HOUSE OF ASSEMBLY

Wednesday 28 May 1997

The SPEAKER (Hon. G.M. Gunn) took the Chair at 2 p.m. and read prayers.

ASSENT TO BILLS

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

Alice Springs to Darwin Railway,
Criminal Law Consolidation (Self Defence) Amendment,
Environment Protection (Miscellaneous) Amendment,
Gas,
Goods Securities (Motor Vehicles) Amendment,
Land Acquisition (Right of Review) Amendment,
Legal Practitioners (Membership of Board and Tribunal) Amendment,
Livestock,
Local Government (City of Adelaide Elections) Amendment,
Netherby Kindergarten (Variation of Waite Trust),
Police Superannuation (Miscellaneous) Amendment,
Public Finance and Audit (Miscellaneous) Amendment,
Racing (Interstate Totalizator) Amendment,
RSL Memorial Hall Trust,
Stamp Duties (Miscellaneous) Amendment,
State Records,
Statutes Amendment (Superannuation),
St John (Discharge of Trusts),
Superannuation (Employee Mobility) Amendment,
Supply,
Tobacco Products Regulation,
Water Resources.

LICENSED CLUBS

A petition signed by 53 residents of South Australia requesting that the House urge the Government to allow licensed clubs to sell liquor to a club member for consumption off the premises was presented by Mr Andrew.

Petition received.

ADELAIDE TO DARWIN RAIL LINK

A petition signed by 360 residents of South Australia requesting that the House note their support for the proposed Adelaide to Darwin rail link was presented by Mrs Rosenberg.

Petition received.

BOLIVAR SEWAGE PLANT

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

Leave granted.

Mr Clarke: About time!

The SPEAKER: Order!

The Hon. G.A. INGERSON: In recent months we have had reports of strong odours from various parts of the greater metropolitan area. These have been caused by a variety of factors. The operation of our waste water management system is one of the causes. In addition, unusual weather conditions have contributed, trapping odours, including car exhausts and other pollutants, under upper air inversions and cloud cover. In layman's terms, an upper air inversion occurs when a cold air layer forms over warmer air and traps the warm air which would normally rise into the atmosphere. The normal odours that would normally vent are caught.

Mr Clarke interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: Officials from SA Water and the Environment Protection Authority have investigated the impact of our waste water system and identified two events which have contributed to recent odours in the metropolitan area. The first was a change in operations to improve the treatment processes at the Glenelg waste water treatment plant in early February that caused the sewerage sludge to have a different chemical make-up. This caused additional odours at Bolivar, because the sludge is pumped to Bolivar for disposal. The second occurred at the Bolivar waste water treatment plant in mid April during essential maintenance by United Water. Gates in a recycle chamber were being worked on and during this process primary treated effluent had to be diverted directly into the effluent lagoons. The SA Water Corporation advises me that this effluent is contributing to the additional odours. I am advised that this may take another month to overcome as the lagoons operate on biological processes, which take time to break down this primary treated effluent. In addition there was a breakdown in the Port Adelaide waste water treatment plant which has been addressed.

I can advise the House that we will be reviewing the strategy of doing programmed maintenance work in autumn, when weather may work against the operators. There will also be a review involving United Water, SA Water and the Environmental Protection Authority on the accountabilities for operating licences at plants to make sure that the best arrangements are in place. Executives from United Water, SA Water—

Members interjecting:

The SPEAKER: Order! There are too many interjections.

The Hon. G.A. INGERSON:—and the EPA are today working on this matter. I will be seeking better coordination between United Water, SA Water and the EPA to ensure that the current problems are overcome as quickly as possible. The present state of affairs is not acceptable. I have asked SA Water and United Water to undergo an independent audit of Bolivar plant operations to ensure that any recurrence of this problem is avoided where possible. Today this has been put in place by both organisations, and the Environment Protection Authority has agreed with this action.

JOINT COMMITTEE ON LIVING RESOURCES

The Hon. D.C. WOTTON (Minister for the Environment and Natural Resources) brought up the final report of the committee, together with minutes of proceedings and evidence.

Report received.

The Hon. D.C. WOTTON: I move:

That the report be noted.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE

Mr CUMMINS (Norwood): I bring up the seventeenth report of the committee and move:

That the report be received.

Motion carried.

QUESTION TIME

The SPEAKER: Before calling for questions without notice, I note that there were far too many interjections at Question Time yesterday. That will not be repeated today. Anyone who attempts that course of action knows the consequences.

Mr BECKER: Mr Speaker, I rise on a point of order. Could something be done about the amplification system? It is too loud up here. The House will have a compensation claim if it keeps up.

Members interjecting:

The SPEAKER: Order! The Chair is also aware that the system appears to be very loud and that there is some bounce back. I gather now that the problem has been rectified.

STATE BUDGET

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier. Given the Government's underspending of its capital budget and reports that the centrepiece of tomorrow's budget will be a 20 per cent increase in capital works as a jobs boost, what guarantee is there that funding set aside this year for new construction works will actually be spent? Last year's budget papers show that in 1995-96 the capital budget was underspent by $78 million and that 14 major school projects, due to commence in 1995-96, were not actually started and were then re-announced in the 1996-97 budget. That meant that those schools just disappeared out of the budget.

The Hon. J.W. OLSEN: I am delighted that the Leader of the Opposition has asked me this question because, in recent days, the Leader and the member for Hart have made churlish responses on behalf of the Opposition, suggesting that this expenditure has been brought on because of an election campaign. That totally ignores the fact that we had stabilisation of debt and debt reduction strategies to put in place—which are important in the long-term finances of South Australia—and that there has not been any capacity to squirrel away some money, as the member for Hart would have people believe, for a 'rainy day'. Let us look at the procedures—

The Hon. M.D. Rann interjecting:

The Hon. J.W. OLSEN: If the Leader of the Opposition would just pause and be calm and attentive, I will detail some of the background information for him. The expenditure of approximately $1 billion of capital works involves natural slippage in contracts and tenders across all Government agencies. In fact, one would notice in the budget papers presented to Parliament last year an indication of and an accounting for that situation. The Opposition would suggest that this is something new; that this set of circumstances arose only in the course of last year. Coincidentally, we went back to have a look.

The Hon. S.J. Baker interjecting:

The Hon. J.W. OLSEN: Yes. Let us look at the Opposition's track record, and particularly the last term of the Bannon-Arnold Government, because we see an interesting set of circumstances. If one looks at the past three years of this Liberal Government, slippage has occurred of the order of $375 million. If one looks at the three years of the former Administration, slippage amounted to $362 million. That clearly demonstrates a natural, ongoing slippage in respect of expenditure of $1 billion. That is not something new in the past three years but is constant in terms of expenditure, and it rolls over into those contracts.

The Hon. S.J. Baker interjecting:

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

The Hon. J.W. OLSEN: Let me provide some single year comparisons for the benefit of the House: the budget expenditure for 1992-93 was $1.238 billion, while the actual expenditure was $1.056 billion.

The Hon. S.J. Baker: That would be $180 million short.

The Hon. J.W. OLSEN: Yes, $180 million short in that year. The previous year's budget was $1.082 million, while the actual expenditure was $948 000. I think that is about $140 million short in that year. The simple point is this: the claims of the Leader and the member for Hart are arrant nonsense.

TRADE MISSION, HONG KONG

Mr EVANS (Davenport): Will the Premier report to the House on his trade mission to Hong Kong in respect of any early successes from the trip and the main lessons learned by potential South Australian exporters? Earlier this month the Premier and the Minister for Primary Industries went on a trade mission to Hong Kong with a number of South Australian companies and other MPs, and I seek clarification of the outcome of the mission.

The Hon. J.W. OLSEN: This was one of the largest business trade delegations to go from South Australia. About 105 South Australians went with the Government to the Hotel Food Expo in Asia. On the back of that we went to Tokyo in relation to the automotive industry and for the opening of the new Tokyo office as part of the series of trade offices that we have overseas. We have upgraded those offices in terms of personnel and budgeting and also put in place business plans to ensure that there are outcomes for South Australian businesses. Only last week the Government announced through SAGRIC International the coordination of export activities of Government. In the past, some 30 agencies of Government have been involved in the export market area. What we seek to do is coordinate through SAGRIC—which has experience with the World Bank and the Asia Development Bank and international experience and credit in taking goods and services overseas—the arm of Government which assists other Government agencies and which works cooperatively with them, assists with identification of good contracts overseas and which facilitates their entry.

The purpose is to take the intellectual property that is locked up in a range of Government agencies and to team it with the private sector, which then takes the financial risk in the market place. So, between a partnership in the public and private sectors we get a rate of return and a revenue flow for South Australia that can amortise the cost of operation of a whole range of Government departments. The alternative is to either increase taxes to maintain services or to reduce expenditure and cut out services. You amortise your costs of departmental operation by taking export market product overseas and earning an income. We seek to assist small and medium businesses in South Australia to access those export markets.

In terms of the food and beverage industry there is no doubt that the Hotel Food Expo in Asia was an outstanding success. Building on that, we also had an immigration

seminar in Hong Kong. There have been some letters to the editor suggesting that, on the basis that we have high levels of unemployment, this is the wrong time to seek immigration to Australia. That ignores and overlooks the simple fact that when you get multi-million dollar investments such as Motorola, British Aerospace and the expansion of GEC Marconi in South Australia—investments of hundreds of millions of dollars—they want skilled people to be available as they expand. For example, with respect to software engineers, there was a 20 per cent increase in the defence electronics industry in the past two to three years. In Australia there is a dearth of software engineers. We simply seek to target people with those skills to meet the job opportunities available in South Australia now so that the investment we have attracted will continue to expand and attract further investment.

In terms of what are we doing to assist South Australians into that—on the basis that we do not have the skills base to meet requirements now—we sent out CD-ROMs to all secondary schools in South Australia—and we will send out CD-ROMs to primary school students in South Australia—saying that a good career path for them in the future is the defence and electronics industry. With the vice-chancellors of the three universities, we will put in place courses to meet that demand. In these migration programs we are assessing and meeting the need now for a skills base and putting in place an education system to meet the demand in six to seven years when we can stream our people through the education stream to meet those opportunities.

In addition, we had discussions with a number of very serious investors in relation to the Adelaide-Darwin rail link. Despite what the Leader of the Opposition might have said overseas about those meetings, they were constructive and productive. With the Northern Territory we have prepared a business plan that identifies an internal rate of return of 20.6 per cent on investment in the Adelaide-Darwin rail link. An IRR of that magnitude will attract commercial investment. On Friday week the Chief Minister of the Northern Territory and I will meet the Prime Minister in relation to the Centenary Fund. We have not been told whether we qualify or how much we will get—if we get anything—but we will argue strongly and solidly that we meet all the criteria of the Centenary Fund and that this is a project of national interest and long-term economic benefit for Australia and that therefore we ought to qualify.

In relation to the final part of the trip, regarding the automotive industry, suffice to say, given what I have previously said, that all of the industry is saying that it is not opposed to reform: it is the pace of the reform that is at serious question, and bringing difficulties on those companies, particularly automotive component suppliers, to lock into these contracts of minus 2 per cent to 3 per cent and to 5 per cent year on year and providing the same goods and services. Miti in Japan said that Japan, as one of the originators of the APEC concept, did not believe that Australia had to slash tariffs to 5 per cent by the year 2005, as recommended by the Productivity Commission, to comply with its APEC commitment. That underscored what the Prime Minister of Japan had to say in Canberra not so long ago.

What we needed to do, subsequent to the trip to Japan and meeting the motor vehicle manufacturers in Miti, was to advise the Prime Minister of the outcome of those discussions and draw his attention to the fact that Ford in New Zealand, I think four to six weeks ago, walked in, shut the doors, put the padlocks on and walked away. To those in the community who would say that the motor vehicle industry is again crying wolf I say, 'Think again', because we have seen the international experience where they have shut the doors, put on the padlocks and walked away. That is a risk that Australia cannot take.

BOLIVAR SEWAGE PLANT

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Deputy Premier in his role as Minister for Infrastructure. Given his ministerial statement about strong odours across the metropolitan area, have odours from the Bolivar sewage plant also been caused by poor procedures, reduced maintenance and a reduction in the use of chemicals under the United Water contract? In 1994 the Estimates Committee was told by Mr Peter Cooper, a senior engineer with SA Water, that 'we have spent a lot of money tackling the problem, we have installed chemical dosing equipment and I think at one stage were spending $1 million a year on chemicals'.

An extract from the leaked water contract shows that in 1996-97 only $186 000 has been allowed for chemicals at Bolivar and that half of any amount spent below that target is kept by United Water. In February 1996 United Water's Northern Regional Manager said that United Water had halved the work force at Bolivar.

The Hon. G.A. INGERSON: My ministerial statement, of which I understand the Leader has a copy, clearly sets out that it was due to a mechanical upgrade and a need to clear out all the slush areas and do a general mechanical clean-out. It is done usually at this time, or mid-April, every year. I am not aware—

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: It was not a breakdown; it was said clearly—

Members interjecting:

The SPEAKER: Order! The member for Taylor.

The Hon. G.A. INGERSON: The reduction in staff has absolutely nothing to do with the chemical issue that the honourable member asked me about. The chemical dosing has been a 15 year program.

Members interjecting:

The SPEAKER: Order! The Chair has been pretty tolerant. I have already spoken to the member for Taylor. She is now warned. And I suggest to the member for Giles that it is not Thursday, so he just wants to be careful.

The Hon. Frank Blevins interjecting:

The SPEAKER: If the Treasurer interjected, he will get the same treatment. The honourable Minister.

The Hon. G.A. INGERSON: Unlike the member for—

The Hon. FRANK BLEVINS: Mr Speaker, I rise on a point of order.

The SPEAKER: Order! The member for Giles has a point of order; I hope it is relevant.

The Hon. FRANK BLEVINS: Mr Speaker, I draw your attention to the fact that the Treasurer is laughing. I would hope you give him the same treatment as you give me for laughing.

The SPEAKER: I would have to class that as being a frivolous point of order.

The Hon. G.A. INGERSON: The chemical dosing program has been operating for 10 to 15 years. Unlike the member for Taylor or the Leader of the Opposition, I can speak with a fair amount of experience about the odours.

Having lived within 1½ miles of Bolivar for 25 years, I know the stench and mess that the previous Government used to put out on a daily basis. Members should ask all the people in Salisbury and Elizabeth about the problems that they have had with this odour because of the location of the Bolivar sewage works, which was continued on by the previous Labor Government. I happen to have lived in that area for 25 years of my life. This is not a new problem. This has been blown up today as if it is something that has happened suddenly. It is interesting that the member for Taylor, the brand new resident for Salisbury and Elizabeth, suddenly has taken this up as a major triumph and a major issue.

As far as the Bolivar sewage treatment works is concerned, the odour problem has been long term. As I said in my ministerial statement, this position is not acceptable. Today we have asked the EPA to undertake a major audit to find out whether any major problems have been created by United Water. I thought that would have put on the public record clearly that this Government is concerned. The member for Spence is exactly the same. I happened to be listening to the member for Spence on the radio the other evening at about 10.45 when he said that the major reason for this was the outsourcing program of United Water. I think the honourable member even went on to say that he thought it was probably due to the French and English companies. It was the greatest lot of garbage I had heard for a long time.

This is a genuine problem. As far as sewage treatment at Bolivar is concerned, it has been a long-term issue and this Government is working with the EPA to try to rectify this major issue as soon as possible.

Members interjecting:

The SPEAKER: The member for Unley will not have a conversation with the member for Spence, who is running very close to being taken off the question list.

FOCUS 21 POLICE REVIEW

Mr BASS (Florey): Will the Minister for Police explain how the Focus 21 Police Review will affect the delivery of police services to the South Australian public?

The Hon. G.A. INGERSON: With the arrival of the new Police Commissioner in South Australia, we will see a massive reorganisation of the Police Force so that we can guarantee that the community has a modern Police Force with a modern delivery of services. One of the most important issues in policing is to ensure that we have the police numbers in the areas in which they are most required. One of the major issues that has developed over the past 20 years is that we have not been able to move police officers into the area of most need. The new Commissioner has said that it is his intention to re-engineer totally the way in which we deliver police services, to look at the human resource management of the Police Force and to deliver a better 24-hour service to the community of South Australia.

No section of the Police Force will be excluded. That means that every single division—the whole Police Force, all the services, all the day and night work, everything—is being looked at to ensure that we have the best crime prevention Police Force that we can have in this State. We are recognised as having the best Police Force in Australia. The new Commissioner wants to ensure that we get an improved Police Force and an improved service.

One of the most important aspects is that there will be no question of people sitting in the same place as they have been sitting for the past 10 to 15 years, keeping those seats nice and warm in non-operational positions. This re-engineering process will ensure that we get commissioned and police officers out on the beat, back where the people want them to be, and we will substitute them with non-police individuals who will perform the behind-the-desk operations previously undertaken by the officers concerned. It is the most innovative change that we have seen for a long time in policing in South Australia, and the community will see a brand new, very up-front, operational Police Force in South Australia.

POLITICAL DOSSIERS

Mr ATKINSON (Spence): I ask the Premier: do Public Service departments under the Premier's direction keep dossiers on the political leanings of South Australian based organisations, clubs or individuals?

The Hon. J.W. OLSEN: Certainly not to my knowledge. I know of no such files.

MAJOR EVENTS

Mrs HALL (Coles): Will the Minister for Tourism advise the House of the economic benefits to South Australia from the Government's commitment to attracting special and major international events to our State?

The Hon. E.S. ASHENDEN: I am delighted to do that because the economic benefits can be summed up in one word: dollars—and lots of them. This Government has recognised the significant economic benefits that are gained from hosting special tourism events and from other associated matters such as conventions. Since establishing the Major Events Unit in 1994, the Government has attracted a range of special or major events which have generated economic activity in excess of $90 million and, at the same time, has advertised South Australia as a tourist destination to over 750 million people in 120 countries. In 1996-97 alone, an additional $36.7 million has been attracted, with some 17 700 visitors coming to South Australia from either interstate or overseas.

More importantly, over the next six months, 11 major events of international significance will take place in South Australia. They include the Adelaide International Horse Trials, which will replace the internationally renowned Gawler three-day horse trials, and which it is estimated that 5 000 competitors and visitors from interstate and overseas will attend. There will be very wide media exposure in Europe and the US. Secondly, we have Tasting Australia. This is a unique, week-long event which will be held in October. It will attract over 200 international food and wine writers from around the world, representing 50 international media networks, who will report on this unique extravaganza. At this time, we will have the first ever food and wine media awards, and television lifestyle programs in the UK, Germany, Italy and France will all produce special features for televising back in their home countries.

Rodeo Adelaide, at which we expect up to 25 000 visitors, will also be held, as will the World Masters Rowing Regatta, which will be held at West Lakes in early November, with 1 500 representatives from over 40 countries competing. The World Solar Cycle Challenge, which is a race from Adelaide to Alice Springs and return using a combination of solar and athletic energy, will also be held. This will have considerable international coverage, with 350 competitors and teams from interstate and a further 300 from overseas. Opera in the

Outback is coming up, and we have already attracted some 10 000 bookings, 2 000 of them from interstate and overseas.

Later in the year the seventh international Barossa Music Festival will coincide with Tasting Australia. There will also be the nineteenth Champions Trophy in men's hockey, which is the third most significant men's hockey tournament, coming in behind the Olympic Games and the world championships. Again, we are expecting up to 2 500 people to attend that event.

We cannot overlook the Australian Open golf tournament, which will be held in 1998, and we have the Masters Games in 1999. I know the member for Coles has always had a tremendous interest in this area, and I am sure that she and other members will be delighted with that. I am also pleased to say that within the next few months we will be able to make some other major announcements about very significant events which we have been able to attract to South Australia. It all adds up to a Government which has set about not only getting this State well known overseas but attracting to this State tens of millions of dollars in economic activity.

ETHNIC ORGANISATIONS

The Hon. M.D. RANN: (Leader of the Opposition): My question is directed to the Premier. Given the Premier's answer to the previous question, how can he explain the presence of political assessments in briefing papers supplied to him by his Office of Multicultural and Ethnic Affairs? The Opposition has been leaked, from Liberal sources—

Members interjecting:

The Hon. M.D. RANN: Just wait for it!

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: The Opposition has been leaked copies of briefings containing political assessments of South Australian ethnic organisations prepared for the Premier, Ministers and MPs representing the Premier in the role of Minister for Multicultural and Ethnic Affairs. These assessments say that the National Association of Migrant Families is politically 'right wing' and that the Federation of Italian Migrant Workers and their families are 'politically affiliated with the Italian Communist Party'. The situation concerning the Council for Italians Abroad is described in the following terms: 'at the moment there is a good balance between the traditional right and left'; and 'politically, the Coordinating Italian Committee leans to the centre'.

The Hon. J.W. OLSEN: Well, if it leans to the centre, my only response is, 'So what?'

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: Here we go; the fabricator is at it again.

Mr Clarke interjecting:

The SPEAKER: Order! I warn the Deputy Leader.

The Hon. J.W. OLSEN: The Leader is again trying to embellish things. He gets a snippet of information, builds it up, embellishes it a bit and tries to make a story out of it. In all these matters, the Leader prefaces his remarks with a reference to a 'Liberal source'. I did not know we had so many members of the Liberal Party as public servants in South Australia. It is well known that for decades we have had public servants putting out information. We had it when we were in Opposition; no doubt the Leader gets it now that he is in the Opposition. As we get close—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN:—to an election campaign, it accelerates a little. In his endeavour to suggest that this is a matter involving Liberal against Liberal, the Leader gets some of his public sector sources and labels them 'Liberal' deliberately. We heard about the water contract. There is an interesting fact about that—about how a Liberal gave the water contract to the Leader. We happened to find out that components of that contract were faxed by one of the firms to their solicitors, although it did not go to the solicitors but was faxed to a sporting organisation. Some copies are floating around in a number of areas. However, that would not suit the Leader of the Opposition's claim.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: It does not make it sexy enough for the media if it is simply a diversion on a fax machine between a company and its solicitors seeking advice.

An honourable member interjecting:

The Hon. J.W. OLSEN: You might want to drive the wedge, but I can tell you that you are on rock solid concrete, and it is not going anywhere, mate. In relation to some briefing notes from the Office of—

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat. The Leader of the Opposition has had more than a fair go. I will not speak to him again today.

The Hon. J.W. OLSEN: If the office has prepared those briefings, that is the responsibility of the Chief Executive of the office. I have not sought them directly. If they have come through my office and my staff have seen them, I cannot recall ever having had a look at these so-called briefing notes. It is certainly under no instruction from me for such documentation to be prepared. I bet that if I look at the records I will see that this sort of activity goes back six, eight or 10 years and that this will be like other things: nothing new. There is a more important issue in this: here we are in budget week, one of the most important weeks of a sitting of Parliament, when we will be putting down the financial agenda for the State for the next year.

Yesterday, we had a series of questions in the middle of Question Time—and it looks as though we will get them again today—that had absolutely nothing to do with jobs or with South Australians and their future. The Opposition's 11 years in Government, its subsequent fall from grace and the 3½ years it has spent since then has demonstrated that it has learnt absolutely nothing about developing or being able to enunciate a plan, a vision and a future for South Australia. Its own activities in this House demonstrate that it is not worthy for consideration to return to the Government benches of South Australia. More importantly, South Australians see that.

NATIONAL PARKS

Mr WADE (Elder): My question is directed to the Minister for the Environment and Natural Resources. Does the state of our parks and the fact that we have spent $20 million to rehabilitate and repair them reflect the years of neglect and mismanagement of our parks system by the Labor Party during its 11 years of Government?

Members interjecting:

The SPEAKER: Order! There have been two breaches of Standing Orders. First, the member for Elder was commenting and that is out of order. I would suggest that, as he

is reading the question, the person who prepared it needs to smarten up with regard to the Standing Orders. Secondly, the Deputy Leader of the Opposition is close to not being here for budget today tomorrow, and that matter is entirely in his hands.

The Hon. D.C. WOTTON: I thank the member for Elder for his question and the obvious support that he continues to provide for environmental management in South Australia. We have already heard from my colleague the Minister for Tourism, in answer to an earlier question, about the importance of tourism in this State. That is certainly the case concerning our national parks. It might be of interest to members on both sides of the House to know that eight of the top 20 tourist sites in South Australia are now national parks. In the first year of the Liberal Government, we did an environmental audit on parks management in South Australia which showed that, under the Labor Government, parks were under-resourced, run down and overrun by feral plants and animals; the road systems were inadequate; visitor facilities were a disgrace; and biodiversity was ignored. That is why I find it intriguing that members opposite have the hypocrisy to complain about the environmental management of this Government with regard to parks and other areas. It is absolute hypocrisy.

Let us look at some of the things this Government has done with regard to the improvement of parks in South Australia. First, in the first year we were in Government, we established the Great Australian Bight Marine Park, involving unique areas of South Australia and breeding grounds of the southern right whales and the Australian sea lion. That is something that the Labor Government had failed to do. In the second year we implemented the program to achieve a reduction of some 90 per cent in the feral goat problem in the Flinders Ranges. Since then, we have introduced major projects involving the eradication of pests and also recovery programs, and we have undertaken major capital works, and so on. That is just a short list of what this Liberal Government has achieved with regard to environmental management. In the next few weeks, I am looking forward to making a major announcement about park management in South Australia. I guess that the greatest symbol of the success of this Government regarding park management involves the new development at Mount Lofty.

After a decade of neglect by Labor—in the entire 11 years that Labor was in Government—it found it impossible to do anything about one of the most significant tourist attractions in this State. Today it is one of the State's leading tourist attractions. Through our parks we have been able to invest in the future and show a return in revenue and jobs as a result. What was Labor's legacy after 11 years, as far as the environment is concerned? It was responsible for 6 feet of silt in the bottom of the Patawalonga and a long black plume of sludge and silt that has been pumped into the North Glenelg beach every few weeks; and in those 11 years it was far too incompetent or lazy to do anything about a number of hard environmental issues. Did Labor set up a catchment authority to address the health of the Torrens River and the Patawalonga? No. Did Labor pioneer the Murray River clean-up? No. Did it initiate the Murray-Darling 2001 project? No. It might be of interest if we—

The SPEAKER: Order! This is not some football match: this is the House.

The Hon. D.C. WOTTON: The Opposition might be interested to know that as a result of this State Government and the Federal Government we are now pumping $300 million into the Murray-Darling 2001 project to clean up the Murray-Darling. Did the Labor Government do anything about $280 million worth of environmental improvements in South Australian industry? No.

Mr CLARKE: I rise on a point of order, Sir. I know this is the Minister's swan song, but I think it could be done by ministerial statement.

Members interjecting:

The SPEAKER: Order! I would suggest to the Minister that he is now giving a particularly lengthy answer, which is certainly not in the spirit of Standing Orders.

The Hon. D.C. WOTTON: I conclude by asking whether the Labor Government—

The SPEAKER: Order! The Minister will not ask questions.

The Hon. D.C. WOTTON: The previous Labor Government refused to do anything about creating an agreement with Queensland to manage the Lake Eyre Basin water resources. It also refused to do anything about improving Seal Bay. It might be of interest to members to know that tourists to that national park—

An honourable member interjecting:

The Hon. D.C. WOTTON: I'll get onto the koalas in a minute. The number of tourists to Seal Bay and to Kangaroo Island has increased by 48 per cent under this Government. We have done more for tourism in national parks than the Labor Government ever did in the time it was in power. It certainly did not do anything about the establishment of a Great Australian Bight marine park.

Mr CLARKE: I rise on a point of order, Sir. Your previous ruling was that the Minister was being particularly lengthy in his answer, and you asked him to wind up. I would ask you to enforce your ruling, Sir.

The SPEAKER: Order! I suggest to the Minister for the second time that he complete his answer or I will have to withdraw leave.

The Hon. D.C. WOTTON: I conclude by saying that not only did the Labor Government lose at least $3.5 billion in this State but it also ignored this State's valuable natural resources and did nothing for the environment.

ETHNIC ORGANISATIONS

Mr ATKINSON (Spence): I ask the Premier: who made the decision to collect and file political information regarding ethnic organisations; and do the political assessments produced influence the level of State Government funding to ethnic organisations?

Members interjecting:

The SPEAKER: Order! There are too many interjections.

Mr ATKINSON: An officer of an association representing migrants has contacted the Opposition, saying that the Parliamentary Secretary to the Premier as Minister for Multicultural and Ethnic Affairs (Hon. Julian Stefani) has complained to the organisation regarding its presence at a Labor Party function. Other ethnic groups have told Opposition MPs that they have been warned not to ask the Opposition to speak at functions, lest they be excluded from eligibility for State Government grants.

