HOUSE OF ASSEMBLY

Thursday 5 December 1996

The SPEAKER (Hon. G.M. Gunn) took the Chair at 10.30 a.m. and read prayers.

ELECTRICITY BILL

The Hon. D.C. WOTTON (Minister for the Environment and Natural Resources): I move:

That the sitting of the House be continued during the conference with the Legislative Council on the Bill.

Motion carried.

HOUSING TRUST WATER RATES

Ms HURLEY (Napier): I move:

That the regulations under the South Australian Housing Trust Act 1936 relating to water rates, gazetted on 1 August and laid on the table of this House on 1 October 1996, be disallowed.

This is the second time that I have had to move such a motion. Basically, the regulation reduces the water allowance for Housing Trust tenants from 136 kilolitres to 125 kilolitres, and this follows a reduction from 250 to 136 kilolitres. Housing Trust tenants have found their water allowance reduced dramatically in the past three years and this has caused a great deal of hardship in terms of excess water for many, if not most, trust tenants. Our principal objection to the reduction from 136 to 125 kilolitres is that the regulations relating to private tenants have not been similarly adjusted; that is, that the regulations relating to private tenants still have the default water allowance at 136 kilolitres. This means that Housing Trust tenants are worse off than those in private accommodation. This is extremely unjust and, from our extensive consultation with trust tenants, that is an under statement of their view on the matter.

Trust tenants have found that their rates and charges have increased considerably since this Government came to power, and they object strenuously. The increase has been defended partly by saying that it will cost tenants only another $10 a year, but it is the inequity of the system when compared to private tenants that makes a nonsense of that argument. Until the water allowance for private tenants is similarly reduced to 125 kilolitres, I fail to see why this House should even consider allowing the regulation, as it puts trust tenants at a disadvantage compared to private tenants.

The situation is that 85 per cent of Housing Trust tenants are on some sort of benefit. Therefore, it can never be argued that they are in a better position than private tenants to pay excess water rates. Most tenants struggle to keep up with their bills and to keep their head above water. These continual increases, even if they are only $10 a year, do not help their situation whatsoever. We in the Labor Party have held 'Labor listens' meetings in several areas of metropolitan Adelaide. At each meeting with Housing Trust tenants the excess water issue has arisen, because tenants find it difficult to reduce their water usage to a reasonable level such that their excess is not too difficult to bear. This applies not only to families with children who, naturally, use more water for normal domestic use but also to people trying to maintain a garden.

The Minister replied to the gardens issue by saying that people should reduce the amount of water they use on gardens and that the trust is providing information to help them. But this decrease has been very dramatic, and it means that people who have for many years maintained their garden and helped beautify their neighbourhood are now at a severe disadvantage. The other day I attended a presentation for the winners of the Housing Trust gardening competition. From talking to a couple of the winners it was obvious that they use a great deal of excess water. On one hand, the Housing Trust encourages people to maintain their garden and to improve the value of Housing Trust assets while, on the other, it takes away the ability of Housing Trust tenants to do that. Of course, this is why many private landlords allow a water allowance even greater than 136 kilolitres. The landlords encourage tenants to maintain their garden and thus to keep the landlord's asset in good condition.

Basically—and the Minister makes no bones about it—this is a means of cutting the Housing Trust's costs by putting more of that cost on its tenants. At the same time, the Government is increasing rents through the market rents system and making it far more difficult for Housing Trust tenants in general. I hope that members opposite will support the disallowance of this regulation, because many of their constituents are experiencing the same difficulties. For example, many tenants in the southern and inner western suburbs, where there are large areas of Housing Trust homes, would be feeling the same pressure that my constituents in the northern suburbs talk to me about in respect of their difficulties in adjusting to this dramatic reduction in their water allowance. Some people are able to manage, and that is fine.

If the trust encourages people to reduce their water over a period, I applaud that. But this dramatic reduction for no reason other than cost cutting is unconscionable, and I expect that many members opposite will vote with the Opposition against this regulation—particularly when the regulations relating to private tenants allow a water allowance of 136 kilolitres.

The Hon. FRANK BLEVINS (Giles): I wish to support my colleague the member for Napier in this motion of disallowance. I find it hard to understand what this Government has against Housing Trust tenants. Time and again over the past three years—and accelerated over the past six months or so—the Government has decided to wage war on Housing Trust tenants. They are in the main one of the most disadvantaged groups in our community. For this Government to try to extract more money from them the way it has is fairly poor. They have been treated appallingly.

Besides the constant reduction in the water allowance that Housing Trust tenants have traditionally been granted, as well as the increase in cost for them—which has been well documented by the member for Napier—I want to put in a special plug for Housing Trust tenants who live outside the metropolitan area, who live in the low rainfall areas of this State, and have an additional penalty because of the climate. I know that the Government cannot be blamed for the climate, but it could at least acknowledge that for Housing Trust tenants, particularly in Whyalla and other parts of my electorate of Giles, to try to keep any kind of garden in that harsh climate is very difficult. They do not need this Government adding to their difficulties.

I do not interfere in other people's electorates—I have enough to do looking after my own electorate—but I have been asked to put in a plea for people living in Port Pirie and Port Augusta. I have been advised that it is unlikely that the representatives of the Housing Trust tenants in Port Augusta and Port Pirie will raise their voices in support either in this

Parliament, in the Party room or in the Cabinet room, and I think that is an enormous pity.

In the Iron Triangle, we are not having the best run of luck without having to bear this additional burden. Like the member for Napier, I would ask the member for Reynell and Kaurna, for example, just what representations they have made in the Party room against this particular measure. Both of them have a large number of constituents who live in Housing Trust houses, and it seems to me that there is an obligation on them to raise their voices in the Party room in support of their Housing Trust tenants. If that is the case, they only have to say so in speaking to this motion of disallowance and I will obviously congratulate them for doing so and for joining with the member for Napier in supporting this motion.

If they do not do that, then I and candidates in those areas can only assume that the members for Reynell and Kaurna did indeed support this measure. If so, then I suggest that they cannot complain if people living in Housing Trust areas in those two electorates at least—and there are others—are made aware of the fact that their local members did not support them when the Labor Party tried to soften some of these harsh measures that are being introduced by the Government.

I do not know what the people in the north of this State—in Whyalla, Port Pirie and Port Augusta—have done to this Government to deserve the treatment that we get. What crime have we committed out on the Eyre Peninsula to warrant this kind of treatment? This Government is hell-bent on withdrawing every service that it can get away with, and there are many, while at the same time putting additional costs on people in those areas who can least afford it.

Maybe it does not matter in the South-East of the State; maybe it rains enough so that these things are minor irritants. But in the Iron Triangle and on Eyre Peninsula, it matters enormously because of the climate, in addition to the financial hardship. On top of the financial hardship, there is an additional hardship of the climate. I beg and implore members opposite for once to stand up for people outside the metropolitan area and to stand up for Housing Trust tenants against this Government.

The amount of funds that will be raised is trivial because people will just stop watering their gardens, and that is already happening. Wherever we go in Housing Trust areas we can see the deterioration in the gardens because under this Government people simply cannot afford to put water on their gardens. They just cannot afford it. I have lived in a Housing Trust house for nearly 30 years, and still do, and I have never seen people wasting water, but I have seen some very genuine attempts from people to maintain high standards. That is becoming increasingly difficult and, in many households, it is just impossible.

Over the last couple of weeks, we heard from the former Premier that the Government was to have a change of direction, that the economic dries would be pushed back, that a little bit of heart would come into the Government, that it would have some consideration for ordinary South Australians and that it was time that the Government paid back the people of South Australia. According to the former Premier and member for Finniss, the people of South Australia had kicked the Government in the pants. I assure members opposite that there is an even bigger kick in the pants to come unless some Liberal backbenchers take the Government to task on measures such as this. There is absolutely no reason why members opposite cannot knock out this provision, and I urge them to do so.

From time to time I am involved in Housing Trust programs to choose the best garden and, occasionally, to distribute prizes. I have found that very rewarding, and the people who make an attempt to keep up their gardens are very proud. Some of these houses have been their family homes for 20 or 30 years, they have really looked after them and they have beautiful gardens. However, they tell me now that they cannot continue. They cannot be in these contests because this Liberal Government has made the price of water too high and the allocation too low.

I appeal to members of Cabinet who represent a significant number of Housing Trust tenants and who live outside the metropolitan area, particularly in the dry areas of the State, to put this measure on top of the list of those measures of the former Premier's Government that have to be overturned. It is pocket money for the Government; yet it means an awful lot to my constituents and to a lot of other Housing Trust constituents, particularly in the drier areas of the State.

Mr LEWIS (Ridley): I listened with interest and amusement to the kind of arguments put by the member for Giles and other members opposite in supporting the proposition before us. They make no sense whatever. They would have us believe that we should be subsidising the cost of bread to people who live in Housing Trust homes, and other utilities of dietary necessity in some form or other, so that by the arguments they have advanced it costs less because you live in a Housing Trust home than it would otherwise cost if you do not. Clearly, that is the implication of their proposition.

Mr Foley: You are a heartless politician.

Mr LEWIS: I am a most sensitive politician because, as the honourable member would know, we grow enough wheat (from which we make bread) to export, yet we do not have sufficient water. On the one hand, the honourable member says that we should subsidise the waste of water by a class of people on the grounds that they have reduced income and, on the other hand, not subsidise the provision of bread. That is an irrational argument. I am not heartless; I am sensitive and sensible. If members opposite, and anyone else who is interested in the kind of argument being put today on this issue, cannot understand the good sense of sending a simple signal to all folk, regardless of their means, that such scarce resources cost money and have been subsidised in the past and cannot continue to be subsidised in the future, they ought to revisit the reasons for their existence and the reasons for their philosophical base in advocacy.

Equally, they are saying that those people who earn wages, for some reason or other, should do more than they are because they have the privilege of a job than those who do not have, yet their argument on that matter goes in exactly the opposite direction. It is a matter of the allocation of a scarce resource to ensure that there is enough to go around and to ensure that it is equally valued by all of us, regardless of our means, age and status. It is not something upon which we ought to differentiate. I believe that sunlight is equally important and valuable to any and all of us. Water is no different: we need to treat it the same way. In any case, delivering a tonne of any goods reliably, continually, on time, at will and at the whim of the consumer for less than a dollar to that consumer's premises is a pretty good service—and that is all it costs to get a tonne of water.

A kilolitre of water by definition weighs a tonne. A litre of water weighs a kilogram, and there are 1 000 litres in a kilolitre and 1 000 kilograms in a tonne—less than a dollar.

Yet, I hear the member for Giles and members opposite claiming that, for some reason or other, we should subsidise it for one group of people in society against the interests of the whole society so that they can use more of it for every dollar they spend than the rest of us. I cannot see the logic of their argument or the morality of the consequences.

Ms STEVENS (Elizabeth): I rise to add a few comments to those that have already been put on the record by my colleagues the member for Napier and the member for Giles. Many people in my electorate reside in Housing Trust accommodation. Having a good garden is an important thing for the community. Having a garden that looks nice and is well kept lifts the community spirit, and this Government should be doing everything in its power to encourage that to happen. As the member for Napier mentioned, she and I both attended a function on Tuesday where Housing Trust tenants who had been judged as having the best gardens in the State were presented with awards.

This year that prize was won by two of my constituents, Freddy and Christa Nemmoe, of Elizabeth Park. They have created a most beautiful garden in their Housing Trust home at Elizabeth Park. They are to be commended as are all those who entered the competition and all others who have done their best to transform some very barren land into something beautiful. As I said before, I think that is something that this Government should encourage not discourage. I support all the comments of my colleagues. I believe that this move by the current Government is short-sighted and that, in the end, it will come to regret it.

Mr MEIER secured the adjournment of the debate.

WORKERS REHABILITATION AND COMPENSATION (DEFINITION OF TRAUMA) AMENDMENT BILL

Mr ATKINSON (Spence) obtained leave and introduced a Bill for an Act to amend the Workers Rehabilitation and Compensation Act 1986. Read a first time.

Mr ATKINSON: I move:

That this Bill be now read a second time.

The Bill adds to the definition of 'trauma' in the principal Act. That definition in section 3 of the Act reads:

> 'Trauma' means an event or series of events out of which a compensable disability arises.

I propose to add to that definition so that it reads:

> 'Trauma' means an event or series of events out of which a compensable disability arises and also includes the inhalation of asbestos fibres (either before or after the commencement of the principal Act) from which an asbestos related illness arises—such as pleural plaquing, asbestosis, mesothelioma, or lung cancer.

South Australia is experiencing a number of work-related asbestos caused illnesses similar to the number in Western Australia that arose from the Wittenoom Mine. Not only do the victims of these illnesses face a painful death but in some cases they also face insurmountable barriers to obtaining compensation.

Mesothelioma can have an incubation or latency period of up to 30 years during which time a worker may have worked for more than a dozen employers. Take, for example, a carpenter in the building industry. By the time the asbestos fibres in his lungs bring on mesothelomia, some of his employers and their insurers will have gone out of business. Let us say, for example, that Mr Kowalski worked with asbestos for a company in 1965 and 1966. The company is now in liquidation and has no assets. Mr Kowalski develops mesothelioma in 1996 and makes a claim against the company's insurer. The insurer denies liability on the basis that the injury to Mr Kowalski's lungs arose after the insurance policy expired. How does the Liberal Government propose that Mr Kowalski receive what is due to him, or do members opposite propose that he receive nothing by way of compensation, as he does now?

Asbestos exposure occurs in many industries and many vocations. Engineers are exposed to asbestos and die from that exposure. The Governor of New South Wales died from exposure to asbestos during his naval service. Actor Steve McQueen died from asbestos exposure. Factory workers and builders' labourers die from it. It is wrong that during a victim's last days he or she knows that his or her family will have a legal struggle—in most cases, an almost insurmountable legal struggle—just to obtain compensation.

These barriers are obvious from a reading of the Supreme Court case *Catholic Church Endowment Society v Huntley*. The worker, John Richard Gordon Huntley, was born in Victoria in 1935. He started as an apprentice electrician in 1950 and worked for many employers as an electrician until, in December 1978, he was hired as an electrical handyman for Calvary Hospital. Calvary Hospital, as part of the Catholic Church Endowment Society, is an exempt employer, that is, an employer that self-insures rather than pays premiums to WorkCover.

At 4 p.m. on 30 September 1987 the WorkCover system started with the proclamation of the principal Act—or the new Act, as I shall refer to it. The day that the WorkCover Bill was proclaimed is known in the trade as the appointed day. During the very next year Mr Huntley consulted a doctor about lung problems. He was eventually advised that his lung problems were related to asbestos exposure. He sought workers' compensation in 1993. The employer rejected the claim because Mr Huntley had been exposed to asbestos often during his 43 years of employment, and his exposure at Calvary Hospital had been minimal.

The review officer held that, since the exposure to asbestos that had caused Mr Huntley's illness occurred before the appointed day, the old Workers Compensation Act 1971 applied. This meant that Mr Huntley had to prove that a particular employer or series of employers were responsible for his exposure, then find that employer or the employer's insurer to bring a compensation claim against one or other of them. Many of Mr Huntley's employers would have ceased business, as would some of the insurers, and any insurer who might have been found would have denied liability on the basis that its insurance policy had expired before Mr Huntley was diagnosed with mesothelioma. In the case of defunct insurers, the Statutory Reserve Fund, which now stands in their place, would have much the same excuse. If Mr Huntley could seek compensation only from pre-1987 employers and their insurers he had no chance of receiving compensation. Mr Huntley appealed his case to the Workers Compensation Review Tribunal. The tribunal stated:

> It is indeed unusual for an Act to apply to an event that occurred prior to its enactment. But, it does happen. Indeed this would have been precisely what would have occurred under the old Act in respect of a disease that was contracted prior to its enactment but did not reveal itself until some time thereafter. In such a case, section 6A of the old Act would dictate that the old Act applied. Moreover, in the context of a continuous code of compensation, there is nothing perverse about a later regime assuming the liabilities of a former

regime, as indeed was the case between the old Act and its predecessor.

The tribunal was influenced by the injustice of Mr Huntley's being unable to receive any compensation under the old Act. The tribunal ruled:

I therefore consider that if a work-caused disease has first resulted in total or partial incapacity for work after the appointed day, the new Act applies, and the date of the injury is the day when the worker first becomes incapacitated.

It is the purpose of the Bill to make the tribunal's just and merciful ruling law. The employer appealed to the Supreme Court, which comprised Justices Matheson, Millhouse and Bollen. Mr Justice Bollen posed the question of law this way:

The issue is this; in the case of a work-caused disease that first results in incapacity after the appointed day, but in respect of which employment did not materially contribute after that day, does the new Act apply?

He went on to say, 'No, the new Act does not apply, the old Act does.' So did his two brother judges. Mr Huntley got no workers' compensation, not even his medical expenses. After the Huntley case, I asked the Minister for Industrial Affairs:

Does the Government intend to amend the Workers Rehabilitation and Compensation Act to overcome the Supreme Court decision in *Catholic Church Endowment Society v. Huntley* so that, in future, workers suffering from asbestosis or mesothelioma caused during employment with long defunct employers can obtain benefits under the 1986 Act and, if not, why not? What remedy does the Government propose for these workers?

The Minister's answer was 'No.' If the Liberal Government will not act, the Labor Opposition will do so. That is why I have presented the Bill to the House. Let Liberal members vote down this proposal and look victims of work-related mesothelioma in the eye. An article by R.T. Gun, A. Costa and R. Wishart and entitled 'Compensation for Death from Mesothelioma in South Australia' states that there could be between 400 and 500 mesothelioma deaths in the State between 1991 and the year 2010. Although this may appear to be a heavy burden to cast on the WorkCover system, appearances may be deceptive because most victims would be in retirement so WorkCover would have to pay their medical bills only, not their lost earnings. The authors write:

The evidence suggests the cost of justice in this case would not be excessive. Many mesothelioma cases are past retiring age, so there will only be non-economic losses to be compensated; and because of their age many of the decedents have no surviving dependants, as we found from our examination of death certificates.

Gun, Costa and Wishart interviewed 48 next-of-kin of people who had died of pleural mesothelioma in the period 1988-1990. The authors say that the time from first exposure to diagnosis ranged from six years to 67 years, with a mean of 37 years. The authors say:

Despite the known causal association with occupation, the majority of cases are not receiving compensation. . . It is clear that recourse to the provisions of prior legislation is no solution. It is clear from interviews with surviving dependants that there are formidable psychological and other barriers to even making a claim. Even if a claim is made, the outcome is far from a foregone conclusion. Three of the five above mentioned cases, possibly exposed after September 1997, have had claims rejected. Extrapolating from the empirical compensation data to the model, it might be expected that 18 per cent of future cases expected in the next 20 years will receive compensation from other sources such as the provisions of previous legislation and Comcare.

I ask the House: what about the other 82 per cent of victims of work-related mesothelioma? What is the Government prepared to do for them? The abstract to the article states:

It was clear from the interviews that substantial psychological, financial and legal barriers exist to prevent affected workers and their families receiving compensation from the previous legislation, and that the only effective remedy would be the deletion of the provision of the WorkCover Act which denies compensation in respect of disabilities resulting from traumas incurred before the commencement day of the legislation.

The present workers' compensation law as it applies to mesothelioma is not working. Workers are not being compensated for work-related illnesses. Former employers, with whom an affected worker does catch up, are facing insolvency because insurance companies are denying liability. The amendment I propose will make the liability of these insurance companies clear and, if those insurance companies have ceased to exist, it will make the liability of the Statutory Reserve Fund clear. I hope that the Liberal Government will join the Labor Opposition in supporting this just proposal. As Gun, Costa and Wishart conclude:

In the meantime, the legacy of past exposures will accumulate unless the law is changed. A stroke of the pen would restore justice to those workers and their families who have been robbed by the gratuitous inclusion of the transitional provisions of the WorkCover Act.

Mr MEIER secured the adjournment of the debate.

REHABILITATION OF SEXUAL OFFENDERS BILL

Mrs ROSENBERG (Kaurna) obtained leave and introduced a Bill for an Act to provide for the rehabilitation of sexual offenders; and for other purposes. Read a first time.

Mrs ROSENBERG: I move:

That this Bill be now read a second time.

Sexual offences dealt with in the criminal law system in South Australia include rape, indecent assault, incest, sexual offences against children, child pornography, indecent behaviour, gross indecency, involving child prostitution, prurient interest and unlawful sexual intercourse. There is an urgent need to prevent child abuse not only for the cost to the child but for the cost to society. The direct costs involve child protection, welfare law, mental health and all the medical expenses, but the indirect costs in terms of the longer ranging effects are even greater when the victim carries the scars into adulthood and possibly becomes another offender. There is an increasing number of reports and incidences of child abuse. In 1992-93 throughout Australia there were 59 122 reports of child abuse and neglect involving 50 671 victims, and 23 per cent of those were sexual abuse. Those figures come from a document entitled 'Development, Child Abuse and Neglect Policy for Health System, December 1995'.

'Child abuse and neglect, Australia 1994-95' reports 76 954 suspected child abuse cases in Australia. Of these 30 600 were confirmed, representing 26 500 children. Of this number 16 per cent were sexual abuse with the highest rates in the 13 to 14 year old age group. For the same period in South Australia 6 954 cases of abuse and neglect were reported, representing a 13 per cent increase, and 21 per cent of these cases were sexual abuse. Children involved in substantiated cases of sexual abuse represent 1.1 per cent of the Australian population in the 0 to 16 year age group.

The Australian Institute of Health and Welfare has estimated that, during 1993-94, 5 000 children under the age of 16 were involved in substantiated cases of sexual abuse throughout Australia, and it is usually considered a high understatement because of the under reporting of the abuses. In South Australia in 1994-95, of the 1 932 cases presented, 37.1 per cent were victims under 14 years of age and 89.8 per

cent were female victims of rape. The South Australian rate of sexual offences per 100 000 of population in 1995 was 92.13, compared with the Australian average of 70.95 per 100 000, which ranks South Australia as the second highest reporting State. Rates of abuse in South Australia have been as follows: in 1991, 3 462; 1991-92, 4 542; 1992-93, 5 736; 1993-94, 6 158; and 1994-95, 6 800. FACS is the source for those figures.

Sexual offenders are a heterogeneous group, often with personality difficulties and with a range of sexual activities. The onset of paraphilia occurs in early adolescence with the development of deviate sexual fantasies preceding the actual sexual behaviour, which starts to occur in late adolescence. Some deviant activity occurs because of the lack of social skills and the inability to obtain sexual partners, and they may therefore simply need instruction. Some offend because of irrational anxieties about sexual intimacy or suspicious or aggressive attitudes towards partners and they may respond to other types of models of treatment. Many offenders have a range of problems, so that one solution alone will not work. The deviant arousal patterns can be changed by treatment and long-term contact with a therapist or psychiatrist, and that is recommended.

From a study on men offenders compiled from Northfield in 1992 involving South Australian, New South Wales and Western Australian correctional centres, those who were abused themselves were more likely to be socially disadvantaged, experienced more verbal and physical abuse, thought it commonplace or the norm to abuse, had no compunction about repeating the abuse, liked some of the aspects of the abuse, failed to connect the abuse to any other problems in their life, readily interpreted children's actions as seductive, and very few reported their own abuse.

It seemed in this study that the pattern for prisoners was: initial abuse as a child, continued abuse by large numbers, early abuser of others, and that became habitual. A person may be less damaged by abuse by strangers than if the abuser was a loved one. None in that interview study in South Australia had been involved in any re-education or re-socialisation program, several offered no help or ways to learn non-deviant sexual arousal, but all in the New South Wales and Western Australian system were in programs of rehabilitation.

There is a range of groups of offenders: a fixated offender, whose primary sexual preference is for children; and a non-fixated offender, whose primary sexual preference is for age-appropriate relationships. The fixated offenders can be broken into four categories: the transitional paedophile, who lacks the social skills for age-appropriate relationships; those who have a compulsive sexual preference for children; those who argue that sexual contact is good for the child and that they are providing an education program; and those for whom the victim is objectified and used only for sexual gratification.

Exhibitionists (one group of offenders) have a compulsion to flash from a safe distance, and that is the common form of their sexual behaviour. A minority have sexual misconduct that is persistent, anti-social and unmodifiable apparently by any other method than chemical treatment.

Another group of offender is paedophiles, who are typically non-violent, often unassertive and socially inhibited. They develop an empathy with children—engage in games, offer presents or treats such as camps, and make themselves interesting to children. The majority of paedophiles are attracted to girls, the minority to boys, and some to both. Men approaching boys are usually men with privileged access from a social situation.

Every major study indicates that offenders are usually male, and it has been suggested that female paedophiles are rare. The number of victims of paedophiles increases with time, so that treatments that can act early on the offender will have an enormous saving on numbers of victims, with health and legal cost savings. An extremely conservative report suggests that the average paedophile has 50 to 75 victims per lifetime.

The third section concerns parents in incestuous relationships. Most cases of incest involve a father, stepfather or *de facto* father, and most cases occur in the family home. The offending male usually regards his family as his property to abuse at will. Violent crimes are usually inspired by guilt rather than by lust, and many murders occur because of a frenzy of guilt. In the 1980s, 1 to 3 per cent of reported cases involved women, but now South Australian FACS does not record the gender of the offender for statistical purposes.

Explanations of sex offenders as having poor and inappropriate social skills and under-control and conflict in gender relationships would generally account for most offending. There is a subgroup of offenders for whom clinical and special psychogenic explanations remain highly relevant.

Intervention should be aimed at supporting the offender to modify their behaviour to avoid re-offending, and this could include drugs, psychotherapy, conditioning techniques and social skills training. Penalties are separated into management (that is, incarceration of the offender) and treatment or rehabilitation. Other members who have spoken on this issue have put on the record details of the average sentences that have recently been handed down in the Magistrates Court and the Supreme Court, and I will not repeat them.

Paedophilia is dealt with by a medical model in which treatment is provided with a view to preventing further conduct or by the punishing model, which goes through the courts. Assessments are made for treatment programs to determine the risk of reoffending, but there must be a desire to be treated. Cognitive behavioural programs are effective for child molesters and exhibitionists but not for rapists. The Victorian Crime Prevention Committee in May 1995 recommended mandatory assessment of all convicted sex offenders and that they should enter an extensive treatment program contrived until the parole period has expired. This should be seen as part of an overall strategy involving prevention, detection and early intervention and support, treatment and rehabilitation. 'From Victim to Offender', a study by Freda Briggs in 1995, states:

> We found in South Australia when prisons lack special facilities and a rehabilitation approach to child sex offenders, perpetrators are unlikely to accept responsibility for their actions and imprisonment does not, by itself, change men's attitudes to children nor does it change their sexual orientation.

This was based on the Western Australian figure of 80 per cent reoffending. The treatment alone approach provides an offender with a psychological rationalisation for the offence and weakens the criminality of the sexual assault while strengthening the assault as a symptom.

The demand for longer terms of incarceration as a solution to the problem has escalated, and the rehabilitation and treatment of offenders has been accorded less attention. Sex offenders who are incarcerated will one day be released from prison and return to the community which needs protection. They will continue to be a threat of re-offending unless they

come to understand and control their behaviour. In Australia, rehabilitation programs for incarcerated sex offenders are extremely limited.

Each sex offender needs a complete individualised assessment and treatment plan which is ongoing. They need to accept responsibility, understand the consequence of thoughts and feelings and the arousal stimuli that causes this behaviour. Getting offenders to accept responsibility is the early goal of rehabilitation, leading to impulse control. The offender needs to learn how to intervene in the process and actively turn away from re-offending. They need to replace anti-social thoughts and behaviours with pro-social ones and acquire positive self-concept and new attitudes and learn new social and sexual skills.

Each residential sex offender needs a prolonged period during his treatment to test his newly acquired insights without harming members of the community, and each needs a post-treatment support group. It should be acknowledged that rehabilitation treatment decreases inappropriate sexual arousal and increases non-deviant arousal, while increasing resocialisation skills and raising self esteem.

The basis of chemical control is to lower testosterone, lower sexual drive and lower subsequent deviant sexual activity. This resulted in recidivism rates of less than 5 per cent when the treatments were followed up to 20 years. Testosterone is the principal androgen produced by the testes of animals influencing male sexual behaviour and female behaviour. As a species becomes more complex, that is, they increase in complexity to the human race, the direct influence of hormones on sexual behaviour is lower, but for males it remains dependent on androgen whatever the species. Androgens (principally testosterone and dihydrotestosterone) are responsible for a range of developmental and sexual characteristics and the maintenance of sexual behaviour in males and some effects in females. Chemicals work by action on intracellular androgen receptors—a receptor-hormone complex is formed and is actively transported into the nucleus of the target cells, and the target cells respond according to their genetic compliment. It is the binding of the hormone to the receptor that results in the biological response. Binding is inhibited by competitive and non-competitive mechanisms.

Competitive inhibitors bind to the receptor site and prevent the hormone doing so. The non-competitive inhibitors provide numerous and alternative receptors for the hormone. It is sensitivity to androgen receptors in the central nervous system that determines male sexual behavioural patterns. Androgen receptors are in the prostate, the brain, the limbic system and the anterior hypothalamus. These biological processes are a focus of the antiandrogen and hormonal treatments of paraphilias, targeting a reduction in available androgen receptors through a variety of mechanisms. Androgens are steroid hormones synthesised from cholesterol and transported in plasma on specific transport proteins. The globulin has a high affinity for the testosterone, having specific receptor sites. A dynamic equilibrium exists between bound and free hormones.

It appears that the prime activation effect of androgens is at the hypothalamus. In humans a behavioural manifestation that appears to be testosterone dependent is aggression, and specifically sexual aggression. Pharmacological treatment of paraphilias is based on treating sex drive suppression through a variety of agents, which relieves a person of obsessive preoccupation with sexual thoughts and temptations to commit offences. The treatment produces physical impotence, reduces sexual drive and psychological arousability, and is most applicable to people with a high likelihood of offending.

The theory of preventative intervention is based on the belief that suppression of the sexual drive results in decreased paraphiliac behaviour and based on the need to control sexual fantasy, sexual urge and sexual acting out. A 'cure' would be the one that reduced the deviant action of a paraphilia and not the non-deviant action, otherwise the result is production of an 'asexual' individual, which may be argued for very serious paraphiles.

It is imperative, especially in paedophiles, to correct cognitive disorders by way of individual or group psychotherapy. Some candidates are to be considered for long-term treatment on the basis of risk reduction alone. A comprehensive treatment program often has many facets but with one key factor, that is, sexual deviant behaviour is overcome and the other solutions fall into place. The decision to try to suppress sexuality by chemical treatment should never be taken lightly. Usually it is seen as justifiable for offenders who have seriously anti-social sexual acts to be chemically treated and where no other measure will suffice.

Being part of a whole of system approach, the focus on purely needing to punish does not take into account the realities of child sexual assault. Regardless of the length of incarceration, the offender is eventually released and often back to the family. Punishment must include measures to minimise the re-offending of these people. There should be a mandatory assessment of all convicted sex offenders with a custodial or non-custodial sentence. This was a clear recommendation of the Victorian Parliamentary Crime Prevention Committee which reported in 1995. Following its assessment, offenders should commence an extensive treatment program, which should continue until their parole period expires or until they are assessed as no longer needing this support. It is also stressed that this treatment is not a substitute for incarceration but is done along with the incarceration program.

Freely given informed consent is an absolute prerequisite. The treatment should commence during the period of incarceration. When incarceration is completed, the offender should consider these treatment approaches with a view to successful community reintegration. A variety of pressures, or forms of duress, can be brought to bear, but most treatment methods are unlikely to work and are scarcely worth attempting if the offender does not want to cooperate in the treatment. To facilitate a change in behaviour and attitude, the offenders must confront themselves and deal with their offence. Some do not and will never give up their fixation on children, and there is no solution for them other than to separate them permanently from society.

Various chemicals can be used, and the first that I put on record is cyproterone acetate (CPA). The principal mode of action is as an androgen receptor to block testosterone taking its place. Antiandrogen and antigonadotropin effects are experienced in males with the specific mode of action of CPA as a competitive inhibitor of testosterone and dihydrotestosterone on specific androgen receptor sites. Effects are dose dependent. Sexual behaviour is affected by reduced testosterone. Erection, ejaculation, spermatogenesis and sexual fantasies are usually eliminated. Also, 100 per cent of the drug is bioavalable orally; the plasma has a half life of 38½ hours; and injection reaches maximum plasma in 82 hours.

CPA is effective in most extreme cases such as sexual sadism and paedophilia. CPA has reduced deviant sexual

arousal in paedophiles which, having less impact on non-deviant sexual arousal, leads to normalisation of preference. Sexual fantasies and masturbation are significantly decreased with the use of CPA. CPA has a definite role. It is well documented that CPA substantially reduces recidivism rates and has continued beneficial effects when treatment is terminated. CPA can be gradually tapered off in a significant number of individuals without risk of relapse after a 6 to 12 month treatment period.

The second drug is medroxy progesterone acetate (MPA) or, as it is mostly known in the medical field, Depo-Provera. MPA works by enhanced metabolic clearance of testosterone by inducing testosterone-A-reductase in the liver, hence plasma testosterone is decreased. MPA has an antigonadotropic effect. MPA reduces sex drive, fantasy and sexual activity at doses of 300 to 400 mg/week intramuscularly, with beneficial effects that last up to eight years after the drug is removed. The third drug is Flutamide, an antiantrogen, which is used for the treatment of carcinoma of the prostate and shows a positive effect in paraphilias. Germany has an antiandrogen to use as an implant slow-release.

The fourth drug is oestrogen, a hormonal agent which is a cytosol oestrogen receptor similar to androgen receptors. Oestrogen and progesterone receptors occur in the hypothalamus and pituitary and mainly affect female reproductive and sexual behaviour and male behaviour. The fifth drug is LHRH agonists, a lutenising hormone-releasing hormone. It has a potent inhibition of gonadotropin secretion.

In California, Assembly member Hoge, and co-authors Assembly members Baldwin, Boland, Margett and Miller, introduced legislation on 23 February 1996 for chemical rehabilitation, and it was amended in August 1996. This legislation allows for any person guilty of a sex offence against a child under the age of 13 years on the first conviction to be punished by the use of MPA. For any subsequent offence, the use of the drug is mandatory. Its effectiveness in terms of prevention of reoffending in other countries is as follows: 1.1 per cent in Denmark, 2.8 per cent in Germany, 7.3 per cent in Norway, 1.3 per cent in Holland, and 7.2 per cent in Switzerland.

On 24 September 1996, Germany debated chemical castration (as they call it) following the abduction, sexual assault and murder of a seven year old girl in Bavaria. The family Minister, Claudia Nolte, was quoted in the *Daily Express* as follows:

> We must examine all possibilities to protect children from sexual abuse.

Bavaria's ruling Christian Social Union said that it would examine chemical measures to prevent sexual offenders repeating their crimes. German prison psychologist Werner Hess said that psychologists should 'help offenders to bring their sexual impulses under control'.

California has introduced chemical castration as a mandatory condition after the second offence, and it is now being considered by other American States including Florida, Michigan, Massachusetts, Texas and Washington State. In several European countries, castration for rapists has been around for decades. Germany offers hormone suppressing injections and clinical surgery to violent sex offenders. Sweden makes chemical castration available to criminals who want it.

Denmark introduced chemical castration in 1973, and the results have been positive according to Heidi Hansen, the chief physician in the Copenhagen Penal Institute. The physician stated that it was safe, reversible and effective. Of the 26 prisoners chosen to receive the injections since 1989, 16 have been released on probation on the condition that they continue to receive injections, and only one has committed another offence.

Generally, the treatment of paraphiles with antiandrogens and hormonal agents has been successful in reducing reoffending rates through the reduction of sexual behaviour, sexual fantasies, sexual drive, sexual arousal and other effects. Wincze in 1987 reported 80 per cent of incarcerated sex offenders who did not receive treatment will reoffend but, when they receive treatment, the rate falls to 20 per cent. Some form of treatment affords the community the best protection and effectively prevents further victimisation.

Lowered self esteem characterises victims of sexual abuse, and the effects such as trauma and pain do not got away with time. A wide variety of later effects, such as sexual difficulties, inability to form lasting relationships, lack of self confidence and poor marital and parenting skills remain. Sexually abused boys may grow up to abuse their own or other's children, and women who have been abused as children are statistically shown to become battering mothers.

Repetition in the next generation is not inevitable. Nevertheless, the identification and treatment of sexually abused children becomes more vital when it is likely to help the next generation as well. Paedophiles 'groom' their victims over a long period and often after the abuse try to indoctrinate the victim into paedophilia and another generation of abusers is formed. There is not a direct correlation between abused becoming abusers, but there is a range of other external factors which are involved and make this happen.

Finally, in addressing the Bill, any person guilty of offences as specified—rape, indecent assault, unlawful sexual intercourse, incest, child pornography, indecent behaviour, gross indecency and purient interest—shall be mandatorily assessed upon conviction to custodial or non-custodial sentence. The judge must inform the offender of the available treatment on conviction. Mandatory assessment will be ordered of the offender's psychological ability and willingness to be rehabilitated.

Post assessment, all sex offenders are offered entrance to a chemically induced treatment program two weeks prior to release, and they must continue treatment until both the Parole Board and the appointed psychologist have been satisfied that the treatment is no longer required. The Bill must provide that the Corrections Department explains fully the use of the materials and the possible side effects. The offender must sign an agreement, and no medical officer will be obliged to administer any drugs against their will. I seek the support of the House.

Mr ATKINSON: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Mr MEIER secured the adjournment of the debate.

WINE AND TOURISM COUNCIL

The Hon. G.A. INGERSON (Deputy Premier): I seek leave to make a personal explanation.

Leave granted.

The Hon. G.A. INGERSON: On 12 November I was asked by the member for Taylor:

What was the Minister for Tourism's involvement in the appointment process of his former adviser Ms Anne Ruston to the position of General Manager of the Wine and Tourism Council?

My answer was 'None.' I believed, and I still believe, that my answer was accurate. I understood that the thrust of the question was whether I had sought to influence the appointment of a new General Manager. In fact, I did not seek to influence that appointment. It has been drawn to my attention that there may be an argument that, in a technical sense—

Members interjecting:

The SPEAKER: Order! The House has given the Minister leave.

