SOUTH AUSTRALIA

PARLIAMENTARY DEBATES

(HANSARD)

First Session of the Forty-Ninth Parliament (1997)

The Forty-Eighth Parliament of South Australia having been prorogued until 25 November 1997, and the House of Assembly having been dissolved on 13 September, general elections were held on 11 October. By proclamation dated 30 October, the new Parliament was summoned to meet on 2 December, and the First Session began on that date.

HOUSE OF ASSEMBLY

Tuesday 2 December 1997

The House met at 11 a.m. pursuant to proclamation issued by His Excellency the Governor (Sir Eric Neal).

The Clerk (Mr G.D. Mitchell) read the proclamation summoning Parliament.

GOVERNOR'S COMMISSION

At 11.5 a.m., in compliance with summons, the House proceeded to the Legislative Council, where a Commission was read appointing the Honourable John Jeremy Doyle (Chief Justice) to be a Commissioner for the opening of Parliament.

MEMBERS, SWEARING IN

The House being again in its own Chamber, at 11.12 a.m. His Honour Mr Justice Doyle attended and produced a Commission from His Excellency the Governor appointing him to be a Commissioner to administer to members of the House of Assembly the Oath of Allegiance or the Affirmation in lieu thereof required by the Constitution Act. The Commission was read by the Clerk, who then produced writs for the election of 47 members for the House of Assembly.

The Oath of Allegiance required by law (or the Affirmation) was administered and subscribed to by members.

The Commissioner retired.

SPEAKER, ELECTION

The Hon. J.W. OLSEN (Premier): I remind the House that it is now necessary to proceed to the election of a Speaker. I move:

That Mr John Oswald take the Chair of the House as Speaker.

The CLERK: Does the honourable member accept the nomination?

Mr OSWALD (Morphett): If my nomination is approved by the House, I will accept.

The CLERK: Are there any other nominations?

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

That Dr Such take the Chair of the House as Speaker.

The CLERK: Does the honourable member accept the nomination?

The Hon. R.B. SUCH (Fisher): Yes, I do.

The Hon. M.D. RANN (Leader of the Opposition): In nominating Dr Such for this high office, I think it is appropriate to reflect on the qualities required in the Speakership of this new Parliament. I make it clear that, in so doing, in no way am I reflecting on former occupants of the Speakership. In 1979 the then Premier, the Hon. Dr Tonkin, quoted Sir William Harcourt, a member of the House of Commons, and later a Leader of the British Liberal Party, regarding the qualities required in a Speaker. However, it is Dr Tonkin's own words which I particularly want to draw to the attention of the House, when he stated:

We need, in this office, a member who is distinguished by his—

I would say 'his or her'—

impartiality, tolerance and equity. Our Speaker must be a man [or person] of strength and courage; he must, by his nature, command the respect of all members; he must be endowed with a natural dignity, not with pomposity or a pretence of dignity through ceremony.

I certainly could not agree more with Dr Tonkin. This is a new Parliament with a vastly different composition and make up, a more delicate balance, with the Government needing the ongoing support of Independents. The electorate told us very clearly on 11 October that it wants Parliament and parliamentarians to be more accessible and accountable and to reflect its needs and aspirations; and a Parliament that will serve the people of the State—not the politicians—first. I certainly believe that we need a Speaker who can listen to and work with all Parties and all members and embrace significant parliamentary reform as we move this place on as we go into a new century. I certainly believe that Dr Such will make an

admirable Speaker, and I have the greatest pleasure in nominating him.

The CLERK: As two members have been proposed and seconded, it will be necessary for a ballot to be taken in accordance with Standing Order 8.

A ballot having been held:

The CLERK: Mr Oswald has 24 votes and Dr Such has 23 votes. As Mr Oswald has received an absolute majority of the votes of members present, I declare him to be duly elected as Speaker.

The Hon. J.K.G. OSWALD: In compliance with Standing Orders, and in accordance with the traditions of Parliament, I humbly submit myself to the will of the House.

The Hon. J.K.G. Oswald then took the Chair as Speaker.

The SPEAKER (Hon J.K.G. Oswald): I thank members for the confidence they have entrusted in me to be Speaker of the House over ensuing years. I say to you that I am acutely aware of the responsibilities that have been placed on me in this high office. I am acutely aware of the rights and traditions of this Parliament and of the rights of each individual member herein to have his say on behalf of his constituency. With your cooperation, I will seek to uphold those rights so that every member has a fair go and so that every member can truly represent his or her electorate out there in the broader community. I thank you and I look forward to your cooperation in the time to come.

The Hon. J.W. OLSEN (Premier): I have to inform the House that His Excellency the Governor will be pleased to have the Speaker presented to him at 12.15 p.m. today.

[Sitting suspended from 11.45 a.m. to 12.5 p.m.]

The SPEAKER: It is now my intention to proceed to Government House to present myself as Speaker to His Excellency the Governor, and I invite members to accompany me.

At 12.5 p.m., accompanied by the deputation of members, the Speaker proceeded to Government House.

On the House reassembling at 12.15 p.m.

The SPEAKER: Accompanied by a deputation of members, I proceeded to Government House for the purpose of presenting myself to His Excellency the Governor and informed His Excellency that, in pursuance of the powers conferred on the House by section 34 of the Constitution Act, the House of Assembly had this day proceeded to the election of Speaker and had done me the honour of election to that high office. In compliance with the other provisions of the same section, I presented myself to His Excellency as the Speaker and, in the name and on behalf of the House, laid claim to our undoubted rights and privileges and prayed that the most favourable construction may be put on all our proceedings. His Excellency has been pleased to reply as follows:

> To the honourable the Speaker and members of the House of Assembly: I congratulate the members of the House of Assembly on their choice of the Speaker. I readily assure you, Mr Speaker, of my confirmation of all constitutional rights and privileges of the House of Assembly, the proceedings of which will always receive my most favourable consideration.

[Sitting suspended from 12.22 to 2.15 p.m.]

SUMMONS TO COUNCIL CHAMBER

A summons was received from His Excellency the Governor desiring the attendance of the House in the Legislative Council Chamber, whither the Speaker and honourable members proceeded.

The House having returned to its own Chamber, the Speaker resumed the Chair at 3.10 p.m. and read prayers.

COMMISSION OF OATHS

The SPEAKER: I have to report that I have received from the Governor a Commission under the hand of His Excellency and the public seal of the State empowering me to administer the Oath of Allegiance or receive the Affirmation necessary to be taken by members of the House of Assembly.

CHAIRMAN OF COMMITTEES, ELECTION

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

> That the Hon. David Wotton be appointed Chairman of Committees of the whole House during the present Parliament.

Motion carried.

GOVERNOR'S SPEECH

The SPEAKER: I have to report that, in accordance with a summons from His Excellency the Governor, the House attended this day in the Legislative Council Chamber, where His Excellency was pleased to make a speech to both Houses of Parliament. I have obtained a copy, which I now lay on the table.

Ordered that report be printed.

EUTHANASIA

A petition signed by 149 residents of South Australia requesting that the House urge the Government to oppose any measure advocating voluntary euthanasia was presented by the Hon. J.W. Olsen.

Petition received.

LOBETHAL POLICE STATION

A petition signed by 760 residents of South Australia requesting that the House urge the Government to reconsider the proposed closure of the Lobethal Police Station was presented by the Hon. J.W. Olsen.

Petition received.

ADELAIDE FESTIVAL

A petition signed by 558 residents of South Australia requesting that the House urge the Government to withdraw the use of the image of the Virgin Mary from the 1998 Adelaide Festival of Arts poster was presented by the Hon. J.W. Olsen.

Petition received.

DUCK SHOOTING

Petitions signed by 10 215 residents of South Australia requesting that the House urge the Government to ban the

recreational shooting of ducks and quail were presented by Messrs Atkinson and Olsen.

Petitions received.

HEROIN DETOXIFICATION

A petition signed by 15 residents of South Australia requesting that the House urge the Government to send appropriate personnel to Israel to examine the heroin addicts detoxification program was presented by Mr Lewis.

Petition received.

LIQUOR LICENCES

A petition signed by 55 residents of South Australia requesting that the House urge the Government to review legislation relating to the supervision and management of liquor licences was presented by Mr Meier.

Petition received.

WATER CHARGES

A petition signed by 93 residents of South Australia requesting that the House urge the Government to review water charges and allowances to residential properties at Blanchetown was presented by Mr Venning.

Petition received.

HENLEY BEACH POLICE STATION

A petition signed by 76 residents of South Australia requesting that the House urge the Government to reconsider the proposed closure of the Henley Beach Police Station was presented by Mr Wright.

Petition received.

AUDITOR-GENERAL'S REPORT

The SPEAKER laid on the table the Auditor-General's Report for the year 1996-97 and a supplementary report for the year 1996-97.

Ordered that reports be printed.

REGISTER OF MEMBERS' INTERESTS

The SPEAKER laid on the table the statement of the Register of Members' Interests for the year 1996-97.

Ordered that report be printed.

COMMITTEE REPORTS

The SPEAKER laid on the table the following reports:

The twenty-fifth report of the Environment, Resources and Development Committee on aromatics in petrol, with particular reference to benzine;

The sixty-first report of the Public Works Committee on the Birdwood National Motor Museum—the new exhibition pavilion;

The sixty-second report of the Public Works Committee on the Royal Adelaide Hospital Master Plan—stage 1;

The fifty-ninth report of the Public Works Committee on the Sturt Highway upgrading—Mickans Bridge to Truro section;

The sixtieth report of the Public Works Committee on the Burbridge Road widening and streetscaping,

which have all been received and published pursuant to section 17 (7) of the Parliamentary Committees Act 1991.

OMBUDSMAN'S REPORT

The SPEAKER laid on the table a report pursuant to section 25(6) of the Ombudsman's Act on a complaint by the Salisbury North Football Club against the City of Elizabeth.

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. J.W. Olsen)—

- Auditor-General's Department, Operations of—Report, 1996-97
- Disciplinary Appeals Tribunal—Presiding Officer's Report of, 1996-97
- Government Boards and Committees Information—30 June 1997
- National Wine Centre Act—Regulations—Prescribed Associations
- Office for the Commissioner for Public Employment—
  - Report, 1996-97
  - Public Sector Workforce Information—June 1997
- Planning Strategy Implementation—Premier's Report on, 1996-97
- Premier and Cabinet, Department of—Report, 1996-97
- Promotion and Grievance Appeals Tribunal—Report of the Presiding Officer, 1996-97

By the Minister for Multicultural Affairs (Hon. J.W. Olsen)—

- Multicultural and Ethnic Affairs Commission, South Australian—Report, 1996-97

By the Minister for Industry, Trade and Tourism (Hon. G.A. Ingerson)—

- Australian Formula One Grand Prix Board—Independent Audit Report, 1996-97
- Tourism Commission, South Australian—Report, 1996-97

By the Minister for Local Government, Recreation and Sport (Hon. G.A. Ingerson)—

- Corporation—By-Laws—
  - Burnside—No. 5—Waste Management
  - Murray Bridge—No. 4—Moveable Signs
- District Council—By-Laws—
  - Ceduna—No. 7—Keeping of Dogs
  - Cleve—No. 1—Permits and Penalties
  - Victor Harbor—
    - No. 1—Permits and Penalties
    - No. 2—Repeal and Renumbering of By-Laws
    - No. 3—Height of Fences Near Intersections
    - No. 4—Garbage Removal
    - No. 5—Council Land
    - No. 6—Traffic
    - No. 7—Caravans, Tents and Camping
    - No. 8—Nuisances
    - No. 9—Bees
    - No. 12—Advertising Hoardings
    - No. 13—Flammable Undergrowth
    - No. 14—Controlling the Foreshore
    - No. 15—Vehicles Kept or Let for Hire
    - No. 16—Water Reserves
  - Wattle Range—No. 10—Bird Scarers
  - Yankalilla—No. 15—Foreshore
- Greyhound Racing Authority—Report, 1996-97
- Local Government, Office of—Report, 1996-97
- Local Government Act—Controlling Authority—
  - Rules—Little Para River Drainage Authority
  - Notice of Approval—Federation of North Eastern Councils
- Local Government Finance Authority—Report, 1997
- Local Government Grants Commission—Report, 1996-97
- Local Government Superannuation Board—Report, 1997
- Racing Act—Rules of Racing—Harness Racing Board—Combined Races
- Regulations under the following Acts—
  - Local Government—

Local Government Superannuation Board—1994 Bonus Multiple
Prescribed controlling authorities
Private Parking Areas—Clamping
Thoroughbred Racing Authority—Report 1996-97

By the Minister for Human Services (Hon. Dean Brown)—

Charitable and Social Welfare Fund—Report, 1996-97
Disability Information and Resource Centre—Report, 1995-96
Family and Community Services, Department of—Report, 1996-97
Jam Factory Craft and Design Centre—Report, 1996
National Road Transport Commission—Report, 1996-97
Radiation Protection and Control Act, Administration of—Report, 1996-97
Regulations under the following Acts—
Adoption—Parents Register
Controlled Substances—Strychnine
Development—
Glenelg Foreshore
Private Certifiers
Medical Practitioners—Fees
Motor Vehicles—
Fees
Trade plates
Passenger Transport—
Passenger vehicles
Prescribed period
Physiotherapists—Qualifications
Psychological Practices—Fees
Road Traffic—
Flashing lights
Blood Test Kit
U Turns and Bus Lanes

By the Minister for the Ageing (Hon. Dean Brown)—

Office for the Ageing—Report, 1996-97

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

Courts Administration Authority—Report, 1996-97
Director of Public Prosecutions—Report, 1996-97
ETSA Corporation—Report, 1997
Legal Practitioners Conduct Board—Report, 1996-97
Legal Practitioners Disciplinary Tribunal—Report, 1996-97
Legal Practitioners Guarantee Fund, Claims Against the—Report, 1996-97
Lotteries Commission for South Australia—Report, 1996-97
Regulations under the following Acts—
Co-operatives—Principal
Criminal Injuries Compensation—Prescribed percentage
Electoral—Miscellaneous amendments and forms
Firearms—Compensation for Dealers
Friendly Societies (South Australia)—Savings and transitional
Harbors and Navigation—Port Bonython
Liquor Licensing—
Consumption on flights
Dry areas—
Short Term
Long Term
Long Term Dry Areas—
Coober Pedy
Coober Pedy, Paringa and Wallaroo
Glenelg
Seacliff
Victor Harbor
Various
Police—Qualifications
Prices—Revocation
Retail Shop Leases—Disclosure Statement
Second-Hand Vehicle Dealers—Auction
Subordinate Legislation—Postponement from Expiry
Rules of Court—
District Court—Amendment to Rules (No. 17)
Supreme Court—
Amendment to Rules (No. 60)
Supreme Court (Corporations) Rules—Court Expert
Youth Court—Adoption
SA Water—Report, 1997
South Australian Classification Council—Report, 1996-97
Summary Offences Act—
Dangerous Area Declarations—1 April to 30 June 1997
Road Block Establishment Authorisations—1 April to 30 June 1997

By the Minister for Administrative and Information Services (Hon. M.H. Armitage)—

Construction Industry Long Service Leave Board—
Actuarial Report, 1996-97
Report, 1996-97
Industrial Relations Commission & Senior Judge, Industrial Relations Court—Report of the President, 1996-97
Information Technology Services South Australia—Report, 1996-97
Regulations under the following Acts—
Daylight Saving—Summer Time
Industrial and Employee Relations—
Unfair Dismissal
Employer Public Employees
Industrial Conciliation and Arbitration (Commonwealth Provisions) Amendment—Revocation—Affiliated Associations
Long Service Leave—Records and Applications
WorkCover Corporation—Claims Management—Contracts
Workers Rehabilitation and Compensation—Charges—Private Hospitals
Remuneration Tribunal—Determinations—
No. 4 of 1997—Judiciary and Statutory Officers
No. 5 of 1997—Ministers of the Crown and Officers and Members of Parliament
Workers Rehabilitation and Compensation Act—Practice Directions

By the Minister for Education, Children's Services and Training (Hon. M.R. Buckby)—

Asset Management Corporation, South Australian—Report, 1997
Asset Management Task Force, South Australian–Report, 1996-97
Budget Results, 1996-97
Construction Industry Training Board—Report, 1996-97
Education and Children's Services, Department for—
Report, 1995-96
Report, 1996
Flinders University of South Australia—Report, 1995
Funds SA—Report, 1997
Gaming Supervisory Authority—Report, 1996-97
Government Captive Insurance Corporation, South Australian—Report, 1996-97
Government Financing Authority, South Australian—Report, 1996-97
Information Technology Workforce Strategy Office—Report, 1996-97
Motor Accident Commission—Report, 1996-97
Parliamentary Superannuation Scheme—Report, 1996-97
Police Complaints Authority—Reports, 1994-97
Police Superannuation Board—Report, 1996-97
Regulations under the following Acts—
Education—
Principal
Teachers Registration
Public Corporations—SA Athletics Stadium
Superannuation—Voter
Technical and Further Education—Principal
Senior Secondary Assessment Board of South Australia—Report, 1996
South Australian Gaming Machines Act—
Liquor Licensing Commissioner—Report, 1996-97

State Supply Board—Report, 1996-97
Superannuation Board, South Australian—Report, 1996-97
Treasury and Finance, Department of—Report, 1996-97
University of Adelaide—
Report, 1996
Statutes, 1996
University of South Australia—Report, 1996

By the Minister for Environment and Heritage (Hon. D.C. Kotz)—

Dog and Cat Management Board—Report, 1996-97
Environment Protection Authority—Report, 1996-97
Murray-Darling Basin Commission—Report, 1996-97
Regulations under the following Acts—
National Parks and Wildlife—Parking
Native Vegetation—Exemptions
South Australian National Parks and Wildlife Council—Report, 1996-97
Torrens Catchment Water Management Board—Report 1997

By the Minister for Aboriginal Affairs (Hon. D.C. Kotz)—

Aboriginal Lands Trust—Report, 1995-96

By the Minister for Primary Industries, Natural Resources and Regional Development (Hon. R.G. Kerin)—

Advisory Board of Agriculture—Report, 1996-97
Mines and Energy Resources South Australia—Report, 1996-97
Regulations under the following Acts—
Animal and Plant Control (Agricultural Protection and Other Purposes)—Exotic Animals Advisory Committee
Electricity—Vegetation Clearance
Fisheries—
River Fishery Licences
Lobster Pots
Protected Fishes
Fish Nets—Prohibited Areas
Roxby Downs (Indenture Ratification)—Local Government Arrangements
Stock Foods—Labelling
Veterinary Surgeons Board—Report, 1996-97.