Mr Brokenshire interjecting:

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

The Hon. J.W. OLSEN: As far as I am concerned, the claim made by the member opposite is arrant nonsense.

The Hon. S.J. Baker interjecting:

The SPEAKER: Order! The Treasurer.

The Hon. J.W. OLSEN: If this Government has come to understand one thing over the past 3½ years, it is that we need to treat with some caution any claim made by the Opposition and go away to check the facts, because invariably the facts clearly do not tally with the claims presented by the Opposition. Following the honourable member's first question, I understand that my office contacted the Chief Executive of OMEA, whose simple reply was that the claims made by the honourable member are nonsense.

The SPEAKER: I point out to the Leader that he is aware that displays are not permitted in the Chamber. The member for Flinders.

HEALTH BUDGET

Mrs PENFOLD (Flinders): Will the Minister for Health advise the House of the financial challenges facing health which the 1997-98 budget must address?

The Hon. M.H. ARMITAGE: I thank the member for Flinders for her question and her continued advocacy for health services in her area. Not long ago I was delighted to be in Port Lincoln to announce the go-ahead for the completion of the Port Lincoln Hospital, something which the previous Government had ignored. Over the past few days there has quite rightly been a lot of discussion about responsibility for past mistakes and the need for public apologies in another portfolio. On a daily basis we come into the House and look at the Opposition across the Chamber—a Party which frankly I feel ought to apologise to South Australia for its past wrongs. However, we never hear that from members opposite.

What surprises me more than the fact that we do not get an apology is that there is absolutely no lack of collective responsibility on the other side. The Leader of the Opposition was a member of the Cabinet; the member for Hart, as we know, was a senior adviser; and the members for Spence, Giles, Price and Playford were all members of the Party Room, and indeed the member for Giles was a Minister. The Party room was supposed to help Ministers make the correct decisions for South Australia. All the other members opposite were members of the ALP in various forms—apparatchiks and so on—but they have made no apology.

The Opposition is critical of our debt reduction strategy, but I will outline the facts. Up to the end of the 1995-96 financial year, the health portfolio had contributed to the repayment of the State Bank debt, caused by members opposite, such that the 1995-96 health allocation was $47.5 million less than the last ALP budget, but at that time admissions had increased by 8 per cent. That was at that time; they have continued to rise. We reduced expenditure to help overcome the State Bank debt, and we have still managed to provide more services. That has been achieved through innovation, and the opportunity and ability to seize the day and move health care into the twenty-first century.

To achieve an 8 per cent increase in admissions, a Labor Government—without any ideas—would have poured in 8 per cent more money, because throwing money at problems is the way to fix things from the Labor perspective. If it had achieved an 8 per cent increase by pouring in 8 per cent more money, that would have been $105 million extra. So, for the same level of services that we are providing today, Labor would have been spending $152 million more than does the present Government. That is $152 million of taxpayers' money with not one single service more than is being provided today. That quite categorically proves that the Labor Party would have been prepared to waste $152 million of taxpayers' money.

Ms Stevens: That's not true.

The Hon. M.H. ARMITAGE: As I expected, the member for Elizabeth says, 'That's not true.' Unfortunately, it is true; and if there is any way that the member for Elizabeth can dispute the figures I would be pleased to receive communication from her, because it is simply factual that the Labor Party had no idea how to change things.

That amount of $152 million is in addition to the figures I gave the House yesterday, which stated that the average expenditure on health capital works under this Government has been $77 million a year compared to $45 million a year in the Labor Party's most recent reign. Not only was the Labor Party wasting taxpayers' funds on a recurrent basis but it was also allowing hospitals to run down. The people of South Australia, in my view, need to ask whether they want a Government that spends more of their money to give them fewer services, or will they support—

An honourable member interjecting:

The Hon. M.H. ARMITAGE: As the honourable member says, that is the Labor Party. Or will they support a Government that is delivering quality health care in an economically sustainable way? I believe the answer is clear.

ETHNIC ORGANISATIONS

Mr ATKINSON (Spence): Now that the Premier has a copy of these political assessments—

The SPEAKER: Order! If the honourable member starts waving displays around I will withdraw leave forthwith.

Mr ATKINSON: The Premier has a copy, Sir.

The SPEAKER: I am telling the honourable member to get on and ask his question.

Mr ATKINSON: What other ethnic organisations does the South Australian Government collect information on in respect of their political leanings, and for what purpose has this political information been collected by public servants?

The Hon. J.W. OLSEN: The Government, the Executive, does not and has not—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: The document to which the member for Spence refers—

Mr Atkinson interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: Would the honourable member like to listen to the answer?

The SPEAKER: Order!

The Hon. J.W. OLSEN: Right, thank you.

An honourable member interjecting:

The SPEAKER: Order! If the honourable member makes one further interjection he has the choice of either being taken off the list or being named.

The Hon. J.W. OLSEN: I have been given a copy of the document, but the documentation I have does not identify any Government letterhead or any sign-off by anyone. It is just some A4 sheets of paper with some typing on them that could have come from any office. To the best of my knowledge, I have never before seen this document.

An honourable member interjecting:

The Hon. J.W. OLSEN: I have never seen this document—

Mr Clarke interjecting:

The Hon. J.W. OLSEN: Mr Speaker, it is very hard to answer when there are constant interjections from the other side.

The SPEAKER: I know, and the Deputy Leader obviously does not want to be here tomorrow.

The Hon. J.W. OLSEN: I have never seen this document. It is not headed up with anything official to indicate it is from the Government; and it is not signed-off by anyone. It is just A4 paper with typing on it. That could have emanated from anywhere, for all I know.

Members interjecting:

The SPEAKER: Order! There are too many interjections on my right.

The Hon. J.W. OLSEN: Let me assure the House that it has never been an instruction of mine for any such documentation to be collected or prepared, and never has—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: —any such documentation been presented to me. I simply refer to some advice that has been obtained in the short term. I will obtain the full transcripts, give them to the CEO and present a detailed answer to the honourable member tomorrow. However, based on a snapshot of what the honourable member has put forward in the House today, the CEO has apparently said that, in his view, this is fabrication and nonsense.

MINING AND EXPLORATION

Mr CAUDELL (Mitchell): Will the Minister for Mines provide the House with details of the extent of mineral exploration being undertaken in South Australia? From recent media reports it would appear that South Australia is proving to be an extremely attractive site for miners searching for various valuable minerals. Given that mining has the potential to contribute significantly to the employment and growth prospects of the State, I believe it is important that every effort is made to encourage this exploration.

The Hon. S.J. BAKER: I am sure that all South Australians would be pleased with the amount of exploration taking place in this State. If we did not have an unworkable Federal Native Title Act the results would be far more impressive. I am hopeful that we can sort out those matters in Canberra and get on with the job of releasing some of those resources. In 1996, $26 million of exploration occurred, an increase of 25 per cent on 1995. Not only has the amount of exploration increased but I think it is useful to share with the House some of the ingredients of that change. In 1996, 30 500 metres of drilling was undertaken, over double that which occurred in 1995; and 130 companies were engaged in exploration on 314 licences, with 447 000 square kilometres, or 44 per cent, of the State under licence or application.

In terms of the split, gold was the most sought after mineral, accounting for $11.3 million, or 44 per cent of the exploration expenditure in the State and, of course, most of that activity focused on the Gawler Craton; exploration of copper-gold mineralisation, totalling $5.9 million (28 per cent of the exploration expenditure), was undertaken in the Gawler Craton and the OLary-Broken Hill region of the Curnamona Province; and lead-zinc exploration expenditure totalled $4 million (15 per cent of the exploration expenditure), and that was spent mainly in the Olary-Broken Hill region of the Curnamona Province and the Kanmantoo Trough of the Adelaide Geosyncline.

Diamond exploration accounted for $1.7 million (7 per cent of the exploration expenditure), with activity in the Far North of the State (ABMINGA) and in the southern Gawler Craton and the Adelaide Geosyncline. Indeed, much exploration took place in respect of the non-metallic and industrial minerals including gypsum, kaolin, building stones, glass sand, palygorskite, dolomite and garnet. Probably the area that has been given most publicity is the western section of the Gawler Craton, and that is where the most impressive increases have occurred—a 68 per cent increase in exploration in the Gawler Craton—and we expect that effort to continue.

We expect another lift in exploration dollars this year but, as I have said, until the native title legislation is sorted out, the real potential of this State will not be met. We will do all in our power in this State to get that matter sorted out. The results have been quite solid and are important for this State. We can expect far greater effort as the rest of the year unravels and we get closer to some decent solution to the native title legislation.

SUPERANNUATION TAX

Mr FOLEY (Hart): Did the Premier write to the Prime Minister earlier this year advising him that the South Australian Government would not cooperate in the collection of the Federal Government's new 15 per cent superannuation tax and, if so, what response has he received from the Prime Minister?

The Hon. J.W. OLSEN: I have written to the Prime Minister in relation to this matter. Based on legal advice, a number of options have been put forward to the Commonwealth Government for consideration, and discussions are continuing.

HOFEX 97

Mr ANDREW (Chaffey): Will the Minister for Primary Industries outline to the House the outcome of his Hong Kong trip earlier this month when he led a large delegation of primary producers to HOFEX 97, which I understand is the largest food exhibition in Asia?

The Hon. R.G. KERIN: I thank the member for Chaffey for his question, and I know that several of his constituents did very well out of the trip. Export of primary production and value-added products to Asia is one key to economic growth in regional South Australia, and Asia and China present massive opportunities for our food exports. However, we certainly can no longer regard this as just an opportunity as we have in the past. As a result of our excellent increases in productivity and an expansion in our horticulture and aquaculture, this opportunity is now a necessity.

With the limited growth in the domestic market, the law of supply and demand tells us that without quick increases in exports this extra production will be a threat rather than an opportunity. As the Premier mentioned, the focus of the trip was the prestigious HOFEX exhibition, which showcased food for the lucrative Asian hotel industry. In addition to the 25 companies exhibiting, there were 46 primary producers hungry for knowledge of how to export. This group made the most of the opportunity. They visited markets in the early hours of the morning, heard guest speakers at breakfast and visited the air and sea freight facilities as well as HOFEX. Most of them identified real opportunities to trade into the region and came back very encouraged and much the wiser.

I give full credit to the members of this delegation and to the hard working HOFEX exhibitors who put in a terrific effort to promote not only South Australia but its products.

Earlier in Question Time the Premier mentioned the opening of the Tokyo office, and I would like to relay to the House the excellent feedback on how South Australia is perceived in the region. Representative offices in Hong Kong, Jinan and Shanghai, with the full support of the EDA, are doing a terrific job. Their efforts were praised not only by Austrade and embassy officials but by business leaders whom we met in the region. In addition, it was most encouraging to hear from recent visitors to Australia that of all the States they visited the most impressive presentations they received were in South Australia. Members can be confident that the structure to assist exporters is in place, with good cooperation occurring among business, the State Government and Austrade. This will allow South Australia's primary producers to meet the challenge and to achieve the increases in exports which will deliver the benefits of increased production to both producers and the South Australian economy. The willingness of our companies and individuals to have a go at exporting is deserving of our total support, and you can be assured that this Government is doing it very well.

HEALTHSCOPE

Ms STEVENS (Elizabeth): My question is directed to the Minister for Health. As part of the contract to manage the Modbury Hospital will the Government enforce the contractual obligation by Healthscope to construct a new 65 bed private hospital adjacent to the Modbury public hospital and, if not, why not?

The Hon. M.H. ARMITAGE: This is a particularly interesting question, because I understand that the member for Elizabeth has been briefed by the HealthScope board about these matters. I also understand that there are a number of lobbyists who have a direct input to the Labor Party and who have also been party to those discussions. I understand that these matters were discussed at the meeting with the member for Elizabeth and with a person who was a member of this House but who was defeated and is now a member in another place. The only conclusion I can draw, given that the member for Elizabeth has been completely briefed on this matter by Healthscope, is that she is attempting to bring into the political forum matters which may or may not damage Healthscope. That is an appalling thing for a member of Parliament to do, because every single nurse and every single person who works at the Modbury public hospital is an employee of Healthscope. That means that the member for Elizabeth is prepared to damage the jobs of hundreds of South Australians. That is an appalling feature.

The simple fact is that, despite the direct attempts by the member for Elizabeth to politicise something about which she has been completely briefed already, I am more than happy to identify to the House, as I have on almost every occasion that I have stood up in the last nearly four years, that if there is an opportunity to maximise the benefit to South Australians in any way this Government will take that opportunity, because we are not hidebound or blinkered. If we can maximise the benefit to South Australians by looking at a different way of producing health services, we will do that. If the member for Elizabeth does not want us to maximise the benefits to South Australians and to provide better services, please let her identify that well and truly before the election so that we can tell the people of South Australia that the Labor Party is not prepared to maximise the benefits. I know that the member for Elizabeth will not do that, because it is not in her political interests to do so. But her identifying something or other in this House about which she has been completely briefed clearly identifies her willingness to politicise this matter.

GRIEVANCE DEBATE

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

Mr ANDREW (Chaffey): A lot of good initiatives have taken place in my electorate since the sittings some weeks ago. One such initiative, which I had the pleasure of announcing at the end of April on behalf of the Minister for Transport, was the establishment of a Riverland community passenger transport system. By way of background I point out that, since my being elected to this place at the end of 1993, this requirement and need for the Riverland has been of very high priority to me. In terms of developing and pursuing this issue I was instrumental in supporting and reinforcing the Riverland Development Corporation strategy, completed in 1994, which highlighted the need for improved passenger transport systems in the Riverland. In December 1995 the Riverland Development Corporation, with funding from DEET and the Passenger Transport Board, pursued a specific transport study. Subsequently, when the Minister for Transport, the Hon. Diana Laidlaw, visited the Riverland in mid-1996, I had the pleasure on behalf of the Riverland of presenting that report to the Minister. She was impressed by the report and gave further direction and instruction that a business plan be prepared for the possible application of funds from the Passenger Transport Board and the implementation of such a scheme.

The authority for achievement of a business plan was delegated from the Riverland Development Corporation to the Berri-Barmera council. Earlier this year I lead a delegation from that council to representatives of the Passenger Transport Board wherein we requested the Minister for funds from the board. That plan brought together the operational, administrative and financial framework for the implementation of such a scheme in the Riverland. Perhaps it was delayed somewhat, but in terms of precedence it was the first time that there had been an application, through the Passenger Transport Board, for funding for three years. Indeed, it was of great heart to the Riverland to appreciate and thank the Minister for the Passenger Transport Board's contribution of $40 000 over three years to get this scheme up and running.

The scheme will be based on one that has operated for a couple of years in the southern districts of metropolitan Adelaide and in the Barossa. It will involve a local management committee. Initially, it is likely that two leased mini buses will operate in the Riverland via a transport brokerage system with volunteer drivers. Certainly, it will source other options for finance and will focus on special needs for transport in the Riverland. Ultimately, it will involve the formation of a Riverland transport foundation to support the scheme. The priority for transport needs will involve helping those with health needs, those who have CES and social

security needs, those who have disability requirements, those who have education and training needs, particularly through the TAFE system, and, if possible, those with employment and shopping needs.

I want particularly to recognise that this is designed to be a flexible system that is responsive to the needs of the community, and it is one that I am sure, because of the identified needs in the area, will be supported by the local community. As I understand it, at the moment the Berri-Barmera council is in the process of putting together the logistical framework, getting together a committee to get this program under way. I want to thank all those who have been involved, particularly the Riverland Development Corporation and all the other local organisations that have provided assistance and support to that organisation and to me, in terms of the representation and delegations we have made, to make this Riverland community transport system a goer.

Mr Venning interjecting:

Mr ANDREW: Exactly. As I have indicated to the member for Custance, it is based on the Barossa system, which is working well.

Mr Brokenshire: And in the south.

Mr ANDREW: And in the south. We expect to have it up and running in the next two to three months.

Ms WHITE (Taylor): I rise today with some annoyance to confront an arrogant Government and an arrogant Minister for Infrastructure over what is happening at Bolivar and around Adelaide at the moment with the odour problem.

Mr Brokenshire interjecting:

Ms WHITE: The member for Mawson, who says it is only in my electorate, should understand that half of Adelaide is complaining about the odours in this town and, if he is not aware of that, I do not know where he has been. This Minister basically is trying to cover up the true story of what is happening with our water treatment system and the crisis that we are now facing. It is very easy for this Minister, who lives in the eastern suburbs, to come in here and say to the people of my constituency, in Paralowie, where I live, and in the neighbouring suburbs of Bolivar and Salisbury North, that there has always been a problem at Bolivar. Half of Adelaide knows that what has happened in the past few months is much, much worse. What has happened in terms of odour in the past couple of years since United Water has taken over has been greatly increased and, if the Minister says otherwise, he should ask the people of Taylor, because they know. It does not matter what the Minister says: they know that the odour problem is difficult and that he must do something about it. It is not only the residents who know—

Members interjecting:

The SPEAKER: Order! The member for Taylor has the floor.

Ms WHITE:—the severity of the odour problem: so do the 170 workers who went out on strike from United Water today. What will happen if we have a breakdown while they are out on strike?

Members interjecting:

The SPEAKER: Order!

Ms WHITE: On the Minister's own admission, it will take more than a month to rectify the problem. That is what the Minister is willing to subject the people of Taylor—

Members interjecting:

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

Ms WHITE: The people of Taylor and the people of Adelaide, too. The Minister talks about the problem at Bolivar that occurred in mid-April as being merely 'essential maintenance'—

An honourable member interjecting:

The SPEAKER: Order! The member for Peake.

Ms WHITE: In his statement he gives the impression that during maintenance some effluent was diverted into the effluent lagoons directly. That did happen, but I will tell members the other part of the story, which the Minister did not give to this House. The fact is that there was a mechanical breakdown and it took well over a week for it to be repaired. That is why this happened and, if a proper preventive maintenance program was being implemented, as the people of Taylor and the people of Adelaide have a right to expect, that would not have occurred. It is through a lack of maintenance that these problems are now being exacerbated.

We have had a lot of talk from United Water, from SA Water, saying that the weather has had a lot to do with it. Well might it have exacerbated the problem, but the fact remains that these are mechanical problems that are occurring, and they should not be occurring if proper maintenance were being undertaken. I have had hundreds of complaints to my office in recent weeks—and if anyone doubts that, they can come out to Bolivar, to Paralowie, and they will see. People are nauseous; people are having increased throat infections. The Minister for Health says it is not a health risk. People's standard of living has decreased over recent weeks due to the poor maintenance programs implemented as a result of this water contract. Members opposite should come out to where we live and they will find out all about it.

I contacted the United Water Managing Director directly with complaints, after getting the run around, and as a result of that a written apology was issued to constituents in neighbouring areas. I recognise that. And I do recognise that, when things break down, they are fixed. But the whole point is that maintenance is not being done properly at Bolivar.

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

Mrs PENFOLD (Flinders): Despite having to pay for the ALP-caused $3 billion State debt from the State Bank, and a few other billions, the South Australian Liberal Government has transformed an ailing health system into the nation's most efficient, delivering services to a record number of South Australians. In my own electorate, the Port Lincoln Hospital required an urgent upgrade following ALP neglect. The ALP had three terms of office, 11 whole years to do something about it, but it did nothing. Herein lies the stark contrast between the former ALP Government and the current Liberal Government. The Liberal Government has delivered to Port Lincoln, as it has with many other country areas, a commitment to rebuild health infrastructure. A massive hospital redevelopment program has been undertaken with health units not only at Port Lincoln but at Port Pirie, Mount Gambier, Port Augusta, Wallaroo, Coober Pedy, Kangaroo Island, Millicent and Ceduna receiving very much-needed attention.

The Liberal Government has made a commitment to finish the $16.5 million Port Lincoln Hospital redevelopment. Approval has been given for $7.4 million in the final stage. Already, the Government has spent $9 million on the project. The second stage, at a cost of $6.3 million, was opened by the Minister, Dr Michael Armitage, on 1 March. Stage 3 started in the first half of 1997 and will be finished late in 1998. I was happy to read further good news today from the South-East region of the State: the *Border Watch* ran a story

heralding the new Mount Gambier public hospital and stating that it will be fully operational by mid-July. Mount Gambier provides another example of the stark contrast between Liberal and Labor. In its 11 years of office, the Labor Government promised almost annually to build a new public hospital for the Mount, but continually it let everyone's hopes down. Now, in one term of office, the Liberals have turned that dream into reality.

Other capital works projects with money allocated to them include: Coober Pedy Community Health Centre; Kangaroo Island Hospital; Millicent Hospital; the new Port Pirie Environmental Health Centre; Wallaroo Hospital; Mount Pleasant Hospital; Berri Hospital; the 18 bed extension to the Kessal Wing Nursing Home at Boandik Lodge, Mount Gambier; and Ceduna Hospital. Also, Flinders Medical Centre has a new private wing, while just a few days ago the Premier announced the first financial commitment for the first two stages of the Royal Adelaide Hospital redevelopment. These works will start in August-September. The new 40-bed in-patient psychiatric unit at the Queen Elizabeth Hospital is well under way and expected to be finished within the next financial year. Labor promised most of these developments but did not deliver one of them.

Labor's 11 budgets produced an average annual expenditure on capital works of $45 million, whereas in the three Liberal budgets the average has been $77 million. The Opposition Leader, Mike Rann, refuses to apologise for his part in the State Bank debt, but he leads the carping chorus of his ALP cohorts, who criticise the Liberal Government for doing more than they did—and with $3 billion less.

The Liberal Government realised it had a massive job on its hands when it won office. One of the best testimonies of its success are the new and upgraded hospitals plus the extra services that have been provided. The South Australian Liberal Government now has a reputation for fixing and improving country hospitals, something totally at odds with the previous Government's approach to the country hospital system which revolved around closing and disregarding hospitals. The Opposition criticises this Government as it strives to restore prudent management of the State's finances and caring management of our services and for our debt reduction strategy, including our cuts to recurrent health expenditure. In doing so, the Opposition compounds the legacy which it left South Australians. However, Labor did not only mismanage the State Bank, it also failed to properly manage health services. Up to the end of the financial year 1995-96 this Government had to cut the State health allocation by $47.5 million, compared with the last Labor budget.

The ACTING SPEAKER: The honourable member's time has expired. The member for Mawson.

Mr BROKENSHIRE (Mawson): After all the furore and hype that Opposition members tried to beat up about SA Water and United Water a little while ago, it is interesting to note that only one member of the Opposition is present in the Chamber. May I say that the honourable member on the other side is an excellent member. Whilst I see that the Labor Party is trying to have a go at the honourable member, I will be very pleased to help campaign for him because, if all Labor members of Parliament were like the member for Price, this State would be in a hell of a lot better shape than it is today. I hope that the member for Price stays in this Parliament for a very long time.

I will make another couple of comments about the member for Taylor and her hype, fabrication and drama. The honourable member is just like the negative Leader of the Opposition, the Hon. Mike Rann, who spends only about half of Question Time in the Chamber and the rest of the time out at the photocopier fabricating another fake leaked document. The situation involving sewage reminds me of what was happening under the Labor Government before we came to office. I recall front page stories in our local press in 1992 when the Labor Party was in office, when some of my constituents and their children went to swim in Gulf St Vincent and were swimming through a shocking dark brown sewage sludge that was floating out in the gulf. That is the sort of sewage system that existed under the previous Labor Government.

As my colleague the member for Unley rightly reminded me, when the Labor Party was looking after the sewage system in South Australia, one of his constituents reported that he saw raw sewage sludge dropping out of the back of a truck travelling through Adelaide. Of course, down south in my colleague the member for Kaurna's electorate they had been trucking raw sewage sludge for years until the member for Kaurna and the Olsen Liberal Government decided to do something about improving the sewage system. The track record for the South Australian Liberal Party when it comes to sewage treatment, profits and all the good news stories about SA Water will never be reported correctly, because of misrepresentation by the Labor Party, but our record stands high and we will ensure that the message concerning that record gets through to the community.

In the House yesterday it was interesting to hear the Deputy Leader of the Opposition call the State Secretary of the ALP, John Hill, the Labor candidate for Kaurna, a 'bloody idiot'. That again demonstrates the festering sore. My colleague next to me says that it is true, and perhaps it is; but what is also true and interesting is that the festering sores and wounds that have been caused by the bitter infighting occurring in the corridors and the Caucus room of the Labor Party for a very long time now are reaching the point where the Deputy Leader of the Opposition is now publicly not able to restrain himself any longer and is beginning to show signs of lack of ability to be Deputy Leader.

Finally, I refer to a very good news story, that is, policing in the south. Two years ago I ran a petition and called for a review of policing in the south. I was hoping that we would see one more general police patrol at least coming into the south. After that review and after lobbying and discussions with the Minister for Police and with my other colleagues, the member for Kaurna and the member for Reynell, I am delighted to be able to report to the Chamber that 26 additional police officers are now being allocated to the South Coast Division. As well, I understand, there will be further improvements in the numbers at Sturt Police Division. Whilst we have already brought an additional 85 police officers into the Sturt Police Division and the South Coast Division, we are now bringing in an extra 26. That is the sort of thing that can be done when you have a good committed community who want to work with their local members and a Government that listens to and supports the south.

We are no longer the forgotten south. The sum of $2.7 million is being injected into the upgrade of the Christies Beach police station. This again is another major initiative with which I as a local member am very proud to be involved. The people of the south were forgotten for 11 years. False promises: election after election Bannon and Arnold said they

would build expressways, new police stations, and so on. What did they do? They did nothing other than cause losses involving billions of dollars. We have performed, and we will continue to perform.

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

Mrs GERAGHTY (Torrens): I again raise the issue of the new school signs which are still resulting in confusion and generating anger within our community. Many of my constituents are still writing to me and telephoning me to complain about it. Many have been apprehended because they have not been observing the speed limit, and I have to say that in most of these cases this has occurred quite unfairly. A letter from one of my very angry constituents states:

> I would like to add my experience to the many you have no doubt received so far regarding the what I consider to be unfair bookings that have been made as a result of the change in school speed signs. I was booked at 8.26 a.m. on 18 February for exceeding the speed limit (54km in a 25km zone) at the school on Silkes Road, Paradise. To my knowledge there has never been a speed restriction sign at that school before—

Mrs Rosenberg interjecting:

Mrs GERAGHTY: The member for Kaurna is making a joke about this. If the member for Kaurna listens, she will understand. The letter continues:

> To my knowledge there has never been a speed restriction sign at the school before, and the officer who booked me told me that the signs had been erected at the start of the current term. Having rounded the roundabout between the ford and the school there would be no more than 50 metres from the roundabout to the sign, and by the time I had kept my eyes on the school children walking and cycling to school I would have passed the sign. Had the sign been of the old and proven flashing lights, or flag type, it would have been much easier to see. For the officer to tell me that I would have to be more observant in future as the signs were different and smaller—

and it is well recorded that they are smaller—

> just added insult to injury.

He goes on to say:

> The Government has long denied that it is chasing revenue at the expense of the unsuspecting motorist. Now is the time to prove it by quashing all of the recent bookings at school speed signs. . .

Having driven around this area and looked at these signs, I concur with the writer of this letter. I do not believe that much thought was put into the placing of these signs because around my electorate—and in other members' electorates—many of them are hidden by overhanging branches. They are erected in such a way that the only way you can view them is to drive past them and you have to swivel your head to the left. They are not placed in a position where they are easy to see. In fact, I noticed near one of my schools, Wandana, that the 'No standing any time' signs were smaller than the school signs but were a great deal easier to see because of the angle on which they were placed.

The new signs are intended to ensure greater safety for children crossing the road. Yet, as I have said, these signs are much more difficult to see than those indicating parking restrictions. Obviously, the Government does not receive as much revenue from a parking fine. Trying to understand the logic of the way in which these signs are being installed escapes not only me but obviously also many people in the community—and I suspect many people in the member for Mawson's electorate as well.

Mr Brokenshire interjecting:

Mrs GERAGHTY: The member for Mawson says that he has fixed the problem. I should like him to share that with all of us because, as a member of Opposition, I have been told that these signs are of a national standard.

Mr Brokenshire interjecting:

Mrs GERAGHTY: I suggest that there has been favouritism—

The ACTING SPEAKER (Mr Becker): Order! The member for Mawson has had his turn.

