HOUSE OF ASSEMBLY

Thursday 25 March 1999

The SPEAKER (Hon. J.K.G. Oswald) took the Chair at 10.30 a.m. and read prayers.

CONSTITUTION (CITIZENSHIP) AMENDMENT BILL

Mr ATKINSON (Spence): I move:

That the second reading of the Constitution (Citizenship) Amendment Bill be rescinded owing to the Bill being an amendment to the constitution of the House of Assembly and the Legislative Council and failing to gain the concurrence of an absolute majority of the whole number of the members of the House on its second reading on Thursday 4 March, 1999, as required by section 8 of the Constitution Act 1934.

My motion proposes that the second reading of the Bill be rescinded because of its failing to obtain the necessary absolute majority in this Chamber. Section 8 of our constitution reads:

It shall not be lawful to present to the Governor for Her Majesty's assent any Bill by which an alteration under the constitution of the Legislative Council or House of Assembly is made until the second and third readings of that Bill have been passed with the concurrence of an absolute majority of the whole number of members of the Legislative Council and the House of Assembly respectively.

That enactment in our constitution could not be clearer, but our case to rescind the second reading is even stronger than that because the amendments effected to the Constitution Act by the member for Hartley's Bill are to divisions of the Constitution Act entitled 'House of Assembly' and 'Legislative Council'. So, it is not just any part of the Constitution Act that is being amended: it is sections under the headings 'House of Assembly' and 'Legislative Council'.

I am not quite sure why the Government is resisting so fiercely the application of the constitution in this case because, if the second reading were rescinded, I would be happy for the member for Hartley's Bill to be submitted to the House again this morning and it could be passed by an absolute majority at its second and third readings: we would have complied with the constitution and there would be no trouble. All the precedents in the House of Assembly and the other place are on my side.

If we look at rulings by Presiding Officers in similar situations, we find that they have always decided that the requirements of section 8 must be met. I refer members to the decision of the House in 1894 when there was an amendment to the constitution to give women the right to vote. That was regarded, quite properly, as a change to the constitution of the House of Assembly and it required an absolute majority at the second and third reading stages to pass, and of course it obtained that majority. That situation is, I think, somewhat similar to the situation in which we find ourselves, because that Bill was to enfranchise half the population and this Bill is to disenfranchise from the right to stand for Parliament, subject to their renouncing rights of citizenship, tens of thousands of South Australians who, through no fault of their own, are dual citizens.

The member for Flinders squints as if this is astonishing. But, if you live in an electorate like mine, taking in the Hindmarsh, Croydon, Woodville and Findon areas, there are literally thousands of people whose parents or grandparents, or they themselves, came from Greece, Italy, Poland, the Ukraine or Yugoslavia and have entitlements to foreign citizenship by the laws of other countries—

Mr Venning interjecting:

Mr ATKINSON: I accept the interjection. To run for Parliament, they have to write to the Governments of those countries and renounce their citizenship but, if they are unaware of their citizenship rights and it is later pointed out—

Mr Conlon: As has happened over and over federally.

Mr ATKINSON: It has happened again and again. If they do not fulfil these requirements by letter, they are ineligible to stand for Parliament. The second precedent to which I draw members' attention is a ruling of the House in 1896 on the passage of the Affirmations Bill. That said that people who had been elected to Parliament could take the oath of allegiance or, for the first time, take an affirmation of allegiance. That opened up the ability to sit in Parliament (and this was the conclusion of a series of cases about the member for Northamptonshire, Mr Bradlaugh) for agnostics and atheists who could not swear an oath of allegiance: they could stand for Parliament. So, that section of the population who had no religious belief, which was quite small at that time, was able, for the first time, to stand for Parliament.

Of course, the Presiding Officer of the Parliament quite rightly recognised that this was a change to the constitution and that for the first time a significant minority of people could stand for Parliament. He ruled that an absolute majority at the second and third readings was required and the President of the other place said:

I am asked to rule whether or not the Affirmations Bill comes within the meaning of section 34 of the Constitution Act. This Bill proposes to alter the mode in which the two Houses of Parliament may in future be constituted. By the Constitution Act the two Houses are to be constituted of members who have sworn the oath of allegiance or who, by the laws that existed in 1856, were permitted to affirm and did affirm. Under the provisions of this Bill either or both of the Houses of Parliament may in future consist either wholly or in part of members who have not sworn such an oath or were not in 1956 permitted by law to affirm and have affirmed. I rule that the second and third readings of this Bill must be passed by the statutory majority required by section 34 of the Constitution Act.

That is a plain precedent binding this House. It is a precedent of the House and the other place. The third precedent was when Mrs Jessie Cooper was elected to the other place and a Liberal member of that place tried to say that because she was a woman she was not a person within the definition of the constitution and could not sit as a member of the Legislative Council. Again, the President required that any Bill on this matter must have an absolute majority of both Houses. So, we have three precedents and no precedents to the contrary that Bills of this kind affecting the qualification of members must be passed on the second and third readings by an absolute majority. Sir, you should be bound by those precedents—the precedents of the Parliament.

What has happened here is that the Clerk has quite rightly sought the advice of the Crown Law Department, and I have read that advice. I find it very unsatisfactory, because it does not even refer to the precedents of this House. No: there is not a word about them. It refers to a High Court case called Clydesdale decided in 1934 where the court made an *obiter dictum* reference (it was not before the court) that a Bill which validated a member of the Western Australian Upper House holding office in the Legislative Council while being a member of the Lotteries Commission—that is, holding an office of profit under the Crown—did not affect an amendment to the constitution of the Western Australian Legislative Council. That was just an *obiter dictum*: it was not a matter

before the court. It is not a matter that binds the High Court, because the Bill in both Houses of the Western Australian Parliament in that example was, in fact, passed by an absolute majority.

The question before the High Court, given that it was amended in Committee, was whether the amendments in Committee had to be carried by an absolute majority of both Houses. The record did not show whether the amendments in Committee had been carried by an absolute majority. The High Court quite properly held that, as it was carried by an absolute majority on the second and third readings, therefore it was a valid amendment. So, it did not have this question before it. Clydesdale is not an authority on the question of whether the member for Hartley's Bill has to be passed by an absolute majority.

What I found incredible, though, is that the Crown Law Department in its recent tradition of giving opinions not to the Government or the Parliament of South Australia but opinions that suit the interests of 104 Greenhill Road has given what is, in essence, a political opinion, because it stated:

> . . . in my opinion the 'constitution' of a House deals with such matters as the number of members and their term of office. An attempt to reintroduce a gender qualification for members would also affect the constitution of the House.

I say 'amen' to that; I agree with that. Further:

> It is also possible that a provision which very significantly changed the qualification for members may so materially affect the composition of a House that it could properly be regarded as affecting the constitution of that House. An example of such a provision may be the reintroduction of a substantial property qualification. I do not regard the change to the qualification for members affected by the current Bill as remotely approaching a change of that significance.

That is Mr Greg Parker's personal political opinion: it is not a legal opinion. This House should follow its own precedents and decide whether this Bill should be passed by an absolute majority on the second and third readings. I implore members opposite—

An honourable member interjecting:

Mr Conlon: It's racist garbage; that's what we are worried about.

Mr SCALZI: I rise on a point of order, Mr Speaker. I ask the member for Elder to withdraw his comments, accusing my Bill of being racist 'fertiliser'.

The SPEAKER: Order! There is no point of order.

Mr ATKINSON: Just leave those questions aside—

Mr SCALZI: I rise on a point of order, Mr Speaker. I find the remarks of the member for Elder extremely offensive—

An honourable member interjecting:

The SPEAKER: Order!

Mr SCALZI: —and I ask him to withdraw.

Mr CONLON: Mr Speaker, if I may explain: I do not and have never imputed racism to the member opposite. I do not think he knows what his Bill does.

The SPEAKER: Order! The member for Spence.

Mr ATKINSON: Thank you, Sir. I ask members to put aside that little exchange: it is not relevant to what we are considering. We are considering whether the member for Hartley's Bill should have been passed by an absolute majority at the second and third reading. I am not averse to allowing the Bill to pass all stages through the Assembly today if that is the will of the House, but it should be passed by an absolute majority, because that is what the constitution, the Standing Orders and the precedents require. This House should not be acting on the political opinion of someone in the Crown Law Department—and it is no more than a political opinion. How can you say, 'It would effect a change to the constitution if it reintroduced a property qualification' or 'It would affect the constitution if it reintroduced a gender qualification'? But because tens of thousands of South Australians of ethnic background are being excluded by the Bill—unless they renounce, and provided they are aware and in a position to renounce, their entitlement to stand for Parliament—that does not matter.

I bet that Mr Greg Parker does not live in the western suburbs or anywhere where there is a substantial number of ethnic people, because the Bill does affect the qualifications of tens of thousands of South Australians not just of non-English speaking background but of Irish origin or whose origins are from the United Kingdom. This does effect a substantial change to the nature of the constitution. I am not any longer arguing with the merits of the Bill. I am happy for the Bill, if it passes by an absolute majority of the House of Assembly on the second and third readings, to go forward, but we are disobeying our own clear provisions, precedents and constitution.

I do not want to have to write to the Governor after this Bill is passed pointing out that it has been passed contrary to section 8 of the constitution: in fact, I would very much regret having to do that, because the Governor should take the advice of his elected Government. But it would be incumbent upon me to point out that the Bill had been passed unlawfully. This can all be remedied by the House passing the motion I propose to rescind the second reading. Go back and do it properly.

I make one last reference to the Crown Law opinion. How a Crown Law opinion to this House could not refer to Wilsmore's case in the High Court in 1981-82, a leading authority on exactly this point, I do not know, but it just shows how partisan and how incompetent the Crown Law Department has become. I implore the House to do the right thing, to support this recission motion and to pass the member for Hartley's Bill in the right way.

Mr SCALZI (Hartley): I move:

That the debate be adjourned.

The House divided on the motion:

AYES (23)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Ingerson, G. A.	Kerin, R. G.
Lewis, I. P.	Matthew, W. A.
Maywald, K. A.	Meier, E. J.
Olsen, J. W.	Penfold, E. M.
Scalzi, G. (teller)	Such, R. B.
Venning, I. H.	Williams, M. R.
Wotton, D. C.	

NOES (21)

Atkinson, M. J. (teller)	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Key, S. W.	Koutsantonis, T.

McEwen, R.J.	Rankine, J. M.
Rann, M. D.	Stevens, L.
Thompson, M. G.	White, P. L.
Wright, M. J.	

PAIR(S)

Kotz, D. C.	Snelling, J. J.

Majority of 2 for the Ayes.

Motion carried; debate thus adjourned.

ABORIGINAL LANDS TRUST PARLIAMENTARY COMMITTEE

Mr WRIGHT (Lee): I move:

That this House expresses its regret that the committee has not met since November 1996 and condemns the Minister for Aboriginal Affairs for not providing an annual report to the Parliament in 1998 as required by legislation, and calls on the Minister to convene a meeting of the committee forthwith and provide the annual report as a matter of urgency.

In speaking to this motion, I would like from the outset to highlight to everyone in the Chamber and beyond that the Aboriginal Lands Trust Parliamentary Committee is a non-paid committee. It is a long time since it has met, so people may have forgotten its charter and its responsibilities, so I remind people, in case they think there is any vested interest here, that it is a non-paid committee. The Aboriginal Lands Trust Parliamentary Committee has a range of responsibilities and a range of statutory requirements, and these are simply not being met. There are over 40 properties within the charter of the committee, including Yalata, Point McLeay, Colbrook, Gerard, Davenport, Point Pearce and Wardang, Coober Pedy, Nepabunna, Dunjiba in Oodnadatta and, of course Maralinga and Pitjantjatjara.

Unfortunately, the committee has not been convened since November 1996 and the last report has not been tabled to the Parliament (which is a statutory requirement) since 1992. We have before us a situation whereby the Minister is in fact breaking the law. The Minister is not fulfilling her statutory obligations, and this is a very serious problem and the reason why I have brought this motion to the House. We have brought this matter before the House on a number of previous occasions. Both the member for Giles and I have asked questions in this Chamber. Is there any chance that the chooks could quieten down a bit, Sir?

The SPEAKER: Order! I take the point and move that it is valid, but I remind members on my left that they also should heed that advice when they choose to interrupt other speakers.

Mr WRIGHT: Members on this side have been very quiet, Sir, but thank you for that. As I was saying, the member for Giles asked a question of the Minister in July of last year. I raised the matter in a grievance debate in August last year, but still there has been no response from the Minister. There has been no reply as to why this very important parliamentary committee has not been convened. There has been no answer as to why no report has been supplied and, having gone through the process that we have on this side of the House, we are left with no choice other than to bring this important motion before the House. I hope that all members on both sides of the House treat this motion with the seriousness that it deserves.

Over a number of years this has been a bipartisan committee. It has been very successful under both a previous Liberal Government and previous Labor Governments. While doing some research with the member for Giles over the past 12 months, I have received information from people on both sides of the House that the former Minister (Hon. Michael Armitage) was a very successful Minister in actually convening this group, and that this parliamentary committee was very successful in achieving a range of outcomes when Minister Armitage had the responsibility. I acknowledge that. I would also like to acknowledge previous Labor Ministers, including the current Leader of the Opposition when he was Minister for Aboriginal Affairs, who actually broadened the legislation in this area to incorporate a greater geographical area for which this committee would have responsibility.

There is no great trick with all this. It really should be a very simple process. It is a committee which should have bipartisan support and which should have been called together in 1997. That was not done, and we have now had a period of approximately 18 months since the last State election during which this important committee has not been convened. One of the first things that the Opposition did after the last State election was elect its two members to this committee; I am not too sure what the Government has done. I presume that, at least, it has gone through that process and elected its two members, but I am not sure of that because the Minister, who has the responsibility in this area, simply has not convened a meeting of this committee and has broken the law in not putting forward the report for which she has the statutory obligation.

I would have thought that members of Parliament are elected to make laws, not to break laws. The responsibility is very simple and straightforward. This is a very important committee that has the responsibility in part of communicating between the Parliament and the remote lands. I would have thought that that is a very noble cause. It is about how to assist in best managing the lands and what are some of the long-term responsibilities for which this Parliament may have some input in order to give some assistance to people in the remote lands. It is about land sustainability, and the committee works in very close conjunction with people in the remote lands. It is a point of contact between the Parliament and the Aboriginal lands.

In talking to former committee members, many of them have impressed upon me the life changing experience—it might sound a bit strong, but it is the term that has been put to me—that former members of the committee have had when they have gone and visited the remote lands and actually set up a swag in the bush, slept, lived and spent some time with Aboriginal people in the remote lands.

I would have thought that this was something about which all members of Parliament would feel very strongly and would be right behind. I hope and expect that this motion will be passed and passed very quickly. I hope that the Government does not put this motion on hold and delay it simply as a parliamentary tactic, because this is a much bigger issue than simply using the devices of Parliament to delay an important and critical motion. This motion would never have come before the House if the Minister had undertaken her ministerial responsibilities and not broken the law, and that is what she has done.

This is all about being involved with the Aboriginal culture; it is about relating with the lands; it is about confronting the issues, some of which are good and some of which are negative, and we all know that; and it is about being involved and participating. The member for Giles is in constant contact with people in the remote areas. As the local member who

covers a lot of this area—not all of it but a lot of it—the member for Giles—

The Hon. G.M. Gunn interjecting:

Mr WRIGHT: —I will come to the member for Stuart—regularly reports in Caucus meetings to members on this side of the House about the disappointment of people that this parliamentary committee has not visited the remote lands since November 1996. It is a shame; it is a disgrace; and it is something about which this Parliament should hang its head in shame. This committee, as I said, also has a statutory responsibility to report to the Parliament. This committee is about bipartisanship; it is a joint effort. It actually does some good. It is one of the few areas in this place about which we do some good, and what do we do? We do not even call the group together; we do not even convene a meeting.

