me is that it has been about 10 years since the position of inspector has been used.

Also, the role of the Animal Welfare Advisory Committee is strengthened. I understand that animal welfare groups are supporting the government. The minister has also contacted that committee. There has been public consultation which has borne fruit in terms of general agreement in the community through both parties. I suspect that the Independents will also support the bill.

So, consultation is the key to cooperation. There is greater flexibility in the construction of various bureaucratic forms, and I am sure that everyone will welcome that. The number of members of the Animal Ethics Committee has been increased from four to five. The inspectors are to be appointed by the minister rather than by the Governor. I am sure that the Governor will appreciate being relieved of that onerous duty. There is an upgrade in the powers of the inspectors to enable them to seize animals for evidence and to make video and audio tapes for evidence.

The Hon. A.J. Redford: Do you have anything to add to the second reading explanation? It says all this.

The Hon. T.G. ROBERTS: Well, I am just indicating very quickly why we are supporting it. There is a more professional use of technology in relation to the way in which evidence is collected. The RSPCA can also sell or dispose of animals where they have been seized by the RSPCA because they are suffering unnecessary pain.

The bill also clarifies the law on the possession and forfeiture of classes of animals where one has been forfeited as a result of a conviction. There is also a provision that brings working animals into line with all other animals. I am sure that people with rural and farm backgrounds would agree that people who treat their animals with disrespect do not deserve to be able to keep them. My experience with animals on farms is that if you look after them they will look after you. There is probably nothing worse, when you are trying to round up sheep, than a surly dog who has had one too many hidings. That will not be allowed under this bill.

If there is undue cruelty to working animals, this bill allows for an even-handed approach to domesticated dogs, show dogs, etc. and working dogs. I notice that working dogs have been exposed quite considerably at the moment by advertising. Nearly every ute or four-wheel drive being advertised at the moment has some sort of dog appearing in it. Although they are being exploited, I am sure they are being paid very well for it. Their role seems to be changing: even people in the city are starting to consider kelpies as dogs that they might keep in their backyards because of the popularity that a lot of the four-wheel drive and ute car companies make of these dogs.

I must make some comment on the controversy in country regions in relation to the new Toyota advertisement with the dog that just misses the back of the truck when the Toyota takes off. That dog was not treated cruelly: it just was not trained properly to jump fast enough into the back of the truck, and it had a soft landing. It had a fairly cynical sense of humour when it said, 'Well bugger,' at the end of the process. I believe that the dog got up, recovered and seemed to be running after sheep within five minutes of that act. So, the opposition does support this bill and hopes that it is

dispensed with as quickly as the whaling bill was dispensed with.

The Hon. T.G. CAMERON: I rise to support the second reading of this bill and to echo many of the sentiments enunciated by the Hon. Terry Roberts. A key aspect of this bill is that it does provide more flexibility for inspectors. Currently, if inspectors find that an animal is being treated cruelly, they are limited in the way that they can deal with that situation; for example, it must be a working animal, that is, an animal that is being worked. An inspector's capability or capacity to issue directions where the animal is not in a working situation is severely limited.

This bill will give inspectors much more flexibility in dealing with situations. For example, instead of an inspector's having to place an order against an owner or issuing a specific direction, that is, by issuing him or her with an authority, the inspector would be able to issue simple directions such as, 'Look, the animal is not being cared for properly; it needs additional feed. I suggest you do the following'. And then the inspector can come back two or three weeks later, check on the animal and review its progress. I support that kind of flexibility being given to inspectors: it means that they do not have to be quite so autocratic or officious.

I cannot sit down without responding to the Hon. Terry Roberts, who mentioned that on odd occasions you might see a kelpie running around the streets of Adelaide. The Hon. Terry Roberts is a country member and would know the kelpie breed quite well: they are wonderful animals. I owned a kelpie for some 16 years. My children named him Milo because of his colour, and he passed away last year. I am sure that members are sitting on the edge of their seats waiting to hear all this, and I will not be interrupted by interjections. Milo passed away last year.

The Hon. R.R. Roberts: It reminds me of an Old Shep story.

The Hon. T.G. CAMERON: The Hon. Ron Roberts interjects and says that it is an Old Shep story, and it is a bit. We got Milo from the RSPCA dogs home. I can recall my ex-wife ringing me and saying, 'We've got a choice here between a kelpie and a labrador.'

Members interjecting:

The Hon. T.G. CAMERON: No, she traded me in about six or seven years later. But we had a choice between a golden labrador and a kelpie and, having some familiarity with the breed, I suggested that she grab the kelpie. He was a beautiful little pup and we owned him for about 16 years. He passed away last year and I had to bury him, and that is the last time I had a good cry, when my dog Milo, a red kelpie, passed away.

The Hon. Sandra Kanck interjecting:

The Hon. M.J. ELLIOTT: My dog's name is Fergus, and he is part kelpie. The Democrats support the second reading of the bill.

Members interjecting:

The Hon. M.J. ELLIOTT: I already told you. In fact, he is a full brother to the Hon. Ian Gilfillan's dog, but that is another story; I should not be distracted. I wrote to the RSPCA, the organisation most likely to be interested in this piece of legislation, and asked for its opinion of the bill. The letter I received in response states:

> This society is satisfied that the competition policy review of the Prevention of Cruelty to Animals Act 1986 has led to a bill which will improve the society's capacity to enforce the act and, therefore, the welfare of animals in South Australia.

That pretty well summarises it. The RSPCA thinks that it is a good piece of legislation. However, the next sentence reads:

> While there are some RSPCA policy matters, e.g. intensive farming, livestock export, which are of concern to the RSPCA, we accept that these issues will be debated over time.

There is some unfinished business under the Prevention of Cruelty to Animals Act. Two obvious examples here in South Australia are, first, the use of the shotgun for the hunting of animals, which I would argue is a cruel form of hunting in that it creates very high wounding rates and slow death for large numbers of animals; and the second matter that stands out is the keeping of hens (for the laying of eggs) tightly packed into very small pens. Those are two areas of clear and evident animal cruelty going on in South Australia right now, which have not been attended to and which are a shame that has gone on for too long. This legislation does not change that. It does fix up some other things and for that reason we support the bill, but we note that the act itself needs to be further improved.