The Hon. G.A. INGERSON: —the word 'involvement' in the question covered any conversation which I had with a member of the panel after the position was advertised, but that was certainly not my understanding at the time. As I freely admitted in my ministerial statement to the House on 3 December, I did have one telephone conversation with the Chairman after the position was advertised. On that occasion I merely requested that Ms Ruston should be neither advantaged nor disadvantaged because she happened to be my ministerial adviser.

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: With this matter having now been brought to my attention—

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: —I accept that, if my answer led anyone to believe that I was denying I ever had such a conversation, it may have been construed as misleading. I repeat my assurance to the House that I did not intentionally seek to mislead it.

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: If my answer had that effect, I sincerely and unreservedly apologise to the House.

MULTIFUNCTION POLIS

Mr FOLEY (Hart): I move:

That the regulations under the MFP Development Act 1992 relating to land excluded from core site, gazetted on 17 October and laid on the table of this House on 22 October 1996, be disallowed.

I have moved to disallow a regulation that will enable the MFP to transfer land from the north of the Le Fevre Peninsula in my electorate, known as Pelican Point, back to the control of the Department of Housing and Urban Development and the Department for Environment and Natural Resources. There has been widespread speculation in my electorate and certainly publicly in the media that the Government is considering this site as a location for a prison: indeed, it is one of the favoured sites. The site in question is close to residential areas in my electorate. The suburbs of North Haven, Osborne and Taperoo abut the proposed site of the prison. Indeed, anyone who lives in the northern part of my electorate will be close to a major 700 person maximum security prison.

I seek the disallowance of this regulation which will stop the transfer of the control of that land from the MFP back to the Government as it would enable the Government to build the new prison. I have put a lot of work into uncovering the facts behind this. MFP officers have admitted to me that the department has looked at that site. The *Advertiser* obviously has some very good sources and it has speculated on a number of occasions that Pelican Point will be chosen. Indeed, in this House I have asked the Minister for Correctional Services whether he will rule out Pelican Point and give me a categorical assurance that the new prison will not be sited within my electorate, and he stated that he cannot give me that assurance.

The truth of the matter is that the people of Le Fevre Peninsula and Port Adelaide do not deserve to have a 700 person maximum security prison located in their electorate—and I stand with my community in opposition. I have circulated more than 120 petitions throughout my electorate. There has been a mass distribution of petitions. Just about every shop and business on the peninsula has been given a petition. They are rolling into my office. Early estimations are that we have already reached 8 000 signatures, and I hope that that number will significantly increase over the next week or so so that I can present those petitions, in the first instance, to the Minister (whoever that may be), then the Premier, and, at the first available opportunity, table them in the Parliament. The people of Port Adelaide do not want this prison; they do not deserve this prison; they should not have it; and we will fight the Government's proposal.

I ask members of this Parliament to support me as the local member, as I expect them to want support from me, in disallowing this regulation to stop the Government's move to transfer land at Pelican Point from the MFP to departmental control, as it would then be easy to facilitate the process to enable this prison to be built. The member for Kaurna has said that she would welcome a prison being located in her electorate but I do not think there would be too many other members.

Mr Lewis interjecting:

Mr FOLEY: The member for Ridley would. We have an auction under way. We have the member for Ridley. Does anyone else want to put in a bid?

Members interjecting:

The SPEAKER: Order! The honourable member must not conduct—

Mr FOLEY: Going once; going twice.

The Hon. R.G. Kerin interjecting:

Mr FOLEY: The member for Frome would like the prison. Does anyone want to up the member for Frome?

Mr Lewis interjecting:

Mr FOLEY: The member for Ridley again. We have some very strong bids on the floor for this prison. Going once to the member for Ridley; going twice to the member for Ridley; sold! The member for Ridley can have the new prison, and the Labor Party will be happy to facilitate that through this House. The constituents of Hart will be pleased to know that we have auctioned off the prison today. They will be grateful for the overwhelming support that I have received from the member for Ridley. I had better not antagonise the member for Ridley during the course of the day, because he may not wish to take the prison from me.

Mr Lewis: I will fight you for it.

Mr FOLEY: You do not have to fight me for it: I will roll over on this one. In all seriousness, the member for Ridley has struck a very important point: that is, there are appropriate locations for prisons while other locations are not appropriate. I do not think that my electorate is an appropriate place for a prison.

Mr Brindal: Why?

Mr FOLEY: I am glad that the member for Unley asks why, because I note that this prison is not being proposed for the electorate of Unley or the electorate of Norwood or any

other marginal Liberal electorate. The Government wants to plonk it in the middle of a notionally safe Labor seat. Of course, no seat is safe, as we have found out. I will take off my hat as a parochial local MP just in case—

Mr Leggett interjecting:

Mr FOLEY: I tell the member for Hanson that it is. I will take off my Port Adelaide beanie in case any member of this Chamber thinks that I am just doing a bit of local grandstanding, because I am not. I will take off my hat, because there are one or two cynics in this Chamber who may think that this is about local politics. Many experts including, I believe, the industry department believe that this is one of the most prime pieces of development real estate in South Australia. That is a bold statement, but it is true. It is right next door to our efficient and excellent container terminal at Outer Harbor. The land abuts the magnificent facilities of the Australian Submarine Corporation, where we also have the greenfield site of Pacific Dunlop Battery, a major facility, and there are a number of quality industrial developments located there. To install a prison in the middle of that basically says that the Government will not be able to utilise this land for decent industrial development purposes.

We must take into account the Ports Corporation, which is trying to build up the Port of Adelaide. We now have an intermodal system at the port for the efficient transport of containers. That facility is situated right next door to where this prison is proposed to be built. It will limit any further expansion of the port and major industrial expansion in the area. It will also limit the potential for Governments of the future to look at recreational development. There has been much talk about constructing a golf course in the area and further urban development. This is a large parcel of land. By putting a prison in the middle of it, all these excellent opportunities for developing that area will be cut off. In driving time, this area is a mere 30 minutes from the city on a week day and 25 minutes on a weekend. We are not talking about somewhere out in the far-flung reaches of Adelaide: this is very much downtown mainstream Adelaide. This site is totally inappropriate for a prison.

The MFP earlier recognised the potential of this land by wanting to control and own it, but that was not to be. I implore the Government to reconsider its position. I will continue to fight on behalf of my constituents and to do all in my power to frustrate, stop and undermine this proposal to ensure that my electorate does not become the home of a new 700 person maximum security prison. I think it is incumbent upon us all as responsible members of State Parliament to stand up for our electorate even when we face almighty odds, as we do with this large Liberal Government. I was going to say that it is a large unified Liberal Government, but that would be a little bit of an overstatement.

Mr Leggett interjecting:

Mr FOLEY: Well, it would be. If I lied to the Parliament, I would have to consider my future although, following the precedent that has been laid down today, we might have new rules in respect of that. The bottom line is that the electorate of Hart does not deserve or want this prison. The member for Ridley has already made a generous offer to house it in his electorate. Let us have it at Pinnaroo or in the Mallee.

Mr Lewis interjecting:

Mr FOLEY: Where do you want it?

Mr Lewis interjecting:

Mr FOLEY: Murray Bridge? Let us extend Mobilong. The 30 000 people of the Le Fevre Peninsula—the young kids, the families, the mums, the dads, the grandparents, the owners of houses and the business houses—are striving to make the Le Fevre Peninsula one of the great communities of this State. Let us not ruin that by the actions of a heartless Government that has no care or consideration for my electorate and wants to plonk a prison amongst the community. I will fight this terrible move by this Liberal conservative Government that treats the people of Port Adelaide with less than appropriate regard. We oppose this proposition, and I call on the House to join with me in stopping this heartless move by this heartless Government.

Mr BRINDAL (Unley): I have never heard such a self-serving diatribe in all my life. The member for Hart comes before this House and seeks to disallow a regulation solely on the grounds of what he perceives to be the interests of his community. The regulation concerns the removal of a piece of land from the MFP site. It does not concern the creation of a prison. It does not concern anything other than the excise of land—land which the member for Hart says is very important and critical to South Australia. The Government has decided that that land is not part of the core site for the MFP and it may wish to develop the land in any one of a number of ways. All the Government seeks to do in this regulation is to free the land from the constraints of the MFP site.

How constructive is the member for Hart—the member who wishes so much to defend his own electorate that he wants to keep it locked in in a retrospective step? Where is the member for Hart when it comes to talking about the petrol and oil storage facilities on that peninsula and the danger they present to his electorate? He is very silent. Where is he on the toxic waste and industrial dangers there? He is very silent. However, when it comes to a vacant piece of land, when it comes to a possible use as a prison, the member for Hart is very vocal indeed. He gives himself away by talking about taking off his parochial hat for a minute. He had his parochial hat on from the time he stood up until the time he sat down. It is pork-barrelling of the worst type. It is interfering in the legitimate processes of a Government to make best determinations on behalf of South Australia.

I support a regulation which takes a valuable piece of real estate from the MFP Corporation where it is no longer wanted and puts it back firmly in the hands of South Australia. The member for Hart has been creating a bogey for a number of days that his community does not want or deserve a prison. Sir, you are in the Chair, and I ask you whether the people of Port Augusta want or deserve a prison, but they—

Mr FOLEY: I rise on a point of order. I think it is inappropriate for a member to ask the Speaker a question during debate.

The SPEAKER: It is not the role of the Chair to answer questions, but in debate members are entitled to make comments that they think appropriate within the Standing Orders.

Mr BRINDAL: The people of Port Augusta have a prison in their electorate. It is not, and will not for a very long time, be a Labor electorate. Similarly, the residents of Mount Gambier have a prison and that, too, is a Liberal electorate. The member for Ridley has a prison; he merely wants an expansion of an existing service. He—in case the member for Hart has not noticed—is a Liberal member of Parliament, as is the member who represents Port Lincoln and the member for Adelaide, in whose district the Adelaide Remand Centre is sited. So, with the exception of one prison—namely, Yatala

Labour Prison—every prison in this State is in a Liberal electorate.

I am not arguing that that land should be used for anything. I am simply arguing that the Government of South Australia has made a decision, and here we see a member using the processes of this State not for the good of the State but to deliberately obstruct good government in South Australia for a self-serving and selfish interest. He is really espousing a 'not in my back yard' principle. If the four or five members I have previously named all held the same principle, we would have no prisons in South Australia.

Mr Foley: Do you want one at Unley?

Mr BRINDAL: The member for Hart tries to interject to ask where I want one. I will answer him this way. I believe that the Government has a right to put a prison wherever it is considered to serve the best interests of this State.

Mr Foley interjecting:

Mr BRINDAL: Wherever it serves the best interests of this State. If it seeks to expand Port Augusta, Mobilong or Yatala, that is a decision of the Government. I am disappointed in the member for Hart. I thought he was here for good government in South Australia but I find that all he can do is try to stitch up back room deals and try to get special advantages for his electorate, as did a previous member before him representing a very similar area,

Mr FOLEY: On a point of order, Mr Speaker, I draw your attention to the inappropriateness of the member's reflecting on the motives of another member and ask that that be withdrawn.

The SPEAKER: Order! I suggest to the member for Unley that his words were inappropriate. He cannot directly reflect on the motives of another member.

Mr BRINDAL: I would never reflect on the member for Hart, other than by way of substantive motion, but we may have to consider whether we bring in a substantive motion reflecting on the member for Hart. I will not detain the House further. I am disappointed that the honourable member would seek to do this—not because he would seek to do it as he has a right to do it but I am disappointed that the honourable member would seek to do it for what appear to be the motives stated in his debate. I will leave the House to make its decision on the calibre of the member for Hart.

Mr BASS secured the adjournment of the debate.

MATHEMATICS AND SCIENCE STUDY

Mr SCALZI (Hartley): I move:

That this House congratulates South Australian teachers and schools for their commitment and work in achieving outstanding student results in the Third International Mathematics and Science Study which had South Australia ranked ninth overall in mathematics and seventh overall in science in a survey conducted in 45 countries world-wide.

It is important that we acknowledge the good work of our schools, the department and our teachers. These results would not have occurred but for a commitment by teachers to ensure that we have a world-class education system. I refer members to an *Advertiser* article of Friday 22 November which states:

World-class marks for our pupils: South Australian high school students have scored some of the best marks in the world for science and maths. They are the seventh best in science and ninth in maths, according to the Third International Maths and Science Study, which involved over 280 000 students from 45 countries. The results, released yesterday, place the State's secondary school students near the top of the national, and global, classrooms. About 2 000 randomly selected SA year 8 and 9 students State and private school sat the tests last year. The 90-minute test contained multiple choice and written response questions.

We should all be proud of the results, which are outstanding and largely the result of the work undertaken by teachers over a long time. I also commend DECS. These results are not just the result of work undertaken during the three years we have been in Government: for a long time South Australia has led the way in education, and we all should be proud of that.

Two views exist about teachers and the teaching profession in both State and private schools. There is the false perception and the reality or truth about teaching. Too often, the community and critics of the profession are quick to say that teachers have long holidays and a nine to four job for which they receive reasonable income. Too often, people forget the contribution that the teaching profession makes to education. Too often, they forget the time that teachers spend preparing for classes. Too often, the community forgets the time that teachers put into sport and drama. Too often, people forget the extra hours put in. You cannot teach a lesson without preparation; you cannot keep yourself up to date in your subject area unless you are willing to give up part of your so-called holidays to ensure that you are well prepared for the classroom of the 1990s. I know—and I know that the member for Elizabeth would agree with me—that teachers spend considerable time and effort to ensure—

Mr Leggett: And the members for Hanson and Unley.

Mr SCALZI: Yes. Teachers spend considerable time and effort to ensure that their lessons are well prepared and that students achieve the results such as we acknowledge in this motion.

I also note the various associations in which teachers are involved. For example, I know the work of the South Australian Science Teachers Association. Its President, Peter Russo, is also Chairman of the Norwood Morialta school council. We forget the time that teachers give to voluntary organisations. I remember, when I was teaching, the work of the Economics Teachers Society in helping teachers prepare lessons and the time its members spent in marking examinations, and so on. Too often, we forget the contribution of the profession, and it is important to put this into perspective.

Teaching in the 1990s and over the past 10 to 15 years has not been easy. Classrooms are often emotional hothouses. Many members would acknowledge that it is not easy being a parent these days: imagine how much more difficult it is to cope in the classroom with all those problems confronting young people. I commend teachers, who must deal not only with their subject matter but also, in a humane and caring way, with the problems that students bring into the classroom.

In line with my motion, I seek leave to have inserted in *Hansard* statistical tables relating to both the science and maths results.

Leave granted.

Science Achievement Nationally and Internationally

Country	Mean age
Singapore	14.0
WA	14.0
Czech Republic	13.9
Japan	13.9
ACT	13.6
Korea	13.7
SA	14.3
Bulgaria[4]	13.6
Slovenia[4]	14.3
Belgium (Flemish)[1]	13.6
QLD	14.0
Netherlands[3]	13.7

Austria[4]	13.8
Hungary	13.8
England[12]	13.5
Australia	13.7
Slovak Republic[3]	13.8
United States[1]	13.8
NSW	13.5
NT	14.0
Ireland	13.9
Sweden	13.5
Canada	13.6
Germany[124]	14.3
TAS	13.5
Russian Federation	13.5
Thailand[4]	13.9
Hong Kong	13.7
Norway	13.5
Switzerland[2]	13.7
New Zealand	13.5
VIC	13.5
Spain	13.8
Scotland[3]	13.2
Iceland	13.1
France	13.8
Greece[4]	13.1
Denmark[4]	13.4
Latvia (LSS)[2]	13.8
Belgium (French)[3]	13.8
Portugal	14.0
Iran, Islamic Repulic	14.1
Cyprus	13.2
Lithuania[2]	13.8
Colombia[4]	15.1

Mathematics Achievement Nationally and Internationally

Country	Mean age
Singapore	14.0
Korea	13.7
Japan	13.9
Hong Kong	13.7
Belgium (Flemish)[1]	13.6
WA	14.0
ACT	13.6
Czech Republic	13.9
SA	14.3
QLD	14.0
Netherlands[4]	13.7
Bulgaria[4]	13.6
Slovak Republic[2]	13.8
Switzerland	13.7
Austria[3]	13.8
Hungary[4]	13.8
Slovenia	14.3
Russian Federation	13.5
Belgium (French)[3]	13.8
Australia[3]	13.7
France	13.8
Ireland	13.9
Canada	13.6
NSW	13.5
Thailand[4]	13.9
Sweden	13.5
Germany[124]	14.3
VIC	13.5
United States[1]	13.8
New Zealand	13.5
England[12]	13.5
TAS	13.5
NT	14.0
Norway	13.5
Denmark[4]	13.4
Scotland[3]	13.2
Latvia (LSS)[2]	13.8
Iceland	13.1
Spain	13.8
Greece[4]	13.1
Cyprus	13.2
Lithuania[2]	13.8
Portugal	14.0
Iran, Islamic Republic	14.1
Colombia[4]	15.1

Footnote 1: Satisfied sampling requirements only after replacement schools were included
Footnote 2: National defined population more than 10 per cent below internationally desired population
Footnote 3: Marginally below international sampling requirements
Footnote 4: Departed substantially from international sampling procedures or requirements

Mr SCALZI: Interstate comparisons show that South Australia, together with Western Australia and the ACT, consistently out-performed all other States and Territories in maths and science. As I have said, the survey of more than 500 000 middle primary, lower secondary and final year students in 45 countries is the largest and most ambitious survey of its kind in the world. More than 30 000 students in Australia were involved in the survey. The results of years 8 and 9 students and the middle and final year results are exceptional.

The Minister has moved a motion in another place which gives credence to the importance of maths and science for the future economic development of South Australia. We all know the importance of maths and science for the future development of this State. We talk about superhighways, Internet, and so on, but we must have the foundations on which to develop those industries. It is pleasing to note that South Australia is well placed to ensure a future in that area. This Government has a commitment to develop those industries, but without resources and the students, who are necessary for that success, it could not happen. The results of the survey indicate that we are well placed to achieve that success.

Critics who often say that we are not well placed in those areas should now join all South Australians in congratulating our teachers and schools on their excellent work. Too often, our schools are hastily criticised: now is the time to celebrate the achievement of South Australian schools. Given that South Australia spends more money on education per student than any other State, has the lowest average class size of any State and now has achieved world-class maths and science results, it is a clear indication that we have a high quality education system in this State of which we should all be proud.

That does not mean that there is no room for improvement—of course, there is. I know that the Premier and this Government are committed to moving towards a time when resources will be placed in the education sector to ensure that our excellent standard is maintained and improved. We are not moving away from that commitment, and comments made by Premier Olsen suggest that the Government wants the current dispute resolved in order to maintain this excellent standard and provide a good education for our young people.

Last evening I was fortunate to attend the graduation evening at Norwood Morialta Secondary School in my electorate, and I took the opportunity to mention the work of the Science Association. I was pleased to see the excellent results of the students and the pride they took in their achievements. It is an excellent school and an example of what State education is providing for our children.

One of the awards, the 1996 Westpac Australian Mathematics Competition Medal, was presented to a student named Eric Love. I was impressed to know that Eric Love was awarded a medal in this competition for the second year in succession. This is an outstanding achievement in that over 520 000 students from 32 countries entered the competition

in 1996 and only 43 medals were awarded in Australia, just five in South Australia. Eric had the opportunity to visit Canberra to have this award presented by the Prime Minister, but instead he chose to accept that medal in front of his fellow students at the Norwood Morialta High School graduation.

I take this opportunity to congratulate Eric Love and the teachers in that school who have supported Eric and other students who have been successful in attaining high results. It is an indication of the talent we have in our schools. It is important to acknowledge that, because too often people are quick to knock our achievements.

In conclusion, it gives me great pleasure to move this motion. As a teacher I know of the hard work that teachers put into their preparation, and it is important that all members acknowledge the work teachers do in their own time and the commitment they have to ensuring that we have a future for South Australia by giving the best education to the students of this State.

Ms STEVENS (Elizabeth): I support the motion and commend and congratulate South Australian teachers and schools on their commitment and work in achieving the outstanding results in mathematics and science. Teachers and students in our schools have obviously been able to excel in these two important areas. We know that the future of our country depends on a well educated work force, and we know how important mathematics and science are in particular for our young people in terms of their being able to pass through their schooling and take up the sorts of jobs needed by this State and country. I congratulate everyone concerned. These congratulations go to the teaching profession, the school administrators, the students and their parents, but go with no thanks at all to this Government.

I found it very interesting to hear the glowing speech of the member for Hartley on how wonderful this was, but he fails to acknowledge what has been happening in our schools over the past two years. We have seen a massive assault on public education in South Australia since this Government came to power in 1993. I know that, because I frequently move around the schools in my electorate, and I know that morale is way down. Teachers, school services officers—that is, those who remain in their jobs, so many of them having been sacked—are saying that this has been as hard as it has ever been, just at the very time when our State faces probably the biggest challenge that it has ever faced. Instead of this Government's acknowledging the need to support education, it has deserted education, deserted the teachers, deserted the parents and deserted the young people of South Australia.

When we congratulate our schools and school community for the awards they win, I congratulate them for being able to do this in the face of the massive assault on them by this current State Government. The member for Hartley offered congratulations but failed to mention that while our schools have been struggling and doing the best they can the Minister for Education and Children's Services and the former Premier have constantly criticised the teachers. There has been hardly a word of praise for the schools and they have brought them down with constant criticism. Instead of the Minister's being out there leading the charge, bringing the troops forward and supporting education, we have had a Minister not only delivering the cuts but kicking the schools in the guts at the same time.

The Hon. Frank Blevins: And laughing about it.

Ms STEVENS: Yes, laughing about it. These congratulations are due in full measure to our schools, parents, teachers and students, but none is due to the current State Government. This onslaught on education has been enjoined by the current Federal Government. In the news today we heard that the Senate passed the provisions on the HECS payments, the payments that young people have to make back to the Government in terms of tertiary education. That legislation was passed yesterday in Federal Parliament and we know that this will severely affect the ability of many of our young people to go to universities, to TAFE or to be able to continue their education and actually obtain the qualifications they need and we need for them to achieve.

Congratulations to our schools: it will not get any better, but only worse, particularly in terms of tertiary education. The Labor Party has a different view. The Labor Party will not allow this to continue in the way that the Liberal Government has, and we commit ourselves to the fact that education is a critical issue. Certainly we will not be dealing with it in the way that our parents and school communities have seen under this Government. Congratulations by all means: teachers, parents and students need to keep up the good work. The Labor Party is behind them and will show its support always.

Motion carried.

DISABILITY FUNDING

Ms STEVENS (Elizabeth): I move:

That this House—

(a) notes that $3 million from the Gaming Machine Levy promised by the former Premier on 3 May 1996 to meet urgent priorities for people with disabilities has not been distributed;

(b) condemns the Minister for Health and the Minister for Family and Community Services for the bureaucratic wrangle that has delayed this program in the face of an ever-growing number of disabled people in critical need of support; and

(c) urges those Ministers to take immediate action to deliver the former Premier's commitment.

This matter is of critical importance to many hundreds of people in our community in terms of their support needs. However, it is also a question of ethics and morality. The motion concerns the $3 million promised to families and individuals who are suffering from a range of disabilities and who are in urgent need of support. The $3 million, promised in May by the former Premier, has not eventuated. The critical needs of this group of people in our community are well known to us all. I know that every member of this House has received letters, representations and invitations to meetings to hear the issues. We have received this information, I would imagine, for at least the past 18 months.

Mr Becker: More than that.

Ms STEVENS: The member for Peake says, 'More than that', and I would agree. It is something that we all know is happening in our community, and it has been happening for a long time. I will revisit some of these matters by quoting a letter I recently received from Karen Rogers, the head of Project 141. It states:

> Many parents I have met are sole parents surviving on a pension and barely making ends meet. Other families tell me that their marriages are on rocky ground. One woman confided, 'We can't even sleep at night for fear of what our daughter will do. We sleep in shifts and we don't make love any more. We tried a while ago but she came in and jumped on us.' This family will probably collapse if there is not an accommodation placement found within the next few months.
>
> One mother says she cannot go shopping any more as her son is home 24 hours a day, seven days a week. If she does attempt to do the shopping, she has to try to put her groceries into her trolley, take

things out her son has loaded in, chase him if he decides to abscond and ensure that he does not urinate in the shop. If he indicates the need to go to the toilet she must drop everything, including her shopping, and get him there as quickly as possible or he will urinate wherever he is.

The letter describes further examples of the critical need in which people in this situation find themselves. We know that there are 245 people over the age of 50 years who are intellectually disabled and are still being cared for by elderly parents. Some of the situations in which those people find themselves are horrific, and they are situations that any caring community cannot allow to occur.

Project 141 has always said that $12 million of recurrent funding is required to provide services for these people. This $12 million has been mentioned time and again—we have all known about it, and the Government has certainly known about it.

In May this year the former Premier, at a Disability Expo at the Wayville Showgrounds, announced to all—and made a lot of play about it in terms of media releases—that he would commit $3 million to address the urgent needs of the people to whom I have been referring. The people in the community in that position were pleased that they had at least got something. It was only $3 million—they needed $12 million—but at least it was something. That was back in May.

The unfortunate thing is that none of this money has found its way to those people. It was not until Tuesday this week, the International Day of Disabled Persons, because he was forced into a corner and because he was shamed, that the Minister for Health stood up in this House and made a ministerial statement explaining what was happening with this $3 million. What he announced on Tuesday before Question Time was that he had agreed to spend $1.3 million on a recurrent basis towards alleviating the needs of these people.

It is important to remember that when the Premier made his initial announcement he promised $3 million recurrent expenditure. So, it is now not $3 million recurrent—it is now only $1.3 million. Does this mean that the Government will back away from the rest of the original commitment? That has not been clarified by the Minister for Health. He also mentioned a $150 000 one-off allocation; and then he talked about the issue of Commonwealth funding, of attempting to get more money from the Commonwealth through the Home and Community Care program.

I understand that, when the $3 million was promised by the Premier, it was decided that half the money—$1.5 million—would be used to attract Commonwealth funding from the Home and Community Care program to generate more funds in the order of, I believe, $2.3 million to $2.5 million, which could be placed in the Home and Community Care bucket which, as members probably know, is distributed between the ageing and the disability sectors.

The problem has been that somehow or other the arrangements were not clear. So, since May, when the former Premier made his announcement, there have been arguments and disagreements about precisely who was going to get what from the Home and Community Care bucket of funds. That is absolutely unacceptable: it is outrageous. While we have the bureaucrats arguing, and the Ministers for FACS and Health sitting back not knowing it was happening—or, if they did know, not doing anything about it—we have people in the community continuing to struggle and suffer.

We now have 182 families in critical need—and when I say 'critical need' I mean just that. I do not mean a small need for some minor support to help somebody do a few things in their life; I am talking about things that keep people going, things that keep people on their feet and functioning. There are 182 families in critical need of support who stayed in the community and suffered while bureaucrats argued and Ministers did nothing. I think that is outrageous: it is a shame on our community, on this Government and on those two Ministers for not doing anything about ensuring that that small commitment of $3 million, announced with a fanfare in May, found its way to the people who need it.

I refer to the speech of the Minister for Health in this House on Tuesday. I must say that it was vintage Armitage as we have heard him so many times before. We had all the arrogance, all the lack of sensitivity and care and all the obvious incompetence which he has demonstrated before us and before the South Australian community on so many occasions.

The Minister said that he remained concerned about the level of unmet need. If he was concerned about the level of unmet need, why has he not ensured that the $3 million was made available? I know that the Minister for Health has provided advanced funds to other health area programs. The Coordinated Care trial Health Plus is a very important trial, and the Minister put money into that program in advance when the Commonwealth funds had not come through. If the Minister cared about these people, why did he not put $3 million in advance into the program? He knows the money is there and that it will come back. The Minister did not care and, if he did care, he would have done that and alleviated that need immediately, instead of allowing things to go on as they have now. The Minister said:

Let us be clear, this $3 million allocation includes the first fresh State allocation for disability services for five years.

What a statement. Whose decision was that? Whose decision was it not to put new money into disability services? It was the Minister's decision. The Minister came into Government saying that efficiencies gained in the health system would be ploughed back into the system, yet the Minister has pulled out more than $80 million and no funds have gone into disability services. That is an absolutely abhorrent statement for him to make, knowing full well that whether or not money went into that area was in his hands—and he chose not to do it. The Minister went on to say:

There is some pressure to distribute all the funding immediately.

Yes, there certainly is pressure and rightly so from the people in need and all decent people in our community. The Minister said—can you believe this:

For the sake of people with a disability, I believe that that is a pressure that should be resisted.

Let us be clear: this Minister is resisting the pressure because he is involved in a bureaucratic wrangle. He failed to act to resolve it and he wants to blame the victims. 'Never admit that I am wrong,' is the credo of our Minister for Health. Finally, the Minister also said:

While I share the frustration of those who wait—

Can members ever believe the Minister for Health shares the frustration of all those families in need? Project 141 has had about 17 metropolitan meetings with the community to which members in this House have been invited. Today, I heard that the Minister for Health has never attended one meeting, and he did not attend the rally on the steps of this House. People

tell me that he will see people in ones and twos but only on his own terms. This Minister does not share the frustration of those who wait. This Minister has no idea of the frustration of those who wait. Let us be clear: all that huff and puff on Tuesday was the Minister for Health trying to save his backside again, and it will not wash. Those people needed that money in May when it was offered. The Minister for Health and the Minister for Family and Community Services stand condemned for not making it happen. I refer to Karen Rogers' media release the other day, as follows:

> Disability loosely fits into the portfolio of health. Dr Armitage, when in Opposition, called the former Labor Government lackadaisical at best or, at worst, they did not care. In 1991 there were 70 people with intellectual disabilities living in crisis situations. Today, there are 186 people with intellectual disabilities in crisis. Where does Dr Armitage fit now? Is he lackadaisical or does he simply not care?

I think the answer to the question of Ms Rogers, the Campaign Coordinator of Project 141, is quite clear: the Minister for Health simply does not care; and I am not sure about the Minister for Family and Community Services. However, both of them stand condemned because they turned their faces away and refused to accept responsibility for some of the most vulnerable people in the community.

The DEPUTY SPEAKER: Order! The honourable member's time has expired.

Mr MEIER secured the adjournment of the debate.

FATCHEN, Mr MAX

Ms HURLEY (Napier): I move:

> That this House congratulates the notable South Australian journalist and author, Mr Max Fatchen, for winning the Walkley Award for Outstanding Contribution to Journalism this year.

I take great pleasure in moving this motion of congratulations to Max Fatchen, a worthy recipient of this year's Walkley Award for Outstanding Contribution to Journalism. Max is a notable South Australian poet, author and journalist whose works are studied in Australian schools and brought to our screens in adaptations and serialised programs. Max is a member of my electorate and a good friend. He and his wife Jean have lived in Smithfield for many years. Many local adults have wonderful memories of being taught by Jean, who was a teacher at Elizabeth Fields Primary School until her retirement. Max and Jean have always opened their door to local children, listening, understanding and being friends.

In Max's books there is often reference to such visits and a kind of awe at the insightful nature of children and a genuine love for their company. Max has been a friend to many, to those he has met personally and to countless others who have read his books, his poetry or his articles in the magazine section of Saturday's *Advertiser*. Through his eyes we learn of a bygone era, of country cousins, of cricket matches at Adelaide Oval eating sultana cake, of the delicate art of dunking and of fishing off the jetty at Port Victoria. These are images that have become real to us, images of South Australia that are purely South Australian. Max was born in the north in 1920 and has always considered it his home. He grew up on a farm at Angle Vale on the Adelaide Plains and soon discovered a talent for writing. Max's career in journalism began when he was a teenager as a copy boy with the *News*.

Max's love of cricket began at an early age, first, as a player and later as a spectator and expert on the finer points of the game. His work as a journalist took him to the United States of America, and he was on an aeroplane on his way to Dallas when word came through of the assassination of John F. Kennedy. Max was at Dallas Airport when the President's body was brought there and the new President, Lyndon Johnson, was sworn in by a woman judge. Max has worked on the *News*, the *Sunday Mail* and the *Advertiser* as a journalist, feature writer and literary editor.

Max's work in journalism is noteworthy in itself, but it is as a writer that he is internationally known. He is probably even more well known overseas than here in Australia, and it is true that his work has appeared in more than 100 British, American and Australian anthologies. It has been broadcast on BBC Radio and performed at English festivals. However, Max has always considered South Australia and Smithfield his home. He met his wife Jean in Melbourne when he was serving with the Australian Air Force at the Point Cook Base. They married in 1942 and live in an ageing brick house in the historic streets of Smithfield. Their house is surrounded by trees and a wildly delightful garden. It is here that they entertain and delight neighbourhood children. Max has made a career of spellbinding children. His books span 30 years and show a genuine affinity for the needs and personalities of children. Two of his books, *The River Kings* and *Chase Through the Night*, have been adapted for television. His work has recently been recognised by a national award for outstanding contribution to children's poetry by the English Teachers' Association of Australia.

Max simply cannot be categorised. He is a writer for children and adults, a writer of comedy, a serious journalist, and an ambassador for this State and for the northern suburbs. He is a caring husband, father and grandfather, a loyal and true friend, a tea maker at his local church, a role model in local primary and high schools, and a man who is full of humility for himself and great admiration for others.

Last week Max was awarded the Walkley Award for outstanding contribution to journalism. This award follows his being made a member of the Order of Australia in 1980 for services to journalism and literature and an Advance Australia award in 1992 for his contribution to the nation. Max is an outstanding South Australian and a good friend whom I am privileged to know. However, it is Max who puts it best about what is great for this State. I will quote one of Max's many poems, simply titled, 'Belonging':

> I was up in the Barossa when I heard a band of brass
> And the gurgling and the tinkling of a vintage in the glass
> With the Liedertafel singing of the wonders of the vine
> And I looked across the valley, for a bit of it was mine.
>
> I was somewhere south of Kingscote where the scenery's the most
> And every gull's immaculate along the tourist coast.
> With a feeling of belonging where the sea kelp writhes and squirms
> I was shaking sea-lions' flippers on the friendliest of terms.
>
> I was standing in a paddock and I thought of daily bread
> In a crop near Curramulka where the grain was out in head,
> Or was it up at Maitland or a barley-bearded Bute?
> On the harvest-hopeful cocky I bestowed a small salute.
>
> I was in the Flinders Ranges where the springtime colours ran

When the sunset lit the ridges and my crowded campervan
And I paused in urban wonder, for a moment had a share
In an older, wiser Dreaming that hung drowsy in the air.

I was gazing at the Murray and its paddle-boating bends.
The pelicans were stately, for they're careful of their friends.
I heard the weirs a-rushing in a liquid thunderclap
For I own a bit of river and it's coming through my tap.

Across the glinting gibbers where the torrid day retires
There's a strange conglomeration of some weird and busy spires
With a pipeline spearing southwards to the city's hungry mass
So I buy a bit of Moomba every time I use the gas.

I'll never own a townhouse and I haven't any yacht
It's hard enough to keep afloat, so count the things you've got.
No moralist to rock the boat, no dogma I can name
But on a bit of earth and sun, I'd like to stake a claim.

So I'm sitting in my garden with my idle spade and hoe
And the bees are carting nectar to their distant honey flow
And the speeding tyres are screaming as I write this little song
Of my modest urban dreaming and the State where I belong.

Ms STEVENS (Elizabeth): I support with pleasure the remarks made by my colleague the member for Napier about Max Fatchen. The words just cited epitomise for me the gift that Max has, his ability to help people be calm, be centred and to think about what really matters in life. The member for Napier outlined completely and admirably the extensive attributes, experiences and contributions of Max Fatchen. She told us of his remarkable work as a poet, author and journalist, and as an education worker in many schools. I know that Max's work has been used extensively with young people. I will not go over all of that because it has already been said, but I would like to say a few things from my own experience, knowledge and relationship with Max Fatchen.

Before I became the member for Elizabeth, I knew Max only as a writer and journalist, from reading his articles and books. I have had the pleasure of getting to know Max, and the honour of calling him a friend, over the past couple of years. Max Fatchen is a humble man. He has the ability to articulate simple truths, which he describes in terms of the things that all of us understand. He talks about the land, the natural world and relationships between people. He uses humour—he has the common touch. Through his words he reaches out to people. He uses simple stories to point to the universal truths that we all need to hear and think about, such as honour, caring for others, right and wrong, and ethics. Those themes emerge in a way that everyone is able to relate to. He brings people together.

On Australia Day each year, Elizabeth has a celebration breakfast and citizenship ceremony with hundreds of people coming to Fremont Park. The year before last, we had a speaker who antagonised many of the people at that gathering. The people felt very angry after the delivery of what was supposed to be a suitable speech for Australia Day. Last year the organisers of the event were aware that we needed to have a very different approach, an approach that would unite people and bring them together, so Max Fatchen was asked to be the guest speaker. Max did this.

I cannot remember precisely what he said on that day, but I do know that he achieved the unity and sense of purpose that was needed. His great gift is an ability to bring people together, to lift the spirit and to give people hope for the future. That is what we need today. We need people like Max Fatchen. We need those words. We need leaders and wise people in our community such as Max to put those things before us to enable us to stop and think about what really matters. I have not been able to speak with him since the announcement of the Walkley Award but I hope to do that soon. I congratulate him for this award, which he deserves. I am sure he will continue doing what he does so well into the future.

Mr MEIER (Goyder): I, too, have much pleasure in endorsing this motion and congratulating the journalist and author, Mr Max Fatchen, for winning the Walkley Award for outstanding contribution to journalism this year. It is an award that is richly sought, and Max Fatchen is a very deserving winner. I must say I feel somewhat attached to Max, because he has visited the Yorke Peninsula on many occasions during the last 10 to 20 years that I know of, and perhaps many times before that. If I am not mistaken, every time he has attended a public function on Yorke Peninsula, he has brought with him a poem. If he has not brought one with him, he has written a poem whilst at the function. I well remember when he was visiting Port Victoria for, I think, the Jubilee 150 celebrations. He gave a magnificent dissertation. I am disappointed that, although I have searched, I have not been able to find a copy of that poem. I am sure that it does exist somewhere, so perhaps the opportunity will arise next year for me to put it on the record, because it was exceptional.