Not since November 1996 has anyone heard anything about this group. Members on this side of the House will keep pressing this issue. We will continue to press this issue in the Parliament, out of the Parliament, in the media and in the communities until this Minister is shamed into calling this group together. If one looks at the Aboriginal Lands Trust Act 1996 and section 20B, as it refers to 'Parliamentary Committee', one can see that there can be no doubt whatsoever about the responsibility of that committee, and I will share it with the House. The section states:

> (1) The Aboriginal Lands Trust Parliamentary Committee is established.
> (2) The duties of the Committee are—
> (a) to take an interest in—
> (i) the operation of this Act; and
> (ii) matters that affect the interests of the Aboriginal persons who ordinarily reside on the lands; and
> (iii) the manner in which the lands are being managed, used and controlled; and
> (b) to consider any other matter referred to the committee by the Minister; and
> (c) to provide on or before 31 December in each year, an annual report to Parliament on the work of the committee during the preceding financial year.

This Government is guilty: no report in 1997 and no report in 1998. Two Ministers, Minister Dean Brown and Minister Dorothy Kotz, are guilty. There is no report. Section 20B(3) provides:

> The committee is to consist of the Minister and four members of the House of Assembly appointed by the House (of whom two must be appointed from the group led by the Leader of the Opposition).

Time and again Opposition members have informed this House that the member for Giles and I are here and that we are ready and willing and we have been willing since November 1997. This is an absolute disgrace and I pose the following questions to the Minister: first, why has the Minister not convened a meeting of the Aboriginal Lands Trust Parliamentary Committee; secondly, when will the Minister convene a meeting of that committee; thirdly, why has the Minister not provided a report, as is required by the legislation of that committee; and, fourthly, when will the Minister provide a report of the Aboriginal Lands Trust Parliamentary Committee? What is going on here?

I commend the member for Stuart because when much of this area was part of his electorate he took a very active role. I commend the honourable member for doing that but of course now a lot of that area is no longer in his electorate: much of it is located in the electorate of Giles. Is the Minister not calling this committee because a large part of that geographical area is no longer in the member for Stuart's electorate but in the electorate of the member for Giles? I would hope that that is not the case, but I suspect the worst. What do the Aboriginal communities think and say about all of this? They are absolutely disgusted about it and so they should be.

Sadly and regrettably the Minister is letting down the Aboriginal communities and the Parliament and she is breaking the law. She is breaking the law and she must be condemned for that. There should be no Party politics on this motion. This motion deserves the full support of the House and I look to the Independents, at least, to take this motion seriously. The member for Giles asked a very important question in July last year. She received no answer, and why would you get an answer from the Minister? The member for Giles asked:

> When will the Aboriginal Lands Trust Parliamentary Committee be meeting?

No answer. The member for Giles further asked:

> I have made several approaches to the Minister regarding a meeting of this committee but with no success.

That question was asked in July 1998 and still no answer. This is an absolute disgrace. The Minister deserves to be condemned. The Minister should call this group together forthwith. The Minister should get off her backside and make sure that she does what she is required to do by the legislation. She should service the remote Aboriginal communities and the Aboriginal lands. She should make sure that this committee works as it is meant to work. It should work as it has worked in the past with bipartisan support. It should work the way her colleague, Minister Armitage, made sure that it worked and the way that Mike Rann made sure that it worked when he was the Minister for Aboriginal Affairs. It is about time we got on with it.

Ms BREUER (Giles): I did not intend to speak about this motion today because I feel very emotional about this issue. I believe it is an absolute insult to the Aboriginal people in this State that this parliamentary committee has not met. We have been talking about this since Parliament commenced in 1997 and still nothing has happened; still no action has been taken by the Minister in relation to this committee. What sort of message are we sending to those thousands of Aboriginal people in all parts of this State, whether they live in lands areas or in the cities? What are we telling them? Are we saying that this Parliament does not care enough to form and allow this committee to meet to discuss the issues of concern to all people and their communities?

The SPEAKER: I ask the member for Elder to go into the gallery or return to the Chamber.

Ms BREUER: I cannot understand the Minister's problem. She has worked very fairly in many areas of her portfolio and I have been given some good reports, so what is the problem with this committee? Why will she not allow it to meet? So many Aboriginal issues in this State need consideration and have for many years and we are nowhere near reaching solutions for most of them. Aboriginal health and education are of prime concern. Drug and alcohol problems need to be considered. Crime rates have always been an issue of great concern to those communities.

We know the disadvantages that Aboriginal children and Aboriginal people suffer. This committee will not solve those problems, but its inactivity is saying to Aboriginal people that we do not care about those issues. Funding for Aboriginal people for aged homes is a major issue at present in Coober Pedy, which is part of my electorate. When many old people in Coober Pedy get to the stage where they cannot look after

themselves, are not able to go into the Coober Pedy hospital and cannot stay with relatives, they have to move away. I know of one old woman who had to move from the Coober Pedy area and go to Whyalla, an area that was totally alien to her. She had no family in that community. I visited her, because I knew that she was there alone. She felt isolated and afraid, and eventually she died a long way from her home which is a tragedy for an Aboriginal person. These issues need to be looked and sorted out. We cannot do it through this committee, but we are not doing anything by not allowing this committee to meet. We are cocking our noses at Aboriginal people and saying, 'Sort it out yourselves; we don't care.'

I could be accused of wanting this committee to meet to get a free trip to parts of my electorate. This is not so. I do not need these free trips. I regularly go and visit these areas, anyway, and I have done so since I have been elected and prior to my election. I have worked in those communities, and I have talked to the people in communities throughout my electorate. When I have travelled through that area—by vehicle not by aeroplane—the ongoing message has been, 'You are the first politician who has actually come in, driven through, spoken to us and not just flown in and out, but stayed for an hour or a couple of hours.' I got that message loud and clear; I am prepared to sit down and talk to them.

I have many contacts in Aboriginal communities for many years and I have worked with Aboriginal communities for many years. I am known to Aboriginal people, and I believe I have their respect. How can I look them in the eye and say, 'I'm supposed to be part of a Parliamentary committee that is not prepare to meet, because we don't consider that your issues are important enough for us to be meeting.' Many concerns have been expressed to me from different sectors in the community about the Aboriginal Lands Trust and other organisations. I do not take these concerns at face value, because I know that there may be a lot more to those stories. However, those concerns need investigating. The Aboriginal people in that area need an independent parliamentary committee to look at some of those concerns. I cannot say to people, 'Yes, I believe everything you say' or 'No, I don't believe a word you say.' It needs proper investigation through this committee.

One Nation struck a chord in Australia, as we all know. Many of the racist views about Aboriginal people were put into print and were spoken about that people had been afraid to talk about before. Those racist issues are still there. Those myths and fallacies about Aboriginal people are still out there in the community. Many people believe that they receive far more advantages than the white community receives. I say to those people, 'Go out to those Aboriginal committees; sit there and talk to the people; look around and swap places with them if you think they are so advantaged. You send your old grandmother hundreds of kilometres from where family and roots are. You send her to a strange place and let her die there alone.' I feel very emotional about this matter, but I will not go on for much longer. We have asked the Minister to allow this committee to sit. We have asked questions. We have spoken about it in grievance debates and personally to her. I plead with the Minister to do something about this committee so we can go to Aboriginal communities, look them in the eye and say, 'We care, and we will try to do something about this.'

Mr CLARKE (Ross Smith): I rise in support of the motion, spoken to so eloquently by both the members for Lee and Giles. I will not touch the ground they have already gone over, but I had the honour of serving as an Opposition member on this committee for the Parliament of 1994-97, together with the member for Stuart as he now is (the then member for Eyre), the then member for Norwood, the Minister and the member for Napier, now the Deputy Leader of the Opposition. At that time, I was the shadow Minister for Aboriginal Affairs. This committee is a good committee. It can do good work. The State Department of Aboriginal Affairs is a relatively small department in terms of its budget, with about $10 million to $11 million.

I want to give idea of some of the things the committee can do. I pay tribute to the former Minister for Aboriginal Affairs, Michael Armitage, the member for Adelaide because, when he was the Minister for Aboriginal Affairs, whilst I had some disagreements with him on different issues from time to time, this committee met regularly not only in the city but also in particular going out and visiting the Pitjantjatjara and the Maralinga-Tjarutja lands and looking first hand at a number of the social issues and concerns that the Aboriginal people in those communities had. Notwithstanding the fact that the bulk of the money in terms of the operation of those communities came from Commonwealth funds, there were things that our committee could do and did do and displayed an interest in; for example, on one occasion when we went up there, we made sure that the committee was briefed in the first instance by the Health Commission, the police department, the Education Department and a number of other relevant Government agencies involved with the Aboriginal communities in those lands.

When we went to those lands, we were able to test what we were told by those bureaucrats against the reality. We were also able to go back and achieve small but important things. I remember we went to Oak Valley in the Maralinga lands where the Education Department had a real problem in housing two teachers living in a caravan, with no air-conditioning and basically no sewerage. The sewerage was just a big pit that had filled up and no-one had bothered about re-establishing the sewerage facilities for the teachers in the area. It got to the stage where teachers could not teach the children in those areas, because they did not have the facilities—any facilities. You could not attract teachers to teach the Aboriginal children in those areas, because the basic facilities were not available. When that was brought to the attention of the committee, we were unanimous and got on to the relevant Government department, headed by the then Minister for Education, and things were improved.

Likewise, a number of other situations occurred where, because our committee met and did so on a bipartisan basis, in the four years that I was on that committee, I do not think—and the member for Stuart can correct me if I am wrong—that there was a divided opinion on recommendations we made to other relevant Government Ministers to be able to improve the facilities that were available, either for the Aboriginal people who lived there or also for the Government public servants who worked in those areas and who deserved some decent accommodation and other facilities.

We hear about drug problems. The thing that struck me and chilled me to the spine was going around these communities and seeing children as young as seven and eight years of age with empty tin cans wedged under their nose, filled with petrol, petrol sniffing. It is these types of social issues we as a Parliament have to confront and work with the local communities in those areas to try to overcome, talking to the local communities as we did. I remember at Indulkana, sitting

on the ground with many of the local men, talking about the need as they saw it to re-establish cattle grazing and farming in that area. I also remember being taken to one side by the women in the community saying, 'Look, we also have our needs that we need to talk to you about. In our culture we can't raise it in a public forum such as this; this is where the men do their business. Please don't overlook our needs, our arts and crafts—the opportunity for us to create a bit of extra wealth in our local communities through the work that we are able to do.' So, we were able to talk about what role the Department of Tourism could play in assisting those women in those areas to bring down their artefacts and paintings, which were of an incredibly high standard, so that we could generate some income for those local communities.

We also dealt with issues such as the provision of power and lighting, proper hygiene and the like, where reticulated water is in scarce supply. These are the things you become aware of only if you visit the lands. I had never visited the lands prior to the time I entered this Parliament but I did, first as a shadow Minister and then through this parliamentary committee. I know that the then member for Norwood, John Cummins, had very strong views, which I agreed with, despite the fact that we were on opposite sides of the political divide. He was very strong and hot on chasing up Government Ministers to provide proper facilities not only for Aboriginal children but also for the Government workers up there, who had a hell of a job and were not being given the best assistance they could be given by their department.

I simply conclude by endorsing everything that has been said by the members for Lee and Giles. Having worked on that committee at first hand I know the value of it. As the member for Giles pointed out, what are we saying to the Aboriginal community in this country when we are attempting reconciliation? I was in the last Parliament, as were a number of us, when we passed resolutions on Aboriginal reconciliation and when we heard all of us speak with one voice. I think we were the first State Parliament to pass that resolution, and it was passed unanimously in the last Parliament, but we must also give action to our words. For this committee not to meet since November 1996 or visit the lands so that members of Parliament are fully aware of what is going on and can bring pressure to bear on other mainstream State or Commonwealth departments to improve the living conditions of the Aboriginal communities in those areas and those that service those Aboriginal communities, it is a disgrace.

We are sending out a terrible message at the turn of the century when Australia is nearly 100 years old. The South Australian Parliament was very progressive; Aboriginals had the right to vote in South Australia, even though they did not have the right to vote under the Commonwealth Constitution. When South Australia was a colony, it gave Aboriginal men the right to vote back in the 1850s. As I recall my history, we were the very first State, or colony at the time, to do that, yet we are slipping behind and giving out all the wrong messages. It is about time that this Minister did something about it.

The Hon. D.C. KOTZ (Minister for Aboriginal Affairs): First, I appreciate the comments made by members from the opposite side in this debate, because I believe they have a genuine interest in all areas of the Aboriginal community. The South Australian Government established the Aboriginal Lands Trust in 1966 with the principal function to hold any lands acquired by it in trust for all Aboriginal people in South Australia. This was the first land rights legislation in Australia and has since been followed by the Pitjantjatjara Land Rights Act 1981, the Maralinga Tjarutja Land Rights Act 1984 and legislation in other States. The Aboriginal Lands Trust now holds freehold title to Aboriginal lands not held under any other titles, and currently controls an area of some 5 500 square kilometres. Since the Aboriginal Lands Trust Act was established in 1966, there have been a number of structural and environmental changes in the Aboriginal community in relation to land, ownership and management—native title, for example.

Aboriginal enterprise management and Government administration both have an impact on the objectives and the functions of the Aboriginal Lands Trust. It is therefore important to recognise these changes and ensure that the Aboriginal Lands Trust has an appropriate structure and a range of functions that allow it to provide the most effective service to Aboriginal people in South Australia, for whom it holds the land in trust. Section 20B of the Aboriginal Lands Trust Act allows for the establishment of the Aboriginal Lands Trust parliamentary committee. The duties of the committee are to take an interest in the operation of the Act on matters that affect the interests of Aboriginal persons who ordinarily reside on the lands and the manner in which the lands are being managed, used and controlled; and to consider any other matter that is referred by the Minister.

The Aboriginal Lands Trust Act essentially restored title to the Aboriginal people, as freehold title had not originally been granted to Aboriginal people in Australia. The Aboriginal Lands Trust Act 1966 established the Aboriginal Lands Trust, a body corporate with the power to acquire and develop land and, with the consent of the Minister, sell, lease, mortgage or deal with land vested in it. If sale of land is involved, both Houses of Parliament must authorise that sale. The Aboriginal Lands Trust Chairperson and all members of the trust are appointed by the Governor. There is a requirement to have at least three members, with the provision that further members can be appointed upon the recommendation of Aboriginal councils.

The trust leases its major land holdings to locally incorporated Aboriginal communities for a term of 99 years. It grants leases to individuals for lesser terms. The lease grants full management and control of the land to the community council, which in turn sublets (rents) houses to members of the local community. The trust does not seek to intervene in the management of the land by the local community councils to whom the land is leased. Funding is provided by the Government to cover the cost of the meetings and to employ staff.

Over the past few years the trust has increasingly accepted responsibility for land management and land care issues affecting the properties, as it has developed the expertise to identify, consult and coordinate Aboriginal groups and individuals in all areas that relate to land management. The Lands Trust Act is administered through the Lands Trust Board, consisting of representatives from Aboriginal community groups throughout the State. The Chairperson of the board is assisted by an executive officer, a land management coordinator, an administrative officer, a range land officer and a pest plants officer.