The Hon. A.J. REDFORD: I support the second reading of the bill, but I do have some reservations. This bill seeks to do a number of things but, in particular, it seeks to extend the powers of inspectors. I do about one court case a year nowadays. I am very busy chairing the powerful and influential Legislative Review Committee and other things political, but I had a matter referred to me by a lower house member earlier this year in which a lady had been charged with being cruel to a dog. She was a lady in her late 70s so I decided that I would act for her. I will not go into the details of it, but it was a fairly lengthy case. At first instance, she was acquitted of the two charges and subsequently the RSPCA decided in its infinite wisdom that the 78 year old lady needed to be dealt with in a harsh way so it appealed the matter to the Supreme Court. There were fairly lengthy discussions. I did not do the appeal; I referred it to a barrister. The Supreme Court reversed the decision. The end result was that she was given a very small fine and the court accepted that it was more a question of negligence over a few hours which led to the death of the dog rather than some sort of heinous neglect on her part (as was initially suggested by the RSPCA).

In prosecuting that 78 year old lady a number of things struck me. First, it would have spent at least $14 000 or $15 000 prosecuting a 78 year old lady. I just wonder, when we look at scarce resources, why it would spend that sort of money to prosecute an old lady who had been neglectful for a few hours for the purpose of securing a fine of a couple of hundred dollars. I really do wonder about the prosecution policies of the RSPCA.

I had the opportunity of cross-examining the inspector and what struck me during the course of that cross-examination was that, first, the inspector had absolutely no formal training whatsoever. There had been no explanation to her along the lines that we have seen in many cases, such as the Splatt case, where those who investigate matters should approach things with an open mind. She had little understanding of the laws of evidence, and indeed the rights, obligations and duties she had in entering people's property, and the basis upon which she should enter that property.

I would be prepared to give her the benefit of the doubt and merely say that the difficulties she had, and the difficulties the prosecution had in relation to this matter, were as a result of two things: first, an absence of proper training; and,

secondly, a case of being overly zealous in securing convictions and the like in relation to people. In this case we were dealing with an old lady who had never had any difficulty or problem with the law in any way, shape or form in her 70 years odd on this planet. In my view, that conduct was way over the top.

The other matter that concerned me—again, I will give the prosecutor in this case and the inspector the benefit of the doubt—was that during this hearing a course of conduct was embarked upon by the inspector (aided and abetted by her lawyer) of hiding evidence from me (the defence counsel) and from the defence side in general. I thought that those sorts of tactics when dealing with matters before a court, particularly a criminal court where there is the possibility of gaol in some cases, disappeared in the mid-1980s. However, I must say that in cases dealt with by the RSPCA that practice is alive and well. I am disappointed that the courts seem to turn a blind eye to that sort of investigative conduct.

Not long ago, I attended a function conducted by the Criminal Lawyers Association. At that time, I was in the middle of this case. A couple of my colleagues asked me whether I was doing much in the law, and I said, 'I am conducting a case against the RSPCA.' No fewer than three other lawyers indicated to me that they had had similar problems with the RSPCA and the over zealousness with which it had treated people whom they prosecuted. I understand that every time the RSPCA loses, it appeals. It wins some appeals—and I freely acknowledge that it won the appeal in this case—but it does not win them all; it takes every legal point, and cases which should take a short time last for days.

The case to which I refer involved, as I said, the prosecution of a little old lady whose only crime was that she did not have her dog euthanised at a suitable time. The court found that she should have had the dog euthanised at 8 or 9 a.m. and that she had failed to do so by 3 p.m. That led to her conviction. Putting my bias in favour of my client to one side, I stepped back to look at the situation. To spend $15 000-odd plus legal aid funding and court time to prosecute that little old lady indicates to me that the RSPCA has a problem dealing with people.

I do not know whether this is a one-off isolated case, apart from what my criminal lawyer colleagues said to me, or whether the RSPCA has adopted some sort of an approach that it can spend in such a cavalier fashion public moneys raised by subscription and donation and/or moneys given to it by the taxpayer. If there is that sort of money in the criminal justice system, we might divert some of it to the police or the Director of Public Prosecutions and get some real criminals, people who are committing real offences, rather than trying to stick it to little old ladies who have access to nothing other than public transport and live to a ripe old age.

I am very disappointed with the RSPCA. I have received assurances from the minister, although she has not said this in the parliament, that improvement in the training of inspectors in the RSPCA will be looked at seriously. I sincerely hope that is the case because, if something like this comes before me again and I have not seen an improvement, I will not support the legislation. I say in strong terms to the minister—and this involves her constituent—this matter needs to be dealt with and dealt with quickly.

The Hon. CAROLINE SCHAEFER: In the spirit of unanimity with which this bill is being considered, I put on the record that my two dogs are named Jill and Molly and my old dog Hooter died at the beginning of this year. There are a couple of aspects of this bill which have not been mentioned but which I think are quite important. The bill gives inspectors the ability to seize an animal as evidence of an offence and to require that some costs be met by the owner of the animal if it is proved that the owner has ill-treated the animal. That gives the RSPCA powers which, particularly in country areas, it has not previously had and which will help it to alleviate the suffering of some animals.

The bill allows the RSPCA to dispose of an abandoned animal after reasonable inquiries have been made as to the whereabouts of the owner. Certainly, I have a number of acquaintances who have horse agistment properties—and I am sure the Hon. Ron Roberts would have heard of exactly the same thing—and people ostensibly agist their horses but are never seen again. Clearly, at the moment the person who owns the agistment property is outside the law if they dispose of the animal. They are unable to recoup their costs because the owner has disappeared and, indeed, it is an enormous financial loss to them unless they, too, are to be as cruel as the previous owner. This bill provides for the RSPCA to step in in such a case to dispose of the animal, if necessary, and to recoup the costs where that is applicable and, as such, I think it is a very commonsense piece of legislation.

Notwithstanding that, I, too, agree with the Hon. Angus Redford that in isolated cases there is a need for some of the RSPCA inspectors to use a little more commonsense when they are doing their job. However, it would be most unfair of us to imply that that applies to the majority: indeed, quite the opposite, as it is only a very few who are over zealous.

The Hon. NICK XENOPHON: I support the second reading of this bill. I think it would be fair to say that in a civil society the way in which we as a society treat our animals and any acts of cruelty to animals is an important benchmark. The thrust of the bill is to be welcomed. The powers of inspectors are to be upgraded. The bill permits the society or the Crown to recover reasonable costs. I think these are reasonable amendments, but I must say that, having heard the reservations of the Hon. Angus Redford in the context of not so much abuses but potential problems with the prosecutorial system, this is clearly a system that requires some review, and perhaps the Legislative Review Committee may wish to look at it in due course. For instance, it appears that under the act there is no provision for expiation notices. That seems to me to be a quick and easy way to enforce the act in—

The Hon. T.G. Cameron interjecting:

The Hon. NICK XENOPHON: The Hon. Terry Cameron says it encourages them to fine people but presumably only in instances where there is a breach and, if there is a discretion, particularly for offences at the lower end of the scale, maybe that is a way of dealing with it. I would not think that the government would like to—

The Hon. T.G. Roberts interjecting:

The Hon. NICK XENOPHON: In any event, maybe expiation notices are not the way to go, but clearly it seems there is something to be said—

The Hon. T.G. Cameron interjecting:

The Hon. NICK XENOPHON: I support the principles espoused in this bill, but I do share some of the concerns of the Hon. Angus Redford that there could be unforeseen consequences and prosecutions that cause a considerable degree of hardship unnecessarily. I would like to think that

this bill would lead to a lessening of instances of cruelty to animals in the community, but I also think we need to be vigilant that it does not lead to any unforeseen consequences and cause unnecessary hardship in cases where it is not intended to.