Mrs GERAGHTY: I suggest that favouritism has been shown to the member for Mawson. I am happy to look at the size of the signs in his electorate, but the real issue is that these signs are not adequate for every school crossing. Certain crossings require other forms of signage, and one of the ways that we could highlight these crossings for the safety of our children is to go back to the old method of painting a large 'X' on the road. If we do not do that, certainly at one school in my electorate, there will continue to be accidents with children crossing the road.

Mr Brokenshire interjecting:

Mrs GERAGHTY: The road is a Government road.

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

Mr BASS (Florey): I should like to comment on the firearms buy-back scheme. Now that it has been completed, some 14 000 illegal firearms are known to be still in existence in South Australia, or at least police records show that this may be so. The letter that has been sent to people who are listed as owning a now illegal firearm contains information from the police firearms computer. There is no doubt that some of the information on that computer is incorrect. While not saying that all computers should be perfect, I know that the information that is on the computer originated from the card filing system that was held by the Police Department.

I have to confess that I was part of the Police Department's Firearms Branch in 1962 and did a lot of that filing. I was very young at that stage and, notwithstanding that I was a diligent police officer, obviously I would have made a few mistakes. That information has been transferred to the first police computer and it has also been transferred to the latest computer. There is no doubt that there will be some mistakes in the information held by the Police Department.

The letter that was distributed in May to persons shown as possessing prohibited firearms was drafted in conjunction with members of the firearms fraternity. It states clearly that the records show that the person to whom the letter is addressed is in possession of a prohibited firearm. It goes on to say that the owner may have disposed of the firearm, it may have been stolen or it may have been transferred and, if that is the case, a form which is attached to the letter should be completed to provide the Police Department with information as to where the firearm has gone.

If the owner of such a firearm receives one of these letters and still has that firearm in his or her possession, I urge that person to take it into the nearest police station immediately and surrender it. Notwithstanding that I fought against some of the current laws and disagreed with some of them, the fact is that they passed both Houses of Parliament and they are now law in South Australia, so the onus is on such a person to surrender any such firearm. If people receive such a letter and they have rid themselves of that firearm, all they need to do is fill in the form that is attached to the letter and return it as soon as possible to the Firearms Branch so that the police

can make follow-up inquiries to locate these now illegal firearms.

There is no doubt that a large number of firearms are still in the possession of people in South Australia and it is most important that they are located and surrendered to the police. Unfortunately, because they were not surrendered during the buy-back time, the people who still have them will not be recompensed when they hand them in. However, let me assure these people that, if they take them in immediately there will be no further action; but if they hang onto them and the police find them in possession of those firearms, the fine that will be imposed, no doubt by a court of law, will be quite substantial. I urge all people with illegal firearms to return them to the Police Department immediately or, if the firearms have been transferred or have gone elsewhere, to fill in the form and get it back to the Police Department as soon as possible.

NATIVE TITLE

The Hon. S.J. BAKER (Treasurer): I table a ministerial statement on native title made by the Hon. Trevor Griffin in another place today.

ABORIGINAL RECONCILIATION

The Hon. DEAN BROWN (Minister for Aboriginal Affairs): I move:

That the South Australian Parliament expresses its deep and sincere regret at the forced separation of some Aboriginal children from their families and homes which occurred prior to 1964, apologises to these Aboriginal people for these past actions and reaffirms its support for reconciliation between all Australians.

I have stood in this House on two previous occasions to speak on motions in support of Aboriginal reconciliation and I acknowledge the bipartisan support on both occasions. Reconciliation has nothing to do with Party politics: it is about the future of Australia. It is about the very nature of that future. Today this Parliament, on behalf of the people of South Australia, takes another important step along the road towards reconciliation.

The journey so far has been largely peaceful and constructive, especially here in South Australia. Some stretches of the road may have proved too steep for some. However, nothing has stopped this journey. Today we face another issue, with the legacy of the stolen children casting a shadow across our path, a shadow we lift with the simple words, deeply felt, 'We apologise'. In a speech to the House in 1994, I noted that the Aboriginal Reconciliation Council had already done much to raise awareness within the wider Australian community. This awareness was further raised by the celebration of the 30 years since the historic 1967 referendum.

Today the Minister for Family and Community Services and I have released the brief report commissioned by the Department for Family and Community Services entitled 'A brief history of the laws, policies and practices in South Australia which led to the removal of many Aboriginal children. We took the children. A contribution to reconciliation.' This booklet further raises awareness of the pain and devastating consequences of the policies aimed largely at assimilation. However, as I noted in 1994, awareness is not enough. Awareness without some action is merely a word. Today we take that action. We apologise for the policies of past Parliaments which allowed Aboriginal children to be taken without consent from their parents, to the children who were taken from their mothers and fathers, to the mothers and fathers who watched in pain as their babies and children were taken from their side or taken from their schools. To those people, we apologise.

As the report released today reminds us, the first public appointment in South Australia was that of an Interim Protector of Aborigines. This was followed shortly after by a Superintendent of Young Aborigines. So, a pattern of good intent was set. Those involved in the policies truly believed that they were doing the right thing. Today, we think differently. For all of us here today, it is a salutary reminder of the responsibility we accept at the declaration of our polls. That responsibility is to legislate with equity and compassion and with the best interests of all South Australians, whilst respecting the rights of individuals.

Although well written, this report is not easy to read. To members of Parliament it is a sober reminder of the impact of our decisions in this House. As a parent, it was especially difficult to read. It is difficult to imagine how you would feel to have your children taken away and not see them for many years, even if it was explained to you that it was being done to give them a better chance in life. When Mick Dobson told the ABC's *AM* program, 'I don't think I can begin to describe what I would do to anybody who tried to take away my kids,' every mother and father just knew what he went. When John Moriarty, who is known to so many of us, told the *Australian*, 'You never make up that lost time,' he was expressing one of the cruelest losses—that of time—that could be experienced.

When Evonne Cawley (formerly Goolagong) talks about the fear of the welfare man, it is quite chilling. The two previous motions of this Parliament in this House have been passed in relation to reconciliation and have laid down certain principles. Those principles have become imperatives. Those principles include support for policies relating to multiculturalism and Aboriginal reconciliation being based upon the belief of a fair go for all in this country, and the principle of support in the ongoing process of reconciliation; achieving a greater understanding between Australians of Aboriginal and non-Aboriginal backgrounds; and recognising the special needs of Aboriginal communities, particularly in relation to housing, education and health. I conclude with the vision of the Council of Aboriginal Reconciliation, previously recognised by this House:

A united Australia, which respects this land of ours, values the Aboriginal and Torres Strait Islander heritage and provides justice and equity for all.

The Hon. M.D. RANN (Leader of the Opposition): It is an honour to second this motion. This afternoon, in the motion before the House, we are joined both in reflection about the past but also in looking to the future. This week we commemorate the thirtieth anniversary of the passing of the referendum in 1967 which conferred on the Commonwealth special powers to be used for the benefit of Australia's Aboriginal people. It seems hard to fathom today that, until the 1960s, Australia's recent history, Aboriginal people shamefully did not enjoy full rights as citizens in their own country. This week we also record that the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children From Their Families has reported to the Federal

Government and that the Australian Reconciliation Convention is meeting at the World Congress Centre in Melbourne.

I first came to Australia 20 years ago today to work for the Dunstan Government which, of course, pioneered moves to outlaw prejudice, advance opportunity and provide inalienable land rights for South Australia's Aboriginal people. We worked on the Pitjantjatjara Land Rights Bill with Don Dunstan and, as a newcomer to Australia, I was shocked by the extraordinary prejudice that we confronted. In 1978, many South Australians believed that land rights for the Pitjantjatjara people would somehow threaten their own life. Later, in the campaign to provide land rights and then secure compensation and clean up for the Maralinga people, whose lands had been irradiated following the nuclear testing in the 1950s and 1960s, prejudice again reared its head.

There can be few stories so compelling and so appalling than the extraordinary hurt inflicted upon South Australia's Maralinga people. They have lived on their lands and followed their dreaming paths for many thousands of years. In the early part of this century, their water supply at the Ooldea soak was permanently wrecked through the building of the railway line to Perth. In the early 1950s, the people were removed from their land against their will. These decent people were taken to Yalata so that the British Government could begin atomic testing on their lands. Again, the Aboriginal people were not consulted. They were prevented from returning to their homes. That dispossession resulted in illness, unemployment and the break up of family and traditional structures.

I want to talk today about Archie Barton, the great Australian who led the move to bring the traditional owners and their families away from alcoholism and boredom at Yatala back onto their lands. Archie Barton's life story is one of dispossession, loss, prejudice, courage, vision and infinite patience. Mr Barton was born in Barton, South Australia, and was brought up on the Great Victoria Desert and at Ooldea mission under the stern eye of Daisy Bates. Today there are still a few pepper trees that mark the site amongst the sandhills at Ooldea, and beneath those sandhills—a land sacred to Aboriginal people—is one of the richest archaeological sites in the world. In those days, so many Aboriginal children were taken away from their parents—a scar on Australia's history.

Archie Barton escaped. He hid beneath the Victorian skirts of Daisy Bates and successfully escaped the so-called protector of Aborigines. I am told other mothers at settlements around Australia had to temporarily bury their children in the ground in order to prevent their being taken away—supposedly for their own good. I have attended land rights ceremonies where Aboriginal women have poignantly sung about their babies being taken away. They were singing about themselves, and each time their song was followed by a painful silence. It is a grief that has not healed. In 1991 at Ooldea I had the privilege of handing over the title of the Ooldea lands to Maralinga elders. We had a ceremony in the desert, and Archie Barton was there and he cooked the dinner for us the night before the ceremony. The following morning, trucks and cars arrived from all directions, and Aboriginal people, both young and old, walked with us to the sacred place near where Daisy Bates' mission was established.

At that ceremony, I was approached by an elderly Aboriginal woman, speaking in her own language, who appeared to be quite ill and in considerable distress. Her son told me that she had been taken away from her mother at Ooldea and in later life had spent years trying to trace and meet her family and the mother that she never knew. She eventually met her mother before she died and was told that one day she would return to Ooldea, the place from which she had been taken, and it would become Aboriginal land. Her mother was right, and her little girl had come home.

When I was Minister for Aboriginal Affairs, I worked with some outstanding South Australians, both in the department and in the communities. Many had been taken away from their parents, and most felt a sense of loss and an ache to know where they came from and how these things could have happened. All were committed to the advancement of their own people and to creating opportunities for their children and for the children of others. I heard the stories of Cootamundra, where girls from South Australia, the Northern Territory and other places around Australia were taken away as babies, and then taken to a home and school in Cootamundra in New South Wales, where eventually they were farmed out to local farms without any say in their future, without having any say in their past, to work as housekeepers in local farms.

I personally met dozens of Aboriginal people whose life stories defy every United Nations or Geneva convention on human rights. It is now time for the Australian Parliament and for this Parliament to recognise that hurt and to begin the healing process. It is now time for this issue to come home. How we respond to the injustices of the past and then move forward will mark our place in history. We are facing a test as a nation, as a State and as individuals. Of course, there have been advancements in Aboriginal affairs. The first Australian Faculty of Indigenous Studies at the University of South Australia is a major step forward nationally in breaking down the still too many barriers to opportunity faced by Aboriginal children. But all of us must do more. What we are doing today is symbolic, but symbolism is important to nations and to peoples. It can often be a cornerstone to justice, equality of opportunity and social cohesion, but symbolic acts are not enough: they must be translated into action.

I hope that in tomorrow's State budget and in Federal and State budgets to come we will see major commitments to improving Aboriginal health and education that all of us can support, regardless of background or political Party. I hope that this Parliament will continue to embrace Aboriginal land rights issues and racial vilification legislation in a bipartisan way. We cannot let the Pauline Hansons, with their cruel mouths and empty slogans, set the agenda for our children's future. Our children, both black and white, whether they were born here or came here as migrants, deserve much more from us. Most of all, we owe it to those who were taken away from their mothers and to our own children to regard reconciliation with Aboriginal people as a challenge, not as a problem, and to tackle it with courage and leadership.

The Hon. J.W. OLSEN (Premier): I support the motion that I gave notice yesterday would be debated in the Parliament today. In doing so I speak today on a matter of significance to each and every one of us, and a matter of significance to future generations of Australians. The issue of Aboriginal children removed from their parents and families is tragic. The consequences of that will always be. By acknowledging that the reconciliation is of significance, a difference can at last be made, with significant consequences for the future of Australia. We must find within ourselves the capacity to acknowledge the extent of the damage caused.

I apologise on behalf of South Australians for the effects—perhaps well intentioned, but fundamentally flawed—that then Government policy had on the families and children of Aboriginal and Torres Strait Islander people. With the benefit of our experience we acknowledge that what was done was wrong. We cannot hope to understand the pain, and we should never pretend otherwise. The decisions which led to this sad episode have caused a scar on the face of the nation. It does not matter that governments of the day believed their policies were right or just; we have moved on from that point.

By apologising, I hope that we can now move forward. We must be positive about the future for all Australians. My Government is committed to reconciliation. We are committed to a fair and reasonable outcome to the native title debate. We are committed to consultation and cooperation, to living in harmony as Australians—Aboriginal and non Aboriginal, young and not so young. We are committed to making South Australia a better place to live, with proper recognition of the rights and interests of Aboriginal Australians. I look forward to a positive future for all of us.

Ms HURLEY (Napier): The Stolen Children report confirms that most Aboriginal families were affected as a result of the removal of children or the ever-present threat of the removal of children, and I personally find this very painful to contemplate. It is not only difficult to comprehend that it was so widespread that over 100 000 children were affected in this way, but the individual suffering of all those families is difficult to contemplate. As a mother I know how I would feel if my child were taken away from me and I never knew what happened to that child all through its life. Some families have managed to reunite eventually, but what suffering there must have been for those families not to know whether their young children were being cared for properly, what had happened to them and where they were. A lot of those young children were not cared for properly, and that adds to the tragedy.

The threat of the removal of children in those times was not completely confined to the Aboriginal population. I remember my father telling me that he was part of a big family. His father was often away at sea, and the children would usually scatter and hide when the welfare people came around, in case they were judged to be not properly cared for. But it was a bit different for the Aboriginal population, because then, as it is to some extent now, they were not really in a position to fight back at all. They were in a very powerless situation, especially in outback areas. There are some very moving reports of parents travelling hundreds of kilometres, following their children trying to find out what happened to them and being turned back or not being successful and having to go back without their children. Those sorts of stories are very painful for everyone, and it is not too hard to go back to those Aboriginal people now and apologise sincerely on behalf of the Parliament of South Australia for what happened then.

I also want to deal with what happened federally in regard to this report. First, before the report was even released there were some attempts to attack the Chairman, Sir Ronald Wilson, over his credibility and his ability to produce a credible report. There have been attacks on Aborigines generally and, once the report was finally out, acknowledgment of the poor treatment. Many times, the Prime Minister John Howard's response was described as half hearted. Mr Robert Champion de Crespigny, who is the Executive Director of Normandy Mining and a member of the Council for Reconciliation, described Mr Howard's speech to the Reconciliation Conference as 'totally inappropriate'. I believe that that view is shared by many, if not most, Aboriginal people and many fair minded people all around Australia. I am very pleased that the South Australian Parliament is set to make up in some way for that lack of response by the Prime Minister.

The Prime Minister referred to compensation and assistance to Aboriginal people. He said he wanted to address their current problems, not dwell on the past; but those practical solutions that he talked about in health, housing, education and employment have not come forth so far and show no signs of doing so. The only positive action that the current Federal Liberal Government has implemented is to cut funding to ATSIC and not replace those programs for Aboriginal people. So, the Prime Minister has failed on both counts in not providing practical solutions and not being prepared wholeheartedly to embrace the symbolism of a public apology by the Government to Aboriginal people. I think it displays a great lack of political maturity in the way the Federal Liberal Party has addressed these issues, as well as a lack of heart and commitment by the Federal leadership of the Liberal Party.

The SPEAKER: Order! I point out to the member for Napier that this motion is framed in a particular manner. The honourable member is now straying from the spirit of the motion. I would suggest that this is an important debate and that she has done herself no good by her comments.

Ms HURLEY: I see no reason why—as we are about to do—there should be no unconditional national apology to the Aboriginal people. Reconciliation is mentioned in this motion and I believe that we need to support Aboriginal people. While the Federal Parliament re-affirmed the 1976 referendum, the Federal Liberal Government refused to support an amendment that would have clarified that the part of that referendum that referred to the law-making powers would be used only for the benefit of Aboriginal and Torres Strait Islanders. Part of that amendment states:

> [The Federal Parliament] recognises, as was made abundantly clear by the political leaders of the time, that the referendum was passed with the intent that the power conferred on the Commonwealth only be used for the benefit of the Aboriginal and Torres Strait Islander people.

It is not enough to recognise and acknowledge the mistakes of the past: we must also make a commitment to avoid those mistakes in the future. In 1967 the Australian people voted overwhelmingly in favour of that referendum in a country where very few referendum questions get up. The Australian people did that, I believe, because they thought it was a fair thing and a recognition of the rights of people in this country. We take for granted that our Government is set up to make laws for our benefit, even if we do not agree with those laws, but Aborigines have no such confidence based on their past experiences. The rights of Aborigines as citizens were denied—rights such as life, liberty, property and dignity. They deserve an apology for those past mistakes and deserve to be told that we will ensure that it will not happen in the future.

We must do the right thing for the sake of our nation as a whole. If we are prepared to deny one group of people their rights, what does that say about our political and judicial system and the sort of people we are? Aboriginal people are looking for their Government to do the right thing by them. Aborigines have accepted the system of government and

worked within it: they have not tried to set up something outside the system. I believe that through this motion we in the South Australian Parliament are justifying this moderation by ensuring that the system does the right thing by them.

I would like to see the Federal Parliament move a similar motion. I believe that the Federal Parliament is not doing the right thing because it is in fear of a vocal minority. We must think back to that referendum when an overwhelming majority of people recognised that they were doing the right thing in passing it. I believe that the overwhelming majority of South Australians will understand that we are doing the right thing in this motion today in promoting reconciliation with Aboriginal people and giving an unconditional apology for those mistakes in the past.

The Hon. D.C. WOTTON (Minister for Family and Community Services): I am pleased briefly to support this resolution. Earlier today I was involved with the release of a brief history of the laws, policies and practices in South Australia that led to the removal of many Aboriginal children. It is an excellent report and I commend the writers. In reading the brief history commissioned by the department, one is overwhelmed by the damage that must have been wrought on children, families and communities by the misguided policies and practices of removal. One of the most poignant statements in the document is the requirement for removed children to be ascribed a religion with 'every seventh child being a Roman Catholic' as this was the proportion in the broader community.

Every culture seeks to invest in its children: how tragic that the actions of the past separated Aboriginal children from the nurture of their families and the richness of their cultural heritage. How easy in hindsight to see the gravity of the mistake but how challenging it is to ensure that history does not, in another guise, repeat itself. The motion before the House recognises the significance not only for our past but also for our future, not only in responding to the ongoing impact on Aboriginal people who were removed but also in responding to the children, young people and families of today.

As Minister for Family and Community Services, I remind the House of the important responsibility which Government has to contribute to and support family and community life. In 1997 we may be a more enlightened society but we face significant challenges in both policy and practice if we are to realise our goals as a reconciled community in South Australia. Acknowledging the mistakes of the past does give us a sharper focus on the positive changes that have occurred since the 1960s and the challenges beyond. During the mid-1980s an attempt was made to develop a comprehensive self-management strategy for Aboriginal people. One major component was the provision of resources to enable our Aboriginal communities to develop support structures for child care and child protection.

Many of these principles continue to guide the department today, and now today the current legislation which provides for both the placement principle and consultation with Aboriginal community organisations underpins the department's work in the protection and care of children and the support of families. Recent reforms to the child protection system have included the establishment of a specialist Aboriginal team. The planned restructure of alternative care provides specialist funding for not only placement but placement prevention services for Aboriginal people in South Australia. These initiatives are testimony to the ongoing efforts of the department to respond more appropriately to the needs of Aboriginal people.

The fact remains, however, that on just about every measure of welfare status Aboriginal children, young people and families are over-represented in the system. Not only will acknowledgment of our history and apologies change these harsh realities but it is important that we have a vision for the future that unites Government and the community in an active plan to ensure a different future. We need to acknowledge the wrongs of the past. We cannot look with complacency on present practices. But I hope we can all look with hope to the future.

Ms STEVENS (Elizabeth): I wholeheartedly support the motion. I would also like to express my personal sorrow, as a citizen of South Australia as well as a member of this House, that these events happened in our past. Obviously, I have not read the report of the inquiry into stolen children as I believe it will be tabled today in the Federal Parliament, but I look forward to reading it. I also look forward to reading the booklet to which the Minister referred earlier and which was released today. I congratulate the Minister because I believe it is important that these stories are told and that we all read them and that our children read them.

It is interesting to think about one's own experience in terms of when one discovered that these things occurred in the past. I grew up in Clovelly Park, on the other side of the city to where I live now, virtually not knowing any Aboriginal people when I was a child. However, I remember when I was a member of the RAYS group of the Clovelly Park Methodist Church visiting the Colebrook Home at Blackwood. That excursion still sticks in my mind, because it was night time and we were taken into dormitories. The lights were turned on and all these young children in cots woke up with a start. We were shown through as these children were trying to sleep, and then we were led out. That incident has stuck in my mind.

At later times I had the opportunity to hear much more about this, and I shall refer to one of those instances. A few years ago when I was the Principal of Para West Adult campus in Davoren Park the school had decided as one of its priorities that it would aim to increase the number of Aboriginal students in attendance. As a result, we set aside a training and development day for staff to look at issues for Aboriginal people and their participation in our school. As part of that we asked one of our staff members, an Aboriginal woman who worked in reception, to take part in that program. She took part by telling us the story of her life in southern Western Australia around the time all this happened.

It was not until she explained this that it came home to me what it meant. She spoke about living with her mother, father, brothers and sisters in a town in southern Western Australia. She spoke about the officials coming and taking the children. She told us that her father had a good relationship with police officers in the town and that that was lucky for them, because the police officers would tip off her father when the welfare people were coming. She told us how she and her brothers and sisters were sent off by her mother and father to hide in the bush nearby. It was not until she spoke about this to us that I thought about what it meant and about how it would have felt, what sort of life they lived, what sort of fear hung over their head and what sort of fear hung over the heads of parents.

My two sons were teenagers at the time, and I translated into this how I would have felt having to look over my

shoulder wondering when they would come, whether they would take them and whether I could afford to let them go to school, because they might take them. I know that I and many of the other people who, with me, listened to her story and who were able to talk to her about how this felt and what it meant will never forget it.

Since then a number of other Aboriginal people with whom I have worked have told similar stories. One person whom I know quite well in the Elizabeth area and who is a very prominent Aboriginal person told me recently that he went back to Alice Springs to be reunited with a member of his family he had not seen for decades. He talked about the emotion, the loss and all those things that were part of that for him.

I remind the House how many of us felt when we dealt with the adoption legislation recently. Like me, most members in this House would have received many letters from people who had been adopted and taken from their parents and from women who had had children taken from them in our previous adoption system. I remember feeling how terrible that was. However, we need to understand that this was on a much greater level that every Aboriginal child was the target. The Minister today referred to the fact that the removal of children was conducted by people with good intent. I ask the question: from whose perspective was this good intent, because it was not good intent from the view of Aboriginal people? If we walk in their shoes, change places and look at it from their point of view, we can see that now and we should have seen it then. Essentially, the good intent was about removing the Aboriginal race from Australia. That was the truth of the matter in that the good intent was to say, 'We will take these children; we will turn them into whites; their parents will die out; and then there will not be any more Aboriginal people.' That was the 'good intent' under which they operated. It is something that we need to confront. It is also something from which we have to move forward.

As the Hon. Mike Rann said earlier, how do we face the injustices of the past and move forward? That is the great challenge. The first thing we need to do is acknowledge that these things happened. We need to read that report; we need to read the booklet that was launched in South Australia today; and we need to acknowledge. We need to say that we are sorry. Why is it so hard to say we are sorry? We need to acknowledge that we are sorry. Then we need to do something to ensure that it never happens again. I, too, believe that symbols are very important. I have heard some people ask, 'What does saying sorry have to do with this? It is just best to get on and start doing something.' It is very important that we have a symbolic gesture that this is our position, that we acknowledge what happened, that we say we are sorry and that we move forward. It is important that we move forward and translate our feelings into the challenge of redressing what happened in the past. It is not a matter of guilt: it is a matter of saying, 'This happened; it was wrong; and now we will get on together with the job of making things different.'

There are many areas where we know that the disadvantage of Aboriginal people is absolutely clear in our community. I shall mention four of them. Aboriginal children and their families continue to be substantially over-represented in the care and protection system. As at June 1995 in South Australia there were 16.6 guardianship orders per 1 000 Aboriginal children, compared with 2.4 per 1 000 for non-Aboriginal children. Aboriginal children represent 2 per cent of all children in South Australia yet they represent 7 per cent of child protection assessments, 10 per cent of confirmed abuse cases and 22 per cent of juvenile offenders. The gulf between the respective health status of Aboriginal and non-Aboriginal populations is widening. Those statistics have been mentioned many times before. Aboriginal people have a much lower life expectancy than the total population. School retention rates have declined in recent years. The retention rate for Aboriginal children fell dramatically in 1995. Finally, as we all know, poverty is a significant issue for Aboriginal communities.

We need to take these issues on board seriously. We need to be prepared to talk about these things to those in our community today who are trying to say that what I have just said is not the case when, in fact, it clearly is.

Mr CUMMINS (Norwood): In 1860 a select committee of the Legislative Council was appointed to investigate the deteriorating condition of the Aboriginals. I refer to the select committee evidence and that of the Lord Bishop of Adelaide of 11 September 1860. The evidence states:

> Do you know the number of natives throughout the colony—have you any means of knowing?—The Encounter Bay tribe died off three or four years ago from disease. They had a meeting in their war dress, when they came up to Noarlunga; as the native doctors told them to exercise themselves more and they were training and painted over because so many of them had died previously. . . The Adelaide Tribe is gone. They used to come down to Hindmarsh to bury. I remember 300 natives assembling in the heart of what is called Norwood now. At Mount Barker the natives were common, and the three men I spoke of before came up with their spears. Mr Hawker told me that his natives were dying off—half the tribe in the last three or four years.

On page 2 of the report, the Bishop referred to 'the school that took the children from their infancy'. Later it became inconvenient to take the children from their infancy, because at that age they were too difficult to look after. The practice was then to take them when they were two to three years of age. In fact, the committee recommended that perfect isolation was considered necessary to 'relieve rising generations from the evil influence and example of their parents'. That was the attitude, it seems to me, of the South Australian community and, unfortunately, of this Parliament in 1860. I am glad to say that that attitude has now changed, and I am happy to support this motion on that basis.

Unfortunately, the treatment of Aborigines was not the best in the 1880s. People talk about good intent, but one must look at the facts. Inspector Foelsche in August 1882 reported to the South Australian Minister for Education the forcible abduction of Aboriginal women and children, and sexual and economic abuse. I am sorry to say that absolutely nothing was done about it and that problem continued unabated. The State Records of South Australia, in a document 2/13 of 19 February 1902, a confidential dispatch to the British Home Secretary (the Right Honourable Joseph Chamberlain) from the Governor of South Australia (the Right Honourable Lord Tennyson), detailed the rape of 'undeveloped girls and the abduction of children'.

Lord Tennyson asked Chamberlain to intervene, and the response he got was that he feared that his [Chamberlain's] intervention would serve no useful purpose and would in all probability give rise to feelings of irritation. So, the attitude in 1882 and the response to abduction and rape of children was: 'We'll do nothing about it because this might give rise to irritation.' So, with all respect to previous speakers, I do not think that things were bright and rosy in South Australia in 1882. It is therefore right that this motion be passed by this Parliament and that this Parliament apologise. The only

enactment dealing with Aborigines prior to 1911 was ordinance No. 12 of 1844, which provided for apprenticing of Aborigines and half-caste children, and constituted the protector of Aborigines the guardian of half-caste and unprotected Aboriginal children. In 1911, when the Aboriginal Bill was being debated, one member of Council (on 26 November 1911 at 267) said:

> There was a provision in the Bill that children could be taken away from the camps. That might be for the children's benefit, of course, but it would be a great blow to the mothers of those black or half-caste children. The feelings of the mothers should be consulted. They should be allowed to go with their children for a time, until they became accustomed to their new surroundings. The Government would be taking the right step in sending half-caste children to the care of the State department.