I endorse the remarks of the member for Napier and the member for Elizabeth, and to say to Max: 'Max, we are with you in your having received this Walkley Award. It is a fitting tribute. It certainly shows that you have not lost touch. It comes on top of your Order of Australia in 1980 and your Advance Australia Award in 1992, and now in 1996 you have been given the Walkley Award. You are still working in a very great way for the people of South Australia.' We would all remember when Max wrote for the *Advertiser* and we read his little ditties every day. It was a sorry day when he announced his retirement from the *Advertiser*. If I remember correctly, he has made a comeback on one or two occasions as some of his poems have appeared from time to time.

I wish to recite a poem that is very different from the one read by the member for Napier. The poem read by the member for Napier, entitled 'Belonging', highlighted some of the areas of my electorate on the Yorke Peninsula. Places such as Curramulka, Maitland and Bute were mentioned in that poem. Max has a close affinity with those areas.

This poem is entitled 'Not in Bed Yet!' and comes from *Songs for My Dog and Other People* by Max Fatchen, and is illustrated by Michael Atchison, a well known cartoonist. It reads:

Getting Albert off to bed
Is such an anxious task,
He never seems to want to go
Although you ask
And ask.

'Just five minutes,' Albert says.

Another five, and then
Before you know it, cunning boy,
He stretches it
To ten.

He brushes teeth with lazy strokes
He lingers and he plays.
'Please HURRY, Albert,' people shout
But Albert stays
And stays.

Getting Albert into bed
Would seem a losing fight.
I think I'll go to bed
Instead.
So, everyone,
Goodnight!

Motion carried.

GLENTHORNE RESEARCH STATION

Adjourned debate on motion of Ms Greig:

That this House supports the retention of the Glenthorne Research Station at O'Halloran Hill for use as metropolitan space.

(Continued from 28 November. Page 680.)

Ms HURLEY (Napier): I support this motion. Although there is a great deal of open space in the outer southern suburbs, the Glenthorne Research Station, situated on CSIRO land at O'Halloran Hill, provides welcome green space for harassed motorists who drive along South Road into and out of the city.

Mr Brindal: Are you one of them?

Ms HURLEY: No, unfortunately. This issue concerns me a great deal as the Opposition spokesperson for housing and urban development, because people in South Australia, particularly in metropolitan Adelaide, have become increasingly concerned about the gradual erosion of open space in and around the metropolitan area. That has come about in a number of ways. First, the Government has sold off surplus land of schools and other institutions for housing and other infill uses and a number of councils have sold off reserves to save or to make money.

A number of Government departments have declared surplus open space without referring it through the metropolitan open space system for consideration of whether it should stay as, or be converted into, open space. Instead, it has been up to the Treasurer to determine whether this land is sold as an asset purely to generate money. If it is not required in that way, it is then made available as open space. I have no particular objection to surplus Government land being sold. However, I would like to see the development of a more coherent policy on the open space that we have in metropolitan Adelaide so that we can determine which areas are needed most and for what purpose.

Mr Brindal interjecting:

The DEPUTY SPEAKER: Order! The member for Unley!

Ms HURLEY: This policy might look at the sort of open space that exists and perhaps the sale of some of that land. Adelaide has been slow to develop more urban infill in the metropolitan area, but this has started to occur. So, I think we need to look urgently at what open space is available in the suburbs and to what use those areas should be put, such as recreation, while taking into consideration the feel and look of our suburbs. One of the nicest aspects of Adelaide is the feeling of space and greenery. There are relatively few areas of constant urban form where there are no green spaces or gardens. We must guard this aspect jealously without inhibiting development in the city.

I think it is possible to develop a plan that allows for open space and the creation of jobs and opportunities and recreational development while keeping a reasonable amount of open green space which we can look at and enjoy and in which not only native flora and fauna but non-native species can be preserved, if appropriate. It is particularly relevant in the case of the Glenthorne Research Station at O'Halloran Hill that we use at least part and perhaps the majority of that land for open space and that it be made available for the community to use for recreation purposes. It is important that we have that restful open space on the fringe of the city for the people in the southern suburbs.

Mr Caudell interjecting:

The DEPUTY SPEAKER: Order! I remind the member for Mitchell that this is not Question Time. The member for Napier has the call.

Ms HURLEY: I would like to see the State Minister for Housing, Urban Development and Local Government Relations take an active role in this debate and support the many people in the southern suburbs who would like to see this area maintained as open space.

The Hon. W.A. MATTHEW (Minister for Emergency Services): I am pleased to have the opportunity to support this motion. I commend the member for Reynell for having the foresight and vigour to put to this House that the Glenthorne land at O'Halloran Hill be saved. I have lived in the Hallett Cove area for 16 years, and I, like all residents of Hallett Cove, Sheidow Park and Trott Park, know the benefits of living in an area with open space. There have been fights in the past in which I have participated as both a private citizen and a member of Parliament to retain land at Hallett Cove and Sheidow Park (on either side of Lonsdale Road) and to retain land at O'Halloran Hill which is now part of the recreation and conservation park. Those battles have been successful as must this battle. The future of the land lies in the hands of the Federal Government. The passage of this motion by the South Australian Parliament is a firm voice, a strong indication, to the Federal Government that the Glenthorne land at O'Halloran Hill must be saved and preserved for the enjoyment of all South Australians.

Motion carried.

[Sitting suspended from 1 to 2 p.m.]

ELECTRICITY BILL

The following recommendations of the conference were reported to the House:

As to amendments Nos 1 to 5:

That the House of Assembly do not further insist on its disagreement thereto.

As to amendments Nos 6 and 7:

That the Legislative Council do not further insist on these amendments.

As to amendments Nos 8 to 27:

That the House of Assembly do not further insist on its disagreement thereto.

SHOOTING BANS

A petition signed by 5 000 residents of South Australia requesting that the House urge the Government to ban the recreational shooting of ducks and quails was presented by Mr Brindal.

Petition received.

PARKS HIGH SCHOOL

A petition signed by 287 residents of South Australia requesting that the House urge the Government to reverse its decision to close the Parks High School was presented by Mr De Laine.

Petition received.

AUDITOR-GENERAL'S REPORT

The SPEAKER laid on the table the supplementary report of the Auditor-General for the year ended 30 June 1996.

Ordered that the report be printed.

PAPERS TABLED

The following papers were laid on the table:

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

Dental Board of South Australia—Report, 1995-96
Occupational Therapists Registration Board of South Australia—Report, 1995-96
Public Advocate—Report, 1995-96
South Australian Health Commission—Report, 1995-96

By the Minister for Emergency Services (Hon. W.A. Matthew)—

SA Ambulance Service—Report, 1995-96

By the Minister for Correctional Services (Hon. W.A. Matthew)—

Department for Correctional Services—Report, 1995-96

By the Minister for State Government Services (Hon. W.A. Matthew)—

Department for State Government Services—Report, 1995-96
State Supply Board—Report, 1995-96

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

South Australian Meat Corporation—Report, 1995-96.

ABORIGINAL LANDS TRUST

The Hon. M.H. ARMITAGE (Minister for Health): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.H. ARMITAGE: I would like to draw the attention of the House to the fact that the Aboriginal Lands Trust celebrates 30 years of service this Sunday, 8 December 1996. Such celebrations are an opportunity to reflect on the achievement of the passage of the legislation and of the trust's achievements since. The Letters Patent establishing the Province of South Australia and fixing the date at 19 February 1836 contained the following proviso:

> Providing always that nothing in these our Letters patent contained shall affect or be construed to affect the rights of any Aboriginal natives of the said Province to the actual occupation or employment in their own persons or in the persons of their descendants of any lands therein now actually occupied or enjoyed by such natives.

The instructions from London to the Colonial Commissioner provided that land first had to be ceded by Aboriginal people to the Colonial Commissioner before it could be sold to anyone else. Yet, these plans were not implemented. Some areas of Crown land were set aside as native reserves, but the title to the land was not vested in Aboriginal ownership. By 1860, 40 native reserves were set aside but most were too small for traditional purposes or for economic development and many were unoccupied. A few were established as missions. Throughout the era of protectionism, it was assumed that a race seen by many as dying out did not need more land. During the years of assimilation, it was assumed that as Aboriginal people were being absorbed into Australian society they did not need any special provisions of land.

By the 1960s a new understanding was developing between Aboriginal and other Australians. Australians were becoming more aware of both the dispossession of Aboriginal people and their aspirations to be free to develop as a cultural community within Australian society. The Aboriginal Lands Trust Act was the first land rights legislation passed by any Parliament in Australia. The Aboriginal Lands Trust was ultimately established on 8 December 1966 with the appointment of the first three members. The first three members of the trust were Mr Timothy Hughes, MBE, a grazier from the South-East, Ms Natasha MacNamara, an experienced business woman, and Mr Garnet Wilson, then a wool classer.

At different times in the life of the trust, the trust itself has managed large parcels of land, such as the Point Pearce farmlands. However, as leases were prepared and negotiated, communities ultimately took full responsibility for the management of the lands. The trust now holds title to 68 properties, 1.5 million hectares, including historical properties such as Poonindie and Colebrook House and including large holdings such as Yalata, Nepabunna and Raukkan.

Since 1966 one man has come to embody the values of Aboriginal self-development on which the trust is built—and I refer to Mr Garnet Wilson. One of the three original members of the trust board appointed on 8 December 1966, Mr Wilson has served continuously for 30 years, which must be some sort of record. In 1978 he became Chair of the trust and in 1984 was awarded an OAM. Mr Wilson is a tireless worker and a dogged advocate for all the Aboriginal people in this State and I am proud to count him among my friends. He is a great Ngarrindjeri man, he is a great Aboriginal and he is a great South Australian.

I would like to extend the best wishes of the House to Mr Wilson for the surgery he is about to undergo and for a speedy recovery and, on behalf of the Government, I assure the trust that we are keen to work with them to update the Act so that the Aboriginal Lands Trust will continue to be a vibrant participant in the future of Aboriginal land management.

PALLIATIVE CARE

The Hon. M.H. ARMITAGE (Minister for Health): I seek leave to make a further ministerial statement.

Leave granted.

The Hon. M.H. ARMITAGE: It gives me great pleasure to table the third report to Parliament on the care of people who are dying in South Australia. As I have indicated on previous occasions, the preparation and tabling of such

reports has its genesis in the recommendations of the Select Committee of this House on the Law and Practice Relating to Death and Dying and in a resolution subsequently passed by both Houses. The tabling of the report provides the opportunity once again to recognise and to place on record my sincere appreciation for the dedication shown by many health professionals working in the area. I also pay tribute to the volunteers and the carers, to the educators, to the members of the clergy and to the organisations and individuals who work to support the needs and advance the cause of palliative care patients, their carers and their families.

South Australia can take pride in its approach to palliative care. We are both pioneers and world leaders in a number of areas. The Consent to Medical Treatment and Palliative Care Act 1995 is a world first in recognising palliative care in legislation. The Good Palliative Care Orders project is a world first. It was my very great pleasure last week to launch an initiative which gives South Australia another international presence—the Palliative Care Council's home page on the Internet. We have again taken the lead as the first State in Australia, and one of the few places in the world, to provide basic palliative care information for consumers and health professionals on the Internet. As well as providing information of national and international interest on our pioneering efforts in law reform and service provision, it will give South Australian health professionals and consumers, particularly those in remote areas, easy access to practical information about options for care. It has the potential to become a vital resource base for GPs, health services and education and training authorities. Education and training is another example where South Australia has national and international standing. The International Institute of Hospice Studies initiative of Flinders University has attracted interest from overseas and is demonstrating considerable export potential into the Asian region.

In summary, South Australia can take pride in its achievements in palliative care. The report provides details of what has been achieved and what remains to be done. There is no room for complacency, notwithstanding our achievements. I can assure our patients, their carers and families that palliative care will continue to be high on the Government's agenda. I now move:

That the third report on the care of people who are dying be referred to the Social Development Committee.

Motion carried.

PRISON REFORM

The Hon. W.A. MATTHEW (Minister for Correctional Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. W.A. MATTHEW: Escapes down by almost 50 per cent; assaults on staff at their lowest level—

Members interjecting:

The SPEAKER: Order! I do not want any further interjections.

Mr Foley interjecting:

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

The Hon. W.A. MATTHEW: —in three years; incidents in prisons down 5.7 per cent; the cost of imprisonment slashed by $16 000 per prisoner in real terms, or 29 per cent, in just three years; workers' compensation claims down by 9.5 per cent—a total of 34 per cent in just two years; drug incidents stable despite a rise—

The SPEAKER: Order! The member for Spence is out of order.

The Hon. W.A. MATTHEW: —in the number of people being imprisoned. These are the major achievements across the South Australian prison system outlined in the Department for Correctional Services 1995-96 annual report which I have tabled today. The results vindicate the reform process initiated by this Government almost three years ago and have been achieved in a year when the daily average prison numbers increased by 4.4 per cent, or 60 prisoners, to 1 423.

The annual report is proof that the South Australian prison system is now operating more efficiently and effectively than it did under the former Labor Government. When this Government won office in 1993 we inherited not only a State in economic tatters but also a prison system which was in crisis and which was *per capita* the most expensive of any State in Australia—25 per cent more than the average of all Australian States.

In 1992-93, the last financial year of the former Labor Government, 704 incidents were recorded in our prisons of which 511 involved drugs and 36 alcohol. During the same year, 26 prisoners escaped. These alarming statistics were recorded despite the fact that there were almost 300 fewer prisoners in our gaols during Labor's last days.

As well as those problems, the former Labor Government made a habit of releasing from prison early, on either home detention or through remissions, violent criminals. These changes implemented into the State's prison system by this Government have resulted in a more productive and effective prison system and less disruption than that experienced in previous years. Despite these obvious achievements much remains to be done. Reductions in incidents are very encouraging but they are still too high and my staff will continue to drive those down. Other highlights in the annual report—

Members interjecting:

The SPEAKER: Order! The member for Hart is picking up bad habits from the Deputy Leader of the Opposition.

The Hon. W.A. MATTHEW: I know that members opposite do not like this, but they will hear it. Other highlights in the annual report include:

· work initiated to outsource the State's prisoner movement and in-court management operations.

· prison industries recorded a 35 per cent increase in sales.

· more than 600 000 hours of community service work was performed by community service offenders throughout the State with a value to the South Australian community of up to $5.5 million.

· The State's first and, to date, only privately managed prison at Mount Gambier is now functioning at full capacity with 110 prisoners.

· In partnership with the University of South Australia, the department has established a Chair in Forensic Psychology in a bid to reduce the recidivism rate of prisoners through introducing professionals into the work force.

· In a similar partnership with the University of South Australia, the department launched a Diploma in Correctional Administration thereby establishing a university level program of professional development.

· Introduced an internationally recognised program that trains correctional staff to conduct—

Members interjecting:

The SPEAKER: Order!

The Hon. W.A. MATTHEW: Members might not like this but they will hear it. I continue referring to the annual report, as follows:

· Introduced an internationally recognised program that trains correctional staff to conduct cognitive skills programs for offenders at high risk of re-offending. In other jurisdictions, this program has reduced recidivism to almost 40 per cent.

· Installed a new computer-controlled prison telephone system to substantially increase the security of prisons and to protect victims of crime from being harassed by the perpetrators of those crimes.

· Prison escapes decreased from 34 to 18.

· The department won a WorkCover award for the most improved agency for excellence in occupational, health and safety management.

· A drastic reduction (708) in the number of people imprisoned for fine default from 2 355 in 1994-95 to 1 647 in 1995-96 as a direct result of the closure of Labor's fine default centre.

· The implementation of a range of further initiatives to combat drugs in prisons.

In fairness, the annual report does highlight a few areas where it is clear that further attention and improvements are still required.

An honourable member interjecting:

The SPEAKER: Order!

The Hon. W.A. MATTHEW: For instance, statistics contained in the annual report—

Members interjecting:

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

The Hon. W.A. MATTHEW: —indicate the success rate of the home detention scheme is currently 73.8 per cent. In other words, of the 423 individuals given home detention in 1995-96, 312 prisoners successfully completed their detention while 111 breached detention and were returned to prison. Also of concern is the fact that about 43 per cent of people on community service orders are still failing to complete their orders. These statistics compare similarly to those of recent years. However, there has been an improvement in this area in the past few months. Nevertheless, this part of the record is still not good enough. The areas in question are being addressed by correctional services staff on an ongoing basis to further improve performance and efficiency in these areas.

The department has recently implemented several initiatives that it is confident will increase the success rate of community service orders; one such area has been gaining concessions from a Federal Government policy which prohibits clients who are receiving social security benefits from performing more than 20 hours of community service work. New processes were adopted by the Social Security Department two months ago and first reports from field officers already indicate improvements in this area.

I look forward to further informing the House of these improvements in the future. Contrary to the recent ramblings of the Public Service Association and some other sections of the community, the Department of Correctional Services is now a more focused, strategically oriented and financially accountable organisation than it was during the crisis management regime of the former Labor Government. Under that Government the Chief Executive pleaded for direction and leadership, the former Chief Executive himself admitting that the Labor Government and the department had lost control to the Public Service Association and backward thinking staff. Whether or not the union likes it, those days are gone and the prison system is far more efficient and effective as a result.

AMBULANCE SERVICE

The Hon. W.A. MATTHEW (Minister for Emergency Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. W.A. MATTHEW: I am pleased to inform the House that an enterprise bargaining agreement has been formally reached between the South Australian Ambulance Service and the State's ambulance officers. Ambulance officers met last night at a special meeting of the Ambulance Employees Association of South Australia and accepted the Government's offer of a 12 per cent pay increase in exchange for various productivity and efficiency gains. The main elements of the offer are: a 12 per cent increase comprising 7 per cent from 1 July 1996 and a further 5 per cent from 1 July 1997; the increase subsumes the three $8 dollar safety net adjustments previously paid; and, a two year agreement to operate from the date of ratification by the Industrial Commission.

In exchange for the wage increase, various productivity gains and efficiencies have been negotiated, including the following: agreement to take time in lieu of payment for overtime; commitment to collocation and progression towards the amalgamation of the Ambulance Service and the Metropolitan Fire Service; and commitment to continuous improvement through ongoing innovation in technology, work organisation, management practices, product deliveries, time/cost performance, education and training.

The South Australian Ambulance Service and the Ambulance Employees Association of South Australia will now proceed forthwith to seek ratification of the enterprise bargaining agreement by the Industrial Relations Commission. This latest agreement brings to 12 the number of enterprise bargaining agreements finalised in portfolios under my ministerial responsibility since 1993.

On 15 October 1996 the Industrial Relations Commission ratified an agreement between the Department for Correctional Services and the Public Service Association. That agreement involves a two year 12 per cent wage offer in return for productivity improvements, 10 per cent to be paid from 12 September 1996 and a further 2 per cent to be paid from 11 September 1997. On 23 September 1996 the respective Industrial Relation Commissions, both Federal and State, ratified enterprise agreements between the Metropolitan Fire Service and the Firefighters Union. That agreement provided for a 12 per cent pay increase—6 per cent from 1 July 1996 and a further 6 per cent from 1 July 1997—in return for productivity improvements, and it is for two years from certification, expiring on 22 September 1998.

Other agreements that have been reached include the following: the Fire Equipment Services Division, a 12 per cent wage increase over two years ratified on 12 November 1996; the Justice Information Service, a $36 pay increase over one year ratified on 1 July 1996; the Country Fire Service, $36 a week over 18 months ratified on 11 January 1996; Services SA, where four enterprise bargaining agreements involving $36 a week wage increases to over 1 200 employees were concluded in December 1995-96; the State Emergency Service, a $36 a week, two year agreement ratified on 22 December 1995; and, the Police Department, with a 15 per cent, two year agreement ratified on 22 December 1996.

BIOSALINE RESEARCH CENTRE

The Hon. R.G. KERIN (Minister for Primary Industries): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.G. KERIN: South Australian expertise in developing leading natural resource management systems, especially in irrigation, land management and salinity, has been recognised internationally. Leading technology developed by Primary Industries South Australia (PISA), the South Australian Research and Development Institute (SARDI) and South Australian irrigation and agricultural consulting companies has enabled SAGRIC International to obtain a contract to design and establish a $9 million international Biosaline Agriculture Research Centre in the Arabian Gulf region.

South Australia's demonstrated capacity to use limited water resources efficiently for agricultural and greening purposes has been widely recognised with the awarding of this high profile scientific project. The Islamic Development Bank, in conjunction with the UAE Ministry of Agriculture and Fisheries, is establishing the international Biosaline Agriculture Centre in the United Arab Emirates.

The centre will be of considerable international scientific standing and will develop and disseminate technology to assist the Islamic world to utilise saline waters for agricultural and vegetation purposes and will cooperate globally with other international research centres. The key objectives of the centre are as follows: to provide a genetic resource base to acquire, evaluate, propagate and distribute plants suitable for Biosaline irrigated agriculture; to provide irrigation management technology and to develop production and management systems that assure sustainable agricultural enterprises; and to be a regional information centre for biosaline agricultural technology and establish a networking and information sharing system with relevant international, regional and national scientific institutions.

I visited the Emirates earlier this year and in discussions with the UAE Minister of Agriculture I promoted strongly the use of South Australian technology in the proposed international centre. I am pleased to report that those discussions were well received and South Australia subsequently won the contract. The project has already begun with PISA, SARDI and SAGRIC consultants working in Dubai. This project will not only enhance South Australia's reputation in science and technology delivery but will also give us access to new information which is being developed in other countries. It proves that there is and can be income generated for the State by the export of technical and scientific services. I commend SAGRIC, PISA and SARDI for this initiative, one which I am confident will lead to other programs and further export income for South Australia.

PRINTING COMMITTEE

Mr BROKENSHIRE (Mawson): I bring up the first report, fourth session, of the committee and move:

That the report be received and adopted.

Motion carried.

The Hon. G.A. INGERSON (Deputy Premier): I move:

That the report be printed.

Motion carried.

MATTER OF PRIVILEGE

The SPEAKER: Order! I refer to the alleged matter of privilege raised yesterday by the Leader of the Opposition. The Leader drew my attention to Erskine May, which states:

The House of Commons may treat the making of a deliberately misleading statement as contempt.

I consider that this statement is correct. However, I emphasise that Erskine May is referring to a deliberate misleading of the House. I have heard the Deputy Premier's explanation of this matter in which he said that, if the House was misled, it was unintentional. I am of the view that technically there may have been a prima facie case. However, as the Minister has apologised for his unintentional action, I intend to take no further action. This is a matter for the House to determine, if it wishes to do so.

NO CONFIDENCE MOTION: DEPUTY PREMIER

The Hon. M.D. RANN (Leader of the Opposition): I move:

That this House has lost confidence in the Deputy Premier as a Minister of the Crown as it is of the view that the Deputy Premier has misled the House in relation to matters surrounding the employment of staff in the South Australian Tourism Commission and has behaved improperly in the administration of his portfolios; and, further, this House censures the Premier for failing to obtain the resignation of the Deputy Premier or recommend to the Governor the withdrawal of the commission of the Deputy Premier as a result of the Deputy Premier's statements and actions in relation to these matters.

The Hon. G.A. INGERSON (Deputy Premier): I move:

That the time allotted for the debate be one hour.

Motion carried.

Members interjecting:

The SPEAKER: Order! This is an important motion and I do not want any disruptive behaviour by any member.

The Hon. M.D. RANN (Leader of the Opposition): This is the first no confidence motion moved by the Opposition since the last State election in December 1993. Despite every temptation and justification, we did not move a motion of no confidence as a result of the Government's impropriety in terms of the Catch Tim and Moriki financial scandals.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: We did not move a motion of no confidence in the Government's appalling handling of the tender processes for the $1.5 billion water contract—a process which recently has been the subject of inquiries by the National Crime Authority and the Anti Corruption Branch of the South Australian Police.

Members interjecting:

The Hon. M.D. RANN: I will be heard, Sir. We did not move a motion of no confidence in the Government's treatment of our hospitals and schools or the economic crisis that is now stifling jobs and business growth in our State. We did not move a motion of no confidence in the EDS deal or in the way that tens of millions of dollars have been flung at overseas firms whilst existing businesses are neglected. All these were serious issues. Motions of no confidence were abused over the years by the Liberals when they were in Opposition.

The Hon. M.H. Armitage interjecting:

The SPEAKER: Order! The Minister for Health will come to order.

The Hon. M.D. RANN: The present Premier, during the seven years that he was Leader of the Opposition, was as keen on no confidence motions as he is on privatisation. But we, in Opposition, did not want to devalue the coinage. So, for three years, Dean Brown was not the subject of a motion of no confidence in his Government or his leadership—at least by the Opposition: we left that to the other side of the House. It took only one week—seven days—for the Olsen Government to become the subject of a no confidence motion in its integrity—seven days for the sleaze to set in.

Members interjecting:

The Hon. M.D. RANN: Just you hang on a minute.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: The Opposition wanted to save its first motion of no confidence for an issue where there was no doubt whatsoever that a Minister had abused his office, abused this Parliament and dishonoured public confidence in the parliamentary process. There are few more serious charges a Minister of the Crown can face than deliberately misleading the House and, through it, the people of South Australia. This is only one of the charges the Deputy Premier faces here today. They are charges that he has now, finally, been forced to acknowledge and admit, and apologise for. This morning the Deputy Premier, in order to get the judgment he got this afternoon, used the words 'unreservedly apologise'—but in fact it was not an unreserved apology, it was full of reservations, ifs, buts and maybes. He could not even be straight when admitting that he had been bent.

I acknowledge that sometimes Ministers inadvertently mislead the Parliament. That has happened in the past. When Ministers come into the House and say that their misleading comments or statements were based on information provided to them by others, the Opposition and the Parliament have accepted that as an error that was made in good faith and have accepted the apology given in good faith. However, the Deputy Premier's statements to this House over recent weeks were not based on the actions or advice of others. When the Minister for Tourism answered questions in this House about his actions in relation to the appointment of Anne Ruston, he knew that he was misleading the House, and each statement to this Parliament until today was designed to compound that first breach of ministerial impropriety, that first attempt to mislead the House. That is why this matter is serious enough to demand our first motion of no confidence.

Only today the Deputy Premier finally was forced to apologise, and only because our actions in seeking a privileges inquiry has forced him to tell at least some of the truth in order to save his own hide. But deliberately misleading the House is not the only charge the Deputy Premier faces. He also has a clear case to answer in relation to his improper and illegal interference in the appointment, attempted termination and termination of three senior public sector staff.

This motion is not only about the Minister for Tourism, because it focuses on the very integrity of our new Premier. The Premier, who has been around this and other Parliaments for many years, knows that his Deputy deliberately misled the House. He knows that in Canberra, in the House of Representatives and the Senate, a Deputy in a similar position would have been removed already.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: However, the Premier will not do what a Prime Minister should do. He will not do what John Howard did, albeit reluctantly, a few weeks ago. Therefore, the Premier stands condemned for not having the strength, integrity and courage to handle this matter properly with propriety. In defence of the Premier, I want to acknowledge that there are reasons why he has not done the right thing. He cannot do a John Howard because his new position as Premier relies totally on the support of those whose disloyalty and dishonesty was essential for him to secure the removal of Dean Brown from his premiership, and he knows it. It is as shabby as that. The Premier says that there was no deal—I will go into that in a minute. The Premier will not deal with his Minister in the way that John Howard dealt with one of his Ministers because, as a result of the internal politics of the Liberal Party, he cannot afford to do so. The Premier's new job is more important to him than the integrity of his office or the honesty of his Government.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: The Premier said that no deals were involved in the recent leadership coup. But the Deputy Premier will not be stood down, will not be sacked and there will be no Government inquiry because there was a deal, and everybody on both sides of the House knows it. That is why the Premier is frightened to take action against his Deputy Premier. We should remember that the Liberal Party dumped the former Premier because it thought that he was too weak and could not make a hard decision—that is what the Olsen supporters have been saying over the past few months. But, within seven days, the new Premier, the so-called hard man of the Liberal Party, has shown how weak he can be. The Premier has refused an inquiry and the Minister has submitted a lame apology today that does not even address the major public charges against him. The Deputy Premier should resign and the Premier stands condemned for failing to sack him.

Let us look at the very public charges against the Deputy Premier. His former Chief Executive Officer—the head of his department for the past three years—Michael Gleeson, says that the now Deputy Premier put pressure on him to appoint one of the Deputy Premier's former personal staff to a prestigious new tourism job. The former Chief Executive Officer says that the Minister told him to fire a senior executive. The Deputy Premier said, point blank, 'Fire Rod Hand', even though the CEO says that Mr Hand had done nothing wrong and the Minister did not have the power to sack him.

Just weeks later the Deputy Premier sacked the Chief Executive Officer, who refused to do his bidding. The Deputy Premier denies all this. He says that he did not influence anyone to hire Ms Ruston or to sack Rod Hand. The Deputy Premier told us yesterday that Mr Gleeson was a bungler, and that is why he had to get rid of him, even though the Tourism Commission Board, just a month or so ago, expressed full confidence in Mr Gleeson. Someone is not telling the truth: someone is telling a lie. A confident Premier would have stood down the Minister and called a truly independent inquiry days ago to get to the truth. He would want to know who is lying. My tip is that the Deputy Premier is not telling the full truth to this Parliament because he has got form. On 12 November this year, the member for Taylor asked:

> What was the Minister's involvement in the appointment process of Ms Ruston to the position of General Manager of the Wine and Tourism Council?

The Minister replied 'None'—no qualifications, unequivocal; a simple 'None.' Just what part of the word 'none' does the Minister not understand, because that was not true. Now,

almost one month later, after more than seven sitting days and many questions later, the Deputy Premier offers a lame, very qualified apology. He says that, yes, he made a call, but he did not attempt to influence anyone. That is not what the record says Minister, and you know it. A transcript—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —just wait for it—of a meeting of the South Australian Tourism Commission Board of 16 October makes it clear that the Deputy Premier had phoned Mr John Lamb and spoken to Mr Gleeson about the Ruston appointment and attempted to get Ms Ruston the job. In order to get this exactly, I quote Mr Gleeson, who said:

> I was influenced politically for the appointment.

The Chairman of the board, Mr Lamb, said:

> I certainly had one phone call on one occasion to support. . . her for the job, but that wasn't. . . in any way an influencing factor as far as I was concerned, but I could equally see how Michael could have been influenced.

Yesterday, Mr Michael Gleeson, the Chief Executive for the last three years of the Minister's department—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —repeated his claim made at the board meeting and he said straight up:

> I was advised by the Minister that I should appoint Anne Ruston to the position. . . I do believe there was political interference.

I repeat that:

> I do believe there was political interference.

Political interference in appointments to important public sector jobs is dead wrong, and the Minister knows it. It is wrong because it destroys the principle of selection on merit. Political interference is wrong because it destroys the independence of the public sector. The public sector has to be free to give what it honestly believes is the right advice and to do the right thing, not give the advice and do the things that their political masters want to hear, otherwise they get threatened, in the way that this Minister has threatened people. That is why we have a separation between the ministry and public servants.

Members interjecting:

The SPEAKER: Order! The Minister for Health.

The Hon. M.D. RANN: It is this Premier who says he believes in the former Premier's code of conduct; it is this Premier who says he believes in the Public Sector Employment Act. That is why section 15(2) of the Public Sector Management Act 1995—your own Government's Act of Parliament, your own legislation—provides:

> No ministerial direction may be given to a chief executive relating to the appointment, assignment, transfer, remuneration, discipline or termination of a particular person.

That is your Act of Parliament. You put it in the Parliament—and they were the conditions that you put on Ministers at the time.

Members interjecting:

The SPEAKER: Order! The member for Mitchell.

The Hon. M.D. RANN: If I were the member for Mitchell, I would be very careful what I said in this House today. The Deputy Premier himself—

Members interjecting:

The SPEAKER: Order! The member for Mitchell.

The Hon. M.D. RANN: —acknowledged the importance of that principle on 12 November when he said:

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

Did not those words ring hollow when we found out about the Deputy Premier's phone call and directions to Mr Gleeson? Did they not become a sick joke when we found out about his attempt to have another senior executive of the Tourism Commission sacked? Mr Rod Hand is a senior executive whose role it was to dispose of the Tourism Commission property Estcourt House. There were delays in the process, apparently because of the developer's problems with finance at the time. But the Minister seemed to believe that Mr Hand was the problem, so he called the Chief Executive Officer, Mr Gleeson, and ordered that Mr Hand be sacked. As Mr Gleeson told the media yesterday:

> . . . he told me to fire Rod Hand. Clearly to fire Rod Hand.

But we need not just take—

Members interjecting:

The Hon. M.D. RANN: He said that outside the House so the Minister can sue him if it is wrong—

Members interjecting:

The Hon. M.D. RANN: Then you will be issuing the writ this afternoon after Parliament, but you will not have the guts to do so because you know you will be cleaned up in court.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Hang on a minute: we do not have to just take Mr Gleeson's word for it: the member for Taylor produced a stunning list of documents that provided clear support for his contention.

Members interjecting:

The Hon. M.D. RANN: Mr Speaker, they seem to be a little confused. I know the Deputy needs the support of his Premier and I know, more importantly, it is the other way around. The member for Taylor produced a list of documents, including a file note of a meeting between Mr Gleeson, the Commissioner for Public Employment (Graham Foreman) and the Tourism Commission's Lesley Dalby dated 11 June which stated:

> A meeting was arranged to urgently discuss the situation with regard to a ministerial direction being given to the Chief Executive to terminate the employment of Rod Hand.

It later states:

> It was believed the Minister could not direct a chief executive to sack any employee under the Public Service Management Act chief executive provisions.

I want to keep quoting from this document:

> Additionally it was believed that Rod had acted totally appropriately in the case of. . . Estcourt House sale, had taken all appropriate and pertinent steps, and the Crown Solicitor's office had been involved all the way through, and when the purchaser did not settle on the due date as required, Rod was in no way to blame.
>
> Michael believes it inappropriate to terminate employment of Rod and refuses to do this as directed.

In the end, Rod Hand was not sacked, but a few months later Mr Gleeson himself was sacked. Why? Well, it depends on which version of the Minister's story you want to believe. At one stage he was going because of the re-organisation of the department, the reorganisation of the Tourism Commission and Recreation and Sport, which is the subject of an Auditor-General's inquiry today—and it is very convenient that it is on the last day of Parliament. At one stage he was going because of that reorganisation but yesterday, desperate to mount some form of credible defence, the Deputy Premier told us the real reason Mr Gleeson went was the Chief Executive Officer's failure to perform. So he paid him more

than $115 000 of taxpayers' money to go quietly, and that is why there was a confidentiality agreement—because he did not want Michael Gleeson to spill the beans.

The problem is that the Minister, who always puts his mouth into gear before his brain, came in here yesterday and broke the confidentiality agreement himself, which lets Michael Gleeson off the hook to tell the truth, the whole truth and nothing but the truth about a Minister of the Crown who has broken every propriety of his office. If Mr Gleeson performed incorrectly and did badly, why is it that he was paid to go quietly? The House can no longer have confidence in this Minister, the people of South Australia can no longer have confidence in this Minister and we have no choice but to censure a Premier who, because of a sleazy deal to steal office from the former Premier, the member for Finniss, can take the only action fitting in this situation and sack his bungling Minister. But he will not do that because he knows that he cannot sustain his premiership without the support of the faction leader who betrayed his former boss in order to get them their present jobs.

The Hon. G.A. INGERSON (Deputy Premier): It is important that we put down a few pretty basic facts today.

Members interjecting:

The SPEAKER: Order! The member for Giles.

Members interjecting:

The SPEAKER: I warn the member for Giles for the second time.

The Hon. G.A. INGERSON: Ms Ruston notified me that she was—

The Hon. M.D. RANN: Mr Speaker, I rise on a point of order. During my speech to this Parliament I was subjected to continual abuse—

Members interjecting:

The SPEAKER: Order! The Leader of the Opposition will resume his seat.

Members interjecting:

The SPEAKER: Order! On a number of occasions the Chair has asked the House to conduct itself in a reasonable manner and that ruling still stands. The Minister for Health, for one, was spoken to on a number of occasions and has been disorderly. The Deputy Premier.

The Hon. G.A. INGERSON: When Ms Ruston had notified me she was a candidate, I made a phone call to John Lamb, Chairman of the South Australian Tourism Commission Board and member of the selection panel. I previously told the Parliament of this call, and I freely acknowledge that I made this call. This call was made simply to advise Mr Lamb that I expected the appointment process to be fair. I did not want Ms Ruston or any other candidate advantaged or disadvantaged, particularly Ms Ruston, as she was my ministerial adviser. Mr Lamb and Mr Styles agree that I had no influence or interference in the selection or appointment process, and I have signed documents to that effect.

Mr Gleeson controlled and managed the selection process. Mr Gleeson short-listed the candidates. Mr Gleeson reduced them to a list of 10, and split the list into five, an A and a B list. At all stages, Ms Ruston was short-listed.

The SPEAKER: Order! There are mobile phones ringing in the Chamber. I want them removed.

The Hon. G.A. INGERSON: Ms Ruston was on the A list prepared by Mr Gleeson. Mr Gleeson was part of a unanimous decision by the selection panel to appoint Ms Ruston. I have a statutory declaration from Mr Lamb that confirms that it was unanimous. It states:

I, John William Lamb do solemnly and sincerely declare that—
I am the Chairman of the South Australian Tourism Commission Board.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: It continues:

At the SATC Board meeting of 18 September 1996, the board received a report from me as Chairman in which I outlined—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Leader is out of order.

The Hon. G.A. INGERSON:

—progress on the appointment of a manager for Wine and Food Tourism.

At this meeting, I advised the board that a decision had been made by the selection committee, which comprised myself as Chairman, Mr Phillip Styles and Mr Michael Gleeson, had reached the decision to appoint Ms Anne Ruston unanimously to the position.