The Hon. R.I. LUCAS (Treasurer): I thank members for their contribution to the second reading debate and their indications of support for the bill.

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

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 432.)

The Hon. T.G. CAMERON: This bill seeks to achieve the following: first, to stop legal practitioners who act also as mortgage brokers from claiming for losses incurred as advisers from the practitioners' Guarantee Fund. Secondly, it seeks to prevent legal practitioners who are suspended or struck off from the roll of practitioners from gaining practitioner-like employment in a legal firm. Currently, legal practitioners who also run a mortgage brokerage service can claim for losses they make under the Guarantee Fund, which is designed for lawyers. If amended, section 60 of the Legal Practitioners Act 1981 will provide that, if a person suffers a loss as a result of a fiduciary or professional default and there is no reasonable prospect of recovering the full amount of the loss, the person can claim compensation from the Guarantee Fund. The bill will provide that all clients who accept mortgage brokerage services will be in the same position as each other, regardless of whether or not their agent is a legal practitioner.

Currently legal practitioners who are suspended or struck off the roll of practitioners are able to gain employment in legal firms as law clerks, para-legals or otherwise in de facto legal practitioners' duties, because they are not operating as actual legal practitioners, even though they are employed in virtually the same positions as if they were legal practitioners. Amending section 22 of the Legal Practitioners Act 1981 would make it an offence for an employer to employ a person who has been struck off or suspended from the roll of legal practitioners, unless they gained the approval of the Legal Practitioners Disciplinary Tribunal. This bill seeks to enforce in their entirety the bans and suspensions handed down by the tribunal and to protect the consumers who could be affected adversely by the services of a person who has been suspended or banned from practising law.

SA First supports this bill, which seeks to apply uniformity to mortgage brokerage services, making sure that both brokers and legal practitioners who also run a brokerage service do not extend to their clients different levels of protection because of their co-existing professions.

The bill also seeks to enforce the bans and suspensions on legal practitioners and to close the loophole that provides for employment as de facto practitioners. By enforcing the bans, the parliament will reinforce its position on legal practitioners who abuse their position and protect members of the community who seek legal services and unknowingly are advised by a person who has been suspended or banned. I understand that the Hon. Nick Xenophon has on file some amendments to this bill. I have not looked at those amendments, but I will respond to them during committee.

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their indications of support. Several issues have been raised during this debate. I note that the Hon. Ian Gilfillan referred to a letter sent to me by the Hon. Mike Elliott and commented that the honourable member is yet to receive a response. I am concerned that the honourable member has not seen a response because a response to the honourable member's letter was certainly sent on 19 October. A copy of that letter has been sent to the Hon. Mike Elliott for his information. In any event, I will address the honourable member's three questions generally in this debate.

However, firstly I will address the issue raised by the Hon. Angus Redford in relation to the breadth of the definition of 'mortgage financing'. The definition included in the bill is modelled on the definition of 'mortgage financing' included in the Conveyancers Act. While the definition appears to be appropriate for the purposes of the conveyancers' legislation, as the honourable member identified, it appears that the definition is too broad when considered in the context of the activities undertaken by legal practitioners in the course of legal practice.

As I previously stated, the government's intention is to entrench the distinction between a practitioner's legal practice and the business of procuring, arranging and assisting secured loans. Acting as an intermediary to match a lender with a borrower, arranging a secured loan and dealing with funds under the mortgage is not legal work, and it is this type of activity that the government intends to target with this amendment. It has never been the government's intention to exclude coverage for losses associated with activities that are incidental to the provision of legal services.

Members will be aware that I placed an amendment to the bill on file today. The amendment replaces the current definition of 'mortgage financing' with a definition that is more appropriate because it expressly refers to the practitioner acting as an intermediary to match a prospective lender and borrower. I believe that the new definition overcomes concerns that activities that are incidental to legal services are included in the definition of 'mortgage financing'.

I now turn to the other issues raised during the debate in relation to the mortgage financing amendment. It is important to point out that, when the guarantee fund was first established in 1969, it was recognised as being a very important development in respect of the practice of the legal profession in South Australia. The guarantee fund was to provide some recourse for members of the public who may suffer by reason of a legal practitioner's defalcation or negligence when providing legal services. Given that most legal work is reserved for legal practitioners, it is important that protection is offered for those forced to deal with legal practitioners for the provision of certain services.

As I have already stated, mortgage financing is not a legal service and is not exclusively performed by legal practitioners. I believe that it is inappropriate to expect a fund established to protect consumers of legal services to indemnify losses associated with business activities that are not legal services. Persons from a wide variety of professions or backgrounds may offer mortgage financing services to members of the public. In fact, I am advised that a large proportion of mortgage financing activities carried out in South Australia are conducted by people who are not legal practitioners.

In accordance with the Law Society's professional conduct rules, a legal practitioner carrying on another business apart from a legal practice must ensure that the conduct of that business is kept entirely separate from the legal practice. Therefore, those few practitioners who are engaged in mortgage investment activities must ensure that any correspondence, accounts and dealings with the public in relation to the business of mortgage investment are carried out separately from the practitioner's legal practice. The Law Society takes steps to ensure that the few practitioners who are engaged in mortgage investment activities respect this practice rule. The professional conduct rule and the Law Society's steps to enforce it will ensure that consumers are not given the impression that they are receiving legal services in relation to which they are entitled to obtain the protection of the guarantee fund.

In addition, consumer protection in the area of mortgage financing has recently increased because of the Australian Securities and Investments Commission's new policy on the regulation of mortgage investment schemes. Legal practitioners carrying on the business of mortgage financing will be required to comply with the stringent regulation if their activities fall within the scope of the Corporations Law. From a consumer protection perspective, it is preferable that consumers are protected through the regulation of mortgage investment activities as an industry, rather than by singling out the services provided by one professional group as is the case now.