AUDITOR-GENERAL'S REPORT

The Hon. J.W. OLSEN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. OLSEN: During the recent election campaign, the Opposition attempted to suggest that the annual report of the Auditor-General was being hidden by the Government. I would like to put on the record the facts of the matter. The annual report of the Auditor-General is not the Government's to release. The Government does not have access to the report until it is tabled. The Government has no warning of its contents. In other words, we have no prior knowledge of any deficiencies it may report on probity, process or accountability—

Mr Foley interjecting:

The Hon. J.W. OLSEN: I have not been. The simple fact is that the interjection from the member for Hart is totally inaccurate. We have no prior information on persons named within the report. We do not see the report until it is tabled. Of course, I would not be the first Premier to wish that that were not the case, but those are the rules and they are abided by.

The Auditor-General's Report is tabled pursuant to the Public Finance and Audit Act 1987. That Act, in sections 36, 38 and 41A, makes specific provision for the way in which reports and other documents of the Auditor-General are to be transmitted to the President of the Legislative Council and to the Speaker of the House of Assembly. It also details the obligations of Parliament once any such reports or documents are delivered to them.

It is implicit within the Act that the Auditor-General's Report must be tabled, and section 38 of the Act provides that it must be tabled no later than the first sitting day after receiving a report. It is also implicit within section 41A of the Act that it must be tabled. That section makes specific provision for the case in which an Auditor-General's Report is provided to the President and Speaker at a time when Parliament is not in session or is adjourned.

When the Opposition began playing media games, alleging that the Auditor-General's Report was being hidden, the Government sought further advice from the Crown Solicitor. The Crown Solicitor's advice was clear: the report had to be tabled after Parliament resumed. The Act was not over-ridden by Standing Order 454 as the Opposition alleged. In fact, there is no way a Standing Order can ever have precedence over an Act of Parliament.

Not only did the Crown Solicitor advise that the report must be tabled because of the Public Finance and Audit Act 1987 but he also cited section 12 of the Wrongs Act. That section affords an absolute defence to an action for defamation in relation to the publication of any report which either House of Parliament has deemed fit and necessary to be published and has authorised to be published. In other words, there can be no defamation action arising from the Auditor-General's Report once it has been tabled, but there could well be if that process were not followed according to the Public Finance and Audit Act. Standing Order 454 provides no such defence.

In total, the Crown Solicitor's advice was that the report could not be released when Parliament had been dissolved, and it could not be released without its being tabled because there was no absolute defence and any allegations or conclusions could be deemed to be defamatory. According to the Crown Solicitor, anyone publishing or broadcasting extracts from the report without its being tabled would not have the protection afforded by section 12 of the Wrongs Act. At the time of the Opposition's allegations the Government was not and never had been in possession of a report that it had no authority to see, read or release. It will now be interesting to see whether the Opposition is serious in its concerns and we will now see if it seeks to amend the legislation which has so irritated it to ensure that, in future, the Auditor-General's Report can be released, affording absolute defence, when Parliament is in recess or has been dissolved.

ANDERSON REPORT

The Hon. J.W. OLSEN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. OLSEN: On 12 July this year I tabled in this House the findings of the inquiry into the events surrounding the sale of Gouldana, a parcel of land in the South-East of the State, and the involvement of former MP, Dale Baker, in that sale process. The findings I tabled were comprehensive. On that day, I also announced that Mr Baker, who had stood aside as a Minister during the investigation conducted by Mr Tim Anderson QC, would not be returning to the Cabinet of a Liberal Government. In other words, I removed Dale Baker from the ministry, and I released to the

public every single finding of the inquiry that led to my decision. I want to stress that the public was given access to every single reason and the facts which led to my decision to remove Mr Baker from the ministry. No finding was shielded from public scrutiny. What I did not release was the body of evidence which led to those findings. That decision was made on principle. It is a very simple principle: it is the principle of trust.

Members interjecting:

The SPEAKER: Order! The House has given the Premier leave to make a statement. Let us respect that.

The Hon. J.W. OLSEN: We, as a Government, needed the support of members of the public. Without those members of the public being willing to be witnesses to our inquiry, there would have been no inquiry; there would have been no findings to table; and there would have been no decision to make on the future of Mr Baker. All in all, there would have been a much easier outcome for my Government. But we had the determination to be accountable and so we vigorously pursued the truth of the Gouldana matter. To get to that truth, Mr Anderson approached members of the public and promised them what they believed was confidentiality for the transcripts of their evidence, that is, transcripts which were made of interviews conducted by Mr Anderson with the witnesses. Mr Anderson promised he would not reveal publicly what they had said in those interviews—the transcripts—when he was compiling his report to be made public. It was only through promising such confidentiality that some witnesses were willing to come forward. We know that, because they made that position clear then and now. Even on page 24 of his report Mr Anderson says:

> I was made aware by some witnesses that they would not have made themselves available to be interviewed by me had they not been given my undertaking that the transcript would remain confidential.

But his report to the Government did not keep that promise. In the Anderson report, eight named members of the public had sections of their evidence revealed. This occurred because the body of evidence made use, by name, of large parts of the evidence they had given believing that evidence—that transcript—to have been given in confidence. They believed what they said would remain forever confidential. They fully expected what they said would be used to assist Mr Anderson reach a finding. They did not expect it, and their names, to be made public within his report. Five of those eight witnesses have stated categorically that they still wish the evidence they gave to remain confidential. To me, as Premier, the fact that such a commitment of confidentiality was made and then required to be broken meant that we had breached the trust of ordinary citizens whose help we had sought. I was not prepared for that to happen, not then and not now.

Today I am as committed to that principle as I was back in July. I do not accept that Governments have the right to walk over people in this way. I do not accept that Governments can be treated with respect when they abuse trust in this fashion. I do not accept that Governments can go forward asking for public support in inquiries—inquiries which are critical to ensuring accountability of the political process—if they cannot keep their promise that witnesses will be protected.

The difference is that today I do not have the power to continue to protect those witnesses. Today the Government is in a position where it is being forced to let down those who trusted it. On a personal level, I find that distressing. On a political level, I find it despicable.

Members interjecting:

The SPEAKER: Order! The Premier has leave to make a statement.

The Hon. J.W. OLSEN: The Labor Opposition and the Democrats have insisted, despite knowing the views of five of the eight witnesses affected—and despite the contradictions of Mr Tim Anderson QC—that the body of evidence in the Anderson report be tabled. They have the numbers to ensure this happens. They have made a judgment that lacks, in my view, morality, because in the end this was a moral not a political judgment. I have always believed—

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat. The House has given leave to the Premier to make a statement. I do not want to spend the next four years calling 'Order' and having members from both sides just continually shouting over me. The Standing Orders are there and I will administer them as fairly as I can but, if members are given leave to make a statement and are then constantly drowned out, we will not get far. Let us respect the leave which was given to the Premier. The honourable Premier.

The Hon. J.W. OLSEN: Thank you, Mr Speaker. I have always believed—and I have pursued a course in my own political career—that nothing which is morally wrong can ever be politically right. When you read this report you may say, 'Why did I fight—

Mr Clarke interjecting:

The SPEAKER: Order! The member for Ross Smith.

The Hon. J.W. OLSEN: When you read this report you may say, 'Why did I fight so hard to keep it confidential?' I can answer that simply: it is because I believe the political process must have integrity. The report is—to use a media term—'a fizzer'. It contains, for example, no remarks on the internal workings of the Liberal Party that Mr Anderson has not alluded to in a public way already—very little in fact. It contains—

Members interjecting:

The SPEAKER: Order! The member for Hart will come to order.

The Hon. J.W. OLSEN: It contains none of the lurid smears—

Members interjecting:

The SPEAKER: Order! The member for Hart will come to order.

The Hon. J.W. OLSEN: It contains none of the lurid smears that the Opposition Leader read into *Hansard* earlier this year in the pretence that his innuendo was contained within the report and therefore must be hidden. The Leader of the Opposition does not even rate a mention.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: In fact, anyone expecting gory details on anything and anyone—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I caution the Leader.

The Hon. J.W. OLSEN: —is going to be sorely disappointed. It simply does not exist. What does exist are interviews with Mr Baker, public servants and staff, and some straightforward interviews with ordinary people who live in small country towns. That is, in part, behind my insistence that releasing this report is the wrong path to follow. It may remain incomprehensible to a city media and to some city-based politicians like the member for Hart, and even maybe

to some members of the public who have lived all their lives in the city, but the country is different.

Country regions have a small number of employers. Everyone in the country knows everyone else, and to speak against someone or something can be to ostracise half a town, the very people you live and work with and for. To suggest in the country that someone may have done something or may have financial problems is to make that suggestion a reality in that small country community.

That is how it works in the country. There is no crowd in which to hide, and there are no shades of grey. So, evidence which may seem insignificant to those of us in the city can be life changing to someone in a small country town. I was very mindful of that the moment I read the Anderson report. I grew up in a country town and I know how it works. That, combined with my incredulity that a QC could make such a basic contradiction as to say that he would publish a report which allowed witness transcripts to remain confidential, yet went ahead and included identified extracts of interview in that report, led to my decision to keep the body of evidence out of the public arena. I note that Mr Anderson has since attempted to defend himself in public from any responsibility for this situation by splitting verbal hairs.

The Hon. M.D. Rann interjecting:

The SPEAKER: I call the Leader to order.

The Hon. J.W. OLSEN: He seeks to suggest that, because every single word from an interview in transcript form has not been included in his report, this means he has not breached the trust of witnesses or contradicted himself. To that I say that you simply cannot being half pregnant. It is no excuse for what occurred, especially when Mr Anderson, again on page 24 of his report, also makes reference to the need to have regard to the fact that witnesses are persons living in a small community.

I am interested in justice and I am deeply disappointed in any lawyer who is commissioned to undertake a task for a client and then campaigns for the release of his report when that was not his role and was not consistent with his professional responsibility. It was not his judgment to make—it was his client's judgment. Mr Anderson gained the confidence of witnesses, told them the report would be published but did not tell them that they could be named publicly and some evidence attributed to them. He let them down in this public campaign for release of the report.

Interestingly, it was a public campaign that began before the Government even sighted the report. At the time, Mr Anderson's office told the media that the report was finalised and with the Government before I had even been delivered a copy. The bottom line is that we knew right at the start of the investigation into Gouldana that potential witnesses were worried about becoming involved in the investigation process. They were extremely reluctant, purely because they did not want to be seen to be rocking the boat in the small country community in which they lived. But, they were prevailed upon to assist. They trusted us and now we are letting them down, and it is likely that they will suffer in the months and years ahead for the help they gave. That is something about which I know that I will continue to feel personal regret.

I feel that regret even more because, in reading the report, it is immediately obvious that it would have been entirely possible to construct it in a way that did not use extracts from transcripts of named witnesses who were ordinary members of the public. I cannot understand why that path was not followed by Mr Anderson. I had always made clear that I would deal publicly and immediately with any adverse findings of the inquiry, and I did so. As the findings of the report were so comprehensive in themselves, because Mr Anderson's contradictions were so abundantly clear and since I intended to remove Mr Baker from the ministry, it was therefore decided that the body of evidence not be tabled. That decision was taken only to protect witnesses without whom there would have been no findings and no removal of Mr Baker from the ministry.

The decision was also taken because Mr Anderson's terms of reference, as noted in appendix A of the report, were to produce a report capable of being tabled in Parliament. It was my judgment that this report was not capable of being tabled because of how it dealt with the evidence of those eight country witnesses. As I have said many times since July, it is beyond my comprehension how any Government can expect members of the public to come forward voluntarily to assist in important inquiries if we do not protect them. We ask them to come forward so that the process of honest, accountable government can be protected and then we fail to protect them for doing so.

Today in this Parliament the message we are sending to every South Australian is that, when any representatives of a Government appointed inquiry knock on your door pleading for help and promising you anonymity and protection if you agree, do not believe them: they will let you down, just as today I am being forced to let down the people of South Australia. The combined efforts of the Labor Opposition and Democrats leave me no choice. I expect no more from a Labor Opposition which promises support for the betterment of the State and which then reduces every issue to base political point scoring. The Opposition speaks in this instance with a forked tongue, but the intransigent position of the Leader of the Democrats on this issue has greatly surprised me. This is the Leader of a Party that has always professed to take the moral high ground, making a demand—a decision—which is totally without morality. I hope his supporters in country South Australia have cause now to reflect on the motives of the Party they support. They, too, have been let down.

If I had the responsibility to stop the release of the body of evidence, I would do so. I would make the same decision today as I made in July. I say that because I sacked a Minister and I tabled every single finding of the report. As I said in July, contrast that to what the Labor Government did with its Minister Barbara Wiese. It released a report which found her guilty of various conflicts of interest but left her as a Minister. I know what I believe was the moral decision. I am sorry for the credibility and the future of the political process in this State that neither the Opposition nor the Democrats have been able to see the long term damage from their Anderson report campaign, because, make no mistake: they have dealt a massive body blow to public trust in politicians in this State. Mr Speaker, I now table the Anderson report.

Members interjecting:

The SPEAKER: Order!

SENATE VACANCY

His Excellency the Governor, by message, informed the House of Assembly that the Governor-General of the Commonwealth of Australia, in accordance with section 21 of the Constitution of the Commonwealth of Australia, had notified him that, in consequence of the resignation on 15 September 1997 of Senator John Foreman, a vacancy

occurred in the representation of this State in the Senate of the Commonwealth. As the Parliament of the State was not in session when the vacancy was notified, the Governor informs the House that the place was filled pursuant to section 15 of the Constitution of the Commonwealth of Australia by John Andrew Quirke. The Governor is advised that, the place of a Senator having become vacant and being so filled within the meaning of section 15, it will again fall vacant at the expiration of 14 days from the beginning of the first session of the Forty-Ninth Parliament and before the expiration of the original term of Dominic John Foreman and that such place must be filled by the Houses of Parliament, sitting and voting together, choosing a person to hold it in accordance with the provisions of the said section.

The SPEAKER: Order! I point out to members that, when leave is granted to a Minister to make a statement, there will be occasions when members on both sides of the House may not like its content. There are opportunities under the Standing Orders for members to debate such a statement or to pass comment. The constant barrage of interjections during ministerial statements after the Chair has called the House to order is not appropriate, it is both discourteous to and distracting for all members and, in fact, it is disorderly.

TOURISM, RECREATION AND SPORT

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

Leave granted.

The Hon. G.A. INGERSON: I advise the House that today I will table reports associated with a proposal to restructure the agencies within the tourism, recreation and sport portfolios. In May last year, steps were taken to establish a Tourism, Recreation and Sport Restructure Advisory Committee, which included representation from the Tourism Commission, the Office of Recreation and Sport, the Adelaide Entertainment Centre, the Adelaide Convention Centre and Australian Major Events. This committee was requested to review the existing nature of each agency in conjunction with the respective boards, CEOs and senior management and to assess what opportunities existed to integrate the specific functions of each agency.

To assist in this process, I appointed a consultancy company (Creative Business Management) to provide advice and administrative assistance to the advisory committee and the Government on the restructure proposal. This company employed Mr Sam Ciccarello, Mr Andrew Daniels and Ms Kate Ganley. In June, I received an interim report outlining work completed by CBM from May to June. This work provided Cabinet with some specific advice that required further consideration and consultation. During the months of July through to November, CBM undertook further work under my direction to develop further the original advice together with a number of other specific projects. Based on this advice, Cabinet endorsed the introduction of legislation to create a new Tourism, Recreation & Sport Commission in November last year.

On 21 November, I received a final report from the consultants setting out the steps required to implement the proposed commission. In December, the Government decided to withdraw the Bill from Parliament with a view to conducting a complete review of all Government departments and agencies, which has, of course, since taken place. The CBM reports were the result of comprehensive discussions and advice across a large number of agencies and key industry players. The reports formed the basis of the legislation which was later withdrawn. However, some of the recommendations contained in the reports have now been implemented. An example of this is the merger between the Tourism Commission and Australian Major Events.

In addition to the work undertaken on the proposed restructure, CBM also provided advice on the following projects: negotiations for the purchase of the Christmas pageant assets and pageant rights from David Jones; negotiations for the major sponsorship agreement between Australian Major Events and the Credit Unions of South Australia; preparation of a due diligence report for Australian Major Events in relation to the World Solar Challenge; assisting in the preparation of the State's bid for the preliminary rounds of the soccer competitions for the Sydney 2000 Olympic Games; advice to the Executive Officer of the SA Wine Tourism Council on the legal and structural set-up of the National Wine centre; review of the grants and subsidies given out by the SA Tourism Commission and the Office of Recreation and Sport; advice to Australian Major Events in relation to the disposal of surplus Grand Prix assets, such as the pit straight buildings; review of the activities of Australian Major Events; assistance to the then Department of Recreation and Sport on submissions for three major capital developments; and advice to the Government on the staging of a major car race.