At no time during this meeting did Mr Gleeson raise any concerns about the question of ministerial involvement or influence in the selection procedure, despite having ample—

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON:

—time in which to do so. I am aware, as Chairman of the SATC Board, that Mr Gleeson's contract was terminated by letter dated 30 September 1996.

The issue of political interference or influence was only raised by Mr Gleeson at the SATC. . . meeting on 16 October. . . that is 16 days following his termination.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1936.

[Signed] John Lamb, Chairman, South Australian Tourism Commission

Dated the fifth of December. . .

Declared at Adelaide in the presence of

Judith Hughes, A Commissioner for taking affidavits in the Supreme Court of South Australia.

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: We will go through a bit more.

Members interjecting:

The SPEAKER: Order! The Minister has the call.

The Hon. G.A. INGERSON: Ms Ruston was advised—

Members interjecting:

The SPEAKER: Order! The Leader of the Opposition.

Members interjecting:

The Hon. G.A. INGERSON: Ms Ruston was advised on 12 September. There was a South Australian Tourism Commission Board meeting held on 18 September. At that meeting, in the Chairman's report, he advised the board that Ms Ruston was to be appointed. This board meeting happened six days after her appointment. The appointment was discussed at this meeting.

I have today received a transcript regarding the discussion of the appointment at that board meeting. From the transcript, it is clear that Mr Gleeson made no statement at that meeting that the Minister had interfered or influenced the decision at all. Mr Gleeson made comments about who would be her employer, e.g. Ms Ruston, about how her salary range fell within the salary range of our managers, about reporting lines and about funding. Mr Gleeson also said:

It is really important that Anne is in place to start directing some of these issues because there is no-one sort of looking after it at the moment.

In addition to the transcript from this board meeting which clearly shows there were no comments by Mr Gleeson about

ministerial interference, I have mentioned already the statutory declaration signed by John Lamb. It is important that I also point out that the issue of political interference was raised at the meeting of 16 October, which is 16 days after the termination of Mr Gleeson.

It is important for the Parliament to note that, at a board meeting which was held six days after Ruston was appointed, Gleeson made no comment about political interference when the appointment was discussed. It is also important for Parliament to note that Mr Gleeson's contract was terminated by letter dated 30 September and accepted by Gleeson on 2 October. It is important for Parliament to note again that, at the board meeting of 16 October, a couple of weeks after the termination of Mr Gleeson, he actually changed his position in relation to Ruston's appointment and said there was political interference. It is important for Parliament to note it is only after Mr Gleeson's contract was terminated that he said there was any political interference.

Members interjecting:

The SPEAKER: Order! The Leader and the member for Unley.

The Hon. G.A. INGERSON: It is also very important to put into context the leaked transcript document which was put out to the public and which showed that Mr Gleeson had changed his mind. I would like now to read a statement by the SATC Board Executive Secretary:

> On the afternoon of Wednesday 16 October, the former Chief Executive of the SATC, Mr Gleeson, requested for me to make a transcript of the section of the tape recording of the board meeting earlier in the day which related to discussion on the appointment of Anne Ruston to the position of Manager, Wine and Food Tourism. I completed this task on the morning of Thursday 17 October and provided it to Mr Gleeson as requested.
>
> The purpose of the tapes is to assist in preparation of accurate minutes of the meetings. I have been Executive Secretary to the SATC Board since February 1996 and this was the first occasion—

and I repeat, the first occasion—

> that I had been required to take a transcript of the audio tapes recorded at the board.

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: That is signed by Rod Wills, Executive Secretary of the South Australian Tourism Commission Board. It is important to put down the context of all these statements. At the South Australian Tourism Commission Board on 18 September, six days after the appointment of Anne Ruston to the job, Mr Gleeson had ample opportunity to tell the board on that day that I had interfered with that preference, but he chose not to do it. At that board meeting, he actually said that Anne should be appointed quickly to get on with the job.

On 30 September, with the Chairman, I terminated Mr Gleeson's appointment as Chief Executive of the Tourism Commission. On 16 October, Mr Gleeson changed his mind and made sure that that change of mind was put on a transcript. He asked the Secretary of the board to get that—

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: All of a sudden, that particular change of mind—

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: —was all around the community for everybody to see. It is interesting that this is the only time that Rod Wills has been asked to copy a transcript.

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: One has to ask why a person who has had his contract terminated, who is obviously embittered, would go to that extent to make sure that everyone knew he had changed his mind.

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: I have not misled this Parliament. What everyone in South Australia must recognise is that this whole thing is a set-up by Mr Gleeson.

Members interjecting:

The SPEAKER: Order! The honourable member for Taylor.

Ms WHITE (Taylor): The Deputy Premier has misled this House on more than one occasion. Further, not only has the Premier refused to sack his Minister as he is required to do under these circumstances but, as he said in this House yesterday in answer to me when I asked him whether he would implement—

Mr Condous interjecting:

The SPEAKER: Order! The member for Colton is out of order.

Ms WHITE: —his own code of conduct, he said that he would. What is he doing? Is he sacking his Minister? No!

The Hon. M.H. Armitage interjecting:

The SPEAKER: Order! I warn the Minister for Health for the first time.

Ms WHITE: Today, the Premier has set a new standard of ministerial accountability in this State—a very low standard. The Deputy Premier has misled the House, but he has done much worse than that. If you mislead the House, it means that you are unaware of the details and, as soon as you ascertain them, you apologise in the House, or it means that you are aware of the truth but you just do not disclose the full truth. That is not what has happened here. The Minister, in full knowledge of the truth, stood in this House and made an untrue statement.

Members interjecting:

The SPEAKER: Order!

Ms WHITE: Before lunch today, the Minister, in a statement to the House, confirmed that, when he was asked about his involvement in the appointment of his former ministerial adviser—to which he replied, 'None'—he was fully aware of what he was being asked. He said today, 'I understood that the thrust of the question was whether I had sought to influence the appointment of a new General Manager.' He did not tell the truth. Day after day, he has denied his involvement. On 12 November, he said:

> It is not my responsibility, nor has it ever been my responsibility, to interfere. I do not interfere in any area of terms of employment.

For the past month, the Deputy Premier has been denying any involvement whilst all the time he knew that he had contacted two of the three members of the selection panel and talked about Ms Ruston's application. The Deputy Premier has just referred to the transcript of the board meeting on 16 October. His implication was that the Chief Executive changed his mind about the appointment of Ms Ruston. That may or may not be true, but I will repeat the comments of the other two members as well those of the Chief Executive, which have been put on the record. The Minister has just read out a statement by one member of that selection panel, the

Chairman of the Tourism Commission. I will tell the House what that member said at that meeting. He stated:

> I certainly had one phone call on one occasion to support her for the job.

Mr Brindal interjecting:

The SPEAKER: Order! The member for Unley is out of order.

Ms WHITE: The Chief Executive said further that he was politically influenced regarding the job. That claim he has made outside this House, unlike the Minister. The Minister has not made any claims outside this House: he has used the full protection of this House to dump on a former public servant who has subsequently made his claims very public. He can be sued by the Minister, but the Minister cannot be sued by him, and that says something. Of more interest than what the two members who were contacted said at that board meeting is what the third member said. The Minister contacted two of the three members of the selection panel. What the third member had to say is very telling indeed. He said:

> I was put under no questions by the Minister, and I was delighted by that. I was prepared for it, but I was delighted that I wasn't.

He is saying that he was not contacted—and the Opposition believes him—but, quite clearly, the implication is that he expected to be contacted by the Minister. That is in keeping with the circumstances of this whole matter. On radio this morning, the former Chief Executive of the Tourism Commission commented—

Members interjecting:

The SPEAKER: Order!

Ms WHITE: —that 'there had been occasions before where the Minister had interfered with staff appointments'. It is clear that this was the Minister's mode of operation within his department. Not only has the Tourism Commission Chief Executive spoken out on this issue, but documents have appeared on the front page of the daily newspaper.

Ms HURLEY: I rise on a point of order, Mr Speaker. I am having great difficulty hearing the member for Taylor because of the noise.

Members interjecting:

The SPEAKER: Order!

Mr D.S. Baker interjecting:

The SPEAKER: Order! The member for MacKillop is warned for the first time. I suggest to members that they allow the member for Taylor to continue her remarks. There is too much conversation in the House. The member for Taylor.

Mr Brindal interjecting:

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

Ms WHITE: In fact, 13 public servants under the Minister's charge signed a letter to the Chief Executive saying that they did not believe that what the Minister had done in moving to fire Rod Hand, a public sector employee of the commission, was appropriate. That letter is publicly available to all South Australians. It has appeared on the front page of the newspaper. It states:

> We feel that the treatment of Rod as we are aware of it was unethical in that it steps outside the accepted conventions relating to the separation between Ministers and the Public Service.

So, there are 13 members of the Tourism Commission and the Chief Executive, but there is also the Commissioner for Public Employment, who was brought into this matter. The Commissioner and the Chief Executive met with another senior public servant to discuss what had happened, and that meeting is recorded in a formal Tourism Commission document. That document makes clear that what they were talking about was 'a ministerial direction' given by the Minister to the Chief Executive to sack a public sector employee. Secondly, it makes clear—

Mr Brindal interjecting:

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

Ms WHITE: —that it was believed that this action by the Minister was 'inappropriate'. Thirdly, the document makes clear that the Chief Executive had disobeyed his Minister and refused to sack the public servant. So, it is not one person, it is not two people but a number of people who are providing the evidence and saying to this Minister and to this Government that this standard of behaviour is totally unacceptable. This motion today is about showing the people of South Australia what that standard is. The motion of no confidence in this Minister will be either passed or not passed by this Parliament and it sets a standard; the Premier sets a standard; and each member interjecting now will have to vote on this motion, and by voting they set their own personal standards of accountability of this Parliament to the people of South Australia. Ladies and gentlemen, your voters are watching you.

Members interjecting:

The SPEAKER: Order! The Premier has the call.

The Hon. M.D. Rann: I have the transcript here. You had better be careful about what you say.

Members interjecting:

The SPEAKER: Order! As the Chair pointed out before, this is an important motion. The Leader was given the opportunity to put his case—

The Hon. M.D. Rann interjecting:

The SPEAKER: —and I intend to see that the Premier is given the same courtesy. The honourable Premier.

An honourable member interjecting:

The SPEAKER: The member for Giles will get an early minute.

The Hon. J.W. OLSEN (Premier): A motion—

An honourable member interjecting:

The SPEAKER: I warn the member for Giles for the second time. He will be suspended if he keeps it up.

The Hon. Frank Blevins: That doesn't bother the member for Giles. I will do to them what they did to us.

The SPEAKER: I warn the member for Giles for the second time and he will be suspended if he keeps it up.

The Hon. J.W. OLSEN: I know we are delaying the members for Giles in leaving for Whyalla, but it will have to be a few more minutes. A motion of this nature is a serious motion. Any such motion put before the Parliament deserves, and we are entitled to have, substance to back it up. If there is a single factor missing in the debate today, it has been substance by the Opposition. I well understand now why this Opposition has never moved such a motion in the past three years. It took the Leader of the Opposition almost five minutes to start to address the subject of the motion.

Mr Clarke: Why don't you get on with it.

The SPEAKER: Order!

The Hon. J.W. OLSEN: The reason for that is simply that, in a motion where you rebut the arguments, there are now no arguments on the other side to rebut. That is the truth of the matter. The last contribution, that of the member for Taylor, was obviously made on the basis of a speech written either last night or early this morning, because it totally

ignores the evidence put on the deck by the Deputy Premier today—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: —which I point out to the House—

Members interjecting:

The SPEAKER: Order!

Mr Clarke: Why doesn't he go and sue him?

The SPEAKER: Order!

The Hon. J.W. OLSEN: —says that the panel unanimously came to the view of the appointment; and, secondly, no matter was raised until after Mr Gleeson's services were in fact terminated. In an endeavour to put down Mr John Lamb, the Leader of the Opposition interjected, 'This is a fix, this is something that's been drummed up.' We are talking about a man in this community, a senior corporate identity running a major company structure in this State, who participates as a director under strict guidelines and code of conduct and operation of directors, and who has signed no less than a statutory declaration, knowing full well—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: —the import of that statutory declaration.

Mr Clarke interjecting:

The SPEAKER: Order! I warn the Deputy Leader for the second and last time.

The Hon. J.W. OLSEN: The simple fact of the matter is that the Leader of the Opposition's challenge has in fact been answered. The House might remember the challenge put forward by the Leader of the Opposition—I think it was yesterday—at a time when he was talking about the witness protection program. We have had the National Crime Authority put on the deck today and a stunning list. When the Leader is short of substance he embellishes the argument with these sorts of phrases in an endeavour to set a new perception, to raise the stakes, to set the seriousness of the matter without the substance in fact to back it up.

The Leader claimed on radio that he wanted some verification, he wanted to get to the truth of the matter—who was the telling the truth in this matter? The House has the evidence before it: a third party independent statutory declaration—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: —affirming whose position is the more accurate position in relation to this matter. The House can make its own decision on the matter. The Deputy Premier has put his view to the House, and it has been supported by a statutory declaration by no less than Mr John Lamb; or you can take the view of a person whose services have now been terminated and who is obviously somewhat bitter.

Mr Atkinson interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: The standards of operation of Government are clearly important. The code of conduct referred to, which my predecessor put down and which is appropriate and maintains probity, integrity in process and operation of management and the discharge of duties by Ministers, clearly talks about wilfully misleading. The statement of the Deputy Premier earlier today puts that in its proper and appropriate context. The statutory declaration blows out of the water the substance of the argument by the Opposition.

When the Leader was talking about not moving a motion of this nature for three years because he did not want to (I think his term was) 'devalue the coinage of a no-confidence motion', I thought at that stage he did not want to highlight the composition of 36-11 in this House and the fact that members opposite only had a cricket team left on their side. However, I now understand more fully why they have not pursued a motion of this nature. If the Leader of the Opposition is going to pursue these motions in the future, could I suggest he either needs a new speech writer or, if he has written the speech himself, he ought to get a speech writer who can prepare a speech worth rebuttal, with arguments contained in the substance of the motion. Today we have not had that. Clearly—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: —there is no substance in the motion, and the interjections—

Members interjecting:

The Hon. J.W. OLSEN: You have to have substance only on the basis of rebuttal of argument. You put no argument forward to rebut today. The simple fact is that the Opposition has been found wanting. This motion is a nonsense based on the evidence that has been put before the House today.

Members interjecting:

The SPEAKER: Order! The Deputy Leader of the Opposition.

Mr CLARKE (Deputy Leader of the Opposition): On my desk calendar today there is a saying, 'Euripides: There's nothing like the sight of an old enemy down on his luck.' I am afraid that the Deputy Premier is well and truly down on his luck, because not only are very important points of principle involved in this motion but the Deputy Premier—

Members interjecting:

Mr CLARKE: Yes, I will only be very brief. What the Deputy Premier could do is sue Michael Gleeson. Michael Gleeson yesterday and today made allegations against the Deputy Premier which go to the very crux of the integrity of this Minister. He has been stood up and accused of acting unlawfully and contrary to his oath of office—

Members interjecting:

The SPEAKER: Order!

Mr CLARKE: No Minister of the Crown could allow that situation to continue. All the Minister has to do is say to Michael Gleeson, 'You have put up and now I am going to shut you up.' But this Minister will not do it because then he will have to go into court, swear on the Bible, subject himself to cross-examination and have witnesses give evidence under the protection of the court. That is why the Minister will not go to court on any occasion with respect to Michael Gleeson—because the truth will win out, and he knows it and his Premier knows it because his excuse of an argument—

Members interjecting:

The SPEAKER: Order! The House has gone far enough. I point out to the Deputy Leader that whether or not the matter goes to court is not the subject of the motion.

Mr CLARKE: It is extremely germane because, if this Minister does not take Michael Gleeson to the Supreme Court, he stands condemned because he has allowed himself publicly to be accused of acting unlawfully and contrary to

his oath of office. The minutes of the board meeting of 31 October, at which Mr Lamb was present, state:

> The negotiations relating to Michael Gleeson's departure were not referred to the full board for consideration which the board views as an indication of the Minister's lack of trust and faith in the board.

Mr Lamb, the man on whom the Minister hangs his hat, says:

> The board individually and collectively commended Michael on the high standard of his work and professionalism over the past 3½ years and express their regret for the way in which the Minister had managed his departure. The board also acknowledge the professional manner in which Michael has personally managed the circumstances of his departure.

He said that six weeks before he signed the statutory declaration. In conclusion, I say to the Minister: if you are truly innocent of these charges, this afternoon you should issue a writ against Michael Gleeson, otherwise it is a permanent stain on your reputation and that of the Olsen Government.

Mr D.S. BAKER (MacKillop): Fancy the Deputy Leader talking about principle; fancy the Leader talking about and accepting the word of his appointee, his mate, Michael Gleeson. It is a joke. In fact, there must be 11 very disappointed Opposition members today because, as the Premier said, it is an insult to the House to bring this motion before it. A statutory declaration has been put before the House today which puts the whole thing in context. It shows—

Ms White: It shows the facts.

Mr D.S. BAKER: The honourable member got her notes the wrong way around, so she should not interject. You were on about what you did last night and not what I am talking about today.

Members interjecting:

The SPEAKER: Order!

Mr D.S. BAKER: The statutory declaration by the Chairman of the South Australian Tourism Commission quite clearly points out that the Minister acted honourably, and that is well stated in the statutory declaration.

Ms White interjecting:

Mr D.S. BAKER: Sixteen days after his termination, Mr Gleeson manufactured and had minutes written up to show that he complained. At no stage did he complain during the appointment of Ms Ruston.

Ms White: So what?

The SPEAKER: Order! The member for Taylor is out of order.

Mr D.S. BAKER: I do not mind talking over her, Mr Speaker. Today, we have seen an Opposition that is right out of touch. I can understand why members opposite have not moved a motion of no confidence or urgency before. They have not done it before because they have not had the guts. They know that this Government has had to do some tough things to fix up the economy. All of a sudden, they know the heat will be on them next year—an election year—and they had to cobble together something today to move a no confidence motion. But, once again, they have blown it, because it is the wrong issue.

Ms White interjecting:

The SPEAKER: Order!

Mr D.S. BAKER: All I can say is that I wish them all a very merry Christmas because they will have a lot more of them in Opposition. The Minister has acted honourably and has the full confidence of the House.

The Hon. M.D. RANN (Leader of the Opposition): The key point today, made by the Deputy Leader of the Opposition, is simply that Michael Gleeson does not have the protection of cowards' castle.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: You will listen to me. He had the guts to go public, knowing full well that if he was proved wrong he would face a massive financial penalty because he would be sued by someone who does have cowards' castle in which to make accusations. Michael Gleeson said publicly that he was prepared to stand by what was in those documents. Today, we hear a defence based on a statutory declaration just signed. Many months before, John Lamb had discussions—

Mr BROKENSHIRE: I rise on a point of order, Mr Speaker. I refer to Standing Order 67. The Leader of the Opposition is not addressing the Chair and is displaying material before the Chamber and, therefore, is out of order.

The SPEAKER: Order! The member for Mawson is correct. The Leader should address his comments to the Chair.

The Hon. M.D. RANN: Many months ago, on 5 June 1996, not just Michael Gleeson but 13 senior officers of the department condemned the Minister's action in relation to Rod Hand which the Premier, the future Minister and the Deputy Premier were not prepared to deal with today. Fourteen members of the department put their jobs on the line by attacking the Minister for gross impropriety.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Six weeks before John Lamb had discussions with the Minister, before he signed the statutory declaration, there was a meeting. I have the minutes, and I will release them to the media and table them in the House. Present at the meeting was John Lamb, Phillip Styles, Alexander Downer's wife, Nicky Downer, Mr Potter, M. Gregg, R. McLeod, L. Homes, M. Angelakis and M. Gleeson. This document, which was prepared six weeks before the Lamb statutory declaration on which the Minister rests his case, details an extraordinary vote of confidence in the sacked Chief Executive and an extraordinary vote of no confidence in a Minister who is prepared to pervert Public Service principles to look after his mates.

The key point is this: is the Deputy Premier prepared to face the media outside Parliament and repeat what he has said about Michael Gleeson? He will not do that because he does not have the guts. Michael Gleeson has put himself forward and put up: it is now time for the Minister to put up. The very fact that the Minister came into this Parliament today, after a whole night of negotiation and pressure, and has used the words 'unreservedly apologise', means that we know, members opposite know and he knows that he is as bent as a fork on this matter.

The House divided on the motion:

AYES (11)

Atkinson, M. J.	Blevins, F. T.
Clarke, R. D. (teller)	De Laine, M. R.
Foley, K. O.	Geraghty, R. K.
Hurley, A. K.	Quirke, J. A.
Rann, M. D.	Stevens, L.
White, P. L.	

NOES (34)

Allison, H.	Andrew, K. A.
Armitage, M. H. (teller)	Ashenden, E. S.
Baker, D. S.	Baker, S. J.
Bass, R. P.	Becker, H.

NOES (cont.)

Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Caudell, C. J.
Condous, S. G.	Cummins, J. G.
Evans, I. F.	Greig, J. M.
Hall, J. L.	Ingerson, G. A.
Kerin, R. G.	Kotz, D. C.
Leggett, S. R.	Lewis, I. P.
Matthew, W. A.	Meier, E. J.
Olsen, J. W.	Oswald, J. K. G.
Penfold, E. M.	Rosenberg, L. F.
Rossi, J. P.	Scalzi, G.
Such, R. B.	Venning, I. H.
Wade, D. E.	Wotton, D. C.

Majority of 23 for the Noes.

Motion thus negatived.

GRIEVANCE DEBATE

The SPEAKER: The question before the Chair is that the House note grievances.

Ms STEVENS (Elizabeth): On Tuesday the Minister for Housing and Urban Development made a particularly offensive ministerial statement about a matter that I had raised previously on behalf of a constituent. It concerned housing trust rents in relation to pension increases. Unfortunately for the Minister it contained a number of errors of fact. I will spend a few minutes clarifying some of those matters and putting the true picture on the record. Perhaps the Minister will then go back to his department, obtain the right information and have a proper ministerial statement prepared. Point number one, the Minister said:

> The member for Elizabeth's constituent has complained that he is 80¢ a week worse off since his rent increase in May this year.

That is wrong—I said that it was per fortnight. Later he said:

> What the member for Elizabeth has not revealed is that her constituent's income has increased by $10.50 per week during that period.

Wrong—it was an increase of $10.15. The next thing the Minister should appreciate is that you need to compare apples with apples. In my speech I was careful to talk about the period May 1996 to October 1996. In his response the Minister used August 1995 to September 1996 for one figure and May 1996 to October 1996 for the other. He used two different time periods in order to produce a result that would discredit my argument. If we use the time period I used the facts are correct as I stated them last week, but if we use the Minister's time frame, that is, August 1995 to September 1996, the pension increase for my constituent was $163.05 to $173.20—a rise of $10.15 and not $10.50 as the Minister stated. My calculations show that to be an increase of 6.2 per cent. Over that time my constituent's rent increased from to $28.50 to $33.30—a rise of $4.80 or 16.8 per cent on my calculation. His rent increase has been disproportionate to his pension increase, which is the issue he raised with me and the point of my speech.

Interestingly, my electorate office reported to me that my constituent had come into the office on Tuesday afternoon to say that his rent had been readjusted and that he was getting a refund. Why was that so? The reason is that my constituent lives in a cottage flat and as such is guaranteed to pay no more than 18 per cent of his income in rent. My constituent was told that he had been overcharged and that he had been paying more than the 18 per cent for some time, that his rent was in error and that he was now due for a refund. The Minister entirely forgot about that group of pensioners: he did not mention them in his ministerial statement. He talked about the fact that the Housing Trust does not increase its rents, for people receiving pensions, beyond the level of pension increases and is committed to maintaining the rent rebate safety net whereby tenants are not required to pay more than 25 per cent of their income. So, he got it wrong again.

When you are as pompous, abrasive and offensive as the Minister was on Tuesday, it is important to get your facts right. Once again this Minister, in the rush to prove what a tough operator he is, did not check his facts and fell flat on his face.

Ms GREIG (Reynell): I refer to the koala situation on Kangaroo Island. I ask members to think about the long-term management and conservation not only of the koala but of all native flora and fauna. Only yesterday the environment writer, Paul Starick, of the *Advertiser* provided us with what I would consider to be a practical and realistic overview—what would be better described as a holistic overview—of the concerns that we should be addressing, that is, the survival of several lesser known animals that are slowly dying out. The southern brown bandicoot may be lost to South Australia and the yellow-bellied sugar glider is already close to extinction. There are the Rufous hare-wallaby, the greater stick-nest rat, the South Australian subspecies Mulgara and, confined to a tiny section of Kangaroo Island, the sooty dunnart and, on the mainland, the sandhill dunnart.

These are only some of our native species which are nearing extinction. The koala and the kangaroo are recognised as our national icons. The kangaroo, however, does not have the same status as that of the cute, cuddly little creature that wins the hearts of all who come into contact with it. Then there is the hairy-nosed wombat, our recognised South Australian fauna emblem. I wonder how many South Australians realise that the hairy-nosed wombat is truly a representative symbol of our State? I am rather partial to the echidna, and I must acknowledge the work of Echidna Watch, which monitors these monotremes within our State.

I have had the opportunity to visit Kangaroo Island. I have witnessed first hand the impact of over-browsing in the riverine habitats on Kangaroo Island. I have had great concerns about the declining tree health and longevity and the exacerbation of land management problems. Whilst I commend the Minister's proposal to address the koala problem on the Island, I seriously hope that the Minister and his department will give urgent consideration to these exacerbated land management problems that will (or I should say are) adversely impact endemic biodiversity and, by all conclusions, threaten the survival of Kangaroo Island's koala population.

Most people know my background and my interest in animal welfare. I think I have proved on more than one occasion my commitment to ensuring that the welfare and rights of all animals are protected. In making a commitment to protect the various species of indigenous creatures, we have to ensure that a sensible and rational approach be taken. We have to ensure that we protect the future of the species as a whole and, at the same time, look closely at what impact we

have when we interfere with the biodiversity of our ecosystem.

We also have to seriously consider the risk of integrating the disease-free Kangaroo Island koala population with the mainland population of koalas already infected with chlamydia, and this is a possibility. For those who do not know it, chlamydia causes an inflammation of the urogenital tract and the eyes. In females, chlamydiosis can cause infertility. This is a horrible way for a koala to live and even more so a horrible and most cruel way for a koala to die.

The Koala Management Task Force has provided us with a comprehensive overview of the problem we have to deal with on Kangaroo Island. As a member of the task force, I can assure the House that all members of the task force worked towards and presented to the Minister an honest report focussing on achieving a workable outcome which was in the better interests of the koalas and their environment—and, yes, culling was one option.

Where culling is deemed as not an option, or even deemed to be bad taste, the committee gave the Kangaroo Island koalas a priority over the anthropomorphic views and emotions shared by people with little or no understanding of the long-term management of these animals. No-one likes killing, or the idea of killing, koalas and even more so no-one likes the idea of these animals dying slowly through disease or starvation.

Over the years Governments have ignored the need to monitor our animal populations, and now we are paying the price. Koalas are a valuable species of Australian animal, and we have to ensure that the long-term management and welfare issues of all indigenous species are a priority for our Government.

Mr QUIRKE (Playford): This week I needed to raise a couple of issues before the House went into recess, but it has not been possible to raise those issues because of other matters that have dominated Question Time. Therefore, I take this opportunity to place on the record a question, in the hope that the Minister for Police will take it back to his department, as follows:

Will the Minister for Police advise this House how many category D applications have been granted by his department? Despite the Firearms Act clearly indicating that persons who either wholly or in part derive income from professional shooting, almost all such applications have been rejected on the basis of police guidelines.

I find this interesting, because I am used to Bills going through this place: I am even used to regulations. However, what we are now finding is that the express view of Parliament is not translating into practice in the police firearms section.

I am not sure from where the pressure is coming, but I understand that it is coming from on high. A number of persons, for all sorts of reasons, require access to category D firearms. The destruction of feral animals in heavy mallee country requires rapid fire, high powered firearms. That has been accepted. In the gun debate earlier this year, one of the concerns that was raised in Queensland by a number of persons from the primary industry sectors was on that very question. To a lesser extent in South Australia it was raised with the Minister and me.

The Bill that we passed contains a provision which states that, if you derive your income wholly or partly from professional shooting, the registrar 'may'—and that is where the problem comes in—grant a category D licence. If this issue is not sorted out soon, there will be hundreds of people queuing up before the 31 December deadline to front the consultative committee, and there may even be one or two in court. I understand that one person in this category has already briefed a QC. Quite frankly, it is flouting the intention of this Parliament and the national gun laws. I call on the Minister to obtain an urgent report from his department and sort the matter out before the end of the year.

The other matter I wish to raise is also under the Treasurer's portfolio. There is a question about whether or not the new tavern, which has been built at the Parafield Aerodrome, will comply with all aspects of South Australian liquor laws, especially opening hours. Unfortunately, there has been a long history with the way the Federal Airports Corporation has allowed practices to develop on its land so that the rest of my constituents cannot compete. The corporation's real estate is more desirable because council planning is not there, because the hours are not there, because people can have more of this and that, but it was because of activities in this place, particularly the role that I have played over the past five or six years, that we have at least a limit on the number of gaming machines and other activities in that area. The question today is whether those venues will be open over Christmas and have unfettered trading? Will they be open over Easter as they have all been or will someone do something about it?

The ACTING SPEAKER (Mr Becker): The member for Lee.

Mr ROSSI (Lee): Today, I was surprised by the members for Taylor and Elizabeth in the debate against the Deputy Premier because I remember that from 1986 to 1993 the Labor Party misled the people of Australia about the purchase of—

Mr Quirke: That's when you were in the ALP.

Mr ROSSI: It is indeed interesting that you mention that, because the then Minister in charge of housing and industry, when I attended a Labor Party meeting in Spence, said he had misled Parliament that very day. If the member for Spence gets those minutes, I can tell the House exactly on what date that occurred.

Mr FOLEY: Mr Acting Speaker, I rise on a point of order and draw your attention to the Standing Orders under which members should not reflect and impugn improper motives on another member. I ask the member for Lee to withdraw.

An honourable member interjecting:

Mr Foley: He said the member had misled—

Mr Lewis interjecting:

Mr Foley: Let him rule—you idiot. Let him rule—

The ACTING SPEAKER: Order! I am sorry but I did not hear the remarks of the member for Lee.

Mr ROSSI: The Minister at the time said at a public meeting of the Labor Party that he had misled Parliament that very day. I also said that, if the member for Spence could bring up the minutes of that meeting—

Mr FOLEY: Mr Acting Speaker, I rise on a point of order. I draw your attention to the fact that the member for Lee has said that the member for Spence had misled this Parliament.

Mr Lewis interjecting:

Mr FOLEY: I will ignore the idiot from Ridley—

The ACTING SPEAKER: Order! That is unfair.

Mr FOLEY: It might be unfair, but it is true, Sir. I ask the member for Lee to withdraw and not impugn improper motives on my colleague the member for Spence.

Mr LEWIS: Mr Speaker, I rise on a point of order. The term applied to any member, myself included, 'idiot', I ask to be withdrawn—

The ACTING SPEAKER: The member for Ridley will resume his seat. I have to deal with a point of order raised by the member for Hart. It was difficult for the Chair to hear exactly what the member for Lee was saying.

Mr ROSSI: Sir, there are more important issues to deal with than to carry on with that. I withdraw those statements—

Mr LEWIS: Mr Acting Speaker, I rise on a point of order. I ask that the member for Hart withdraw the word 'idiot' as he applied it to me.

Mr FOLEY: Absolutely, Sir. I withdraw unconditionally the word 'idiot' attributed to the member for Ridley.

Mr ROSSI: My contribution today concerns the waste transfer station on the corner of Old Port Road and Tapleys Hill Road, Royal Park, which matter is to go before the Hindmarsh Woodville council. In about June 1993, JJJ Recyclers Australia Limited applied to site a waste transfer station on that corner. At that time my predecessor, Mr Kevin Hamilton, and I opposed the development and we appealed to the Development Assessment Commission. In January 1994 the development was quashed. In June-July this year, again the developer applied to the commission to have the development drawn up. I stress to all members that I totally oppose a waste transfer station being built near residential homes and particularly near smallgoods factories and food preparation places such as Foodtown and so on in the area. I believe the development should be built—

Mr Atkinson interjecting:

Mr ROSSI: As the member for Spence says, at Standom. This type of development should be built at least 300 metres from any residential development, possibly in any rural development or high industry zoning areas. The Hindmarsh Woodville council since about January 1994 has had time to rezone the area and has not done so to this point.

The Hon. M.D. RANN (Leader of the Opposition): Today, during debate in this Parliament, I mentioned a National Crime Authority (NCA) inquiry and also an investigation by the Anti-Corruption Branch of the South Australian Police into matters concerning allegations of gross impropriety, fraud and corruption relating to the $1.5 billion water contract and its tender process. In July I was approached by a citizen who was given information about what was claimed to be a serious conflict of interest and a possible major crime committed in connection with the State Government outsourcing water contract.

Members interjecting:

The ACTING SPEAKER: Order!

The Hon. M.D. RANN: Indeed, I understand that the source of that information was a senior executive within SA Water. I could have raised these matters in Parliament.

Members interjecting:

The ACTING SPEAKER: Order! The member for Spence.

The Hon. M.D. RANN: Instead, I advised the informant to take her information immediately to the NCA and the Auditor-General of this State.

Members interjecting:

The ACTING SPEAKER: Order! The member for Spence. The Leader of the Opposition will be heard in silence.

The Hon. M.D. RANN: The informant took legal advice and agreed eventually to give her information only to the NCA, because it involved national and international issues and she wanted to provide that information only to law enforcement officers. She was most concerned about confidentiality, given the nature of the allegations. She was also concerned about her own safety. She was apparently advised by her solicitor not to consult the Auditor-General because, if she did so, she may be exposing herself to potential defamation proceedings. She was advised to speak only to sworn law enforcement officers in order to give her the protection she required.

The informant asked me to intervene on her behalf and I immediately phoned the NCA South Australian Director, John Ganley, who spoke personally to the informant and arranged for her to be interviewed by sworn NCA officers. Some time later I phoned Mr Ganley and gave him additional information, including a request by an interstate businessman, who volunteered to be interviewed by the NCA in connection with the water outsourcing contract concern and allegations concerning the exchange of information relating to the tenders. During several conversations with the NCA I was told that any investigation should more appropriately be pursued by the Anti-Corruption Branch of the South Australian Police.

On 7 August I was asked by the NCA to prepare a letter giving it the authority to provide my confidential information to the South Australian Police. I advised the NCA that I was willing to speak with officers of the SA Anti-Corruption Branch in order to expedite their inquiries. Since that time, I have received no contact from the Anti-Corruption Branch and I am informed that the business leader offering to speak to the NCA or the South Australia Police regarding concerns about serious irregularities with the outsourcing contract was never interviewed.

It is very important that South Australians have confidence in the integrity, professionalism and ethical conduct of people concerned with outsourcing contracts. Certainly, I would like to know whether the Premier still has confidence in the integrity, professionalism and ethical conduct of Mr Terry Burke, the consultant paid $500 000 for his role in the $1.5 billion water contract.

I also want to know whether it is true that Mr Burke has since been employed by the South Australian Government on the instructions of the Premier to work on the MFP Smart City project and, if so, for how much. Further, I want to know whether the Premier is satisfied that, during the tender process for the $1.5 billion water contract, there was no improper fraternisation between negotiator, Mr Terry Burke, and other executive members of SA Water and the successful tenderer, United Water, and its parent company, CGE.

I also want to know whether there was any improper fraternisation involving an officer of Crown Law. I want to know whether the Premier is still confident that negotiators working for the Government during the tendering for the $1.5 billion water outsourcing contract did not deliberately and improperly pass on information from one tenderer to another in order to influence the outcome of the tender process in favour of United Water and its parent company, particularly, CGE. Did the Premier or the Minister inform the former Premier of inquiries by the National Crime Authority—

The SPEAKER: Order! The honourable member's time has expired. The member for Chaffey.

Mr ANDREW (Chaffey): In the Riverland, and particularly in the Waikerie district, over the past three to four weeks there has developed a considerable amount of interest, hype

and expectation relating to a proprietary racing type project promoted by the company TeleTrak, which is publicly promoting the idea that it would mean approximately 1 500 jobs in the local area and investment in the local community of approximately $20 million. The South Australian public is well aware that a number of councils are being approached in this regard.

In five minutes today it is not possible to give a full overview of the current history and developments in relation to this project, but I want to place on the record a current update. Minister Ingerson made a brief statement in this place on 26 November in regard to proprietary racing. I acknowledge and welcome the enthusiasm and support of the local council and the community for such a project. I have also publicly supported the project on the basis that at least two major aspects need to be further resolved. The first issue is whether this particular project is or is not able to be operated under the current laws in this State, and whether or not this proposal is within the definition of proprietary racing.

I am certainly seeking further clarification regarding this matter from the Minister for Recreation, Sport and Racing. Depending on the outcome—and I suspect it may need some Crown Law assessment—I am sure other options will be addressed by the promoters, who I am now given to understand are putting their proposal on the basis that they believe that it can operate within the law in South Australia. Obviously, this needs further clarification, and I am supporting this process through the Minister to make it happen as soon as possible.

The second issue relates to who or which company would be the best operator of such an immense venture. It is also well known around the country that other companies are interested in this type of racing venture. I would expect that some form of proprietary type racing will be operating either in South Australia or somewhere in the country in the future, whether it be next year or in some years to come, although at this stage its degree of success is unknown. Certainly the likes of the Packers and Murdochs have tried a similar project without success. If there are to be benefits, surely it is appropriate to get on and do the investigations so that we can all share in them.

With respect to which company, I believe it is very important that appropriate probity investigations be carried out. The District Council of Waikerie has already supplied $25 000, as part of a consultants requirement to this project, to TeleTrak. Last Friday, I wrote to the council seeking from it an explanation of what due diligence process has taken place for that decision to contribute those funds, what probity investigations have taken place regarding TeleTrak and its backers, and what is the result of that investigation. I understand also that further funds, up to $200 000, will be required as part of the bid. I was absolutely astounded yesterday to receive a letter from the District Council of Waikerie, signed by a staff member, which says:

> The probity of the company is not an issue. It is legal; it has directors of significant proven experience in sports telecasting, and is a sound plan. The fact that it is a $2 paid up capital company is, in our view, irrelevant.