Fortunately, South Australia does not have the problems that have been encountered interstate. In other Australian jurisdictions, the distinction between legal practice and mortgage investment activities has not been clearly recognised in legislation. Solicitors' fidelity funds have encountered problems as a result. Consequently, the funds established to protect the public engaging legal practitioners for legal services have been decimated by claims related to mortgage investment activities. Some jurisdictions have taken steps already to ensure that the solicitors' fidelity funds will no longer be called on to indemnify losses resulting from mortgage investment practices. I am advised that to date there have been no claims made against the guarantee fund in respect of a solicitor's mortgage investment activities. In conclusion on this issue, I simply re-emphasise that this amendment simply further entrenches the division that exists between legal practice and mortgage investment activities.

In relation to the second part of the bill, the Hon. Angus Redford asked for the names of legal practitioners who have been struck off the roll or suspended from practice who subsequently, while still struck off or suspended, secured employment in legal practices, and for details of that employment over the period of the last 10 to 15 years. He also asked for similar details in respect of short term suspensions from practice. He asked about the adequacy of supervision of such practitioners. No repository of this information exists because the circumstances and details of any such employment would be a matter of private contract between the person concerned and his or her employer. Examples would only be discovered by practical experience as a colleague or client of such a person or firm.

The Hon. Mr Redford alluded to a case known to him in which he said that a number of partners of a legal firm were struck off the roll but subsequently obtained employment for a number of years as law clerks. If those persons while struck off practised the profession of law, then that is an example of the type of situation which is intended to be addressed by this bill. How often it has occurred in the past and who was concerned in it are not matters on which records can be obtained, and neither are they relevant to the principle of whether such legislation is sound.

The honourable member also asked about the rationale for limiting the employment of such practitioners to employment other than the practice of law. The rationale is simply that the practitioner, or former practitioner, has been struck from the roll or suspended from practice through the disciplinary system, and the intention of the restrictions placed on him or her is precisely to prevent that practitioner temporarily or indefinitely from practising the law. That is, the bill seeks to underpin the existing sanctions and to prevent them from being circumvented. Applications for permission to be employed in the law firm are to be considered case by case by the tribunal having regard to the precise nature and scope of the employment proposed.

Both the Hon. Mr Redford and the Hon. Mr Xenophon raised the practical question of the transfer of information from the former practitioner in a case to the person who will take over conduct of the matter for the future. While the bill would prevent the struck-off practitioner remaining in the employ of the firm, it would not prevent the practitioner's supplying such information as might be necessary to enable the new practitioner to take over the file.

I would not expect the passing on of that information to the new practitioner in and of itself to contravene the proposed provisions. If it does, of course, it is equally a problem under the present system, since the effect of suspension or striking off is that the practitioner cannot practise law during that period. The bill does not add new strictures on the conduct of such persons but only aims to ensure that the strictures inherent in the suspension or striking off are effective in practice. In any event, the disciplinary process which leads to a practitioner being suspended or struck off is not one which happens overnight; it is generally of some months duration. Any proceedings before the tribunal or the court for suspension or striking off are public proceedings. It is really inconceivable that the firm would be unaware of them. Hence, during this time, a firm employing the practitioner may well wish to ask the practitioner to ensure that files are up to date and to take preparatory steps in case files have to be handed over to another member or employee of the firm.

In the case of a sole practitioner, he or she may well be under a duty of care to the client to see that alternate arrangements are in place should there be a suspension or striking off. Thus, by the time any suspension or striking off takes effect, the affairs of the client should already be well under control. Much the same problem can arise at shorter notice when a practitioner falls sick or changes employment. But legal practices deal with these contingencies all the time. Good file management, including the keeping of proper notes and records, can minimise the inconvenience to the client.

It is important to keep in mind that the practitioner has been found to have engaged in professional misconduct which is so serious that the disciplinary authority has reached the view that the practitioner should cease practising the law, either temporarily or indefinitely, in the public interest. It is, therefore, not desirable that the practitioner have further involvement in the conduct of any matter. Any inconvenience which this may cause is outweighed by the public protection and the protection of the particular client from further representation by the practitioner.

The Hon. Mr Redford also raised concerns about the final part of the bill. Essentially, new section 66 proposed in the bill is simply a restatement of the current section 66, subject to one minor variation: a practitioner will no longer be able to make a claim against the guarantee fund in respect of pecuniary losses resulting from a partner's negligence. New section 66 was included in the bill after it was identified that current section 66, from a drafting perspective, did not relate comfortably with other provisions in part 5 of the act. Basically, part 5 of the act should operate so that all claims against the guarantee fund are made under section 60, and the general provisions for establishing a valid claim are specified in section 63.

Section 66 should operate to impose additional requirements for the establishment of a valid claim by practitioners who suffer pecuniary losses as a result of the fiduciary or professional default by the practitioner's partner, clerk or employee. The relationship that section 66 has with respect to section 60 and section 63 is not clearly spelt out in the current provision. New section 66 will clarify the relationship. Section 66 is designed to operate where a legal practitioner has, by virtue of being in partnership or on the basis of vicarious liability, indemnified a client for losses caused by the fiduciary or professional default of the partner, clerk or employee. I do not believe that section 66 requires further amendment.

The Leader of the Opposition did suggest that there may be a problem with section 66. In my response to other members, I have already addressed that issue. She also referred to the Hon. Nick Xenophon's observations about a person going back to practise with the firm and wanting to be a manager and having to go through an onerous procedure, and she suggested that it was unnecessarily onerous. I hope that I have already addressed that in the response. Again, I thank honourable members for their indications of support.

Bill read a second time.

HINDMARSH ISLAND BRIDGE BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 430.)

The Hon. M.J. ELLIOTT: The Hon. Sandra Kanck is taking the lead on this bill for the Democrats but I want this opportunity to say a little about this matter. This may be (but I think I should be somewhat cautious here) the last time that this matter comes before the parliament in legislation; then again, it may not be. This matter has certainly had a life of its own for a very long time. The Hon. Sandra Kanck, for the most part, I think, concentrated on matters of Aboriginal interest and I do not intend to cover that ground again. However, I wish to make one observation which I do not think I have made in this place on the record.

There are some who insist that the claims of women's business in relation to Hindmarsh Island were fabricated. In fact, as I recall, the royal commission suggested that it was made up at a particular time and on a particular date at a meeting—and I forget the exact location but it is referred to in the report of the royal commission. I met with Sarah and Doug Milera a significant time before the meeting at which the royal commission claimed the evidence was fabricated took place, and Sarah on that occasion made it quite plain to me that there were matters of very great significance to Aboriginal women in relation to Hindmarsh Island that were causing her grave concern.