As I have previously advised, the Government paid $160 000 for the preparation of the tourism restructure report. The CBM reports were, as I said, the result of comprehensive discussions with the large agencies. I now table those reports.

QUESTION TIME

EMPLOYMENT

The Hon. M.D. RANN (Leader of the Opposition): Given both the Governor's speech today and the Premier's most welcome announcement that he has received the message from voters on 11 October loud and clear and that he will focus on jobs over the next term of Government, will the Premier now accept my offer of bipartisan support for a coordinated jobs plan, starting with the convening of a jobs and recovery summit consisting of employers, unions, community and church groups, and political Parties represented in this Parliament? Most people—unlike members opposite—do not seem to regard jobs as a laughing matter.

The SPEAKER: Order!

The Hon. J.W. OLSEN: The Leader of the Opposition has issued that question in a press release no fewer than four or five times in the course of the past few weeks. The Leader of the Opposition might well understand and know that over the course of the past 20 months this Government has been working with a range of groups in an endeavour to put in place employment strategies. A total of $30 million of Government funds has been committed to the youth employment strategy. In addition, a strategy has been put in place within the public sector of South Australia which has increased the employment of people under the age of 24 for the purpose of obtaining an age profile and better balance in the public sector in South Australia.

In addition, we have expanded that program to employ some 500 young people in country regional areas of South Australia and we are also working with local government in a fund to support local government, particularly in country

areas, concerning the employment of young South Australians.

Further, with respect to the Partnership for Jobs strategy, the Government has formed a small core group which includes the United Trades and Labor Council, the South Australian Council of Social Security, the Public Service Association, the Small Business Association of South Australia, and the Employers Chamber of Commerce and Industry, to name but a few. That small core working group has the specific purpose of identifying specific areas of employment need and those industry sectors that can perhaps be encouraged to locate in those areas for employment strategy. I have had some three or four meetings so far regarding the Partnership for Jobs strategy, and there will be an appropriate time early next year, as I have mentioned on a number of occasions, where that group is expanded.

I have been requested by, I guess, some 20 to 30 organisations and individuals all wanting to join the group. In my view, it would be counterproductive at this early stage to have a group of some 50 or 60 people developing the employment strategy. What needs to be done is key work with the key industry sectors—employment, employee and employer groups—to work through a series of options that can then be put to a broader group which I would hope to be in a position in the first quarter of next year to incorporate.

In this last 18 to 20 months, we have put in place clear strategies for employment options. In addition, a substantial commitment of Government funds, in the range of tens of millions of dollars, has been specifically targeted to those areas of employment need, both metropolitan and country based. They are starting to bear some fruit and will put on top of that additional employment initiatives as the Partnership for Jobs strategy can identify.

PREMIER, HONG KONG VISIT

Mr HAMILTON-SMITH (Waite): Will the Premier advise the House of any outcome from his visit to Hong Kong last week?

The Hon. J.W. OLSEN: The visit to Hong Kong was arranged specifically for those two days, Thursday and Friday of last week, to meet with potential investors for the Adelaide to Darwin rail link. I am pleased to be able to report to the House that two of the international companies that we met with had lodged expressions of interest when they closed yesterday. That is a direct result of a range of briefings that were presented to them over Thursday and Friday and at 8 o'clock last Saturday morning.

In addition to making contact with respective companies interested in the Adelaide to Darwin rail link, I also took the opportunity to meet with three companies in relation to call centres where there is the continued push for more information on our cost skilled work force, specialised training, our good industrial relations record in South Australia and the cost of operating here *vis-a-vis* the eastern seaboard of Australia, and in the Asia-Pacific in particular. A number of companies have located to Sydney, but they found in Sydney that the turnover of staff was in the order of 24 per cent on an annual basis compared with Westpac and Bankers Trust in South Australia which have a staff turnover of the order of some 6 per cent. To a major company, a turnover of that magnitude is a substantial saving in retraining and skills upgrading.

In addition, you couple that with the purpose-built call centre office block industrial premises scheme where we design and construct a building to meet the purposes of the company in particular and the way there is a lease-back operation of that scheme over 10 years: it has an advantage over the eastern seaboard.

In addition, a number of companies in Asia, because of the cost of operating in places such as Hong Kong and Singapore, are looking to Australia with its stable political system, the economic fundamentals being right in Australia, an English speaking country, and with a legal system that in the main has predictability and certainty. For that reason, Australia's low inflation rate—the best for 30 years—its low interest rate—the best for 27 years—the third lowest debt of any OECD country, and the higher levels of private sector investment that we are seeing coming into Australia at the moment are clear indicators for investment options out of the Asia-Pacific region.

Further, in the food and beverage area, there is a very significant increase of some 50 per cent in the demand for canola oil. On Friday, and following on from Minister Kerin's visit to Hong Kong earlier this year, we had a meeting with the largest wholesaler of canola oil out of Hong Kong into China. He will be visiting Adelaide in the first three months of next year with the specific purpose of entering into production agreements with the farming community of South Australia. There is a greater return for farmers in the production of canola seed and oil, and they are wanting to put in place arrangements in South Australia. In other words, they are building on the export market opportunity and potential. They are the areas where we can make up for the small economies of scale of South Australia. Going into the international marketplace and winning those contracts will assist in the development of economic activity and job creation in South Australia.

ANDERSON REPORT

The Hon. M.D. RANN (Leader of the Opposition): My question is again directed to the Premier. Given criticisms made by the Premier today of Mr Anderson QC, will the Premier now make available to Mr Anderson and to this Parliament a copy of the statement which Mr Anderson read to each witness to the inquiry so that the public can ascertain just who is telling the truth? In a letter to the Attorney-General last week, Mr Anderson said:

> I have had no option but to publicly defend myself by denying the suggestion made by the Premier that there are contradictions in what was said by me to the witnesses at the inquiry. You have access, of course, to what I did say in the prepared statement I read out to each witness. I would appreciate it if you would make that available to me.

I ask this just so that we can find out who is telling the truth.

The Hon. J.W. OLSEN: Today is obviously recycle day for the Leader of the Opposition. This is the second question based on a press conference and press release issued by the Leader of the Opposition, I think, on Monday, so he has not found anything new in the last 24 hours to ask as the lead questions today in Parliament. I simply refer the Leader of the Opposition to the Anderson report that I have now tabled in Parliament. Go read the report.

Members interjecting:

The SPEAKER: Order! The House will come to order. The House will take some regard for the Speaker's call, too.

ADELAIDE TO DARWIN RAILWAY

Mrs PENFOLD (Flinders): Will the Premier advise the House of the level of interest in the Adelaide to Darwin railway project?

The Hon. J.W. OLSEN: I am delighted to be able to inform the House that the Australasia Railway Corporation has received more than 30 separate expressions of interest to complete the Adelaide to Darwin rail link. In total, more than 60 companies were represented when the expressions of interest closed at 4 o'clock yesterday. So, to those on the eastern seaboard who said we would not get one expression of interest, to the Leader of the Opposition, who jumped up and down a week or two ago saying, 'Tax measures are gone; you will now dampen your response, or the collapse in Asia will dissipate interest in the Adelaide to Darwin rail link', the facts speak for themselves. There have been some 30 expressions of interest from different consortia, involving 60 companies, including international submissions. They include financiers, shippers, port operators and construction companies. International submissions have been received from the United Kingdom, the United States and Asia. Importantly, a number of Australian consortia have also lodged their interest. So we have had expressions of interest for this rail link from around the world.

We now expect to be able to have a short list by early in the new year. Those consortia approved for the short list will be invited to develop and submit detailed proposals by June 1998. The successful consortium will be announced in the second half of next year, with construction to start this time next year on the 87½ year overdue Adelaide to Darwin rail link.

PARLIAMENTARY SECRETARIES

The Hon. M.D. RANN (Leader of the Opposition): Does the Premier share the serious concerns expressed in today's Auditor-General's Report about the potential for conflicts of interest in the appointment and role of parliamentary secretaries, and does the Premier support the Auditor-General's recommendations for a code of conduct for all members of Parliament and for special legislation to be passed to regularise the appointment and functions of parliamentary secretaries?

The Hon. J.W. OLSEN: There is one thing I have learnt over the past couple of years: whenever the Leader of the Opposition quotes from a report, do not take it on face value but go and read the report and see the inferences contained in it and then make a judgment. That is exactly what I will do.

Members interjecting:

The SPEAKER: Order!

BUSINESS DEVELOPMENT

Mr BROKENSHIRE (Mawson): Mr Speaker—

Members interjecting:

The SPEAKER: Order!

Mr Foley interjecting:

The SPEAKER: Order! The member for Mawson has the call. I caution the member for Hart.

Mr BROKENSHIRE: Thank you, Mr Speaker. Will the Minister for Industry, Trade and Tourism advise the House of recent discussions he has had with small and medium businesses in South Australia and whether they share the level of confidence about the State's prospects as expressed in the most recent Yellow Pages Small Business Index?

The Hon. G.A. INGERSON: I thank the honourable member for his question. A couple of weeks ago I had the privilege of spending time—

Members interjecting:

The Hon. G.A. INGERSON: At least I did not lose the votes, as you did.

Members interjecting:

The SPEAKER: Order! The Minister will resume his seat. I am well aware that it is day one, that you have a new Speaker and that it is a new Parliament. However, it is grossly disrespectful for members to continue to interject, first, when I have called on a Minister to speak and, secondly, when the Chair has requested that the House come to order. If members wish to continue in that vein, the Chair will be forced to do something about it. I want to be a cooperative Chair and I expect each member to cooperate with each other member so that we can get through Question Time productively for everyone. The Minister.

The Hon. G.A. INGERSON: Thank you, Mr Speaker; I apologise for letting that rude man interrupt.

Members interjecting:

The SPEAKER: Order! The Minister will resume his seat. It will help proceedings greatly if those on my right do not provoke situations. The Minister.

The Hon. G.A. INGERSON: Thank you, Mr Speaker. Last week I had the privilege of spending a day with five manufacturing companies. It was pleasing indeed to see that behind many walls which we regularly drive past, particularly in the western suburbs, are some fantastic businesses that are growing, exporting and doing all the things that all of us would want to do, yet not too many people know about them. It is important that, when good news stories are available, we put them out for all to hear. The BTR Foundry at Bowden is a fantastic business. About 130 people are employed there and it is about to build a new $20 million factory in the new foundry precinct. The company believes it has a significant future in South Australia, particularly with the advent of the Adelaide to Darwin railway line. It manufactures the small spikes that hold the rails together and it will be a huge opportunity. The company expects some 30 to 50 extra people to be working in the foundry in the next two to three months.

I now refer to Cummins Power Generation, the company which won the Manufacturer of the Year Award. Opposite Hindmarsh Stadium there appears to be a little factory which I have driven past frequently and I would think many other members drive past as well, but behind that small wall is a company employing 170 people. That company had $120 million worth of exports last year of small electric motors going to China. It was Manufacturer of the Year and that is something about which we ought to be proud. It currently has 80 per cent of its product exported out of Australia.

I then went and looked at Philmac, which is very much part of the water industry. It employs some 255 people and 25 per cent of its products go overseas. This is a company we ought to be proud of in South Australia and we ought to be encouraging companies in the water industry to be doing exactly the same exercise that Philmac is doing. It is doing it as part of the water contract set up in South Australia by this Government.

Another company I visited was Precise Plastics, a tooling company that is part of the South Australian Manufacturing

Centre's tooling program. It is now exporting 25 per cent of its tooling products to Detroit. It is actually exporting tools back to the home of the motor car. It is fantastic to see this small company, which was set up by one person about four or five years ago, employing 12 to 15 people at its peak—all young toolmakers—and exporting its product to the United States.

I did not have the opportunity to visit anyone involved in the wine industry, but that is another big manufacturing and value adding industry, and I will do that in the next few weeks so that we can continue to bring the good news stories into this Parliament—

Members interjecting:

The Hon. G.A. INGERSON: —and I will bring a few samples back—so that we in this Parliament can perceive the good news instead of the continuing 'knock, knock' that we get and be proud to stand up for some of these fantastic manufacturing companies in South Australia. Of course, the follow-on was the announcement last week of the Yellow Pages Index showing that 60 per cent of South Australian small businesses expect growth in the next 12 months. They expect greater growth in the areas of employment, profitability and capital expenditure. We have a lot of good news out there because many good things are happening in this State. All we have to do is look behind a few of those walls instead of coming into this place and hearing the usual 'knock, knock'.

ANDERSON REPORT

Mr ATKINSON (Spence): I ask the Premier which of the witnesses to the Anderson inquiry were asked by the Crown Solicitor for an opinion on whether the full report should be released publicly, and did the five who objected to the public release of the report include two employees of Mr Baker's company, Mr Richard Yeeles and one of Mr Baker's former departmental heads, Mr Mike Madigan?

The Hon. J.W. OLSEN: I will obtain that information for the honourable member.

MENTAL HEALTH

Mr CONDOUS (Colton): Will the Minister for Human Services advise the House what plans the Government has to improve assistance to people with mental health needs, given that mental health is an issue which touches almost every South Australian family?

The Hon. DEAN BROWN: Several weeks ago the Coroner brought down some fairly significant findings concerning mental health issues and particularly commented on some of the results that occurred as a consequence of a decision made by the previous Labor Government—and supported by the Liberal Government—to move out from institutions into other facilities within the community. Of course, all of us have acknowledged that this is a move occurring throughout the world. It is a move where, as a result of those fairly dramatic changes in de-institutionalisation of people with mental illness, first, care for people has generally been improved, but there was a need to assess the extent to which Government and community services were actually meeting the needs of the people who had moved out of institutions. In some cases needs clearly were met and in other cases there were probably unmet needs and gaps to be attended to.

As a result of the Coroner's inquiry and as a consequence of a number of other inquiries to my office, I have taken the decision to have a fundamental review of mental health services in South Australia. I bring to the attention of the House this afternoon the process I intend to go through to carry out that review. I have already written to several hundred organisations, carers and other groups involved with mental health in South Australia, inviting them to make immediate written submissions. I have included the Opposition and other political Parties in that coverage of letters. I have asked them to send in their responses as quickly as possible.

Out of that we intend to select a number of key areas where there is obvious need for further assessment, such as those areas involving accommodation, the provision of respite care and the provision of accommodation for people with mental illness, as well as some of the problems being faced particularly in country areas by people with mental illness, their carers and their families.

In fact, it was interesting to note in the press this morning a survey reported in the *Port Lincoln Times* indicating that mental health is the single largest difficulty in the Port Lincoln health services area. That involved a community service, and I believe that it is also a No. 1 priority in a number of other areas in South Australia. Of course, the level of suicide is unacceptably high in our community as well.

As a result of the letters we receive, we will select key areas of concern and then establish a number of workshops and invite participants from various groups—family groups and other groups representing people with mental health difficulties, as well as people from the health and medical professions—to participate in those workshops to identify gaps in the services being provided by Government and various community groups.

I stress that this is not just about Government's providing these services: a very large number of small community groups also provide services, invariably with Government financial support. Out of this process we expect to be able to assess the areas requiring attention as a result of deinstitutionalisation and of the significant changes in the way mental health is administered in this State brought about by not only the former Labor Government but also my predecessor. This is not about trying to change the direction, because I think there is broad community support for the direction in which we are going: it is about ensuring that we are better matching Government and community services with the needs of people who are directly affected by mental health.

So, I invite any member of this House and certainly any member of the community who has particular information or submissions they would like to make to send the relevant information to me as quickly as possible.

CROYDON PRIMARY SCHOOL

Ms WHITE (Taylor): My question is directed to the Minister for Education. Why will the Croydon Primary School be closed against the recommendations of the Department of Education and Children's Services? The Executive Director of Schools Operations recommended in December 1996 that the Croydon and Croydon Park Primary Schools be consolidated on the Croydon High School site. On 17 December 1996, the then Minister rejected the advice and directed that both schools be closed.

The Hon. M.R. BUCKBY: This question reminds me a little of my farming experience. It is a bit like reworking a

paddock a number of times over until the soil becomes so fine that you could just about grow carrots in it. Reviews are undertaken on a regular basis by the Department of Education to assess demographic changes in various suburbs and various country areas. Those reviews often reflect that the number of students in a certain area has changed over a period of years. That was the case in the cluster area of Croydon, where the number of students went from 3 000 down to some 1 200, and as a result of that we could not justify the five primary schools which happened to be in that area.

The review identified that there was a choice as to whether a school was closed or some were amalgamated. The previous Minister for Education has made that decision. I met with a group of people from the Croydon Primary School and listened to their argument. I did not find any new evidence to suggest to me that there should be any change in the previous Minister's decision. It is very interesting that the local member, the member for Spence, has not mentioned to me at any stage that this school should remain open. Nor has he made any representations either to the previous Minister or to me since I have been in this position.

Members interjecting:

The SPEAKER: Order! The Minister has the call.

The Hon. M.R. BUCKBY: The decision to close the Croydon Primary School will remain.

BOLIVAR SEWERAGE PLANT

Mr MEIER (Goyder): Will the Minister for Government Enterprises say what action the Government proposes to rectify or improve the quality of water treatment at Bolivar, recognising that there was a fairly noticeable smell in the Bolivar region earlier this year?