In discussing the Aboriginal Lands Trust and the parliamentary committee, it is important to recognise that there is an evolution of land bodies around Australia, with varying degrees of independence. The Aboriginal Lands Trust is the longest serving land holding body in the country and, given

the long history of the Act, there needs to be consideration to bringing the Aboriginal Lands Trust to a point where the community feels that the organisation itself is more self determining. As is evidenced by the current Act, much of the control remains with the Minister of the day. It would appear that some controls which inhibit the Lands Trust Board should be reduced to ensure that at the turn of the century the ALT can view itself as being on equal footing with other legislation in South Australia for land holding bodies such as the Anangu Pitjantjatjara and the Maralinga Tjarutja. This also leads me to conclude that the concept of parliamentary committees overviewing the work of the ALT is, unfortunately, a benevolent form of patronage, which we should consider as part of our past rather than as part of the future interaction with Aboriginal land holding bodies.

Ministers for Aboriginal Affairs must be available to work with Aboriginal communities but should not be viewed as imposing their will upon the Aboriginal people. We observe within the context of the Aboriginal Lands Trust a continuation of a form of intervention which Ministers before me have avoided in favour of a more self managing approach for the Chairman of the board and the board of the trust to undertake the business of the trust on a day to day basis. I have taken the view—rightly or wrongly—that the Aboriginal Lands Trust should be able to function independently within the constraints of the current Act and without having the constant oversight of the Minister's office. This approach will enable the Aboriginal Lands Trust to provide self control within its own organisation whilst meeting the requirements under a 33 year old piece of legislation.

I might add that the Act has served its community and the Government in today's climate of seeking out practical means of reconciliation reasonably well, but it certainly requires some updating to ensure that it is an Act which provides for the aspirations of Aboriginal people into the twenty-first century. To support my argument, the Council of Australian Governments (COAG) met in Perth on 7 December 1992 and endorsed a national commitment to improved outcomes in the delivery of programs and services for Aboriginal people and Torres Strait Islanders.

In signing this national commitment, a primary guiding principle is 'empowerment, self determination and self management by Aboriginal people and Torres Strait Islanders,' and the need to negotiate and maximise participation by Aboriginal peoples through their representative bodies. The national commitment is now six years old and we still have a long way to go to positively apply the guiding principle of allowing Aboriginal people to have greater autonomy in decision making and a sense of empowerment, self determination and self management, which I think this is what you are all about. Reports have been commissioned by previous Governments back into the 1980s into the Aboriginal Lands Trust. The reviews expressed then clearly supported a more independent Aboriginal Lands Trust, a more focused organisation with goals that lead to greater economic and social independence for the communities it serves.

In support of the three Aboriginal land holding authorities, I have encouraged and supported those authorities to meet on a regular basis and to consider how they might continue to work together cooperatively to develop the lands. The next meeting of the land holding authorities will be held on Wednesday 14 April 1999 in Port Augusta and it is my desire to encourage those bodies to work together in a self-managing group to encourage support for their development.

To come to the point, there is no purpose to be served in continuing to consider Aboriginal land holding authorities as being vehicles of Government. It is important that the Aboriginal people view the land holding authorities as secure custodians of the land in the interests of future generations and in support of the current communities which occupy those lands. Parliamentary committees, I fear, in this environment will clearly be seen as patronising at best and paternalistic at worst by the community they seek to serve.

Members interjecting:

The SPEAKER: Order! The Minister has the call. I call the members for Ross Smith and Mitchell to order.

The Hon. D.C. KOTZ: I advise all members that as members of Parliament they certainly have every right to use any means they wish to represent any aspects of the community, but I suggest that, if members are genuinely interested in serving the views and objectives of the Aboriginal communities, they will listen to what they are telling us. If members have genuinely communicated with these people, they will also understand that the message I am giving you today is the message that they are very clearly stating to us—not just today: they have been stating it for the past two to three years nationally and in South Australia.

Mr Hanna interjecting:

The SPEAKER: Order! The member for Mitchell will have an opportunity to speak if he wants to.

The Hon. D.C. KOTZ: I urge those members who have a genuine concern to continue their interest because as members of Parliament they can certainly assist in many different ways but, in terms of self determination and self empowerment, paternalistic bodies are going out and seeking to overview what Aboriginal people are doing within their own areas under the terms of the current Act, where the Aboriginal Lands Trust has every right to decide and to operate under its own auspices. I would hope that members of this Parliament would, in their genuine way, seek to confirm that this is the means by which this Parliament would seek to operate in terms of Aboriginal communities.

I turn to the second matter, which has not escaped my attention, namely, the trust's annual report. The executive officer of the trust advises that the trust was informed by the Auditor-General's staff that they could not begin their audit until 18 January 1999. Contact was made in the first week of March to arrange for an exit interview for the audit. The audit certificate has not yet been received, but I assure the House that as soon as the audit certificate is received I will promptly place that annual report before this Parliament.

Ms WHITE (Taylor): I was not intending to speak on this motion, although it is an issue that we on this side of the Chamber, the Labor Party, feel extremely strongly about. My three colleagues have put the case very succinctly and properly. However, the contribution from the Minister has prompted me to make a few comments, because I have been quite distressed by that contribution. The Minister spent most of her time telling us how South Australia had been a leader in land rights for Aboriginal people, that there were committees in place and so on. When she got to the issue of the parliamentary role in issues affecting Aboriginal people through the Aboriginal Lands Trust Parliamentary Committee, and her description of that as a benevolent form of patronisation, I became alarmed.

This is the same Minister who got very upset when another committee of which I am a member—the Economic and Finance Committee—looked into her management of

another part of her portfolio—the water management catchment boards—and the mess she had got into. Her response on that issue was to try to undermine that parliamentary committee's role. I can see clearly where the Minister is coming from in wanting to nobble a parliamentary committee's role, a proper role, a role that has been set up by Parliament in this place.

The Minister did not say that she was intending to move an amendment to the legislation under which this Aboriginal Lands Trust Parliamentary Committee has been set up. She is not taking that step, but she is saying that she strongly believes the committee should not be there. One has to ask why it is that she would speak against such a committee but not take the step to remove it. We all know the answer to that. Quite clearly, politically she does not want to do that, even though she does not like the committee. The issue is the activities of the committee and what it would uncover. With due respect, I am very suspicious of what the Minister is doing in this portfolio. The committee is a necessary one and has been set up by the South Australian Parliament for good reason. It has a lot of work to do. It is not patronising to take the interest that the Parliament should take in Aboriginal rights and issues. That is the purpose of the parliamentary committee, and to disallow or stop the committee from meeting, as the Minister has, is to abrogate her responsibility.

I urge all members, particularly the Independent members and the National Party member, who have the balance of power in this place, to consider the point the Labor Opposition is putting forward, namely, that the committee has a definite role. It is a committee through which the focus of this Parliament will be enhanced on the issues affecting Aboriginal people, who have in many ways done badly in this State compared with the general population. I urge members earnestly to support the motion and to reject the Minister's notion that taking no interest through this committee is the way to go.

Mr McEWEN (Gordon): We are dealing with section 20B(1) of the Aboriginal Lands Trust Act 1996, which clearly provides that the Aboriginal Lands Trust Parliamentary Committee is established. It is a parliamentary committee, a committee of this Parliament accountable to this Parliament. The Minister has put an appealing case in a second reading speech for an amendment to this Act that we have not yet seen. The Minister is saying that, for a lot of good reasons, she believes that an alternative process would be more acceptable as a more enlightened and collaborative approach to dealing with matters relating to the Aboriginal peoples of this State, particularly those in the Aboriginal lands. I would be interested to hear more of her second reading speech once I have seen the amendments to which she was directing those comments.

That notwithstanding, until such time as we have amended the Act, I fail to see how we as a Parliament can allow anyone to operate outside the Act. The Act sets up a committee responsible to the Parliament and not the Minister. The Minister has considerable powers in relation to the committee, one of which is that the Minister of the day has both a deliberative and casting vote in relation to the committee. So, the Minister has considerable authority within that committee. That notwithstanding, I do not see how the Minister can choose to ignore the Aboriginal Lands Trust Act 1996 in relation to the requirements under that Act to report to this House. A committee of this House is required under an Act and is required as part of those terms of reference to report annually to this place. I will be delighted to listen to what would be an appealing second reading speech in relation to amending the Act, but I have difficulty in the interim allowing this Parliament to ignore a transgression of the Act.

That could set a precedent which could be quite dangerous. There are many parliamentary committees under many Acts that have quite broad responsibilities. I think it would be dangerous to simply ignore section 20B of the Act and the things that flow from that simply because the Minister of the day has a view that an Act of 1996 would not look like an Act of 1999, and that in a more enlightened era the way we manage in a collaborative and enlightened way issues that impact on our original people would be somewhat different. That notwithstanding, I think the Act is the Act until it is amended. We ought never set a precedent in relation to ignoring the Act.

Mr MEIER (Goyder): I move:

That the debate be adjourned.

The House divided on the motion:

AYES (24)

Armitage, M. H.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
Condous, S. G.	Evans, I. F.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L.	Ingerson, G. A.
Kerin, R. G.	Kotz, D. C.
Lewis, I. P.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
Meier, E. J.	Olsen, J. W.
Penfold, E. M.	Scalzi, G.
Such, R. B.	Venning, I. H.
Williams, M. R.	Wotton, D. C.

NOES (20)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Geraghty, R. K.
Hanna, K.	Hill, J. D.
Hurley, A. K.	Key, S. W.
Koutsantonis, T.	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
White, P. L.	Wright, M. J.

PAIR(S)

Brindal, M. K.	Foley, K. O.

Majority of 4 for the Ayes.

Motion carried; debate thus adjourned.

SELECT COMMITTEE ON WATER ALLOCATION IN THE SOUTH-EAST

The Hon. G.M. GUNN (Stuart): I move:

That the Select Committee on Water Allocation in the South-East have power to continue its sittings during the present session, and that the time for bringing up the report be extended until Thursday 29 July.

Motion carried.

SELECT COMMITTEE ON A HEROIN REHABILITATION TRIAL

Mr HAMILTON-SMITH (Waite): I move:

That the Select Committee on a Heroin Rehabilitation Trial have power to continue its sittings during the present session, and that the time for bringing up the report be extended until Thursday 29 July.

Motion carried.

NATIVE VEGETATION

Adjourned debate on motion of Mr Hill:

That the regulations under the Native Vegetation Act 1991 relating to exemptions, gazetted on 21 August 1998 and laid on the table of this House on 15 November 1997, be disallowed.

(Continued from 19 November. Page 318.)

Mr HILL (Kaurna): I am glad to see the overwhelming interest in this issue in the House, especially from members who have native vegetation growing in their electorates. I would like to remind members of the background to this motion and this set of regulations. This represents a second attempt by the current Minister to introduce these regulations. Under former Minister Wotton a review into native vegetation was conducted and recommendations made but, unfortunately, as I understand it these recommendations were ignored and a second draft of regulations, developed by a backbench committee of the Liberal Party, was put forward in their place. The regulations on the table today are substantially those recommendations.

The purpose of these recommendations is to make it easier for land-holders to clear land without recourse to the Native Vegetation Council. They also make some changes in relation to fire breaks. This is something to which I do not object, but it is like the curate's egg: I cannot support part of it and must oppose all of it. The Minister should take the regulations back to the drawing board. Summer is now over and there is no fear of fire from now on, and she obviously has time to consider this before the next season. I understand that the Minister has indicated—although not in the Parliament, as far as I am aware—that she plans to review the regulations in a more comprehensive way. If that is true, I congratulate her. There is a need to review these regulations.

Briefly, I refer to a letter I received today from the Nature Conservation Society of South Australia, which expresses grave concern about plans to redevelop the Belair Caravan Park and Belair Country Club, because the proposed redevelopment will require extensive removal of native vegetation. The Nature Conservation Society obviously believes that that is unacceptable and states:

The proposed redevelopment is dependent on an excision of 12 hectares of Belair National Park. The Conservation Society of South Australia is strongly opposed to this excision for the following reasons. . .

And it states those reasons. I will not read them all, but in part it says:

The proposed development would further fragment the grey box woodland where fragmentation is one of the most serious threats to biodiversity, and significant native grass understorey containing plant species listed as threatened would be destroyed. . . This is an important issue. The Nature Conservation Society of South Australia strongly believes that no proposals for native vegetation clearance in national parks for major developments should be countenanced.

Obviously, there is great concern in the community about native vegetation and the operations of the council. It does not appear to be strong enough, and the regulations need to be reviewed to strengthen the operations of the council, not to weaken its operations as these regulations before us attempt to do. Hopefully, if during this review the Minister and her officers act in a way consistent with the goals and purposes of the Act, she may be able to produce a set of regulations with which landowners, users and conservationists can agree. More and more farmers are conservationists, so there should not be disputes among many people.

I would like briefly to refer to the comments made by the member for Stuart when he opposed my motion. He referred to radical members of the Conservation Council, and I think badly defamed many members of that council. I have no doubt that some of them are radical, but it is a peak council with 60 member groups and 60 000 or so members, including the member for Heysen. I do not believe that the member for Heysen, on even the most generous definition, would be considered a radical conservationist. The member for Stuart should be more cautious in whom he attacks in this House, because ordinary, sensible, conservative members of the Conservation Council as well as the radical ones are concerned by what the Minister is attempting to do with these regulations.

I am amazed that Minister Kotz has not come in here to defend her regulations. This is typical of this Minister: she has not said anything about uranium dumping; she has not been in here to talk about Coongie Lakes; she has not talked about Yumbarra or about many of the important environmental issues facing this State that have been raised in this Parliament. This is another example, and I would encourage the House to support my motion.

Motion negatived.

SECOND-HAND VEHICLE DEALERS (COMPENSATION FUND) AMENDMENT BILL

Consideration in Committee of the Legislative Council's suggested amendments.

The CHAIRMAN: Before calling on the member for Gordon I would like to make the following statement. We have before us in Committee a series of suggested amendments from the Legislative Council. From my perusal of those amendments I can find nothing in them to indicate that they amend any money clause in the Bill. In order to protect the House's procedures, therefore, I propose that the Committee treat them as substantive amendments made by the Legislative Council.

Mr McEWEN: I thank you for the guidance you have given the Committee on this matter. We have put up with considerable nonsense in terms of my Bill and the amendments, but I thank both you and the Speaker and those who have aided you in terms of ensuring that we have complied with due parliamentary process, of course based on precedent, much of which is learned through Erskine May. Having said that, I move:

That the Legislative Council's amendments be agreed to.

Two minor amendments have been made in another place, and they simply add to the Bill which I introduced and which we moved successfully in this place. The first of the two extra amendments relates to some recovery powers. Once a claim has been paid from the fund, the Commissioner is subrogated to the rights of the claimant against the dealer and can pursue the latter for the amount of the claim. However, in situations where the dealer was a company that was subsequently wound up, recovery has been minimal. In such cases, the Commissioner becomes an unsecured creditor and enjoys no special priority. It is considered that the Commissioner should be able to pursue the directors of companies whose conduct has led to the payment from the fund.

The ability to pursue those directly responsible for the actions of corporate motor dealers has long been recognised interstate. This State's Liquor Licensing Commissioner also possesses such powers. The Bill provides for the directors of the body corporate to be jointly and severally liable for any amount that the Commissioner can recover on account of an act or omission of the body corporate. A broad range of defences is included, so the director has no liability if the Act or omission occurred without the director's express or implied authority or consent. That simply ties up some recovery powers that the Commissioner will have.