I know for a fact that the royal commission is wrong, because the records of that meeting were taken and we know the dates, and, indeed, well before the time at which the royal commission claimed that the women's business was fabricated I was speaking with Sarah Milera and Doug—although she was doing the talking (and I suppose, because it was women's business, that that is not surprising). While she did not tell me the nature of it (and I did not think it was my business to ask), it was quite plain that she was talking about women's business at that time. So, the royal commission, as the Hon. Sandra Kanck has said, got it wrong on a number of matters. I can assure this place that it got it wrong there—it got it wrong absolutely. That is the only comment that I will make in relation to Aboriginal matters and Hindmarsh Island.

As I said, this may be the last time—but I would not hold my breath—that we will visit this matter within this parliament. I think that a little of the history really needs to be revisited, albeit briefly, because I think that this government is setting itself up to make the same sorts of mistakes repeatedly. The Hindmarsh Island bridge was not something to which the government was bound, to begin with. In fact, the Department of Transport had a very clear view that a bridge to Hindmarsh Island was a very low priority.

The Hon. K.T. Griffin: Was that the Labor Government?

The Hon. M.J. ELLIOTT: Yes. I will get to that. The Department of Transport had a very clear view that a bridge to Hindmarsh Island was a very low priority. Clearly, the bridge to Berri, which has now been built, was the highest priority but other places along the Murray River upstream had a far greater need and would carry far more regular traffic. I suspect that probably Swan Reach and several other places along there would carry at least as much traffic as travels to Hindmarsh Island. So, there were clearly higher priority needs.

I also understand that the Chapmans initially were encouraged to look at sites for a marina on the mainland, if you like, but they chose to go onto Hindmarsh Island. However, when they applied for the right to develop, the DAC said that, with the ferry operating there, it would create some difficulties if the development went beyond a certain size. My recollection is that the DAC said that stage 1 of the development could proceed but that stages 2, 3 and 4 could not proceed unless a bridge was built. That is really where it should have rested. However, the Special Projects Unit, somehow or other, became involved.

The Hon. Diana Laidlaw: That was under the Labor government.

The Hon. M.J. ELLIOTT: Yes, it was under the Labor government. The Premier's Special Projects Unit became involved and the ERD Committee reported. I recommend that members refer to a copy of the ERD Committee's report of 1993, which was an all party committee report. Two members of that committee, the Hon. Terry Roberts and I, are still in this parliament and we are still members of that committee. That all party committee unanimously determined that the bridge should not be built for a range of reasons, and that clearly was the case. It was a stupid decision and, for reasons we did not get to the bottom of, the Special Projects Unit decided to sponsor it, and the government signed an agreement with the developers that the bridge would be built. The whole sorry saga—

The Hon. Diana Laidlaw: The Liberal Party asked for the contract not to be signed.

The Hon. M.J. ELLIOTT: —continued from there. I do not want to digress but it would not be too hard for me to

point out that the current government seems to have a propensity to do the same sorts of things. Frankly, I think that the soccer stadium probably fits into that same category. I think that what the government managed to do at West Beach will prove to be in the same category in terms of enormous, long-term liabilities being created for the state. The scenario of deals being done for political reasons and governments creating obligations into the future is all being repeated.

That so often happens as premiers in particular like having projects because, somehow or other, having projects under way proves that you are a good government, but they do not practise due diligence. That was a problem back then and, frankly, I have not seen any change in behaviour since that time despite a change in government. Anyway, that is a digression and I do not want to digress.

The Hon. Diana Laidlaw: You promised not to come back.

The Hon. M.J. ELLIOTT: I said I could not come back. I did not anticipate what would be done to the Hon. Mr Gilfillan, and the minister knows very well that no-one would have anticipated that. We know who was behind it, but that is another story, too.

The Hon. T.G. Roberts: Read it into *Hansard*.

The Hon. M.J. ELLIOTT: We know the names and it will go down in the history books at the appropriate time. We know who was involved in the media and who in what parties did what.

The Hon. J.S.L. Dawkins interjecting:

The Hon. M.J. ELLIOTT: Yes, it would be a good one, too. The construction of the Hindmarsh Island bridge, I commented on 6 October 1993, was wrong on three grounds: it was wrong on the basis of costs; it was wrong on the basis of the impact on tourism; and it was wrong in terms of the impact on the environment. At that stage I had only a very passing awareness of Aboriginal significance, but I believe very strongly that it was wrong on those three grounds. At that stage the government had a spare ferry and, as a result of building the Berri bridge, it would have had two more.

The government would have been able to park a ferry at Hindmarsh Island which would have had to operate only 27 days a year to handle the peak traffic—and I emphasise 27 days. A high cost would not have been involved in utilising a second ferry. As well as all the additional costs created by the lawyers, building a bridge—

An honourable member interjecting:

The Hon. M.J. ELLIOTT: No, the lawyers have been dreadful. They are a curse on this world in many ways.

An honourable member interjecting:

The Hon. M.J. ELLIOTT: There are very few exceptions but I will not name them right now. The building of the bridge was always going to be more expensive than the second ferry option. I explored that aspect in my speech at that time. Also, in terms of tourism, on a few occasions I have taken my children to Hindmarsh Island and the only thing they enjoyed about Hindmarsh Island was going over on the ferry. The island itself, frankly—

The Hon. J.S.L. Dawkins: There are plenty of other ferries.

The Hon. M.J. ELLIOTT: That's right, but if you are at Goolwa and you have done the tourist bit and you have seen the heritage steamers, the heritage steam trains and things such as that, you then get on a heritage ferry and go across there and you drive down to the Murray mouth. In fact, with some good interpretation, I think viewing of the Murray mouth from Hindmarsh Island can be quite spectacular—

An honourable member interjecting:

The Hon. M.J. ELLIOTT: It is just a longer drive. In terms of tourist attractions down there, I think the ferry at Hindmarsh Island was an attraction in its own right. A bridge certainly is not. I also made a comment at the time that—

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: I have already touched on that matter; you wandered in halfway through. I do not want to repeat myself so you will have to go back and read the speech.

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: You're not paying enough attention. It is also worth noting when one talks about tourism in Goolwa that one of its strengths is its heritage values. The heritage wharf is there; there is the steam train which runs behind the wharf; and the steamer also operates from there. Then, within 50 metres of this heritage precinct, we are having a bridge—

Members interjecting:

The Hon. M.J. ELLIOTT: This particular argument is not one about a bridge: this is an argument—

The Hon. T. Crothers: Doreen Kartinyeri, the most senior of the Kartinyeri elders, said it was a fabrication.