The Hon. M.H. ARMITAGE: As Minister for Government Enterprises it was a great pleasure for me last week to announce a four-year project which will, in fact, bring to an end the 30-year Bolivar odour problem in the northern suburbs through major improvements to the Bolivar waste water treatment plant. This will require an investment from SA Water of over $100 million to eliminate odour beyond the plant boundaries and to produce tested water at a standard suitable for irrigation of market gardens in the Virginia area and, very importantly, it will substantially reduce the volume of treated water discharged into the gulf.

The major odour control measures involve replacing the biological filters which were previously responsible for generating up to 90 per cent of the Bolivar odours—they will be replaced with another treatment process (an activated sludge process)—and also enclosing the primary treatment areas that actually cause the odour. The odour control measures alone will cost more than $70 million. Design work has already started and construction of the major facility is expected to start early in 1999 and finish two years later.

In the interim, United Water (which operates Bolivar on behalf of SA Water) is doing everything possible to minimise the odour nuisance by using a combination of mechanical and chemical measures, and so on. I think it is very important to acknowledge that odour from the Bolivar plant has plagued the immediate area for much of the plant's 30-year existence, and the Liberal Government is, in fact, the first Government to commit money to provide a solution.

Members interjecting:

The Hon. M.H. ARMITAGE: Members opposite focus on the fact that we are the first Government to fix the problem. That is terrific. I am delighted that members opposite allow me again to highlight that in the 30-year history of the odour problem of Bolivar we are the first Government to commit to fixing it. The Government is honouring its promise to fix the problems at Bolivar and in doing so, importantly, the flow-on benefits are that we are providing an environmental outcome that will actually place Bolivar at the real forefront of waste water treatment, and it will certainly be operating in a manner that is absolutely consistent with world's best practice.

EARLY YEARS OF SCHOOLING

Mr SCALZI (Hartley): Will the Minister for Education, Children's Services and Training advise the House whether the Government intends to maintain its emphasis of the past four years on the vital early years of schooling?

The Hon. M.R. BUCKBY: I thank the honourable member for his question: will the Government maintain its enlightened approach to the early years of schooling? Emphatically, yes we will. Not only will we maintain it: we will extend it. The Government has committed $32 million to the early years strategy over the next four years—an additional $14 million to what which we committed over the past four years. The Government's commitment has made South Australia's early years programs No. 1 in the country. Over the past four years our programs have gained national and international prominence. South Australian teachers must be congratulated: they have done a magnificent job.

Now to the second part of the question: how will the Government maintain its enlightened approach to education in the early years? Quite simply, we will build on what we have already begun. A total of 6 500 early childhood teachers have, through the Government's initiative, honed their skills in spotting at an early age children with learning difficulties. Last year we gave these teachers $3 million in cash grants to develop local assistance for these children. This year we will give them $4 million. We will upgrade and extend critical home-based and preschool programs related to early literacy and language. We will develop integrated curriculum programs between preschool and primary school.

Early childhood experts are currently developing a means by which progress can be measured as children move from preschool into reception/year 1. Early success in literacy is fundamental to success in life and critical for success in school. There is no greater gift a school can give to a young child than the ability to read and write and the self-confidence which flows from this. Further, there is no greater social justice imperative in education than this. Therefore, the Government will introduce a minimum amount of time to be spent on literacy development in the first three years of school, particularly those aspects related to reading and writing.

The Government will upgrade its early years strategy. The early years strategy beyond 2 000 is currently being fine tuned. Early next year the Government will publish the most comprehensive, most integrated and most progressive early years platform in Australia and the western world. It will address the language and literacy development of toddlers through to year 2 and focus on children's social growth, early numeracy and curriculum continuity through the early years. It will also assist parents in helping their children and will target the increased specialist service of speech pathologists and learning difficulty teams and provide additional training for school-based people. It is a complete package, towards

which we have dedicated $32 million. It is comprehensive, it is bold, it is innovative and, most of all, it is a practical strategy. I would be remiss if I did not add that, in comparison with previous Governments, it is an enlightened one.

MATTHEW REPORT

Ms HURLEY (Deputy Leader of the Opposition): Will the Premier advise whether the Commissioner of Police was correct when he said that the Matthew report exonerated police in relation to the damaging allegations made against them by the former Police Minister, or does the Premier believe the member for Bright's statement that the report confirmed absolutely that he was telling the truth? On 18 November the Police Commissioner said that it was important the public knew that the police had been exonerated in relation to the damaging allegation by the former Police Minister. The Police Commissioner said that the report stated that Mrs Matthew had never actually said that she was run off the road. There was insufficient evidence on the allegation that an officer gestured rudely to Mrs Matthew, and the Commissioner said that there was 'no evidence to support the allegation that police had ever set up some sort of orchestrated smear campaign to undermine the then Police Minister'. On 16 November the member for Bright told the media:

> The report from the Police Complaints Authority absolutely confirms we were telling the truth.

The Hon. J.W. OLSEN: Here we have an Opposition on the first sitting day of the new session of Parliament—

The Hon. D.C. Wotton: They've been pathetic so far.

The Hon. J.W. OLSEN: Absolutely pathetic. The questions from the Leader of the Opposition were recycled press releases made over the course of the past week, and now the Deputy Leader of the Opposition is simply referring to newspaper reports of events over the course of the past month or six weeks. I would have thought that this State deserved a better level and standard of questions from an Opposition on the first sitting day of the Forty-Ninth Parliament. Quite clearly it deserves better.

Here we have the Opposition saying that it wants to reach out with the hand of cooperation to the Government to rebuild the economy. Let us get onto the economy. Let us start talking about jobs and the future of South Australia.

Mr ATKINSON: On a point of order, Mr Speaker, I refer to Standing Order 98, which reads:

> In answering such a question a Minister or other member replies to the substance of the question and may not debate the matter to which the question refers.

I ask for your ruling, Sir, on the Premier's reply thus far.

The SPEAKER: I do not uphold the point of order, but I caution the Premier with regard to the relevance of his reply to the question. I ask him to wrap up his answer.

The Hon. J.W. OLSEN: I invite the Opposition to put questions of relevance to the future of South Australia on the agenda.

Members interjecting:

The SPEAKER: Order! The member for Elder has the call.

Mr CONLON (Elder): My question is also addressed to the Premier and, unfortunately, it is on the same subject.

Members interjecting:

Mr CONLON: Unfortunately for you. Did any ministerial staffers or any Department of Premier and Cabinet personnel receive a copy of the draft Matthew report before its release and, if so, who were they and why? Media reports have alleged that a person close to the Premier received a copy of the draft Matthew report one month before its release and that the Premier had telephoned the Police Complaints Authority to ask whether there was any reason why the member for Bright should not be appointed to his junior ministry.

Mr Foley: You don't support the Police Commissioner—that's what you said.

The Hon. J.W. OLSEN: Here they go again—trying to rewrite history to suit their political purposes. Yes, I did telephone the Police Complaints Authority because, prior to forming the ministry, I sought to ascertain from both the Commissioner of Police and the Police Complaints Authority whether any member of the Liberal Party should eliminate himself or herself for any reason from consideration for the ministry. I would have thought that that was prudent and an appropriate way to ensure that the invitation to join the ministry was on the basis that all people would be appropriate and eligible persons to so serve.

TELSTRA

Mr LEWIS (Hammond): Will the Minister for Environment and Heritage advise what benefits there are for the environment in South Australia arising from the Commonwealth's decision to float and sell some 30 per cent of Telstra's equity to the public?

The Hon. D.C. KOTZ: I thank the honourable member for his question, which is particularly relevant, given the highly successful float of Telstra. That float was important for a number of reasons: first, I am sure that it will see Telstra evolve into a more competitive and globally oriented company; and, secondly, because the partial float was linked to the Natural Heritage Trust. Members may recall that the Labor Party has been publicly and continually belittling the float, even though it is in the best interests of the nation. With the float the Natural Heritage Trust is now indeed a reality.

The trust has four broad objectives: first, to develop and implement integrated approaches to ecologically sustainable land water and marine management; secondly, to arrest biodiversity losses and improve the protection of representative ecosystems; thirdly, to maintain and improve the sustainable production capacity of Australia's environmental and natural resource base; and, fourthly, to empower individual decision makers to take responsibility for ecologically sustainable management.

Further, following the first round of applications to the Natural Heritage Trust, Commonwealth Ministers announced projects amounting to $15.7 million which have been approved for South Australia alone, with some additional projects under negotiation. These successful projects cover quite a range, and I am sure that many areas of the Riverland and indeed right across the State will benefit immensely. Those projects include revegetation, vegetation mapping, salinity control, fencing programs, wetlands assistance on farming lands, biodiversity planning, sand dune revegetation and water catchment management, including stormwater projects and river management; all of which I know, Sir, you will recognise as extremely important to the State.

It should be noted that the States have put in approximately 50 per cent of the financial commitment to successful projects. It should also be noted that the Natural Heritage Trust and the State and Commonwealth Liberal Governments have jointly delivered some very real environmental outcomes, to the benefit of the people of South Australia. I am

sure that all members of this House will agree that that is a very good thing for South Australia.

GOODS AND SERVICES TAX

Mr FOLEY (Hart): Does the Premier still support a goods and services tax and, if so, in what form? While the Premier was a Senator during 1991 he supported the introduction of a 15 per cent goods and services tax.

Members interjecting:

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

Mr FOLEY: On 25 July 1996 the Premier addressed the Centre for Economic Studies as Industry Minister and said that a GST should be implemented. However, on 6 October, during the election campaign, the existence was revealed of a confidential working paper prepared by the South Australian Treasury for a national working party on tax, supporting a State based GST of up to 20.8 per cent. Funnily enough, the Premier responded by stating five days before the election, 'No, I am not a supporter of a GST.' However, the day after the election, on national television the Premier said to Laurie Oakes of the *Sunday* program that he did indeed support a GST as part of fundamental taxation reform. What is the Premier's view today?

The Hon. J.W. OLSEN: I am delighted with the question, because it demonstrates the level of the member for Hart's continuing ignorance in respect of this matter. The simple fact is that if South Australia is to move forward it must have fundamental taxation reform.

Mr Foley interjecting:

The Hon. J.W. OLSEN: Yes, I did. The honourable member is very selective. What I said in the election campaign on the Tuesday before election day, directly in response to the member for Hart and others, was that I do not support a stand-alone GST—a stand-alone indirect taxation measure—for South Australia; I do not and I will not.

Mr Foley: That's not what you said on the—

The Hon. J.W. OLSEN: Yes it is; it is exactly what I said. I have the transcripts of the press conference that was held at the athletics stadium. Members of the media can attest to the fact that I said that I did not support a stand-alone, sole South Australian initiative on a GST or, as some States were proposing, that there be an indirect tax by way of a share of income tax levied by the State on its own. The answer to that is 'No'. But, if we are to get rid of wholesale sales tax to take 5 to 6 per cent off the cost of producing a rear view mirror, a steering column or a motor vehicle to go on the—

Mr Foley interjecting:

The SPEAKER: Order! I caution the member for Hart. I do not know whether his constant interjecting is a deliberate tactic, but it has been noted by the Chair. It is discourteous both to the Chamber and to the Minister attempting to reply. I call the member for Hart to order and ask other members to refrain from this constant interjection when Ministers are on their feet.

The Hon. J.W. OLSEN: Fundamental taxation reform in Australia is long overdue and has to be tackled. And why? It is in South Australia's interests. As every member across the Chamber knows full well, wholesale sales tax impacts against the manufacturing States of South Australia and Victoria disproportionately compared with other States of Australia. Mining, tourism and financial services do not have a wholesale sales tax. Western Australia, Queensland and New South Wales do not share the national tax burden as does South Australia. If we want to get our automotive products into the international marketplace, we must take off the 5 to 6 per cent differential cost disadvantage of our products going into the international marketplace. In my view, a fundamental reform of the taxation system has to begin with the abolition of wholesale sales tax, to make sure that South Australia is treated equitably with the other States of Australia.

In the discussion of fundamental taxation reform at the Leader's meeting, other States suggested that each State ought to be able to allocate the amount of income tax to be applied in each State, that there ought to be a minimum and maximum and that therefore the State ought to be able to determine the level that would apply in those States. I oppose that, as do the other smaller States, because the smaller economies would be disadvantaged. Under that scenario, States with the resources and revenues of Western Australia or Queensland will levy lower income tax than will States such as South Australia. That fundamental disadvantage would put South Australia in an untenable position in trying to attract further investment and promote further job creation. Anybody who does not believe that fundamental taxation reform is important for Australia going into the next millennium is blind to the reality of Australia's position in the international marketplace.

It was the Labor Prime Ministers Keating and Hawke who led the drive to reduce tariff barriers in Australia. It was Prime Ministers Hawke and Keating who, with the Hilmer report, put in place the competition principles with which various States are now complying under penalty financial disadvantage if they do not do so. This Opposition engages in political one-upmanship but has no principles in relation to major policy setting. It was a national Labor Government that set the direction for Australia in these matters, and it is important for Australia to continue the reform process to make sure that we have jobs and do not export them overseas. That is what it is about; that is how fundamental it is. If members opposite cannot see that, they are blind to reality.

If the Opposition is fair dinkum about wanting a partnership for jobs and cooperation among the Government, Opposition and other groups within the community to rebuild the economy, attract investment and create jobs, it will start by ensuring that there is fundamental taxation reform. It is a key plank of getting investment, not only from overseas into Australia but also from other States of Australia into South Australia. Without investment we do not have job creation. It is the foundation upon which this economy can be built again in the future. Fundamental taxation reform is a key building brick to that.

LOCUST PLAGUE

Mr VENNING (Schubert): Will the Minister for Primary Industries, Natural Resources and Regional Development advise the House of the extent of the campaign being waged to combat the threat of plague locusts and grasshoppers in the north of the State?

The Hon. R.G. KERIN: Certainly, as the honourable member and the member for Stuart are aware, there has been a massive hatching of both locusts and plague grasshoppers in the northern cropping areas and adjacent pastoral areas. Whilst the locust outbreak is very much a one in five year event, the plague grasshoppers are certainly the worst we have seen in living memory. That probably has much to do with the amount of green feed produced as a result of the very late break in the season and the good rains of August-

September and the end of October. That has caused an enormous hatching and high survival rates of the grasshoppers and locusts. Two weeks ago I visited the area around Quorn, Orroroo, Carrieton and Walloway where I witnessed at first hand the problems and the efforts of departmental staff, councils and the land-holders to control the outbreak.

They are all putting an enormous effort into this problem, which can be very frustrating because of the moving target and the enormous areas involved, to try to control the locusts and grasshoppers. The Government has committed $800 000 so far to the campaign. An unprecedented 6 to 8 tonnes of insecticide have been distributed by local government through the local land-holders who are doing that job; and a massive aerial spraying program has also been put in place. Damage has occurred to both crops and pastures in the northern cropping areas, and there has been extensive damage to feed in pastoral country. The grasshoppers, in particular, have spread over hundreds of square kilometres, and campaign organisers have had to make some pretty tough decisions on where to concentrate their effort.

I take this opportunity on behalf of the Government and the House to extend our sympathy to the family and friends of the two men engaged in the project who were killed tragically in a helicopter accident last week. It is a tragic loss for those families, and it has had a severe impact on all who are involved in the campaign. Despite this, the program has recommenced, and those who are involved will do their best to ensure that the locust outbreak is brought under control.

SAND REPLENISHMENT

Mr HILL (Kaurna): Has the Minister for Environment and Heritage approved of the plan to truck between 4 000 and 12 000 10-tonne loads (or the equivalent) of sand along West Beach each year, and does the Minister agree with the MFP that the environment and the amenity of West Beach will not be affected by this activity? The Coast Management Board estimates that in an average year 40 000 cubic metres of sand will have to be moved by truck along West Beach and another 10 000 cubic metres by dredge. The board says that in some years these volumes could triple to a total of 150 000 cubic metres. On 12 November 1997, the MFP released a statement as follows:

> The West Beach harbor will have no impact on beaches including West Beach. . .

Members interjecting:

The Hon. M.H. ARMITAGE: Well, it's all to do with a project for which I am responsible. The simple fact of the matter is—

Members interjecting:

The SPEAKER: Order!

The Hon. M.H. ARMITAGE: The new member for Kaurna, who I welcome to the House, may or may not realise that governments have been managing sand along South Australia's beaches for decades. If governments did not do this, there would be no beaches—it is as simple as that. The tides and the wind move up the beach and, without sand management to replenish the sand at the bottom of the gulf, there would be no beaches. So, it is a simple fact that from time immemorial governments have managed sand replenishment on South Australian beaches—and this Government will do exactly the same.

Mr Atkinson: Time immemorial?

The Hon. M.H. ARMITAGE: Well, as long as governments have been around, put it that way. In some instances, that seems like time immemorial.

The Hon. G.A. Ingerson interjecting:

The Hon. M.H. ARMITAGE: Yes, that's right. The simple fact of the matter is that, despite the quite cute interjection from the member for Spence, governments have been managing sand. This Government will continue to do so, and I am happy to provide the new member for Kaurna with a long list of all the people, including environmentalists, universities, engineers, independent sand management experts, coast protection boards, and so on, who say that the Government's plans will work.

MANUFACTURING INDUSTRY

The Hon. D.C. WOTTON (Heysen): My question is directed to the Minister for Industry, Trade and Tourism.

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. WOTTON: What action will the Minister take to ensure that there is an adequate supply of suitably qualified managers for South Australia's important manufacturing sector?