The second miscellaneous matter is to do with recouping expenses in relation to administration of the fund. Here the Commissioner is able to recoup the expenses incurred in administering the fund from the fund itself. I think that members would all agree that that makes sense. The Bill standardises the payment process between all funds administered by the Commissioner. The Auditor-General is obliged under the Act to audit the funds at least once a year. So, there is an independent audit; we are protected in that regard.

The Act makes provision for second-hand vehicle dealers to be insured at all times when carrying on business as a dealer in accordance with the regulations. Currently no scheme is in place; however, should a viable scheme be put forward in the future the Bill provides for regulations to address transitional issues.

I have been advised by the member for MacKillop that he has heard none of my remarks, so he would wish that I repeat my whole explanation. I seek the indulgence of the Committee simply to hand to the member for MacKillop the information I have before me and he can read it at his leisure.

I was explaining that the two amendments from the other place in relation to the recovery powers and miscellaneous matters are minor matters. I thank you, Mr Chairman, the Speaker of the House and those advising to see that we have complied with due process in relation to a private member's Bill of this nature and I appeal to the Committee to support the motion.

Mr ATKINSON: It would be appropriate at this juncture to note that the Government and, in particular, the Attorney-General in another place are no longer trying to maintain the fiction that this Bill is a money Bill, and I am glad that the House has asserted itself against the Attorney and done the right thing.

Motion carried.

PUBLIC WORKS COMMITTEE: CHRISTIES BEACH TO WILLUNGA PIPELINE

Mr LEWIS (Hammond): I move:

> That this House calls on all Government agencies which have been involved in any way whatsoever with the work undertaken to construct the Christies Beach to Willunga pipeline to prepare and present all relevant information about this public works to the Public Works Committee as required under and pursuant to the provisions of the Parliamentary Committees Act 1991 before 31 March 1999, and to appear before the committee at times and places convenient to it to explain the work and answer all the committee's inquiries about the work and any related matters and refers this public works to the committee.

The Public Works Committee does not seek to do anything more in this instance than to ensure that the public interest is protected in the way in which these works are constructed with respect to the access along public thoroughfares, and the interface between public and private expenditure in the provision of the water so essential for the advancement of the development of the irrigated agriculture, particularly the wine industry, in the Willunga Basin, and the enhancement of prosperity and profitability of that and other industries and of the people who live there. I commend the motion to the House.

Motion carried.

GREAT MOUNT LOFTY PARK

Adjourned debate on motion of Hon. D.C. Wotton:

> That this House supports the establishment of the Great Mount Lofty Park acknowledging it was an important plank of the Government's environment policy at the last election and recognising that the multi use park will contribute significantly to the tourism potential in the Mount Lofty Ranges as well as resource protection and economic development within the State.

(Continued from 11 March. Page 1129.)

Mr HILL (Kaurna): I begin my remarks by indicating that I support the member for Heysen's motion and I congratulate him on moving it. In so congratulating the honourable member I acknowledge the subtle knife twisting inherent in this motion. It must be galling for him to watch the current Minister make a mess of his prized projects, including the Great Mount Lofty Park. Of course, what the honourable member should be moving is a vote of condemnation in the Minister for breaking his and the Liberal Party's pre-election promise to create such a park. I quote from a Liberal Party document of 1997 entitled Focus on the Mount Lofty Ranges, which promises a multi-use Great Lofty Ranges Park.

During Estimates last year, under questioning from me, Minister Kotz admitted that this policy promise would be broken. I will quote that exchange for the benefit of members. I asked the Minister about the multi-use Great Mount Lofty Ranges Park. The Minister made some comments and I asked:

> Do I take it from what the Minister said that she will be declaring a Greater Mount Lofty Rangers Park in the coming year?

The Minister said:

> In terms of the specific question relating to the word 'park', as the honourable member would realise at this stage it is a concept and talking about it as a park is part of that concept, but in terms of its declaration, no, it will not be declared as a park.

I asked the Minister:

> Is that ever or just this year?

The Minister replied:

> Ever.

I then told the Minister:

> It is a broken promise.

And the Minister did not correct me. This much vaunted park in the hills that was promised by the Liberal Party before the election will not occur. What we have instead is some sort of vague concept. I congratulate the honourable member for raising it and for being a true believer in the concept of this park because, in his speech last week, the honourable member indicated that he will continue to push for it. He indicated in his subtle, kind of courtly way on the last occasion that he would do this when he said:

> I intend persevering with the commitment that was made at the last election [that is to a park] in working through with this concept.

He then lets himself down somewhat when he says somewhat sadly:

> I am keen to be involved in any way that the Minister sees fit.

I say to the honourable member, 'I wish you well, but don't hold your breath.'

The Hon. D.C. WOTTON (Heysen): I want to indicate again my strong support for the introduction of this park. As I said in my opening remarks, at this stage of the piece it is a concept. It was something with which we went to the last election, and it is strongly supported within the Adelaide Hills community in particular. When I introduced this motion, I did not make specific reference to the support that there is for this park within the Adelaide Hills themselves; I referred more to the Mount Lofty Ranges. There is strong support on the part of the Adelaide Hills Regional Development Board and the Adelaide Hills Tourism Association. Both organisations have strongly supported this concept. It is my intention to do everything I can to make sure that this park and this concept becomes an absolute reality.

I do so because it is not only for tourism within the hills but also because I recognise it as being a way of protecting an important resource. When I say that, I refer particularly to our parks and reserves, to native vegetation that is under private ownership and that would continue under private ownership under this scheme and, of course, to the need to retain and preserve good agricultural land. I have seen what has been achieved in other States. I have spent some time in looking at what has been achieved in the Dandenongs, for example. As far as I am concerned, the Adelaide Hills and the Mount Lofty Ranges have a lot more to contribute towards tourism and to the other issues to which I have already referred in my opening remarks than is the case with the Dandenongs. I ask all members to support the motion.

Motion carried.

SPORTS FLAGS

Adjourned debate on motion of Mr Hill:

That this House calls on the Minister for Transport and Urban Planning to amend the Development Act 1993 and regulations to ensure that South Australians have the right to display sporting flags

which Mr Hamilton-Smith had moved to amend by leaving out all words after 'House' and inserting in lieu thereof the following:

(a) notes that the Development Act 1993 and regulations already provide for the installation on private property of a flagpole less than 10 metres in height and the flying of a recognised sporting flag without the need to seek council approval; and
(b) considers that the Development Act 1993 and regulations should continue to provide that flagpoles greater than 10 metres in height and any flags incorporating advertising require council approval.

(Continued from 11 March. Page 1131.)

Mr HILL (Kaurna): I am pleased that, since raising this matter, my constituent Mr Heymann has been given permission to fly his Crows flag by the Onkaparinga council. In raising this issue, I make clear that I was not in any way criticising the City of Onkaparinga Council which was acting quite properly with regard to this matter. The council believed—and, as I understand it, still believes—that the regulations that apply are ambiguous and, quite properly, it gave advice to Mr Heymann, my constituent, that a Crows flag was arguably an advertisement and, therefore, subject to the regulations. I still believe that this is the case.

The Government amendment states that flying a recognised sporting flag is allowed on flagpoles under 10 metres without council permission. Unfortunately, this rather begs the question about what is a recognised sporting flag, and this is the nub of the issue for the Onkaparinga Council: is the flag of a corporation—that is, the Crows Club—an advertisement or a sporting flag? Clearly it is both, and it could be defined in either way. The Crows Club and other like incorporated sporting bodies are obviously different from local community sporting groups. My motion seeks to make it abundantly clear and without ambiguity that it is permissible to fly sporting flags regardless of the nature of the organisation behind the club.

It is not a big thing to ask the Minister to amend the regulations to make that absolutely clear, yet I am surprised that, once again, this Government, in its usual arrogant way, is unable to show any flexibility or understanding of the needs and interests of ordinary South Australians. All we are asking is that the Minister introduce a regulation to make it clear that you can fly a Crows or any other sporting club flag, yet the Government asserts, without proof, that this is already the case. I reject the amendment, though I indicate that I have no problem with the second part regarding flagpoles greater than 10 metres in height. I reject the amendment and ask the House to support my original position.

The House divided on the amendment:

AYES (23)

Armitage, M. H.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
Condous, S. G.	Evans, I. F.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M.L.(tel)	Ingerson, G. A.
Kerin, R. G.	Lewis, I. P.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	Meier, E. J.
Olsen, J. W.	Penfold, E. M.
Scalzi, G.	Such, R. B.
Venning, I. H.	Williams, M. R.
Wotton, D. C.	

NOES (19)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Geraghty, R. K.
Hanna, K.	Hill, J. D. (teller)
Hurley, A. K.	Key, S. W.
Koutsantonis, T.	Rankine, J. M.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	White, P. L.
Wright, M. J.	

PAIR(S)

Brindal, M. K.	Foley, K. O.
Kotz, D. C.	Rann, M. D.

Majority of 4 for the Ayes.

Amendment thus carried; motion as amended carried.

COONGIE LAKES

Adjourned debate on motion of Mr Hill:

That this House calls on the Minister for Environment and Heritage to ensure that applications to grant wilderness status to the Coongie Lakes wetlands be processed forthwith and calls on the Minister to ensure that Coongie Lakes wetlands be given the highest possible level of environmental protection once the exploration licences for the area expire in February 1999.

(Continued from 11 March. Page 1131.)

Mr LEWIS (Hammond): During the course of the remarks I was making to this House on the last occasion when this matter was being considered, I drew attention in an analogous way to the stupidity of what we had done in county Chandos by proclaiming that to be a national park more out of—if you like—political opportunism on the part of the Corcoran Government, even in the time of the Government's dying days after the writs were issued, when it should have been in caretaker mode. In consequence of proclaiming Ngarkat, we locked up huge mineral sands deposits which are very close to the surface there, which could have been of great benefit to this State and the exploitation of which would have done no significant damage whatever to the natural environment in that area.

As I recall, I said to the House that the only reason that land had not been occupied—because it is in a good rainfall district and would otherwise have been suitable for dry land or so-called rain fed agriculture—was that its soil fertility is very low. It has very low levels of phosphorus, potassium and nitrogen and no cobalt, copper and other minor and trace elements. In consequence, any livestock that were grazed on the poor pastures that had been established in the first instance on some of the land adjacent to the park that had been occupied by farmers, immediately developed the symptoms of 'coast disease'. After grazing around the coastal regions on the calcareous soils and the old foredunes (as they had been), sheep and cattle, which are ruminants, rapidly developed deficiency of vitamin B12. They did so in consequence of the fact that the bacteria that lived in their rumen—their compartmentalised stomach before going into the small intestine—had a complete absence of cobalt and copper, so the bacteria—the micro-flora—changed in composition and the essential ones were not present. They could not digest the cellulose, nor could they then get sufficient energy or vitamins from the food they were eating and died.

That was just by way of explanation of why the land happened to be left as unoccupied, unallotted Crown land. The Corcoran Government nominated it in a sudden rush of blood to try to garner support from the flat earth society in the environmental movement. Not all environmentalists are members of the flat earth society. I am a member of the environmental movement and have been since I was one of the people involved in the establishment of the Civic Trust in South Australia, which is about the built environment. I affiliated myself with it and from that day forward strongly supported the soundly based, scientific views of those of us who are concerned to protect the fabric of life itself—biodiversity—and what that means to the survival of life on this planet.

However, there are people who simply believe that we should stop doing everything. Notwithstanding their sentiment about that, they do not understand that to do it would be to destroy civilisation as we know it. What we must do is simply set aside sufficient areas of the natural environment on this planet in each of the ecosystem niches to ensure they can survive in perpetuity. Perpetuity means for as long as there are no major shifts in climate or other big picture factors in our environment which would cause the loss of human life. That means the species *Homo sapiens* is likely to survive for about 10 000 years or maybe a few million, but not more; there is some risk of that.

Because of where it is, Coongie Lakes is a vast area of the State with many ecosystems in great abundance—far greater in area than the necessity to preserve the lot to ensure the survival of those ecosystems—and to proclaim it a national park, in effect, as this motion would, and to prevent any further mineral exploration there would be quite silly. It is not soundly based in science. There is no necessity to do that to ensure the survival of the plants, animals, insects and bacteria that live there—none at all. What we need to do is to ensure that whatever activities occur on the surface do not put any of those ecosystems at risk until we can set aside sufficient moneys—and it will only take a few short years—to examine all of it, understand it and determine how much of it we need to hold as wilderness, keeping people out, and how much we can go on to use in sensible, sustainable ways.

Mining is one of them. If you dig a hole in the ground that is a kilometre across in the middle of Australia, it looks big when you stand on its rim but, when you look at Australia from space, if you see that hole it is very small indeed. Lake Eyre is an enormous expanse of ephemeral salt lake, and my point is that its area is far greater than that of Coongie Lakes, yet it is desolate for the majority of the time. There is no risk to the future. We are silly if we lock up this whole area in one fell swoop in the manner in which the member for Kaurna is suggesting.

Mr McEWEN (Gordon): As much as I agree with the intent, I do not support the means. I think the ends that this motion has in mind are high ideals, but the means are not the way to achieve the ends. I say that after having the privilege earlier in the year of visiting BRL Hardy's Banrock Estate on the river and seeing not only the wetlands there but, more importantly, what successful economic development has done in freeing up capital to reclaim some degraded wetlands in that regard. I also went next door and again had the pleasure of spending some time with Peter Teakle, the owner of Akuna Station: again I saw a successful businessman combining economic activity and wealth generation on the one hand and that imperative of protecting our environment on the other.

It is striking that balance that would achieve the very high ideals that this motion intends to achieve. The alternative of simply locking up large areas and leaving them in the hands of the State achieves absolutely nothing and in the end can put such things as these very valuable ecosystems and the very biodiversity we must protect at risk. It is better to work hand in glove. It is better to have successful commercial enterprise itself, and sometimes it is a marketing tool. The very success of Banrock is due in part to the fact that they promote, particularly in the American market, the fantastic things they have been able to do with those wetlands. It is well worth taking some time to drive up there, look at the Wine Interpretive Centre and, while tasting some of their very good wares (and I have to acknowledge that modern technology is seeing a vast improvement in much of the wine product out of the river—and as a South-Easter when I get home I will be roundly condemned for making that statement), you can sit there enjoying some of that product and look out over the wetlands they have reclaimed on the edge of the Murray. You would not need further convincing that the only way to achieve these high ideals is to allow commerce and environment to work hand in hand.

Mr WILLIAMS (MacKillop): I speak against this motion. The environmental lobby or movement has a considerable amount to answer for and in many ways it is misguided. Some of the problems I face in my electorate result from the lobbying of the environmental movement, the Native Vegetation Council and the laws of this State prevent-

ing clearance of native vegetation. I bring up this matter and will give a couple of examples that relate to the matter in hand.

Some time ago I was approached by constituents who had a small block in the Coonawarra district, which they wanted to develop—and indeed have developed—as a vineyard. In the middle of the area, which is some 15 hectares (not a big area), was a pretty ordinary red gum tree in an ordinary state of health. According to the report undertaken for the Native Vegetation Council, the tree was dying: it had no habitat value and no hollows or such like. However, the proponent was requested to plant a substantial number of trees—about 75 trees—on this small area of land in order to remove that one tree. Of course, the proponent turned around and said, 'I would be a lot better off leaving that sick and dying tree in the middle of my vineyard; it will be inconvenient, but I leave it there. In a few years it will die and fall down. I will clean up the mess and I will have achieved what I wanted, and I will have replaced it with nothing.' That is a very serious problem.