I simply ask, as has been asked of me by constituents: have the appropriate processes with respect to sound business practices been duly implemented? Where is the prospectus to raise this proposed $150 million float? Why has the promoter, Mr John Hodgeman, not revealed his backer? Why do the promoters of this project appear to be weaving, moving around and manoeuvring as circumstances appear to change? What are the issues being investigated, I understand, by the Australian Competition and Consumer Commission?

I will support any creditable project in my area that will give an increase in growth and jobs, and I will continue to work with and for the local community for this particular project. However, these legal and probity issues must be addressed, the latter of which is the responsibility of the contracting party, the council in this case.

MEMBER'S ELECTORATE OFFICE

Mr BROKENSHIRE (Mawson): I seek leave to make a personal explanation.

Leave granted.

Mr BROKENSHIRE: Yesterday in the *Advertiser* an article showed a photograph of my office. I wish to have it recorded in this House that my office had nothing to do with that story and that any reference to Mr Hand was related to his previous position in the South Australian Tourism Commission.

Mr Hand is the seconded newly appointed Centre Manager for the McLaren Vale and Fleurieu Visitor Centre. I am the Chairman of the board of that centre and, until the completion of that project in a couple of weeks, Mr Hand is working out of my office with me to make sure that everything is put in place and that the project is successful. That is the only reason why Mr Hand was leaving my office at the time.

SITTINGS AND BUSINESS

The Hon. J.W. OLSEN (Premier): I move:

That the House at its rising adjourn until Tuesday 4 February 1997 at 2 p.m.

Motion carried.

ALICE SPRINGS TO DARWIN RAILWAY BILL

The Hon. J.W. OLSEN (Premier) obtained leave and introduced a Bill for an Act to authorise agreement between the South Australian and the Northern Territory Governments for the construction of a railway between Alice Springs and Darwin; and for other purposes. Read a first time.

The Hon. J.W. OLSEN: I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill provides for the authorisation of an agreement between the South Australian and Northern Territory governments to facilitate the construction of a railway link between Alice Springs and Darwin and the operation of a railway from Darwin linking into the national rail network at Tarcoola.

In November, 1996, the former Premier and the Northern Territory Chief Minister signed an Inter Governmental Agreement recording the extent of the negotiations between the South Australian and Northern Territory Governments at the date of the Agreement, and in particular, agreeing in principle, subject to conditions, the financial contributions to the project to be made by each government. The conditions are set out in the agreement and include the State's financial commitment being subject to the commercial viability of the project. The Agreement also contemplated that both governments would participate in a statutory corporation to be established for the purpose of holding title to the rail corridor and facilitating the

management of the project. This agreement is set out in the Schedule to the Bill.

The Northern Territory Parliament has already passed the *AustralAsia Railway Corporation Act 1996* to provide for the establishment of the AustralAsia Railway Corporation. This Corporation will hold the title to the rail corridor, and will facilitate the construction and operation of the railway. South Australian representatives will be appointed to the Corporation on the nomination of the Minister.

This Bill is complementary to the *AustralAsia Railway Corporation Act 1996* . In essence, the Bill ratifies the intergovernmental agreement signed in November 1996, and authorises the Minister to enter into a formal agreement between South Australia, Northern Territory and other appropriate parties to facilitate the development of a railway link between Alice Springs and Darwin.

Clause 5 of the Bill sets out the State's financial commitment to the project and places a limit on the State's expenditure of $100 million in 1996 terms by way of capital grants. The Northern Territory Government will also contribute up to $100 million in 1995 dollars to the project such contribution to be by way of grant or in kind. It is proposed that the remaining $800 million for the $1 billion project will come from the private sector and possibly from the Commonwealth. The Commonwealth is being asked to contribute the Tarcoola to Alice Springs railway track to the project. Clause 6 makes it clear that the liability of the State is limited to the amount authorised by the Act so as to exclude liability under any implied guarantee.

Clause 7 of the Bill deals with the State's involvement in the AustralAsia Railway Corporation. The Bill makes it clear that the AustralAsia Railway Corporation is not to be regarded as an instrumentality, agency or representative of the South Australian Crown and also quarantines the AustralAsia Railway Corporation from the provisions of the South Australian *Crown Proceedings Act*. This is appropriate given that the Corporation is established under Northern Territory law.

Clause 7 also requires the State's nominees to the Corporation to report annually to the Minister on the activities of the Corporation and on the progress of the project. The Minister must then table copies of the report in Parliament.

The development of the Alice Springs to Darwin rail link will be of immense national significance. In South Australia alone, the South Australian Development Council has forecast that the project will be worth at least $1 billion to the local economy both in terms of freight traffic captured by South Australia and in terms of expenditure on the construction of the railway, ranking it as a significant milestone in the State's development. This legislation will facilitate the State's involvement in the project.

I commend this Bill to honourable members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Definition

This clause defines the authorised project as the construction and operation of a railway between Alice Springs and Darwin.

Clause 3: Ratification of preliminary agreement

This clause provides for ratification of the preliminary agreement, entered into in November 1996, between representatives of the South Australian and Northern Territory governments.

Clause 4: Authorisation of justiciable agreement

This clause authorises the Minister to enter into a justiciable agreement, on behalf of the State, with an appropriate representative of the Northern Territory government facilitating implementation of the authorised project.

Clause 5: Extent of financial commitment

This clause limits the extent of the expenditure to which the South Australian government can be contractually committed to $100 million.

Clause 6: Limitation of liability

This clause limits the total liability to be incurred by the State in relation to the authorised project to the expenditure authorised by the Act. The effect of this provision is to exclude liabilities that may be extraneous to the justiciable agreement.

Clause 7: Statutory corporation

This clause provides that a statutory corporation established under the law of the Northern Territory to facilitate or supervise the authorised project is not to be regarded as an instrumentality, agency or representative of the Crown in right of South Australia. No liability is to arise under the *Crown Proceedings Act 1992* in relation to the authorised project. This clause also requires the nominees of the SA government on the proposed statutory corporation to report annually to the Minister on the activities of the corporation and progress with the authorised project. The Minister is required to have copies of the report laid before both Houses of Parliament as soon as practicable after receiving it.

Schedule

The Schedule sets out the terms of the preliminary agreement that is to be ratified by the new Act.

Mr ATKINSON secured the adjournment of the debate.

IRRIGATION (CONVERSION TO PRIVATE IRRIGATION DISTRICT) AMENDMENT BILL

Returned from the Legislative Council with the following amendment:

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

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

Rates and Land Tax Remission Act 1986

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

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

Strike out schedule 1 and substitute the following schedule:

Schedule 1

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

Strike out schedule 4 and substitute the following schedule:

Schedule 4

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

Consideration in Committee.

The Hon. J.W. OLSEN: I move:

That the Legislative Council's amendment be agreed to.

Motion carried.

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

Returned from the Legislative Council without amendment.

SOUTH AUSTRALIAN PORTS (BULK HANDLING FACILITIES) BILL

Returned from the Legislative Council without amendment.

FISHERIES (PROTECTION OF FISH FARMS) AMENDMENT BILL

The Legislative Council intimated that it did not insist on its amendment to which the House of Assembly had disagreed.

ELECTRICITY BILL

The Legislative Council intimated that it had agreed to the recommendations of the conference.

Mr CLARKE: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Consideration in Committee of the recommendations of the conference.

The Hon. S.J. BAKER: I move:

That the recommendations of the conference be agreed to.

As has been reported, agreement has been reached by the members of the conference. Whilst I am not totally satisfied, I believe that a satisfactory outcome has been reached. The nub of the amendments moved in another place concerned the matter of who should take responsibility for vegetation clearance. It was claimed by the Australian Democrats and the Labor Party that there had been insufficient time for the Local Government Association to consider the amendments and that, when the Bill was originally sent out in draft form, it did not contain an amendment to the existing clause on vegetation clearance. It was further claimed that there were some complications in terms of insurance that had to be sorted out and that no determination could be made until those matters were satisfied.

In refuting those arguments, I think it is quite clear that the LGA or possibly the commander-general in chief of the LGA needed to have another memory bypass. The issue of responsibility for vegetation clearance goes back to the 1983 bushfires. It is clear that there were to be very strong controls in bushfire areas and that in non-bushfire areas there had to be a resolution of responsibility. In 1987, discussions took place under the then Labor Government to ensure that ETSA's responsibility was made clear: that it had the right, indeed the duty, to ensure that trees were kept clear of power lines. That was quite clear at the time. However, recently, there has been gross resistance in certain council areas to any of ETSA's tree lopping programs.

It is important that this matter be resolved as it has been in other States, where councils take responsibility for their own tree clearance to ensure that they are free of power lines. Should they wish the trees to be left among the power lines, the councils take responsibility. It is fatuous to argue that this item has not been on the agenda for discussion, consultation, examination and research until recently. On 29 November 1995, the Environment, Resources and Development Committee brought down a unanimous report that the issue of vegetation clearance should be the responsibility of councils. A number of the other recommendations were being picked up under changes to the Act and the regulations. So, there has been plenty of time. Indeed, it has been a year since the report came down, and this matter was certainly on the agenda in 1987. Yet, the LGA has rushed off to the ALP and the Democrats and said, 'We haven't had enough time to consider it.' The amendment is simple: it states that this is now the responsibility of councils.

Mr Clarke interjecting:

The Hon. S.J. BAKER: I am being a statesman in my response. This was the unsatisfactory impasse which resulted in the conference. I will be constructive in my remarks. I will not dwell on the history of the conference, because the ALP and the Australian Democrats held firmly to the view that the LGA needed more time to sort itself out. Some undertakings were given at the conference so that this matter could be resolved once and for all. It was decided that by February this Parliament would resolve the matter. I have that undertaking from both the Australian Democrats and the ALP.

The second item for consideration is that, despite the fact that some of the councils have been quite reprehensible in the way in which they have addressed the issue of trees and the extent to which they interfere with power lines, some 3 000 trees have been inappropriately chosen and planted. The Government will not interfere in any way with those trees except in fulfilling its normal responsibilities, and it does not wish to press the issue of forcing those trees to be removed at this stage or in the future if a satisfactory resolution can be reached as to who is basically responsible.

I would like to make it clear to the Committee that that is a satisfactory outcome ultimately for the Government, because it is only another 2½ months before the matter can be visited again and, hopefully, the LGA will have sorted itself out. It has had only about eight or nine years to do so and perhaps this time, instead of rushing off to talk to the Opposition in another place, it might sit down and sort through this so that its constituent council can feel comfortable. After all, when it appeared before the Environment, Resources and Development Committee, it asked for these provisions to be put in place. This will enable us to progress this matter so that the directors of the Electricity Trust can live up to their responsibilities. They have a responsibility and a duty of care which cannot be dispensed whilst certain councils not only allow but in fact encourage their citizens to prevent any form of tree lopping to take place in their areas. So, it is high time that the LGA acted responsibly in this situation.

I hope that in the time available discussions can take place and that the issues of insurance and liability can be sorted out—because I understand they are quite straightforward. Other States have already done that, so it is nothing new. If the trees are trimmed properly and perhaps less excessively than ETSA undertakes, perhaps we will see a satisfactory result for one and all. If they are clear of the power lines, they will not have an ongoing liability as a result of any unnatural circumstance that causes a power failure, fire, or whatever under extreme conditions.

My plea to the Local Government Association on this matter is that, when we revisit this issue in February, it has its act completely together. It should not hijack the parliamentary process simply because it has buried its head in the sand or because it is playing politics with some of its little mates. I do not believe it is appropriate, in this day and age, when this item has been on the agenda for nine years, for it to say, 'It is all too hard. We have a simple amendment before us, yet we still cannot make up our mind.' I trust that we can signal the intention of Parliament to sort out this matter once and for all. I also signal that the Electricity Trust will not be taking any pre-emptive action and that we will think of the directors of the Electricity Trust and their responsibilities and not have them placed at risk by the irresponsible actions of a few.

I think it is important to understand that each council can take that responsibility. If they manicure the trees and leave them within the power lines, they must accept the liability. Or, they may decide that there is less need for cutting than that deemed by ETSA, because ETSA may wish to satisfy the vegetation clearance requirements so that it lasts for a number of years. A council may say that it can be more conservative in its approach to pruning because it can clear the power lines on a regular basis through contractors.

Importantly, as far as I am aware, the responsibility interstate is taken on board by the councils. In South Australia, the Electricity Trust is being generous by making some moneys available to allow that process to take place. So, money is being provided by ETSA to allow the councils to meet their tree trimming responsibilities and, therefore,

they can make their own decisions. I am not fussed which decision they take. They may decide, because of resident pressure, to trim very little, or they may decide to manicure the trees and leave them through the power lines. However, the councils have a responsibility to ETSA and to the State of South Australia to sort out this matter.

I thank all members of the conference for their contributions. I recognise that, whilst we were not successful with the Bill, there was a lot of goodwill in terms of meeting the objectives of the Government. I have been assured—and it did not necessarily involve swearing on the Bible—that this matter can be sorted out within the next two months. I trust that it is so that it does not hang around for many years without resolution.

Mr QUIRKE (Playford): When my Christmas lunch has been and gone, I just hope that this man is still the Minister. I will miss him if he is not. I must say that the Minister is a diplomat *par excellence*. He has just spent 10 or 15 minutes telling the LGA and the various councils the facts of life according to the Minister, and he had a few specific comments for the Secretary-General. I sometimes wonder where I have seen this approach to diplomacy before. As a movie buff, I must say that *The Life of Brian* comes to mind. One of my favourite scenes is where Brian is thrown into a cell—he is soon to be crucified—by a gaoler, who then spits on him. A spook shackled to the wall says, 'You are his blue eye. He spat on you.' This reminds me of the way that the Minister deals with these sorts of organisations.

The Minister was quite generous towards the end of his address when he thanked all the members involved in the conference. He did not have to do that, because he did not get much out of us. However, at the end of the day I quite liked the greeting—I think it was wonderful. Supposedly, there are some commitments that will be sorted out in February. I give this commitment now: if the Government brings back a Bill, we will certainly deal with it. However, at the end of the day, it is really up to the Minister or whoever is in charge of this area after the ministerial reshuffle. The Bill was 98 per cent successful as only one part was excised from it. When the agenda is considered in February, it will be up to whoever is the Minister to ensure that there is a satisfactory outcome. In any event, we will deal with whatever legislation the Government brings forward. We are quite happy to do that; that is our job.

It is now incumbent on the Government to satisfy us—that is what it must do—that the LGA is a totally unreasonable organisation and that it is impossible to strike any kind of sensible arrangement with it. The challenge is there for the Government to prove to us in February—or March, or whenever it is—that the LGA is either satisfied or that it has totally unrealistic expectations and it is not possible to sit down and do a deal with it.

I am quite happy to go along with the commitments that the former Deputy Premier has made on this issue, as long as we are all aware of the caveat: that the Government must deal with the LGA. That is what the Government must do in the next 2½ months. It will have to satisfy a number of people that that duty has been properly discharged. If that duty is properly discharged, we will certainly deal with it.

I turn now to vegetation clearance. I am no great fan of the LGA and local councils, as a lot of people know. I have also been through the Baker school of diplomatics, and I want to make it clear to the LGA that it really needs to address this problem. Quite frankly, I do not think the LGA is the appropriate body to be tree lopping around town. I think the appropriate body to be tree lopping around town and making sure that the infrastructure is safe for everyone is the ETSA corporation.

I am happy to go along with it, and I am sure my Caucus will, if we can be satisfied that the job will be done competently and properly and that various other legal questions which surfaced during the conference can be satisfactorily discharged. It may not be the view of all Opposition members, but my personal preference is for ETSA to get on with the job and not be too complacent about what councils think and do. At the end of the day, ETSA has a duty to ensure that South Australia has a safe electrical distribution network.

I agree with the Minister when he says that we must consider the directors of ETSA Corporation: indeed, we do. They have a liability which must be sorted out. If the councils believe that they can do the job better, and if the Government is intent on pushing this on to the councils (because that is what it is saying to us), I hope that they can all come together to bring a package in here to satisfy us that this has been done and the LGA and its constituent members have signed off on this. If that is the case, we will deal with it. I have a preference for ETSA to do its job. I think that the only effective way it can be done is for the owners of the electrical infrastructure to ensure that it is done properly.

Motion carried.

CRIMINAL ASSETS CONFISCATION BILL

Adjourned debate on second reading.

(Continued from 4 December. Page 744.)

Mr ATKINSON (Spence): The Crimes (Confiscation of Profits) Act 1986 was introduced amid some fanfare. There were great hopes for this type of legislation. The idea was that the State could attack criminals and criminal syndicates where it really hurt them. A criminal syndicate could survive one or more of its members going to prison, but it would find it difficult to survive if its assets were acquired by the State and it was unable to pay its employees and associates. When the Crimes (Confiscation of Profits) Act was introduced, there was high hope that this would punish the Mr Bigs, restrict their ability to prosper and lead to justice.

When members of the public become aware of the extent of the proceeds of crime confiscated under this Act each year they are somewhat disappointed. I have provided the figures to listeners of Bob Francis's Radio 5AA *Nightline* program and pointed out that not as much is raised and distributed in criminal injuries compensation as the public would hope. However, I am sure the Director of Public Prosecutions is doing his best in this respect. It may be that the assets of crime are not there in the way in which we imagined. In 1991-92, the net receipts under the Act were $143 915.39; in 1992-93, $59 543; in 1993-94, $273 266; in 1994-95, $273 744; and in 1995-96, $178 835. It is important to bear in mind the distinction between, on the one side, seizure and restraint and, on the other side, forfeiture.

The annual value of goods seized or restrained pending the principal criminal trial is many times those figures, but rather less is permanently forfeited after conviction. The way in which this procedure is initiated is for the Director of Public

Prosecutions to apply *ex parte* to the court for restraint of assets. The test that the DPP must fulfil is:

> That there are reasonable grounds to suspect that the property may be liable to forfeiture.

That is not a high hurdle for the DPP to clear. Then, again, the public would probably want the hurdle to be rather low so that the DPP has some chance of restraining assets thought to be the proceeds of crime. The DPP applies *ex parte*, that is, in the absence of the owner of the assets, but is required to contact the owner of the assets as soon as possible to give the owner a chance to make a submission about the future of the assets.

The main reason why this Bill is before us is the decision of the South Australian Supreme Court in *Director of Public Prosecutions v Vella*, a 1994 case reported at 61 South Australian State Reports at page 379. The question in Vella was the extent to which the accused could have access to his assets for the purpose of mounting a legal defence to the crimes with which he was charged. If the assets are restrained, and are not available to the accused for use in the principal criminal trial and, if the accused is unable to be properly represented, it may result in the trial being indefinitely stayed. Here we have assets seized by the DPP as reasonably suspected of being the proceeds of crime but, if the accused cannot get hold of the assets to pay for his or her legal defence, the trial judge may have a duty to stay the trial. This raises the kinds of problems raised by the High Court in the case of Dietrich.

Mr Bass interjecting:

Mr ATKINSON: Is the member for Florey saying that the Dietrich case was wrongly decided?

The DEPUTY SPEAKER: The member for Florey will have the time to make a contribution should he so wish.

Mr ATKINSON: I would be quite happy if the honourable member made his contribution while I am speaking, because I might find it of assistance.

The DEPUTY SPEAKER: No: the Chair will not cooperate.

Mr ATKINSON: Dietrich was caught smuggling drugs into Australia via his large intestine. The smuggled goods emerged at a flat somewhere in St Kilda. He was caught pretty much bang to rights but, because he did not have enough money to obtain proper legal defence and because he could not get legal aid, as his case was rather unmeritorious, the High Court ordered his trial stayed indefinitely, which I suppose meant that he got off. This is a problem now, especially since the Federal Liberal Government has so massively cut legal aid. More and more people will be in the Dietrich situation and it would be unjust if they had to be tried without adequate legal counsel. On the other hand, it would be unjust if they were acquitted merely on that basis.

So, the Government is in a bind: it does not want to spend any more money on legal aid for the likes of Dietrich—in fact, it wants to spend a lot less. So there will be a tug of war between the Federal Government on the one side massively cutting legal aid and sending off people to a criminal trial without the means to defend themselves and on the other side the courts, whose duty it is to ensure that there is a fair trial. The courts say, 'Give these defendant's legal aid or we will acquit them.'

Mr Brokenshire: Why don't you go back and do law, and voluntarily help them out and leave the Chamber?

Mr ATKINSON: The point of the member for Mawson has been raised in the parliamentary Labor Party, the response of some of my colleagues to the Attorney-General's Dietrich-busting Bill earlier this year being just that. Why does not the Bar Association, which is whingeing about that Bill, do more *pro bono* work?

Mr Brokenshire: Why don't they?

Mr ATKINSON: Why don't they, the member for Mawson asks.

Mr Brokenshire: They are making lots of money.

Mr ATKINSON: Some are and some are not. The law can be a humble profession, especially since there is such a massive oversupply of lawyers, particularly with the opening of the Flinders University Law School. Many law graduates will end up, as I did, working as newspaper reporters and subeditors and eking out a living in the House of Assembly. The member for Mawson has distracted me.

The Government has responded to the problem in the area of criminal assets confiscation by allowing some of the accused access to restrained assets so that they can fund their legal defence. There was one case where an accused whose assets were restrained managed to get hold of the whole $90 000 to fund his legal defence. At the end of it, zilch was left for the confiscation of assets. I guess the Government has not rushed into this position: it has been forced into it by the decision in *DPP v. Vella*, which holds that the Supreme Court had authority to allow the payment of the accused's legal expenses from restrained assets without any particular section of the Act justifying the release of those assets. The Supreme Court was ahead of the Government and decided that it could do it without any section of the Act authorising it, and the Government is now following on behind trying to arrange for the release of these assets for legal defence in an orderly way.

There was some division of opinion, with Justices King and Millhouse on one side, who saw no particular need for any limitation on the release of assets for legal defence. They took the view that the accused could choose his own lawyer and, if that lawyer charged the top scale, the money would have to be forked out from the restrained assets. On the other hand, Mr Justice Olsson decided that there should be a limit of reasonableness on what the accused could get for his defence from the restrained assets.

The Government, not surprisingly, has chosen Mr Justice Olsson's version of events and in clause 15 of the Bill it has pretty much adopted Mr Justice Olsson's judgment on this matter. There is some justification for the Government's viewpoint, and the Opposition will acquiesce in it. It is worth pointing out that an accused should apply for legal aid before resorting to restrained assets and that is the order in which things should be and are being done.

There are other features of the Bill, although that seems to be the most important feature. One other feature is the forfeiture of a pecuniary sum being part of the value of a tainted asset. There is an extension of forfeiture for a summary offence, namely, being in possession of property reasonably suspected of being stolen. There is an extension of the extraterritoriality principle to its conceivable limits. In drug offences there is a presumption of forfeiture, which has to be challenged by the convicted person or it will go ahead. There are various public policy reasons for that reversal of the onus of proof.

The benefits that the DPP can apply to restrain include proceeds from the publication or prospective publication of material about the crime and in particular the commercial exploitation of criminal notoriety. The public would support that amendment and there can now be forfeiture for a wider

range of offences. With those remarks the Opposition supports the Bill and wishes it well.

The Hon. S.J. BAKER (Treasurer): I thank the member for Spence for his contribution. He has outlined the amendments contained in this Bill more than adequately. There is a huge amount of frustration within law enforcement agencies in relation to assets that have been restrained or confiscated. The member for Spence read out the quite paltry sums that are recovered under the confiscation of assets. If we looked at the law and the way it was meant to apply, the effort expended and the results of all that effort, we would question why we even bothered sometimes in the pursuit of the asset. If you can control the assets and remove them, the capacity to reduce criminal behaviour is increased enormously. So, even when a person has served time or the court orders have been adhered to, the capacity for that person to get up and running in a criminal sense is reduced in the case of many individuals.

When the member for Spence said that $150 000 was effectively collected as a result of forfeiture, he would know if he looked back through the records that that represents only about 1 per cent of the assets restrained. That is totally unsatisfactory. It is like waving around a feather duster and saying, 'We will get you and you will not benefit from the proceeds of crime.' With the best will in the world, the Attorney has agreed with that sentiment and has set about changing the law to make it more effective than it has been to date, bearing in mind that the Dietrich principle so well explained by the member for Spence is still a prevailing order of law within the courts, which means that a person must have the capacity to defend themselves.

We still have this dilemma, despite the propositions under the Bill. There is better definition in the Bill. I note, in the most recent amendments, that there is a requirement by the Director of Public Prosecutions to make sure that anybody who wants to get their snout in the trough is informed of their capacity to get their snout in the trough, although I understand that the Law Society had something to say about that.

It is a very fine point of law that those who have benefited from the proceeds of crime are immune from the ramifications of it. The issue of innocence is one that we can only reflect upon. We would all evidence the case of Christopher Skase and Pixie: who benefited the most out of Christopher Skase's criminal activities? I am sure that Pixie did, but under this Bill Pixie may have assets allocated to her which she would have a reasonable opportunity of retaining.

It is very difficult to be effective and fair, but this Bill tries to reach that balance. We cannot assume that by the seizure of assets we do not affect people, because there are a number of people who legitimately do not know whence those assets have come, and do not know that their partner, relative or friend, from whom those assets have been acquired, has acquired them through criminal activity. However, I suspect that more people know than do not know about the origins of ill-gotten gains which somebody has not worked for but which suddenly have increased their wealth dramatically.

There is a difficult role to be played by the courts, which want to be fair to those who are innocent—those who have acquired assets in good faith from the criminal party or those who have acquired assets and are innocent parties in the process. More filtering needs to be done to increase the effectiveness of this law. I congratulate the Attorney for his brave attempt to improve it, but Dietrich represents somewhat of a stumbling block. I know that in civil cases (and as a member of Parliament I have had a number of cases brought to my attention) that, if a party to the proceedings feels that the legal fees are inappropriate, that party has a right to have them taxed. This Bill provides for an oversight of the costs associated with legal fees. As pointed out by the member for Spence, sometimes if someone's livelihood and freedom are at risk, the seized assets which should flow to the Crown under the principles of law are eroded by the hiring of significant legal expertise.

It is not an easy position. As a onlooker, and knowing the frustration experienced by the police, I guess that I would be tougher than the Attorney-General, but I understand that he has been trying to achieve a balance between the rights of the individual and the need to confiscate assets where they have resulted from criminal activities. The member for Spence may be aware of some of the big cases, where large sums of money are involved in the Commonwealth sphere.

Mr Atkinson: The importation area.

The Hon. S.J. BAKER: Yes, the importation area is one area where there can be massive seizures and a much greater capacity to seize large assets. When we see the figures which relate only to the South Australian jurisdiction and State law, we see that they very much understate the value of confiscated assets. I congratulate the Attorney for taking this one step further. I thank the member for Spence for his contribution to the debate.

Bill read a second time.

In Committee.

Clauses 1 to 18 passed.

Clause 19—'Criminal Injuries Compensation Fund.'

The Hon. S.J. BAKER: I move:

Page 12, After line 16—Insert clause 19.

This is the money clause and deals with the Criminal Injuries Compensation Fund.

Clause inserted.

Remaining clauses (20 to 39), schedules and title passed.

Bill read a third time and passed.

SECOND-HAND DEALERS AND PAWNBROKERS BILL

Adjourned debate on second reading.

(Continued from 4 December. Page 747.)

Mr ATKINSON (Spence): Today Parliament has the chance to fix a colossal mistake made in 1987 and again in 1990. We were led by deregulators who applied their zeal, first, to the second-hand dealers and then to the pawnbrokers. Leading the pack was the current Attorney-General, who told the other place:

The Opposition indicates that it is prepared to support this Bill because of the significant deregulation that it proposes.

The then shadow Attorney-General gloried in the ending of the rule that comprehensive records of goods bought and sold needed to be kept. I was not much better. In 1990 I was the youngest member of the House and part of the Attorney-General's Party committee. I did not see anything wrong with the change, but experience has taught me that I missed the risk to South Australians in this deregulation. As soon as the deregulation occurred, new shops sprang up like toadstools after a soaking rain. South Australia had got by for most of the post-war period with only one pawnbroker, the Sultan of

Swap, Mr Laurie Treadrea. He had been joined by a few others, such as Con Kappelos in Gouger Street, and later, former cop, Mr Chris Planeta, in the south.

From 1990 more than 200 new pawnbrokers and second-hand dealers started business in our State, none of whom needed a licence, owing to the deregulation. Despite the expansion, only 15 eligible pawnbrokers out of a pool of 150 joined the Pawnbrokers Guild and bound themselves to its ethics. In my own area, the villainous owner of the around the clock brothel at 94 Grange Road, Welland (falsely advertised under the name 'A Touch of Class'), set up a pawn shop on Port Road, Hindmarsh—

Members interjecting:

Mr ATKINSON: I have been there.

Mr Becker interjecting:

Mr ATKINSON: The member for Peake claims that A Touch of Class brothel is no longer there. I have to say that, when there was a controversy between the Hon. Dr Bernice Pfitzner and me over the location of brothels, the member for Peake came into the House and said, 'There has never been a problem with brothels in my State district. Whenever they have put up their head they have always been chopped off. I always get rid of them.' I drew to his attention the fact that the longest running around the clock brothel in this State was in his electorate at 94 Grange Road, Welland, and it had been going for years and years, 24 hours a day, seven days a week. I got a fax from the member for Peake the other day saying, 'You're wrong. I contacted the City of Hindmarsh Woodville and it has been closed down.' I made my own inquiries and the brothel is open again.

Mr Clarke interjecting:

Mr ATKINSON: I have them in notes, somewhere. Anyway, this villain who owns 94 Grange Road, Welland, or at least the brothel that is run there, set up a pawnshop on Port Road, Hindmarsh, underneath the first floor Anglo-Catholic chapel in which I worship. I suppose it was better to have stolen goods processed underneath us, as we knelt before the blessed sacrament at the Altar of Repose, than the alternative, which might have diverted our thoughts from matters spiritual. Cash Converters came to Adelaide, grew enormously, and sponsored the Port Adelaide Football Club, most appropriately. Cash Converters set up a pawning operation for cars opposite my chapel and, as I ride my bicycle to and from Hindmarsh on a Sunday, I see a caravan, a horse float and a double-decker bus parked forlornly in Cash Converters' Ridley Street car park. Months go by and they are not redeemed.

Turning to second-hand dealers rather than pawnbrokers for a moment, an elderly couple in Hawker Street, Ridleyton, have run a garage sale every week for the past four or five years. One of my parliamentary colleagues told me he attended a garage sale recently at which four microwave ovens were on sale. 'The lady of the house must love cooking,' he remarked. It seems to me that no-one in another place, bar the Hon. Sandra Kanck, wanted to make the obvious point, but I will. This explosion in pawnbroking and second-hand dealing could not have taken place without trading in stolen goods and it, in turn, encouraged the theft of goods.

Mr Bass interjecting:

Mr ATKINSON: Well, I am glad to have support from the member for Florey about that. The other boost to the theft of household goods was, in my opinion, the legalisation of gaming machines in 1992. Our State Government may be experiencing a taxation bonanza from gaming machines, but the lives of many of my constituents have been ruined and some gamblers have turned to crime. A mate of mine from Brompton is travelling across the metropolitan area establishing Pokies Anonymous groups along the same lines as Alcoholics Anonymous.

The police officers working on Operation Pendulum knew just how important the new outlets were for the fencing of stolen goods and that is why, through one of my local Neighbourhood Watches, they prompted me to ask this parliamentary question of the Minister representing the Attorney-General late in 1994: what action does the Government intend to take following Operation Pendulum to tighten regulations of second-hand dealers and pawnbrokers to deter the movement of stolen goods through these businesses?

The Attorney-General said that my question would be better directed to the Minister for Emergency Services. What a cop-out! He said that the involvement of pawnbrokers or second-hand dealers was merely 'alleged'. He had much greater faith in these people as a class than did the Pawnbrokers Guild themselves, who came to see me soon afterwards. The Attorney-General was happy with the legislation as it stood. He did not see the need for change.

I commend the Attorney for changing his mind two years later. The Bill is a strong and useful proposal. I praised the Attorney-General on the initiative on Bob Francis's radio 5AA *Nightline* program last week, and I am sure that the Attorney has the transcript, because I cannot go on there without his spending public money on Warburtons, the media monitoring firm.

Under the Bill, if a second-hand dealer is found in possession of stolen goods on at least three occasions in 12 months and did not tell the police about the goods, the Commissioner of Police may give the dealer a disqualification notice. The disqualification will come into effect within two months of the notice unless the dealer applies successfully to the Administrative and Disciplinary Division of the District Court for the ban to be overturned. Perhaps the Treasurer will be able to explain to the House how this 'three strikes and you're out' disqualification will apply to Cash Converters with its 22 branches in South Australia. No offence to Cash Converters, but with ordinary luck I would have thought they would be disqualified on the opening day.

The Bill includes negative licensing, which forbids a person to deal if he or she has been convicted of an offence of dishonesty or other offence prescribed by regulation or is bankrupt. The Pawnbrokers Guild would much rather have licensing, but this is not possible in the teeth of the Attorney-General's opposition. The Attorney-General told us, when he was the shadow Minister in 1988, and again in 1990, that those changes introduced his pet concept of negative licensing. Now that he is the Attorney-General and is moving a Bill of his own, he is recycling the claim to be introducing negative licensing in this area. I will not quibble with that, any more than I tell my uncle that he has told me the same yarn twice before.

The Bill obliges dealers to give the Commissioner their name, trading name, business address and the address at which records are kept for inspection. Records must be much better than is now the custom; type, size, colour and brand of goods traded will now need to be recorded. Dealers will now have a duty to check stock against police lists of stolen goods. The old pawnbrokers in the Pawnbrokers Guild always did that, anyway. Indeed, they tipped off the police. These extensive records must be kept for five years.

When the goods are bought, the identity of the seller will now have to be verified. Details of the verification required shall be in the regulations, but I very much like the sound of the Attorney-General canvassing the possibility of a system similar to the one used by banks to verify the identity of customers opening accounts. That is tough enough for me. A holding period of 10 days will be inaugurated. There was no holding period previously. Cash Converters have voluntarily instituted a holding period of three days. This clause in the Bill is a tremendous improvement that shows the Government is finally getting serious about stolen goods.

Some chattels will not need to be held this long, and they will be exempted by regulation. Goods required to be held for 10 days may be sold after three days if the identity of the buyer is verified as rigorously as that of the seller. I have only one worry about the holding period. When my bicycle was stolen from chapel a couple of months ago—

Mr Becker interjecting:

Mr ATKINSON: Twice. Once from the West Croydon Kilkenny RSL Club and once from St Aidan's chapel. When the bicycle was stolen, I wrote a thorough description—it was a much photographed bicycle—reported it to the police, faxed the head office of Cash Converters, which just did not want to know about it, and then attended Cash Converters Kilkenny shop. If my bicycle had been bought by the Kilkenny shop and held for a number of days, pursuant to this legislation, it might not have been displayed where I could see it on my visit. It would, presumably, be out the back and, upon the expiry of 10 days, be displayed in the shop at a time when I was no longer looking in dealers' shops.

I would ask the Treasurer to convey to the Attorney-General the idea of requiring the goods on hold to be displayed for the three-day or 10-day period, because many cyclists and owners of stolen goods have recovered their goods by touring the dealers' shops. The holding period is a good idea, but its efficacy is reduced if the goods are held out the back where the owners cannot find them. I ask the Treasurer to convey that suggestion to the Attorney-General, perhaps for the regulations.

The Bill goes further—yes, there is more. It introduces a procedure in standard form for those occasions when the victim of a theft claims to have discovered a chattel or chattels of his own in a dealer's shop. My information is that Cash Converters and established pawnbrokers handle these scenes well, but the Government is proposing that a claimant should, upon challenging a dealer about goods in his shop, fill out a form to make his claim to ownership of the goods in writing. If the conflict about ownership cannot be resolved between the parties, the Magistrates Court can hear the matter.

Pawnbroking is reregulated a little by the Bill. A minimum redemption period of one month is stipulated, and the Attorney-General assures us that regulations will require that pawnbrokers advise their clients in a comprehensive, detailed and clear manner of their true liability. That is important, because there are some colossal interest rates being charged by pawnbrokers out there.

Mr Becker: Unbelievable!

Mr ATKINSON: As the member for Peake says, unbelievable. The Deputy Leader might have a bit to say about that from his experience. The Labor Opposition knows it is hard to express the true rate of interest on the pawning docket, because it depends on so many things, but we expect the Attorney to have a shot at it in the regulations. The Opposition supports the Bill with great optimism and hopes the Government will remain true to the Bill's purposes. I believe that the Bill can achieve much in reducing theft in our State. It is a bold Bill, and I congratulate the Attorney-General on it. As a reporter in the *Weekend Australian* of 7 September wrote, 'If you can't fence goods, there is no point in stealing them.'

Mr BASS (Florey): I agree with and support the legislation. I support everything the member for Spence has said and agree with his comment that, if there are no receivers, you will not have a thief. It is well known that drug users and people addicted to drugs commit a majority of the offences these days in South Australia. Of course, they steal simply to obtain money to buy their drugs. Very often, police officers enter a house that has been burgled and no money has been stolen, but the TV, video recorder, stereo equipment and anything of value has been taken, and one suspects that the people concerned get the cash in this way to purchase their drugs. If there are no receivers, you have no thieves.

The keeping of records is important. I would go one step further and would like to see that it be against the law for a second-hand dealer to purchase an article that has had the serial number removed or obliterated. With the theft of an item that can be repeated 100 or 200 times, the only identification is the serial number. If the thieves peel off the serial number or obliterate it, it cannot be identified unless the people concerned have been in Neighbourhood Watch and have put their own marks on it.

I would like to see a second-hand dealer not be allowed to purchase an electrical item or anything that does not have a serial number on it. The thieves would then realise that the article could be identified if the serial number was obvious, and it would be no good stealing it. If they did not remove the number, it could be identified. If they removed the number, they could not sell it to the second-hand dealers.