The Hon. G.A. INGERSON: A recent study of the manufacturing industry shows that two issues are apparent: a major problem with the skills of employees and major difficulties with qualified managers. I think we would all accept that both those issues are obvious and need to be examined. A skills training program is being looked at seriously by TAFE, and through the University of South Australia the Foundation of Manufacturing Education is setting up an excellent program for the training of managers. This program, which will start in the first semester of 1998, will culminate in a Bachelor of Manufacturing degree based on the course offered at the University of Technology in Sydney, and it will incorporate some general background from the Swinburne University in Melbourne.

It is important that we in South Australia recognise that our manufacturing base needs to grow. Any skills training, whether it be in the education of managers or in terms of employees, is very important in the improvement of our manufacturing industry so that it can continue to develop and become one of the major foundations of South Australia.

QUEEN ELIZABETH HOSPITAL

Ms STEVENS (Elizabeth): Given the statement by the Chairman of the Queen Elizabeth Hospital Medical Society that the outdated and deteriorated patient facilities at the Queen Elizabeth Hospital are no longer acceptable, that staff cannot provide efficient twenty-first century health services in a hospital that was designed in the 1950s, and that the Government has wasted three years during which 'no real progress has been made' in the provision of new patient accommodation and new operating theatres at the Queen Elizabeth Hospital, what plans does the Minister for Human Services have for the hospital? On 21 September 1997, the Leader of the Opposition announced that Labor would commit $100 million to rebuild the Queen Elizabeth Hospital and maintain its status as a research and teaching hospital.

The Hon. DEAN BROWN: First, I assure the honourable member that I am aware of the need for a substantial upgrade of the Queen Elizabeth Hospital. Yesterday, I put out a statement to that effect, and the previous Minister has

acknowledged that fact. In fact, the previous Minister called for expressions of public interest from the private sector to participate in partnership with the Government in a number of different arrangements. Those submissions are now in and are being assessed by a steering committee. I have asked for an urgent report from that steering committee.

I acknowledge that the Queen Elizabeth Hospital needs an urgent upgrade of its facilities. However, that does not mean to say that this Government has not spent a great deal of money on the Queen Elizabeth Hospital over the past four years. I highlight some of those areas: the cardiac investigation unit, the new X-ray facilities and the psychiatric facilities. Those are just three of the key areas in which millions of dollars have been spent at the Queen Elizabeth Hospital. However, the important thing is that this Government has acknowledged that a major redevelopment of the hospital needs to take place as quickly as possible. I am waiting for a report from the steering committee to see what it recommends following the call for expressions of interest.

CROYDON PRIMARY SCHOOL

Mr ATKINSON (Spence): I seek leave to make a personal explanation.

Leave granted.

Mr ATKINSON: During Question Time today, the Minister for Education, Children's Services and Training told the House that in my capacity as the local MP I had not called for the Croydon Primary School to remain open. From Christmas 1996 I have helped both the Croydon Primary School and the Croydon Park Primary School parents, children and local communities to organise the defence of their schools. On 13 February this year, I spoke in defence of Croydon Primary School in the House when I said:

> The odds on a Labor win at this year's general election may be generous, but if Labor is elected one of the first things we will do. . . is to keep Croydon Primary School open.

I am pleased to say that the parliamentary Labor Party went to the election promising to keep open Croydon Primary School and, as can be seen, from the Notices of Motion today, the Labor Party continues to pursue that objective by parliamentary motion and legislation.

The Hon. G.A. INGERSON: I rise on a point of order. If the honourable member wants to take up specific issues, he can do that through a particular motion in the House. A personal explanation should be kept purely and simply to a personal explanation.

The SPEAKER: The Chair upholds the point of order. I believe that the honourable member was going past a personal explanation on a matter of technical detail, and I would ask the honourable member to desist from so doing in the future. I presume that the honourable member has finished his statement.

Mr ATKINSON: Yes, Sir.

CRIMINAL LAW (UNDERCOVER OPERATIONS) ACT

The Hon. M.H. ARMITAGE (Minister for Administrative and Information Services): Representing my colleague, the Attorney-General, I lay on the table a ministerial statement made in another place this afternoon relating to the Criminal Law (Undercover Operations) Act 1995.

STATE BUDGET

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training): I lay on the table a ministerial statement made by the Treasurer in another place on the 1996-97 budget results.

SITTINGS AND BUSINESS

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

> That for the remainder of the session, Standing Orders be so far suspended as to provide that:
> (a) At the conclusion of the period for questions without notice the Speaker may propose the question 'That the House note grievances'. Up to six members may speak for a maximum of five minutes each before the Speaker puts the question.
> (b) The motion for adjournment of the House on Tuesdays and Wednesdays may be debated for up to 20 minutes, provided it is moved before 10 p.m.
> (c) The motion for adjournment of the house on Thursdays—
> (i) may be moved later than 5 p.m.;
> (ii) may not be debated.

Motion carried.

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

> That Standing Orders be and remain so far suspended as to provide that, when any division or quorum is called, the division bell will be rung for three minutes with the Clerk determining the three minutes by using the debate time clock.

Motion carried.

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

> That Standing Orders be and remain so far suspended as to enable the introduction without notice and passage through all stages of Government Bills before the Address in Reply is completed.

Motion carried.

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

> That enabling order No.117 be and remain so far suspended as to enable members elected to the House for the first time to speak for one hour in the Address in Reply, notwithstanding that they may have already addressed the House.

Motion carried.

GUARDIANSHIP AND ADMINISTRATION (EXTENSION OF SUNSET CLAUSE) AMENDMENT BILL

The Hon. DEAN BROWN (Minister for Human Services) obtained leave and introduced a Bill for an Act to amend the Guardianship and Administration Act 1993. 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.

The Guardianship and Administration Act and the interdependent Mental Health Act 1993 came into operation on 6 March 1995. These two Acts were introduced following an extensive policy development process from 1989 to 1993. The Guardianship and Administration Act provides a number of options for substitute decision making for people who are mentally incapable of making their own decisions due to conditions such as dementia, intellectual disability or brain damage.

The Guardianship and Administration Act adopted structures and principles consistent with the "Australian" model of adult guardianship. The model now operates in NSW, WA, Victoria, ACT and the Northern Territory, and is being introduced in Queensland and Tasmania, although there are some differences in between the States.

The legislation contained a number of significant features. The position of Public Advocate was created for the first time, as a statutory position with a protective role. Recourse to the Parliamentary Debates at the time indicates that there was a good deal of focus on issues related to the independence of the Public Advocate. For example, issues such as whether or not the Public Advocate should be subject to the control and direction of the Minister; and whether or not the position should be created and funded via the Health Commission or some other agency were issues which emerged around the theme of independence.

In the event the Bill proceeded to a Conference of Managers. The Conference agreed upon a sunset clause to allow the Parliament the opportunity to review commitments made about the independence of the Public Advocate. That provision, Section 86, provides for the Act to expire on the third anniversary of its commencement. The two Acts commenced on 6 March 1995.

Earlier this year, the then Minister for Health, established a Review to advise him on any further recommended changes to the legislation. A public consultation process was undertaken to inform that Review, and there have been numerous meetings of the Review Group towards the development of a Report on these matters.

The Review has not yet been completed, although it is expected to report in the next month or so. However, in the interim, it is necessary to protect this significant piece of State legislation from expiry on 6 March 1998. An extension of the sunset date by twelve months will allow the finalisation of the current Review, and the "unrushed" introduction, debate and passage of any legislative amendments considered necessary.

The Bill therefore seeks to amend the sunset clause in the principal Act by extending it by twelve months.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 86—Expiry of Act

This clause provides that the Act will expire on the fourth, instead of the third, anniversary of the commencement of the Act. The new expiry date will therefore now be 6 March 1999.

Ms STEVENS secured the adjournment of the debate.

LAND TAX (LAND HELD ON TRUST) AMENDMENT BILL

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training) obtained leave and introduced a Bill for an Act to amend the Land Tax Act 1936. Read a first time.

The Hon. M.R. BUCKBY: 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 seeks to amend the provisions of the *Land Tax Act 1936* to counter a very recently devised tax minimisation scheme whereby a single certificate of title has been artificially split into a number of different ownerships by the use of trusts thereby reducing the overall aggregate value of the land for land tax purposes.

The assessment of land tax for a financial year is calculated by reference to the site value of land in force under the *Valuation of Land Act 1971* as at midnight on 30 June immediately preceding the commencement of that financial year. A rate based on a sliding scale is applied to that value. The greater the value of the land, the greater the amount of land tax which is payable.

This principle of value extends to multiple parcels of land with the same ownership. In these cases, the value of all the parcels of land is aggregated.

Until now it had been accepted practice that a parcel of land was identified by the certificate of title for that land.

The situation which came to light recently involved a request for a reassessment of land tax on a single parcel of land owned by a single entity. The basis for the request was that the subject parcel of land comprised five separate ownerships by reason of separate trusts, with each portion beneficially owned by different persons under the trusts.

The initial assessment over the single parcel of land was made on the basis of a longstanding interpretation and also advice received from the Valuer-General's office, to the effect that it was not possible to attribute a value to each of the parcels of land formed as a result of a proposed future subdivision of land.

The Crown Solicitor's advice was sought as to the validity or otherwise of the use of 'potential' rather than actual land boundaries (as represented by the certificate of title) for the purposes of establishing the boundaries of land that are the property of a trust.

The Crown Solicitor advised that as 'land' for the purposes of the *Land Tax Act 1936* is not currently defined it was not possible to restrict land tax assessments only to land which is capable of having a site value by reference to an existing certificate of title.

Consequentially, in light of this advice, a land tax minimisation mechanism arises, whereby relief from the land tax aggregation provisions can be realised for land that is the property of trusts, while avoiding the costs associated with a normal subdivision of land.

If this anomaly is not corrected, apart from the revenue loss, the system of assessing land tax would be significantly complicated as a system would need to be established outside of the existing land tenure system to identify trust property held within existing certificates of title and defined by potential rather than actual boundaries as has historically been the case.

The proposed amendment will define 'land' for the purpose of ensuring that the property of a trust scheme that constitutes land, will be subject to aggregation and is assessed in fee simple.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 13—Cases of multiple ownership and aggregation of value

Section 13 of the Act provides for cases of multiple ownership and the aggregation of values. The aggregation principle does not apply in certain cases involving land held on trust. The amendment will provide that this qualification to the aggregation principle does not apply if the relevant pieces of land are two or more portions of land comprising the whole or a part of the one certificate of title being held on trust for two or more beneficiaries, and will expressly allow the Commissioner to treat all the land comprising a certificate of title in such a case as the one piece of land.

Mr FOLEY secured the adjournment of the debate.

GAS PIPELINES ACCESS (SOUTH AUSTRALIA) BILL

The Hon. R.G. KERIN (Minister for Primary Industries, Natural Resources and Regional Development) obtained leave and introduced a Bill for an Act to make provision for the regulation of third party access to natural gas pipeline systems; to repeal the Natural Gas Pipelines Access Act 1995; to amend the Gas Act 1997 and the Petroleum Act 1940; and for other purposes. Read a first time.

The Hon. R.G. KERIN: 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 purpose of the *Gas Pipelines Access (South Australia) Bill* and the associated *Gas (Miscellaneous) Amendment Bill* is to provide a legislative framework for third party access to natural gas pipelines in South Australia, and in so doing provide the nationally consistent approach to be adopted in Australia. These principles were initially agreed at the Council of Australian Government meeting in Hobart on 25 February 1994, and are reflected in the Natural Gas Pipelines Access Agreement signed at the Council of Australian Government meeting on 7 November 1997. This agreement also makes clear jurisdictions' commitments in relation to franchising and licensing, and it outlines the transitional and administrative arrangements for the national access regime.

The Council of Australian Government gas reform senior officials group, the Gas Reform Implementation Group has developed a national regulatory framework to govern third party access to natural gas pipeline systems, in accordance with the provisions of Part IIIA of the *Trade Practices Act* and the Competition Principles Agreement.

The Gas Reform Implementation Group is made up of representatives of all State and Territory governments, the Commonwealth, the Australian Gas Association, the Australian Petroleum Production and Exploration Association, the Australian Pipeline Industry Association, and the Energy Users Group of the Business Council of Australia. The Group has regularly consulted with the National Competition Council and the Australian Competition and Consumer Commission.

The national access regime has five primary objectives:

- to provide an open and transparent process to facilitate third party access to natural gas pipelines in order to reduce uncertainty for market participants, which is consistent with, but which will reduce much of the uncertainty associated with the largely untested provisions of Part IIIA of the *Trade Practices Act* that currently may be applied to market participants;
- to facilitate the efficient development and operation of a national natural gas market and to safeguard against abuse of monopoly power;
- to promote a competitive market for gas, in which customers are able to choose the supplier (producer, retailer and trader) they want to trade with;
- to provide a right of access to transmission and distribution networks on fair and reasonable terms and conditions, with a right for all people and parties to a binding dispute-resolution mechanism;
- to encourage the development of an integrated pipeline network.

When each jurisdiction has passed application legislation, it will submit to the National Competition Council a State or Territory-based access regime (applying the Gas Pipelines Access Law and the national access Code) for assessment for certification as an 'effective' access regime under Part IIIA of the *Trade Practices Act*. Once a regime is certified as an 'effective' access regime, third party access to the relevant transmission and distribution pipelines will be governed by the national access Code, and the pipelines will be protected from 'declaration' under Part IIIA of the *Trade Practices Act*.

Each jurisdiction has signed an intergovernmental agreement setting out jurisdictions' obligations in relation to giving legislative effect to the Code within a specific time frame, and other actions to implement and maintain the integrity of the Code. For South Australia this deadline is 31 December 1997. A number of parts of the agreement will be implemented by the *Gas (Miscellaneous) Amendment Bill*, as these aspects pertain to licensing which is provided for under the *Gas Act 1997*.

Each jurisdiction will pass legislation to give effect to the national access Code, in particular to make legally binding the obligations placed by the Code on pipeline operators and users. The legislation will also place obligations on producers that are necessary to enable users to realise the benefits of third party access. Through legislation, the Code will apply to many of the existing natural gas transmission and distribution pipelines, and will apply to new pipelines that satisfy the Code's criteria.

The national access Code contains principles which are to be uniformly applied in regulating third party access to natural gas transmission and distribution pipelines throughout Australia. It is designed to provide a degree of certainty as to the terms and conditions of access to the services of specific gas infrastructure facilities, but to preserve the role of commercial negotiation. A schedule to the Code details the transmission and distribution pipelines that will be 'covered' under the provisions of the Code when it is given legal effect.

The approach to giving legal effect to the national access Code is similar to that used for the national electricity Code—an 'application of laws' approach. South Australia is the 'lead' legislator for the Gas Pipelines Access Law, which is a schedule to the South Australian enabling legislation. Other jurisdictions (except Western Australia) will apply the South Australian law in their jurisdiction. Jurisdictions will draft consequential amendments to accompany their application legislation and will make them available to the other jurisdictions which are parties to the intergovernmental agreement. This approach is intended to maintain, as far as possible, the uniformity and integrity of the national access regime across all jurisdictions.

The Code will be a schedule to the Act and will have its own procedures for change. It is proposed that changes will be required to be agreed by Ministers, but will not be disallowable by Parliament. These arrangements are designed to ensure that the Code is identical in all jurisdictions, and that it will be amenable to relatively simple and rapid amendment, through an administrative rather than a legislative process. Amendments to the Gas Pipelines Access Law as set out in Schedule 1 will be made by the South Australian Parliament once the responsible Ministers from each jurisdiction have agreed to the amendments through the National Gas Pipelines Advisory Committee.

I commend the Bill to honourable members.

Explanation of Clauses

Part 1—Preliminary

Clause 1: Short title

Clause 2: Commencement

Clause 3: Interpretation

The definitions included for the purposes of the measure distinguish between the Gas Pipelines Access Law standing alone as a law to be applied in the jurisdictions of the scheme participants and the Gas Pipelines Access (South Australia) Law being the Law as it applies in this State.

The *Third party Access Code for Natural Gas Pipeline Systems* is included as part of the Law and is set out in Schedule 2 to the measure.

The clause provides that definitions included in the Law as set out in Schedule 1 also apply for the purposes of the Act.

Clause 4: Crown to be bound

This clause provides that the legislation binds the Crown.

Clause 5: Application to coastal waters

This clause applies the legislation to the coastal waters of the State.

Clause 6: Extra-territorial operation

This clause provides for the extra-territorial operation of the legislation.

Part 2—Gas Pipelines (South Australia) Law and Gas Pipelines (South Australia) Regulations

Clause 7: Application in South Australia of the Gas Pipelines Access Law

This clause applies the Gas Pipelines Access Law set out in Schedule 1 as a law of South Australia. The clause also provides that the Law as so applying may be referred as the *Gas Pipelines Access (South Australia) Law*.

Clause 8: Application of regulations under Gas Pipelines Access Law

This clause provides that the regulations in force under Part 3 apply as regulations in force for the purposes of the *Gas Pipelines Access (South Australia) Law* and the *Gas Pipelines (South Australia) Regulations*.

Clause 9: Interpretation of some expressions in the Gas Pipelines Access (South Australia) Law and Gas Pipelines Access (South Australia) Regulations

This clause contains a number of definitions for the purposes of the *Gas Pipelines Access (South Australia) Law* and the *Gas Pipelines (South Australia) Regulations*.

Part 3—Power to make regulations for the Gas Pipelines Access Law

Clause 10: General regulation-making power for Gas Pipelines Access Law

This clause enables the Governor to make regulations to give effect to the Gas Pipelines Access Law on the unanimous recommendation of the Ministers of the scheme participants. In view of the interstate application of laws scheme for this legislation, Parliamentary disallowance of the regulations is excluded.