That was the attitude in 1911. One might say that things really have not changed that much. It seems to me that the apology is more justified, as the Parliament was informed on 27 September 1911, by the Hon. J. Warren, of the devastating effect the taking of their children had on Aboriginal women. He said that to his knowledge those women who had lost their children by removal had put on their heads a mourning skull cap of white plaster and always after looked on their children as dead. He cited an example in the north of an Aboriginal woman who was still wearing one of these plaster skull caps 15 years after the loss of her child. That was the impact that the policies of, unfortunately, the Parliament and the Government of those days had on Aboriginal children and on their parents.

There is no doubt that it was in the interests of the landed gentry of that period systematically to put Aborigines in a group together and keep them away from the cities. In fact, if one looks at the select committee report of 1860 and to the evidence of the Commissioner of Police, one sees that he attributed the reason why Aborigines were dying of disease to the fact that they were put together in groups. One wonders, at the end of the day, what the real policy was right from the founding of this colony through to the 1900s. Today I am happy to join with other members in supporting this motion, and I think from the facts I have related here today, and from the history of the Parliament and the reports to the Parliament, that it is with justification and about time that this motion was moved.

Also, it is correct and proper that it should be moved in the fashion in which it has been, namely, for this Parliament to apologise, because from the founding of this colony right through until the 1960s this Parliament had good reason to apologise. I personally apologise for what has happened in this State. My family was here in the 1830s, and on the land. I do not know what their role was in all this, but I have an ancestor who was in this House in the 1890s and I apologise for my family's not taking a role in doing something about the situation that confronted the Aboriginal community in the nineteenth century and into the 1960s.

Mr FOLEY (Hart): I support this motion. The Government has done the right thing today in moving this motion and the Parliament is doing the right thing in supporting it. It is a sign of leadership for this Parliament to be prepared to put such a motion and to debate and pass it. I only wish that our Federal Parliament would follow the same process. I understand that Western Australia is moving such a motion, as is the Northern Territory. I think it is the right thing for Parliaments to be doing. Like many speakers today, I can only reflect on this issue as someone who in 1964 was four years of age. The thought of people being taken away from their family at that age is a horrific thought. The personal trauma for the family and the young people involved is to me unimaginable. That it was still occurring in 1964 is a significant and disturbing thought that I find quite repugnant in the extreme.

Also, as many of my colleagues from both sides of the House have mentioned, for all of us who are parents to think of our young children being taken away from us is both disturbing and a very horrific thought. To think that that was sanctioned policy at the time just defies description. Also, at this time in our community when a debate has been raging—a debate that I, for one, and I know many, if not all, of us wish was not occurring—this report into the stolen babies is a sudden and very sobering interruption in that debate, and perhaps a very timely interruption to a debate which is out of hand, which is wrong and which is vicious in its nature. I think it very sobering and very appropriate that this report has come in the middle of that debate to strike home to all of us as politicians, to all of us in the community, the sorts of sanctioned policies of Governments past and what they did to the young people and the families of this nation in such a deliberate manner. It is most appropriate for us to reflect on that today.

To the Aboriginal community within my electorate, the electorate of Hart, encompassing the Le Fevre Peninsula, I personally apologise as their member of Parliament. To the Aboriginal community throughout the State and throughout the nation I join with all politicians and apologise on behalf of the Parliament. It is a tragic blight on our country's history and a tragic blight on our nation's development. It should not have occurred, but it did occur, and it is appropriate for all of us to be part of the process of saying 'Sorry', to apologise and support this motion.

Mr CLARKE (Deputy Leader of the Opposition): I will be brief, because already many members have expressed the historical passage of time which led to the moving of this motion, which I trust will have the unanimous support of all members of this House. I will not reiterate those points. I simply say, however, that I entirely endorse all the comments made by the member for Napier in her speech to this House today. I know some parts of the honourable member's speech caused some unease apparently among some members opposite. No doubt that was due to the fact that the honourable member made some spirited comments concerning the action or, more particularly, the inaction of the Prime Minister and the Federal Liberal Government.

I simply say that the motion that we in the South Australian Parliament are about to pass stands all members of this Parliament, of whatever political persuasion, in good credit. It is unfortunate indeed, as the member for Napier has said, that our national Parliament could not have taken similar action and moved a similar motion. I commend the Minister for Aboriginal Affairs in this place for moving such a motion, which can bring about a unity of purpose and which I trust can receive unanimous support. I simply repeat that it is unfortunate that the national Parliament and the national Government could not do likewise.

We in South Australia can take some pride in our handling of Aboriginal issues. For a number of years a reasonable degree of bipartisan support has been given to matters dealing with Aboriginals, in particular land rights legislation in this State, under both previous Liberal and Labor Governments and, to that extent, it is to our credit. Whilst we have had disagreements on some issues, by and large, we have been

fortunate in this State not to play the race card with respect to politics. As the member for Napier alluded to in her speech, whenever mainstream political Parties are confronted with vocal minority groups seeking to incite racial hatred or tensions within our community it must be totally rejected and the mainstream political Parties and their leaders must show leadership by condemning those who would try to incite hatred among different members of our community. Again, it is unfortunate that in the National Party too much attention has been given to one particular member of that Parliament which has caused some members of the national Parliament to go a bit weak-kneed in confronting those issues.

In conclusion, I simply urge the unanimous support of this motion and again I express my appreciation to the Minister for Aboriginal Affairs for having the courage to bring the motion before the House in the manner in which he has done and in a language and a style which can draw unanimous support from the mainstream political Parties. Again, like the member for Napier, I regret that such leadership was not shown in the national Parliament.

Mr BRINDAL (Unley): I will not detain the House but a minute. It needs to be put on the record that this is our shame and our apology. It may well have been one of my relations that was the bishop in question, because my family has been in Australia for five generations, too. But prior to the 1960s the responsibility for Aboriginal welfare in this country was with this Parliament and with the colonies or the series of Governments. Much has been said about the Federal Parliament, but it was our decisions and our shame, and it is our apology.

Mr QUIRKE (Playford): In wishing to be associated with these remarks and with the motion before us this afternoon, I reflect on the 7½ years that I have been a member of the House. I suppose that every six or eight months during that period I have had someone come through my door who has told me that a terrible injustice has been perpetrated on them and that their child has been taken away by the Department for Family and Community Services. This was done to parents of adopted children as well as to parents who in some instances were not appropriate parents. In some cases, it has to be said, it was done with a very heavy hand. There were episodes about which I made it crystal clear to the Minister of the day, whoever that person was, that not only did I not support what had happened but I believed other avenues could have been taken.

That goes back to the 1950s and 1960s, and in quite a few instances the children in question were reunited with their parents. Indeed, I am old enough to remember the adopted row of kids in the primary schools I attended. Before members start patting themselves too much on the back about how good a record we had in South Australia, let me make this crystal clear. In the 1950s and early 1960s, this happened even in affluent areas such as Walkerville, where one of the primary schools I attended was located. About 20 per cent of the kids in one of the classes I was in were in the adopted row. For whatever reason, the school made them all sit in the same row; they were all dressed in exactly the same clothes, and about half of them were black.

Those kids never participated in any school activities. Our educational friends—of which I was one a few years later—used to have this great policy of streaming kids every Friday morning with tests, and kids would be placed in their rows according to how those tests were done. I do not think it should come as any surprise to members for me to say that in the adopted row most of the black children, the Aboriginal children, were in the back rows. I make this quite clear now: we should be debating this issue today because we have inflicted a terrible cruelty on these people.

We should not pat ourselves on the back because we have a better record in South Australia than other States have, although I suppose there is some truth to that. We certainly have done things about pastoral leases that should have been done in other States—and it is my fervent hope will be done in those States—to address the Wik issue. I cannot think of anything more terrible or terrifying for these people, the Aboriginal people, than to have their children taken away from them for life. I cannot think of anything in our State's history that has been more cruelly done—and I have seen it with my own eyes. I am sure there are members present who can recall their primary school days in the 1950s in this country and in this State and who would have seen these activities taking place.

An impression has been created that this was done for altruistic reasons; that is, removing Aboriginal children from their parents to give them a better life. I do not know whether those positions are historically correct. I suspect that it was done with cruelty, despite the decent light that some people have sought to shed on this issue. I also suspect that a large number of the children who were placed in orphanages were treated as the worst of all the orphans. In primary school, they were certainly treated very differently from the rest of us.

It is appropriate that we in this House apologise for this policy because it was in this place that we appointed Ministers of Education, Premiers, and Ministers responsible for Aboriginal affairs and Aboriginal welfare, and we failed those tasks miserably until very recently. In some respects, the jury should be out on the more contemporary handling of some of these issues. I came to this country as a migrant and I saw these injustices when I was a child. I am not all that old and it was not all that long ago, and I just hope that, by raising these issues, not only in this forum where it is appropriate that we apologise, we raise the level of community understanding.

Pauline Hanson's off-the-cuff remarks can be not only very hurtful but also devastating. A couple of weeks ago I watched a television program and my eldest boy listened to what was said. Like all good propaganda, tiny bits of truth were thrown in from time to time to make it a more saleable line. I told my son that the next time we get an opportunity, I will take him to some of the Aboriginal reserves that I have seen, for example, the Pitjantjatjara lands, to show him some of the problems experienced there. I wanted to make it crystal clear to him that, even in Australia today, his chance of living to the age of four or five is infinitely greater in a white, Anglo-Saxon household than ever it is by being born Aboriginal in this country, and that is to our terrible shame.

An earlier speaker said that we need to get on with the job. Let me say what that job is. We have to do something about what we see all the time on television and in the newspapers. We have to do something about the terrible conditions in which Aboriginal people in many parts of this country still live.

Mr De LAINE (Price): I am pleased to be associated with this worthy motion which has been moved by the Minister for Aboriginal Affairs and to add my sincere apologies to the entire Aboriginal population of Australia for the deplorable action of taking their children from them. It was an inhuman

policy of which I as a white Australian feel enormously ashamed. I was too young at the time to understand the enormous grief that must have been felt by the families of these children. Now that I am a parent, I can fully understand the grief experienced by the children and their families.

Between 1949 and 1951 I was a student at the Le Fevre Boys Technical School. At that school were about a dozen Aboriginal boys who had been taken from their parents. These boys lived at Francis House at Semaphore and they attended the Le Fevre Boys Technical School. I remember good times with these lads and I remember four of them in particular. One was the late Ken Hampton, who went on to become the first Aboriginal ordained minister of religion in Australia. The second was Wally McArthur, a wonderful athlete, who became a star international footballer in England, and my colleague the member for Giles would know Wally well because he lives in Whyalla.

The third one was John Moriarty, who became the first Aboriginal university graduate in Australia's history, and the fourth one, who I remember particularly well because I played soccer with him in the school team, was Charles Perkins. He is so well known that I do not need to elaborate. Most of those boys went on to lead successful lives, but that was no compensation for the way in which they were taken away tragically from their families. I add my apologies to the Aboriginal community. I am pleased to support the motion, and I say that it was a deplorable situation that I hope will never happen again to anyone.

Mr EVANS (Davenport): The Minister, the Premier and the member for Playford have expressed my sentiments in this debate. As the member for Davenport, I represent an area known as Colebrook at Eden Hills, which was mentioned by the member for Elizabeth, and I consider it appropriate to give the House a brief snapshot of some of the history of that place. Colebrook House commenced operations in 1924 in Oodnadatta. It was moved to Quorn until 1944 and then operated at Eden Hills from 1944.

The 1969 *Hansard* shows that Parliament had difficulty dealing with this issue. The then Minister (Hon. Robin Millhouse) referred to the fact that the superintendents at Colebrook had no training, that Colebrook was used as a children's home but was not licensed, and that no superintendent during the 1960s stayed more than two years, which indicated that Colebrook had its problems. However, at the same time, a Legislative Council select committee reported favourably on Colebrook and its work. If one reflects on those contradictions, it is clear that even in those days Parliament had difficulty with this issue.

I bring to the attention of the House the fact that this Sunday, at Colebrook, the electorate of Davenport has the pleasure of hosting Lois O'Donoghue, a distinguished Australian and a former Colebrook kid, as they are locally known, who spent time as a child on the Colebrook site. Having not been involved in the Colebrook home when it operated, I will be interested to hear the experiences of the people who lived there. I know that some of those experiences will be sad, but I hope that some of them will be happy.

I know that the Minister's family have been involved in the organisation of that event through their local Blackwood reconciliation committee, and they have done a good job. If members are available on Sunday and want to become involved, I advise them that the function will be held between 12 and 2, and the official speech will be given at 2 o'clock. The land is now under the care and control of the Aboriginal Lands Trust. In supporting the motion, I draw to the attention of the House that there is an opportunity for all of us to learn first hand of the experiences of the children of that era.

Mrs GERAGHTY (Torrens): As the member for Davenport said, the member for Playford has expressed many of the sentiments that I share, as has the member for Price. I am very pleased to support this motion and to express my apologies as well. I do not think that we can ever compensate for what has happened. There is no way that we can do that, but all I can do, along with everyone else, is to express my deep regret and apologies.

The Hon. M.H. ARMITAGE (Minister for Health): I am very pleased that the South Australian Parliament has taken a lead in passing unanimously such an important motion. I congratulate the Parliament on doing so and the Minister for Aboriginal Affairs for bringing the motion to our notice. In doing so, I acknowledge that a number of my friends in the Aboriginal community whom I represented as the Minister for some time, indeed, are members of that stolen generation. I have discussed this matter with them personally, on a number of occasions, and I acknowledge the incredible pain which they feel personally in relation to this and how much it has affected their lives. As a number of members who are parents themselves have said, the effect must have been incomprehensible on their parents.

A number of contributors to the motion have talked about potential motives for stealing the children. They may have been benevolent or they may have been malevolent. I guess we will never know. However, we do know quite clearly today that, whatever the motive, what happened was clearly wrong. It is for that that we in the 1997 Parliament need to apologise, because it was clearly wrong. It is also pleasing to acknowledge that our knowledge today is such that we can say quite clearly that it was wrong. Knowledge has moved on with the efflux of time, and I am confident that every thinking person would admit that such practices are inhumane and should never be condoned.

In conclusion, whatever the reasons for these children having been taken from their families, it was clearly to address disadvantage. It is important, in recognising the past and apologising for appalling practices, to continue to look at what made those children 20, 30, 40, 50 and more years ago be sufferers of disadvantage, and to acknowledge that a number of members of the Aboriginal community today are still suffering from some elements of that decision. As legislators we must ensure that we do everything we can to allow the children of today's Aboriginal societies not to be subjected to that disadvantage, so that they can be real contributors in the future who will see their proud race with their proud traditions taking a major part in the future of Australia. As a former Minister for Aboriginal Affairs and as an individual, I am pleased to support this motion which apologises for some appalling practices in the past. I acknowledge the deep hurt which the Aboriginal community clearly was forced to endure under what were appalling practices.

The Hon. DEAN BROWN (Minister for Industrial Affairs): I want to thank the members of the House for their contribution to the debate today. The debate has highlighted the significant role this Parliament has had—and I stress this Parliament, because it was the Parliament for the people of South Australia that has been responsible for the policies, not the Federal Parliament. I want to thank members for high-

lighting some of the injustices and wrongs done in the past. It is important that this motion acknowledges that and apologises for it but, most importantly of all, now moves on with enthusiasm for the process of reconciliation, and to make sure that this Parliament in the future ensures that resources are directed towards making sure that Aboriginal people within South Australia have a standard of health care, standard of education and a standard of housing of which we can be proud and is not a disgrace of this State. I urge members to support the motion.

Motion carried.

NATIONAL WINE CENTRE BILL

The Hon. J.W. OLSEN (Premier) obtained leave and introduced a Bill for an Act to establish the National Wine Centre; 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 the basis for the construction of a National Wine Centre at the site of the former Bus Depot on Hackney Road.

As all members are aware South Australia is rightly seen as the 'Wine State'—producing up to 60 per cent of the nation's wine output.

South Australia is the nation's largest wine producer. I also believe we produce the best wine.

We are acknowledged as the home of many of the nation's most prestigious labels and have a well deserved reputation for a product which has developed international standing.

As our wine reputation grows, so too does our capacity to export our product to Australian markets and to markets around the world.

The importance of this rapidly expanding industry to this State and the nation should not be under estimated.

The South Australian wine industry is now worth an estimated $900 million a year to the States economy—while the Australian wine industry currently exports $580 million worth of product annually. Over $350 million of these exports emanate from South Australia.

Given the importance of the industry as an economic generator it is vital that we as a Government do all in our power to foster its ongoing development well into the twenty-first century.

I am sure all members will agree the establishment of a National Wine Centre in Adelaide is long overdue. Without doubt South Australia is the nation's pre-eminent wine State and the logical location for what will become the icon for Australian wine tourism.

In order to cement our position as the nation's wine capital and to foster the industry's development and growth, we must also put in place those infrastructure projects which befit an industry with such impressive long-term prospects.

The South Australian Government has already shown its commitment to the project by providing $20 million to the Centre's construction.

Construction can start as soon as all approvals are in place. $7 million has been made available in the Budget for this year's construction works.

The Hackney site provides the ideal location for such a Centre—offering close proximity to the city centre and the cultural precinct of North Terrace.

Its proximity to the Botanic Gardens also offers the perfect fit for a Centre which will showcase the regional and varietal diversity of Australian wine. In developing the National Wine Centre it is the strong desire of the wine industry that the eventual facility reflects the natural ambience and rural nature of their industry.

This linkage can be further enhanced by the creation of a more open vista for the site.

The choice of Hackney follows an exhaustive selection process in which a number of sites throughout the city were considered.

Throughout this process both the State Government and the Australian wine industry were of the view that the chosen location must comply with an agreed set of criteria.

It was agreed that the National Wine Centre must be centrally located to ensure its commercial viability.

The selection criteria also stressed the need for ample space so that a surrounding vineyard could be incorporated into design specifications.

And importantly, it was felt that the Centre's location should not be aligned with any particular wine region. In fact this proved vital is establishing the support of the national wine industry.

Let me make it clear to the House, that based on these criteria, Hackney was the only location acceptable to the Australian wine industry—and given that this Centre will represent its interests, the Government took the view that the industry should have a key role in deciding the Centre's eventual location.

Hackney is the industry's choice!

Hackney is the Government's choice!

As great as this facility is for South Australia it is extremely important that the National Wine Centre is recognised as a national project.

The Centre will become the headquarters of the Australian wine industry and the international home of our burgeoning wine tourism industry.

We have taken the view that this Centre must be 'owned' by the entire wine industry and therefore must be representative of all the wine regions of Australia.

Consequently we have signed a Memorandum of Understanding with the Winemakers' Federation of Australia which reflects the support of both the Government and the national wine industry for the establishment of the Centre at Hackney.

At present, the site is under the care, control and management of the Board of the Botanic Gardens and State Herbarium. This Bill seeks to divest the site from their control and place it in the control of a body with the necessary powers to undertake the development established by the Act.

This Bill proposes to develop the National Wine Centre as a 'crown development' and therefore intends to facilitate the project by using Section 49 of the *Development Act 1993.*

Given the importance of this development to South Australia, the Bill seeks to grant the Centre a General Facilities License. In every other respect the *Liquor Licensing Act 1985* will apply.

This Bill seeks to confer the power to determine such issues as opening times, admission fees and parking fees by regulation.

The membership of the Board of the authority created by this Bill will be appointed by the Governor and nominated by the Minister following consultation with defined wine industry associations. These associations will be prescribed by regulation and are intended to be the peak wine industry bodies from the major wine producing States of Australia—South Australia, New South Wales, Victoria and Queensland and the peak national wine industry body, currently the Winemakers' Federation of Australia.

The Chairperson of the Board will be recommended by the nominated national wine industry association for appointment by the Governor following nomination by the Minister.

The remaining members of the Board will be nominated by the Minister, in consultation with the wine industry, and will possess skills, expertise and knowledge in fields considered relevant to the operation of the National Wine Centre.

As the first truly national wine centre in the world, the National Wine Centre will have a major impact on the South Australian tourism industry by playing an important role in reinforcing South Australia as the premier wine State and creating an impetus for new travel to the State. At the same time it will assist the Australian wine industry to increase both domestic and international wine consumption and in doing so promote the growth of one of Australia's key industry sector.

This national development is extremely important to this State and the support of every South Australian is sought to ensure the opportunity to stamp South Australia's name on the wine industry forever is not missed.

I commend this Bill to the House.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

Clause 2: Commencement

Clauses 1 and 2 are formal.

Clause 3: Interpretation

This clause sets out definitions of certain terms used in the Bill.

Clause 4: Incorporation of Centre

The *National Wine Centre* is established under this clause as a body corporate with the usual legal capacities. The Centre is to be an instrumentality of the Crown and hold its property on behalf of the Crown.

Clause 5: Land dedicated and placed under care, control and management of Centre

The area of land marked "A" on the plan set out in the Schedule is to be taken to be dedicated land under the *Crown Lands Act 1929* that has been dedicated for the purposes of the Centre and declared to be under the care, control and management of the Centre.

Clause 6: Development Act s. 49 to apply

This clause provides that section 49 of the *Development Act 1993* (relating to Crown development) will apply to proposals by the Centre to undertake development of the Centre's land (whether or not in partnership or joint venture with a person or body that is not a State agency).

Clause 7: Functions of Centre

This clause sets out the following as the functions of the Centre:

- to develop and provide for public enjoyment and education exhibits, working models, tastings, classes and other facilities and activities relating to wine, wine production and wine appreciation.
- to promote the qualities of the Australian wine industry and wine regions and the excellence of Australian wines.
- to encourage people to visit the wine regions of Australia and their vineyards and wineries and generally to promote tourism associated with the wine industry.
- to act as a headquarters of the Australian wine industry by providing accommodation and administrative support and facilities for wine industry bodies.
- to establish dining and refreshment facilities for visitors to the Centre.
- to carry out building, landscaping and other works to establish the facilities and amenities of the Centre.
- to conduct other operations prescribed by regulation or approved by the Minister.

The clause goes on to require that the Centre perform its functions in accordance with best commercial practices and, so far as practicable, in co-ordination with wine industry and tourism industry programs and initiatives.

Clause 8: Powers of Centre

The Centre is to have all the powers of a natural person together with powers specifically conferred on it. The powers may be exercised within and outside the State.

Clause 9: Establishment of board

The Governor is empowered to establish a board as the governing authority of the Centre. The Governor may also dissolve such a board at any time. The establishment or dissolution of a board is to be notified in the *Gazette*.

Clause 10: Composition of board

A board established for the Centre is to consist of not less than 7 nor more than 13 members appointed by the Governor. The members are to be persons nominated by the Minister after consultation with a prescribed association representative of the national wine industry and prescribed associations for each of the States of South Australia, New South Wales, Victoria and Western Australia representative of the respective wine industries of those States.

Clause 11: Terms and conditions of appointment of members

This clause provides for 3 year terms of office and for the removal of persons from the board on any ground considered sufficient by the Governor.

Clause 12: Vacancies or defects in appointment of members

This is a standard clause ensuring the validity of board proceedings despite a vacancy in its membership or the subsequent discovery of a defect in the appointment of a member.

Clause 13: Remuneration

Members of the board are to be entitled to remuneration, allowances and expenses determined by the Governor.

Clause 14: Proceedings

This clause deals with the procedures at board meetings.

Clause 15: Disclosure of interest

This clause deals with conflicts of interest in relation to board members.

Clause 16: Members' duties of honesty, care and diligence

Members of the board are required at all times to act honestly in the performance of official functions and to exercise a reasonable degree of care and diligence in the performance of official functions. Dishonesty or culpable negligence in the performance of official functions will constitute an offence. Board members or former members are not to make improper use of official information or to make improper use of their official positions to gain a personal advantage or to cause detriment to the Centre or the State.

Clause 17: Immunity of members

A member of the board will not incur any civil liability for an honest act or omission in the performance or purported performance of functions or duties. However, this immunity will not extend to culpable negligence. A civil liability that would, but for this provision, attach to a member of the board will attach instead to the Crown.

Clause 18: Board subject to control and direction of Minister

A board established for the Centre will be subject to the control and direction of the Minister.

Clause 19: Minister to be governing authority if no board

If there is no board for the Centre the Minister is the governing authority of the Centre. Decisions of the Minister as the governing authority of the Centre will be decisions of the Centre.

Clause 20: Common seal and execution of documents

This clause deals with the use of the Centre's common seal and the execution of documents on behalf of the Centre.

Clause 21: Delegation

Provision is made for delegation by the governing authority.

Clause 22: Chief executive and staff

A chief executive of the Centre may be appointed by the Centre on terms and conditions determined by the Centre. A person holding or acting in the office of chief executive is, subject to the control and direction of the governing authority, to be responsible for managing the staff and resources of the Centre and giving effect to the policies and decisions of the governing authority. The Centre is empowered to employ staff on terms and conditions determined by the Centre or make use of the services of staff employed in the public or private sector.

Clause 23: Accounts and audit

This clause deals with the keeping and auditing of the Centre's accounts.

Clause 24: Annual report

An annual report is to be prepared on the Centre's operations and tabled in Parliament.

Clause 25: Sale of liquor

The Centre is to be taken to have been granted a general facility licence under the *Liquor Licensing Act 1985* authorising the sale of liquor at the Centre subject to conditions prescribed by regulation. The *Liquor Licensing Act 1985* will apply to such a licence once issued by the Liquor Licensing Commissioner.

Clause 26: Centre may conduct operations under other name

The Centre may conduct its operations or any part of its operations under the name *National Wine Centre* or some other name declared by the Minister by notice in the *Gazette*. *National Wine Centre* and any other name so declared will be official titles.

Clause 27: Declaration of logos and official titles

The Minister may, by notice in the *Gazette*, declare a logo to be a logo in respect of the Centre or a particular event or activity promoted by the Centre or declare a name or a title of an event or activity promoted by the Centre to be an official title.

Clause 28: Protection of proprietary interests of Centre

The Centre is to have a proprietary interest in all official insignia. The clause regulates the use of official insignia.

Clause 29: Seizure and forfeiture of goods

This clause provides for the seizure and forfeiture of commercial goods making unauthorised use of the official insignia.

Clause 30: Regulations

Clause 30 authorises the making of regulations.

Mr CLARKE secured the adjournment of the debate.

ENFIELD GENERAL CEMETERY (ADMINISTRATION OF WEST TERRACE CEMETERY) AMENDMENT BILL

The Hon. S.J. BAKER (Minister for Housing and Urban Development) obtained leave and introduced a Bill for an Act to amend the Enfield General Cemetery Act 1944. Read a first time.

The Hon. S.J. BAKER: 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 is concerned with the administration of cemeteries owned and operated by the South Australian Government.

There are four major cemeteries in metropolitan Adelaide; Centennial Park, Cheltenham Cemetery, Enfield General Cemetery and Smithfield Cemetery.

West Terrace Cemetery is the original major cemetery, but is now little used due to lack of capacity.

There are several other public and church cemeteries which do not contribute greatly to the capacity for burials.

Of the cemeteries mentioned, three belong to the Government. Cheltenham and Enfield are owned and operated by the Enfield General Cemetery Trust under the Enfield General Cemetery Act, while West Terrace is owned by the Minister under the West Terrace Cemetery Act and operated by the Department of Housing and Urban Development.

The Enfield General Cemetery Trust is under the control and direction of the Minister.

The Enfield General Cemetery operates efficiently and at a profit. It has accumulated a substantial surplus of funds which, pursuant to the Enfield General Cemetery Act, can only be applied to its cemeteries.

On the other hand, the West Terrace Cemetery has substantial maintenance commitments for its heritage—listed graves and generates insufficient revenue from services to cover costs.

Cemeteries and burials are sensitive issues. There are current reviews of legislation pertaining to the disposal of human remains and to Council control of cemeteries other than those provided for under their own Acts.

This Bill has no effect on any matters of policy of the disposal of human remains or the conditions of operation of cemeteries. It is purely concerned with the rationalisation of management of existing State cemeteries.

The Government intends, as a separate measure, to present changes to the regulation of disposal of human remains at a later date. There will be ample opportunity to participate in that debate, which is entirely separate to the administrative change to be facilitated by this Bill.

The management of West Terrace Cemetery has been an issue for successive Governments. There are sound arguments for the amalgamation of existing State cemetery management into a single enterprise.

Under the current legislation, such an approach is not possible, as Enfield General Cemetery can not apply its funds to a cemetery that is not 'acquired' by Enfield General Cemetery pursuant to the Enfield General Cemetery Act.