I agree with the member for Spence in relation to goods held out of sight. If goods have been held out of sight for 10 days, the dealers must rely on the police to drop in periodically to check those articles. These days, the police are very busy and it is not always convenient for them to drop in two or three times a week. I agree with the member for Spence that they should put any items suspected of being stolen up front in the window so that people such as the member for Spence, who keeps losing his bike, can see them.

Another thing that visiting second-hand dealers does is that it trains young police officers. As a young police officer in the general squad, I recall that we had a second-hand dealers squad. Usually, when you joined the general squad as a young constable you were put onto the second-hand dealers squad, and it was your job to go around to the second-hand dealers in the city. If you were lucky enough to get a police car, you could go around the suburbs and check all the second-hand dealers and their goods. Young constables who were training to be detectives learnt through that process the names of thieves and others involved in the industry. They were able to put names to faces, because they soon were locking up people. It is not only handy to have a record of second-hand dealers but it is good for the police because they can learn a lot from visiting these places and meeting the people who are involved in selling. I am glad to see that we are finally strengthening this area. I support the legislation.

Mr CLARKE (Deputy Leader of the Opposition): I will be brief. I support the comments of the member for Spence and the member for Florey. Like the member for Spence, I

commend the Attorney-General for bringing forward this legislation. The point I want to make concerns the issue of stipulating on a pawnbroking contract the effective interest rate. About a year ago, I attended a conference of financial counsellors at Maughan Church in Pitt Street. Laurie Tredrea was there representing reputable pawnbrokers. The view of both the reputable pawnbroking industry and the financial counsellors, particularly in light of the problems people were having with poker machines, was that the effective interest rate should be shown on the contract. The interest rates astounded me. The general interest rate that is charged if you use a reputable pawnbroker is about 250 per cent, but the survey undertaken by these financial counsellors found that some pawnbrokers were charging up to 1 970 per cent in interest. That is beyond belief. It is the sort of interest rate that any Treasurer would love to get their hands on for their investments.

My Visa statement shows the effective interest rate that is charged by my credit provider. It will not necessarily stop a person from spending over their limit or from pawning a valuable item or obtaining a loan from a pawnbroker but if, when they sign the contract the effective rate of interest is starkly set out, it will make them think twice. At least that person would see before they entered into the contract that they would have to pay about 1 970 per cent in interest. One would hope that any person who was tempted to sign such a contract would say, 'Not on your life, that's far too much, it is beyond belief', and not take out a loan from that pawnbroker. It would also provide an effective means of searching for competition. If you want to pawn something or take out a loan from a pawnbroker, at least everyone will be on a level playing field and know the effective interest rate.

I think this provision ought to be implemented. I heard only second hand—that remark is most appropriate—that in the other place some administrative problems were raised. I seriously urge the Attorney-General to give some consideration to this matter because, if we can do it in respect of Bankcard and other areas of credit provision, it is equally applicable in the pawnbroking area, particularly given the enormous disparity in interest rates and the huge interest rates that are involved. I do not intend to take this matter into Committee, but I urge the Minister representing the Attorney-General to give serious consideration to this unanimous recommendation of financial counsellors in this field, as stated in their report, and also of reputable pawnbroking businesses in this State.

Mrs ROSENBERG (Kaurna): I want to put on record my support for the Bill and to record my thanks to Chris Planetta and Mr Tredrea for the time they have taken to discuss the issues with me and to work through with the Attorney-General some of the changes to the Bill. I sincerely believe that the Bill has been improved because people such as Chris have been involved in the negotiations and have taken the time to comment on some of the proposed amendments that were put before the Bill was introduced to the House.

The other issue that I want to raise briefly concerns market stallholders. The member for Reynell and I have received deputations at our electorate offices regarding a concern about people who hold a stall in a market more than six times a year and whether they would be classified as a second-hand dealer. I have discussed this matter with the Minister and Parliamentary Counsel. I understand that this will become part of policing policy and that stallholders in markets will be protected. Rather than the police having to prove they are carrying on a business, the reverse onus of proof will apply. In those circumstances, I have been guaranteed that those stallholders will not have a problem. I put that matter on the record so that it can be addressed by the Minister.

Mrs GERAGHTY (Torrens): I want to make a few brief comments which have been made by my colleague in another place. One of the issues in the Bill that causes some concern is the holding period for goods. Family second-hand businesses, which operate on a very small scale renting two or three small shops, do not have enough space in which to store large items such as bedroom suites, lounge suites, kitchen suites and some large cupboards. We would like to see, perhaps by way of regulation, an exemption for those people from the three day holding period for prescribed goods for very large items, such as those which I have mentioned, provided the name and address of the seller and the purchaser, together with proof of identity, is taken.

The reason for this is that these businesses do not have enough storage space to hold those goods. In the case of many small family second-hand dealers, a lot of their clientele come from the country. If, say, a person from Barmera or Nuriootpa comes down with a trailer for the day and chooses some goods, they will want to be able to take them back straight away. If they cannot do that, the company loses the sale—and the small family businesses dealing in second-hand goods these days are already struggling. The store near my office will be laying off more staff, and I think that is quite sad. So, I would like to see that matter addressed in the regulations.

I understand the need to make some changes. Outlets like Cash Converters, in some cases, have been quite unscrupulous in some of their activities. Provision should be made in the regulations to cater for the small family business, the trash and treasure stores and those people who have stalls at their homes—and there are some in my electorate who have these stalls on a very regular basis. I am not sure where they obtain all their goods to sell. Although they trade quite regularly, they are not scrutinised the way that second-hand dealers are. So, on behalf of my constituents and others who have small family businesses, I would like to see some provision made for them.

Mr BECKER (Peake): No matter what you do, it is extremely difficult to stop the criminal element in society. I was quite surprised to read in the media this morning—even though I always believed that he did it—that Alan Bond has pleaded guilty to stripping $1 billion out of Bell Resources. I am not critical of Cash Converters, and I do not want it to be maligned as having unsavoury practices. It is a very large organisation that has now gone international. It is possible that some of the managers or franchisees are not strictly abiding by the principles of the company. It entered the marketplace very aggressively and now officially covers many areas that in the past were covered unofficially. While there has only ever been one recognised true pawnbroker in South Australia, there have been a lot of others that have acted outside the law for many years as unofficial loan sharks, money lenders, or whatever you want to call them.

I was absolutely disgusted when one of my constituents told me that he had pawned his diamond ring worth $5 000 to borrow $300 to cover his gambling losses in a card game. After six weeks he went back to the pawnbroker to try to retrieve his ring, because his wife had noticed that it was

missing. He was told that he was up for $500 to redeem the pawn, and he is paying back that money at the rate of $100 a month. He was in desperate straits to try to get the ring back, but he could not do so because he did not have the money. I tried to arrange a personal loan for him through his bank without interfering with his savings. I could not understand why the bank could not do that for him. He had to admit that he could not repay the loan without getting some relief or going into the family savings, which would reveal that he had this terrible gambling habit and that he had to swallow his pride—which eventually he did. It is a sad story, because it caused a lot of tension and problems within that family. Fortunately, the children were understanding and assisted their father—and much credit to them.

This is a lesson that goes around the community every day—the outrageous rates that are charged. I do not know whether the State Government can do anything about it. I think it is a Federal matter. It would come under the Banking Act, so it is for Treasury in Canberra to try to do something to control the rates that are charged on pawn items as part of security. There may be a bit of risk attached to it, but there is always the resale value, and a pawnbroker will never lend any more than an item is worth anyway—and they lend pretty miserable sums on some items. I support the Deputy Leader's suggestion that there should be some documentation setting out the interest rate. In my opinion, the interest rate should not exceed the current credit card interest rate—which I think is outrageously high. I think the banks, credit unions and general—

Mr Clarke: Let's nationalise them.

Mr BECKER: That is not a bad idea, considering the way they behave. I fought nationalisation of banking but, given the way they behave, I am ashamed to admit that I worked for a bank once. I think that, with the amount of interest that is paid to depositors, the restrictions that are put on depositors with banks, credit unions and so forth today, we should do something in that regard. If there is a benchmark as a maximum lending rate for personal loans or that type of borrowing, I guess it is the credit card and, in most cases, a credit card is unsecured, so it is a fair and reasonable rate.

I commend the Attorney for what he is endeavouring to do, but I do not think that it will achieve everything that we would like. Naturally, this will be a trial and error piece of legislation, and much of it will be left to the regulations. As members would know, I am a keen philatelist. I have been approached by members of the Australian Stamp Dealers Association, who told me that stamp and coin dealers have a problem with the current legislation. I was led to believe that previously stamp and coin dealers were exempt and, therefore, they were surprised to be swept up in this legislation. So, I wrote to the Attorney. I want to put it on the record because I think it is important that we have not had the chance to get to everybody in this field.

Whilst you have an organisation that controls stamp dealers and stamp collectors—and you have the same system with coin collectors—many people deal through the back yard. I take the point that has already been made in the debate that garage sales, trash and treasure sales, Sunday markets and boot sales are in vogue. People can pull up in a car and sell goods straight from their boot. There is always a doubt or a suspicion that some of the goods may have been stolen. We have to do something to guarantee the legitimacy of the product sold.

Stamps and coins are a bigger problem, because nothing is more transient than a small item that can easily be hidden and yet could be worth many thousands of dollars. The Attorney was kind enough to acknowledge the responsibility of stamp and coin dealers under the new Second-hand Dealers and Pawnbrokers Bill, and he advised as follows:

> . . . with the current rules, stamp and coin dealers will be covered by the proposed legislation.
>
> The current rules relating to second-hand goods (found in the Summary Offences Act, sections 49-49G) require dealers to keep records including the identity of the person from whom the dealer buys goods and an accurate description of goods, as well as other information.

The dealers tell me that they have no problem with that, except that there may be a difficulty if someone comes in with a 50 or 100 page album or a set of albums containing tens of thousands of stamps. However, there are modern ways of recording that through photographic evidence. The Attorney continues:

> In addition, there are powers of police entry into property and onus on the dealer to advise the police of suspected stolen goods.

That has already happened in the past 18 months or so in Australia, where very valuable collections of stamps have been stolen. In one case, the Stamp Dealers Association was advised and I understand that within a few hours the culprits were apprehended and appropriate action was taken by the police to stop the collection from being broken up and on-sold. So, there are powers for the police. The powers of entry concern me a little but that is the way in which society moves today. The Attorney-General goes on:

> These rules do apply to coin and stamp dealers and have done so since at least 1988; I have been unable to check the position prior to that date. I attach for your information the limited exemptions from the current Summary Offences Act provisions.

The new Bill will also apply to coin and stamp dealers, together with the additional requirements in the Bill such as notifying police of details relating to the business, and the holding period. Again, the Stamp Dealers Association has told me that it has no problem with the holding period. He continues:

> The record keeping requirements under the new Bill are very similar to those currently applying.

Again, there is a problem. He goes on:

> There is, however, no requirement in the Bill nor in the existing provision for a certificate for re-sale. The Bill requires that goods carry an identification code and that code is to be recorded in the dealer's records.

It is very difficult to put an identification code on, say, the five shilling Sydney Harbour Bridge stamp, which is currently worth $740. To put indelible ink on the back of the stamp would destroy it so I do not know how the requirements of the legislation can be met. The Attorney continues:

> This [the identification] will ensure there is an ability to trace the written record to particular goods. The sort of code which is used is unspecified and it will be for each dealer to use a system that meets their operational requirement.

As I said, you can photograph or photocopy them but, if you have a five shilling Sydney Harbour Bridge stamp, it is one of the most valuable of the Australian issues. Many stamps look alike, and that is the problem. Even if you go back to the early 1900s when the first Australian stamps were issued, the two pound kangaroo stamp in mint condition would be hard to identify. Again, you would not want to code the back of that stamp because you would interfere with its value. A photograph may be satisfactory, because not all of them are exactly square and it is very difficult to get a perfectly set

stamp, but we will have to look at that issue. The Attorney-General continues:

> In the case of purchase of a stamp album, the Bill only requires the recording of the purchase of the album, not the individual stamps in the album. This is a matter I am happy to put beyond doubt in the drafting of the regulations. The Bill also requires that the form of goods purchased must not be altered during the holding period.

I have been assured that that will not happen. He goes on:

> The fact that a record is kept in this way would not prohibit the breaking-up of the album into individual lots or stamps for resale by the dealer after the expiry date of the holding period, in the same way as the purchase by a dealer of a dining room setting would not prohibit the dealer from selling off the constituent parts of the dining room setting. The Bill allows for flexibility to be built in by the regulations and this is the area where the concerns of your constituents can be best dealt with. The Bill contemplates modifications to the statutory regime being made by regulations.
>
> I do not think it will be necessary to meet your constituents this time, however, I think it will be important for them to be involved in the process of developing the regulations. I would appreciate it if you could provide me with the contact details so they can be included on the mailing list in my office. In addition, I will have one of my officers look at the interstate position of stamp dealers under equivalent legislation.

I am grateful to the Attorney-General for that. I know that members of the Australian Stamp Dealers Association in South Australia and the coin dealers also appreciate the cooperation that is extended by the Attorney-General. We look forward to the set of regulations being tabled in Parliament early next year: they will clarify and simplify and, at the same time, offer protection to those who collect, trade or are involved in stamp and coin collecting or any other hobby in relation to which similar situations could arise. I support the legislation.

Mr CAUDELL (Mitchell): My comments in relation to this Bill will be short. I appreciate the work done by the Attorney-General in presenting a Bill on pawnbrokers. About two years ago I raised this issue in a grievance debate and I highlighted a number of issues. Those issues were picked up by the *Advertiser* at the time and I am thankful for the work done by the *Advertiser* and also the journalist, Carol Altmann, in taking the matter to the next stage, which resulted in the legislation now before us.

At that time, I referred to the spread of franchises of pawnbrokers such as Cash Converters and the fact that for $300 000 a person could obtain a Cash Converters franchise and, under the principles involved, then had a licence to print money. The average pawnbroker was making 300 per cent interest on the average pawn. The average pawn lasted for two months. So, given 25 per cent interest per month, the average interest paid on the pawn by the people using those facilities was 50 per cent of the money borrowed. It was an atrocious situation. Interest rates such as 15 per cent per day were charged by some pawnbrokers who offered money on a 24-hour basis. Others hid the interest rate by charging 15 per cent on a monthly basis plus a handling fee, but in actual fact the real interest rate was closer to 25 per cent per month.

At that time, we were advised that children as young as 15 were using pawnbrokers to pawn the family goods, creating problems in many households in Adelaide. By tightening up the provisions regarding identification, hopefully we will go a long way towards solving the problem. At that time, I advised of a person who pawned their car and returned 24 hours after the bailment or the pawn had expired to find that the car had been sold. Some people were using false ID, and recently a resident in the Goolwa area used pawnbrokers to traffic a large amount of stolen goods taken from houses in Adelaide and on the Fleurieu Peninsula.

I said that I wanted the effective interest rate sign-written on the doors of the pawnbroker's premises and also included in the contract. I understand that steps are being taken to have it included in the contract and I applaud that. I will continue to fight to have them sign-written on the doors of the premises to ensure that people are aware of the rip-off that they are about to face before they take their goods in for pawn. I congratulate the Attorney-General on the presentation of this Bill.

The Hon. S.J. BAKER (Treasurer): I thank all members for their contribution. A number of issues have been raised. Certainly, deregulation did not work. It appeared to be a good idea at the time but it went hopelessly astray. We are aware, as a number of members pointed out, that the reason why goods are stolen is either that the thieves want to use them themselves or, more likely, they want cash for the goods. The most notable outlets, of course, were the pawnshops and second-hand dealers. Operation Pendulum, which was a very successful operation, looked at the sourcing of the cash and where the goods would finish under those circumstances. There is no doubt that the industry itself, even with the best will in the world by the majority of its participants, will still involve those people who would wish to utilise their facilities for other than legal purposes.

A number of points were made which I will pass on to the Attorney-General for examination. One is the holding and display of goods for a particular time in case someone is looking for their stolen microwave or their stolen bike (in the case of the member for Spence). There are some positives and negatives, especially for the honest dealer, but I will pass on that sentiment.

I congratulate the member for Mitchell for his campaign to get some fairness back into the system. That is one of the important issues in the Bill. Rather than leave it to regulations, as would happen under amendments moved by the Opposition in another place, charges and interest are to be attached to the pawn contract. There is no doubt that those things will be explicit and there will be no excuses: if somebody is told that they have to pay 50 per cent a day, they cannot claim they have been ripped off, unless they cannot read. If the charge is displayed, it will be far more reasonable as a result.

A suggestion was made about serial numbers being obliterated, and I will pass on those thoughts to the Attorney for examination. The member for Kaurna raised the issue of stall holders at various venues. As she rightly points out, the question whether you are a dealer or an amateur (if there can be that distinction) will be subject to test. I suspect that that test will come when somebody has been trading in illegal goods. As the member for Kaurna would well understand, we can mainstream the dealers and pawnbrokers and say, 'We will keep a close eye on that group of people and make sure they fill out their forms, that the records are up to date and that they put down their contracts properly', but if you do not do something about the other area—the market area—you have lost half the capacity to defeat some of these criminal elements. Regulations will attach to these provisions and the examination of those regulations to ensure they are practical and effective, without loading down stall holders, is an important component. I will pass on the comments of the member for Kaurna to the Attorney.

I have a clear indication from the Attorney that it is not the intention of the Bill to require an enormous amount of effort on behalf of stall holders, even though the Bill defines a dealer as someone who trades more than six times a year. The onus of proof will be on whether or not they are a dealer and therefore brought within the provisions of the Act. Certainly, the regulatory process becomes very important. If we exclude them, we exclude the capacity within the industry to deal with them.

I thank all members for their contribution. I know that the member for Peake has referred to this industry over time and made similar reflections to those made by the member for Mitchell. I am aware of members' interests in this area. We are dealing with two different aspects: one is the person who, under difficult circumstances, wants some cash and either has trouble redeeming the original goods or is charged exorbitant interest rates to do so; and, the second is the capacity for crime to proliferate simply because there is an outlet for stolen goods. They are the two major issues. The Bill before us tries to reach a balance so that the industry can operate effectively but with a greater degree of responsibility than we have seen in the past.

I congratulate the Attorney-General. I was dismayed originally when the process of deregulation was undertaken because I predicted that this would happen. We now have it back on track and I am pleased that we have restored some order back into the industry. Proper surveillance will assist a lot of people who go through difficulties and have to sell goods to maintain themselves. If we do it properly, it will reduce the incentive for people to steal goods in the knowledge that they have a ready cash outlet. I commend the Attorney and all members for their contribution to the debate.

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

[Sitting suspended from 6 to 7.30 p.m.]

Mr BASS: Mr Speaker, I draw your attention to the state of the House.

A quorum having being formed:

STANDING ORDERS SUSPENSION

The Hon. G.A. INGERSON (Deputy Premier): I move:

That Standing Orders be so far suspended as to enable the Motor Vehicles (Inspection) Amendment Bill and the Road Traffic (Inspection) Amendment Bill to pass through all stages without delay.

Mr CLARKE (Deputy Leader of the Opposition): The Opposition opposes the suspension of Standing Orders.

Members interjecting:

The SPEAKER: Order!

Mr CLARKE: I was going to make a brief contribution, but now—

An honourable member interjecting:

The SPEAKER: Order! The Deputy Leader of the Opposition has the call.

Mr CLARKE: This is but the first of many atrocities the new Deputy Premier is about to commit on the Opposition. The legislation has only just reached this House from the other place. We have not had a clear sitting week's notice for the Bills to lie on the table. These Bills deal with a number of important issues, particularly the outsourcing of some responsibilities of the Registrar of Motor Vehicles and the attendant risks that that has.

Mr Brindal: What are they?

Mr CLARKE: I will deal with that shortly.

The SPEAKER: The Deputy Leader has some restrictions. The member for Unley is out of order.

Mr CLARKE: I appreciate that, Sir. The member for Unley was provoking me. I will be comparatively brief, notwithstanding the provocation. The Government has not been able to demonstrate to the Opposition any urgent need for the normal format of Parliament to not be followed—that is, a clear sitting week's layover. This Government, when in Opposition, maintained that position scrupulously—that not less than a clear week's layover would apply.

We are prepared, as an Opposition, to deal with this matter tomorrow if the Government wishes: indeed, we will come back next week, if necessary. We are more than happy to come back next week, which is an optional sitting week that the Government has set aside. However, I realise that the Deputy Premier—

Mr Brindal interjecting:

The SPEAKER: Order! The member for Unley will cease interjecting.

Mr CLARKE: —after the enormous bad press he received tonight and the spinelessness shown by the new Premier over the—

The SPEAKER: Order! There is no need for the Deputy Leader to refer to any member in that fashion.

Mr CLARKE: Thank you, Mr Speaker, I will move on from that: it speaks for itself.

The SPEAKER: You have no alternative.

Mr CLARKE: Absolutely, Sir. There has been no demonstrated need by the Government to address this legislation. There is the capacity for the Parliament to sit next week, and the Opposition is more than happy to facilitate that if the Government wishes. If it wants to ride roughshod by the simple use of its numbers, by all means it should do so: it has the numbers, so do it. But the Government should be honest about it and admit that it is prepared to ride roughshod over the normal courtesies extended to Opposition Parties on these matters.

Both Bills passed the other place only a little over 1½ hours ago, as I understand it. The Opposition has cooperated with the Government in relation to the two Bills—the Criminal Assets (Confiscation) Bill and the Second-hand Dealers and Pawnbrokers Bill—we dealt with this afternoon. They came from another place, were introduced only yesterday in this House and were disposed of at about 6 o'clock this evening to facilitate the work of the Government.

Frankly, we should not have been so conciliatory but, in deference to the shadow Minister, who worked so assiduously last night to study the legislation and because of his preparedness to facilitate the public good on this matter to ensure that certain legislation was in place before the Christmas break, and in the interests of the public, we proceeded to deal with that legislation. But, this is too much. It is the height of arrogance on the part of a very arrogant Government. One would have thought that this very arrogant Government had learnt its lesson within the past seven days, and more particularly within the past 24 hours.

The House divided on the motion:

AYES (19)

Allison, H.	Andrew, K. A.
Ashenden, E. S.	Brindal, M. K.

AYES (cont.)

Buckby, M. R.	Caudell, C. J.
Condous, S. G.	Evans, I. F.
Greig, J. M.	Ingerson, G. A. (teller)
Kotz, D. C.	Leggett, S. R.
Lewis, I. P.	Penfold, E. M.
Rosenberg, L. F.	Rossi, J. P.
Scalzi, G.	Such, R. B.
Wade, D. E.	

NOES (9)

Atkinson, M. J.	Blevins, F. T.
Clarke, R. D. (teller)	Foley, K. O.
Geraghty, R. K.	Hurley, A. K.
Quirke, J. A.	Stevens, L.
White, P. L.	

The SPEAKER: There are 19 Ayes and 9 Noes. Although the motion is carried, it lapses because there is not an absolute majority.

MOTOR VEHICLES (INSPECTION) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. G.A. INGERSON (Deputy Premier): I move:

That the sittings of the House be suspended until the ringing of the bells.

Mr CLARKE (Deputy Leader of the Opposition): I oppose the motion.

Motion negatived.

The Hon. G.A. INGERSON: I move:

That this Bill be now read a second time.

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

The SPEAKER: Is leave granted?

Mr Atkinson: No.

The SPEAKER: Leave is not granted. The Minister will have to read the explanation.

The Hon. G.A. INGERSON: This Bill facilitates the introduction of pre-registration identity inspections for new vehicles and the appointment of persons from the private sector as authorised agents to carry out these inspections. The introduction of these initiatives is in accordance with one of the recommendations contained in the Sixteenth Report of the Environment, Resources and Development Committee on Compulsory Motor Vehicle Inspections. The Bill also facilitates the transfer, from the South Australian Police Force to the Department of Transport, of vehicle identity inspections that seek to confirm that a vehicle is not a stolen vehicle. This includes vehicles previously registered interstate and wrecked and written off vehicles. Until 1 July 1996 these inspections were carried out by the South Australian Police Force, but are now carried out by the Department of Transport under temporary powers as special constables.

The Bill makes provision for the authorisation of certain limited categories of agents from the private sector for the conduct of vehicle identity inspections. Such agents will be subject to a code of practice, the breach of which will be an offence. The introduction of pre-registration identity inspections will essentially establish two levels of identity inspections in South Australia, namely—

First level—to establish vehicle identifiers:

a simple identity inspection of new vehicles to confirm vehicle identifiers. These will be undertaken by authorised agents for the purpose of verifying the information contained in an application for registration.

Second level—to confirm vehicle is not stolen:

an extensive vehicle identity inspection to examine 'high risk' category vehicles and check data against stolen vehicle records. These inspections are currently carried out by Department of Transport inspectors. Inspectors from the private sector may also be appointed to carry out these inspections.

Although the South Australian Police are no longer involved in conducting vehicle identity inspections at the Department of Transport's Regency Park facility and major country police stations, they will continue to do so at police stations in remote areas. The Department of Transport will continue to conduct the vehicle identity inspections at the Regency Park facility. Country areas will be serviced by departmental inspectors located in country centres, as part of their regular country itinerary for the inspection of buses and road trains. These inspectors will be supported, where necessary, by inspectors located at the Regency Park facility.

A visiting service will be provided to car dealers in outer metropolitan areas. This overcomes the difficulties previously experienced by some dealers in having to transport vehicles long distances to the Regency Park facility. As the principal purpose of vehicle identity inspections is to locate stolen vehicles, the Bill proposes that inspectors and authorised agents be provided with the power to seize and detain a motor vehicle where the inspector or agent has reasonable cause to believe that the vehicle is a stolen vehicle. The Bill also proposes that it be an offence, carrying a penalty of up to $1 000, for a person to hinder or obstruct an inspector or authorised agent when conducting or attempting to conduct an inspection.

As it is not necessary for agents from the private sector to have the same range of powers as Department of Transport inspectors and police officers, for example, the power to enter premises, it is intended that the powers of agents from the private sector will be limited. In the case of an inspection to confirm a vehicle is not stolen, the power of the agent will be limited to the conduct of the inspection and the power to seize and detain a vehicle reasonably suspected to have been stolen. The facility to limit these powers is already contained in the Act.

The power of authorised agents undertaking first level inspections is to be prescribed in the Motor Vehicles Regulations. It is proposed that the appointment of authorised agents and inspectors from the private sector be subject to a 'criminal record check'. The Bill therefore proposes an amendment to the Motor Vehicles Act to require the Commissioner of Police to provide information that may be relevant to the question of whether a particular person is a suitable person to be appointed an authorised agent under the Act.

Although the cost of the inspections to confirm a vehicle is not stolen was previously absorbed within the South Australia Police budget, it is necessary to prescribe a cost recovery fee of $15 where the inspection is carried out by the Department of Transport. Since 1 July 1996, the cost of these inspections has been absorbed within the Department of Transport budget. However, to encourage efficient use of the visiting service provided to motor vehicle dealers, it is proposed to charge dealers a $50 visit fee, in addition to the fee for each inspection.

It is not proposed to prescribe a fee for the first and second level inspections carried by agents and inspectors from the

private sector, and to allow market forces to determine a fee for these inspections. In the case of first level inspections, the inspection is likely to be free, or absorbed in pre-delivery charges. The Bill also contains a 'sunset clause' so that the appointment of persons from the private sector as agents may be reconsidered by the Parliament in three years. This ensures that there will be an opportunity for the Parliament to review the situation and assess whether or not it has been working satisfactorily. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Insertion of s. 23A

This clause inserts a new section 23A into the principal Act providing for the provision of information in relation to new motor vehicles (which are defined in subsection (3) as motor vehicles that have not previously been registered under an Australian law). Proposed subsection (1) provides that the Registrar will not register a new motor vehicle unless a report containing the particulars required by regulation has been received in respect of the vehicle.

Proposed subsection (2) makes it an offence to sell a new motor vehicle unless a report referred to in subsection (1) has been lodged with the Registrar (with a penalty of a division 9 fine).

Clause 4: Amendment of s. 24—Duty to grant registration

This clause is consequential to the amendment to section 139.

Clause 5: Amendment of s. 138A—Commissioner of Police to give certain information to Registrar

This clause amends section 138A to provide that the Commissioner of Police will provide the Registrar with information relevant to whether a person is fit and proper to be an authorised agent under the Act.

Clause 6: Amendment of s. 139—Inspection of motor vehicles

This clause amends section 139—

- to provide the power to inspect a motor vehicle, where an application to register that motor vehicle has been made, to ascertain if the vehicle has been reported as stolen;
- to provide for the authorisation of specified categories of agents from the private sector and for the application of a code of practice to those agents (breach of which is punishable by a division 6 fine);
- to provide that authorisations for private sector agents will automatically expire three years after the amendments commence and may not be renewed after that time.

Clause 7: Insertion of s. 139AA

This clause inserts new section 139AA which provides that where a person (other than a member of the police force) who has carried out an inspection reasonably suspects that the vehicle has been reported as stolen, the person must immediately inform the police and seize and detain the vehicle until it can be delivered to the police.

Clause 8: Insertion of s. 139F

This clause inserts a provision making it an offence (punishable by a Division 8 fine) to obstruct or hinder an inspector or authorised agent.

Clause 9: Amendment of s. 145—Regulations

This clause amends section 145 to allow the regulations to prescribe fees for the inspection of motor vehicles.

Mr ATKINSON secured the adjournment of the debate.

STANDING ORDERS SUSPENSION

The Hon. G.A. INGERSON (Deputy Premier): I move:

That Standing Orders be so far suspended as to enable the Motor Vehicles (Inspection) Amendment Bill to pass through all stages without delay.

Mr CLARKE (Deputy Leader of the Opposition): The Opposition opposes the motion for all the reasons I mentioned in respect of the previous Bill.

The SPEAKER: The question is that Standing Orders be suspended. Those in favour say 'Aye'; against say 'No'.

An honourable member: No.

The SPEAKER: There being a dissenting voice, there must be a division.

The House divided on the motion:

AYES (25)

Allison, H.	Andrew, K. A.
Ashenden, E. S.	Baker, D. S.
Bass, R. P.	Brindal, M. K.
Brown, D. C.	Buckby, M. R.
Caudell, C. J.	Condous, S. G.
Evans, I. F.	Greig, J. M.
Hall, J. L.	Ingerson, G. A.(teller)
Kotz, D. C.	Leggett, S. R.
Lewis, I. P.	Olsen, J. W.
Oswald, J. K. G.	Penfold, E. M.
Rosenberg, L. F.	Rossi, J. P.
Scalzi, G.	Such, R. B.
Wade, D. E.	

NOES (10)

Atkinson, M. J.	Blevins, F. T.
Clarke, R. D.(teller)	De Laine, M. R.
Foley, K. O.	Geraghty, R. K.
Hurley, A. K.	Quirke, J. A.
Stevens, L.	White, P. L.

Majority of 15 for the Ayes.

Motion thus carried.

MOTOR VEHICLES (INSPECTION) AMENDMENT BILL

The Hon. G.A. INGERSON (Deputy Premier): I move:

That the adjourned debate on the Bill be resumed.

Motion carried.

Mr CLARKE (Deputy Leader of the Opposition): For my sins, I am the lead spokesperson for the Opposition on this Bill.

The Hon. R.B. Such interjecting:

Mr CLARKE: No, but I tell you what, I think many of your members need a pushbike to be able to get to this Chamber on time. It is an amazing scenario when a Government with a 36:11 majority in this House cannot muster 24 votes to carry a motion for the suspension of Standing Orders. That shows a dramatic lack of confidence in the Deputy Premier.

Mr Oswald interjecting:

Mr CLARKE: I will give the member for Morphett the spirit of Christmas. This Bill, together with another Bill, which has not yet seen the light of day in this Chamber at least, relates to the privatisation or outsourcing of inspectors. I find that fairly appalling because, basically, the Bill allows certain limited categories of agents from the private sector to conduct vehicle identity inspections, although I understand from the second reading explanation that such agents will be subject to a code of practice, breach of which will be an offence. Members on this side of the House have not seen that code of practice. The Bill was received by the Opposition in this Chamber immediately prior to the dinner adjournment. Indeed, I did not see the second reading explanation until I came into the Chamber straight after the dinner break.

This Bill is an example of the Government's fetish for outsourcing inspectorial controls to the private sector. It is a little like Dracula being put in charge of the Blood Bank. What we have seen in all these areas where Government regulatory authorities have had their work outsourced to the

private sector is Caesar regulating Caesar—it is an impossible situation. For example, the removal of asbestos at the Hillcrest Primary School was not done properly, because there was no adequate supervision by independent inspectors to ensure that the code of practice was adhered to. The Government is saying by way of this Bill: 'Trust the private sector. We can outsource our responsibilities as a Government to the private sector, and it will do the right thing. It will have to abide by a code of practice.' Simply by having a code of practice, *ipso facto,* the Government expects the private sector to do the right thing by the community.

What we have found in the area of asbestos removal, using the Hillcrest Primary School as an example, is that the work was done by persons who were not directly licensed in accordance with the asbestos legislation. Although there was less than 200 square metres of work to be done, those persons were obliged to adhere to a code of practice with respect to the removal of asbestos, but they failed to do that at the Hillcrest Primary School and the health of children of primary school age was put at risk. Yet, if we take the second reading explanation of the Minister as gospel, we are asked to believe that this code of practice regarding the inspection of motor vehicles will be adhered to by the private sector.

If the Government cannot trust the private sector to look after the health of young primary school children with respect to the removal of asbestos, it cannot trust the private sector with respect to the inspection of motor vehicles. That is absolutely certain because, if the private sector cannot take the time and trouble to look after the health of primary school children, with respect to looking after the interests of people as they relate to motor vehicles—

Mr Lewis interjecting:

Mr CLARKE: I understand that there is a full moon, so the member for Ridley is forgiven for baying at it. I will wind up my contribution on this matter by saying simply that this Bill and the other Bill which the Minister sought to introduce into the House a few minutes ago are a pay-off by this Government to members of the Motor Trades Association who gave a $72 000 sling to the Liberal Party at the 1993 State election.

Mr LEWIS: Mr Speaker, I rise on a point of order. I am a member of this Government, and I resent the imputation of an improper motive which the Deputy Leader of the Opposition has made of me if not other members on this side of the House. I ask him to withdraw.

The SPEAKER: The member for Ridley is not actually a member of the Government; he is a member of the Government Party. The Deputy Leader made a general comment about all members on the Government side. I suggest that he confine his remarks to the Bill before the House, otherwise he will be out of order.

Mr CLARKE: The facts speak for themselves. The Motor Trades Electoral Committee, or whatever it calls itself, in the Australian Electoral Commission returns for the 1993 State election, is recorded as making a $72 000 donation to the Liberal Party of South Australia and, to keep the record straight, an $8 000 donation to the Australian Labor Party. I might add that the ALP's donation was delivered a week before the election obviously as a result of publicity given to the donation which was to be given exclusively to the Liberal Party of South Australia.

I put to you, Mr Speaker, and to members of the House that the Motor Trades Association is getting good value for its $72 000 political donation to the Liberal Party, because this Bill and the other Bill which this Minister sought to introduce provide work exclusively for members of the Motor Trades Association. As far as the Opposition is concerned, that is not good enough.

Mr Lewis interjecting:

Mr CLARKE: Hark! I hear the member for Ridley.

Mr Lewis: Hark, the herald angels sing.

Mr CLARKE: The angels may well be singing over the member for Ridley by the end of the night. The fact of the matter is that, once again, the Government has shown total capitulation to private interests over public interests, because you cannot have a situation where a code of practice and the enforcement of the law regarding motor vehicles are given over to the private sector. At the end of the day, the private sector looks after its own bottom line: the profits of its individual companies rather than the public good. That is like outsourcing the Police Department. This Government would not be above outsourcing or privatising the Police Department. At the end of the day, you cannot trust the private sector. I am not anti the private sector by any stretch of the imagination—

The Hon. E.S. Ashenden interjecting:

Mr CLARKE: I realise that the Minister for Housing in his brief tenure in this House is trying to paint me as some sort of Marxist/Leninist on this issue but, when it comes down to enforcement of the laws in this State as passed by this Parliament, in the public interest they cannot be privatised to the public sector. That is simply nonsensical. That is what this Government is about: indeed, it wants to privatise the whole of the Registrar of Motor Vehicles. I notice the bemused smile of the member for Coles (who is out of her seat) and I can well understand the member for Coles supporting this type of legislation—

Members interjecting:

The SPEAKER: Order!

Mr CLARKE:—introduced by her friend, the Deputy Premier, whom she has single-handedly promoted to his position of Deputy Premier through a massive conflict of disloyalties between the now member for Finniss and the Premier, the Minister for Infrastructure and Minister for Industry, Manufacturing, Small Business and Regional Development. So, for all those reasons, the Opposition strongly opposes this Bill on the grounds of absolute principle in ensuring that the laws of this State are upheld by public servants accountable to the Government and the people of South Australia and not to private shareholders.

Mrs ROSENBERG (Kaurna): I support the Bill, which has come about as a result of some of the recommendations of the sixteenth report of the Environment, Resources and Development Committee. I note that the key issues under the Bill are the transfer from the police to the DIT of vehicle identity inspections to seek out stolen vehicles; the choosing of inspectors from the private sector; a visiting service for car dealers in the outer metropolitan areas; continued inspections at Regency Park; service to country areas by departmental inspectors; and the provision of power to inspectors to seize and detain motor vehicles.

One of the main reasons I decided to put on record my support for the legislation is that I do not agree with the stand of the Labor Party both in this House and in the other place, and I certainly do not agree with any of the comments made by the Democrats in the other place. The Hon. Sandra Kanck obviously has no trust in second-hand dealers to do inspections, because the Democrats believe they are all dishonest and, if I may quote from her speech, it is 'like putting Dracula

in charge of the blood bank'. That puts on record very clearly how the Democrats feel about small business. I would encourage small businesses, including second-hand dealers and perhaps some others, to look very carefully at the comments of Sandra Kanck as a representative of the Democrats and then try to weigh up the so-called new found support of small business that suddenly the Democrats in the other place have found. They are now placing on record the totally opposite view when they are put to the test.