Clause 11: Civil penalty provisions of the Gas Pipelines Access Law

This clause deals with civil penalties for breaches of the Gas Pipelines Access Law. Under the clause regulations may prescribe regulatory or conduct provisions of the Law as civil penalty provisions with a civil penalty not exceeding $100 000.

Clause 12: Specific regulation-making powers

This clause specifies as subject matters for the regulations matters related to the definition of pipeline and arrangements for making the Code publicly available.

Part 4—National Administration and Enforcement

Division 1—Conferral of functions and powers

Clause 13: Conferral of functions on Commonwealth Minister and Commonwealth bodies

Functions are conferred on the Commonwealth Minister, the ACCC, the NCC and the Australian Competition Tribunal for the purposes of the Law.

Clause 14: Conferral of power on Commonwealth Minister and Commonwealth bodies to do acts in this State

Powers to act in this State are conferred on the Commonwealth Minister, the ACCC, the NCC and the Australian Competition

Tribunal in relation to functions conferred on them by a corresponding law of another scheme participant.

Clause 15: Conferral of power on Ministers, Regulators and appeal bodies of other scheme participants

Powers to act in this State are conferred on the local Minister, local Regulator and local appeals body of another scheme participant in relation to functions conferred on them by a corresponding law of another scheme participant.

Clause 16: Conferral of functions on Code Registrar

The Code Registrar (established under the South Australian provisions) is to have the functions conferred on the Code Registrar by the Law or the National Gas Agreement or by unanimous resolution of the relevant Ministers of the scheme participants.

Clause 17: Functions and powers conferred on South Australian Minister, Regulator and appeals body

This clause provides for acceptance of a conferral of functions or powers on a South Australian entity by the corresponding legislation of another scheme participant.

Division 2—Federal Court

Clause 18: Jurisdiction of Federal Court

Criminal and civil jurisdiction necessary for the purposes of the Law is conferred on the Federal Court.

Clause 19: Conferral of jurisdiction on Federal Court not to affect cross-vesting

The cross-vesting legislation is not to be affected.

Division 3—Administrative decisions

Clause 20: Application of Commonwealth AD(JR) Act

This clause applies the Commonwealth *Administrative Decisions (Judicial Review) Act* as a law of this State in relation to a decisions of the relevant Commonwealth or South Australian bodies made under the *Gas Pipelines Access (South Australia) Law*.

Clause 21: Application of Commonwealth AD(JR) Act in relation to other scheme participants

This clause applies the Commonwealth *Administrative Decisions (Judicial Review) Act* as a law of this State in relation to a decisions of the relevant Commonwealth or South Australian bodies made under the corresponding legislation of another scheme participant.

Part 5—General

Clause 22: Exemption from taxes

Certain service providers may be required to reorganise their businesses to comply with the Law. Stamp duty and other taxes are not to be payable if a transfer of assets or liabilities is, in the opinion of the Minister and the Treasurer, required as part of that process.

Clause 23: Actions in relation to cross-boundary pipelines

Where a pipeline crosses State borders, action taken in one of the jurisdictions under the Law applicable in that jurisdiction is to be regarded as also having been taken under the Law applicable in the other jurisdiction.

Clause 24: Subordinate Legislation Act 1978

This clause makes it clear that, in view of the interstate application of laws scheme for this legislation, the *Subordinate Legislation Act* is not to apply to the Code.

Part 6—Local Administration and Enforcement

Division 1—Code Registrar

Clause 25: Code Registrar

This clause establishes the office of Code Registrar as a public service office. The Code Registrar may be removed from office by agreement of two-thirds of the Ministers of the scheme participants.

Clause 26: Delegation

This clause enables delegation by the Code Registrar.

Clause 27: Annual report

The Code Registrar is required to produce an annual report which is to be circulated to the scheme participants and tabled in the South Australian Parliament.

Clause 28: Immunity

This clause provides the Code Registrar and any delegate with protection against personal liability for acts or omissions in good faith.

Division 2—Local Regulator

Clause 29: South Australian Independent Pricing and Access Regulator

This clause establishes the office of the Regulator. The Regulator is to be a person appointed by the Governor and is not a public servant.

Clause 30: Functions and powers

Functions may be conferred on the Regulator under the Law or the intergovernmental agreement.

The Regulator is required to make appropriate use of the expertise of the Technical Regulator under the *Gas Act 1997*.

Clause 31: Independence of Regulator

The Regulator is to be independent of direction or control by the Crown.

Clause 32: Term of office etc

This clause sets out the terms and conditions of the office of Regulator.

Clause 33: Delegation

This clause enables delegation by the Regulator.

Clause 34: Conflict of interest

The Regulator is required to inform the Minister of interests that may conflict with the Regulator's duties. The Minister may direct the Regulator to resolve the conflict in relation to a particular matter or, if the conflict is not resolved to the Minister's satisfaction, disqualify the Regulator from acting in relation to the matter.

Clause 35: Acting Regulator

This clause provides for the appointment of an acting Regulator.

Clause 36: Staff

This clause provides for the assignment of public servants to assist the Regulator and allows the Regulator to appoint his or her own staff.

Clause 37: Money required for purposes of Division

This clause states that the money required for the purposes of this Division is to be paid out of money appropriated by Parliament for the purpose.

Clause 38: Expenditure

The Minister is to fix an expenditure limit for the Regulator and to determine the purposes (other than staff purposes) for which money may be spent by the Regulator.

Clause 39: Financial management

The Regulator is required to keep proper accounting records and to have them audited by the Auditor-General at least once in each year.

Clause 40: Annual report

The Minister is to lay the Regulator's annual report before Parliament.

Clause 41: Immunity

This clause provides the Regulator with protection against personal liability for acts or omissions in good faith.

Division 3—Appeals body

Clause 42: South Australian Gas Review Board

This clause establishes a local appeals body for the purposes of the legislation. The Board is to be constituted from time to time as the need arises. It is to be constituted of a legal practitioner selected by the Attorney-General from a panel of legal practitioners and two experts chosen by the legal practitioners from a panel of experts.

Clause 43: Panels

The panels are to be established by the Governor.

Clause 44: Principles governing hearings

Questions of law are to be determined by the legal practitioner and other questions by unanimous or majority decision of the members of the Board. The Board is to inform itself as it sees fit. The Board will usually proceed by way of fresh hearing. However, the Law places limitations on the procedure in relation to a review of a decision of the Regulator to reject a service provider's proposed access arrangement and to draft and approve one of his or her own.

Clause 45: Powers and procedures of the Board

This clause governs various procedural matters, including providing the Board with power to issue summonses and require a person to make an oath or affirmation.

Clause 46: Immunity

This clause provides protection against civil liability to the members of the Board and to the Registrar of the Board.

Division 4—Miscellaneous

Clause 47: Regulations

This clause provides general regulation making power in relation to the application of the measure in this State. It specifically provides a power to fix fees in respect of any matter under the measure.

Part 7—Local Transitional and Consequential Provisions

Clause 48: Reference tariffs during transitional period

This clause enables the Regulator to depart from the usual reference tariff principles in approving access arrangements during the period until all consumers are classified as contestable under the *Gas Act 1997*. The Regulator is required to take into account the need to avoid "rate shock" during that period. Any such departure is required to be identified and explained in the relevant access arrangement.

Division 2—Consequential Amendments

Subdivision 1—Preliminary

Clause 49: Interpretation

This is an interpretation provision for the purposes of the Division.

Subdivision 2—Repeal of Natural Gas Pipelines Access Act 1995

Clause 50: Repeal

This clause repeals the *Natural Gas Pipelines Access Act 1995* which regulates access to transmission pipelines.

It contains transitional provisions providing that the access provisions of the repealed legislation are to continue to apply in relation to a pipeline until an access arrangement is approved for the pipeline under the new scheme.

Subdivision 3—Amendment of Gas Act 1997

Clause 51: Amendment of s. 8—Functions

The Technical Regulator under the *Gas Act 1997* is given an additional function of providing advice on technical matters to the *South Australian Independent Pricing and Access Regulator*.

Clause 52: Amendment of s. 11—Obligation to preserve confidentiality

Clause 53: Amendment of s. 18—Obligation to preserve confidentiality

These amendments enable the Technical Regulator to divulge relevant information to the *South Australian Independent Pricing and Access Regulator*.

Clause 54: Amendment of s. 24—Licence fees and returns

The costs of administering the gas pipelines access legislation is to be able to be taken into account in fixing licence fees in addition to the costs of administering the *Gas Act 1997*.

Subdivision 4—Amendment of Petroleum Act 1940

Clause 55: Amendment of s. 80L—Minister may require operator to convey petroleum

The Minister's powers under section 80L to require an operator to convey petroleum are not to extend to conveying petroleum by means of a Code pipeline for which an access arrangement is in place.

Schedule 1—Third Party Access to Natural Gas Pipelines

Part 1—Preliminary

Clause 1: Citation

Schedule 1 together with Schedule 2 make up the *Gas Pipelines Access Law*.

Clause 2: Definitions

This clause contains the principal definitions of words and expressions used in the Law.

Clause 3: Scheme participants

This clause sets out that the Commonwealth and each State and Territory are scheme participants and the circumstances in which a jurisdiction will cease to be a scheme participant.

Clause 4: Interpretation generally

This clause states that the Appendix contains miscellaneous provisions relating to interpretation of the Law.

Part 2—National Third Party Access Code for Natural Gas Pipeline Systems

Clause 5: The Code

This clause provides that the Law and Acts of Parliament prevail over the Code to the extent of any inconsistency.

Clause 6: Amendment of Code

This clause enables the Ministers of the scheme participants to amend the Code without Parliamentary scrutiny. The amendment must be relevant to the subject matter of the Code as enacted. Unanimous agreement of the Ministers is required for an amendment to a core provision (as defined in the Code), a provision that deals with a subject matter not previously dealt with in the Code or for extension of the decisions made under the Code that are subject to review by the relevant appeals body. For other amendments two-thirds of the Ministers must agree.

The only matters that cannot be amended by the Ministers are the criteria for determining whether a pipeline is to be covered, or to cease to be covered, by the Code.

Clause 7: Availability of copies of amended Code

This clause requires the Code Registrar to ensure copies of the Code in consolidated form are available for inspection and for purchase.

Clause 8: Evidence

This clause is an evidentiary aid relating to the Code.

Part 3—Pipelines

Clause 9: Definitions

This clause contains definitions for the purposes of this Part.

Clause 10: Application for classification and determination of close connection for purposes of coverage under Code

A service provider, the ACCC, the NCC or a local Regulator may apply to Ministers for classification of a pipeline and, in the case of a cross-boundary distribution pipeline, determination of the jurisdiction to which the pipeline is most closely connected. The latter will determine which Regulator has responsibility in relation to the pipeline.

The decision is to be made by the Minsters of the jurisdictions in which the pipeline is situated and the Commonwealth Minister. The definition clause sets out criteria governing the decision.

Clause 11: Classification when Ministers do not agree

This clause provides a scheme under which the NCC is to make a decision if the Ministers are unable to agree.

Clause 12: Code Registrar to record classification etc.

The Code Registrar is to record the relevant decisions.

Clause 13: Preventing or hindering access

This clause prohibits a service provider, user or an associated of a service provider or user from engaging in conduct for the purpose of preventing or hindering access to a service provided by means of a Code pipeline. See Part 5 for proceedings that may be taken in the event of breach of the clause (which is a civil penalty provision and a conduct provision).

Part 4—Arbitration of access disputes

Clause 14: Definitions

This clause contains definitions for the purposes of this Part.

Clause 15: Application of Part

This clause recognises that disputes are referred to arbitration under the Code (Schedule 2).

Clause 16: Person to conduct arbitration

The Regulator may conduct the arbitration or appoint another to do so.

Clause 17: Where ACCC conducts arbitration

This clause sets out how the ACCC is to be constituted in relation to arbitration of disputes about pipelines in relation to which it is the relevant Regulator (in SA—transmission pipelines).

Clause 18: Hearing to be in private

The parties may agree to the hearing or part of the hearing to be conducted in public. Otherwise the hearing will be in private.

Clause 19: Right to representation

The parties are to be able to be represented by a person of their choice.

Clause 20: Procedure

Clause 21: Particular powers of arbitrator

These clauses provide for procedural matters related to the arbitration.

Clause 22: Determination

This clause requires the arbitrator to make a determination in writing and contains certain powers to correct errors in determinations.

Clause 23: Contempt

This clause makes it an offence for a person to do anything in the arbitration that would amount to contempt of court.

Clause 24: Disclosure of information

This clause makes it an offence to contravene an order of an arbitrator not to divulge specified information without the arbitrator's permission.

Clause 25: Power to take evidence on oath or affirmation

The arbitrator is given power to take sworn evidence.

Clause 26: Failing to attend as a witness

Clause 27: Failing to answer questions etc.

Clause 28: Intimidation

These clauses create offences related to failure to comply with requirements of the arbitrator or coercing other persons to fail to comply.

Clause 29: Party may request arbitrator to treat material as confidential

This clause provides for confidentiality of material between parties in appropriate cases.

Clause 30: Costs

Costs are to be in the discretion of the arbitrator.

Clause 31: Appeal to Court

An appeal from a determination of an arbitrator is provided for on a question of law.

Part 5—Proceedings for Breach of Code

Clause 32: Proceedings

The Regulator is authorised to bring civil proceedings under the Part for breaches of a civil penalty provision or a regulatory or conduct provision.

Any person may bring civil proceedings under the Part for breach of a conduct provision (as defined in the Code).

Preventing or hindering access is both a civil penalty provision and a conduct provision. A producer failing to comply with obligations relating to the supply and haulage of gas is both a civil penalty provision and a regulatory provision. Other civil penalty provisions will be specified in the regulations and other regulatory and conduct provisions are set out in 10.7 of the Code.

Clause 33: Criminal proceedings do not lie

Breaches of the Law (which includes the Code) do not give rise to criminal proceedings.

Clause 34: Civil penalty

This clause allows the Court, on the application of a Regulator, to impose a pecuniary penalty (to a maximum fixed by regulation but not exceeding $100 000) for breach of a civil penalty provision.

Clause 35: Injunctions

This clause allows the Court to grant an injunction in relation to breach of a regulatory or conduct provision.

Clause 36: Actions for damages for contravention of conduct provision

This clause provides for recovery of the amount of loss or damage resulting from contravention of a conduct provision.

Clause 37: Declaratory relief

This clause allows the Court to declare whether or not a regulatory provision or conduct provision has been contravened. At the same time the Court may order a person to cease a contravention or to take action to remedy a contravention.

Part 6—Administrative Appeals

Clause 38: Application for review

This clause provides for appeal to a local appeals body against the following decisions:

- that a pipeline or proposed pipeline is, or is not, or ceases to be, or does not cease to be, a Code pipeline;
- to add to, or to waive, the requirement under the Code that a service provider be a body corporate or statutory authority or not be a producer, purchaser or seller of natural gas or relating to the separation of certain activities of a service provider;
- not to approve a contract, arrangement or understanding between a service provider and an associate of a service provider;
- relating to any other matter that, under the Code, is a decision for which there is an appeal.

Clause 39: Merits review of access arrangements

Special limitations apply in relation to a review of a decision of the Regulator to draft and approve an access arrangement (or revision) in place of one submitted for approval. The grounds on which a review may be sought are limited, as is the material that may be taken into account.

Part 7—General

Clause 40: Supply and haulage of natural gas

A producer may be required to provide a price for gas supplied at the exit flange of the processing plant in addition to a price for gas supplied further downstream. A producer may also be required to supply gas to a user at the exit flange if the producer is prepared to supply gas to a user further downstream.

Clause 41: Power to obtain information and documents

Clause 42: Restriction on disclosure of confidential information

Clause 43: Application for review of a disclosure notice

These clauses provide a scheme for a Regulator to obtain relevant information and documents in relation to functions relating to approving access arrangements, approving associate contracts and monitoring compliance with the Code.

Appendix to Schedule 1—Miscellaneous provisions relating to interpretation

The appendix contains uniform interpretation provisions of a kind which are usually contained in the Interpretation Act of a State or Territory.

Schedule 2—National Third Party Access Code for Natural Gas Pipeline Systems

This Schedule contains the text of the Code.

Ms HURLEY secured the adjournment of the debate.

GAS (MISCELLANEOUS) AMENDMENT BILL

The Hon. R.G. KERIN (Minister for Primary Industries, Natural Resources and Regional Development) obtained leave and introduced a Bill for an Act to amend the Gas Act 1997. Read a first time.

The Hon. R.G. KERIN: 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 proposes some amendments to the *Gas Act 1997*, largely to clarify the policy intent of that legislation. The intention is first that all persons carrying on the business of selling gas to end use consumers, being consumers supplied with gas by a distribution system, must be licensed to retail gas under the *Gas Act 1997.* Secondly, in order to ensure there is an orderly and progressive introduction of a fully contestable market in gas, new licences to retail will be licences to sell gas to "contestable consumers".

"Contestability" is a concept which provides for choice of retailer by a consumer. Regulations to be made as soon as this measure passes will set out a "contestability timetable", progressively increasing the class of consumers who are contestable by reference to their level of gas consumption until the step is reached, in July 2001, that all consumers are contestable. I might mention that the Natural Gas Pipeline Access Agreement (the inter-governmental agreement recently entered into between all States, the Territories and the Commonwealth to provide for access to the transmission and distribution gas pipelines throughout Australia) provides that this last step of full contestability may be reviewed.