I had a letter from a city-based constituent of somebody's, who wrote to me about the removal of red gum trees in my electorate, and I wrote back pointing out that, as you drive through the South-East and see the remnants of great red gum forests, the trees left today are the trees that were not worth cutting down by a whole range of timber getters. The first people who went there to develop the land cut down the trees that were easiest to remove—those which on removal would provide them with the most land for their effort. They were the large and well grown trees, because they were easy to convert into useful product. That has gone on for the 150-odd years during which people have been in the South-East.

People talk about the 200 and 300 year old trees and how wonderful and valuable they are. I differ and suggest that they are a poor representation of the original forests. We should encourage people to replace scattered old trees with many more young healthy trees and nurture them to grow into old trees in some hundreds of years. That would be a much better idea than what we are doing now, namely, preserving trees which are a poor representation and which are in the winter of their life. If we are serious about conservation, we have to be serious about it in the long-term—hundreds of years from now. Many of the old red gum trees currently being preserved in the South-East will, in a couple of hundred years, all be dead. We need to encourage people through commercial activities, as the member for Gordon pointed out, to do the right thing and to ensure that biodiversity is maintained by planting new trees so that in future we have forests of varying ages: that will ensure our environment into the future.

Another example closer to Adelaide—of which members may be aware—was the Grant Burge winery in the Barossa. The same situation applied. He wanted to remove some very old trees and it was reported in the *Advertiser* that he was to spend up to $50 000 planting new young trees, which would produce a wonderful forest in 100 years. The few existing trees probably will not be there in 100 years.

I admit that I have never been to the Coongie Lakes, but I believe it is a beautiful area: I have heard many stories. However, I have had the good fortune to visit Kakadu. I marvelled at the extent of Kakadu. It fascinates me that most people in Australia would not be aware of Kakadu if it were not for the Ranger uranium mine. It was the result of that mine and the income derived from it that enabled the infrastructure to be put in to allow people such as us to go into that area. There is a very big presence of national parks personnel who maintain Kakadu and, without quite large sums of money—millions of dollars—being available to spend on Kakadu on an annual basis, its integrity will not last into the future, because it will be overrun with feral plants. What we can see there now would not be available to future generations in hundreds of years.

It is very important, as the member for Gordon pointed out, to have a win-win situation. If we can derive some money that can be put back directly into the environmental cause, we will preserve the environment much better than under a system where we just lock the doors and say, 'You can't go in there.'

Mr Lewis interjecting:

Mr WILLIAMS: It is. Irrespective of what we do today, if future generations believe there is some wealth in the area we lock up today, they will unlock it. We cannot tell future generations that they cannot have access to mineral wealth: they will just take it anyway. The best thing we can do is to say to the mining interests and wealth generators of this country, 'You can go in there to see whether there are minerals and, if there are, we want you to make a pact with the community and with the environment that some of the wealth you generate out of your activities goes back into ensuring that that environment is protected for the long-term.'

Another case in point is the Yumbarra Conservation Park north of Ceduna. As with the history of many of our conservation parks, Yumbarra was left there only because it was a very poor piece of land and was not worth the trouble and expense of the early settlers to clear it and convert it into farm land. It has been left, and I think we should be thankful that it has been left. I was fortunate enough to visit Yumbarra recently, and I believe that, unless some money is spent at Yumbarra, it will degenerate, it will deteriorate over a period of time, because the surrounding environment has changed. It is different now from what it was some thousands of years ago. We do need to spend money. The introduced pests that are out there, of both animal and floral nature, were not there.

We do need to spend money there. One way of obtaining money is to look in Yumbarra and see whether there is a mineral there. The Department of Mines and Energy seems to think that there is at least some potential, from modern aerial survey work that has been done in recent times. If we can go out there, look at that park and find some mineral wealth we can ensure the future of that park and that ecosystem, the biodiversity that is out there. We can ensure that it is there for many future generations, rather than just locking the door and throwing away the key.

The same applies to the Coongie Lakes. It is a beautiful area. Like every other South Australians I want to see it preserved. I believe the way to do that is to have some wealth generators which can dedicate some funds back there to ensure its preservation.

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I follow my colleague the member for MacKillop in this debate with comments of basically the same nature. In this day and age, as we head into the next millennium, we have come a long way in the last 100 years, and particularly in the last 10 or 20 years in relation to how we can balance our environment with economic development. We should reflect on the fact that we cannot afford to run the risks of locking everything away in this State, in this country, or, indeed, in any part of the world, for ever and a day. We now have modern practices, technology and science discoveries and, importantly, a spirit

of goodwill has developed to a great extent between conservationists and mining groups. It is far better than the confrontationist approach we saw in the 50s and 60s and 70s. We should nurture that goodwill and see how we can look at a win-win situation, as has already been highlighted.

I have had the privilege of travelling to Coongie Lakes and spending some time there privately camping along the banks of the lake and getting out in a boat and travelling vast distances across the lake, looking at the vegetation and wildlife and seeing a system that is in very good shape. The biggest damage at Coongie Lakes that I saw—and this was many years ago, and I am sure that management practices have improved in more recent times—comes from 4-wheel drive vehicles and campers and tourists. With proper management plans and practices by mining companies involved in exploration there indeed may be a situation there where they could improve the environment. Those of us who go out there as tourists must be more careful about what we do.

There is a massive wilderness there. There is a magnificent ecosystem there, and I am the first to say that I do not want to see that damaged, and it must be preserved for the long-term future of our children. But we also have to create jobs in this State for our children and for our future. One of the big problems we have is that we seem to be in some sort of a time tunnel where, when it comes to development opportunities or to looking at an initiative and a way forward that might be a little different from what we have done in the past, we tend to say that, no, we had better lock the doors, bring in a policy, a motion, and legislation, and for ever and a day lock out an opportunity for our children.

I am not prepared to support anything along that way. I would rather look at the win-win situation, a balanced and considered view to whatever the subject is and ensure that we can then, through consultation and proper practices, go about our job of developing this State, while at the same time looking after our environment.

I have also flown to Yumbarra. Not only have I flown over Yumbarra but I have been out into Yumbarra. Whilst I want to see that biodiversity and that magnificent eucalypt wilderness remain there, there is another opportunity there for exploration. When one considers that the area of Yumbarra that they want to explore is about 7 per cent of the park and that commitments and guarantees are being suggested to leave the rest—

An honourable member: It is .7.

The Hon. R.L. BROKENSHIRE: I thank my colleague for correcting me: it is .7, less than 1 per cent. So it is less than 1 per cent of this massive eucalypt area. It is actually just Mallee scrub—

Mr Hill: There's nothing there.

The Hon. R.L. BROKENSHIRE: I am pleased that the honourable member on the other side has said that there is nothing there at all. I think there is some stuff there that needs preserving. But, by and large, it would involve less than 1 per cent for exploration, which could indeed create for the young people of this State a second opportunity equivalent to Roxby Downs. However, people are opposing going even into that small area. These days we have equipment that actually walks over the ground. You do not roll in there with bulldozers and trucks and just bash the country about; the rehabilitation processes are thorough and there are checks and balances by all the people involved. We should be letting these things go forward in this State.

In relation to Roxby Downs, the Premier and Prime Minister will be opening at Roxby Downs the largest single corporate development currently being completed in the whole of Australia. It involves nearly $2.5 billion of additional economic development in Roxby Downs, and anybody and everybody in the environment movement worth their salt will tell you of the improvement in the environment in the general vicinity of the Roxby Downs area.

Mr Hamilton-Smith interjecting:

The Hon. R.L. BROKENSHIRE: As my colleague the member for Waite says, the Labor Party of the day did everything it could to oppose that development. I hope that members of the Labor Party of today are not actually as locked into their positions as they were in 1982, or whenever it was. It was interesting to hear a few days ago the Deputy Leader of the Opposition attacking the Premier regarding taxation incentives and funding opportunities that may be under threat when it comes to mining exploration for Australia. The Deputy Leader was referring particularly to South Australia. She attacked our Premier on the basis that he should be in there protecting this particular package and incentive for exploration, and she said that it was important that we encourage mining opportunities in South Australia. That was music to my areas, hearing the Deputy Leader say that.

Then, today we have a motion being put forward that works against what the Deputy Leader was proposing. What I have said for as long as I have been in this House, and I will continue to say it, is that there is an opportunity for a win-win situation. It is important that the mining organisations work closely with the environmental organisations, but we have to get away from one being located at one end of the footy field and the other being located at the other end. Let us bring them into mid field. Let us get them to work together. Let us also get some of the royalties from opportunities when they do arise which can go back into further improving our parks and our wilderness areas and our environment. I strongly support that. If we do that in a sensible and balanced way I am sure that we can come up with positive results for all South Australians.

Mrs MAYWALD (Chaffey): I rise briefly to contribute to this debate on this motion and I would like to put on the record that I oppose this motion. I would like to expand on some of the comments that were so well articulated by my colleagues the members for Gordon and MacKillop, and also the member for Hammond. I believe that there is a place for environmental sustainability and the protection of wilderness right alongside economic development for our State. I believe that Bookmark Biosphere is a perfect example of that. Bookmark Biosphere has a philosophy whereby there is environmentally sustainable economic development. They have a wilderness area of significant size within the State that they are the trustee of, with Calperum Station, and a number of other corporate members who belong to the Biosphere group, such as BRL Hardy and their Banrock Station venture with their wetland rehabilitation project. What Bookmark Biosphere is able to achieve in the Riverland is that they can take a former pastoral property that was severely degraded and look at ways of introducing economic development that can be sustainable, while looking after the environment.

As a result of this, they have been able to get the community involved. They have received significant moneys from various funds around the world to enable them to rehabilitate that entire area. They have been able to eradicate feral plants

and animals, to a certain extent. They have been able to go a long way down the path of building an environment centre to encourage ecotourism in the area. They are experimenting with areas such as floriculture and other economic developments that can be environmentally sustainable within the property. This is extremely significant. These are people who have the environment as their no. 1 commitment, and they see the importance and the need to have corporate involvement in environmental sustainability for future generations.

Corporations are the wealth generators in our community and, unless we get them to take ownership of environmental responsibility for the future, we will not see a great improvement in our environmental activities or proactive programs in future years. In the Riverland, communities have taken ownership of things such as Bookmark Biosphere. They participate in the rehabilitation and in the enjoyment of the environment that has been rehabilitated through these efforts and through commercial efforts. Arcoona Station is another example of where corporate wealth generators have been able to significantly contribute to the rehabilitation of our environment, and I expand upon the comments made by the member for Gordon in respect of Arcoona.

One only has to go down and look at what has been done at Arcoona and at Banrock, and see what is happening with the river gums down there. They are naturally regenerating in their hundreds upon thousands because we are providing the appropriate environment for them to do so. We do not need to plant trees so long as we set the environment right so that natural propagation can occur. This can and will happen if we have a concerted effort from corporate, community and environmental groups and from the State. Simply handing *carte blanche* areas to the State for wilderness protection will not see the sustainability of those areas into the future.

As has clearly been demonstrated by the member for MacKillop, Yumbarra is an area which needs considerable State funds. It is in a state of considerable decline but the State just does not have the money to pour into it. We need to access these funds from other areas. In concluding, I oppose this motion, and I consider that corporate involvement, wealth generators and communities need to be considered in the future sustainability of our environment.

Mr De LAINE secured the adjournment of the debate.

JET SKIS

Adjourned debate on motion of Mr Hill:

That this House calls on the Minister for Transport and Urban Planning to prepare regulations for submission to the Governor in Executive Council under the Harbors and Navigation Act 1993—

(a) that provide for the regulation, restriction or prohibition of motorised jet skis in specified waters within one kilometre of the seashore adjacent to metropolitan Adelaide and other coastal cities and towns in the State;

(b) that take into account the views of local government councils that have areas adjoining those waters to ensure that appropriate regulations, restrictions or prohibitions are in place to protect public safety and to allow the public to enjoy the beaches without unreasonable disruption or disturbance; and

(c) that provide appropriate exemptions for jet skis used by surf life saving clubs,

which Mr Lewis has moved to amend; in paragraph (a), by inserting the word 'or' after the word 'regulation', by leaving out the words 'or prohibition', by leaving out the words 'one kilometre' and inserting the words '200 metres', by leaving out the words 'other coastal cities and towns in the State' and inserting in lieu thereof the words 'specified off-river areas along the Murray River'; and in paragraph (b) by inserting the word 'or' after the word 'regulations', by leaving out the words 'or prohibitions'; and in paragraph (c) by leaving out the word 'appropriate' and inserting after the word 'clubs' the words 'and in other appropriate cases'.

(Continued from 18 February. Page 858.)

Amendment negatived; motion carried.

PARLIAMENTARY LIBRARY

Adjourned debate on motion of Hon. G.M. Gunn:

That this House calls on the Parliamentary Librarian to—

(a) immediately renew the subscription to the London *Times* and the Weekend *Times*; and

(b) prepare and circulate to members the costs of each subscription to all newspapers, magazines and periodicals received in the library.

which Mr Lewis has moved to amend by leaving out the words '(a) immediately renew the subscription to the London *Times* and the Weekend *Times*'.

(Continued from 19 November. Page 324.)

Mr De LAINE (Price): I support the amendment as moved by the member for Hammond. It is ironic that the discontinuation of the London *Times* and the Weekend *Times* has been a direct result of austerity measures imposed on the Parliamentary Library by the Joint Parliamentary Service Committee, of which the member for Stuart was a member and, I think, the Chair at that time. It is ironic that that situation, which has upset the member for Stuart so much, has occurred. The Joint Parliamentary Service Committee had to impose budgetary constraints on the Library and other divisions of this Parliament because of the budget cuts imposed on it by the member for Stuart's own Government. However, I have some sympathy for the member for Stuart, because he obviously enjoys reading these British papers.

During the debate the point was raised by the member for Hammond that members can read these sorts of publications on the Internet but, like me, the member for Stuart would be much happier with hard copy, not reading the publications off a computer screen. The Joint Parliamentary Service Committee, as you would know, Sir, has established a Library Review Subcommittee, of which I am a member, to look at all issues related to the Library's service to members of Parliament.

As a member of that subcommittee I undertake on behalf of the member for Stuart to raise the issue of looking at all publications held by the Library for members to read, and perhaps to suggest having a survey amongst members of Parliament to see which publications they wish to continue and which they do not. In that respect I undertake to support the member for Stuart's wishes in this regard and have an unbiased look at the issue when the subcommittee explores these and other issues.

Amendment carried; motion as amended carried.

[Sitting suspended from 12.57 to 2 p.m.]

PAPERS TABLED

The following papers were laid on the table:

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

Chiropody Board of South Australia—Report, 1997-98
Food Act—Report, 1997-98

National Rail Agreement—Third Amending Agreement

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

Education Act—Regulations—Material and Service Charges.

HOUSING TRUST POLICY

The Hon. DEAN BROWN (Minister for Human Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. DEAN BROWN: Last year I informed the House of the State Government's decision to introduce housing reforms to ensure that in future housing assistance is provided to households on a needs basis with priority given to those with the greatest need. These changes are part of a national housing reform required by the Federal Government but they are also part of a much more fundamental and necessary change in the focus of the South Australian Housing Trust. Members are aware that this State has suffered significant Commonwealth funding cuts of around 40 per cent in real terms under the Commonwealth-State Housing Agreement since 1989-90.

Despite these diminishing funds, the State has maintained an open access system which provides access to public housing regardless of a person's income level. Despite having almost twice the public housing stock *per capita* than the national average, we have thousands of people on the waiting list. South Australia has also continued to operate a wait-in-turn system as the main method for public housing allocations. Our social responsibility as a community requires us to better target housing assistance to those with the greatest need, including those with severe disabilities, mental illness, extensive poverty, those fleeing domestic violence and the homeless.