I do not share the views of the Labor Party either, and the Hon. Terry Cameron in the other place obviously does not support any private inspectors being second-hand dealers because he does not trust them. He said quite clearly, 'I do not trust second-hand dealers; they are all dishonest.' He clearly states that he does not trust them. He suggests that we are opening a window of opportunity for corruption by involving second-hand dealers.

An honourable member interjecting:

Mrs ROSENBERG: I am glad to note that the member for Ross Smith agrees that we are opening a window of opportunity for corruption by having second-hand dealers involved in this area, and I would be very pleased to let most of the—

An honourable member interjecting:

The SPEAKER: Order!

Mrs ROSENBERG: —second-hand dealers in South Australia know how both the member for Ross Smith and the Hon. Terry Cameron feel about this issue. I think it is about time we saw a bit of honesty being put out into the community. Instead of our always having to defend what we are saying, it is about time other members had to defend some of the absolutely outrageous comments they make about small business. They then try to pretend that they are the saviours of small business in South Australia. What a load of rubbish!

Members interjecting:

The SPEAKER: Order!

Mrs ROSENBERG: I have to also put on record that the Hon. Terry Cameron believes that the DIT inspectors will do a better job than will private inspectors. If the DIT inspectors are to do a better job than the private sector, how come they are not making a dent in the level of stolen vehicles at the moment? How come we are not seeing a reduction to nothing of the number of stolen vehicles in South Australia? How come we are not seeing that, if they are to do the job that they believe they will do? Do they or do they not support the fact that we are to have to try to seek out all stolen vehicles and do something about the stolen vehicle trade in South Australia? I believe they do not have any interest whatsoever in doing anything about that.

The other aspect that has to be put on the record on behalf of my constituency is the total support of businesses within my area over a long period with regard to this type of legislation, and I would like to cite small portions of a couple of letters from some of my constituents. The first is from Wayne Phillis Ford, who gave me a copy of a letter that he sent to the Hon. Diana Laidlaw on 14 February 1995. The letter states:

> Dear Diana, I thought I would drop you a line after a discussion I had at our dealership management meeting today. I was reviewing our casual labour usage and I was staggered at the cost of additional staff required to take our used vehicles, previously purchased from interstate to Regency Park for the inspection prior allocation of SA registration.
>
> While I see the process as very necessary, the distance and time taken to drive from Christies Beach to nearly Port Adelaide means I need another full-time employee to do a job that would be absorbed by existing staff if a local southern inspection centre was available.

That is just one example of one business in the southern area which, just to have its vehicles examined, has to put on another full-time employee. It is absolutely appalling. Not only that, it is costing businesses within our local area in terms of work, and that is also outrageous. Another letter is from Seaside Motors. It states:

> Thank you for your letter. We totally agree that vehicle inspections should be contracted out to local garages. We have received several complaints from customers who have had to travel to Regency Park.

Mr Clarke interjecting:

The SPEAKER: Order!

Mrs ROSENBERG: Unlike some of the other Labor Party members on the other side, I do not have shares. I cannot afford shares; I am not a capitalist as you are. The letter further states:

> Judging by the condition of a large number of older vehicles that come through our workshop in unroadworthy condition, we also feel that annual inspections on cars over five years is also necessary. The police are not qualified to judge if a car is roadworthy or not and several police officers have agreed with us.

A letter from Bill Miller Motors Pty Ltd states:

> Dear madam
>
> This letter is in response to your letter to me today re motor vehicle inspectors. For some years I have felt that the southern areas have been very badly serviced in this matter. The trip to Regency Park and return is a very time wasting process, particularly for small business people, families with children, pensioners etc. for sometimes very small problems. To have this service available there would be a requirement for adequate facilities to avoid waiting. Trusting that this service will be available to us in the south very soon.
>
> Yours faithfully.

A letter was directed to Mr Rod Payze and there was some contact with Graham Edwards from the Police Department. It states:

> The fax is self explanatory and indeed not altogether unexpected. We have previously been involved in a discussion at Christies Beach Police Station at which the police workload and vehicle inspections were discussed. Christies Beach Police Station was the last metropolitan station which provided a vehicle inspection service for the southern suburbs; indeed, the services balanced that provided by the VEB at Regency Park.
>
> The cessation of the service will severely disadvantage the motor vehicle owners (including vehicle dealers) who are required by the law to have their vehicle inspected.

That is just a very small cross-section of the letters that my office has received since this issue was first raised. Most importantly for the other constituents in the southern area—and particularly areas such as Aldinga Beach and Sellicks Beach—in the past a defected car would have been taken to Regency Park. People who do not live in those sorts of outer regions perhaps do not see the problem with that, but it is about time we started to consider the effect. Rather than worry about all these so-called dishonest second-hand dealers who might screw a person for an extra couple of dollars, let us start thinking about the constituents whom we have been elected to represent. Let us think about the residents in the outlying metropolitan areas and, indeed, country areas who have had to travel hundreds of miles in some cases. Some country members have told me that they have had to travel huge distances to have their cars checked. If the problems have not been fixed adequately, they have to go back, have it done again and then report back to Regency Park. It is an outrageous waste of time, money and energy. I totally support this—

Mr Clarke: Talk about the $72 000—

The SPEAKER: Order! I remind the honourable member of Standing Order 137.

Mrs ROSENBERG: The member for Ross Smith has raised an interesting point—the donations that the MTA has made to the Liberal Party, the size of the donation made to the Liberal Party in comparison with that made to the Labor Party. I ask the member for Ross Smith whether he can make comparisons about the union fees that might have come from the workers within those areas—

Mr Clarke interjecting:

Mrs ROSENBERG: I do not care whether they are Australian or not. You are talking about donations. Money is the same; it does not matter where it comes from. You are an absolute hypocrite. You are not worried about the issue or the constituents who need the services: you are worried only about your hip pocket. It is about time that you stopped thinking about your own hip pocket and got on and represented your community. I support the Bill.

The Hon. FRANK BLEVINS secured the adjournment of the debate.

ROAD TRAFFIC (INSPECTION) AMENDMENT BILL

Received from the Legislative Council and read a first time.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

Returned from the Legislative Council with the following amendment:

Page 5, lines 20 to 40 and page 6, lines 1 to 3 (clause 9)—Leave out section 65AAB and insert new section as follows:

'Investigation by Ombudsman

(1) The Ombudsman may, on receipt of a complaint, carry out an investigation under this section if it appears to the Ombudsman that a council may have unreasonably excluded members of the public from its meeting under section 62(2), or unreasonably prevented access to documents under section 64(6).

(2) The Ombudsman may, in carrying out an investigation under this section, exercise the powers of the Ombudsman under the Ombudsman Act 1972 as if carrying out an investigation under that Act.

(3) At the conclusion of an investigation under this section, the Ombudsman must prepare a written report on the matter.

(4) The Ombudsman must supply the Minister and the council with a copy of the report.

(5) If the Ombudsman determines that the council has unreasonably excluded members of the public from its meetings under section 62(2) or unreasonably prevented access to documents under section 64(6), the Minister may, on the recommendation of the Ombudsman, give directions to the council with respect to the future exercise of its powers under either or both of those sections, or to release information that should, in the opinion of the Ombudsman, be made available to the public.

(6) However, the Minister cannot give direction under subsection (5) unless the council has been given a reasonable opportunity to make submissions to the Minister in relation to the matter.

(7) A council to which directions are given under this section must comply with those directions.

(8) This section does not limit any other power of investigation under the provisions of this Act, or under another Act.'

Consideration in Committee.

The Hon. E.S. ASHENDEN: I move:

That the Legislative Council's amendment be disagreed to.

I want to choose my words carefully in what I am about to say. I believe that what might have happened is a misunderstanding which has led to a situation that I had hoped to avoid. I believe that we can achieve a compromise on this matter, but I must indicate to the Committee that I cannot accept the amendment as it has come from the Legislative Council. In fact, I would like to reaffirm a point which I made in the second reading stage, that is, I am happy to accept an amendment that was moved by the Opposition in this place regarding this provision.

I was of the understanding that that was to be an agreed position, but I have been advised that that may not be the case. The Opposition moved an amendment to the Bill that the Government brought in, an amendment which as Minister I accepted. As it had been put forward in this House by the Opposition, the position would have been discussed by the Opposition Caucus and was, therefore, an agreed position. I will not betray any confidences regarding any discussions which may or may not have occurred, apart from what happened in this House.

As Minister, I am in a situation where I had accepted an amendment moved by the Opposition in this place and, therefore, I feel I could have expected that that amendment had the support of the Caucus of the Opposition. However, that amendment, to which I agreed and which passed in this place, has subsequently been amended by the Democrats. And we all know that the Democrats and the LGA are one and the same—they are totally in bed together.

Members interjecting:

The Hon. E.S. ASHENDEN: I do not need the help of the Democrats in this instance.

Mr Clarke interjecting:

The Hon. E.S. ASHENDEN: It disappoints me. I provided this Bill to the Democrats and I provided them with the opportunity to come to me. The first that I knew that this amendment was to be moved was when it was moved in the Legislative Council. The Democrats did not have the courtesy to tell me that they intended to move this amendment. I have had no opportunity to discuss it with the Democrats: it has come out of the blue. The Democrats are always saying that we should consult. I provided the Democrats with the Bill before it was tabled in this place; I offered the Democrats the opportunity to meet in my office to discuss the Bill; but the Democrats did not accept that offer. At no stage was I advised by the Democrats that they intended to move this amendment.

At least, I will pay the Opposition the courtesy of saying that it did tell me that it had a concern with this new section. Members opposite indicated that they would be moving an amendment, which was put to me before it came before this House. So, the Opposition, in my opinion, has done as I would have expected. I indicated to the Opposition that I accepted its amendment and I expected that that amendment, when it was put into the Bill that left this House, would be accepted in the Legislative Council.

I am absolutely amazed that the Democrats have moved an amendment without even telling me that this was to occur and without giving me, as Minister, the opportunity to express my concerns to them. They just moved this amendment, and what bitterly disappoints me is that the Opposition has agreed to it, despite the fact that it is an amendment to an amendment that the Opposition put in this place. How on earth can a Government plan or take any steps when it has an Opposition which moves an amendment and then promptly turns around—

The Hon. Frank Blevins interjecting:

The Hon. E.S. ASHENDEN: I just wish the honourable member would listen. The Opposition moved an amendment which the Government accepted. That amendment has now been amended in another place, and I am absolutely amazed that the Opposition has accepted that amendment. Let me make quite clear that my criticism is directed at the Democrats. I believe that a genuine misunderstanding has occurred between the Opposition and the Government, a difference that I am prepared to discuss. As Minister I am not prepared to have my direction determined by the Ombudsman, and that is what this amendment would do.

The Hon. Frank Blevins interjecting:

The Hon. E.S. ASHENDEN: No, I am not.

The Hon. Frank Blevins interjecting:

The Hon. E.S. ASHENDEN: It may be a lot later than midnight. I am hopeful that by going to conference we will be able to put to the Opposition an amendment that will be acceptable to it—

Members interjecting:

The Hon. E.S. ASHENDEN: It does concern me when I see what is going on opposite. I have tried to not breach a confidence. I am referring to discussions that have occurred in this House and in another place. I am indicating, again, to the Opposition that I believe we can reach a compromise on this that is acceptable to it and to the Government. I ask members opposite to try to reach an agreement between us in the conference.

The Hon. Frank Blevins interjecting:

The Hon. E.S. ASHENDEN: If that is the case, I ask the Opposition to explain why? Members opposite moved an amendment that they said they were happy with, now they are saying they are not happy. They will accept an amendment—

The Hon. Frank Blevins interjecting:

The Hon. E.S. ASHENDEN: Again, I would have thought that the Opposition had more sense than the Democrats, who are obviously the mouthpiece of the LGA. I would expect the Opposition to have more sense than that, to be able to make a decision based on the facts of the situation. Again, I put out the olive branch and indicate to the Opposition that, although we are going to conference, I am genuinely looking forward to the opportunity to arrive at a compromise which is acceptable to both the Opposition and the Government.

Ms HURLEY: Obviously, there is a misunderstanding, and it seems to be on the Minister's behalf about what happens within Labor Party Caucus and its agreement to the amendment that I moved in this House. Of course, the Labor Party Caucus agreed to my amendment and I, in a cooperative manner, as the Minister outlined, showed him, from courtesy, the text of my amendment before it was filed.

I was very pleased that the Minister later in the House was able to accept that amendment. However, decisions of the Labor Caucus are not set in concrete, as most Ministers would know, because in the other place, the House of Review, a number of amendments are put forward and discussed, and it is impossible to stick resolutely by a decision that might have been made a couple of weeks ago. That is exactly the position here. I moved an amendment relating to the way complaints are received and dealt with against councils that are thought to breach section 62 provisions on secrecy. The original Bill had the Minister able to move to sack the council as soon as there was any breach of the legislation that dealt with the section 62 provisions. As I explained, I thought that that was unduly harsh and that our amendment represented a reasonable compromise to that position. Indeed, I was pleased that the Minister accepted that and would be able to direct the council if there was found to be a breach after a report was made.

That original amendment referred to the Minister's ability to appoint a person to undertake that report on whether or not the council had breached the legislation. Once it had reached the Legislative Council, an amendment was brought in that suggested that the person who made the report might be the Ombudsman. That was a sensible suggestion and, rather than the Minister appointing a person who might be seen to be partisan or where there may be some arguments about the qualification of that person, the Ombudsman might be seen by the public, the councils and this Parliament to be independent and perfectly well qualified to undertake these sorts of investigations; after all, it is part of the brief of the Ombudsman to investigate complaints against local government.

In his second reading contribution the Minister said that it was very important that the public had full confidence in and believed that the Government was very serious about these secrecy provisions. Having the Ombudsman make the report would only reinforce that and the public would see that this was fully and fairly investigated by the Ombudsman, who would report to the Minister. Under this amendment the Minister would still have the power of direction to the council and, to quote the amendment, 'a council to which directions are given under this section'—and let us not forget that that is by the Minister—'must comply with those directions'. To us it seemed a relatively minor but sensible amendment. However, the Government chose not to even consider it but to insist that we had made some agreement in this place that we would support it through all stages.

If there was a misunderstanding, there was a misunderstanding, but we are happy to talk to the Minister and the Government about this amendment, which seems to be a very practical and sensible way to resolve this problem and something that leaves the Minister in control of the procedure and with sufficient sanctions to ensure that councils comply with those provisions. If the council does not comply with the directions given by the Minister, the section 30 provisions can come into play and the Minister can appoint an administrator to the council and effectively sack it.

These are reasonable measures and, although we moved the amendment, there is an adjustment, a refinement, to that amendment about which we have kept an open mind. It is an extremely fair way of proceeding and we are quite prepared not to stick by Party political decisions but to look at legislation and try to produce the best, most workable and fairest legislation that this House is capable of enacting. Let us not polarise ourselves into positions but get something that works for local government rather than stick by any position that alienates local government unnecessarily. That is something this Government has done to far too great an extent under this Minister. Not only this legislation but also the Adelaide City Council measure and other legislation has been badly handled. If we need to go to conference on this obviously we will do so and we can discuss it if compromises are to be made.

The Government should look again at this amendment and at the clauses and keep an open mind about the most practical and functional way that these procedures might be considered. Under this amendment if people come to the Minister with complaints—and the Minister has said that many people come to him with complaints—he can simply refer them to the Ombudsman, who is able to make an impartial judgment on that, who will be seen to be fair and impartial and who can

hand back his recommendations to the Minister. It is consistent with the rest of the Local Government Act and with the way the State Government should be treating local government: with dignity and fairness. The Bill now before us is by far the best way to proceed.

Mr LEWIS: I have complete faith in the Ombudsman—not just this one but in the principle of the Ombudsman. I do not have a difficulty with the House of Review. The arguments we have heard from the Opposition in support of its position in adopting the recommendations being put before us by the amendment from the other place are appalling. They have missed the nub of the proposition.

Mr Atkinson: You're always appalled.

Mr LEWIS: Often I am, at the inanity. If I could—which I am not allowed to—I would refer to the standard of debate this afternoon in the no-confidence motion. I do not know whether or not members opposite wanted to win. However, leaving that aside, let us look at the substance of this matter. In this instance we have a proposition coming from the other place that the Ombudsman as a matter of principle is a person who can review what has been done by a Government department or by a local government body. On reviewing what has been done, he can determine whether that is in compliance with the law and the spirit of the law as it was intended. If not, in every other respect, save this respect, the Ombudsman makes a finding and reports upon it to the Parliament.

However, in this respect the difference is that the Ombudsman would report to the Minister. This saves the Minister the angst of having to have staff from the Minister's office investigate the complaint and provide for him what are known to be objective opinions about the outcome of those investigations into the allegations contained in the complaint. The complaint in this instance is against local government where a particular council has improperly excluded members of the public from its meetings. The Minister is to be commended for having accepted the original proposition that that is an inappropriate form of behaviour and that it ought to be investigated. Equally inappropriate behaviour of a local government body anywhere in the State would be the unreasonable denial of access to documents under section 64 (6).

I do not give a fig about what the Labor Caucus thinks. For the member for Napier to presume that this House cares about what political Party rooms, Caucuses, factions and so on think from time to time is a bit inane. Political Parties are not recognised in the Constitution: they are merely organs of convenience for groups of members in this place. However, as individuals we are each accountable, in this place, to our electors for what we say, what we do and how we vote.

It is a cop-out to suggest that we can simply say, 'The rest of my colleagues in Caucus determined otherwise.' That means that we are personally acknowledging our own incompetence and our own unwillingness to accept responsibility for the position we put down. I think it is entirely appropriate that the Minister, in good spirit, accepted the Opposition's amendment to the original legislation to have an investigation. I equally believe that maybe that investigation ought to be undertaken by the independent office of the Ombudsman, which is seen to be above and beyond the taint of political bias.

Upon the findings of that investigation, this suggestion coming to us from the other place makes it possible for the Minister then to decide whether, as Minister, he or she wants to give directions to the council. It does not enable the Ombudsman to give those directions: it still leaves the ultimate responsibility with the Minister and that, to my mind, is entirely appropriate, so that the local government body knows that it must exercise its powers according to law or otherwise it has acted corruptly and the Minister can dismiss it and appoint an administrator or commissioners to run its affairs until it is appropriate, following resolution of the matters in contention, to have democratic elections for the re-formation of that democratically elected body. Perhaps new subsection (6) is not necessary in that it provides:

> . . . the Minister cannot give direction under subsection (5) unless the council has been given a reasonable opportunity to make submissions to the Minister in relation to the matter.

The council will have had plenty of opportunity, in my judgment, to have made its submissions to the Ombudsman. What that does is provide a fall-back position for another bite at the cherry. I do not know that new subsection (6) is appropriate. I think it is entirely appropriate for the Ombudsman to examine the matter, investigate the complaint and report to the Minister, thereby enabling the Minister, under the Constitution, having been properly vested with the authority in his or her sworn office to do so, to decide what has to be done in the best interests of the State. So, it still leaves the ultimate responsibility with the Minister. There is no question about that fact: I am sure the member for Napier would not disagree. New subsection (7) provides:

> A council to which directions are given under this section must comply with those directions.

We all know the consequences of non-compliance: I have spelt that out. I therefore say that the other place has done us some service by drawing attention to the way in which the matters may be investigated. I am a little apprehensive about that aspect of it which enables councils to have another bite of the cherry, trying, it seems to me, to have some influence in a political context which, in a legal and objective assessment in administrative terms, was not found by the Ombudsman.

I say to councils: 'Get your act together. If you have screwed up, you have to cop it.' In this instance the Ombudsman is easily the best person to undertake that investigation. Therefore, in some measure, I believe that the Minister is on the right track by telling the Opposition in this place that it may be mistaken in expecting that the whole of this proposition can stand. There is no necessity for that to be the case but, at the same time, it has been a good idea to have the Ombudsman's office make the investigation of the matters that may be referred to it and then the recommendation.

The Hon. E.S. ASHENDEN: I will address the comments of the member for Napier. I am still hopeful that we will be able to arrive at some words for this proposed new section—

Ms Hurley interjecting:

The Hon. E.S. ASHENDEN: I hear the comments from the honourable member opposite, but—

The Hon. Frank Blevins interjecting:

The Hon. E.S. ASHENDEN: I hope the member for Napier, unlike her colleague, will have an open mind on this because there are some words in it which concern me, particularly the words:

> . . . the Minister may, on the recommendation of the Ombudsman, give directions to the council. . .

I believe that that is a complete abrogation of ministerial powers bearing in mind that local government is there because of the State Constitution. As I said before, I was perfectly happy with the amendment moved by the member

for Napier during the debate earlier in this Chamber. I still believe that there is room to overcome the concerns that I have and to overcome the requirements of the Opposition and Democrats on this matter.

The Government rejects the Legislative Council's amendment and will go to a conference. I stress to the member for Napier that I am doing this because I am hopeful that we will be able to come up with some appropriate words, because this Bill is very important. Many other provisions in the Bill are essential in terms of the local government elections to be held in May next year. If this Bill lapses we will have huge problems come the election in May next year. That needs to be understood by both sides of the Committee. We are now discussing a very important matter.

I am not prepared to water it down to the point where section 62 is as meaningless as it is at the moment. Let us not forget why the Government originally moved these amendments in the House—because section 62 of the Local Government Act is a toothless tiger as it stands. Although the Act specifies the reasons why a council can go *in camera*, there is absolutely no penalty on a council if it breaches that section of the Act, and that needs to be understood. I was a councillor on a council which on a number of occasions went *in camera*. I strongly opposed that decision and was told, 'So what if we breach the Act. There is absolutely nothing that can be done if we do that.'

What I want to do is make sure that this Bill, when it becomes law, will provide that councils will be open and accountable. When I introduced the Bill I had an amendment to the Act which I wanted, but it was watered down by the Opposition—and I accepted that. I wonder what we are coming to when an Opposition moves an amendment and subsequently rejects it. I stress to the Opposition that I am sending this Bill to a conference to look at a solution which will overcome my concerns and, at the same time, be acceptable to the Opposition. I emphasise that this Bill, if it collapses, will have the absolute indictment of the media.

The Hon. Frank Blevins interjecting:

The Hon. E.S. ASHENDEN: I suggest that the honourable member read the *Messenger* to see what it thinks about this. If this Bill collapses and the present Act remains, section 62 remaining as it is, if we are not able to undertake the election next year, with the amalgamations that have occurred, it will be on the head of the Democrats in another place. I repeat to the Opposition that I look forward to consultation and agreement on this section.

Motion carried.

MOTOR VEHICLES (INSPECTION) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 801.)

The Hon. FRANK BLEVINS (Giles): I want to make a couple of points about the Bill. The first relates to the background to the Bill's arriving here this evening. Obviously, the numbers in this place can be used by the Government to put through this Bill or any other measure that it wishes, although that can be done only after a division. There are consequences to that, and in a few minutes I will spell out some of them, but for the moment I will speak to the Bill. I have always been very wary of giving inspectorial powers in some of these areas to the private sector. I am not one who says that all second-hand car dealers are crooks. That would be unfair, it would not be true and I would not say it. However, you have to concede that there is an awful lot of legislation around the area of car dealers and the sale and resale of vehicles, which suggests that the community has not always had total confidence in the car industry regulating itself. That is a fair statement.

There is a very good reason for the community, through Parliament, enacting pages and pages of legislation to regulate car dealers: on occasion, the industry appears to attract an undesirable element. For example, if we look at the Consumer Affairs annual report, we see that there are a few problems with some of these people. The consequences of allowing them to have these kinds of powers can be serious indeed. It strikes me that these powers are with the Government for very good reason, and they ought to stay there.

The background to the Bill's coming before the House gives me some concern. As I stated at the outset, the Government, after a couple of hiccups, can suspend Standing Orders and do anything it wants, but there will be some consequences of doing that. The consequences may not be apparent tonight, but they will become apparent because there are conventions in this place. The conventions are not necessarily there to ensure that people are polite to one another—the conventions are there to ensure that the place works reasonably smoothly. If the conventions are breached, as they have been tonight—I do not blame the Minister for that, and I will come to that in a moment—because of the way Parliament is constructed, the Leader of the House, unfortunately, is the person who pays the price. The other place is notorious for its peculiar ideas at times in assisting the passage of legislation. I can assure the House that when these stunts are pulled, as they have been tonight, it will be constantly remembered and returned with interest.

I sat in Cabinet for the best part of 11 years, ever since 1985 when I became a member of this place. When I was Leader of the House—and the same applied under Don Hopgood—the instructions were very clear to Cabinet: 'This is the last week to get things in. If you do not get them in this week, they are not going to go through until next session.' That was because I was not going to ask the Deputy Leader of the Opposition for a favour when I was Leader of the House. I worked with only two Deputy Leaders of the Opposition—the now Deputy Premier and the former Deputy Premier and now Treasurer. I can assure members that they would give me no favour whatsoever, and nor should they have done so. My approach, and that of Don Hopgood, was that, if the Government could not organise its business in a proper manner, it should not have to rely on the goodwill of the Deputy Leader of the Opposition, so we would not even bother to ask.

Ministers knew that, if they did not get their Bills in in time, they would not be dealt with until the following session. Frankly, I believe we have got the Deputy Premier on a bad day. I think he would agree that perhaps this has not been one of his best days since he arrived in this place in about 1983. My guess is that this will not happen again. The Deputy Premier has been put in this position by a Minister in respect of legislation that has no urgency whatever. The Deputy Premier had to suspend Standing Orders to get the Bill through, yet it is of absolutely no consequence whether or not it goes through now. There is no reason for it to go through now. By forcing it through at this time, he has used up any kudos or remnant of goodwill that was left and has created a ridiculous situation. There are occasions when Bills have to go through both Houses on the same day, and the Opposi-

tion Party always cooperates. When my Party was in Government and the Opposition was told that there was an emergency and something had to go through, in my 20 years I saw nothing but cooperation from the Liberal Party. The Liberal Party will get nothing but cooperation from the Labor Party when that type of Bill comes up while we are in Opposition. However, this Bill does not come within that category. .

The Minister said, 'I want my Bill to go through'. She must have caught the Deputy Premier at a weak moment. I will be surprised if that happens again. A copy of the Bill has not even been circulated. Members do not have a Bill—we have to ask for a dummy Bill or a cut and paste job. Not every member has received a copy of the second reading explanation. Parliament does not operate in this way and, on the very rare occasions when it does, it is for a reason and we all cooperate. The Bill has absolutely no merit whatsoever. As clearly outlined by the Deputy Leader, it is only a pay-off to the MTA. I realise that. I feel a bit sorry for the MTA, because it gave the Liberal Party $70 000 but has not received much in return. It has not been able to get all the compulsory inspections it wanted, so the MTA has done its dough.

I can understand the Government's wanting to do what it sees as the honourable thing, and at least slinging the MTA something for the $70 000 that it put into the Liberal Party's coffers. But, to me, this is not the way to do it. It is perfectly clear that, in this area, the opportunity for corruption is rife. It is not just corruption amongst a very small percentage of motor dealers—it is also the corruption of the Police Force in these areas that gives me more concern. We have only to look over the border to New South Wales and the various carryings-on by motor vehicle dealers and the Police Force in respect of inspections and other procedures in this area.

To some extent in life, you do have to take a chance. You cannot work on the basis that everybody is a crook. What has been the failure in this area? Where has there been a breakdown in this area to warrant handing over these inspection services to the car dealers with all the inherent dangers that that entails? I cannot see it. I do not think the Bill has any merit whatsoever. I am not particularly angry with the Deputy Premier. I think he was caught on a bad day by the Minister for Transport, but that is the Deputy Premier's problem and not ours.

I can assure members that what has occurred tonight will be stored away in the short-term memory—it does not have to be in the long-term memory—and we will reciprocate in kind with interest, and so we ought. I urge the House to reject this piece of legislation because, first, it has no merit and, secondly, it should not have been put through like this in the first place.

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

ROAD TRAFFIC (INSPECTION) AMENDMENT BILL

Second reading.

The Hon. G.A. INGERSON (Deputy Premier): I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill facilitates the appointment of inspectors (in accordance with the regulations) from the private sector for the conduct of roadworthiness inspections for the removal of defect notices.

The Bill is complimentary to the *Motor Vehicles (Inspection) Amendment Bill 1996*, which deals with the appointment of authorised agents and inspectors from the private sector for the conduct of identity inspections.

Roadworthiness inspections for the removal of a defect notice are currently carried out by the Department of Transport.

As it is not necessary for inspectors from the private sector to have the same range of powers as Department of Transport inspectors and police officers (for example) the power to enter premises, it is intended that the powers of inspectors from the private sector will be limited.

The Bill therefore proposes an amendment to section 160 of the *Road Traffic Act* so that the Minister may authorise an inspector to only exercise or discharge that part of the powers conferred by this Section that is necessary to undertake the inspection.

Inspectors from the private sector will be subject to a code of practice, breach of which will be an offence.

It is also proposed that the appointment of inspectors from the private sector be subject to a 'criminal record check'. The Bill therefore proposes an amendment to the *Road Traffic Act* to require the Commissioner of Police to provide information that may be relevant to the question of whether a particular person is a suitable person to be appointed as an inspector under the *Road Traffic Act*.

The Bill also proposes that inspectors be given protection from personal liability, so that they will not incur civil or criminal liability in exercising or discharging the powers, provided they have acted, or omitted to act, in good faith and with reasonable care.

The fee for a roadworthiness inspection for the removal of a defect notice is already prescribed in the Road Traffic Regulations.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 160—Defect notices

This clause makes a number of amendments to section 160 of the principal Act as follows:

- The definition of inspector is deleted from the section and replaced with a power for the Minister to authorise a person in accordance with the regulations to exercise any specified powers of an inspector under this section.
- Subsection (4a) is deleted.
- Provision is made for the establishment of a code of practice for authorised persons, breach of which will be an offence punishable by a division 6 fine.
- A provision is inserted providing for the Commissioner of Police to provide the Minister with information in relation to whether a person is fit and proper to be authorised as an inspector under this section.
- New subsections are inserted providing for immunity from liability for persons authorised to exercise powers under the section.

Mr CLARKE secured the adjournment of the debate.

Mr BRINDAL: Mr Deputy Speaker, I draw your attention to the state of the House.

A quorum having been formed:

STANDING ORDERS SUSPENSION

The Hon. G.A. INGERSON (Deputy Premier): I move:

That Standing Orders be so far suspended as to enable the Road Traffic (Inspection) Amendment Bill to pass through its remaining stages without delay.

Mr CLARKE (Deputy Leader of the Opposition): The Opposition opposes the suspension of Standing Orders.

Mr D.S. Baker: On principle?

Mr CLARKE: Yes, on principle. Once again, the member for MacKillop interjects while out of his seat.

The SPEAKER: He is out of order.

Mr CLARKE: Very much so, Sir. I would have ruled that way had I been the Speaker. The point I make is that tonight has been an absolute shambles. To be fair to the Deputy Premier—and I know that a number of his colleagues would not be fair—this botch-up is not his fault. He has been landed

in this one by the Minister for Transport in another place. Obviously, she has said to the Deputy Premier, 'It is all sweet; go ahead and do it.' This is the beginning of the silly season and the last day of this session of Parliament, although the Opposition would be happy to sit next week, as the Government knows, to enable—

Members interjecting:

Mr CLARKE: There might be a bit of a rebellion from my own backbench. There might have been a quick coup tonight. We are not like the Liberal Party: we are made of firmer steel. We want to get down to the serious point of this legislation, and that is why we are here. The member for Unley might well wave his hand: he is probably waving goodbye to his career prospects. This legislation has not been distributed to members of the House of Assembly. Not one member opposite has the vaguest idea of what they are voting on tonight, other than the fact—

Mr LEWIS: I rise on a point of order, Mr Speaker. The member for Ross Smith is clearly reflecting on me, because I know that we are debating a Bill to amend the Road Traffic Act—

The SPEAKER: Order! The honourable member will resume his seat. There is no point of order.

An honourable member interjecting:

Mr CLARKE: I know. It is a full moon. I will just to have to bear up. The fact of the matter is that, except for the member for Ridley, no other member of the Government, including the Minister, knows what they are voting on tonight.

Members interjecting:

The SPEAKER: Order! There are too many interjections from the left of the Chair in the corner. I suggest members contain themselves, because they are only prolonging the agony.

Mr CLARKE: I know the numbers in this House, but I will not be silenced. Disraeli once said, 'One day you will have to listen to me.' When I am sitting where the Deputy Premier is sitting, I will remember every atrocity that members opposite have committed against us. When I am the Deputy Premier and the leader of Government business, I will show the Liberal Party in Opposition just the amount of mercy that it has shown us—

Mr D.S. Baker interjecting:

Mr CLARKE: —and the member for MacKillop will quickly get used to Standing Order 137. However, dealing with the Bill—

The SPEAKER: Order! We are not dealing with the Bill; we are dealing with the motion to suspend Standing Orders.

Mr CLARKE: You are quite right, Sir. As I said earlier, this is not the Deputy Premier's fault. He was led into this bear trap by the Minister for Transport in another place, who said, 'Don't worry about it, Graham; it will go through smoothly enough. Don't worry about the format, the rules of Parliament or about giving notice to members of Parliament of second reading explanations.' This Bill is in a dummy format. It is not a proper document showing all the amendments that have been made in another place so that we as a Parliament can properly consider the legislation. The Minister for Transport thinks that this is the Queen Adelaide Club and that we can do away with the niceties without paying due respect to the rules of Parliament.

We are dealing with very important issues in this legislation. It is appalling that, with less than a couple of hours' notice, the Opposition is expected to debate the matter and put forward amendments in Committee, if necessary, and exhaustively examine this piece of legislation. This is arrogance of the worst type. It is exactly that type of arrogance that got the Deputy Premier into so much trouble today and during the past week—and this Government during at least the past 12 months. This is the way they have behaved over the past three years.

We totally reject the suspension of Standing Orders. This is an attempt to ride roughshod over the rights of parliamentarians in this House. The Opposition is being treated as sheer numbers. We might as well not be in this place. I understand why members of the Government do not want to be in this House. They would prefer to be back on their farm or somewhere else and to radio through their vote, because they do not listen to, understand or participate in the debate. They are happy to be little vegemites and put up their hand when it suits them. In particular, they are happy to cut down their leaders when it suits them.

The SPEAKER: Order! The last comments were out of order.

The House divided on the motion:

AYES (26)

Allison, H.	Andrew, K. A.
Ashenden, E. S.	Baker, D. S.
Bass, R. P.	Becker, H.
Brindal, M. K.	Brokenshire, R. L.
Buckby, M. R.	Caudell, C. J.
Condous, S. G.	Evans, I. F.
Greig, J. M.	Hall, J. L.
Ingerson, G. A. (teller)	Kotz, D. C.
Leggett, S. R.	Lewis, I. P.
Olsen, J. W.	Oswald, J. K. G.
Penfold, E. M.	Rosenberg, L. F.
Rossi, J. P.	Scalzi, G.
Such, R. B.	Wade, D. E.

NOES (10)

Atkinson, M. J.	Blevins, F. T.
Clarke, R. D. (teller)	De Laine, M. R.
Foley, K. O.	Geraghty, R. K.
Hurley, A. K.	Quirke, J. A.
Stevens, L.	White, P. L.

Majority of 16 for the Ayes.

Motion thus carried.

SOUTH EASTERN WATER CONSERVATION AND DRAINAGE (CONTRIBUTIONS) AMENDMENT BILL

Returned from the Legislative Council with amendments.

CRIMINAL ASSETS CONFISCATION BILL

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

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

The Legislative Council intimated that it insisted on its amendment to which the House of Assembly had disagreed.

Consideration in Committee.

The Hon. E.S. ASHENDEN: I move:

That the House of Assembly insist on its disagreement to the Legislative Council's amendment.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by the Hon. Mr Ashenden, Ms Greig, Ms Hurley, Mrs Rosenberg and Ms White.

ROAD TRAFFIC (INSPECTION) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 806.)

Mr CLARKE (Deputy Leader of the Opposition): The principles under this Bill are very similar to those under the previous Bill. We did not agree with that, and we do not agree with this one, either: we oppose it. With respect to road-worthiness inspections—

The SPEAKER: Order! I ask members to keep the conversation level down.

Mr CLARKE: This Bill is complementary to the Motor Vehicles (Inspection) Amendment Bill, which was passed in this House an hour or so ago, vigorously opposed by the Opposition. Roadworthiness inspections for the removal of defect notices are currently carried out by the Department of Transport. This Government wants to again outsource, privatise this work to the private sector. I am amazed by this Government. It was out of government for 20 of 25 years up to 1993. One would have thought that, the Liberal Party being so long in the political wilderness, the Ministers would have liked to exercise the levers of power occasionally. However, no sooner do they get into government than they want to give away the administrative powers that come with government. It wants to get rid of the day-to-day administration of not only our water supply and ultimately our electricity supply but also fundamental things such as checking on the roadworthiness of motor vehicles—

An honourable member interjecting:

Mr CLARKE: And Premiers. They have certainly outsourced the Premier of the State to the Premier for privatisation. The head person for privatisation in this State is the current Premier. However, even things like inspections of roadworthiness of motor vehicles also have to go out to the private sector. And, lo and behold, it is all to go to members of the Motor Trades Association—that same wonderful group of well-spirited, well-meaning citizens who just happened to donate $72 000 to the election campaign of the Liberal Party in 1993. That is what this legislation is all about—a pay off to their mates in the private sector by saying that, in future, roadworthiness inspections will be conducted by private agents. Again, it raises the whole issue of the potential for corruption in this State by giving it out to the private sector.

It is not that we in the Labor Party are opposed to the private sector: the private sector obviously has a very important role in our economy. We in the Labor Party believe in a mixed economy. However, we also understand that there are certain basic functions of government which must be retained within the public sector to ensure that private profit does not out-rule or override the public good. This piece of legislation is a classic example of putting the private sector in an ideal position if corruption were to flourish in this area.