Provision is also made, by paragraph (b) of the proposed new definition of non-contestable consumer, for the Minister to classify consumers as contestable but this power is constrained by paragraph (e) of clause 3. Such a classification can only be made where such action is consistent with the orderly introduction of a fully competitive gas market. The "contestability timetable" is expected to be the norm, and is designed to eliminate consumer price shocks. As such, any change would need careful consideration by government. However, it seems wise to provide some flexibility for exceptional and unusual circumstances which cannot be foreseen. Such flexibility will enable the achievement of pro-competitive outcomes.

The Government is committed to gas industry reform to increase competition with the benefits of competition to be gained by gas consumers. Part and parcel of this commitment is a desire to ensure that gas industry licensing requirements are spelled out in the legislation for industry and others to see, hence the new section 21 (4) providing that after its commencement the Technical Regulator can only issue licences authorising retailing to contestable consumers. The Government is keen that there be a level playing field for industry and, to this end, to ensure that there can be no doubt that all persons selling gas to distribution system connected consumers must be licensed and subject to the same licence fee requirements, hence the new definitions of "retailing" and "distribution system" in clause 3 of the Bill.

The change to the definition of "distribution system" is to ensure than an operator of what can be more appropriately called a "part of a system" rather than "a system" in itself will be subject to safety and technical obligations in respect of that part of a system. It also clarifies that the exclusion referred to in paragraph (b) of the definition is limited to what was originally intended, namely factory and other like premises where gas storage tanks are located on the premises and all piping is contained within and does not extend beyond the boundaries.

There is some urgency involved in the passage of this Bill as the ability to set out the full "contestability timetable", as contemplated by the Natural Gas Pipeline Access Agreement, is dependent on regulations being made under the new definition of "non-contestable consumer" provided by this Bill.

I commend this Bill to the Honourable Members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 4—Interpretation

A new definition of distribution system is proposed which clarifies what forms part of such a system. The new definition provides that a distribution system is the whole or a part of a system of pipes and equipment for use for, or in connection with, the distribution and supply of gas to persons for consumption. However, a distribution system does not include—

- a pipeline in respect of which a licence has been granted or is required under Part 2B of the *Petroleum Act 1940* (other than a pipeline declared by the regulations to be, or form part of, a distribution system; or
- a system of pipes and equipment installed in a place for the conveyance and use of gas from a pressurised vessel situated in the place that do not extend to, or connect to pipes in, some other place in separate occupation; or
- pipes or equipment declared by the regulations not to be, or form part of, a distribution system.

The proposed change to the definition of gas infrastructure is a minor drafting change. Currently, gas infrastructure means any part

of the distribution system of a gas entity. Now the definition of gas infrastructure is defined as any part of a distribution system owned or operated by a gas entity.

It is proposed to substitute a new definition of non-contestable consumer so that it means a consumer other than—

- consumers classified by regulation as contestable consumers; or
- consumers classified by the Minister under new section 4(2) (*see below*) as contestable consumers.

It is proposed to strike out the definitions of retailing and supply. Retailing of gas is newly defined to mean the sale and supply of gas to a person for consumption (and not for resale) where the gas is to be conveyed (whether or not by the seller) to the person by a distribution system, but does not include an activity declared by regulation not to be retailing of gas. The definition of supply did not serve any purpose in interpreting the Act and so has been struck out.

It is proposed to insert a new subsection (2) to provide that the Minister may classify a consumer or consumers as contestable consumers if satisfied that such action is consistent with the orderly introduction of a fully competitive gas market.

Clause 4: Amendment of s. 21—Consideration of application for issue of licence

New subsection (4) provides that the Technical Regulator may not issue a licence on or after the commencement of this proposed subsection authorising the retailing of gas to a non-contestable consumer.

Clause 5: Amendment of s. 25—Licence conditions

The amendment proposed to this section is to make it clear that a variation of a condition of a licence, or the imposition of further conditions, may occur at any time during the term of a licence and not just on the issue or renewal of a licence.

Clause 6: Amendment of s. 66—Power of entry

The amendment is of a drafting nature only. An incorrect reference to a "gas officer" is changed to a reference to an "authorised officer" (as it should have been).

Ms HURLEY secured the adjournment of the debate.

ELECTRICITY (MISCELLANEOUS) AMENDMENT BILL

The Hon. R.G. KERIN (Minister for Primary Industries, Natural Resources and Regional Development) obtained leave and introduced a Bill for an Act to amend the Electricity Act 1996. Read a first time.

The Hon. R.G. KERIN: 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 Electricity Act was proclaimed on 1 January 1997. The Act contains a number of regulatory provisions, many of which were effectively similar to the arrangements previously the responsibility of ETSA under the Electricity Corporations Act.

The Electricity Act 1996 established the position of the Technical Regulator. The Act is administered through the Office of Energy Policy, Department of Primary Industries and Resources.

The required Regulations under the Electricity Act were made, effective 1 January 1997, and were refined during 1997 in close consultation with affected parties (industry, employers, employees).

These steps established the basic technical, safety and commercial licensing measures required to be in place in South Australia before the start date of the National Electricity Market. The Act, in its current form, does not include the powers to administer the network charges which must be paid in the National Electricity Market, and which are, ultimately, reflected in the electricity accounts of customers.

This Bill seeks to address this additional State regulatory activity, and creates the role of Pricing Regulator. It also empowers the Pricing Regulator to set maximum access charges to apply in South Australia.

The Bill makes a number of minor amendments to the Electricity Act 1996.

The National Electricity Code, as the operating manual for the new National Electricity Market, contains a number of transitional arrangements covering the South Australian elements of the national market. The South Australian transition path will be based on a Contestability Timetable governing the dates on which customers will become contestable according to their electricity load. A Regulation will be required to effect that timetable under the Electricity Act, and my Government anticipates tabling that Regulation during this session, together with the initial Electricity Pricing Order made pursuant to the powers established under this Bill.

It is anticipated that, from July 1999, the Australian Competition and Consumer Commission will take over the role of regulator of transmission network pricing for the purposes of Chapter 6 of the National Electricity Code. The Government is considering the overriding matter of derogations from the Code which currently provide that South Australian transmission pricing will continue under South Australian Government control until the year 2010. In the process of Code finalisation, this matter is being studied closely by the Australian Competition and Consumer Commission.

The powers under the Bill are intended to underpin whatever national network pricing arrangements are made, and to support whatever local derogations are approved in regard to transmission network pricing.

In addition to transmission network pricing, the Bill will provide for distribution network pricing for the foreseeable future. It is anticipated that this will remain a State responsibility, requiring long term oversight by the Pricing Regulator.

The Bill also seeks to amend the temporary immunity granted to electricity corporations as defined by the Electricity Corporations Act, 1994 (namely ETSA Corporation and South Australian Generation Corporation, trading as Optima Energy), to add immunity in relation to variations in supply (otherwise known as power surges) to the present immunity in relation to partial or total failure to supply electricity. In so doing, the immunity ceases to be absolute, and excludes anything done or omitted to be done by the corporation in bad faith or in negligence.

It has been considered desirable to add to the Electricity Act, by way of an amendment to the definition of 'contestable customer' in s4 of the Act, a degree of flexibility in administration of the staged opening of the market, such that individual point load is not the sole basis of determining contestability. The proposed new definition retains the use of subordinate legislation as the vehicle for determining contestability, but now provides for such definition as may be subsequently determined. It is envisaged that this will allow special cases to be considered on merit, where a uniform, load based definition would not.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 4—Interpretation

The term contestable customer is redefined as a customer classified by regulation as a contestable customer removing the requirement that the test be only as to actual or projected levels of electricity consumption.

A new definition of Pricing Regulator is inserted. The Pricing Regulator is to mean the person holding the office of Pricing Regulator under Part 2 of the Act.

The amendment proposed to the definition of electrical installation is minor and for clarification purposes only.

The definition of transmission or distribution network is proposed to be amended by the addition of the phrase 'the whole or any part of' so that term will be defined as the whole or any part of a system for the transmission or distribution of electricity, etc.

Clause 4: Insertion of Division heading

Part 2 of the principal Act is headed 'Administration'. It is proposed to divide this Part into 2 divisions (one providing for the Technical Regulator and the new division providing for the Pricing Regulator) (*see clause 6*) and hence a heading for Division 1 is inserted.

Clause 5: Amendment of s. 11—Obligation to preserve confidentiality

This amendment is consequential on the establishment of the office of Pricing Regulator. The effect of the proposed amendment is that the obligation on the Technical Regulator to preserve the confidentiality of information gained in the course of the administration of the Act does not apply to the disclosure of information between persons engaged in the administration of this Act (including the Pricing Regulator and persons assisting the Pricing Regulator).

Clause 6: Insertion of new Division in Part 2

New Division 2 is to be inserted after section 14 of the principal Act.

DIVISION 2—PRICING REGULATOR

14A. Pricing Regulator

There is to be a *Pricing Regulator* who may be a Minister of the Crown, or some other person, appointed by the Governor.

14B. Functions

The Pricing Regulator has the network services price fixing functions assigned to the Pricing Regulator under Part 3 of the Act (*see clause 8*).

14C. Pricing Regulator's power to require information

The Pricing Regulator may require a person to give the Pricing Regulator, within a reasonable time, information in the person's possession that the Pricing Regulator reasonably requires for the performance of the Pricing Regulator's functions under the Act.

It is to be an offence for a person required to give such information to fail to provide the information within the time stated in the notice. (Maximum penalty: $10 000.)

14D. Obligation to preserve confidentiality

The Pricing Regulator must preserve the confidentiality of information that could affect the competitive position of an electricity entity or other person or that is commercially sensitive for some other reason.

This does not apply to the disclosure of information between persons engaged in the administration of this Act (including the Technical Regulator and persons assisting the Technical Regulator).

Information classified by the Pricing Regulator as confidential is not liable to disclosure under the *Freedom of Information Act 1991*.

This proposed section mirrors section 11 of the principal Act (as amended by clause 5—*see above*).

Clause 7: Amendment of s. 21—Licence conditions

The amendment proposed to subsection (1) is to make it clear that a variation of a condition of a licence, or the imposition of further conditions, may occur at any time during the term of a licence and not just on the issue or renewal of a licence.

New subsection (3) provides that the Technical Regulator must, so far as the Technical Regulator considers it practicable to do so, comply with a request of the Pricing Regulator for the imposition of a condition on a licence requiring 'ring fencing' of the various operations of the electricity entity holding the licence.

Clause 8: Insertion of new Division in Part 3

Proposed new Division 3A provides for network services pricing by the Pricing Regulator.

DIVISION 2A—NETWORK SERVICES PRICING

35A. Network services pricing

The Pricing Regulator may, from time to time, by notice in the *Gazette*, fix a maximum price, or a range of maximum prices, for network services. Such a notice may be limited in application, or have varying application, according to factors specified in the notice and may, by further notice, be varied or revoked. Such a notice is to have effect for a period specified in the notice and is to be subject to variation or revocation in circumstances, or taking into account matters, specified in the notice.

The Pricing Regulator may, from time to time, publish principles and guidelines that he or she will observe or take into account in fixing prices. Regard will be had, in formulating principles and guidelines, and in fixing prices, to—

- any relevant provisions of the National Electricity Code;
- any relevant pricing recommendations published under the *Government Business Enterprises (Competition) Act 1996*;
- any other matter that the Pricing Regulator thinks fit.

It is to be an offence for an electricity entity to charge a price for a service that exceeds an applicable maximum price fixed by the Pricing Regulator under new section 35A. (Maximum penalty: $50 000.)

Clause 9: Amendment of s. 91—Statutory declarations

These amendments are consequential on the establishment of the office of Pricing Regulator.

Clause 10: Amendment of sched. 2

This clause amends clause 2 of the schedule which provides temporary immunity from civil liability for an electricity corporation (under the *Electricity Corporations Act 1994*) where an electricity supply is cut off under the principal Act or there is a failure of electricity supply. The immunity is extended to variations in electricity supply while, at the same time, the immunity for failure or variation of electricity supply is restricted to cases where there has not been bad faith or negligence on the part of the electricity corporation.

Ms HURLEY secured the adjournment of the debate.

STAMP DUTIES (MISCELLANEOUS NO. 2) AMENDMENT BILL

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training) obtained leave and introduced a Bill for an Act to amend the Stamp Duties Act 1923. Read a first time.

The Hon. M.R. BUCKBY: I move:

That this Bill be now read a second time.

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

Leave granted.

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

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

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

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

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

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

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

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

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

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

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

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

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

I commend this Bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

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

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

This clause provides that a bank paying duty to the Commissioner in respect of cheque forms and cheques may be allowed commission

at a rate prescribed by regulations. It reflects the new system under which duty is paid on returns. It also reflects the current practice under which duty is paid to the Commissioner rather than the Treasurer.

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

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

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

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

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

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

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

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

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

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

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

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

Clause 6: Insertion of s. 81E

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

The provision would apply to mortgages executed after its commencement.

Clause 7: Amendment of sched. 2

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

Ms WHITE secured the adjournment of the debate.

GRIEVANCE DEBATE

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

Mr FOLEY (Hart): Earlier today the Premier in a statement drew the attention of the House to an episode during the election campaign where both the Opposition and the Australian Democrats called upon the Government to release the Auditor-General's Report. In the Premier's response at the time and again today in his statement, he made a number of statements that were very inflammatory and simply not correct. At the time the Opposition read the Standing Orders of the House, and those Standing Orders made it clear in our interpretation that we had right of access to the Auditor-General's Report.

Members interjecting:

The SPEAKER: Order! There is too much audible conversation.

Mr FOLEY: That advice was confirmed by parliamentary officers—that we read Standing Orders correctly in terms of both the Lower House and the Legislative Council. I was told at the time that, whilst the Standing Orders may be correct and we could have access, I was no longer a member of Parliament. That was the next line of defence. We took further legal advice on that and a whole series of matters, legal advice which the Government saw, legal advice which was given to the then Speaker and the then President in another place, legal advice which made very clear that the Government's advice from the Crown Solicitor was indeed wrong on two points of law. I need not go into those details in this brief address. The Government has that legal advice. It never chose to take exception to that advice point by point. It simply stonewalled for the purpose of the election. But for members, it is a very important principle.

Under the Standing Orders, the Auditor-General is required to deliver the Auditor-General's Report to the then Speaker of this House and the President of the Legislative Council by a certain date, which he did. The Public Finance and Audit Act then requires that that report be tabled no later than the first sitting day of the Parliament. It was not something that was exclusive or said that it must be only on the first day: it was an open ended statement that it should be no later than the first sitting day of the Parliament. Standing Orders 202 and 204 of the House of Assembly make clear that papers not ordered to be printed may be inspected at the office of the House at any time by members or, unless ordered otherwise by the Speaker, by other persons—that being the media—and copies of or extracts from these papers and documents may be made.

The then Speaker, the member for Eyre, and the then President of the Upper House made a political decision that they would not release that report or make access to it available to the Opposition on purely political grounds. The then advice by the Crown Solicitor was very poor advice. It was not even written by the Crown Solicitor: it was written by a junior officer within Crown Law. It was not the Crown Solicitor's advice: it was under his signature but signed by a junior officer. At the end of the day, we all know that the Crown Solicitor is the Government's lawyer and will always give advice, certainly advice that will go public, for the benefit of the Government of the day. That is what Crown Law does and I do not have an objection to that, but the Opposition was entitled to seek its alternative advice, and that made very clear that we had the power and the right as members of Parliament to, at the very least, view the report but most probably to have that report given to us for public release.

The issues of defamation were not supported in our advice. The qualified privilege that was automatic on the report was sufficient. We are not relying only on our legal advice: we also had advice from a number of other parties that we were right—

The Hon. M.H. Armitage interjecting:

Mr FOLEY: —no, not at all—to request that report. Only one conclusion can be drawn as we have thumbed through that report in the brief time available. We know why the Government did not want it released; and we know why the Government chose not to release it. And for the Premier to assert that he and his Ministers knew nothing of the content is plainly wrong. Ministers would have been advised from issues within their portfolios. The Treasurer is required under the Act of Parliament to be told of issues—

The Hon. M.H. ARMITAGE: On a point of order, Mr Speaker, the member for Hart is making accusations about Ministers knowing the contents of the Anderson report. He is absolutely incorrect and I ask him to withdraw.

Members interjecting:

The SPEAKER: There is no point of order and there is nothing to withdraw. The honourable member for Unley.

Mr BRINDAL (Unley): In this new session of the Parliament, I ask that, if the member for Hart is to do one thing in this Parliament, he spare us his principles. Today, the Anderson report was tabled in this House. This course of action was foisted upon us, as the Premier said, by the Australian Labor Party and the Democrats. It must necessitate that members of this House reflect on the notion of short-term political point-scoring at the expense of credibility of the institution of Parliament. With so many members of this House sworn in today for the first time, it is apposite to remind ourselves that there is not a single member whose seat in here is not transitory.

The honour which each of us has been accorded is a two-fold trust. First, it is a trust from our electors to commit ourselves to the best interests of the State. Secondly, it is a trust from all those who have previously graced this Chamber to so develop and enhance this institution that we might pass it improved to our successors. This action foisted on the Premier today should be roundly condemned by those with any understanding of our political system.