The Government is advised that Enfield General Cemetery cannot 'acquire' West Terrace Cemetery under this Act. The West Terrace Cemetery would have to be both an 'Enfield General Cemetery' and the cemetery described and controlled under the West Terrace Cemetery Act. There are several minor points of difference which render that position impossible.

Accordingly, this Bill seeks to amend the Act, to allow the Enfield General Cemetery Trust to administer the West Terrace Cemetery as a complementary part of its operations.

There are provisions of both Acts which confer special powers on Councils and religious groups and determine the character and layout of the cemeteries. These provisions and the operational rules that are based on them are not to be touched by this amendment.

The distinct character of the cemeteries and specific rights of individuals and groups will not be affected in any way by this Bill. Examples are the availability of perpetual burial rights in West Terrace Cemetery and the lawn character of Enfield General Cemetery.

The Bill will not affect the position in the market of the subject cemeteries. The management reforms do not constitute a change in either the market position of the State owned cemeteries or the conditions under which they operate.

The proposed Bill is not intended to lead towards privatisation or commercialisation of the cemeteries. The Government's position is not to sell existing cemeteries.

The current Enfield General Cemetery Trust is comprised of:

- a chairman and two members nominated by the Minister;
- two members nominated by the Port Adelaide Enfield Council;
- one member nominated by the Treasurer; and
- one member nominated by rotation to represent religious denominations in South Australia.

Given that the three cemeteries are in three different local government areas and that together they represent the whole of the State Government's cemetery assets, it is reasonable that the Trust membership should be expanded to reflect the Trust's greater role.

Accordingly, the Bill proposes to increase the membership of the Trust by two; one each nominated by the Minister and the Treasurer.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment of s. 3—Interpretation

West Terrace Cemetery is defined by reference to the *West Terrace Cemetery Act 1976*.

Clause 4: Substitution of s. 5—Membership of trust

Two additional members are added to the Trust—one nominated by the Minister and one by the Treasurer. References to Enfield council are updated.

Clause 5: Substitution of s. 6a—Vacation of office of member nominated on basis of council membership

This amendment is necessary because of the amalgamation of the Enfield council with the Port Adelaide council. The provision is substantively the same.

Clause 6: Amendment of s. 12—Quorum

The quorum is altered from 4 members to 5 in light of the increased membership of the trust.

Clause 7: Insertion of s. 20A—Administration of West Terrace Cemetery

This is the central provision of the amending Bill. It requires the trust to administer and maintain West Terrace Cemetery and sets the parameters for that administration. The revenue of the trust from other sources may be applied to West Terrace Cemetery. The *West Terrace Cemetery Act* is to continue to govern interment rights and fees.

SCHEDULE—Miscellaneous Amendments and Transitional Provisions

Clause 1 converts references from chairman to chairperson and removes an outdated reference to the Enfield council.

Clause 2 provides that the current members of the trust remain in office.

Ms HURLEY secured the adjournment of the debate.

ASER (RESTRUCTURE) BILL

The Hon. S.J. BAKER (Treasurer) obtained leave and introduced a Bill for an Act to provide for restructuring the ASER property holdings and for other purposes. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

The above legislation is proposed in order to facilitate the restructure and sale of certain parts of the ASER development. That development consists of the Casino, the Hyatt Hotel, the Convention Centre, two car parks, the Riverside Building and a Plaza.

Central to this development is the Aser Property Trust, which is half-owned by Superannuation Funds Management Corporation, a State instrumentality, and interests owned and controlled by Kumagai Gumi of Japan.

Aser Property Trust holds a lease over the development (except over parts retained by TransAdelaide for the purpose of its railway station and facilities).

In turn, Aser Property Trust has sub-leased the casino property to the Aser Investment Unit Trust and the Riverside Building to various tenants.

The Aser Investment Unit Trust is two thirds owned by the Aser Property Trust and one third by South Australian Asset Management Corporation.

The Casino is managed and operated by AITCO Pty Ltd, a company wholly owned by the Aser Investment Unit Trust.

The Hyatt Hotel is held by Aser Investment Unit Trust under an occupation licence granted by Aser Property Trust with the right to take a sub-lease of the Hotel under certain conditions.

The Convention Centre and car parks are held by the State under an occupation licence granted by Aser Property Trust with a similar right to take a sub-lease of the properties.

It is proposed that the Casino, the Hyatt Hotel and the Riverside Building be prepared for sale. In order to achieve that end, it will be

necessary for the existing property arrangements relating to these assets be simplified and re-arranged.

The development rests on land which is owned by TransAdelaide. Ownership of the land will remain in TransAdelaide or some other entity wholly owned by the Government. Title to the various properties to be sold will be by way of lease so that at the end of the applicable lease term the properties will revert to the State or an instrumentality of the State.

The Hyatt Hotel, the Convention Centre, the car parks and Riverside Building were initially designed and built as an integrated development. Legal rights of way and other easements appurtenant to the various elements of the development do not exist. Important facilities and services are shared. These are electric power, emergency power, fire protection, chilled water for air conditioning and waste water.

The Hotel, Convention Centre, car parks, Riverside Building and Plaza are all held under a single head-lease granted by TransAdelaide to Aser Property Trust.

As it will be necessary to offer the various properties for separate sale, legislation is needed to facilitate the sales.

It is proposed that the existing leases over the development be surrendered and replaced with new leases without placing in jeopardy important taxation allowances which exist in relation to the buildings included in the development. If the taxation allowances are likely to be placed in jeopardy, the Bill will enable the existing head-lease over the Hotel and other properties to be severed into several leases, one for each property affected and thus enable the properties to be sold as separate properties.

The development includes substantial common areas to which the public have access. The Bill provides for the establishment of a corporation in which the owners of the various properties will have voting rights. The corporation will have the responsibility to ensure that common areas are maintained in good order and condition. It will also be responsible for the management of the shared services and facilities to which mention has already been made. The owners of the various properties abutting the common areas will be levied in order to defray the costs incurred by the corporation in carrying out its duties and responsibilities.

The Bill deals with a number of other incidental matters which are explained in the clause notes accompanying this speech.

I commend the Bill to honourable members.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

Clause 3: Interpretation

This clause defines terms for the purposes of the Bill. The Bill contemplates the ASER Site (the Site) being divided into subsidiary sites (areas occupied by the Hotel, the Riverside Building, the Convention Centre, the Exhibition Hall, the Railway Station, the North Car Park, the South Car Park and the Exhibition Hall Car Park) the casino site and a common area (the area shared by the occupiers of the subsidiary sites). The regulations are to define the various sites and areas. Under the Bill the head lease covering the ASER Site may be severed into separate leases covering the different sections of the Site. Responsibility for the common area is conferred by the Bill on a new corporation established by the Bill, ASER Services Corporation (the Corporation). Each occupier of a subsidiary site is to hold shares in and make contributions to the Corporation.

Clause 4: Act to apply notwithstanding the Real Property Act 1886

PART 2

THE SITE AND ITS CONSTITUENT PARTS

Division 1—The Site

Clause 5: The Site

Regulations are to define the Site.

Clause 6: Enlargement of the Site

The land encroached by the Northern car park may be added to the Site by regulation.

Division 2—The subsidiary sites, the casino site and the common area

Clause 7: Definition of subsidiary sites, casino site and common area

Regulations are to define the boundaries of the subsidiary sites, the casino site and the common area for the purposes of the Bill. The regulations may only be made by agreement between ASER and TransAdelaide or as determined by an arbitrator appointed by the Treasurer.

PART 3

SEVERANCE OF LEASE

Clause 8: Severance of head lease

This clause contemplates severance of the lease under which TransAdelaide leased the ASER site into separate leases for each section of the Site (ie each subsidiary site, the casino site and the common area).

TransAdelaide and ASER Nominees Pty Ltd are to agree variations to the rent payable and to covenants under the lease. If agreement cannot be reached, the Treasurer is to determine the matter.

PART 4

MANAGEMENT OF THE COMMON AREA

Division 1—The Corporation

Clause 9: Establishment of the Corporation

This clause establishes the ASER Services Corporation.

Clause 10: General legal capacity of the Corporation

The Corporation is provided with the powers of a natural person as far as those powers are capable of being exercised by a body corporate.

Clause 11: The Corporation's operations, management and procedures

This clause enables regulations to be made relating to the Corporation's operations, management and procedures.

Clause 12: Membership of Corporation

This clause provides that each occupier of a subsidiary site (a stakeholder) is a member of the Corporation holding the voting rights fixed by the regulations.

Clause 13: Meetings of the members

This clause allows the regulations to fix a quorum for meetings and contemplates the use of proxies.

Division 2—Limitation on liability

Clause 14: Limitation on liability

The Corporation is required to carry insurance as required by the regulations and its liability in respect of matters for which it is required to be insured is limited to the amount of that insurance.

Division 3—The common area

Clause 15: Common area

This clause provides that the common area (*ie* the part of the Site not within a subsidiary site or the casino site) is under the custody and control of ASER Services Corporation. The Corporation is to exercise custody and control for the benefit of the occupiers of the subsidiary sites and the public.

Clause 16: Corporation's obligation to maintain common area

This clause imposes obligations on the Corporation relating to the maintenance and security of the common area.

Division 4—The shared facilities and basic services

Clause 17: The shared facilities and basic services

This clause defines the facilities shared by the stakeholders. They include facilities for electric power, a fire protection service, chilled water for air conditioning and waste water disposal.

Clause 18: Corporation's obligation to provide basic services

The Corporation is required to provide stakeholders requested basic services.

Clause 19: Property in shared facility

This clause provides that shared facilities vest in the Corporation and that they are to be regarded as chattels.

Clause 20: Corporation's obligation to provide and maintain shared facilities

The Corporation is required to provide and maintain the shared facilities for the benefit of the occupiers of the subsidiary sites. The Corporation is given powers to ensure that it can carry out necessary work.

Division 5—Compulsory contributions

Clause 21: Budget of income and expenditure

The Treasurer is to approve annual budgets and supplementary budgets prepared by the Corporation.

Clause 22: Compulsory contributions

This clause provides for the basis on which occupiers of subsidiary sites must contribute to the Corporation. The budgeted income is to be raised by contributions from the occupiers. Initially the basis of contribution is to be fixed by the regulations. Thereafter the basis may be altered by a vote of 75% or more of the total number of votes exercisable by all occupiers of subsidiary sites.

Division 6—Accounts and audit

Clause 23: Accounts

This clause requires the Corporation to keep proper accounts.

Clause 24: Audit
This clause requires auditing of the accounts.

Division 7—Enforcement of Corporation's obligations

Clause 25: Appointment of administrator
This clause enables the occupier of a subsidiary site to apply to the Supreme Court for appointment of administrator if the Corporation fails to perform its obligations. If an administrator is appointed, the Administrator takes over the property of the Corporation and may exercise the powers and carry out the duties of the Corporation as authorised by the Supreme Court.

PART 5
MISCELLANEOUS

Clause 26: Substitution of head lease
This clause allows a new head lease to be substituted for a subsidiary site and ensures that underleases continue without interruption.

Clause 27: Winding up of the Corporation
This clause provides that the Corporation may be wound up in the same way as a company incorporated under Division 1 of Part 2.2 of the *Corporations Law* and that, on the winding up of the Corporation, the common area vests in the Crown for an estate of fee simple.

Clause 28: Exemption from stamp duty
Instruments necessary for the purposes of this Bill are exempted from stamp duty if lodged within 1 year after the commencement of the measure.

Clause 29: Effect of things done under Act
This clause provides protection related to transactions under the measure.

Clause 30: Interaction between this Act and other Acts
This clause ensures that dealings under this Act within 1 year of its commencement are exempt from certain requirements.

Clause 31: Regulations and proclamations
This clause provides general regulation and proclamation making power.

Mr CLARKE secured the adjournment of the debate.

TOBACCO PRODUCTS REGULATION (MISCELLANEOUS) AMENDMENT BILL

The Hon. S.J. BAKER (Treasurer) obtained leave and introduced a Bill for an Act to amend the Tobacco Products Regulation Act 1997. Read a first time.

The Hon. S.J. BAKER: 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 makes highly technical amendments to the *Tobacco Products Regulation Act 1997* to ensure that licensed tobacco merchants do not inadvertently find themselves in technical breach of their licence conditions.

The Government has made no secret of its desire to encourage tobacco consumers to quit smoking altogether or, failing that outcome, at the very least to switch to lower tar content products. Members will recall that the *Tobacco Products Regulation Act 1997* puts in place structures that clearly consolidate and strengthen the licensing, health and other regulatory aspects associated with dealing in tobacco products and also regulates the use of tobacco products in certain defined places.

As part of strengthening the licensing requirements a provision was included that will require restricted class A licensees (essentially retailers) not to purchase tobacco products unless licence fees have already been paid on those products.

Monthly tobacco licence fees are calculated on the basis of receipts from the sales of tobacco products made by wholesalers during the calendar month that is two months before the current licence period.

On review, in this licensing system, it is considered too onerous a task for retailers to be satisfied that the licence fee has been paid on a particular product as, at the time of purchase by the retailer, the value of the particular sale by the wholesaler to the retailer would not be reflected in the licence fee of the wholesaler for another two months.

It is therefore proposed to remove this requirement and only require retailers to be satisfied that they are purchasing tobacco products from a licensed wholesaler.

Following submissions from industry it is also proposed to amend section 15(6) of the Act to provide certainty for licensed wholesalers that licence fees are not payable when tobacco products are sold for delivery and consumption outside South Australia.

These amendments are highly technical in nature and do not affect the practical operation of the Act either from a revenue or health perspective but will ensure that legitimate tobacco merchants can get on with their business without inadvertently breaching a condition of their licence.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title
This clause is formal.

Clause 2: Commencement
This clause provides that the measure will come into operation immediately after the *Tobacco Products Regulation Act 1997* comes into operation.

Clause 3: Amendment of s. 12—Classes and terms of licences
This clause amends section 12 of the principal Act to remove the provision that limits holders of restricted class A tobacco merchants licences to dealing only in tobacco products *in respect of which a licence fee has been paid*.

Clause 4: Amendment of s. 15—Licence fees
This clause amends section 15 of the principal Act so that the value of tobacco products sold for delivery and consumption outside the State will be disregarded in assessing licence fees irrespective of whether or not *the Commissioner is satisfied* that they have been sold for delivery and consumption outside the State.

Mr CLARKE secured the adjournment of the debate.

ELECTRICITY (VEGETATION CLEARANCE) AMENDMENT BILL

The Hon. S.J. BAKER (Minister for Energy) obtained leave and introduced a Bill for an Act to amend the Electricity Act 1996. Read a first time.

The Hon. S.J. BAKER: 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 amends the Electricity Act 1996 to make provision for vegetation schemes to be agreed between electricity entities and metropolitan councils and provides procedures so that, in the absence of agreement, the Technical Regulator can determine the contents of such schemes.

The Bill balances the benefits of transferring the duty from the electricity entity (ETSA), where it currently rests, to the councils with the need to address the concerns of the councils. There is an argument that the councils who own the trees and who seek to have a say in the management of those trees should also be the ones to perform the relevant management tasks. Currently the duty for vegetation clearance rests with ETSA to sustain the integrity of their system and to ensure its safety and councils have expressed concerns at taking over that duty in some circumstances.

The provisions within the Bill are the result of extensive consultation with ETSA as an electricity entity and the Local Government Association representing metropolitan councils. The Government would have preferred to see the provisions of the initial Bill enacted as providing a clear and definite division of responsibilities between electricity entities and metropolitan councils. However, as a result of opposition and resultant consultation it has become necessary to shift the emphasis to negotiation between the individual councils and electricity entities involved.

The cost of vegetation clearance in a particular council area and its allocation between the council and the electricity entity will be the result of direct negotiation between those two parties. Schemes may include arrangements:

- as to how the electricity entity will carry out its duty in the particular area (for example, by pruning more frequently but less extensively than the regulations provide);
- as to a council acting under a delegation from the entity (for example, carrying out the work on behalf of the entity at a specified cost); or
- providing for the entity's duty to be transferred to the council.

A Scheme could consist of different arrangements for different parts of the council area.

Where agreement cannot be reached in negotiating terms of a Scheme the Technical Regulator is empowered to determine appropriate terms including the determination and allocation of costs. In determining the terms the Regulator must consider the views of the parties to the dispute and take into account criteria specified in the legislation.

It is important to note that the Technical Regulator can transfer the duty to the council only in limited circumstances and that the transfer may be in respect of specified power lines in the council area.

In exercising powers in relation to vegetation clearance Schemes, the Technical Regulator is to be independent of the parties and of Ministerial direction. The purpose of these new legislative arrangements is to focus on negotiation between the parties and in the event of the parties' failure to reach agreement, to enable the Technical Regulator to look at the particular circumstances of the matter before him or her and reach an impartial and sensible resolution.

While the Government would have preferred to see the provisions of the original Bill enacted, as indicated previously, with the provision in this Bill for the Technical Regulator to become involved as an independent arbiter where there are difficulties in reaching negotiated solutions, the Government expects that the legislation will be a workable compromise. The provision of a role for the Technical Regulator in the event of a dispute should both encourage councils and electricity entities to reach agreement and also provide for fair and sensible solutions where those negotiations break down.

The legislation seeks to achieve the complex balance in vegetation clearance between safety,the integrity of power supply and quality, visual amenity and self determination by local governments through the use of negotiated agreements as the first preference and the use of determinations by the Technical Regulator only where that fails.

The legislation reaffirms that the duty for the safety and integrity of the electricity system remains with the entity with control of the power lines, as in the Act in its present form, while at the same time allowing councils to take over that duty in the interests of their achieving control over the management of their assets, namely the trees in their area.

The legislation should clear the way to resolve the outstanding issue of a number of trees which currently fail to meet the requirements of the Act.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment of s. 4—Interpretation

The clause inserts definitions of—

- "council officer"—a person authorised by a council to exercise powers conferred under the legislation on a council officer; and
- "vegetation clearance scheme"—a scheme agreed or determined under Part 5.

Clause 4: Insertion of heading to Part 5 Division 1

Part 5 is divided into 3 divisions—the first dealing generally with duties in relation to vegetation clearance, the second dealing with vegetation clearance schemes in prescribed areas and the third containing miscellaneous provisions.

Clause 5: Amendment of s. 55—Duties in relation to vegetation clearance

This clause recognises that a vegetation clearance scheme under Division 2 may impose a duty on a council whose area is wholly or partly within an area to be prescribed by regulation. The duty is to take reasonable steps to keep vegetation clear of specified public powerlines in accordance with the principles of vegetation clearance prescribed by regulation. The powerlines are those that are—

- designed to convey electricity at 11 kV or less; and
- within the council's area and an area prescribed by regulation; and
- not on, above or under private land (that is, according to the definition of "private land" contained in section 4 of the principal Act—public powerlines on, above or under land vested in, or under the care, control or management of, council and dedicated, or held for, a public purpose).

The councils having this duty are empowered to remove vegetation planted or nurtured near public powerlines contrary to the vegetation clearance principles and to recover the cost of so doing.

The electricity entity having the control of a powerline may carry out vegetation clearance work that a council has failed to carry out in accordance with its duty and may recover the cost of so doing and the cost of repairing any resulting damage to the powerline from the council.

Subsection (6) of section 55 of the principal Act is amended to apply to the duty that may be imposed on councils. Under subsection (6), the provisions of section 55 operate to the exclusion of common law duties, and other statutory duties, affecting the clearance of vegetation from powerlines (whether the work is carried out by the councils or by a contractor or other agent).

Clause 6: Insertion of Part 5 Division 2

The new division governs the terms of vegetation clearance schemes between councils and electricity entities in prescribed areas. It provides for the Technical Regulator to determine the terms of a scheme or modification of a scheme if the parties cannot agree and it provides certain powers to the Technical Regulator to assist, at the request of a party to the scheme, in resolution of a dispute that arises under a scheme.

DIVISION 2—VEGETATION CLEARANCE SCHEMES IN PRESCRIBED AREAS

SUBDIVISION 1—CONTENT AND NATURE OF SCHEMES

55A. Vegetation clearance schemes

This section contemplates agreement of a scheme between an entity and a council that may—

- govern clearance work carried out by the entity;
- delegate the duty to clear around lines up to 11 kV to the council (with an indemnity to the entity from the council);
- transfer the duty to clear around lines up to 11 kV from the entity to the council (and if the duty is transferred the council is exempt from the limitations on vegetation that may be planted near powerlines);
- exempt the council from the limitations about planting and nurturing vegetation near overhead powerlines;
- impose other obligations on the council or entity, such as undergrounding lines and payments.

The clearance distances set out in the regulations remain compulsory requirements that cannot be varied by a scheme. The 3 yearly interval between clearance work set out in the regulations can be shortened but not lengthened.

SUBDIVISION 2—DISPUTES ABOUT SCHEMES

55B. Vegetation clearance scheme dispute

This section enables an entity or council to ask the Technical Regulator to determine a dispute about the terms of a proposed vegetation clearance scheme or modification of a scheme.

55C. Circumstances in which Technical Regulator not obliged to determine dispute

Usually the parties will be required to have negotiated for 6 months before going to the Technical Regulator. If one party will not negotiate reasonably and constructively the Technical Regulator may be asked by the other party to step in at an earlier stage. The Technical Regulator may refuse to determine a dispute in the circumstances set out in subsection (2).

55D. Determinations

This section limits the circumstances in which the duty to keep vegetation clear of powerlines may be conferred on a council. The duty may only be transferred with the consent of the council or if the Technical Regulator is satisfied that it is appropriate to do so in view of failure by the council or electricity entity to carry out properly, or at all, vegetation clearance work in the area.

The section also makes it clear that a council may have the duty in respect of some of the powerlines in the area of the council while the entity retains the duty in respect of other powerlines in the area.

55E. Principles to be taken into account

This section sets out the matters to be taken into account by the Technical Regulator in determining the terms of a scheme or modification of a scheme.

55F. Conduct of proceedings

This section covers various procedural matters. Essentially the Technical Regulator is required to proceed as quickly as possible and to ensure that, as far as practicable, the proceedings are open and informal.

55G. Giving of relevant documents to Technical Regulator

This section ensures that confidential documents may be given to the Technical Regulator.

55H. Power to obtain information and documents

This section provides information gathering power to the Technical Regulator.

55I. Confidentiality of information

The Technical Regulator may be asked to take steps to ensure certain information is kept confidential. It is a serious offence to contravene conditions imposed by the Technical Regulator for the purpose of keeping information confidential.

55J. Termination of proceedings for determination

This section sets out the circumstances in which the Technical Regulator may bring an end to the proceedings without making a determination.

55K. Procedure for giving determination

The Technical Regulator is required to provide a draft determination to each of the parties for comment and then to provide the parties a copy of the final determination.

55L. Costs

The parties are to bear the Technical Regulator's costs.

SUBDIVISION 3—ENFORCEMENT OF SCHEMES

55M. Enforcement as contract

This section provides that a vegetation clearance scheme is enforceable as a contract between the parties.

SUBDIVISION 4—RESOLUTION OF DISPUTES UNDER SCHEMES

55N. Resolution of dispute by intervention of Technical Regulator

This section enables a party to a vegetation clearance scheme agreed or determined under Division 2 to ask the Technical Regulator to assist in the resolution of a dispute under the scheme. The Technical Regulator may give directions to the parties, appoint a mediator or determine that a scheme is to be modified. The matter is to proceed in the same way as the resolution of a dispute about the terms of a proposed scheme or modification of a scheme.

Clause 7: Insertion of heading to Part 5 Division 3

This clause places sections 56 to 58 in a miscellaneous division.

Clause 8: Amendment of s. 56—Role of councils in relation to vegetation clearance not within prescribed areas

The clause amends this section so that it spells out that the arrangements contemplated by this section between electricity entities and councils do not apply to public powerlines within the prescribed areas. In prescribed areas delegation to the council is achieved through a vegetation clearance scheme.

Clause 9: Amendment of s. 57—Power to enter for vegetation clearance purposes

Clause 10: Amendment of s. 58—Regulations in respect of vegetation near powerlines

Clause 11: Amendment of s. 74—Review of decisions by Technical Regulator

Clause 12: Amendment of s. 82—Application and issue of warrant

Clause 13: Amendment of s. 83—Urgent situations

Clause 14: Amendment of s. 96—Evidence

These clauses make amendments to the principal Act consequential on the amendment to section 55 of the principal Act and the insertion of Part 5 Division 2.

The amendment to section 58 contemplates limiting existing regulations about vegetation clearance schemes to council areas not within a prescribed area.

Ms HURLEY secured the adjournment of the debate.

CONSTRUCTION INDUSTRY LONG SERVICE LEAVE (TRANSITIONAL PROVISIONS) AMENDMENT BILL

The Hon. DEAN BROWN (Minister for Industrial Affairs) obtained leave and introduced a Bill for an Act to amend the Construction Industry Long Service Leave Act 1987. Read a first time.

The Hon. DEAN BROWN: 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, which amends the *Construction Industry Long Service Leave Act 1987*, will provide transitional provisions to enable the construction industry long service leave board to register workers and employers with the scheme prior to 1 April 1988.

The portable long service leave scheme, established by the Long Service Leave (Building Industry) Act, commenced on the 1 April 1977. The Act was retitled the Construction Industry Long Service Leave Act on the 1 July 1990. The scheme enables defined workers in the construction industry to become entitled for long service leave benefits based on service to the industry rather than service to one employer. The scheme is entirely self-funded.

When the scheme commenced on the 1 April 1977, workers could apply to the Construction Industry Long Service Leave Board to have service prior to the commencement of the Act recognised, provided an entitlement to long service leave did not exist. Employers were liable to pay retrospective contributions to cover this service.

As the scheme had been in operation for over 10 years, the Act was amended in 1988 to insert a schedule which removed retrospective service provisions but allowed workers a further six months to make application for unclaimed service prior to 1 April 1977. This schedule inadvertently referred to service accrued before the commencement of the *Long Service Leave (Building Industry) Act Amendment Act 1982* (operative from 1 July 1982), rather than the *Long Service Leave (Building Industry) Act 1975* (operative from the 1 April 1977). The schedule was finally repealed in December 1989, as it was considered unnecessary as the six month period for claims had expired.

The Board has received legal advice that, in the absence of transitional provisions, the current Act does not provide for liability for levies and service which accrued prior to 1 April 1988 (and which has not otherwise been recovered) to be payable to the Board.

The amendments contained in this Bill will ensure that prior service (from the commencement of the 1975 Act), and any outstanding levies, can be recognised under the current Act. The amendments have been recommended by the Construction Industry Long Service Leave Board and subject to consultation with the broader construction industry, who have indicated their support.

I seek leave to incorporate the Parliamentary Counsel's explanation of the clauses without my reading it.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Insertion of schedule 4

This clause provides for the insertion of a new schedule relating to transitional arrangements concerning service accrued under the repealed Act (and to replace effectively a previous set of transitional provisions). In particular, express provision is made to ensure that the Board can continue to credit effective service entitlements that are found to have arisen under the repealed Act. The Board will then be able to make an assessment of the employer's liability to levies on account of that service, and recover the appropriate amount under the provisions of this Act. Interest will be payable according to the rate prescribed under the Act. Finally, a provision will be reinserted to provide that leave or payments made before the commencement of the Act will be presumed to have been made under this Act (to avoid 'double-dipping').

Mr CLARKE secured the adjournment of the debate.

INDUSTRIAL AND EMPLOYEE RELATIONS (HARMONISATION) AMENDMENT BILL

The Hon. DEAN BROWN (Minister for Industrial Affairs) obtained leave and introduced a Bill for an Act to amend the Industrial and Employee Relations Act 1994. Read a first time.

The Hon. DEAN BROWN: 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 is the first stage of measures to be taken by the South Australian Government to harmonise the State's industrial relation system with the recently enacted Commonwealth laws. The Bill also deals with a number of measures required for the efficient operation of the State's industrial relations system.

With this Bill, South Australia confirms the important role which the State industrial relations system plays in regulating the working relationships of employers and employees in the State. The Government regards the State industrial relations system, and the good relationships which it encourages, as an important driver of

South Australia's traditionally lower pattern of industrial disputation than nationally or in most other States.

However, the Bill recognises that the legislative reforms introduced by the Commonwealth Government in the *Workplace Relations Act 1996* are an important step in furthering the State's objective of employers and employees at individual workplaces taking responsibility for the future of their wages, working conditions. The *Workplace Relations Act* recognises that job security, improved wages and working conditions will increasingly be the product of improved productivity and relationships at the workplace level. This recognition was an important feature of the State's *Industrial and Employee Relations Act* when it commenced in August 1994.