It has happened in other States where outsourcing to the private sector has happened. I know that the Minister will say, 'Don't worry about it.' According to the second reading speech, inspectors from the private sector will be subject to a code of practice, a breach of which will be an offence. Well, big deal. At the end of the day, who will enforce the code of practice: who will have the expertise to ensure that there will be sufficient checkers of the checkers to ensure that the code of practice is adhered to? In conclusion, this is another very shabby piece of legislation on the part of the Government, rushed through this House with barely a few hours notice and using—

An honourable member interjecting:

Mr CLARKE: —yes, in the dead of night; I thank the member for Unley for pointing that out to me—without any due consideration for the rights of the Opposition in terms of ensuring that the legislation is properly scrutinised and subject to public scrutiny outside this place. Again, I do not blame the Deputy Premier: he has been misled on this occasion by his colleague the Minister for Transport—

Mr Lewis interjecting:

Mr CLARKE: Well, telling porkies.

The Hon. G.A. INGERSON: I rise on a point of order, Sir. I request that the Deputy Leader withdraw his last comment that people are telling porkies.

The SPEAKER: I suggest to the Deputy Leader of the Opposition that he ought not go down that track any further. Objection has been taken to his comment. I suggest that, in the spirit of the last night of sitting, perhaps he can temper his remarks.

Mr CLARKE: I am more than happy to unreservedly withdraw that term 'porkies' with absolute sincerity on my part because it is getting close to Christmas and, if I am prepared to admit that I have said a wrong, openly and unreservedly I apologise for that, unlike members of this House on the other side of the Chamber who do not show the same spirit of contrition when they have been caught with their hands in the till.

The Hon. G.A. INGERSON: I rise on a further point of order. The Deputy Leader has implied that members on this side of the House have had their hands in the till.

The SPEAKER: Order! The honourable member is out of order. He cannot impute improper motives to any member. I ask him to withdraw without qualification or I will deal with him further.

Mr CLARKE: Thank you, Sir. I withdraw those comments unreservedly.

The SPEAKER: I also suggest that his comments be strictly related to the Bill or I will rule him out of order.

Mr CLARKE: Thank you, Sir.

An honourable member interjecting:

Mr CLARKE: Just for that I will go a little longer. I conclude my remarks by simply restating our opposition to the Bill, in particular the process by which this Bill has been dealt with in this Parliament and which is an absolute travesty of parliamentary procedures. On this occasion, the Government may gloat because of its numbers but the electoral pendulum has swings and roundabouts and those who live by the sword ultimately die by the sword, if that is how they want to conduct their business. We are more than happy to accommodate the Liberal Party on those grounds if it wishes. There are many on our side of the House with a trade union background who have long memories in this area and we are more than happy to deal on the terrain that you have set in dealing with these issues. We have long memories and we will treat you with the same degree of respect and regard with which you have treated us.

Mr LEWIS (Ridley): This is legislation complementary to that which passed through the Chamber earlier this evening. The member for Ross Smith amuses me. He has

known of this legislation but complains about the amount of notice he has had on it in this Chamber, which by inference he mocks when he refers to the Caucus through which discussion took place on this and other legislation earlier, and suggests that it has affected the contribution which the Opposition can make to this debate.

I have news for him. The standard of debate coming from members of the Opposition is inversely proportional to the length of time they have to prepare. We only have to think of earlier today, when we saw the lengths to which they went in preparation of debate in another matter, to see the validity of the point I make. I reassure the member for Ross Smith that his contribution on this matter is valued by us probably more than his contribution on many other items of legislation over which I am sure he spent hours considering what he may say.

His implication of profit, as the motive for wanting to undertake the provision of the services provided for by this complementary legislation under the Road Traffic Act and the Motor Vehicles Act to ensure that such inspection is undertaken of motor vehicles, being a bad thing is quite mistaken. By that, he implies that nobody who makes a profit in the course of providing a service to the rest of their fellow citizens in competition with anyone else who wants to provide the same goods and services can possibly be trusted to do that is deserving of ridicule, because it is not a valid proposition. If it is valid, how on earth can the honourable member trust a restaurateur, brewer, vintner, shoemaker, tailor, an automobile manufacturer or a farmer to produce the goods which he purchases with integrity, without flaw and with sufficient quality to satisfy himself?

He presumes that, because to date this service was provided by people who were public servants, they alone have the skill, wisdom and purity of purpose sufficient to be trusted with it. He is mistaken, because one could expect of them, were they to be the only people ever contemplated as being worthy of that responsibility, that they might abuse it, that they might go slow—indeed, slower than an inspector in the private sector who is doing it for profit. Under this legislation, the person who does it for profit will still have to ensure—not only under their fiduciary duty commitments but under law—that they have done the job they have claimed to have done and for which they have been paid.

The penalties are severe indeed, whereas public servants have no such severe penalties imposed upon them if they make a mistake or there is an oversight or, for that matter, if they take too long on the job. It costs the public purse—the taxpayer—a great deal more if we rely upon the framework of the existing practices which the member for Ross Smith says we should retain, that is, doing it through the Public Service. I am saying that the best way to get it done is to tell people that they can tender for it if they are qualified and if they accept the responsibility when they have done it for having done it according to law. If they break that law, they have committed an offence. At the moment, the individual doing it, as a servant of the public, is not committed to doing the job according to any likelihood that they will be prosecuted if they do not do it properly. There is no requirement on them to do it efficiently.

In my judgment, doing something for profit in competition with equally qualified, accredited people is the most efficient way you can do anything in the world—especially if they are going to be sanctioned by the law should they fail to do it and obtain their funds in payment for claiming to have done the job when it is not done; they are treated as criminals, as the law provides in this case. There is a quality assurance program, the code, with which they must comply. If they do not comply they will be prosecuted and the inspectors of the people who do the inspection are the consumers, like the member for Ross Smith. He would not hesitate, I am sure, to report anyone who did not do their job under this legislation if he found it out.

I know the ilk of the member for Ross Smith. I have seen such people from his side of politics stand in this place and impugn the reputation of decent small business people when they have had no good grounds to do so. That is a more stringent control on the quality of the service that will be delivered under this legislation to motorists and the public who rely on the service to ensure that those vehicles are safer than is the case presently.

I come to the most substantive point in my argument, namely, the question of convenience. This is very important to the member for Ross Smith, I am sure, and to the Labor Party's prospects of ever again gaining any credibility outside the metropolitan area. We cannot afford to provide public servants to make these inspections in locations where the population density is light, that is, in rural and regional South Australia.

The public interest will be better served by having accredited people willing to do the job and provide that inspection service anywhere in South Australia at all where they choose, upon being qualified, to offer it in return for the fee they will receive. They do not have to be paid a salary: they will be paid only as much as each inspection is worth. If there is nothing to inspect, they will only be paid for what they use. With those few remarks, I repeat that there is less likelihood of corruption of the public interest by using this methodology and framework in law than we have had to date, and I commend the measure to the House.

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

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

A message was received from the Legislative Council agreeing to a conference, to be held in the Plaza Room at 9.45 p.m.

The Hon. E.S. ASHENDEN (Minister for Housing, Urban Development and Local Government Relations): I move:

That the sitting of the House be not suspended during the conference.

Motion carried.

SOUTH EASTERN WATER CONSERVATION AND DRAINAGE (CONTRIBUTIONS) AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1, lines 17 to 21 (clause 2)—Leave out subclause (1) and insert new subclause as follows:

'(1) The Board may levy contributions from all landholders who own or occupy more than 10 hectares of private land (other than land referred to in subsection (2)) in the Upper South East Project area.'

No. 2. Page 2, lines 3 and 4 (clause 2)—Leave out 'constructing, altering, removing or maintaining any water management works' and insert carrying out the work involved in the Upper South East Project'.

No. 3. Page 2, lines 29 and 30 (clause 2)—Leave out 'fixed by the Minister' and insert 'not exceeding the prescribed percentage'.

No. 4. Page 3 (clause 2)—After line 6 insert the following—

'the prescribed percentage' means a percentage calculated as follows:

$$p = \frac{PBR+3\%}{12}$$

where—

p is the prescribed percentage

PBR is the prime bank rate for that financial year

'prime bank rate', for a particular financial year, means the published indicator rate for prime corporate lending of the Commonwealth Bank of Australia at the commencement of the financial year;

No. 5. Page 3 (clause 2)—After line 11 insert the following—

'Upper South East Project' means the scheme described in the Assessment Report, published by the Department of Housing and Urban Development in January 1995, relating to the Upper South East Dryland Salanity and Flood Management Plan developed by the National Resources Council on behalf of the South Australian Government;

'the Upper South East Project area' means those areas of land in the South East that, in the Minister's opinion (which is not reviewable by a court or tribunal)—

(a) have contributed to the problem that the Upper South East Project seeks to address; or

(b) will benefit from the Project,

and that are described or delineated by the Minister, after consultation with the Board, by notice in the *Gazette*.'

The Hon. G.A. INGERSON: I move:

That the Legislative Council's amendments be agreed to.

Whilst these amendments restrict the use of this Bill to negotiate future maintenance of the new drain with landholders, the Government accepts the amendments. The Government's reason for doing so is to avoid additional delays to the scheme. The aim of the Bill is to increase the flexibility of the collection of levies in response to community concerns, and acknowledges that some landholders are not enjoying their most buoyant economic situation. This aim is retained despite the amendments. The Government also accepts the amendments as consistent with the aims of the Bill. Both Opposition Parties expressed considerable reservation in the other place, and I thank them for their cooperation in ensuring that the basic intention of the Bill remains intact.

The issues of future maintenance will be addressed, and I am sure that this issue can be resolved at that time. The Government wishes to thank members and encourage landholders in the South-East to get behind the scheme in order to increase productivity in this area as quickly as possible.

Mr CLARKE: On behalf of the Opposition, I agree with the Minister. I do not know what it is about, but I work on the simple basis that if the Opposition and Democrats have rolled the Government in the Upper House obviously it is to the benefit of the State. So, I support the Minister's statement and the amendments moved by the Legislative Council.

Motion carried.

Mr CLARKE: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Members interjecting:

The SPEAKER: Order! Members will resume their seats. The members for Hart, Mitchell, Elder and McKillop.

An honourable member interjecting:

The SPEAKER: I warn the member for Hart.

Mr Foley: What am I warned for, Sir?

The SPEAKER: Order! Resume your seat.

SITTINGS AND BUSINESS

The Hon. G.A. INGERSON (Deputy Premier): This has been a very long session, and on behalf of the Government I take this opportunity to thank all staff members for their support and for being tolerant and patient with us over the past 12 months. I particularly thank all the *Hansard* staff for recording our speeches so well and, in most cases, helping us by making them look a lot better than they really are. I also take this opportunity to thank the members of the House, including members of the Opposition, for their support of the Government through the year in making sure that the business of the House was carried out in the most parliamentary way.

Every now and again the standards of the House are not kept at the level they ought to be, but generally the running of the House has been excellent. I also take this opportunity to thank the media. Sometimes we get good stories and at other times we do not, but without the media the public of South Australia would not get any message at all about how this Parliament works. Sometimes we do not like their stories, but in most instances we get the support we need from the media.

While I am on my feet I will take up some of the Opposition's comments on previous Bills, including the Bill we just dealt with—the Road Traffic (Inspection) Amendment Bill. It was laid on the table in the other place seven weeks ago. It was because of the intransigence of one member in the Upper House, in particular, that the Bill did not reach this place until tonight.

An honourable member interjecting:

The Hon. G.A. INGERSON: It was the Hon. Terry Cameron. Before the Deputy Leader claims that Bills are not properly handled in this House, he ought to check with his own Caucus room, because members in another place have had the Bill for seven weeks. Therefore, the Opposition cannot complain about the lack of information going to the Opposition. As the Government introduced the Bill seven weeks ago, there was time for the Opposition to work through the Bill in its Caucus. I needed to correct that statement of the Deputy Leader.

Now is the time for us to take a break, enjoy the Christmas season and look forward to 1997. It will be an interesting year for all members of Parliament, and I look forward to coming back at the end of 1997 with an even bigger majority than we have today so that the Government can make sure that all South Australians are not only proud of themselves but have an economy so that our kids, most of all, have a future. I wish everyone a merry Christmas and a happy New Year.

Mr CLARKE (Deputy Leader of the Opposition): As always, in matters such as this, I will adopt the role of statesman. I would like particularly to pay tribute to the staff of Parliament House. Over the years since I was fortunate enough to be elected as Deputy Leader of the Opposition—

Mr Brindal: How long was—

Mr CLARKE: I will deal with you later, Brindal. I am dealing with the nice people first—rats and ferrets second.

The Hon. G.A. INGERSON: I rise on a point of order, Mr Speaker. Whilst we are enjoying it, we ought to keep our language to a reasonable level. The Deputy Leader has been warned several times tonight.

Members interjecting:

The SPEAKER: Order! The Deputy Leader of the Opposition.

Mr Foley: It's not unparliamentary, Sir.

The SPEAKER: Order! In the spirit of the festive season, the Deputy Leader will proceed in a normal manner.

Mr CLARKE: I meant it as a term of endearment. I would like to thank the staff, the attendants, including the building attendants, the cleaners, the attendants here in the House who make life so much easier for all of us in carrying out our functions as members, the catering staff, the clerks of the House, the clerks and administrative staff of the Parliament, particularly the staff dealing with issues such as travel, which can be most controversial from time to time, the police who guard us (from our constituents), the library staff who assist us so ably in researching our speeches so intently, the telephonists and the staff of *Hansard* who, against all the odds, seem to turn a silk purse out of a sow's ear with respect to the contributions by all members, irrespective of political Party. I am being totally bipartisan in that area. Of course, Mr Speaker, I exclude you because, naturally, whatever you say is a silk purse automatically rather than a sow's ear. I thank the building workers who have worked on the building for the past two and a bit or three years. I am sure all would agree that they have done a magnificent job in helping to restore the building.

An honourable member: What about the lifts?

Mr CLARKE: The lifts are another issue, and we hope that will be dealt with. In terms of the work done on the building, it is of a high quality and I congratulate the Government on a bipartisan basis for providing decent working conditions for members and staff of the Parliament. For too long, members of Parliament and their staff worked in abysmal conditions. It is to the credit of this Government (and of the Opposition which, in a bipartisan way, joined with the Government in respect of this matter) that it went ahead and spent the money in this area.

Mr D.S. Baker: What about salaries?

Mr CLARKE: We will not deal with that; there are too many journalists around. I also pay my respects to members opposite—my political opponents. It is always interesting to come into Parliament. I love every minute of being in Parliament and jousting and so on, because even though we are in opposition all members of Parliament have a fundamental view that they are in this place to try to make the State a better place.

Mr D.S. Baker interjecting:

Mr CLARKE: The member for McKillop laughs. He is obviously a cynic who has been here too long and who should go. I am sure that the member for Finniss would agree. Members of Parliament give up a lot of their time and family life to serve their particular cause. Whilst we in the Labor Party know that every member of the Liberal Party is wrong on fundamental issues, nonetheless, we understand that members of the Liberal Party elected to Parliament represent a majority of people in their area and that, as a consequence, they enter this Parliament on a *bona fide* basis wanting to do the State a better turn—notwithstanding their best efforts to send it backwards. Nonetheless, in the main, they come to Parliament with pure motives.

I also pay tribute to the families of members of Parliament, because they bear the brunt of the life that we lead in Parliament. As parliamentarians we are known to be a little bit egotistical—otherwise we would not be here in the first place. But we do not get drafted into this place: we brawl, fight, kick, bite and scratch to get here, while our families pay the price. They are the ones who are not elected to Parliament. Due consideration and merit should be given to those families who assist us as members of Parliament in the carriage of our duties.

I also pay tribute to my sparring partner, who is no longer my sparring partner (for the time being, anyway), that is, the former Deputy Premier, who did a very good job for the Government as Leader of the House. At various times I complained of his atrocities. I do not think that he committed his first atrocity against the Opposition for some time, whereas the new Deputy Premier was very quick to enforce atrocities against us today. Nonetheless, I realise that the new Deputy Premier is a man who is much harder and who is made of steel forged in the furnaces of the steel yards of Whyalla. However, I pay tribute to the former Deputy Premier, with whom I had a lot to do in the normal management of business in this House, which needs cooperation between the Opposition and the Government.

I also farewell those Ministers who will not be here in February. I note that they are not here at the moment, but I expressly say farewell to the Minister for Correctional Services, the Minister for Employment, Training and Further Education and the Minister for the Environment and Natural Resources—and there may be a few others as well. They tried their best in their portfolios. We wish them well on the backbench when Parliament resumes in February. We look forward to joining in mortal combat with the member for Newland when she assumes her rightful place on the front bench. However, as I said, I want to continue my statesmanlike approach with respect to this issue and do so to the member for Finniss, who was cruelly struck down in his prime by his fellow members in the Liberal Party. However, I will not dwell on that as we are on the eve of Christmas, and I know the way that formalities should be dealt with in this place at this time.

In conclusion, I would like to deal with the various Presiding Members of this House. I pay tribute to the member for Gordon, who has been an outstanding Chairman of Committees and Deputy Speaker of this Parliament. He has shown a great deal of aplomb, particularly in being able to read the mood of the Committee and of the House in his capacity both as Deputy Speaker and as Chairman of Committees.

Mrs Kotz: And with good humour.

Mr CLARKE: And with good humour, as the member for Newland interjects, which we in Opposition very much appreciate in his role as Presiding Officer. I refer also to the member for Florey, who presides as Acting Speaker from time to time, as do several other members of the Government. They have treated the Opposition, in the main, with all due courtesy, and we have no complaint in that area.

That brings me to you, Sir, as Speaker—and I am well aware of Standing Order 137, as I have it reported to me on a daily basis when Parliament is sitting. It reminds me of that film clip from *Breaker Morant*, when Breaker Morant was on trial for a massacre of civilians during the Boer War. He was asked by what rule he supported his position with respect to the execution of certain Boer civilians. The rule he quoted was rule 303. I must say that, whenever I hear the words 'rule 137', I think of Breaker Morant and rule 303.

However, Sir, you do not have an easy task as the Presiding Officer of this Parliament. You have a very unruly Government backbench, as has been evidenced over the past several days. There are no depths to which they will not stoop to try to disrupt the Opposition in endeavouring to carry out its normal business. We realise that you have had to exercise firm control on the Government benches in bringing them to

heel to ensure that the Opposition is able to get a fair go in this place.

On the other hand, whilst I have not always agreed with your decisions—in fact, I do not know whether I could quite count on one hand the number of times I have agreed with your decisions—nonetheless, the decisions you have made have been absolutely sacrosanct (because I have no other choice than to accept them as sacrosanct!)

Mr Lewis interjecting:

Mr CLARKE: And as the member for Ridley quite rightly points out, the Government has the numbers to prove the Government's point. But you have a very difficult task. You carry it out with relish and firmness, even if we disagree with some of your rulings. For that, I suppose I have to say I thank you. At least, those are the general sentiments I am trying to express—even if I cannot quite mouth the words—with respect to the carriage of your office.

I recognise that you do not bear any malice or ill will, except towards the member for Unley, and 46 members of Parliament feel the same about that member. In conclusion, we also thank you for your efforts in trying to control this most unruly of Houses. I do not know how you would cope with 'sleepy hollow' up the corridor, which would be so much more boring. A person I forgot to mention in my final comment is the member for Coles who, I am sure, will join the front bench in the next few days or so, and we look forward to crossing swords with her in whatever portfolio she happens to be given by the Premier. I am sure that it will be a very senior position, and one in which she will be able to operate to the fullest of her capacity. We look forward to exchanging a few pleasantries across the table with her in February.

With those closing comments, I once again thank all the staff who have made this Parliament work so well. By and large, members of Parliament get in their way, but they do a wonderful job in making sure that somehow or other we do not totally stuff up the State on the way through.

Mr LEWIS (Ridley): Merry Christmas! I, too, would like to add, as I customarily do on these occasions, to the remarks that have already been made in expressing thanks to the people who serve us throughout the year. There are some forms of life around this building which serve us without our seeking to be so served.

An honourable member interjecting:

Mr LEWIS: Yes, the pigeons in particular. At least one of my prominent and, I believe, important guests has been served by those erstwhile birds in ways which bring embarrassment upon us as members of Parliament and people in South Australia. It is about time that we did something about them. They are feral and very destructive. They carry disease and, more particularly, they do great damage to the stonework of the building, leaving their acid droppings on the limestone, which causes it—

Mr Clarke interjecting:

Mr LEWIS: No. I will tell the member for Ross Smith, who may not be aware of the fact, that Speaker Trainer, in consultation with some members of this place and other people outside, undertook a successful program to do away with the vast majority of the pigeon population. He did that in conjunction with a former Lord Mayor of this city. We embarked on a program to poison the pigeons where they fed in the northern paddocks beyond Gepps Cross, to eliminate them and to stop the damage they do to our heritage buildings.

Whilst it is amusing for some members to contemplate my concern and the implications of it, nonetheless, I think there are analogies between pigeons and some of the people who work in this place. I am talking about reporters: they dump on you when you least expect it and with the kind of stuff you would rather they kept to themselves. I question the motives of some of those people who have attacked me over the past 12 months, setting out, as they said they did, to expose the excesses of members' overseas travel. The incident they reported first was my doing market research on my journey across Australia with some overseas friends. They dumped on me as have the pigeons. It had nothing whatsoever to do with overseas travel. More importantly, if they knew the rules of the game, I had no reason whatever to put that on the record other than to record the response of the people whom I took to each of those experiences, which I thought was important research into providing—

An honourable member interjecting:

Mr LEWIS: No, this is only the first of seven substantive points. Let me make plain that reporters have something in common with the koalas on Kangaroo Island.

Mr Clarke interjecting:

Mr LEWIS: The member for Ross Smith has a fertile imagination. I am sure he can see the connection between members of Parliament and trees: reporters feed off us and pretty soon, if they do not stop, there will not be any of us left to feed off. The Government should take in hand measures that will ensure that they do not destroy the habitat on which they depend—the koalas, I mean, not the reporters.

Mrs Geraghty interjecting:

Mr LEWIS: The koalas depend on the trees, and the reporters depend on politicians. The koalas eat the trees until the trees are all gone and they starve to death, and the reporters seem to be eating away at this institution and what it stands for to the extent where pretty soon they will be out of a job because they will not have us to report upon.

Members interjecting:

The SPEAKER: Order! I point out to the member for Ridley that traditionally this is an occasion when pleasantries are exchanged between members. The honourable member is getting wide of the mark and I suggest that he contain his remarks in the normal fashion. The Deputy Leader of the Opposition got fairly wide of the mark. In all the circumstances, it is wise that the honourable member be somewhat brief, stick to the matters to which we normally refer and conclude his comments.

Mr LEWIS: I thank you for your advice in that respect, Mr Speaker: merry Christmas! Our staff are often overlooked. They keep the building and this House functioning.

Ms Stevens: Pigeons?

Mr LEWIS: No, House staff. I am talking about other people who make it possible for this institution to function, not the reporters. For instance, those people who work in the pay office and other aspects of administration that are vital to the continuing good industrial relations in this place. Without them, there would not be a merry Christmas for any of us. Without *Hansard* there would not be any record of what we have said and done, and that can be important for historical reference purposes.

Members interjecting:

The SPEAKER: Order! This has nearly gone far enough. I suggest to the honourable member that he conform to the normal process that takes place on these occasions: it is starting to border on the ridiculous. I do not want to have to stop the honourable member, but I suggest that he take into

consideration the fact that his comments could be misinterpreted by members of the staff whom we are thanking for the contribution they make towards the running of this Parliament.

Mr LEWIS: No, I reassure you, Sir, none of my remarks are in the least bit frivolous in the thanks which I am offering to the people who work in *Hansard*, the people who have kept the record of our proceedings whether, in retrospect, we are either proud or ashamed: it is beside the point. They do it for our benefit and for the benefit of those who come after. I thank the library staff who have had an extremely difficult job during these recent months when our facilities and their workplace has been entirely disrupted, as have other agencies throughout the building.

The caretakers have found it extremely difficult to maintain security around the building and, in consequence of that, I thank them for the extra efforts they have had to make to try to ensure that everything is shipshape and orderly and that things do not walk out of this place that should not be walking out. They have done that under extreme difficulty not just this year but for some time now. The catering division, too, has had difficulty in keeping up with our requirements in that, where renovations have interfered with the space that they have had in which to prepare and present the food we rely on, it has made their task that much more difficult. I thank them for what they have done.

I also wish to draw members' attention to what we now have provided by the Joint Parliamentary Service Committee next door in the precincts of Old Parliament House for the purposes of ensuring that members of the public can come and get a better understanding of what is done in this institution in the interests of the public by the people who are members of it and who serve in it. It has always been difficult. This Parliament House has fewer facilities for catering for visitors than most others that I have visited in this country and around the world. By adding this extra amount of space and facility in the fashion in which we have, it will help improve that understanding. With those remarks, I again thank each and every person who has made it possible for the Parliament to continue functioning and wish them the compliments of the season.

The SPEAKER: I thank members for the comments that they have made in relation to the staff who provide us with such an excellent service so that this House can function properly. Many of them have operated under fairly trying conditions during the past 12 months due to the renovations taking place at Parliament House. However, this will be for the benefit of all members and staff in the future. I sincerely hope that everyone has a happy Christmas and a prosperous new year and that they come back refreshed and ready for the remainder of the session.

[Sitting suspended from 10.22 to 11.5 p.m.]

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

At 11.5 p.m. the following recommendation of the conference was reported to the House:

That the Legislative Council amend its amendment by leaving out proposed new subsection (5) and inserting new subsection (5) as follows:

'(5) If the Minister, after taking into account the report of the Ombudsman under this section, believes that the council has unreasonably excluded members of the public from its meetings under section 62(2) or unreasonably prevented access to documents under section 64(6), the Minister may give directions to the council with respect to the future exercise of its powers under either or both of those sections, or to release information that should, in the opinion of the Minister, be available to the public.'

And that the House of Assembly agree thereto.

Consideration in Committee of the recommendation of the conference.

The Hon. E.S. ASHENDEN: I move:

That the recommendation of the conference be agreed to.

Motion carried.

The Legislative Council intimated that it had agreed to the recommendation of the conference.

ADJOURNMENT

At 11.7 p.m. the House adjourned until Tuesday 4 February at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 3 December 1996

QUESTIONS ON NOTICE

TRAFFIC VOLUME

5. **Mr ATKINSON:**

1. How many vehicles are carried by South Road between the River Torrens and Regency Road on a week day?

2. How many vehicles are carried by Torrens Road between the Northern Railway and South Road on a week day?

3. How many heavy vehicles are carried by Portrush Road each week day?

The Hon. J.W. OLSEN: The Minister for Transport has provided the following information.

1. On a typical weekday the total two-way traffic volume carried by South Road between the River Torrens and Regency Road ranges between 29 000 and 46 000 vehicles per day, at the northern and southern ends respectively.

2. On a typical weekday the section of Torrens Road between the northern railway and South Road carries a total two-way traffic volume of approximately 20 000 vehicles per day.

In terms of the Portrush Road Freight Route, consisting of Portrush Road, Lower Portrush Road, Ascot Avenue, Hampstead Road and Grand Junction Road, the weighted average traffic volume by length of each road is 34 000.

3. Along the length of Portrush Road alone (between Payneham Road and Glen Osmond Road) the total two-way traffic volume carried on a typical weekday ranges between 22 000 and 28 000 vehicles per day. Of the total traffic flow, approximately 6 per cent (or 1 300-1 700 vehicles per day) are commercial vehicles, which are defined as having a gross vehicle mass exceeding 4.5 tonnes and with more than four tyres on the road.

If the member is using the term 'heavy vehicles' in relation to long or combination vehicles, such as semi-trailers and B-Doubles, then it is estimated that approximately 500 of these vehicles use Portrush Road on a typical weekday.

ABORTION

12. **Mr ATKINSON:**

1. What were the methods of abortion used in each of the cases listed as 'other' in the latest Cox Committee Report?

2. Of the 139 abortion in the category cervical prostaglandin installation followed by dilatation and evacuation, how many involved cranial decompression or partial birth methods and of these, how many were performed at the Mareeba Abortion Clinic, Woodville?

3. How many abortions performed at 20 weeks gestation or more were conducted for a 'current psychiatric disorder' and what was the disorder in each case and of these, how many were performed at the Mareeba Abortion Clinic, Woodville?

The Hon. M.H. ARMITAGE:

1. The method was intracardiac injection of potassium chloride. (These were selective foetal reductions in multiple pregnancies.)

2. 128 were performed at the Pregnancy Advisory Centre. None of the abortions involved cranial decompression or partial birth methods.

3. Fourteen abortions performed at 20 weeks' gestation or more were conducted for a current psychiatric disorder. In all cases the condition diagnosed was stress reaction.

All 14 were performed at the Pregnancy Advisory Centre.

AUSTRALIAN CONVENIENCE FOOD

21. **Ms STEVENS:** On how many occasions since the Garibaldi epidemic in January 1995 were the premises of Australian Convenience Food inspected in accordance with section 24 of the Food Act, were any food samples tested as a result of those inspections and what were the results?

The Hon. M.H. ARMITAGE: Australian Convenience Foods opened their factory in Salisbury in April this year. Prior to the investigations that were undertaken in September the factory had not been inspected. The premises were previously a bakery and under current legislation there was no requirement to notify the local council of the operation of the factory.

A key feature of the SA Health Commission's discussion paper 'Protecting the Safety of the Food Supply in South Australia' is mandatory notification of all food businesses.

LEGIONNAIRE'S DISEASE

22. **Ms STEVENS:** How much was Professor Lane paid to investigate, and report on, the outbreak of legionnaire's disease at Kangaroo Island, what expenses were reimbursed or paid on his behalf and what was the total time taken by him on this project?

The Hon. M.H. ARMITAGE:

1. Professor Lane was not paid any consulting fees for this investigation.

2. The South Australian Health Commission met Professor Lane's airfares, accommodation and sundry expenses—these amounted to $11 038.00.

3. Professor Lane spent five days on the investigation in Adelaide and an estimated further five days on the report in America.

ABORTION

24. **Mr ATKINSON:**

1. Why is abortion notwithstanding part of the casemix system and what factors for and against were taken into account before its inclusion?

2. How are 'pregnancy' and 'birth' treated by the casemix system?

The Hon. M.H. ARMITAGE: Casemix funding was introduced into public hospitals in July 1994 with the intent of providing equitable funding based on outputs.

Each patient separation for abortion, pregnancy or birth is funded by allocating the separation to an AN-DRG and applying a standard set of pricing rates.

Within the 1996-97 casemix workload, abortions, pregnancy and birth are all contained in the Australian National Diagnosis Related Groups (AN-DRGs). In providing funds to hospitals, no direction has been given as to the AN-DRGs to be provided or how funds are to allocated to services provision.

The approach adopted to determining the workload of any particular hospital has been reflect its historical service pattern with minor modifications to support service policies and strategies.

RAIL COMPLAINTS

30. **Mr ATKINSON:** Has the Department of Transport received more complaints from Hawthorn, Clapham and Belair householders about vibrations from freight trains since the concrete-sleepered standard-gauge track has been completed?

1. Has the increased vibration been of a magnitude that could possibly affect the structure of dwellings along the track?

2. Has consideration been given to whether it is appropriate to compare vibrations from freight trains on the standard-gauge track with vibrations from blasting given that the vibration from freight trains are a much longer duration as it passes a dwelling than vibrations from a blast?

The Hon. J.W. OLSEN: The Minister for Transport has provided the following information.

As the section of standard gauge line referred to by the Member is owned by Australian National, it is suggested that the questions should be referred to Australian National for a response.

In the meantime the Chief Executive of the Department of Transport has advised that to his knowledge, the Department has not received any complaints on the subject—and if any such complaints were received they would be referred to Australian National.

SPEED LIMITS

35. **Mr ATKINSON:** Will the Government introduce legislation to permit local government to impose an enforceable 40 kilometre-an-hour speed limit on their own roads in Adelaide's suburbs and, if not, why not?

The Hon. J.W. OLSEN: The Minister for Transport has provided the following information.

The Government does not need to introduce legislation to permit Local Government to impose an enforceable speed limit below that of the general urban limit. Section 32 of the Road Traffic Act currently provides for the Minister to designate an area as a speed

zone and fix a limit for that zone. This Ministerial power can be delegated to Councils under Section 11 of the Road Traffic Act, subject to the condition that Council complies with the standards for the local area speed limit.

Local Government, in conjunction with the Department of Transport, is currently developing standards for the establishment of local area speed limits, taking into account the results of the Unley trial. The use of this standard, once developed and accepted by all stakeholders, will ensure a safe and consistent implementation of the local area speed limit.

Adopting local area speed limits in South Australia below that of the general urban speed limit would not affect national discussions on this issue, which is yet to be resolved.

ARTERIAL ROAD

36. **Mr ATKINSON:** What is the time frame for constructing an arterial road linking Kilkenny Road with Holbrooks Road?

The Hon. J.W. OLSEN: The Minister for Transport has provided the following information.

The Minister for Transport has advised that linking Kilkenny Road with Holbrooks Road is part of a long standing proposal for the development of a continuous arterial road link between Marion Road and Hanson Road, which would supplement South Road for longer distance traffic north west of the City.

Expenditure on this proposal is difficult to justify at this stage, particularly in view of the improvements currently being implemented and planned for the parallel sections of South Road, including the major upgrading planned for the section between Port Road and Torrens Road in the next 2-3 years.

Development of the link between Kilkenny Road and Holbrooks Road is, therefore, not included on the Department of Transport's current five year works program.

The future of this link will be reviewed over the next 1-2 years as part of the Department's ongoing strategic planning process.

Consultation with State and Local Government bodies will be an important part of this process.

In the meantime, the Department will continue to reserve land for future development of the Marion Road to Hanson Road link.

PATAWALONGA

39. **Mr CLARKE:**

1. What has been the total cost of dredging the Patawalonga including the costs of the retention ponds used for dumping the spoil?

2. What was the total of all payments made to Bardavcol for dredging the Patawalonga?

3. What 'penalty or holding costs' were paid to Bardavcol as a result of the five month delay to the commencement of dredging?

The Hon. E.S. ASHENDEN:

1. The estimate for the cost of the dredging works provided by Kinhill Engineers in February 1995 and hence the budgeted amount for these works was $5.1 million.

The actual cost of dredging the Patawalonga, including costs of the retention ponds used for dumping the spoil, is $5.23 million. This also includes the cost of the hail net cover to the ponds and additional sewer service and pumping station costs incurred after the estimate was provided, as well as payments to the Environment Protection Authority for a dredging licence and payments to the head contractor, Bardavcol Pty Ltd.

2. The total of all payments made to Bardavcol for dredging the Patawalonga is $4.47 million. This includes costs of dredging, new edge treatments and infrastructure service relocations in the Patawalonga, and the cost of the ponds to receive the dredged material.

The material dredged from the Patawalonga is currently being used for the rehabilitation of the former waste dump on West Beach Recreation Reserve and for the development of new golf course holes on this land, in order to facilitate the proposed extensions to Adelaide Airport runway. Access to this material from the Patawalonga achieves considerable savings over the costs that would have been involved in importing other material to the site, had the Patawalonga material not been available.

3. In relation to penalty or holding costs, there was a negotiated adjustment of $0.36 million to the tendered price for the contract to have the principal contractor take over the risk and responsibility for the delays to the commencement of dredging. This action enabled the Government to receive the benefit of the competitive, and lower than expected, rates tendered by the dredging subcontractor (Hall Contracting) for the project, which were some $0.70 million below the best price tendered had another dredging subcontractor been nominated. The risks and cost penalties in losing access to the Hall Contracting dredge (potentially $0.7 million) were judged to outweigh the likely risks and penalties in negotiating the contract to transfer risks of delays to the head contractor.

The silts, sediments and other rubbish have now been successfully removed from the Patawalonga Basin. We no longer have to put up with the discharge of the black plumes of contaminated sediments into the waters of St Vincent Gulf. The dredging works were undertaken at a figure comparable with original estimates and the allocated budget, even allowing for the additional costs associated with the late requirement to cover the ponds. Savings are now being achieved from the reuse of the dredged material on West Beach Recreation Reserve—an opportunity that would not have been available had the Government followed the advice of some members of this Parliament who advocated carting the material off site, at a cost penalty of many millions of dollars.

TAIWANESE TOURISTS

40. **Ms WHITE:**

1. Has the Minister examined the allegation in the *Australian* of 16 October that unlicensed tour operators and guides have been short-changing Taiwanese tourists, threatening one of Australia's most important markets and, if so, what is the extent of the problem in South Australia?

2. Is the Minister aware of overseas tourists arriving in South Australia on pre-paid packages to find their accommodation has been downgraded and, if so, how wide-spread is this practice?

3. Is the Minister aware of South Australian tour guides harassing overseas visitors to shop only at stores where these tour guides receive commissions and, if so, how wide-spread is this practice?

The Hon. G.A. INGERSON:

1. The South Australian Tourism Commission is not aware of any unlicensed tour operators selling South Australian tour packages in Taiwan. Taiwan is currently a secondary market for South Australia, although with excellent potential.

2. No such cases have been brought to my attention. While this problem may exist in other states, it does not exist in South Australia.

3. I am not aware of this practice taking place in South Australia.

YATES FAMILY

42. **Mr ATKINSON:** Will the Government pay compensation to the Yates children as a result of the findings of the Full Court of the Family Court of Australia about malpractice by the Department of Community Welfare, as suggested by the Attorney to Parliament on 13 October 1988 and, if not, why not?

The Hon. S.J. BAKER: The Attorney-General has provided the following response:

No, the Government will not pay compensation to the Yates children.

The judgment of the Full Court of the Family Court of Australia did not establish that the Department of Community Welfare, as it was then called, was liable to any person in respect of its actions in relation to Mr Yates, his former wife, or his children.

The State of South Australia has always denied, and continues to deny, that it is liable to any person, as a result of the Department's actions in the Yates case.

As I explained in my ministerial statement of 15 October 1996 the separation package component of the payment to Mr Yates was paid with a denial of liability, and for the purpose of settling Mr Yates' long standing personal dispute with the State of South Australia.

The payment does not constitute a precedent for payment to any other person.