This requires a move away from a broad housing policy which maintains public housing as a general alternative housing option. South Australians with the greatest housing need must be able to more readily and rapidly obtain appropriate and affordable housing within the trust's stock. Since my announcement on housing reforms last year, significant work has been undertaken on developing new guidelines for eligibility, tenure and housing allocations. Following wide community consultation on the proposed new guidelines, I have today announced the details of changes to eligibility, waiting list management and tenure arrangements to give greater priority to people most in need to ensure that they are housed as quickly as possible. These changes will be introduced over the next 12 months.

As I indicated last year, existing tenants and people who applied for housing before the Government announced its intention to introduce reforms will not be affected by the changes to eligibility and tenure. The new eligibility test, which will only affect applicants who applied for housing after the Government's announcement last year that it would introduce reforms, will take into account income, assets and need. These new eligibility rules will come into effect in March next year. As I mentioned earlier, we need to do more to ensure that people with the greatest need are housed as quickly as possible.

Under the changes I have announced today, a new segmented waiting list will come into operation from March next year. This segmented waiting list will be divided into four categories: the first caters for most urgent need; the second for people with less urgent but high needs; the third for people with affordability problems; and the fourth for tenants who wish to transfer for personal preference reasons. Under the housing reforms, tenure will be reviewed if people reach a certain income level over three consecutive years. If the person is assessed as in need no further action is taken. If the person is no longer in need they will be encouraged to consider home ownership options or will be levied a rent premium of around 3 per cent.

Only new tenants housed after 1 September 1999 who applied for housing after the Government's announcement last year will be affected by this change. The housing reforms will apply to public, community and Aboriginal housing, but the detail of the implementation and the timing of the reforms for Aboriginal housing will be considered by the newly established Aboriginal Housing Authority. In response to the Commonwealth Government's requirement for all States and Territories to review rents for public housing, I have also announced today that there will be changes to the way that rent is calculated for all public housing and Aboriginal housing tenants who pay rents, except cottage flat tenants.

The average increase as a result of the changes to the rent to income scale is around 3.4 per cent, or just over $3 per fortnight, with the maximum increase limited to $3.20 per week, including the latest CPI increase in social security benefits. For people on very low incomes, including young people on Austudy, there is no increase and in some cases there is a decrease of up to $2.90 per week. The Government has maintained its commitment to ensuring that no tenant will pay more than 25 per cent of their household income in rent. The new rents will be payable from 29 May 1999.

In addition to the change to the rent to income scale used to assess rent for rebated tenants, from September 1999 there will also be changes to the assessment of adult children's income in setting rents for public housing tenants. The amount added to a tenant's rent for each child 21 years of age or older in the household will be 15 per cent of the child's, or then adult's, gross income. For children aged 16 to 20 there will be no change to the current rate of $5 per week. Given the changes to public and Aboriginal housing rents announced today, I have also written to the South Australian Community Housing Authority requesting that a review of community housing rents be undertaken to ensure that reasonable parity is maintained between public, Aboriginal and community housing rents.

The housing reforms I have outlined today are aimed at ensuring that publicly funded housing assistance is provided to those in need and that those with the greatest need are given the priority. They are also aimed at ensuring that the South Australian Housing Trust is able to meet that challenge, particularly in the face of further proposed Commonwealth Government funding cuts to housing. I look forward to members' support for what are sensible and necessary changes to the provision of housing assistance in South Australia.

PUBLIC WORKS COMMITTEE

Mr LEWIS (Hammond): I bring up the ninety-second report of the committee, on the botanic, wine and rose development, stage 2, and move:

That the report be received.

Motion carried.

Mr LEWIS: I bring up the ninety-third report of the committee, on the Adelaide Festival Centre upgrade, stage 2,

asbestos management removal, airconditioning duct work, and move:

That the report be received.

Motion carried.

The Hon. R.G. KERIN (Deputy Premier): I move:

That the reports be printed.

Motion carried.

QUESTION TIME

EMERGENCY SERVICES LEVY

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Minister for Emergency Services. Given that today is the last day of sitting before the budget session of Parliament begins in two months and that the emergency services levy is scheduled to begin in three months from 1 July this year, will the Minister now detail to Parliament how much money will be raised through the levy, and how much extra average income earners will have to pay as a result of the introduction of the levy? The move to an emergency services levy was announced in Parliament 13 months ago and the South Australian public still do not know how much it will cost them.

The Hon. R.L. BROKENSHIRE: The bottom line is simply this. I will really give the same answer as I gave a few weeks ago. We are working through the whole issue. I recall that the Leader of the Opposition once was a Minister and I know that a lot of people in South Australia are interested to see what the bottom line fallout is as a result of the 33 600 jobs that were lost during the time the Leader of the Opposition was Minister. However, notwithstanding that, and given the fact that the Leader of the Opposition as Minister never learnt from that, I would have thought that the Leader of the Opposition, when he was Minister, would realise that certain systematic processes had to be gone through, part of which involved budget deliberations. We are working through the budget deliberations and, just so the Leader of the Opposition can sleep well at night, as I have said before, in the fullness of time we will reveal the levy to the community, including the Opposition.

WESTERN MINING CORPORATION

The Hon. G.M. GUNN (Stuart): Can the Premier outline to the House the benefits to the South Australian economy of Western Mining's expansion at Roxby Downs? The Premier and the House would be aware that, when the original proposition was put to this Parliament, it was vigorously opposed by the now Leader of the Opposition.

The Hon. J.W. OLSEN: I thank the member for Stuart for his question and ongoing interest in this project. If I am not mistaken, Olympic Dam was in the member's district at the time it was established. I note present in the gallery the former Deputy Premier who had stewardship of establishing this great project for South Australia. Tomorrow's official opening of the $1.94 billion expansion of Roxby Downs is great news for South Australia, its economy and, more importantly, great news for jobs in South Australia. This mirage in the desert is actually delivering tangible jobs for South Australians and export earnings for the State. It is a project that will have far reaching impact on the economic prosperity of the State, and it is a project of which all South Australians can and ought to be immensely proud.

Not only will the expansion affect South Australia's economic future, it will also have a significant effect on the entire Australian economy by contributing an additional $340 million annually to Australia's gross State product. That is the significance of this project. The expansion also sends an important message to both national and international companies, that is, that South Australia, through Western Mining, is determined to set world standards in copper and uranium mining. Let us look at some of the immediate benefits of the expansion. I have mentioned the $1.94 billion worth of investment. That is about $300 million more than anticipated, but that is also good news, because that has been expended in the economy of South Australia. It will enable Western Mining to increase its production capacity substantially. In fact, the value of production will be more than doubled, to approximately $800 million. Export will also more than double to approximately $600 million, and another 200 jobs will be created, bringing the total employment at the project to 1 200 jobs.

I do not need to labour these figures, as they more than speak for themselves. Not only is the size of the expansion impressive but the leading edge engineering achievements employed in the project are also worth some mention; for example, a fully automatic electric ore train, 740 metres underground. Incidentally, it is only the second of its kind in the world, and it is in South Australia. It will be one of the cleanest and most efficient smelters in the world. It is important to realise that Olympic Dam is now recognised by all sides of politics for its contribution to the South Australian community, and I welcome that.

The Hon. G.M. Gunn: Not the Democrats.

The Hon. J.W. OLSEN: Not the Democrats; they still have some doubts about this. Let us trace just a little history, just to put this project into perspective. I am sure the Leader would be disappointed if I did not trace just a little history on this matter. The initial project received the go ahead only 15 years ago, and that was because there was one member of the Labor Party in the Upper House—and he was kicked out of his Party—who put the interests of South Australia first. To Normy Foster eternal credit; he is a man who assisted with the establishment of a new industry in this State, the creation of jobs in this State and, as we are seeing now, the benefit of that is some 1 200 jobs and significant export industry.

The Hon. G.M. Gunn: How many teachers could be employed using the royalties?

The Hon. J.W. OLSEN: The royalties will also double with the expansion of this mine, and it will not only pay for teachers but it will help with infrastructure for schools, roads and hospitals—in other words, underpinning the social infrastructure for the broader South Australian community. I would just like to refer to a 32 page booklet that was put out—

An honourable member: Would you like me to autograph it for you?

The Hon. J.W. OLSEN: You don't have to autograph it; your photo is in the front. There is a lot more hair than there used to be, but I can't talk on that point; I do not want to draw any comparisons on that point. On this booklet Uranium: Play it Safe, it was the Leader who claimed—

Members interjecting:

The SPEAKER: Order! The House will come to order. The Premier has the call.

The Hon. J.W. OLSEN: —and I will quote him:

No serious commentators are likely to join Premier Tonkin in trumpeting the economic impact of Roxby. To put it crudely, the

Roxby partners had Premier Tonkin over a barrel and the indenture publicity hike smacked of a publicity stunt.

All I can say is 'Some stunt!', because we converted it into a major development. We well remember that in relation to this the Commonwealth parliamentary library prepared a written report questioning the economic viability, and we well understand how the cover came off that and a 'confidential' stamp went on the cover. Then it was distributed to the journalists on the basis of 'This great revelation', 'This confidential report opposing the Roxby Downs project'. That is how these claims of fabrication have tended to emerge over the years since.

I welcome the fact that the Leader will be there tomorrow at Roxby Downs to celebrate the opening of this facility. It might have taken only 15 years to agree and come to the conclusion that it is a great thing for South Australia and it ain't any mirage in the desert; I just hope it does not take 15 years for them to wake up in relation to the sale of our power utilities in South Australia.

ELECTRICITY, PRIVATISATION

Ms HURLEY (Deputy Leader of the Opposition): Does the Premier stand by his claims that it was the National Competition Council and the Australian Consumer and Competition Council that forced the Government to break up Optima Energy into three small companies? Will the Premier table all correspondence concerning the restructuring of South Australia's power companies between the Government and the ACCC and the NCC, along with all assessments made by the Government, including the Government employed consultants, of the impact of this disaggregation on the competitive position of South Australia's power companies, including the generators? At a conference on 17 March the Premier stated:

> . . . yes, we can disaggregate our power companies from one into two and then into seven in SA. We have done so. Seven small companies, in this small State. That was the least number that was acceptable to meet the demands of competition policy, of the ACCC and the NCC.

Show us the proof.

The Hon. J.W. OLSEN: The Opposition is really scratching for questions. The first two questions are repeat questions of this last session. If the Deputy Leader wants the answer, just look at *Hansard*.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Leader will come to order.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I warn of the Leader of the Opposition for continuing to interject when he has been called to order.

The Hon. D.C. WOTTON (Heysen): Will the Premier comment on today's Centre for Economic Studies report which states that South Australia needs to restore public finances to a level which is satisfactory, pre bail-out days, so that the Government has the flexibility to respond to public programs and priorities as they emerge?

The Hon. J.W. OLSEN: I thank the honourable member for his question. That is exactly what we are attempting to do—fix the books, pay off the debt and reinvest in the State; reinvest in schools, hospitals and country roads. But we cannot do it when we have an Opposition which just says 'No' and the Australian Democrats, who apply loopy mathematics to justify their no-sale position. The Australian Democrats claim that dividends from ETSA could actually rise in the national market.

The Hon. M.D. Rann interjecting:

The Hon. J.W. OLSEN: In relation to the interjection of the Leader of the Opposition, we changed our mind; I readily acknowledge that, as I have for 15 months. The difference between this Government and the former Government is that we had warnings; we fronted up; and we changed our mind. You had warnings about the State Bank. What did you do about it? Absolutely nothing. They had warnings about the State Bank, they did nothing and we now have a $4 billion debt as a result of their incompetence, lack of responsibility and lack of fronting up to the issues put in front of them. We are concerned to ensure that at no time do we have a repeat, a State Bank Mark II on the taxpayers of South Australia. And, if that means that I have to go to the electorate, to go out publicly and say that we have changed our mind for these reasons, so be it. It is the responsible course. And, I will tell you what: in the next three to five years it will be demonstrated as the responsible course.

When the factors of this national electricity market emerge, they will clearly put in context why we have changed our position. The Leader well knows that it was after the election in 1997, when the Auditor-General presented his report, that for the first time there was a quantification and a list of the range of risks that we would face as they relate to the national electricity market. It would have been irresponsible of this Government to ignore the warnings. We did not, and we will not repeat John Bannon's folly on the taxpayers of South Australia.

To come back to the point, the Centre for Economic Studies says that the sale proceeds of ETSA roughly equal the value of future income streams and that we are swapping an income stream for an up-front payment. I have mentioned that the Australian Democrats claim that dividends from ETSA could actually rise in the national market. They are wrong. The centre, for example, has not taken into account the fact that you are swapping an uncertain income stream for a certain up-front payment, and in a marketplace which at this very point is a seller's market. It will not always be that way. Yes, in a national market it is right to say that the poles and wires need to be regulated, but that does not set in concrete the current dividend stream to the Government. That is a mistaken impression of the security of the Government's forward budget income.

In fact, such regulation automatically discounts the dividend stream. The Government will have no control over its rate of reform, which will be set by an independent regulator. We are told that at best it is likely to give us a return of 8.5 per cent. It could well be less than 8.5 per cent. As for the Democrats' logic, they have come to the conclusion that we will get $400 million a year return on the basis that the market value of ETSA Distribution is $4 billion and that we would get a 10 per cent rate of return. That is their mathematics; that is the logic of the Democrats. The stupidity of that equation beggars belief.

First, the regulator does not use market value to set his valuation: it is the result of large power companies paying up front, and very handsomely, for the expectation of future growth and for the opportunities and the results of expansion and diversifications. They will go into gas and receive all the extras that come from acquiring such an asset. But the independent regulator does not use market value. He uses

replacement value, that is, the technical value of each asset. In South Australia, that is about $2 billion for ETSA.

Then we take the rate of return. There is absolutely no expectation that we would get anywhere near a 10 per cent rate of return. In Victoria, it is set at 7.75 per cent for gas and, as I mentioned, we are expecting approximately 8.5 per cent. So, while the Democrats are blithely judging 10 per cent of $4 billion to give us a dividend from ETSA each year of $400 million, the reality is that we are likely to get 8.5 per cent of $2 billion—a vastly different sum. Mr Elliott should know better than that. He is clearly someone I would not want to have in control of the Treasury benches of South Australia.

It puts in clear perspective the argument and response from the Leader of the Democrats issued on Monday this week. That press release was full of holes. It did not put down a case for the position that the Democrats will finally take on this legislation. The facts I have put before the House are the basis upon which the Government is making a judgment. Yes, the Centre for Economic Studies is right: we want to get the finances right in South Australia so that we can reinvest in the future of South Australia, not be shackled by the Bannon Government's debt.

ELECTRICITY TARIFFS

Mr ATKINSON (Spence): I ask the Premier: given that the Premier has acknowledged to the House that the Government will be imposing a new tax on ETSA bills, what has been the advice from Crown Law about the legality of imposing this new tax? The Premier told Parliament earlier this month, on 4 March, that the average $186 increase in our electricity bills was 'an ETSA tax' and 'a power bill tax'. The Opposition has been informed by Government sources that two legal advices have been obtained by the Government about the legality of introducing a tax on power bills. We have been informed that Crown Law in one advice said that the new tax was vulnerable to legal challenge on constitutional grounds.

The Hon. J.W. OLSEN: I am sorry to disappoint the member for Spence, but what will not be a challenge is that this new power bill levy is a direct result of the Labor Party's policy in South Australia. Try as it might to walk away from this, the stark choice that we are now confronting is either to allow the sale of our power utilities to retire debt, to retire interest payments, to reinvest in the future, or the $100 million—

Mr Koutsantonis: Blackmail!