This Bill also recognises the need for the two industrial relations systems, the State and Commonwealth, to work increasingly closer together.

The Government is motivated in its harmonisation strategy by the need to ensure that all of South Australia's workplaces have access to the same types of industrial coverage as those who work under the Commonwealth industrial relations system.

Australia's industrial relations system is no longer comprised of truly separate federal and state industrial relations systems. We now have a hybrid industrial relations system, where it is common for workplaces to be covered by both laws. It is also now the norm for the one industry—and by inference the competitors in the industry—to be covered by both federal and state legislation. Further, the reality is that even an individual employee might be covered by both pieces of legislation, such as in the case when an employee has part of their employment covered by a federal award and part by a State enterprise agreement, or vice versa.

As a result of this, it is more important than ever for the South Australian industrial relations system to be compatible with, and reflect, the key features of the federal industrial relations system. However, this is no longer an issue of simply following the federal legislation. The State industrial relations system still has an important role to play for the many employers and employees, particularly those in very small businesses, who work exclusively in the State industrial relations system. For these people, harmonisation of the industrial relations systems is about ensuring that the State system is contemporary, offers choice, but above all is low cost and readily accessible.

The Bill deals with two main subject matters; firstly matters flowing from the objective of harmonisation; and secondly the additional amendments stemming from discussions with the South Australian industrial parties.

HARMONISATION AMENDMENTS

To the extent it deals with harmonisation, this Bill deals with four key subject matters;

1 firstly access to the Commonwealth Australian Workplace Agreement's system for employees and employers in workplaces which are not 'constitutional corporations' within the meaning of the Workplace Relations Act;
2 secondly an amendment which ensures that State enterprise agreements may be made over a federal award;
3 thirdly a series of amendments to South Australia's unfair dismissal system, for the purpose of ensuring that the State unfair dismissal system can be accessed by the same broad groups as may access the Commonwealth unfair dismissal system; and
4 fourthly amendments to the State's provisions dealing with freedom of association.

SMALL BUSINESS ACCESS TO AWAS

In relation to providing access for small businesses to the Australian Workplace Agreements (AWA) system, the Government's objective is to ensure that Australia's most significant industrial relations reform this century, AWAs are able to be accessed by workplaces which are not "constitutional corporations" within the meaning of the Commonwealth *Workplace Relations Act 1996*. Because AWAs have been founded on the Commonwealth's corporations power, their application is necessarily limited and not applicable to workplaces which are not a financial corporation or a trading corporation. This means that unincorporated businesses such as partnerships or sole traders, or entities such as incorporated associations, clubs, statutory authorities or government departments are not able to access the AWA system. By accident of the workplace's corporate status, these workplaces have no current capacity to negotiate and have approved individual agreements. The Government is of the view that it is inappropriate for these workplaces to be incapable of accessing the very significant reform which the introduction of AWAs represents.

The Government's intention with the amendment to the Act, as set out in Clause 10 of the Bill, is to ensure that, pursuant to section 170WKA and related sections of the Commonwealth *Workplace Relations Act 1996*, the Commonwealth AWA provisions may be applied as a matter of State law for those workplaces which are not "constitutional corporations" and therefore not able to access the Commonwealth AWA provisions as a matter of right because of their corporate status. Section 170WKA and related sections provide that a complementary State law may confer functions and powers on the Australian Industrial Relations Commission, the Employment Advocate established under Commonwealth law or an authorised officer within the meaning of the *Workplace Relations Act 1996*. The section further states that a "complementary state law" means a law of a State that applies the AWA provisions as a law of the State with the modifications required by the regulations and any other modifications permitted by the regulations.

It is therefore the Government's intention to adopt the AWA provisions as a law of the State and not to refer any State power to the Commonwealth to make laws on the subject.

This adoption of the Commonwealth AWA system for those workplaces not presently able to access the system is an important development in the history of the State's industrial relations system. Although recognising that there is a definite need to reduce the complexity of accessing the industrial relations system for actual employers and employees, the amendment reasserts the role of the State industrial relations system. The granting of access to the AWA system is through a State law and at any stage the State may terminate the arrangement either by creating a separate workplace agreements stream with State approval mechanisms or by removing access to workplace agreements altogether.

STATE ENTERPRISE AGREEMENTS TO BE MADE FOR EMPLOYERS WHO ARE SUBJECT TO FEDERAL AWARDS

Amendments to sections 79 and 81 of the principal Act ensure that enterprise agreements may be approved under the SA enterprise agreement system even though the employer may be subject to a federal award.

The amendments utilise the provision contained within section 152 of the Commonwealth *Workplace Relations Act 1996* which states that an award of the Australian Industrial Relations Commission does not prevent a state employment agreement made after the commencement of the Commonwealth section from coming into force and that for the duration of the state employment agreement, the award is not binding on the parties to the agreement.

The Commonwealth Act further requires that the state employment agreement is one which meets certain tests, including the requirement that it be approved by a state industrial authority; that the employees concerned are not disadvantaged in comparison to entitlements they may have under the award; and that the agreement was freely made.

In considering such an agreement for approval, the amendments made to section 79 require the State Industrial Relations Commission to consider the agreement against the applicable Commonwealth award.

UNFAIR DISMISSAL SYSTEM

The Bill amends the unfair dismissal system established by the *Industrial and Employee Relations Act 1994* in several respects. The objective of these amendments is to ensure that (in general terms) the same sorts of employees who may have access to the Commonwealth system established by the *Workplace Relations Act 1996* are the same sorts of employees who are able to access the State unfair dismissal system, but without State system having the restriction that they must be employed by a constitutional corporation. The Bill has a similar objective with respect to the outcomes likely to occur with cases taken before the Industrial Relations Commission, either in conference or in arbitration.

In determining these objectives, it is the Government's intention to ensure that there is no incentive for applicant employees or their former employers to engage in expensive and time consuming litigation about which jurisdiction may receive the application. The Government is committed to ensuring that the SA jurisdiction will become the preferred jurisdiction for South Australian applicants only by reason of the speed of hearing and accessibility of the South Australian jurisdiction.

The Bill recognises that applications for review of dismissals may be filed by employees whose employment is otherwise regulated by either the South Australian or the Commonwealth industrial relations jurisdictions. Any employee may make an application to the South

Australian jurisdiction, with the exception of non-award employees earning greater than a prescribed amount and employees who fall into one of the groups excluded by regulation from making applications.

Clause 13 inserts new definitions of "remuneration" and "non-award employee" into section 105, for the purposes of determining who may or may not make applications under the Act. "Non-award employees" earning greater than the prescribed amount of remuneration may not make applications under the Act. A "non-award employee" is defined as an employee whose employment is not covered by an industrial instrument, which is to be defined by Section 4 of the Act as an award, enterprise agreement or Australian Workplace Agreement made under this (State) Act, or an award, certified agreement or Australian Workplace Agreement made under the Commonwealth Act. The definition of "remuneration" is relevant to non-award employees, since it establishes the limit above which applications may not be made by non-award employees. The definition of "remuneration" to be inserted into section 105 has application only to Part 6—Unfair Dismissal and is required to ensure consistency with the Commonwealth system in application of entry tests for employees making applications under the State Act. The definition provides a broad definition of "remuneration", which is consistent with the interpretation taken by the Australian Industrial Relations Commission in a recent case (*A. Condon and G. James Extrusion Company*, Watson DP, 4 April 1997, Print No. N9963).

The new section 105A prescribes that the Part does not apply to a non-award employee earning greater than an amount fixed by the regulations and that it does not apply to certain groups of persons excluded from the operation of the Part by regulation.

Section 106 prescribes rules for the making of applications, including time limits, limitations if other remedies have been or can be pursued and provides for fees for filing of applications. Subsection 106(1) provides that applications to the Industrial Relations Commission for relief must be made prior to the end of 21 days for the date the dismissal takes effect. This time limit is in substitution for the existing time limit of 14 days and will make the time limits under the State and Commonwealth Acts the same. Subsection 106(5) allows the regulations to prescribe a filing fee for making applications to the Industrial Relations Commission, which will also make the South Australian system consistent with the Commonwealth.

Section 107 is in the same terms as the existing section 106, and provides for conciliation conferences to be convened by the Industrial Relations Commission.

Section 108 establishes the tests to be applied by the Industrial Relations Commission at the time of hearing and retains the existing test to the effect that the IRC must determine whether, on the balance of probabilities, the dismissal is harsh, unjust or unreasonable. The section continues to require that in making this determination the IRC must have regard to the rules and procedures for termination of employment prescribed by or under Schedule 8 of the Act, which is unchanged.

Section 109 prescribes the remedies which the Commission may award in the event that it determines an employee's dismissal is harsh, unjust or unreasonable and is intended to provide for remedies which are consistent with those provided by the Commonwealth termination of employment system provided in the *Workplace Relations Act 1996*. In determining whether to make an order for re-employment or compensation (the alternatives for which remain unchanged) the Commission will be required by virtue of subsection 109(2) to have regard to certain factors prior to making an order for re-employment or compensation. The factors are identical to those prescribed by section 170CH(2) of the Commonwealth Act and include consideration of the effect of the remedy on the viability of the employer's undertaking; the length of the employee's service with the employer; the remuneration that the employee would have received had the employee not been dismissed and any efforts the employee may have taken to mitigate the financial effects of the dismissal. This provision is intended to ensure that before orders are made, the Commission considers the effect of orders on employers, who may have a limited capacity to pay large amounts, or to reinstate employees.

Subsection 109(2) prescribes the maximum compensation which may be ordered by the Commission in the event that compensation is to be paid to an employee. The provision, which will be consistent with the compensation which can be awarded under the Commonwealth Act, will (except in the case of a non-award employee) be limited to the remuneration earned by the employee in the 6 months immediately prior to the termination. If the employee was on unpaid or partly paid leave at some stage during the 6 months immediately prior to termination, a notional amount of 6 months remuneration will be established, to be calculated in accordance with the regulations. In the case of a non-award employee, compensation will be limited to $32 000 (indexed).

This amendment remedies the current inconsistency between the State and Commonwealth unfair dismissal systems, wherein the current maximum compensation under the State Act is 6 months remuneration or $30 000 (indexed), whichever is the greater.

FREEDOM OF ASSOCIATION

Clause 14 contains a series of important amendments to be made to the State's freedom of association laws.

The Liberal Government enshrined in the *Industrial and Employee Relations Act 1994* the right to absolute freedom of association. These amendments ensure that the intention of the original Act is fully articulated and that South Australia gives full effect within its jurisdiction to the freedom of association rights now enshrined in the Commonwealth *Workplace Relations Act 1996*. These amendments make clear that it is not acceptable for any person to discriminate against another for reason of the person's membership or lack of membership of an association. The amendments put beyond doubt that discriminatory practices cannot hide behind the artificial guise of "contractor" instead of employment arrangements. Employers, employees or associations who require contractors, or the employees of contractors, to be members of associations will be committing an offence just as much as if the discrimination is committed directly between an employer and an employee.

The amendments also give effect to the Government's intention to ensure that freedom of association actions which are prohibited by the Commonwealth Act are also prohibited by the State Act.

The Commonwealth Act establishes a series of prohibited reasons for which it is an offence to discriminate. Section 115 of the amended Act incorporates these same prohibited reasons in the State Act.

Section 116A is in similar terms to the existing subsection 115(3) and prescribes the general offences against the principle of freedom of association. Section 116B establishes the conduct which is prohibited by employers. Section 116C establishes that an employee may not cease work because of the industrial activity of the employer. Section 117 requires that a person may not discriminate for prohibited reasons against an employer by refusing to supply or purchase goods or services. The offence which is created extends to actions directed at inducing an employer to engage in such discriminatory action. In particular, the offences created will mean that a person (in a business involving the supply or purchase of goods) who refuses to supply or purchase goods because the other person's employees are not members of an association, will be acting unlawfully.

ADDITIONAL AMENDMENTS

WORK AND FAMILY OBJECT

The Objects of the Act will now contain in section 3(m) the objective of encouraging and assisting employees to balance their work and family responsibilities through the development of mutually beneficial work practices with their employers. When the *Industrial and Employee Relations Act* was passed in 1994 it lead the country in the way that it encouraged the parties to enterprise agreements to positively deal with work and family matters in their agreement. The provision contained in section 77(1)(e) requires that an enterprise agreement provide (unless the parties decide otherwise) that sick leave is available, subject to limitations and conditions prescribed in the agreement, to an employee if the leave becomes necessary because of the sickness of a child, spouse, parent or grandparent. Some 73 per cent of the agreements approved since the commencement of the provision on 8 August 1994 now contain provisions positively providing such leave.

The insertion of the general work and family object to the Act recognises this progress and that the community and the industrial parties are now significantly more aware of the need for working arrangements to be balanced with the family needs of all concerned. The amendment also reflects the similar object inserted into the Commonwealth Act.

ENTERPRISE AGREEMENT AMENDMENTS

Enterprise Agreement Disputes

As a result of representations to the Government from employer and employee associations, an amendment is to be made to sections 40 and 198 to enable industrial disputes involving employees and employers subject to an enterprise agreement to be heard, in limited circumstances, by any member of the Industrial Relations Commission. Currently the Act requires that a Commissioner cannot be assigned to deal with the prevention and resolution of disputes

arising under enterprise agreements unless the Commissioner is an Enterprise Agreement Commissioner. With the large number of enterprise agreements now in existence, this provision has lead to problems in early scheduling of conferences between the Commission and the parties to the dispute. The amendments will overcome the difficulties created by the current provision by giving greater flexibility to the President of the Industrial Relations Commission in assigning members of the Commission to deal with industrial disputes. The amendments enables the President to assign any Commissioner to deal with an industrial dispute, even where it involves employees and employers who are subject to an enterprise agreement. The exception is where the dispute relates to the negotiation, making, approval, variation or rescission of an enterprise agreement, in which case the dispute may only be dealt with by an Enterprise Agreement Commissioner.

Enterprise Agreement Ballots

A new section 89A clarifies the intent of the provisions dealing with the approval of enterprise agreements in circumstances where a ballot of employees is held. The new section only has operation if a ballot is held and it is the Government's intention that mechanisms other than ballots also may be used as evidence to the Enterprise Agreement Commissioner that the agreement meets the requirement in section 79(b) (namely that the agreement has been negotiated without coercion and that a majority of employees have genuinely agreed to be bound by it.)

However, in circumstances where a ballot is used, the new section provides that the required majority will be achieved if a majority of the members casting valid votes at the ballot vote in favour of the proposed agreement or amendment.

The amendment will further provide that any ballot which is conducted must be in accordance with the rules laid down by regulation (if any).

CONSTITUTION AND PROCEDURE OF COMMISSION

An amendment to section 39 will ensure that Full Benches of the Industrial Relations Commission may be comprised of either or both an Industrial Relations Commissioner or an Enterprise Agreement Commissioner. The exception will be where the Full Commission is to determine an enterprise agreement matter, in which case at least one member of the Full Commission must be an Enterprise Agreement Commissioner.

In addition, an amendment to section 213 will clarify the powers of the Full Commission to ask a member of the Commission to provide a report on a specified matter. The amendment will ensure that the Full Commission may delegate the report preparation to a Deputy President or a Commissioner.

REGISTRATION AND CONDUCT OF ASSOCIATIONS

Eligibility for Registration

In relation to the eligibility for registration of new associations, an amendment to section 119 will require that to be eligible for registration, associations of employees must have not less than 50 employees as members and that associations of employers have as members at least 2 employers who employ not less than 50 employees. The threshold limit of 50 employees is the same as that now in operation under the Commonwealth *Workplace Relations Act*.

The minimum of 50 reduces the eligibility requirement from 100 employees in each case.

Enterprise Associations

Section 119 will also be amended to enable the approval of enterprise associations so as to reflect the changes to the Commonwealth Act.

Conveniently Belong

At the point the Industrial Registrar is required to consider an application by an eligible association's for registration, an amendment to section 122 adopts a similar "conveniently belong" test to the Commonwealth system. The amendment will require the Industrial Registrar to establish that either the association is an enterprise association, or that there is no other registered association to which the members of the applicant association could more conveniently belong and which would more effectively represent the members of the applicant association. Alternatively, if the association is not an enterprise association and there is an already registered association which could more conveniently enrol and represent the members, the applicant association may still be registered if the applicant association has given an undertaking which satisfies the Commission about the prevention or minimisation of demarcation disputes between the associations.

This amendment also stems from changes made to the Commonwealth legislation.

Recovery of Arrears

A new section 147A is to inserted which will require that legal proceedings by associations to recover amounts payable to them from members must be commenced within 12 months of the liability falling due. This amendment stems from section 264A of the Commonwealth Act and is intended to ensure that members of state associations are not subject to a different recovery of arrears test to members of federally registered organisations.

The provision does not apply to liabilities incurred prior to the commencement of the section.

CONTRACT OF EMPLOYMENT

After consultation with the taxi industry, an amendment is proposed to the definition of "contract of employment" contained within section 4. The amendment restores the words used in former Acts which deem certain persons to be subject to a contract of employment, whether or not at common law a contract of employment can be drawn between the parties.

The definition of "contract of employment" and the definition of "employee" used in former legislation establish that in addition to common law contracts of employment, certain categories of person are deemed to also be subject to a contract of employment. The current definition deems "contract of employment" to include persons engaged to provide a public passenger service; persons engaged to personally clean premises; and persons engaged as outworkers. After discussions with the taxi industry, it is clear that the deemed inclusion of persons engaged to drive a vehicle that is not registered in their name to provide a public passenger service has caused uncertainty and a fear that the interpretation of the words "public passenger service" may lead to a disturbance of traditional industry arrangements which are recognised as not being subject to a common law contract of employment. The industry advocates, and the Government agrees, that their concerns will be reduced by a reversion to the wording used in the former legislation.

For this reason, the amendment substitutes the words "to provide a public passenger service" with the words "for the purpose of transporting members of the public".

The Government does not intend that this amendment will affect who will or will not be considered to be subject to a common law contract of employment.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment of s. 3—Objects of Act

The amendment explains that the provisions for the review of harsh, unjust or unreasonable dismissals are directed towards giving effect to the *Termination of Employment Convention* and ensuring that both employers and employees are accorded a "fair go all round".

The amendment also inserts an additional object related to assisting employees to balance work and family responsibilities (cf s. 3(i) of the Cth Act).

Clause 4: Amendment of s. 4—Interpretation

This clause makes amendments of a minor definitional nature.

Clause 5: Amendment of s. 39—Constitution of Full Commission

The amendment makes it clear that a Commissioner on a Full Bench may be an Industrial Relations Commissioner or an Enterprise Agreement Commissioner.

It preserves the requirement that at least one member of the Full Commission be an Enterprise Agreement Commissioner if the matter to be determined is an enterprise agreement matter.

Clause 6: Amendment of s. 40—Constitution of the Commission

The amendment provides that the requirement that an Enterprise Agreement Commissioner constitute the Commission applies if the Commission is to determine a matter relating to the negotiation, making, approval, variation or recision of an enterprise agreement (rather than to all enterprise agreement matters which include industrial disputes arising between parties to an enterprise agreement—see definition in section 4).

Clause 7: Amendment of s. 79—Approval of enterprise agreement

The amendments extend the references to State awards to include awards under the Commonwealth Act.

Clause 8: Amendment of s. 81—Effect of enterprise agreement

A note is added to the section to the effect that section 152(3) of the *Workplace Relations Act 1996* provides that a State employment agreement may displace the operation of a federal award regulating wages and conditions of employment.

Clause 9: Substitution of s. 83—Duration of enterprise agreement

The substituted section is similar to the current section except that the Commission is not compelled to call a conference of the parties to assist in re-negotiating an enterprise agreement. The power to do so remains.

Clause 10: Insertion of s. 89A: Representative majority
The amendment means that in a ballot of employees on whether an agreement or a modification is approved only the views of those employees who cast valid votes will be taken into account. This is similar to the effect of ss. 170LE and 170LK of the Cth *Workplace Relations Act 1996*.

Clause 11: Insertion of new Part 2A of Chapter 3
New Part 2A provides that the provisions in the Commonwealth Act about the employment advocate and Australian workplace agreements apply as a law of the State. The regulations may modify the Commonwealth provisions for that purpose.

Clause 12: Amendment of s. 99—Triennial review of awards
The amendment extends the period allowed for the Commission's first review of all awards to 31 December 1997.

Clause 13: Substitution of Part 6 of Chapter 3: Unfair Dismissal
This clause substitutes the Part dealing with unfair dismissal.
Division 1—Preliminary
105. Interpretation
The proposed section defines remuneration and non-award employee for the purposes of the Part. Remuneration is broadly defined to include non-monetary benefits of a kind prescribed by regulation.

105A. Application of this Part
This proposed section places limits on the application of the Part.

Unfair dismissal applications may only be made by employees covered by awards, industrial agreements or enterprise agreements with salaries below a limit fixed by regulation. This is similar to current s. 105(2)*(ab)* although that section sets the salary limit at $60 000 indexed.

As provided currently by s. 105(2)*(b)* the regulations may exclude classes of employees from the operation of the Part. The new provision includes the descriptions of classes of employees that may be excluded set out in s. 170CC of the Cth Act.
Division 2—Application for relief
106. Application for relief
The time limit for an application has been extended from 14 days to 21 days in line with the Cth Act.

Proposed subsection (2) is similar to current s. 105(2)*(a)* and 105(3) but brings the law into line with ss. 170HB and HC of the Cth Act. The subsection prevents multiple proceedings being taken to remedy an unfair dismissal.

Proposed subsection (3) provides the Commission with power to decline to proceed if of the opinion that proceedings have been taken or might be more appropriately taken under some other Act or law.

Proposed subsection (4) is new and requires an application to be accompanied by the fee fixed by regulation.
Division 3—Conciliation conference
107. Conference of parties
This provision is equivalent to current s. 106. It is similar to the conciliation requirements of s. 170CF of the Cth Act.
Division 4—Determination of application
108. Question to be determined at hearing
This provision takes the place of current s. 107. The Commission is to continue to have regard to the rules and procedures set out in Schedule 8. The reference to the *Termination of Employment Convention* is removed.

References to State awards and enterprise agreements are extended to include Commonwealth awards, certified agreements and Australian workplace agreements.

109. Remedies for unfair dismissal from employment
This provision takes the place of current s. 108 and is brought into line with s. 170CH of the Cth Act.
Division 5—Miscellaneous
110. Costs
This provision is equivalent to current s. 109.

111. Decisions to be given expeditiously
This provision is equivalent to current s. 110. There is no equivalent provision in the Cth Act.

Clause 14: Substitution of Part 1 of Chapter 4—Freedom of Association
This clause substitutes the Part dealing with principles of association.
Division 1—Preliminary
115. Prohibited reason
This interpretive provision is similar in effect to s. 298L of the Cth Act.
Division 2—Protection of freedom of association
116. Freedom of association
This provision is equivalent to current s. 115(1) and provides that no person may be compelled to become, or remain, a member of an association.

116A. General offences against the principle of freedom of association
This provision is similar to current s. 115(3). It also covers matters included in s. 298M of the Cth Act.

116B. Dismissal etc for prohibited reason
This provision is similar to s. 298K(1) of the Cth Act. It takes the place of current s. 117 and s. 115(3).

116C. Cessation of work
This provision is similar to s. 298N of the Cth Act.

117. Prohibition of discrimination in supply of goods or services
This provision is similar to current s. 118 but links the offence in subsection (1) to the definition of prohibited reason. It also refers to purchase as well as supply.

118. Conscientious objection
This provision is equivalent to current s. 116.

Clause 15: Amendment of s. 119—Eligibility for registration
The amendment reduces the requirement for membership from 100 employees to 50 employees in line with s. 189(1) of the Cth Act.

The other amendments provide for registration of "enterprise branches" as contemplated by s. 188 of the Cth Act.

Clause 16: Amendment of s. 122—Registration of associations
Current s. 122(1)(e) requires the Commission to be satisfied, before registering an association, that the association is entirely comprised of employees employed in a single business or there is no other registered association to which the members might conveniently belong.

The equivalent Cth provision (s. 189(1)-(3)) contains a further qualification that an association may be registered despite the existence of another association to which the members might conveniently belong if the association gives a satisfactory undertaking to prevent or minimise the possibility of demarcation disputes between the associations.

The amendment includes this qualification.

Clause 17: Insertion of s. 147A—Recovery of arrears
A new section requiring proceedings to recover arrears in association dues to be commenced within 12 months is included in line with s. 264A of the Cth Act.

Clause 18: Amendment of s. 198—Assignment of Commissioner to deal with dispute resolution
Section 198(2) is amended to alter the matters that must be dealt with by an Enterprise Agreement Commissioner from disputes arising under enterprise agreements to disputes relating to the negotiation, making, approval, variation or recision of an enterprise agreement.

Clause 19: Amendment of s. 213—Powers of Full Commission on reference
This amendment ensures that the Full Commission may direct any member of the Commission to provide a report.

Clause 20: Insertion of s. 223A—Associations acting against employees or members
The new section prohibits an association from acting against employees or members in relation to industrial action and is similar to ss. 289Q and R of the Cth Act.

Schedule: Amendment of Penalties
The schedule converts divisional penalties.

Mr CLARKE secured the adjournment of the debate.

STATUTES AMENDMENT (WATER RESOURCES) BILL

The Hon. D.C. WOTTON (Minister for the Environment and Natural Resources) obtained leave and introduced a Bill for an Act to amend the Environment Protection Act 1993 and other Acts as a consequence of the enactment of the Water Resources Act 1997; and for other purposes. Read a first time.

The Hon. D.C. WOTTON: I move:

That this Bill be now read a second time.

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

Leave granted.

The *Water Resources Act 1997*, recently considered by Parliament requires a number of consequential amendments to be

made to other relevant natural resources management legislation in order to be fully operational in the manner envisaged by the Government. In particular, consequential amendments will provide for better integration between the Water Resources Act and other associated legislation.

The need for better integration and co-ordination of efforts in natural resources management has been raised as a major issue for natural resource managers at all levels. The Water Resources Act is under pinned by the principles of ecologically sustainable development and integrated resource management, and is in itself an important step towards the resolution of the issue of integrated management. The amendments contained in the Bill now before the House will further facilitate effective integration by providing, wherever possible, a relatively seamless process for permit applications, which are designed to prevent duplication and conflict, and save time and resources, while ensuring that all relevant environmental issues are considered before issuing permits to undertake activities that may have an impact on a variety of natural resources.

Land use planning is one of the most significant determinants of water resources outcomes, and proposed amendments to the Development Act will facilitate the prevention of inconsistencies between development plans under the Development Act, and water plans under the Water Resources Act.

The Environment Protection Act will be amended to require the Environment Protection Authority to consult the relevant water resources manager before issuing an environmental authorisation, an environment protection order, or a clean up order, where that order or authorisation would allow an activity for which a permit under the Water Resources Act would otherwise be required. Certain applications (those relating to activities in water protection areas) will be referred to the Minister administering the Water Resources Act for formal consideration and advice on the grant or refusal, or grant with conditions, of the environmental authorisation.

The Environment Protection Act will also be amended by incorporating in it various provisions that have remained in the Water Resources Act 1990 since enactment of the Environment Protection Act, but which will no longer have a place under the new Water Resources Act, as they deal solely with water quality (pollution) issues. The provisions in question provide for the proclamation of water protection areas (areas which are identified as requiring special protection against water pollution), and will allow the Minister to enforce the prevention of water pollution in water protection areas.

Amendments will also clarify that the statutory defence for polluting one's own property does not apply to the pollution of water on or under property or a neighbouring property. (The amendment has been required only as clarification, as the law does not recognise 'ownership' of water by a land owner in any case, unless the water has been positively appropriated by the land owner). It would be clearly inappropriate for the statutory defence to apply to water, particularly groundwater, which moves long distances beneath the surface of the ground, potentially spreading a contamination far from its source.

The Local Government Act will be amended by removing the existing provisions relating to watercourse management. Councils' powers to control activities relating to watercourses are now found within the Water Resources Act 1997.

The Pastoral Land Management and Conservation Act will be amended to require the Pastoral Board to consult the relevant water resources manager before approving a property plan, or issuing a notice to undertake certain remedial work on a property, where the plan or order would authorise or require an activity that is one of those normally controlled under the Water Resources Act. The Pastoral Land Management and Conservation Act will also be amended by providing that rights of persons passing through pastoral property, or holding mining tenements to pastoral land, are subject to the Water Resources Act.