The PRESIDENT: Order! The Hon. Trevor Crothers will cease interjecting.

The Hon. M.J. ELLIOTT: The comment I was making in terms of the bridge and impact on tourism is largely about location. As I said, essentially, it really is a very brainless exercise to build what is at least a four-storey high modern structure right through that heritage precinct. Just in terms of location it would undermine, I would argue, the tourist value of that location.

In relation to the environment, the members of the ERD Committee actually commented upon the fact that the EIS was incredibly brief in terms of time spent. In fact, when the EIS was carried out there was no consultation with the Chief Wildlife Protection Officer of the National Parks and Wildlife Service. The reason why that was so staggering is that the waters around Hindmarsh Island are subject to a number of international treaties, such as the Ramsar treaty. We have treaties with Japan and with China in relation to migratory birds which use that area and migrate—

The Hon. T. Crothers interjecting:

The Hon. M.J. ELLIOTT: The treaties clearly covered waters around Hindmarsh Island and birds migrating between Australia and North Asia. In fact, as wetlands of international significance, it is absolutely staggering that the Chief Wildlife Officer of the National Parks and Wildlife Service was not consulted at any time in relation to the EIS process or the assessment of the EIS. Again, this shows the very farce that the EIS process was.

There always was another possible solution. The development on Hindmarsh Island could have been freed of the constraint whereby a bridge had to built for it to proceed to stages 2, 3 and 4. The present ferry being upgraded to a larger ferry and then having a second ferry on stand-by would have handled all the traffic. There would not have been any financial loss to the developers; in fact, there would have been no losers in that process. I am deeply saddened that we did not in fact go down that path. I recall meeting with Mrs Wendy Chapman very early in the process and suggesting to her that this was a route worth following. She refused point-blank even to consider that possibility. She was absolutely determined that it was a bridge or nothing. I said

to her at the time, 'I have a feeling that this will go on for a very long time.'

In fact, I said in parliament back in about the same time as I spoke then (in October 1993) that I believed this would go on for many years. I do not think I expected it to go on for quite as many years as it has, but it was fairly predictable that it would take a very long time. So, it was not just the stupidity of the major projects team: it was the stubbornness of the Chapmans, who really were in a position to look at other alternatives that would not have threatened her development.

In fact, the other suggestion I made was that, as part of a package, it would be sensible if the government also committed not to allow other developments of that type on the island. That would have been a win for the environment in that the wetlands, etc., would have been protected, and it would have been a win for the Chapmans, because they then would have had an exclusive development. There would have been nothing else on the island competing with them. Frankly, I was bitterly disappointed at that stage that that suggestion did not seem to be really actively pursued by anyone.

I do not know whether the current Minister for Transport pursued it privately, because I concede that she, at least, has always thought that this bridge was a silly idea. But there was a way out of this a long time ago, even after the major blunder of the special projects unit under John Bannon. I only wish that the state, regardless of party in government, could have learnt some lessons from this, but I am seeing enough signs already in terms of the way in which other developments are being fast tracked to suggest that the lessons have not been learnt.

It is possible to create win-win situations in most cases that otherwise lead to conflict, if people care to take the time. In fact, a little time spent can save a lot later on, but that simply was not done and to this day is not being done in other cases. Along with the Hon. Sandra Kanck, I oppose this bill because, as I see it, it is a culmination of mistake after mistake, of stupidity, of arrogance and of people being unwilling to explore other possibilities.

The Hon. T. CROTHERS: From the outset, no-one can raise the question that I am a racist: I am a very pro-Aboriginal person. I am also very pro-truth. My own children are half-Aboriginal. In the community in which I move amongst Aborigines, many of them are appalled at what has happened over Hindmarsh Island. They tell me that Hindmarsh Island has cost them dearly in respect of the way in which they are viewed by other Australians not of the Aboriginal race.

They say to me, when they look at the result of the referendum that was held (where the first question on the Constitution went down by a bigger margin than that in respect of whether this should be a republic or a monarchy) that the Aborigines who know, who are intelligent and university educated think that that was in fact a backlash by the white people against some of the extremism that has gone on in the name of Aboriginality and sacred sites.

I raised by way of interjection a statement that was made by Laura Kartinyeri, a great-aunt of Doreen Kartinyeri. Doreen Kartinyeri had asserted that her great-aunt Laura was one of the keepers of the knowledge of women's business and had confided in her about the sacredness of Hindmarsh Island in respect of secret women's business. In the particular chronology that unfolded over Hindmarsh Island, it is interesting to note that in March 1995 the now late Laura Kartinyeri, probably the most senior knowledgeable Ngarrindjeri woman then alive, signed a letter stating that the women's business was a fabrication.

Bertha Gollan, one of the dissident women, testified to the royal commission that she and another elder had been threatened not to speak against the women's business claims. The other elder is not named in that particular chronology, but the transcripts of the royal commission did identify her as Laura Kartinyeri. The chronology also referred to Doug Milera's statements to Chris Kenny that he had helped invent the women's business story, and Milera's retraction some weeks later, supposedly because he had been drunk and angry when he spoke to Kenny.

It goes on to talk about the relationship of Nana Kartinyeri—Nana Laura as she was known—in respect of her and her great niece, Doreen Kartinyeri. The chronology continues:

> The leading proponent, Doreen Kartinyeri, had identified Nana Laura, her great aunt, as one of the three elders who had told her the women's secrets, and the only one who was then still alive. But Nana Laura insisted to Dorothy Wilson that she knew nothing about any women's business associated with Hindmarsh Island and she repeated these assertions on a number of other occasions. This all came out in sworn testimony to the royal commission.

If we are told by previous speakers that a lot of the stuff and substance that surrounds the Hindmarsh Island saga has been lies and counter lies, I say, indeed, it has—and the fault does not lie on one side of the fence only. I believe that what has happened is appalling—the amount of money which for whatever reason has been expended on this particular situation. There has been legal challenge after legal challenge which I suppose have been funded by the ordinary taxpayer, such as us, and have now gone again upwards to the High Court and the Supreme Court for the umpteenth time. It has been dealt with by way of rebuttal on each occasion. The good generals and good marshals in history always had one point common to them all: they knew to withdraw when right was imminent.