Members interjecting:

Mr BRINDAL: The member for Ross Smith is a very good example of all that is wrong in the Chamber. He waltzed in four years ago and rose to the dizzying heights of Deputy Leader of the Opposition but never once bothered to read or understand Standing Orders. He has fallen dismally from grace—and this House may be thankful that he has done so—and he still does not understand the Standing Orders under which he was supposed to be operating for about four years. I remind the House that over many years it has itself undertaken or been responsible for decisions concerning the public and private interests of witnesses in inquiries on sensitive matters. The inquiries some decades ago into the drowning of Dr George Duncan were always a matter of great interest—prurient interest perhaps—to many members of the South Australian public. The Government of the day and subsequent Governments were resolute in their determination that both the identity of witnesses and any evidence which had not been fully tested through the rigours of our court system in adversarial questioning should not be elevated to the status of fact. Subsequently, when this House decided to hold—

Mr Foley interjecting:

Mr BRINDAL: The member for Hart should listen to this, because he was part of this. When this House decided to hold an inquiry into prostitution in this State, the evidence was considered so sensitive that, when the report was tabled, the transcript of witnesses was sealed by order of the Parliament, and the Evidence Act was changed to make it an offence for anyone, including members of the committee, to disclose material related to the evidence or which in any way would disclose the identity of witnesses.

Mr Foley interjecting:

Mr BRINDAL: The member for Hart asks how he is involved, and I will tell him. When in the last Parliament we had a similar inquiry, I put to the House that it was perfectly at liberty to reopen that evidence and examine it as a proper matter to be placed before this House. The last Parliament, of which the member for Hart was a member, concluded that the integrity and the word of previous members of this House were such that this House—the last Parliament—could no longer examine the evidence—that it should be kept sealed in deference to the principle that was adhered to and promised by a previous Parliament. That is important and it is a fact, but that is what today we have thrown out.

I simply ask the House to read the Premier's statement. If any witness was promised confidentiality, in terms of either their identity or their evidence, and if Mr Anderson then either revealed their identity or quoted any portion of the evidence or any statements summarising their evidence, the interests of the process have been breached. The Premier is to be applauded for his integrity on this matter. Other members who put political game playing ahead of this institution and ahead of even rudimentary principles of the notion of justice for any citizen of South Australia had best look to their consciences.

Ms WHITE (Taylor): Today, I want to raise what I consider to be a fairly serious issue, an issue which I raised on several occasions in the former Parliament, and I particularly ask new members to consider this matter in terms of its impact on accountability of Government in this State. In the last Parliament I was a member of the Public Works Committee, which assessed and reported on a number of public works. On several occasions my colleague the member for Elizabeth, also a member of the committee, and I made it clear to the House that we were not satisfied with the way the committee operated or with the amount of access to information provided to the committee for it to carry out its full responsibilities under the legislation in order to assess projects.

A couple of hours ago we received the Auditor-General's Report, which makes some comment on certain projects assessed by the committee. In fact, it makes some alarming comments about the processes and the way the committee has operated. Two projects on which the Opposition, the member for Elizabeth and I have commented are mentioned in particular: the Hindmarsh soccer and Mile End netball stadiums and also the Wilpena tourist development. In the former Parliament, when the committee reported on the Wilpena tourist development, it was the wish of the member for Elizabeth and myself to submit a minority report and to do this through tactics that were thwarted by Government members of the committee, and so we were left to making public our concerns about the way the information was provided to the committee and our concerns about the project in parliamentary debate.

After doing that, two Government members stood up and made a whole series of untrue statements in an attempt to muddy the waters and to prevent us from speaking on this issue. The Auditor-General has criticised that reporting and the Government's actions in terms of the Wilpena tourism

development. The report is critical of the way the Government expended funds on that project before the committee reported to Parliament, and it points out that that was unlawful. The Auditor-General states:

> . . . the fact is that the expenditure of funds on this project, prior to the Public Works Committee considering the project and tabling a report, was unlawful and violated a procedure established by Parliament.

The Auditor-General has said that this Government acted unlawfully. That is quite serious, and I ask this Parliament and all members to consider that. I suggest that members read Part A.4 (page 21), because the Auditor-General says quite a lot more. There are criticisms in relation to the Hindmarsh Soccer Stadium and the netball stadium in that on several occasions additional moneys were spent without the committee being notified.

An honourable member interjecting:

Ms WHITE: After the committee had approved those projects. The Auditor-General points out that misleading information was given. I see members opposite nodding. That is a quite serious allegation—

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

Mr VENNING (Schubert): I rise to say how absolutely delighted I am that the Morgan-Burra Road has finally now been sealed with its primary coat of bitumen. I note the applause from the other side, because they know as well as I do that we have waited 60 years for this moment and that it has finally happened. Although, since 11 October 1997, I do not now represent the area, my previous constituents have contacted me to express their absolute pleasure that this project is virtually complete. Furthermore, the project has been completed six months ahead of schedule. This is absolutely amazing. The fact that the road is now in a safe, sealed condition in time for the Christmas holidays is great, too. It will be of tremendous relief for the residents who have had to travel on this dangerous and rough road for all these years.

In the seven years I have been in this Parliament I have been actively involved in getting this road sealed. As members will know, it has been a particular pet project of mine. In the very first speech I made in this Parliament in July 1990 I spoke of the high priority for South Australia to have this east-west link sealed. As I said, this has been needed for 60 years. Various members of Parliament, including the Hon. Bill Quirke, the then member for Stanley—

Mr Atkinson: He was a good Labor member.

Mr VENNING: He joined all Parties. He led delegations to Government to have that road sealed, but there were always other agendas. I did everything I could to keep this issue before the Parliament. A previous Labor Minister, the Hon. Frank Blevins, listened to me, and over the three years he was a Minister some 10 kilometres of the road were sealed with money left over from larger projects. Various gimmicks were tried to highlight the state of the road, including my distributing around Parliament House rocks from the road, much to the chagrin of then Minister Blevins. One action that really hit the mark was the politicians' bike ride over the road that I arranged on 13 August 1995.

I was pleased that the Minister for Transport, the Hon. Diana Laidlaw, accompanied us, as did Federal members Neil Andrew and Barry Wakelin and the then member for Chaffey, Kent Andrew. It was a great day, and I pay tribute to the Minister, who rode her bicycle 45 kilometres over that shocking road.

Funding of $17.5 million for the road was formally announced by the Liberal Government in October 1995—just after the bicycle ride, members will note. Stage 1 was scheduled to be the section from Morgan to The Gums, and stage 2 was to begin at Landore Street, Burra, out to The Gums. That was the hard part, involving a lot of earthworks and expected to take three years, and we know that happened very much ahead of schedule.

In fact, from initial indications given by the Department of Transport prior to the formal announcement of funding, it was planned to complete the road over a longer period: the road would not have been completed until midway through the year 2000. So, we are very fortunate, indeed, to see it scheduled for completion early in 1998 with the final two seals.

I congratulate and pay tribute to the many people who have supported the push to have the road sealed over recent years, particularly the Minister for Transport, the Hon. Diana Laidlaw, the local councils, my colleagues (both State and Federal), the contractor LR & M of Gawler, the officers of Transport SA and so many other devoted individuals. I would particularly like to mention Mr Harry Quinn of Booborowie who, in my initial preselection process, kidded me that I would never be able to get this road done. I said, 'It will be done and I will not leave Parliament until it is done.' I telephoned Harry last night and said, 'Harry, the road is now sealed', and he is indeed very pleased. There will be celebrations at Easter to mark the opening of the road, and no doubt various members of the Opposition will attend.

The area is represented by the member for Stuart and also the member for Frome. I know that Harry was not convinced when I first said that I would get it done. After six members of Parliament before me had all said that they would do it, I have done it, and so at least I have one very strong, ardent fan out there. This was one of those projects on which I said I would deliver, and I have delivered this one via the Liberal Government. The Government has spent $17.5 million on this road link. It ought to have been done 50 years ago, but it was not done for political reasons. It is now there and I will drive on the road during the next few weeks. I cannot wait until the end of January when the whole project will be completed, and I pay tribute to all concerned.

Ms THOMPSON (Reynell): I draw the attention of the House to facilities required by a school and a kindergarten in the electorate of Reynell. In each case the amount of money that is required is small—$5 000 for each of the facilities—yet it is a real barrier to the people in the area to find that $5 000. The two instances are the Christie Downs Kindergarten and the Reynella South School.

The Christie Downs Kindergarten is a very special kindergarten. It is an Aboriginal program kindergarten. Most of its staff are Aboriginal and about half of its pupils are Aboriginal. It has made a big effort over the years to develop a facility conducive to the transition from home to education for Aboriginal children who, as we know, often suffer a lot of educational deprivation. The kindergarten is about 20 years old, and when constructed was very much of the time. It had a concrete yard, a sandpit, a pipe in which children could play and a few other pieces of equipment.

Recently, the kindergarten organised a study of the development of the yard in a way which would be more stimulating for the children and which would also make it

more interesting for the parents of these children to be involved in sharing their cultural knowledge and in the activities of the kindergarten. A program was recommended which has been commenced by the kindergarten and extensive changes have been made, yet $5 000 is what stands between the dream and the completion of this program. This is required for some very simple things which I am sure would be found in most kindergartens in the more affluent areas of Adelaide. We need an amphitheatre and a sandpit, and special Aboriginal emphasis is on the development of a dry creek bed for story telling and development of an indigenous food trail where children, parents and other members of the community can appreciate the wisdom of the Aboriginal community in the development of indigenous food.

They have been trying for some time to obtain this funding from many sources, including community organisations, but somehow this last $5 000 is not available. I hope that very soon the department will find the necessary funding for the completion of this community asset.

The other school in question is Reynella South, and on Friday night I was pleased to be able to celebrate the opening of a very beautiful and well-constructed recreation and assembly hall in the school, and I acknowledge the efforts of the member for Mawson, who previously represented this area, in constantly lobbying the Government to have this hall built. It is important to support the efforts of the teachers and parents in this school to develop the full range of skills of the students and to have an area where they can play sport, develop music and movement programs, and display their skills.

The hall is excellent, but the problem is that it is not quite completed. Again we need $5 000, in this instance to shore up the foundations of the hall. There is an ugly scar outside the hall which poses a risk to all users of the school: children, teachers and parents, who can easily fall and be injured on the exposed area. It also poses a risk to the hall itself, with the foundations likely to be undermined. Again, frequent representations from the school and from the member for Mawson have not been able to produce the last $5 000 to allow the hall building to be completed. I am hopeful that the officers within the department who have been trying to find the money will be successful.

These matters are important to me in the electorate of Reynell because, generally, the parents in my electorate do not have the funds available to be able to contribute readily to school funds. They rely on the taxpayer and therefore the Government for the provision of excellence in education for their children. They cannot find another $1 000 from a generous parent or a local business here or there. They have to raise the money bit by bit, and they simply cannot do so in an area where nearly 50 per cent of children are on School Card.

I ask the House and the Government to reconsider its allocation of funding to enable the children of this area to have the stimulating and safe environment that is due to all children in our State and to complement the excellent efforts of the teachers and parents in both those centres—the Christie Downs kindergarten and the Reynella South school—in trying to provide an excellent and stimulating environment for their children's education.

Mrs PENFOLD (Flinders): One of the joys that I have experienced in Government has been the renewed importance given to rural regions, with the consequent upsurge of vitality and confidence as a result of the upgrade and renewal of hospitals, schools and roads across rural electorates.

Those who live in rural South Australia have always known of their importance to the State, but there are few examples of business confidence in rural South Australia as outstanding as the success of the Cowell Electric company. It won the most outstanding regional small business award in 1996 and its operations extend into Adelaide, Northern Territory and Western Australia, while the company has also completed contracts in New South Wales. Yet Cowell Electric maintains its head office in Cowell, which is in my electorate of Flinders on Eyre Peninsula. The head office and workshop remain in Cowell with all field staff based at Cowell but working away for periods of three to four weeks before coming home for a well-needed break.

Today Cowell Electric employs 55 people, of whom 26 are employed from Cowell. The company is greatly committed to the regional development of rural and remote South Australia. The company was established in 1928 by 15 shareholders of vision, who were described thus by Mrs Chase, the Managing Director:

> They had stout hearts, strong backs and weak heads, little money but tons of determination, as befitted those who ventured into the bush.

It is hard to believe now, but initially electricity was supplied from half a hour before sunset to midnight and, as a special occasion, until 2 a.m. on boat night when the boat from Adelaide came in, and for public entertainment. A second generator saw the operation extended to Mondays and Tuesdays for washing and ironing and later came the luxury of 24-hour electricity. This supply was DC—direct current. In 1959, we saw the change over from direct current to alternating current, which meant that people now had 240 volt electricity instead of the 32 volt equipment. In 1966, we saw single wire earth return or SWER reticulation to Lucky Bay and rural communities surrounding Cowell, finally enabling farmers to have the comfort of 24-hour power and 240 volt equipment. Power was also extended to Cleve and Arno Bay. Today life virtually stops when there is a power blackout. It is no longer a luxury but a necessity.

In 1971, Cowell was connected to the Electricity Trust of South Australia grid, resulting in the subsequent closure of the power station at Cowell. Many businesses would simply have closed down. However, Cowell Electric saw this as the beginning of a new era—an opportunity. The company diversified into the survey, design and construction of powerlines for the rural electrification of Eyre Peninsula, the Flinders Ranges and Peterborough districts.

In 1977, Cowell Electric took over management of the Cooper Pedy Electricity Undertaking at the request of ETSA. This involved relocating the power station from the centre of town, upgrading powerlines and operating and maintaining the diesel power station on an on-going basis. Part of the role of being the Electricity Supply Authority unfortunately was disconnecting consumers for non-payment of accounts. This practice in Coober Pedy resulted in several deaths threats and threats to blow up the power station. Meter reading added further excitement because of the number of dogs which were sometimes as ferocious as their owners.

Cowell Electric's experience at Coober Pedy led the company to managing other small diesel generating stations in isolated communities. The company now manages power stations at Kingoonya, Glendambo, Marla, Maree, Nundroo, Oodnadatta, Mannahill and Parachilna, in addition to the Cockburn distribution system. Recently ETSA took over the

supply of electricity to Penong following extension of the ETSA grid from Ceduna. Cowell Electric operates electricity supplies to Iron Knob and Iron Baron.

In 1986, ETSA acquired from Cowell Electric the distribution system within the District Council of Franklin Harbor boundaries, requiring further diversification in order to survive. This saw the end of activities of consequence in the Cowell area as all work then emanated from outback areas. In 1990, Cowell Electric bought the machinery and plant of an Adelaide company going out of business. Cowell Electric formed a new company—CBM Industrial Radiators—to manufacture industrial radiators for power stations, locomotives, mining equipment and heavy haulage vehicles. Cowell Electric's plans for the future include exporting products and services to the Asia- Pacific region, particularly in relation to village power supplies and essential services.

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

SESSIONAL COMMITTEES

Sessional committees were appointed as follows:

Standing Orders: The Speaker and Messrs Atkinson, De Laine, Lewis and Meier.

Printing: Messrs Brokenshire, Hamilton-Smith, Mrs Hurley and Messrs Koutsantonis and Venning.

JOINT PARLIAMENTARY SERVICE COMMITTEE

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

That pursuant to section 5 of the Parliament (Joint Services) Act 1985 Mr De Laine and the Hon. David Wotton be appointed to act with Mr Speaker as members of the Joint Parliamentary Service Committee and that Mr Venning be appointed the alternate member of the committee to Mr Speaker, Mr Snelling alternate member to Mr De Laine and Mr Meier alternate member to the Hon. David Wotton; and that a message be sent to the Legislative Council informing them of the foregoing resolution.

Motion carried.

ECONOMIC AND FINANCE COMMITTEE

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

That Messrs Conlon, Foley, Gunn, Hamilton-Smith, McEwen and Such and Ms White be appointed to the Economic and Finance Committee.

Motion carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

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

That Ms Key, Mrs Maywald and Mr Venning be appointed to the Environment, Resources and Development Committee; and that a message be sent to the Legislative Council transmitting the foregoing resolution.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE

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

That Mr Condous, Mrs Geraghty and Mr Meier be appointed to the Legislative Review Committee; and that a message be sent to the Legislative Council transmitting the foregoing resolution.

Motion carried.

SOCIAL DEVELOPMENT COMMITTEE

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

That Messrs Atkinson, Scalzi and Such be appointed to the Social Development Committee; and that a message be sent to the Legislative Council transmitting the foregoing resolution.

Motion carried.

PUBLIC WORKS COMMITTEE

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

That Messrs Brokenshire and Lewis and Ms Stevens, Ms Thompson and Mr Williams be appointed to the Public Works Committee.

Motion carried.

STATUTORY OFFICERS COMMITTEE

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

That Messrs Atkinson, Hamilton-Smith and Lewis be appointed to the Statutory Officers Committee; and that a message be sent to the Legislative Council transmitting the foregoing resolution.

Motion carried.

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION

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

That the Minister for Government Enterprises, Ms Key and Mrs Penfold be appointed to the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation; and that a message be sent to the Legislative Council transmitting the foregoing resolution.

Motion carried.

ADDRESS IN REPLY

The Hon. G.A. INGERSON (Deputy Premier): I nominate the member for Waite to move an Address in Reply to His Excellency's opening speech. I move:

That consideration of the Address in Reply be made an Order of the Day for tomorrow.

Motion carried.

ADJOURNMENT

The Hon. G.A. INGERSON (Deputy Premier): As there are no messages I move:

That the House do now adjourn.

Mr ATKINSON: Mr Speaker, I rise on a point of order. Would it be usual to allow that matter to be debated on a Tuesday?

The SPEAKER: It is. An understanding was conveyed to me by the Whips that it was not the case this afternoon. I am in the hands of the House on this matter. I believe that that understanding still holds.

Motion carried.

At 5.54 p.m. the House adjourned until Wednesday 3 December at 2 p.m.