The Soil Conservation and Land Care Act will be amended to provide that functions of Soil Conservation Boards will include any functions delegated under the Water Resources Act. The Soil Conservation and Land Care Act will also be amended to provide that district plans must be, as far as practicable, consistent with water plans that apply in the district. Where voluntary and compulsory property plans include activities that would otherwise be covered under the Water Resources Act, then the relevant authority under the Water Resources Act must be consulted prior to approval of the plan. Consultation is likewise necessary for certain activities that may be required to be undertaken by the terms of a soil conservation order.

The South Eastern Water Conservation and Drainage Act will be amended to provide that the management plan of the South Eastern Water Conservation and Drainage Board will need to be amended to ensure consistency with the plan of a catchment water management Board if at any time there is a Board in relation to any part of the South Eastern Drainage Board's area. The Act will also be amended to require, in relation to the granting of a licence that would authorise an activity otherwise requiring a permit under the Water Resources Act, that the relevant water resources authority must be consulted before the licence is granted.

I commend this Bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clause 3: Interpretation

These clauses are formal.

Clause 4: Amendment of s. 29—Certain amendments may be made without formal procedures

Clause 4 amends section 29 of the *Development Act 1993*. The amendment enables the Minister to amend a Development Plan "in accordance with" a plan, policy, standard, report (*e.g.* a report in a water plan under the *Water Resources Act 1997*) etc. instead of including the plan, policy, etc., in the Plan as section 29 presently provides. This will enable the Minister to tailor the amendment to the Plan.

Clauses 5 to 20 amend the *Environment Protection Act 1993*:

Clause 5: Amendment of s. 39—Notice and submissions in respect of applications for environmental authorisations

Under the *Water Resources Act 1997* a permit is not required for an activity that is the subject of an environmental authorisation. The purpose of the amendment to section 39 is to require the Authority under the *Environment Protection Act 1993* to invite submissions from the authority under the *Water Resources Act 1997* to whom an application for the permit would otherwise have had to be made before the Authority decides whether to grant or refuse the authorisation.

Clause 6: Amendment of s. 46—Notice and submissions in respect of proposed variations of conditions

Clause 6 makes a similar amendment in relation to the variation of conditions of an environmental authorisation.

Clause 7: Amendment of s. 47—Criteria for grant and conditions of environmental authorisations

Clause 7 makes a consequential amendment to section 47.

Clause 8: Substitution of s. 61

Clause 8 inserts definitions into section 61 in consequence of new sections 64A to 64D.

Clause 9: Insertion of s. 61A

Clause 9 provides for water protection areas following the repeal of the *Water Resources Act 1990*.

Clause 10: Substitution of s. 62

Clause 10 provides for the appointment of an authorised officer under the *Water Resources Act 1996* as an authorised officer under the *Environment Protection Act 1993*.

Clause 11: Amendment of s. 64—Certain matters to be referred to Water Resources Minister

Clause 11 amends section 64 to limit its operation to applications of the kind set out in new subsection (1a).

Clause 12: Insertion of ss. 64A to 64D

Clause 12 inserts new sections 64A to 64D. Sections 64A and 64B are sections 55 and 56 of the *Water Resources Act 1990*. Section 64C provides for delegation and section 64D provides that costs due to the Minister under section 64A or 64B are a charge on land.

Clause 13: Amendment of s. 84—Defence where alleged contravention of Part

Clause 13 amends section 84 so that it is not a defence where the property damaged is naturally occurring water.

Clause 14: Amendment of s. 93—Environment protection orders

Clause 15: Amendment of s. 99—Clean-up orders

These clauses require the Authority to invite submissions from the relevant authority under the *Water Resources Act 1997* in relation to proposed environment protection orders and clean-up orders.

Clause 16: Amendment of s. 118—Service

Clause 17: Amendment of s. 135—Recovery of technical costs associated with prosecutions

Clause 18: Amendment of s. 138—Enforcement of charge on land

Clause 19: Amendment of s. 139—Evidentiary provisions

These clauses make consequential amendments.

Clause 20: Amendment of schedule 2

Clause 20 inserts transitional provisions. New clause 6 of schedule 2 of the Environment Protection Act inserted by this clause will be used to transfer the substance of Part 4 Division 2 of the *Water Resources Regulations 1990* under the *Water Resources Act 1990* (dealing with control of waste on boats) to an environment protection policy under the principal Act. This clause is based on subclauses (6) and (7) of clause 5 of schedule 2 under which provisions under laws repealed by the *Environment Protection Act 1993* were "fast tracked" into environmental protection policies.

Clause 21: Repeal of Division 1 of Part 35

Clause 21 repeals Part 35 Division 1 of the *Local Government Act 1934*. That Division sets out provisions relating to watercourses that have been superseded by the *Water Resources Act 1997*.

Clause 22: Amendment of s. 41—Property plans

Clause 23: Amendment of s. 43—Notices to destock or take other action

Clause 24: Amendment of s. 59—Right to take water

These clauses make consequential amendments to the *Pastoral Land Management and Conservation Act 1989*. Clauses 22 and 23 require consultation with the relevant authority under the *Water Resources Act 1997*. Clause 24 makes section 59 subject to the *Water Resources Act 1997*.

Clause 25: Amendment of s. 29—Functions of boards

Clause 26: Amendment of s. 36—District plans

Clause 27: Amendment of s. 37—Voluntary property plans

Clause 28: Amendment of s. 38—Soil conservation orders

Clause 29: Amendment of s. 39—Provisions relating to compulsory property plans

Clauses 25 to 29 amend the *Soil Conservation and Land Care Act 1989*. The amendment to section 29 makes it clear that a soil board has functions delegated to it under another Act.

Clause 26 requires a district plan and three year program to be consistent with a relevant water plan under the *Water Resources Act 1997*.

Clauses 27, 28 and 29 require a board to consult the relevant authority under the *Water Resources Act 1997* in relation to voluntary and compulsory property plans and soil conservation orders.

Clause 30: Amendment of s. 18—Management plan

Clause 31: Amendment of s. 43—Grant of licences

Clauses 30 and 31 amend the *South Eastern Water Conservation and Drainage Act 1992*.

Clause 30 requires the Board to amend its management plan if necessary so that it is not inconsistent with any relevant catchment water management plan under the *Water Resources Act 1997*.

Clause 31 requires the relevant authority under the *South Eastern Water Conservation and Drainage Act 1992* to consult the relevant authority under the *Water Resources Act 1997* before granting or varying a licence.

Clause 32: Amendment of s. 16A—Regulations to which this Act applies

Clause 32 amends section 16A of the *Subordinate Legislation Act 1978*. Section 16A sets out the classes of regulations that are not subject to automatic expiry. The amendment includes in this category regulations under the *Water Resources Act 1997* that declare a watercourse, lake or well to be a prescribed watercourse, lake or well or a part of the State to be a surface water prescribed area and regulations appointing a body to be a catchment water management board.

Clause 33: Amendment of Water Resources Act 1997

Clause 33 amends the transitional schedule of the *Water Resources Act 1997*. Paragraph *(a)* replaces subclause (1) of clause 2 of the schedule which provides for existing proclaimed watercourses, lakes and wells to be prescribed watercourses, lakes and wells under the new Act. The purpose of the amendment is to make it quite clear that proclaimed watercourses, lakes and wells under the *Water Resources Act 1976* travel across to the new Act as well as those under the 1990 Act. Wells under the 1976 Act are a particular problem. Under section 41 of that Act an area of the State is declared to be a Proclaimed Region (wells as such are not declared to be proclaimed wells) and subsequent provisions regulate the taking of water from wells within the region. In other words proclamations under section 41 do not actually declare wells to be proclaimed wells.

In order to remove any suggestion that proclamations proclaiming watercourses, lakes or wells going back to 1976 under previous legislation may be regulations for the purposes of the *Subordinate Legislation Act 1978*, paragraph *(a)* of subclause (1) explicitly states that this is not so. The purpose of these amendments is to remove any argument in relation to the transition of the existing proclaimed water resources to the new Act.

Paragraph *(b)* replaces subclause (2) of clause 2 of the schedule. The new subclause (2) replaces paragraph *(a)* and makes a consequential change to paragraph *(b)* of the previous subclause. The reason for replacing paragraph *(a)* is to better express the intention which is to enable proclamations under the previous Acts to be varied or revoked.

Paragraph *(c)* extends the transitional operation of Part 6 of the *Catchment Water Management Act 1995* for another year. Delays in passing and bringing the principal Act into operation mean that a levy imposed by councils under the principal Act for 1997-1998 would not be in time for inclusion in council rate notices. The additional administrative cost of sending out separate notices can be avoided if Part 6 of the *Catchment Water Management Act* continues to apply.

Paragraph *(d)* makes a consequential change.

Ms HURLEY secured the adjournment of the debate.

LONG SERVICE LEAVE (MISCELLANEOUS) AMENDMENT BILL

In Committee.

Clauses 1 and 2 passed.

Clause 3.

Mr CLARKE: I move:

Page 2, lines 3, 4 and 5—Leave out all words in these lines.

The Opposition's opposition to this Bill relates to clause 4. There are a number of amendments on file to clause 3, regarding the definition of 'industrial agreement' and so forth, which make sense only if clause 4 is passed. I am quite happy to debate the merits or ask questions but that really relates to clause 4.

The ACTING CHAIRMAN (Mr Bass): If your amendment is defeated, clause 3 becomes irrelevant?

Mr CLARKE: If I won (which would be the sort of miracle that would see Mary MacKillop made a saint), clause 3 would drop out and a number of consequential amendments would be moved to clause 4.

The ACTING CHAIRMAN: Under the circumstances, we will accept the argument on clause 3 and allow a little latitude so that it is fully debated. The Minister might address the matters in clause 4 at the same time. That will give us some indication of the Government's intention.

Mr CLARKE: The Opposition does not disagree with much of clause 3. It simply updates the language and wording of the now Workplace Relations Act at a Federal level and also the current wording under the Industrial and Employee Relations Act. However, there is a definition of 'individual agreement' relating to workers being able individually to negotiate the cashing out of long service leave, which is the cornerstone of clause 4. I will not spend a long time on clause 4, because I outlined the essential argument against it in my second reading speech.

Clause 4 effectively provides that an individual can seek to take their long service leave in payment, either in whole or in part, and some safety mechanisms are associated with it. The employer must have the employee's agreement. Without the employee's agreement, the provision of the existing Act would prevail and the employee would be entitled to take long service leave in actual time. I am aware of the argument put forward by the Minister and the Employers Chamber that some employees, for a variety of reasons, prefer to have their long service leave paid out in cash.

The Hon. Dean Brown interjecting:

Mr CLARKE: I am aware, as the Minister has interjected, that some workers, particularly low-paid workers, would

prefer it because, if they were living off their overtime or shift penalties and took long service leave on their ordinary time earnings, they would find it difficult to enjoy time off on basically a reduced income. However, the Opposition's argument is that long service leave was introduced to give workers time off, for them to enjoy a period of time away from work to recharge their batteries and to rejuvenate, and by simply converting long service leave into a cash-out situation, over time it will be devalued.

We have seen, for example, that annual leave loading in a number of awards has been incorporated into the annualised salary of an employee, and that becomes eroded as a value over time. The significant point is that we in Australia enjoy long service leave for specific reasons, and underpinning it all is the need for employees to take time off to rejuvenate themselves and to recharge their batteries. If the incomes of some employees are too low for them to enjoy their recreation time, that is an issue that should be addressed through the Industrial Relations Commission, through their trade unions and through their awards to ensure that, over time, those employees receive an income sufficient to enable them to take time off.

If cashing out one's entitlement becomes the general principle rather than taking one's entitlement as time off away from work with pay, why have a 38 hour week? Indeed, why have an eight hour day? Why not work your working week 24 hours consecutively so that you can have the rest of the week off? Why not work two days straight and have five days off? Let us work a human being as one would work a machine. Perhaps some people inside and outside this House would say that that view is inappropriate, old-fashioned, totally paternalistic and out of touch at this end of the twentieth century; however, the long service leave rights of workers have been hard fought. For example, it took a number of years for workers in this State to achieve the significant gain of 13 weeks long service leave after 10 years service. That has not been attained in any other State, although I note that recently some Federal awards in South Australia have moved that far with respect to the standard, and I particularly refer to the motor vehicle manufacturing industry.

This issue comes down to a fundamental belief by the Labor Party that long service leave was created in the first instance for rest and recreation. Several other reasons were given at the time legislation was first introduced; indeed, a reference was made to the 1860s when the then colonial Government brought about long service leave for a select group of employees—those civil servants who were entitled, as far back then, to a period of leave of absence with pay. For those reasons, the Opposition opposes clause 4 and with your agreement, Sir, I propose that we use clause 3 as the touchstone on this issue and vote on it accordingly.

The Hon. DEAN BROWN: I oppose the amendment. I am sure that members of this House will not be surprised because, if this amendment and the amendments subsequent to it were passed, they would destroy the whole effect of this Bill. The Deputy Leader has once again put the Labor Party into a straitjacket that fails to acknowledge the changes that are occurring within our community—a straitjacket that says to workers that they cannot even have the right to request that some of their long service leave be taken as cash rather than as days off work.

I can recall that, when I put up the amendments to change the apprenticeship and training schemes in South Australia, members of the trade union movement said, 'There will be blood in the streets before these amendments are adopted.' What happened? The amendments were adopted and every one wholeheartedly embraces those changes. The apprenticeship scheme was in exactly the same straitjacket back in 1979 as long service leave is in today. A number of other fundamental changes have taken place. I can recall the Labor Party opposing any idea or concept of enterprise agreements. I can recall the Labor Party opposing most of the industrial changes that we introduced in 1994 in exactly the same philosophic way.

I suggest that the Deputy Leader of the Opposition go out and talk to the workers about this, because it is the workers who have written to me requesting this change. For example, people from BHAS Port Pirie have said that they noted a press report which indicated that I had said that I would introduce such legislation, and they did not believe it. Then, when the Bill came before the Parliament, they wrote to me and said that they wanted to acknowledge that, at long last, someone in the Parliament understood some of the concerns of the workers at the coalface; some workers wanted to see greater flexibility in the taking of long service leave.

Perhaps it is so long since the Deputy Leader of the Opposition worked in a real job that he does not understand what it is about. We all know that within companies long service leave is occasionally paid out with the agreement of the workers, but the employers in doing that are breaking the law and exposing themselves to considerable risk. We all know that worker after worker goes along to their employer and says, 'Look, instead of taking long service leave, surely you can pay me out in cash.' It is beyond logic that the Labor Party in South Australia should maintain such a blinkered position that it would not allow those people to cash out.

All the safeguards are in place. The Deputy Leader of the Opposition even acknowledged the fact that the safeguards are there. This can be done only with the approval of the employee and the employer involved. No collective decision can be involved in this. This change cannot be negotiated out as part of an enterprise agreement, as the Leader of the Opposition tried to claim quite falsely in the media several days ago. The Leader was wrong. I pointed out to him yesterday that he was wrong and he acknowledges that. My point is that this is being done because so many South Australian workers want it to occur. It is a significant step forward. It is providing flexibility and choice so that, if the worker wants it and the employer agrees to it, it can be done.

I will not repeat the arguments put forward during the second reading debate because this amendment goes to the very core of this Bill and those arguments have already been put. I reiterate that this amendment is the heart of the Bill. Let the workers have their say on this issue alone at the next State election, because many workers would see this as a very attractive proposal.

Mr CLARKE: I thank the Minister for provoking me into asking a second question about this matter. The Opposition is more than happy to go to any poll with respect to industrial relations: we have no fears about what the workers will say. However, the difficulty that the Minister and workers have is that, while some workers may be happy to accept their long service leave as a cash payout, there may be a number of others who do not. Legislatively, for the first time this allows an employer when interviewing employees—and we have a high level of unemployment in this State, particularly among young people—to put to an employee, 'Well, in this establishment we like our workers to cash out their long service; we do not want people to take their time.' The Minister says

'Rubbish'. I understand that, legally, workers could stand on their digs and say, 'No, I want time off.' Under this Bill they could have it, but as the Minister has pointed out some employers are now breaching the law by paying out workers.

The Hon. Dean Brown: The workers want it.

Mr CLARKE: That is not always the case. In answer to my first question the Minister said that it has been a long time since I have been in a real job. I remind the Minister that for 20 years I worked in the trade union movement and that I spoke to a lot of workers. Let me assure the Minister that there is nothing more real about a real job than working as a trade union secretary—as the Acting Chairman could only too well testify. I would not recommend that the Minister suggest to the Acting Chairman that being a trade union secretary is not a real job. We know that in the real world employers can put this to people who are desperate for work or who are desperate to retain their jobs and tell them to cash it out, because a lot of companies have downsized. The State Public Service is a classic example.

Many employers do not want to replace people who take long service leave for periods of three or six months, because they have to find alternative workers and retrain them, etc. Potentially, there is a very heavy bias for employers to say, 'We want you to cash it up. Of course, you don't have to have it.' But then the workers feel all the weight on their shoulders in terms of, 'Do I defy my boss on this issue? Do I stand up for my rights? I look around to my other colleagues; they may be grumbling about it as well, but they are cashing out their long service leave. Can I stand out on my own on such an issue?' The Minister is working on the basis that the negotiating position between worker and employer is exactly equal, and that has never been the case—and never more so in a period of high unemployment.

The Committee divided on the amendment:

AYES (9)

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.	

NOES (33)

Andrew, K. A.	Armitage, M. H.
Ashenden, E. S.	Baker, D. S.
Baker, S. J.	Bass, R. P.
Becker, H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.(teller)
Buckby, M. R.	Caudell, C. J.
Condous, S. G.	Cummins, J. G.
Evans, I. F.	Greig, J. M.
Gunn, G. M.	Hall, J. L.
Kerin, R. G.	Kotz, D. C.
Leggett, S. R.	Lewis, I. P.
Matthew, W. A.	Meier, E. J.
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.	

PAIRS

Stevens, L.	Olsen, J. W.

Majority of 24 for the Noes.

Amendment thus negatived; clause passed.

Clause 4.

Mr CLARKE: I formally oppose the clause.

Clause passed.

Clause 5 passed.

Clause 6.

Mr CLARKE: I move:

Page 2, lines 30 to 37 and Page 3, lines 1 to 4—Leave out 'by striking out subsections (4) and (5) and' and all words in the remaining lines of the clause and insert 'by inserting after subsection (4) the following subsection:

(4a) A worker who has accrued an entitlement to long service leave is entitled to take such leave (in periods of at least two weeks) on giving the employer not less than 60 days notice of the date from which and the period for which the leave is to be taken subject, however, to any determination that may be made by the Industrial Relations Commission, on the application of the employer, having regard to the provisions of subsections (1) and (2).'

The Minister is quite right: when I first read clause 6 I thought that enterprise agreements could have had the effect of at least morally binding employees to agreeing to cashing in their long service leave if that was the will of the majority of workers. The Minister assured me last night that, under proposed new section 7, an enterprise agreement could relate only to issues of deferral of long service leave, the taking of long service leave in separate periods, the granting and taking of long service leave on less than 60 days notice or the taking of long service leave in anticipation of the entitlement to the leave accruing to the workers or the particular worker concerned. The Bill deletes subsections (4) and (5) of the principal Act, but my amendment would allow subsections (4) and (5) to remain and insert a new subsection (4a).

Under the existing legislation, an employer may give an employee not less than 60 days notice for the taking of long service leave once it has accrued. Under the existing legislation an employee is permitted to take long service leave only on application by the employee, and under the Act it must be granted as soon as is practicable to suit the employee's purposes. However, if an employer objects, the principal Act provides that the employee has to go to the Department of Industrial Affairs and get an inspector to look at the situation. If the Department of Industrial Affairs inspector says that the employee is right, the employer can still object and the employee then has to go to the Industrial Relations Court to have his application for leave, at the time he wants it, granted.

The last time I spoke to the Industrial Relations Court on this issue, about two months ago, I understood that approximately two such applications a year actually appear before the court. My amendment is quite simple. If the employer can give an employee 60 days notice upon which to take his long service leave, the employee ought also to have the same right and simply give 60 days notice after his long service leave has fallen due to say, 'That is when I want my long service leave and I can have it.' However, I have included a safety provision for an employer who believes, for example, that an employee should not take his long service leave at the time nominated because it would cause too much disruption to the business, too much expense for the business and whatever else.

I am envisaging a small employer or a specialist employee whom an employer cannot lose at a particular time. I am saying that the employer has the right to go to the Industrial Relations Commission and ask for a stay where the onus is on the employer to establish before the commission that he cannot do without the services of that employee at the time nominated. The Minister in his second reading explanation made great play of the Bill's being worker friendly and giving

greater flexibility. That is what I am seeking in my amendment, because there are problems with the Bill as proposed by the Minister. Whilst enterprise agreements do not make it binding that people must cash in their long service leave—and I accept that I was wrong on that point—where 50 per cent of the work force plus one agree to enter into an enterprise agreement, that enterprise agreement may say that all employees can have their long service leave deferred at the whim of the employer, for whatever reason the employer may put forward.

Such an enterprise agreement could also say that long service leave can be given on a daily basis. The power is there under the Government's Bill for an enterprise agreement to say that the employer can choose the periods during which an employee can take his long service leave. At the moment the Act says that he can break it up if the employee wants it, but it cannot be in periods of less than two weeks. In an enterprise agreement the majority of employees could impose on a minority of employees that long service leave be awarded one day at a time, literally, or that it has to be in one continuous period and there can be no break. That may not suit the circumstances of individual employees.

The other point is the granting or taking of long service leave on less than 60 days notice. It may be that an enterprise agreement could say that an employer has to give only 24 hours notice to an employee that he must take his long service leave. We all know the difficulties that places employees in, in trying to make use of their long service leave at a time convenient to them, their working spouse or partner.

New subsection (4)(f) provides:

> the taking of long service leave in anticipation of the entitlement to the leave accruing to the workers or the particular worker concerned.

At the moment that is provided for in the existing principal Act, but it leaves it on an individual basis. This would allow it to be part of an enterprise agreement, and therefore 50 per cent plus one of the work force could say that that allows the employer as of right to say to someone who has accrued eight years long service leave, 'Look, we want you to take your equivalent eight years of long service leave as part and parcel of this enterprise agreement.' A classic example of how it happens, notwithstanding one's legal rights, is that the employer can simply say, 'I will give you a pay rise under enterprise bargaining only if you agree to this package of goods.' The package of goods put up by the employer may be all very well for 50 per cent plus one of the employees for the time being, but what about the other 49 per cent who may oppose it?

Under the Long Service Leave Act at the moment it is an individual matter between the individual employee and the employer to work out the arrangement. This allows an enterprise agreement to be structured whereby a majority vote overrides the individual's wishes in regard to the way in which they take long service leave. The quantum of how they take their long service leave and so on is determined by the majority of the work force and not as an individual choice. Mr Acting Chairman, as a former union secretary—when you did not work in the real world, if one is to believe the Minister, or have a real job—you will remember that the Industrial Relations Act used to provide (and still does) that workers must be paid in cash unless an individual worker agrees to be paid by direct debit, cheque or by some other means. However, if an individual worker insists on being paid in cash, they must be paid in cash.

I was involved in the 4 per cent second tier wage increase in 1987, as you no doubt were, Mr Acting Chairman. In many instances, to gain the 4 per cent second tier increase, we found under enterprise bargaining that the employer would say—and Mitsubishi is a classic example—'You have to surrender your right to be paid in cash. We want to pay everyone by cheque or direct bank debit.' Some employees at Mitsubishi, the RAA and a couple of other places said, 'I do not want to be paid other than in cash.' Mitsubishi said, 'Then you do not get the wage increase.' That was the bargain that was struck with the majority of the work force who agreed to it, while those who disagreed did not receive the 4 per cent.

The provisions put forward by the Government in respect of long service leave allow for a significant potential shackling of individual workers because of a majority vote by the rest of the work force who might not mind surrendering some of their flexibility in this matter in return for a pay rise, but it may not be suitable for each individual. This is a fundamental issue, and that is why we oppose enterprise agreements being able to override the principal Act and the flexibility explicitly contained within it between an individual employee and their employer.

The Hon. DEAN BROWN: I am not prepared to even consider this proposed amendment unless the Labor Party is prepared to consider the fundamental amendment which is the whole purpose of the Bill. It is ridiculous for us to be looking at some minor amendment being put forward by the Labor Party when it is trying to defeat the whole purpose of the entire Bill. If the Deputy Leader of the Opposition wants me to even consider this, he had better come out and support the rest of the Bill, otherwise I will oppose this amendment. If the Deputy Leader supports the rest of the Bill, I am happy to look at this proposed amendment. I stress the fact that by moving to delete other parts of clause 6 the Deputy Leader would take away what I think are worker friendly proposals; that is, the areas covered under paragraphs (c), (d) (e) and (f).

Frankly, there is a real lack of logic. I know that some of the unions support the Government's intention with this Bill. They acknowledge the fact that much of the work force wants this sort of flexibility, particularly to be able to cash out long service leave. If the Deputy Leader of the Opposition wants to stick to his Party principles and get himself into an industrial straitjacket, let him do so. We will campaign on it at the State election.

Amendment negatived; clause passed.

Clause 7.

Mr CLARKE: I have a couple of queries with respect to this clause. I indicate that I have no further questions on the remaining clauses. They are either consequential on the principal issue behind the Bill or they are matters which relate to the sensible rewording of the provisions of the legislation. New subsection (2a) provides:

> Despite subsection (2), an enterprise agreement may provide for the way in which payment is to be made for periods of long service leave and such a provision will be binding subject to any individual agreement between the employer and worker.

How will it work? Does it mean that under enterprise agreements six weeks at a time can be taken in long service leave? Does that provide for payment in advance, payment as per the normal pay cycle or in arrears?

Can employers use this provision to say that, as part of an EB agreement, if an employee wants a pay rise, long service leave has to be paid in arrears or during the normal pay cycle? If a person is leaving the State, that may not be conducive for

an individual who wants to have his or her long service leave paid upfront. This is the point that I am making: that employers, as part of the EB process, can put a straitjacket on individuals as to how they want their long service leave paid. At present, it has to be paid upfront, although an employee can come to an agreement to have it paid as part of the normal pay cycle. This measure allows an EB agreement to override an individual's wishes.

The Hon. DEAN BROWN: If we are to put through an amendment that provides that workers can cash out part of their long service leave, there must be a basis on which that money is paid. That can be done under an enterprise agreement, and that agreement would already cover other issues of payment, for example, whether a person is paid electronically, by cheque or by cash. All this does is ratify that, as the weekly pay that a person receives can be paid in certain ways as agreed by the parties under an enterprise agreement, so can long service leave. That is all it is.

Mr CLARKE: I understand what the Minister is saying, and it highlights the point that a minority group of employees could lose the flexibility that they currently enjoy because of majority agreement to an enterprise agreement that provides that employees may not be paid their long service leave in advance but as part of their normal pay cycle. That is not the situation in the Act, which provides that it must be an individual agreement between an individual and his or her employer.

New subsection (3a) provides:

> A payment in lieu of long service leave made under this Act by agreement with a worker—
>
> (a) will be calculated at the workers ordinary weekly rate of pay applicable immediately before the payment is made (but not so as to include any amount representing the value of accommodation provided to the worker).

Under the principal Act, if accommodation is part of a worker's remuneration, when that person takes long service leave that must be factored in to what that person is paid out for his or her long service leave. This provision seems to mean that, if a worker takes payment in lieu of long service leave after seven or eight years, that person will lose that component. That would affect literally thousands of South Australian workers who have an accommodation component within their remuneration package with their employer. They will now lose that, notwithstanding that the principal Act provides that accommodation must be calculated as part of ordinary time earnings. They seem to sit at odds with one another. Which prevails?

The Hon. DEAN BROWN: I suggest that the honourable member look at the Act, which provides three ways in which a person on long service leave can be paid, namely, they are paid in advance for the whole period, or they are paid according to their normal pay period, or in some other way as agreed between the employer and the worker. All this does is provide that an enterprise agreement can cover paragraph (c), which is already in the Act. There is no change except to provide that an enterprise agreement request can formally acknowledge what is already a power under the existing Act.

Mr CLARKE: I draw the Minister's attention to the definitions on page 3 and section 3(2)(c) of the principal Act, which provides:

> A reference in this Act to a worker's ordinary weekly rate of pay is a reference to the worker's weekly rate of pay as at the relevant date exclusive of overtime, shift premiums and penalty rates but this definition is subject to the following qualifications. . .
>
> (c) if the worker's employer provides accommodation during his or her employment but not while the worker is on leave, the worker's ordinary weekly rate of pay will be increased by an amount representing the weekly value of that accommodation. . .