The Hon. J.W. OLSEN: The member for Peake is the last cab off the rank again today. Here he comes. The $186 on average power bill is a result of the Labor Party's not being prepared to allow the sale or lease of our power utilities. As I said to the House before, what is the difference between the Bannon Labor Government entering into long-term leasing arrangements for our power utilities and a Liberal Government doing the same? Nothing, except that they are on that side of the House now and they want to be belligerent in their approach, because they think that at the end of the day there will be an advantage for them, despite what might occur to the South Australian economy in the meantime.

Mr ATKINSON: On a point of order, Sir, the Premier should answer the substance of the question, which was whether the tax was constitutional, and not its merits.

The SPEAKER: Order! I cannot put words in the Premier's mouth. There is no point of order.

The Hon. J.W. OLSEN: The levy we will put on the power bills will meet any tests that the member for Spence and anybody else wants to put up. The levy will be a levy imposed by the Labor Party in South Australia. Every time a power bill goes out it will have reference to the Labor Party, and it will also put the responsibility for this levy where it resides: on the shoulders of the Labor Party. It is the Labor Party—

Members interjecting:

The SPEAKER: Order! I warn the Minister for Police. The House will come to order. There is far too much interjection across the Chamber. I issue a general warning to everybody. From now on I will start warning and naming members.

The Hon. J.W. OLSEN: The last choice of this Government is to apply this additional levy on power bills. I do not want to apply it, this Government does not want to apply it, but we have been forced into a position of applying it because of the Labor Party in South Australia. That will be clearly brought home to the electorate in this State. There is a choice. We do not have to apply this levy. There is a choice and it is in the hands of the Labor Party in its vote on the test clause of the Bill later this afternoon.

I go on to say that on the basis that this clause will not be successful today—and that would appear to me to be the reality of the situation—we will be back in May and June, and as each power bill goes out we will constantly remind South Australians that we did not want to put on this levy but the Labor Party ensured that it was put on.

Mr Clarke interjecting:

The SPEAKER: Order! I warn the member for Ross Smith.

Mr Conlon interjecting:

The SPEAKER: I warn the member for Elder.

TEACHERS, PAY DISPUTE

Mr CONDOUS (Colton): Will the Minister for Education, Children's Services and Training explain why the Teachers Union would call for a general strike of its members next Tuesday?

The Hon. M.R. BUCKBY: I thank the honourable member for his question. The message is coming through loud and clear that the union is afraid of the umpire, because in 1996 the union was given a 17 per cent wage rise. We have offered it 13 per cent. On my simple arithmetic—

Mr Clarke interjecting:

The SPEAKER: I warn the member for Ross Smith for the second time.

The Hon. M.R. BUCKBY: —that adds up to 30 per cent all up. If you ask the average person in the street whether they have had a 30 per cent wage rise extended over five years, I am sure the answer would be 'No.' I remember when I made a press release on the Government's offer that the journalists just about fell over because they could not believe we were offering 13 per cent. But, it is obviously not enough for the teachers. They want more and still more. Further, they want to talk some more. They do not want to go to the umpire: they want to keep on talking. The Government's offer has been on the table since October last year.

The Hon. J.W. Olsen: A good offer.

The Hon. M.R. BUCKBY: An excellent offer, as the Premier says. All we get back from the union is, 'We want more.' They came back in December and the so-called sacrifice—a 10 per cent wage rise over two years and

additional money into educational facilities—added up to an additional $154 million over three years for this Government. The message just has not got through that there is a bottom to the bucket. We do not have unlimited funds. Surely it has to be obvious. Everybody else has to operate within a budget. Every family in the State of South Australia operates to a household budget and knows that there is a bottom line to that budget, but to the union it appears that there is none. It simply wants more talk, more money—and more talk and more money.

In the interests of public education, in the interests of our students and in the interests of getting this dispute solved, I have suggested that we go to the Arbitration Court. The union preferred strikes and Rafferty's rules. It pledged to cause the maximum amount of damage to the Government. One of the things it is asking of its members today is to give the union the authority to spend $500 000 to cause maximum damage to the Government—nothing about education: it is just to cause maximum damage to the Government.

The question must be asked: why is the union afraid to go to the umpire? It was the union that wanted to go to the Industrial Commission to get the umpire to sort this out—to negotiate, to listen to both sides of the argument. It is now the union that is calling for a strike when it agreed to the terms set down by the commission that there would be no strikes or industrial action before the end of the first term. It went to the commission and now will not accept the umpire's decision within the commission. What is wrong with arbitration? I cannot understand what is wrong with arbitration, except that the Arbitration Court may just decide that 13 per cent is too much: they might not get 13 per cent under arbitration. They might be scared that the umpire will not agree with them. Take my word for it. But ask the union also why it is afraid of the umpire. Why will it not accept the best offer that is going to any public service? In South Australia we have a 13 per cent pay offer that everybody in this community would give their eye teeth for.

ELECTRIX CONTRACT

Mrs GERAGHTY (Torrens): My question is directed to the Minister for Government Enterprises. How many jobs will be lost from ETSA as a result of ETSA's decision to award a major Government tender to a New Zealand company Electrix; was this decision made with Government or ministerial approval; and is this company the same company that was found in the Federal Court earlier this month to have engaged in (to quote the court) 'unconscionable conduct which no employee in a humane, tolerant and egalitarian society should have to suffer'?

The Opposition has been informed that Electrix has been awarded a contract to fix low clearance problems on high voltage circuits in South Australia's north and that the company will bring workers from New Zealand to do the work. The Opposition has also been informed that the ETSA bid for this work was competitive with Electrix. Electrix was found to have applied duress to meter readers in Victoria to give up existing conditions of employment. The manager of Electrix was found to have said to these workers, 'If people don't sign an AWA, they won't get a job.'

The Hon. M.H. ARMITAGE: I have not had any responsibility for ETSA for about 12 months, but I will get a response from the Minister in another place who does have responsibility.

FIREFIGHTERS

Members interjecting:

The SPEAKER: Order! The member for Bragg will ask his question.

The Hon. G.A. INGERSON (Bragg): One thing is for certain: I will be the member for Bragg longer than you will be the Leader. Will the Minister for Emergency Services advise the House of his budget concerns if there is a further increase in the pay offer recently put to the United Firefighters Union?

The Hon. R.L. BROKENSHIRE: I thank the member for Bragg for his question. From what I can understand of the question, it is: is there a capacity for us to be able to increase an offer currently on the table to the United Firefighters Union? The answer yesterday was no, there was no capacity at all. I would suggest today, from what the Premier has had to say, that after today when the Opposition and the Democrats oppose the only chance, the only window of opportunity for South Australia, there will be even less of an opportunity to increase this very generous wage offer to the United Firefighters Union. This offer that has been put on the table to the United Firefighters Union is an offer that represents 12 per cent over three years; 12 per cent over three years on top of an offer, which adds up to, on average, 15 per cent since 1985, versus a 4 per cent inflation rate over that same period of time, thanks to a lot of hard work, I might say, when it comes to keeping down inflation, by our Government.

What this offer actually offers the average senior firefighter in South Australia is an increase over the duration of the life of the agreement of $107 a week. I wonder what a pensioner thinks when they go and see that they get $2 or $3 a week, at best, and we are offering an average senior firefighter $107 a week? I wonder what the wives of the firefighters think when they are trying to balance their budgets at home and are also worried about the future of their young people in South Australia, when we cannot get rid of State Bank Mark II issues like ETSA and fix the State and the future for their children? I wonder what they think?

What is the union doing about this? Nothing. They are in the trenches opposing and knocking and fighting all the way. Why? I am astonished that they are opposing such a magnificent offer. I suggest that they are not working in the best interests of their firefighters. That union is only interested in one thing, absolute mayhem over the next two and a half years, to support the Labor Party to continue to pull down South Australia. That is what the union is interested in, and the Labor Party knows it. They are affiliated with, they are senior card carrying holders of the Labor Party. This is a very generous offer, an offer that has taken a lot of hard work by those involved in negotiating to come up with this 12 per cent.

I would also like to say at this stage that it is not in the best interests of South Australians, when those of us in responsible positions care about the life and property of South Australians, for the unions to peddle the rubbish that they are peddling around the traps in the community at the moment about lives being at risk over boundaries issues with respect to the CFS and the MFS. The people who are in charge of operations, the people who ultimately have the responsibility of looking after fire services, are the CEOs of my portfolios and the paid firefighters who get out there and work well together at the ground level, whether CFS or MFS. We do not need the UFU beating up all these issues and scaring South

Australians. We do not need the UFU putting up their trashy little signs on our nice, shiny galvanised wire-netting fences around the fire stations grossly misrepresenting the truth and, in fact, telling absolute lies about the offers that have been put forward. They are absolute lies.

This offer makes the South Australian firefighters the second highest paid firefighting organisation in Australia. What is more, as well as this offer giving them the second highest firefighting organisation wage in Australia we are also the best equipped. I hear the union on the media saying that they are under-resourced and have had to take budget cuts. Not one dollar has been cut off the budget of the MFS and, on top of that, we are currently delivering $5.6 million worth of magnificent new pumpers into the MFS.

Mr Foley interjecting:

The Hon. R.L. BROKENSHIRE: A pumper, for the interest of the honourable member for Hart, who I know does not have much of an understanding of base issues in society, is a tanker—which gets out there and actually fights the fires. The bottom line is that we are doing an excellent job trying to balance the books and putting forward very good pay offers to the union that they will not accept, and they are not prepared to help us, as is the case also with the Labor Party, to fix the debt and fix the mess.

MEMBER FOR BRAGG

The Hon. M.D. RANN (Leader of the Opposition): Will the Premier repeat his commitment given to this House on 4 August last year that the member for Bragg will not return to the ministry or Cabinet? In August last year the Premier ruled out the return of the member for Bragg to the front bench after the ETSA Bill vote in the Upper House. The member had resigned from the front bench saying he did so not for being found to have breached parliamentary privilege but to help to ensure that the ETSA Bill could pass. There is media speculation today that the member for Bragg may attempt to return to the front bench. On ABC Radio this morning the member for Bragg said he would have to think about it if invited. He said, 'You never know what good news Easter might bring.' 'I'm either coming or going,' he said. Should the Minister for Y2K Compliance pack his bags six months early, the first victim of the millennium bug?

The Hon. J.W. OLSEN: The only person who needs to pack his bags is the Leader of the Opposition. We know that the Leader was not prepared to front up; the Leader was not prepared to accept the invitation for the member for Elder's 40th birthday party.

An honourable member: Why?

The Hon. J.W. OLSEN: Exactly. I understand that the member for Elder, being so gracious as to send the invitation to the Leader, did not even get an answer. The member for Elder was rather annoyed—that is the word I should use in this forum—that he had not had this reply. Perhaps the Leader could answer the question why. Also, Mr Speaker, the Leader might be able to tell us when the member for Ross Smith is returning to the front bench. When is the member for Ross Smith coming back to the front bench? When the Leader can get all that sorted out, then he might be able to talk some sense on the basis of questions. The Leader of the Opposition is the last person in this Parliament at this point of time who ought to be asking questions of that nature.

EMERGENCY SERVICES

Mr McEWEN (Gordon): My question is directed to the Minister for Police, Correctional Services and Emergency Services. You had me worried there, Mr Speaker: I did not think he would be here long enough to hear the question. But as you have relented, Sir, and he is still here, I ask: what is the Minister's and the Government's attitude to what is called the windfall, the amount of money which will accrue to local government as a result of it having fewer responsibilities in the emergency services area? I understand that some $9 million to $11 million, which is not the Government's, is being coveted by the Government.

Members interjecting:

The SPEAKER: Order!

Mr McEWEN: I quote from an article in the *Advertiser*, 'Council anger over levy deal':

> The Local Government Association's President, Rosemary Craddock, said yesterday she was shocked and surprised by the Government's apparent reversal on the $9 million savings.

The Hon. R.L. BROKENSHIRE: I thank the honourable member for his question. The answer is quite simple. When the Bill was introduced two committees were set up, an advisory committee, which is ongoing, and a transitional advisory committee. Those transitional advisory committees are currently working through all the issues around the Emergency Services Funding Act. They are working every day on this issue and advice will come to me in due course. I will work through that advice and then we will give information on all the issues concerning emergency services funding to everybody, including local government and the Leader of the Opposition.

HAMMOND, Dr L.

Mr HANNA (Mitchell): My question is directed to the Premier. What is the specified by the Treasurer's instructions on payments made by Chief Executive Officers without ministerial approval for separation payouts? Does the Premier maintain that the almost half a million dollars paid to Dr Hammond after he left the MFP was not authorised by himself, the Premier, or by any South Australian Government Minister, but was instead authorised only by Dr Ian Kowalick, the CEO of the Premier's Department?

The Hon. J.W. OLSEN: This question has been answered in the House during this session. Once again the Opposition is simply recycling questions on issues that have already been addressed.

NATIONAL ELECTRICITY MARKET

Mrs MAYWALD (Chaffey): Will the Premier please confirm to the House that South Australia has received a payment of approximately $11 million as the first payment of annual moneys of up to $80 million to be paid back to South Australia through the national electricity market mechanisms, and has the expected annual return been factored into the calculations of the net benefit to South Australia as a result of the sale of ETSA and Optima and, if so, where? I am advised that under the national electricity market there is a mechanism for payment back to South Australia for overpayments, and further advised that it is expected that the total annual payment back to South Australia will be in the vicinity of $80 million.

The Hon. J.W. OLSEN: I will refer to the Treasurer the question as to what payments have been received and what payments are due.

WEST BEACH GROYNE

Ms THOMPSON (Reynell): Will the Minister for Environment and Heritage advise the House of the latest assessment of the adequacy of the sand management program at the West Beach groyne, particularly on the seaward end? At the time of the assessment of those works by the Public Works Committee a range of opinion was advanced on whether it would be possible effectively to manage the interruption the groyne would cause to the natural northerly sand drift. When I recently viewed the groyne from the air the sand build-up was evident from some distance to the south of the groyne, especially from the seaward end. There appeared also to be some depletion of sand on the beaches to the north of the structure.

The Hon. M.H. ARMITAGE: If the honourable member alleges that she saw some sand problems when she flew over, she must have either been on the wrong side of the plane or it must have been dark, because two weeks ago I was delighted to be down at West Beach when, on a beautiful day, the Premier opened the West Beach boat launching facility. There were approximately 800 to 1 000 people down there, and children in boats bobbing around on the blue water. There was a gorgeous green swathe of grass leading up to the new $1 million yacht club. There were people on top of the yacht club overlooking all this and a large media contingent taking photographs. There was not a single protester carrying a sign saying 'Vote for Steph Key', which we all know was part of the process. There was not a single protester down there.

Given that the project was completed following an agreement in the Parliament by both this and the other House, it was surprising that there was no-one from the Opposition or from the Democrats there actually to celebrate this day. But the most important thing that I saw down there was a beach that went all the way along under the jetty, and an unbroken swathe of white sand. When I was there about a year ago, when it was basically a broken-down dilapidated dump of a yacht club when this project was being formally started, what I saw was no sand at all. There were only rocks where the water used to break onto the shore. Of course, this is another example of where members of the Opposition do not want to acknowledge that something has gone well, despite the fact that they voted for it in Parliament and that we made the changes that were required to get it through.