Of course, if you are getting your legal costs paid for you, then it does not do any harm at all to go all the way. It is a different matter if you have to pay your own legal costs. So I believe that, whether or not it is liked, the time has now come—it is now time—for the matter to proceed. I do not know what arrangements (whether it is still sub judice) the government has made in relation to settling with the Chapmans in respect of the period of interregnum they have had to wait relative to the marina. I do not care whether or not the marina is ever built, but I do care about truth and probity. I have not seen much of it here. For that reason alone, I find the bill is worthy of my support. If I assist in any way in restoring some integrity to those poor tens of thousands of Aboriginals whose futures are being kicked around all over the place by a dissident few—and many of them now recognise it—then I am quite happy to stand up and say the truth, to fly in the face of political correctness, to fly in the face of what seems right at the time but is wrong in both truth and probity.

The time has come to save the expenditure of many more millions of dollars on this matter, get it sorted out once and for all, go ahead and build it—whether it be for good or for bad. If it saves us the expenditure of many more unnecessary millions of dollars, then it is all for the good as far as I am concerned. One day, I will tell members a story about sacred sites and Roxby Downs. Today is not the time for me to tell that story, but one day I will, and some people will finish up with very red faces indeed.

The Hon. T.G. ROBERTS: I rise to make a contribution to this bill if only because I am the shadow Minister for Aboriginal affairs. I do not think this—

The Hon. T. Crothers interjecting:

The Hon. T.G. ROBERTS: No, I have not yet made a contribution. The bill before us is not about whether the bridge will be built. This is a facilitating bill; it does not provide a yes or a no to the building of the bridge. The decision to build the bridge has been made.

The Hon. T. Crothers interjecting:

The Hon. T.G. ROBERTS: I did not stop you when you made your contribution.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order!

The Hon. T. Crothers: You're just trying to gag the truth.

The Hon. T.G. ROBERTS: I am not trying to gag the truth. I will present—

The ACTING PRESIDENT: Order! The honourable member should ignore the interjections.

The Hon. T.G. ROBERTS: I am presenting the honourable member with an alternative view. If the honourable member is the champion of democracy which he preaches in this place that he is, he will allow me the time to make my contribution so that he can weigh my argument against his.

As I said earlier, this bill does not determine whether or not the bridge will be built; in fact, the bridge is being built as we speak. This is not a facilitating bill; it is a bill to provide a mechanism or a formula for finance. The sorry saga that took place regarding whether the position determined by the Aboriginal people in respect of sacred women's business was correct is not for me to judge; it is for those Aboriginal people who were involved in the process to determine their position in that regard.

I will not say that anyone told lies or that people did not have an interest in protecting or progressing the interest of their aboriginality by putting forward a case for and on behalf of themselves and their ancestors in relation to the Hindmarsh Island area. If you studied Aboriginal history at all you would not be surprised to work out that the whole of the area in which the Hindmarsh Island bridge is situated—whether it is the exact location of a sacred site—would have been populated by a large number of Aboriginal people, because they would describe this area as having brimming billabongs, wild duck, geese and fish. Those are the sorts of areas that attracted large populations of Aboriginal people before white settlement.

It is not for me to determine whether the exact siting of the bridge had any special significance to either male or female Aborigines. That is for them to work out. Our courts have determined that the story was fabricated. The Hon. Mr Crothers hangs his hat on the basis of the correctness of that decision. If you also look at how Aboriginal culture is determined, you will see that there are many problems in determining the truth when you become inquisitorial in relation to determining from a white person's perspective what is the truth in terms of how Aboriginal people view their spiritual and religious beliefs.

As has been pointed out, in our society we have beliefs in relation to all the major religions. If you stood those beliefs up against tests of logic and scientific examination, you would be left with a belief and a faith only, not with something that can be determined as a strict truth. What is truth? It is what is believed by people in their own hearts in respect of the determination of a question. If the honourable member believes that every one of those women formed part of a fabrication, he can do so. I will not dissuade him, but he may believe in his own heart that there are two truths, one of which was determined by those Aboriginal people in relation to the Ngarrindjeri beliefs in relation to that particular geographic area by the people who were forcibly removed from that area. I lived and worked with a lot of people from Point McLeay in that Lower South-East region who were not permanent historical residents of the Lower South-East. The Boandik tribe was the prevailing tribe in that particular area and the Millicent and Penola areas.

It was the governments of the day that moved the people from Point McLeay and resettled small numbers of them in a broad based way across many communities in the Lower South-East. In most cases, those Lower South-East towns had four or five family groupings, and the governments of the day determined that they live as white. Many of them did and many of them built up a base of respect in those communities for doing exactly that, that is, living as white, trying to ensure that the policy of the day, which was integration, was maintained.

The Grahams, who were the major body of the family in Penola and who had wide based respect as sports people and were respected members of the community, did exactly that: their Aboriginality was suppressed and they lived as white and were very successful in gaining respect as Aboriginal people in a white society at that time. In the Millicent area there were Wilsons. Dulcie was one of the major dissident women involved with the royal commission and she gave evidence in relation to the dissident women.

A number of other family groupings in the Millicent area were originally Ngarrindjeri people. They were moved to Point McLeay and they believed in their own hearts that that information was not transferred to them, that it was not—

An honourable member interjecting:

The Hon. T.G. ROBERTS: It was Dulcie. They believed that that information was not moved through the family groupings. I would count the Wilson family as my friends. Ray recently died from cancer in the Royal Adelaide Hospital and his widow is now living in Adelaide. I have spoken to that family at length, but I have not pressed the issue because the issue of what is the truth has been very divisive in the Aboriginal community. They were removed from Point McLeay and they will tell you that the dreamtime and heritage stories were not passed onto them as they may have been passed onto other members of the family. They do not know whether the women's business was passed on to all members, but they will tell you that it was not passed on to them.

In their hearts they believe that that is truth and, if the honourable member would like to consider the evidence that I am putting forward, there may be two truths: one in the heart of those people who were removed from their geographical locations. The family history was broken because of that lineage and in those times travelling over such geographical distances was very difficult. I have spoken to people in the Rigney family who tell me that there was some travel. The Gollan family who are Aboriginal people living around the corner from my parents will say that there were interchanges between relatives in the 1950s and 1960s and that stories would pass between them. However, as I said, they were encouraged to live as white and to suppress their own Aboriginality and ignore their own culture to try to gain respect in the communities. That was the way in which they had to live to survive.

I would suggest that there were two streams of information through those family groupings. Ultimately I am not saying that one group or another had any more information than the other because I am not in a position to determine that. However, what I am in a position to determine is that, just as white people who speak on behalf of those people who have been opposed to the royal commission's position make assumptions, so do the people who support the dissident women who make assumptions that they are the carers and keepers of the truth.

I suspect that all of us should be a little sympathetic to both those groups because they are the real victims. They have been divided among themselves and their family groupings have been broken up. The divisions were created all because of the first approaches made by people to ensure that the bridge was built.