The provision then describes how that is arrived at. Section 8(4) of the principal Act provides:

> A payment in lieu of long service leave made under this Act on the termination of a worker's service—
>
> (a) will be calculated at the worker's ordinary weekly rate of pay applicable immediately before the termination.

This provision has been replaced with the same words, excluding the value of the accommodation that is provided. That seems to be at odds with the definition of 'ordinary weekly rate of pay' as contained in the Act, which allows accommodation to be included. What the Government is doing, knowingly or not, in the payment in lieu of long service leave, is knocking off the value of the accommodation component for the purposes of calculating the amount due to the worker.

The Hon. DEAN BROWN: The honourable member is confusing two quite different situations. He is talking about the situation where there is a pay out because the worker has left employment and, naturally, that has to be adjusted for the accommodation value. However, in the case outlined in the legislation, because there is ongoing employment, the person would be living in the accommodation, so they are not being paid additional money because they continue to get the benefit of the accommodation. I understand what the honourable member is trying to get at, but there is no reduced value to the worker, because this provides for an ongoing employment situation, with the worker still living in the accommodation.

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

Clause passed.

Remaining clauses (8 to 13) and title passed.

Bill read a third time and passed.

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

A quorum having been formed:

SITTINGS AND BUSINESS

The Hon. S.J. BAKER (Treasurer): I move:

> That Standing Orders be so far suspended as to enable the Tobacco Products Regulation (Miscellaneous) Amendment Bill and the Statutes Amendment (Water Resources) Bill to pass through their remaining stages without delay.

Mr CLARKE (Deputy Leader of the Opposition): The Opposition opposes this motion, and I will make quite clear our reasons. The Opposition had no difficulty in allowing the suspension of Standing Orders in relation to the Tobacco Regulation (Miscellaneous) Amendment Bill. However, we do have problems with allowing the Statutes Amendment (Water Resources) Bill to be passed without delay. The reason is quite simple: the Treasurer, even though he jumped to his feet as the Deputy Premier, going back in time, when he moved this motion, had at least spoken to the shadow Treasurer, the Bill had been tabled in the Parliament before, and the Opposition's shadow Cabinet had had an opportunity to be briefed by the shadow Treasurer.

In the State's interests, we were prepared to allow such a suspension so that we would cooperate with the Government to allow the legislation of the Treasurer to go through,

because the normal courtesies and discussions had taken place on that matter. However, as I understand Standing Orders, we are unable to move an amendment to a motion for the suspension of Standing Orders whereby we agree to part of the motion but not the remainder, so we are caught with having to oppose the lot.

The fact is that the Statutes Amendment (Water Resources) Bill had not been tabled until today. It has not been discussed by the shadow Cabinet or our Caucus, and that is the procedure that we follow. The facts are quite simple. I am informed that, when the Liberal Party was in Opposition, it strenuously maintained that the normal decencies should prevail whereby Bills are tabled in the House and there is a clear carry-over of at least one sitting week before the matter is debated. From time to time in the State's interests we have cooperated with this Government to allow legislation to be brought in at short notice and expedited through both Houses of Parliament. As far as this legislation from the Minister for the Environment and Natural Resources is concerned, I had not seen it until it was tabled today; I am aware that the shadow Minister in this House who is responsible for the carriage of the legislation was given it only yesterday; and the shadow Minister in another place was given it only on Friday of last week. That is particularly sloppy. The Minister for the Environment and Natural Resources is one of the most long-winded, verbose Ministers this House has ever had the misfortune to witness, as we saw in this House at Question Time today.

The SPEAKER: Order! The Deputy Leader will confine his remarks to the matter before the Chair, that is, the suspension of Standing Orders, and not engage in a discussion about the length of the Minister's contributions.

Mr CLARKE: Thank you, Sir, but I was linking my comments concerning the verbosity of the Minister for the Environment and Natural Resources and the length of time that the Minister takes in answering questions. At Question Time on our side of the House he is known as the night watchman. Despite the fact that the Minister seems to have plenty of time to answer questions in this House—particularly dorothy dixers—praising his performance as Minister for the Environment and Natural Resources, he has not had sufficient time to extend the normal courtesy to the Opposition by consulting it as to why this Bill should be treated differently from any other Bill and be expedited through the Parliament without the proper processes being followed. We on this side of the House are not prepared to be pushed around and treated with such contempt, now or in the future.

The Government obviously has the numbers in this Chamber, and once more an atrocity will be committed tonight, where the weight of numbers will be used against the Opposition. We understand that. I trust that the Minister and the Government understand that, when the legislation goes further up the corridor, where they do not have the numbers, it might be lying there a hell of a lot longer; and a little bit of courtesy and respect shown to the Opposition might have helped the Government's case considerably.

The House divided on the motion:

AYES (30)

Allison, H.	Andrew, K. A.
Armitage, M. H.	Baker, S. J. (teller)
Bass, R. P.	Becker, H.
Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
Caudell, C. J.	Condous, S. G.
Cummins, J. G.	Hall, J. L.

AYES (cont.)

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.
Rossi, J. P.	Scalzi, G.
Such, R. B.	Venning, I. H.
Wade, D. E.	Wotton, D. C.

NOES (7)

Blevins, F. T.	Clarke, R. D. (teller)
De Laine, M. R.	Foley, K. O.
Hurley, A. K.	Rann, M. D.
Stevens, L.	

Majority of 23 for the Ayes.

Motion thus carried.

TOBACCO PRODUCTS REGULATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1447.)

Mr FOLEY (Hart): We support the Government's initiative to put through a couple of technical amendments in relation to the tobacco legislation. As members would recall, the tobacco legislation was introduced in this place a couple of months ago in less than satisfactory circumstances. With the Treasurer attempting to put through some constructive amendments in that Bill, there was the bumbling comedy of errors involving the Health Minister who, in an attempt to hijack the legislation from the Treasurer, sought to drive through some reform he thought was useful. It is a little concerning that a Minister could be so clumsy in his attempt to hijack a colleague's legislation and, that being the case, I wonder about the Health Minister's performance in Cabinet.

I assume that at the time the Government's eye was taken off the ball. Not all the errors the Government wished to cover in the initial legislation were picked up and, as a result, some additional amendments relating to various issues are required. This is a technical Bill and the shadow Cabinet and the Caucus of the Labor Party have agreed to those amendments. The Opposition is happy to support the Bill and to proceed to the third reading.

The Hon. S.J. BAKER (Treasurer): I thank the member for Hart for his support. I totally reject his comments about my colleague the Minister for Health, who was trying to improve the health of South Australians. Obviously the measure is as much about health as about the collection of revenue, and I am sure that the High Court would have duly noted that. Those amendments were just as important as some of the amendments with which I was dealing. In terms of the technical amendments, two difficulties were caused by the legislation and, on reflection and after taking further advice, we believed that it was appropriate to clarify the matter so that retailers did not have to ascertain that money had been paid in relation to the licence when they sold tobacco products.

The second issue involves the sale for consumption overseas, and that matter has also been remedied under clause 15. Upon review and following further advice, we believed it was better to get it right rather than proclaim the Bill. We are doing that and we appreciate the accommodation of the

Opposition to allow this to happen speedily. I appreciate the support.

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

ELECTRICITY (VEGETATION CLEARANCE) AMENDMENT BILL

Order of the Day, Government Business, No. 3.

The Hon. S.J. BAKER (Treasurer): I move:

That Order of the Day No. 3 be discharged.

Motion carried.

STATUTES AMENDMENT (WATER RESOURCES) BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1453.)

Ms HURLEY (Napier): The Water Resources Act, to which this Bill is linked, was debated at length at the time it was introduced and was a source of division among some members of the community and members of the Liberal Party. When the Minister introduced the Bill on 13 November 1996 he stated:

> Following eight months of wide consultation over community opinions and aspirations on the review of the Water Resources Act 1990, in May 1996 I released for public consultation a draft Water Resources Bill, which was accompanied by an explanatory report and an index to the Bill. Four months of intense public and stakeholder consultation ensued, with numerous public meetings and detailed briefings given by myself and departmental staff.

The Minister later stated:

> All responses were reviewed by myself and departmental staff. A great many were extremely constructive, and have been taken on board and are reflected in the Bill which I table today.

Following acrimonious debate within the Liberal Party, that Bill was returned from the Legislative Council to this House on Tuesday 18 March with 65 substantial amendments, although the Minister, who had been involved in extensive consultation, was able to say that he was pleased with the outcome of the legislation. The Minister now introduces this Bill and expects the Opposition to deal expeditiously with it, having given me and the shadow Minister in the other place a briefing on this Bill only yesterday.

We have had no time to consult with affected members of the community and we have had no time to consider the Bill within our own Party Caucus, yet we are expected to deal with it immediately. The Minister's track record of consulting on Bills and introducing them is extremely poor, yet he wants us to take on faith his assurance that there is nothing controversial about this Bill, that he has fully consulted everyone concerned and that there will be no problem with it. We are told that the concerned interest groups have not seen the Bill any more than we have, and we are expected to make decisions and to debate this Bill without having consulted any of the people with whom we consulted on the Water Resources Bill.

This is not a matter of any unexpected urgency, either. This Bill we are presently considering has been around for some time, yet at no time did the Minister or a member of his staff telephone the Opposition informing us that it was coming, unlike the Treasurer, who sought to consult with the shadow Treasurer. It is indicative of the scant regard this Minister shows for the parliamentary process that he is willing to sit here and ram this Bill through the House with the Government numbers, not consulting with the Opposition and not allowing the Opposition any time whatsoever to examine the measure carefully and to talk with relevant people about what it contains.

This Government does not want to consult with its interest groups. It is afraid of another fight, such as that sparked by the Water Resources Bill, and that indicates its scant regard for its own constituency in those rural electorates which this Bill will particularly affect. It also indicates the Liberal Party's scant regard for the opinions and the expertise of its constituency. It is not prepared to let those people see the details of this Bill and take into account their comments, even though this Bill has been around for some time and the Minister has had all the time in the world to conduct proper consultation. I have had one day to look at the Bill—without having had a chance to talk to experts in this field—and there seem to be no particular problems, but it is a very technical Bill about which I would like to talk to the people on the ground whom it will affect. I imagine that we will have the chance to do that, because I sincerely hope that in its usual fashion the Legislative Council will allow itself plenty of time to consider this Bill in a measured and responsible way and that it will allow other people in the community time to examine the Bill while it lies on the table.

The Minister's act in pushing the Bill through in this way is completely irresponsible, because the Opposition has shown in the past that it is very conciliatory in these processes. We have been very cooperative with the Government in allowing the passage of Bills that needed to be implemented quickly. There are some in our Party who think we should not have been so cooperative, because the Government when in Opposition apparently did not give an inch on any of those questions and did not at all cooperate.

The Hon. D.C. Wotton: You weren't even here.

Ms HURLEY: No, I was not here, but that is what I have been reliably informed. I do not believe in such petty tit for tat politics. I have been one of those who, where a cogent reason was given for needing to push a Bill through quickly, have been quite happy for our Party to cooperate, but I have been given no good reason for this Bill to be forced through in this heavy-handed fashion.

The Hon. D.C. WOTTON (Minister for the Environment and Natural Resources): I regret that the Opposition has taken that line on this legislation, because there has been full consultation in regard to the Water Resources Act, which passed this House and the Upper House some time ago, and this piece of legislation. Again, I refer to the consultation on the Water Resources Bill. That consultation took place over at least an 18 month period. The fact is—

Mr Clarke interjecting:

The Hon. D.C. WOTTON: Have you finished? In the early days of the Water Resources Bill there was consultation through a series of issue papers circulated throughout the State. Some 70 public meetings were held throughout the State to provide information to people and to answer questions about the legislation. I think that 11 draft Bills were dealt with before the final piece of legislation was brought into the House. The number of Bills considered indicates clearly the amount of consultation that took place.

As members would understand, the mere fact that there were so many amendments when the Bill was before the House demonstrates that it is a very complex piece of legislation. If members opposite had been in the House for

some time—and if they had been in Government—they would realise that, unfortunately, many organisations and individuals take consultation seriously only when the final Bill is before the House. That has been the case for as long as I can remember. Indeed, when I was in Opposition I had the same attitude. I used to say, 'Let's wait until the Bill is presented to the House, and then I will go out and seek that last minute consultation with other organisations.'

Members interjecting:

The Hon. D.C. WOTTON: I am talking about what happened with the Water Resources Act, because the honourable member who has just returned to her seat referred to that legislation. There has been broad consultation about this Bill; in fact, it has been introduced because of the consultation that took place. The South Australian Farmers Federation and the Conservation Council, in particular, were very keen to see integrated resource management introduced into this legislation. That is what this Bill is all about: integrated resource management. It is about integration between pieces of legislation. It was one of the amendments that were picked up, because the Farmers Federation and the Conservation Council felt very strongly that that was needed in the legislation, and that is why we are moving in this way to introduce this Bill.

When the honourable member says that there was no consultation with the Opposition I point out that that is not the case, because the shadow Minister was aware that this Bill would need to be introduced. If the honourable member cares to read the Hon. Terry Roberts' contribution to the debate in the Upper House she will note that he made a very strong point about the need for integrated resource management in this legislation. In fact, he strongly supported the amendments necessary to ensure the introduction of integrated resource management in this legislation. As soon as the Bill was complete I made it available to the Opposition, and that was last Friday. After speaking to the shadow Minister I personally delivered the Bill to his office. I indicated to him our concern, because it is essential that this Bill be dealt with before the Water Resources Act is proclaimed. That has been recognised all along. I referred to that point in the debate on the water resources legislation and hoped that Parliament would be able to consider this Bill at that time. It was the Opposition which determined that the Bill could not be debated at that time.

Ms Hurley interjecting:

The Hon. D.C. WOTTON: It was. It is all right for the honourable member to sit there and say 'What!' There were two or three extra pieces of legislation—and this was one of them—that we wanted to debate at that time, and the Opposition indicated that its preference was that that should not happen. It is petty for the honourable member to indicate that when we were in Opposition we did not agree to put legislation through. I assure the honourable member that, regrettably, I have spent more time in Opposition than has any member opposite. I could point to dozens of times when we facilitated just that to enable legislation to be debated. For the Opposition now to say that it is not pleased to consider this legislation because we did not do it when we were in Opposition is very petty.

The Bill is consequential on the passage of the Water Resources Act 1997. The Bill makes amendments to six other Acts to ensure that the Water Resources Act is able to operate in an integrated manner. As I say, it was the shadow Minister in another place who reinforced the need for appropriate integration in this legislation. It also makes some small amendments to clarify another point that was raised in the Upper House, and I gave an assurance at that time that when this legislation came in that issue would be dealt with. The nature of the main amendments was discussed at length with key stakeholders throughout the consultation process because, as I said earlier, it was the Conservation Council particularly, and the South Australian Farmers Federation, that were very keen. In fact, the South Australian Farmers Federation was keen for us to go much further than we have been able to go in regard to integrated resource management through this legislation.

A lot of discussion took place with key stakeholders throughout the consultation process, during which the issue of integration of the management of water with the management of other natural resources was consistently raised as a matter of great importance. I for one, along with other members in this House, want to see that happen. There are examples in Australia, and some time ago I visited New Zealand to see how they were dealing with integrated resource management, particularly in this area. It is very important that we not have legislation that stands alone but legislation dealing with water that relates to pastoral activities and to land soil activities, and that it be integrated appropriately. That is what this legislation does.

During consultation all parties agreed that there should be good links between the new Water Resources Act and other pieces of natural resources legislation referred to in the Act. Those pieces of legislation are the Development Act, the Environment Protection Act, the Soil Conservation and Landcare Act (and that relates particularly to soil boards, etc), the Pastoral Land Management and Conservation Act and the South-Eastern Water Conservation and Drainage Act. They were the pieces of legislation referred to particularly by those organisations that wanted to see this legislation introduced. It was also agreed by the Local Government Association and the councils that participated in the review that it would be necessary to repeal existing provisions of the Local Government Act that deal with watercourse maintenance to ensure that there would not be an overlap in this area. That is precisely what this Bill achieves.

The honourable member has suggested that there is no urgency to this legislation. There is indeed significant urgency, and that is why we are debating this measure tonight. This Bill needs to be passed before the Water Resources Act 1997 can come into operation. We need to have the new Act in operation for a number of reasons, which were spelt out very clearly when the Water Resources Act was debated before the House. Those reasons include: better management of our State's water resources (which aim was strongly supported by all members who spoke on the Water resources Bill); and to establish a catchment board for the Murray River, which will give the community of the Murray the opportunity to be represented in decision making on expenditure of the levy that is already being paid by water users.

Almost everyone who spoke on the Bill mentioned the importance of the establishment of that board to help with the Project 2001 aims and objectives and with the process of cleaning up the Murray River. A third reason is so that the Patawalonga and Torrens boards, the membership of which expire at the end of the financial year, can be reconvened under the new legislation. There is a strong wish on the part of the boards that that should happen. I should also indicate that the Opposition gave its full support to the thrust of the Water Resources Act when it came to this House and, in

particular, noted the importance of integrated water resource management with the management of other resources of the State.

In fact, it was the member who is speaking on behalf of the Opposition who congratulated the Government on its attempt to integrate the way in which water resources in this State are managed. That is referred to in *Hansard* of 26 November last year. So, there is nothing cynical about the need to proceed with this legislation. We are conscious that the House will be sitting for only a matter of weeks. It is essential that the new Water Resources Act be proclaimed as a matter of urgency. There is considerable expectation in the community as to what that new legislation will achieve and, despite what the Opposition would say, there has been an enormous amount of consultation to ensure that this legislation is passed.

The legislation, in fact, leads this country in water resource management, and the interest that is being shown by other States in the legislation that has passed through this House shows that to be the case. I repeat that there is nothing cynical about it. It is required to enable us to proceed with the Water Resources Act. The Water Resources Act is of a very high priority as far as this Government is concerned and, I believe, for the majority of people in this State. I urge members of the House to support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 29 passed.

Clause 30.

Ms HURLEY: Under this clause, if the current drainage board in the South-East has a view about how it wants water management conducted, if there is a water management plan made by a catchment board then it seems that the drainage board must automatically comply with the water management board plan. Is there any plan to have any mechanism in place to resolve disputes between the two possible boards?

The Hon. D.C. WOTTON: There has been quite a bit of controversy about this issue in the South-East, and I have probably had more opportunity for consultation and discussion in the South-East of the State than in any other part. If a catchment board was to be established in the South-East, concern was expressed about how it would relate to the catchment board. The legislation was amended and, if there was a wish on the part of the local community in the South-East to have a board established, the drainage board could fulfil that role.

If a different situation arose, if a separate catchment board was established, it would be necessary for it to be amended to ensure consistency with the two plans; that is, with the plan of the Water Catchment Management Board should there be such a board in any part of the area covered by the South-Eastern Water Conservation and Drainage Board. I do not believe that that will be the case. At this stage we understand that no significant request has been made for a board to be established in any case, whether it be a separate board or whether we use the drainage board. I have consistently said to the people in the South-East that that will happen only if the local people want it to happen. This is entirely in their hands.

We already have Water Resources Advisory Committees—one for the Upper South-East and one for the Lower South-East. Those boards are advising me as Minister and are consulting with the community about issues. If in time the local community decide that they want to have a catchment board, they could have a catchment board established or, because of the amendments to the legislation, they could use the drainage board. It is only if a separate catchment board was established that the two boards would need to be consistent. That has not raised any concern. I doubt that it would happen because, from the consultation that has taken place, I am of the opinion that, if it was felt that there was the need for such a board to be established, they would use the drainage board for that purpose.

Clause passed.

Remaining clauses (31 to 33) and title passed.

Bill read a third time and passed.

ADJOURNMENT DEBATE

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

That the House do now adjourn.

Ms STEVENS (Elizabeth): For the second time in two days I am astonished at a response given by the Minister for Health in answer to a question I asked in this House. I must say that I was astonished again today by the Minister's answer to my question concerning the contractual obligations of Healthscope to build a new collocated 65 bed private hospital adjacent to the Modbury Public Hospital. If members remember, I simply asked the Minister whether or not the Government would enforce the contractual obligations that were agreed upon at the signing of the contract. As we all know, a number of concerns have been raised about the Modbury Hospital contract. We also know that the collocated private hospital has been an issue of ongoing concern.

Let us go back and consider briefly the major stages in all this. On 3 February 1995 under the banner of 'Exciting era for Modbury Public Hospital as new managers take the reins,' the Minister for Health, Dr Michael Armitage, announced the signing of outsourcing contracts worth more than $700 million over the 20 year contract life for Healthscope to take over the day-to-day management of Modbury Hospital, starting on 6 February 1995. The Minister's media release stated that the contracts also provided:

> . . . for the construction and management by Healthscope of a $14.5 million 65 bed private hospital to be built alongside the public hospital. It is expected that the private hospital will begin operating in less than two years.

As I said before, many concerns have been raised about this contract. The establishment soon after of the select committee into the privatisation of Modbury Hospital is testament to the level of public concern that privatisation of our health system, and in particular this first contract, engendered in our community.

In recent times the financial problems of Healthscope as a result of the Modbury contract have become well-known and have been canvassed widely in many sections of the Australian press. These concerns indicated the necessity for Healthscope to have the contract renegotiated. Concerns were also expressed about the private hospital and the non-eventuation of the private hospital which, as I mentioned a couple of minutes ago, was supposed to have been completed within two years. As we know, it has not started. A number of concerns have been raised throughout the life of the contract about this matter. Indeed, in February this year, the Chief Executive Officer of the Health Commission, Mr Ray Blight, when giving evidence to the select committee on the privatisation of Modbury Hospital indicated two areas where

the initial terms of the contract had either been varied or possibly would be varied.

First, he explained that Healthscope had not achieved its Australian Council of Health Care Standards accreditation within the period initially set down and signed up for in the contract. On that day he also explained to the committee that because of this the Government had extended the time line to enable Healthscope to achieve it. He also went on to tell the committee that conversion of part of the public hospital for private use had not been ruled out, and he stipulated that on that day. That information was given before that committee and for any member of the public to hear. That is the information on which my question was based. It had nothing to do with any briefing from Healthscope. Indeed, it was interesting to note an article in today's *Advertiser* about Healthscope, the opening lines of which stated:

> Listed hospital group Healthscope aims to start work on the new Torrens Valley Private Hospital at Modbury this year as it begins to position itself for better times.

Three days ago, the *Sunday Mail* also referred to the building of the Torrens Valley Private Hospital by Healthscope. What is the Minister's problem? Why did he not take the opportunity to canvass the issues, if there were any, when I asked the question today? If there were no issues, why did he simply not answer the question? If the Minister believes that this is a great deal for South Australia, why does he not argue the case?

Instead, he said that, because the Opposition asked a question today, the jobs of hundreds of Healthscope workers would be damaged. Perhaps we should remember who got us into this contract in the first place. It certainly was not the Opposition. I suggest that, when a legitimate question is asked in Parliament about a contract which does not appear to be delivering, it is a real concern that the Minister refuses to be accountable. The Minister said that my asking such a simple question in this House would put the jobs of all the staff at risk. I suggest that the protracted negotiations on the contract might be the reason for staff stress, and the continued uncertainty of the arrangements at Modbury seem to be the prime reason for people being concerned and stressed about the future. Why do we not get some clear answers? It was a simple and clear question today and it deserved a simple and clear answer, instead of a lot of silly grandstanding and a lot of silly posturing.

Mr MEIER (Goyder): Last evening I referred to my recent parliamentary visit to the United Kingdom. In my comments, I congratulated the UK branch of the Commonwealth Parliamentary Association for the excellent visit that it arranged—the itinerary and the program—and my sincere thanks were expressed to those people, not only on behalf of myself but as the parliamentary representative from the South Australian Parliament. I regard it as a great honour to be the South Australian representative. There were two other Australian representatives: one from the Western Australian Parliament, Mr Roger Nicholls, and one from the Federal Parliament, Senator Jacinta Collins.

Some of the 53 other Commonwealth countries were represented at the conference. In fact, 20 countries were represented, and the majority of the representatives were from Africa or from islands adjacent to Africa. It was an experience for me to interact with those members of Parliament and to see what sort of political systems operate in their countries. I was not the only one who benefited from the experience. Hopefully, they were able to benefit from some of the things that representatives from Australia, Canada, New Zealand, Malaysia, Sri Lanka and Bangladesh were able to offer about their parliamentary democracies. To be a member of the Commonwealth Parliamentary Association one must have a parliamentary democracy and one must also have English as a principal language.

The variety in the Parliaments was considerable, and a certain amount of surprise was expressed from most of the Parliaments outside Australia that the South Australian Government, with such a majority, is not necessarily able to get measures through the Upper House. It appeared that, in most of the countries with an Upper House—and the majority did—it is used as a house of review and cannot be used as a blocking mechanism. We in this State must consider that matter further to ensure that the Party that is elected to government can govern in its own right.

Last night I alluded to the fact that we had discussions on a variety of topics, and I should like to refer to some of them this evening. An interesting one was entitled 'The MP, the Party, the constituency and the member's relationship with the media'. It was an extensive topic and it was of interest to me to hear the different comments from the various members as to how they interact and act in their Parliament. One thing that came out of that discussion was the concern of members about MPs who come into Parliament under the banner of one Party, then, having had second thoughts about their allegiance to that Party, switch to another Party some time during their term in office.

I was pleased to learn that some countries have a law that provides that, if a member is elected as a member of one Party, they are not allowed to change their political Party during that term of office unless they first resign from Parliament. Then they can change their Party allegiance but, in that case, it is highly unlikely that they would get back into Parliament. Whilst I had not given much thought to that issue before this discussion, there seems to be much common sense in such a provision. Members who are elected to Parliament under a Party banner owe allegiance to the electors who have elected them and to their Party, and we may wish to consider that further in this State.

There seemed to be much similarity in the role of the media in many countries in that the media are happy to highlight things about the parliamentary scene and what goes on in Parliament that I would describe as the negative side of politics and the negative side of Parliament. It was disappointing to hear that from so many of the countries represented. In virtually all cases, the members indicated that it would be great if the media highlighted the positives of what happens in Parliament rather than identified some imagined crisis that is conjured up in most cases by the Opposition.

We managed to have a few days where we were shown various things in the United Kingdom. During our visit to Jersey I was interested to learn that in the Parliament there are no Parties: all members are elected as Independent members of Parliament. Of course, my obvious questions were, 'How successful is it? What sort of stability do you have in the Parliament if you are all Independents? Do you manage to keep a Government going?' The system of operation is somewhat different from our system because they do not have an elected Leader in the form of a Premier or Prime Minister: rather the Parliament acts as a whole. The equivalent of your position, Mr Deputy Speaker—namely, the President—is held by a separately elected person, and that person directs the discussion, and the Parliament as a whole determines each issue. Again, all members are involved in committees, and it

is invariably the committees that recommend the decisions to the Parliament. It is then up to the Parliament whether it agrees or disagrees. Apparently, that system has been operating for many years and, according to the members of the Jersey Parliament, it has been very successful. Again, it is something we could learn from.

There was another discussion entitled, 'The parliamentary and political scene in my country'. Many views were put forward on the way Parliament operates in those countries. I was somewhat surprised to hear the senator from Canada indicate that in the Senate—and I believe also in the Lower House—no questions are asked by Government members during Question Time. The senator was disappointed to see that half the questions came from the Government side in the House of Commons. Her comment afterwards was, 'Good grief! What right has the Government to ask the Government questions? Surely it is the Opposition that should have the full right to ask questions of the Government. Government members can easily ask their own Ministers one way or the other.' That is another interesting point: in Canada only the Opposition gets to question the Government in the parliamentary arena.

As I indicated last night, I was privileged to see the first Question Time for the new Government under Prime Minister Tony Blair, with a new format of half an hour for the Prime Minister, and I indicated how he handled that. It was almost disturbing to see a member get up and say, 'Question 5'. We as visitors in the visitors' gallery thought 'Question 5 means absolutely nothing to us, as we have not been given a notice paper.' I was given a notice paper after I left the House of Commons, but it did not mean much to me then. Of course, the Prime Minister had question 5 in front of him and he then alluded to the answer, as prior notice had been given. That is something that did not impress me so much, and I must admit that I was quite happy with our system. With due respect to that system, a supplementary question can be asked. There has been a change in the British Parliament such that the normal first question was to ask the Prime Minister what he was doing for that day. It was a very enjoyable and rewarding visit to the United Kingdom.

Motion carried.

At 8.44 p.m. the House adjourned until Thursday 29 May at 10.30 a.m.