In the South-East at least one federal and one state member were involved in counselling some people to go forward with their evidence. They were counselled to make their position clear—that they were not in receipt of the knowledge that there was anything special about the area identified as the site for the Hindmarsh Island bridge. They dutifully did that, on the basis that they had no knowledge of any secret women's business. It is quite clear that those people had no knowledge, because they stated that: in their heads and hearts that was what they knew and understood. Those people who said they did have knowledge that there was secret women's business in relation to the Hindmarsh Island bridge area openly stated that, and that was when the dispute started.

Even if the royal commission made a determination that there was secret women's business in relation to the site of the bridge, I would pose the question: with the determination of the day being made by the Labor government at that stage, would it have made any difference to the Chapmans or anyone else who wanted to build a bridge in that area? Would it have turned out any differently? I suspect it would have taken the intervention of the federal government to protect the heritage interests of those Aboriginal people. We do not have that luxury; we have had those debates; and we have a divided Aboriginal community and a divided white community in relation to what all that means. I agree with the honourable member that it is the value of the currency that Aboriginal people hold in the broad white community in relation to—

The Hon. T. Crothers: Hear, hear!

The Hon. T.G. ROBERTS: But it is not their fault; that is the point I make. It is the value of the currency in relation to the identification and protection of heritage and secret sites on the basis that some people have a vested interest in making sure that those divisions are maintained. In my view, other people who are not a part of that—and I do not include the Hon. Mr Crothers—and who still follow the same lines, putting up arguments to defend that indefensible position, are almost as guilty of fostering and harbouring those same divisions as those who, with division in their hearts and heads, actually set out to make sure that those divisions were carried into that community. The pain and suffering that those people have been through over the past decade is immeasurable. As individuals in this chamber we cannot understand just how much the divisions have impacted on those families, particularly through the younger generations.

As the honourable member says, the children who go to schools in those areas all have to carry a part of that burden. That is all because some people use lowest common denominator arguments in trying to get a development project through without any consideration at all of the impact it would have on people. It could have been done differently. The honourable member said that the development could have been progressed by another ferry, and I agree with that but, at some point in time, a process would have had to be determined in conjunction with Aboriginal people on how to progress development in that area while sensitively protecting both the environment and Aboriginal heritage. We still have not done that even in the 10 years we have had to put together a package that might have done some good in relation to building bridges (if you will pardon the pun) between the Aboriginal and white communities in that area.

If we had put together an environmental protection plan that had built into it the environmental protection and heritage packages that people are now starting to look for, with Aboriginal guidance and interpretive centres through that area, bringing Aboriginal people on board and making sure they were part of sensitively protecting their own heritage and the environment, which is part of their heritage and spiritual development, I am sure we would all have been able to walk away with a better—

The Hon. R.R. Roberts interjecting:

The Hon. T.G. ROBERTS: That's right. The Hon. Ron Roberts says that it is not too late for the government to do that, and I agree with that. That is one way in which we can stitch together a package to which Aboriginal people can agree while development can proceed in that place. I am not sure who is in charge of negotiations at the moment, but the project is proceeding under some stress. Some Aboriginal people in the area are still opposed to the building of the bridge and they are physically trying to restrain the development. I suggest that the person in charge of the overriding responsibility for progressing the project should talk to the Aboriginal people and put together something that they can see will bring long-term benefits to them and to their children, and then I am sure there would be a different attitude towards the project.

I am putting forward a constructive suggestion to the government in relation to the problems that we all face. It is not just an Aboriginal problem: it is a community problem that needs addressing. Backing one side or the other at this stage does us no good and, as I said, I suggest that there are possibly two truths in relation to this matter and, let us hope, one happy outcome.

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

HERITAGE (DELEGATION BY MINISTER) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 November. Page 329.)

The Hon. T.G. ROBERTS: The opposition supports the bill. I understand that it is necessary because the delegations that were being written by the minister and passed on to various members of the department were found by the Environment, Resources and Development Court to be invalid. I understand that it was a practice of the department to write out delegation slips to various officers in particular investigations within the department to carry out the responsibilities on behalf of the minister. The basis for that practice was that there was a lack of form and structure in the

department and it did not have the correct processes and procedures in place to have the number of people required to carry out investigations in the time available, so delegation slips were used to do that. In general terms that would probably be appropriate but, when it was tested in the Environment, Resources and Development Court, it was found not to be valid.

The bill before us validates that process. I understand that the minister is signing slips by hand, so she must be taking home a huge box and it must be taking up a considerable amount of her time. If we pass this bill it should speed up the process of delegation and the minister might thank us for it. The shadow minister in another place had three concerns, and they have been incorporated into the bill, so he did not have to have amendments drafted for debate. Once he approached the minister, the minister agreed to include the three amendments in the bill. So, we cannot complain about consultation with the opposition in relation to the bill, but I understand that the shadow minister was complaining that the government had not contacted the appropriate people in the heritage area with the draft bill, and it was not until he forwarded a copy of the draft bill to the Conservation Council and the National Trust that they had become aware of it. So, although the government had consulted with the opposition, it had not consulted with its stakeholders. However, that was duly done.

The stakeholders have made some suggestions, and the first suggested amendment was to try to limit in some way the class of people onto whom the delegation could be passed; that is, the delegations had to go to people with some authority and some knowledge in relation to the Heritage Act and what is actually heritage issue. Normally, this process would have been carried out perhaps without the rigour of investigation that was insisted on by the shadow minister, and I think that has been taken care of.

The other amendment which the minister accepted related to conflicts of interest. It was important that they be specified. Under this act, if a heritage adviser, or for that matter anyone who had authority delegated to them, could be put in a conflict of interest situation, they should make that plain. As I said previously, the National Trust found that relatively few people signed over delegations who could accept them and carry out the responsibilities in an informed way.

The amendments also included a provision that the delegation be in writing rather than verbal, and that there needed to be a register where all delegations were kept so that any member of the public, during normal office hours, could without charge inspect that register. I understand that those concerns have been taken into account in the bill, the passage of which the opposition supports.

The Hon. J.F. STEFANI secured the adjournment of the debate.

ALICE SPRINGS TO DARWIN RAILWAY (FINANCIAL COMMITMENT) AMENDMENT BILL

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

GOVERNMENT BUSINESS ENTERPRISES (COMPETITION) (MISCELLANEOUS) AMENDMENT BILL

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

GUARDIANSHIP AND ADMINISTRATION (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly agreed to the bill without any amendment.

ADJOURNMENT

At 11.20 p.m. the Council adjourned until Wednesday 17 November at 2.15 p.m.