For example, we actually brought down the level of the rocks because the Labor Party suggested that this was the only way it would vote for it. That means that more frequently than under the original plan the waves will break over the top, which means that boats will not be able to be launched, the Sea Rescue Squadron may not be able to go out, and so on, so that was a good move! But that was the only way we could get it through. Despite all that, Labor Party members still carp about it. We have said all along that the sand on South Australian beaches needs to be managed. That is nothing new. The Government of members opposite, whilst ignoring the warnings of the State Bank, was managing the sand. It is nothing new: Governments have done it all along.

The Hon. D.C. Kotz interjecting:

The Hon. M.H. ARMITAGE: As the Minister for Environment and Heritage says, if Governments did not manage the sand there would be no beaches. It is called littoral drift, or some marvellous technical term, whereby the sand actually drifts up the beach. If we did not manage the sand, like Governments before us, there would be no beaches. This is a paltry attempt to damage a great project that has been extraordinarily successful. Just as the sand has been managed for ever on South Australian beaches, this Government will continue to do it. Whilst we are doing it, we will take all the joy and celebrations of people both from within and outside South Australia who utilise the boat launching facilities, and say, 'Isn't it great that this project has gone ahead?'

YEAR 2000 COMPLIANCE

Mr LEWIS (Hammond): My questions are directed to the Minister for Year 2000 Compliance. How many Government buildings have the Y2K date problem? What is being done to fix these problems, if anything? And what will be the consequences of doing nothing?

Mr Clarke interjecting:

The Hon. W.A. MATTHEW: I thank the member for Hammond for his ongoing interest and frequent questions on this topic. If the member for Ross Smith cares to listen for a change, he might actually hear something he can pass on to his constituents to assist them. The experience of Government in dealing with buildings that we both own and lease and the problems that we have found are indicative of the problems presently being experienced by businesses that either own or lease the premises from which they conduct their business. In that vein, Australia's largest lease management company, KFPW, has estimated that approximately 20 per cent of imbedded systems, which are responsible for a whole range of management functions—including managing automated building processes, air-conditioning, security, water pumps, power management, lifts, lighting and fire alarms—will malfunction.

The problem that that presents to the Government is that we lease part or all of 205 buildings and own 60 for office accommodation. All these buildings have had to be rigorously checked. Every system has had to be checked to ensure year 2000 compliance. In so far as Government buildings are concerned, an audit has been undertaken of all those buildings owned by Government, and only 34 have been identified as compliant. The areas of non-compliance that we have found include the security systems in CitiCentre, the Education Centre and Torrens Building, all of which have been identified as non-compliant. To rectify those systems, in the case of the Education Centre, both the hardware and software of its security system has had to be totally replaced. In the case of the Torrens Building and CitiCentre, work is being undertaken on the systems at this time.

The fire panels of all Government buildings are currently being tested and certified by suppliers. In so far as airconditioning systems are concerned, I can advise the House that all airconditioning plants in Government owned buildings have been identified as compliant. In relation to building management systems, again the City Centre, the Education Centre, the State Administration Centre, the Roma Mitchell Centre and Netley Commercial Park have all been identified as not fully compliant and the hardware and software of those systems are having to be upgraded to ensure that those buildings continue to operate.

The simple fact is that if that work were not undertaken the systems of those buildings would cease to function

correctly on 1 January 2000. In so far as the buildings the Government leases are concerned, the Government is working through with the owners to have every component of those buildings checked to ensure that they are operational and, where not, rectified. At this point 119 Government buildings have been certified as compliant and have been fully tested by their owners. However, the Government is still waiting for responses to 83 of 205 requests it has sent to building owners in relation to work that needs to be undertaken. We will continue to pursue those responses rigorously so that we will be able to ensure that our buildings are operational from 1 January next year.

The message to the private sector is simple: in order to ensure that the buildings from which they work are able to be used as they are now next year, they must have this work undertaken, otherwise they could find that some or all of their airconditioning and security systems, the elevators, escalators and fire systems malfunction and that could affect their business. I for one do not want to be in a situation where I see any organisation unable to even get its employees into the building next year because it failed to undertake basic checks.

Mr Atkinson interjecting:

The SPEAKER: Order! I warn the member for Spence for the last time.

SCHOOL VANDALISM

Ms RANKINE (Wright): Will the Minister for Police, Correctional Services and Emergency Services advise the House what action police security services officers are required to take when they apprehend people either trespassing or causing damage to State Government owned property? Golden Grove High School has been subjected to $836 563 worth of reported incidents of vandalism since early 1995, including a devastating fire in late December last year. Last Friday night (19 March) two youths were apprehended by police security services officers in the same spot and embarking on identical vandalism as had been inflicted only the weekend before.

I have been advised by the school that no action, other than to take the offenders' names, was taken by these officers; that is, the officers did not return these offenders to their home and advise their parents, they did not call for a police patrol, nor did they even lodge a police report.

Members interjecting:

The Hon. R.L. BROKENSHIRE: I thank the honourable member for her question and I will answer it quite easily, Deputy Leader. I will seek full details on the matter because it is an operational matter and, as I have done on numerous occasions, I will write back to the honourable member providing full details. Clearly, I am interested to know how these operations work but I know that particular strategies and processes are in place. I will seek a fully informed answer for the honourable member and get back to her as soon as possible.

TOURISM, PROMOTION

Mr HAMILTON-SMITH (Waite): Will the Minister for Tourism outline how the success of cinema advertising to promote South Australia is being measured and what results have been recorded to date?

The Hon. J. HALL: I thank the member for Waite for his question because he, along with so many members of the House, take a very active interest in tourism because we all know that it is one of the areas that gives all South Australians a very great opportunity to demonstrate healthy doses of pride in ourselves and our State. The honourable member inquired about the results, and the House would be interested to know that the Secrets campaign, about which we have heard something over the past few months, has been further developed as a national press, magazine and cinema advertising campaign designed, as I have said, in the first stage to raise awareness about South Australia as a quality destination in our country.

Since its launch in September last year, the Secrets campaign has certainly had an amazing effect on the psyche of Australians. The most recent Roy Morgan figures indicate that the awareness of South Australia as a holiday destination in the key markets of Sydney and Melbourne has had extraordinary increases. In Sydney, for example, the awareness has grown from 6 per cent to 23 per cent and in Melbourne from 4 per cent to 19 per cent. A conservative estimate indicates that, if those people follow through and visit South Australia, the economic impact on this State could be as high as approximately $20 million.

This promising commencement to the campaign has been reinforced following a study undertaken in Melbourne by independent research companies, and that is called Research International. Two groups—

Mr Clarke interjecting:

The SPEAKER: I warn the member for Ross Smith for the last time.

The Hon. J. HALL: —of people were surveyed, including those who had seen the cinema advertisements and those who had not. It is interesting for the House to know that the cinema was chosen as the preferred medium as it gives the State year long coverage in front of a highly motivated and captive audience. The same type of advertising spent on television would give South Australia a presence for only six to eight weeks, and I guess all members would understand the importance of the ongoing impact of these sort of advertising campaigns.

Sydney, Melbourne and Adelaide, as we know, were our primary targets and, during the peak launch of September and October last year, the Secrets campaign was aired on 313 screens. The campaign will continue on 230 screens in New South Wales, Victoria, the ACT and our own State. It is also important for the House to understand that the cinema has also given the campaign the chance to target specific postcard and demographic areas and to pick the sort of movies relevant to the target audience we hope to bring to South Australia.

I believe that members would be very interested to know that the survey results have included a very high spontaneous advertising recall, which we know is important, with results comparing favourably to such campaigns as Toblerone, of which many people eat too much, and Virgin. In addition, South Australian Secrets was the second highest advertisement spontaneously recalled ahead of other advertising giants such as Carlton Cold, Foxtel, Telstra, Coca-Cola, BMW and Nissan Patrol. Of those surveyed 62 per cent recalled having seen the advertisement, of which 40 per cent correctly identified the branding as well as the messages contained in that branding. The other aspect about which I know members will be very interested is the net awareness of the South Australian—

Ms Breuer interjecting:

The SPEAKER: Order!

Ms Breuer interjecting:

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

Members interjecting:

The SPEAKER: Order! I warn you for the last time.

Ms Ciccarello: It was me.

The SPEAKER: The honourable member should consider herself warned, too. The Minister will proceed and, I suggest, start to wind up her reply.

The Hon. J. HALL: Another interesting aspect of the research is that South Australia is becoming a popular destination in country and internationally, and I would be happy to share information with members in the break.

WASTE MANAGEMENT

Mr HILL (Kaurna): My question is directed to the Minister for the Environment and Heritage. Do applications for a further four dumps at Inkerman conflict with the Government's integrated waste management strategy and, following approval for new mega dumps at Dublin and Inkerman, will the Minister rule out any further approvals? On 21 January 1999, in a joint statement with the Minister for Planning, the Minister announced that the new integrated waste management strategy included the release of a new planning report to control the assessment of land for development. The Minister said that approval for the Inkerman and Medlow Road dump sites, with a capacity of 750 000 tonnes per annum for the next 50 years, ensured that there is enough landfill capacity with competitive pricing for the metropolitan area for the long term.

The Hon. D.C. KOTZ: I thank the honourable member for his first question this year. This is a genuine question to the Minister for the Environment, except that there are other responsibilities from other Ministers that are involved in this as you have identified. The answer to your question is 'Yes.'

WORKPLACE SAFETY

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

Leave granted.

The Hon. M.H. ARMITAGE: The Government has regularly called upon employers and employees to recognise the human and financial cost of workplace accidents. Our experience in South Australia nationally and in other developed nations clearly indicates that the workplace safety improvements are best achieved as a result of collective initiatives involving employees, employers and Governments. As Minister responsible for occupational health and safety, I am certainly committed to ensuring that South Australian workplaces achieve an internationally recognised reputation for safety through the implementation of a range of initiatives which provide the framework within which employees and employers can act collectively. The purpose of this statement is to outline a series of integrated initiatives to be provided by the Government during the year so we can provide this framework to allow South Australia to be a truly safe, productive and competitive State.

First, I intend to promote a vision for safety in South Australia. It is very clear that safety, productivity and competitiveness are closely related. Our leading corporations are demonstrating that safety is a key component in their achievement of internationally competitive productivity standards. During this year, I intend to promote the vision of South Australia as a State of safe and productive workplaces as widely as possible, and I expect that this vision will become a key theme, guiding the actions of both the workplace services function within the Department of Administrative and Information Services and the WorkCover Corporation.

Secondly, over the next few months, I intend to abolish a number of outmoded and unnecessarily complex regulations under the Occupational Health, Safety and Welfare Act. Some of these regulations are a carry over from the introduction of the current regulations in 1994, while others have been found to have consequences which were unintended at the time of their creation. In revising the regulations, I have asked the WorkCover Corporation and Workplace Services to pay special attention to the need to simplify regulations so that they can be easily understood by employers and employees. Complex regulations are less likely to be understood and less likely to be observed.

Thirdly, I have asked Workplace Services and the WorkCover Corporation to facilitate a number of trials of industry specific approaches to occupational health and safety. I am anxious that specific industry sectors be given the opportunity to develop workplace safety arrangements, tailored to meet their particular requirements. These industry trials will include a cross-section of industries covering high and low risk sectors. Industries will be invited to work as employers and employees to identify key risks and develop strategies to address those risks. I am prepared to give these industry strategies regulatory status as codes of practice and to consider whether these arrangements should override general regulatory standards. It is very clear that we need to give employers and employees every opportunity to own safety arrangements that are relevant to their industry.

Fourthly, I have asked the Occupational Health, Safety and Welfare Advisory Committee to provide advice to me in relation to the adequacy of the maximum penalties provided in the Occupational Health, Safety and Welfare Act. I expect this advice during the next parliamentary recess, and I advise the House of my intention to increase penalties significantly if that corresponds with that advice. The message to employers and employees is a clear one: we will help and advise you, but meaningful penalties under the legislation are and remain an important means of demonstrating the Government's commitment to workplace safety. Workplace Services and the WorkCover Corporation share the risk of advising and assisting industry to comply with safety requirements.

Fifthly, I have instigated the development by the DAIS Workplace Services of a comprehensive prosecution policy for breaches of OHS law. The policy makes clear that employers and employees who are guilty of serious breaches of the law will certainly be considered for prosecution. The cases to be selected for prosecution will be those where a wilful breach has occurred and where the outcome of the prosecution can be used to send a clear message to the community that breaches of the OHS law are not acceptable. I have also taken steps to ensure that DAIS OHS inspectors aim to meet or exceed the number of prosecutions to their 10 year average of 20 per year and that the department better target the industries or accidents for which prosecutions are initiated.

Finally, I would refer the House to two parallel WorkCover and DAIS information initiatives designed to improve everybody's understanding of their obligations. Last month, WorkCover commenced its Work to Live promotional campaign to promote increased awareness of safety in South

Australia by drawing attention to the social and economic cost of injuries, illness and death in our workplaces. DAIS Workplace Services will also be commencing a revitalised industry liaison and awareness strategy aimed at better linkage of inspectors with industry and better dissemination of information on key safety risks to the community.

The success of similar campaigns in other States means that we have had the opportunity to build on these experiences, and I look forward to these programs as an important awareness raising tool. Safety at work is a shared employer and employee responsibility. The Government has an important role to play. These initiatives clearly will involve a great deal of work over the course of this year. However, they are a clear indication of the Government's commitment to establishing a framework which encourages industry responsibility for safe and productive workplaces.

PELICAN POINT

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training): As Minister for Education, Children's Services and Training and representing the Treasurer in this House, I table a ministerial statement made by the Treasurer in another place.

MURRAY RIVER

The Hon. D.C. KOTZ (Minister for Environment and Heritage): I seek leave to make a ministerial statement.

Leave granted.

The Hon. D.C. KOTZ: The Murray River and the Murray-Darling Basin is of major importance to the environment and the economy of South Australia. The State Government's commitment to the health of the Murray has resulted in significant funding allocations to this region. In 1998-99 the State Government is spending around some $21.4 million on environmental projects in South Australia, which has been complemented by about $30 million in Natural Heritage Trust funding and around some $22 million in community support. The Murray-Darling Basin's share of South Australia's total NHT bid in 1998-99 was in the vicinity of some 20 per cent. Major projects are currently being undertaken as a result of this commitment. These include:

- The highlands irrigation district project in which $1.84 million is being spent on new piping for delivery of water, drainage of waste water and the reduction of salinity discharge into the Murray.
- The Gurra Gurra Lakes and Salt Creek Management Plan to improve water quality and biodiversity in the Gurra Gurra wetlands by building box culverts under major causeways across the flood plains between Berri and Loxton-Lyrup.
- Stage 2 of the restructuring and rehabilitation of the lower Murray reclaimed irrigation area where a further $175 000 is being spent this year to reduce nutrient rich drainage from entering the waterway in Lake Alexandrina.

Community support has been extremely encouraging. The Eckerts Creek wetland rehabilitation project was developed in partnership with Glossop High School and involved the construction of water control structures and carp screens on inlet creeks to a series of billabongs.

I recently met the Principal of Glossop High, Mr Michael Schultz, and two of the students, Tamara Jury and Felicia Mellors, who are justifiably proud of the work they and their fellow students and teachers have been doing. In 1998-99 the total of value of environmental works undertaken amounts to $19.6 million, which is of significant benefit to the economy of the region and represents a massive investment in the environment. Some 146 projects are currently under way, and this work builds on the 163 projects that were begun during the first year of NHT implementation, and it certainly represents the largest ever commitment to the environment of the region at any time in our State's history.

INTOXICATION AND THE CRIMINAL LAW

The Hon. I.F. EVANS (Minister for Industry and Trade): I lay on the table the ministerial statement relating to intoxication and the criminal law made earlier today in another place by the Attorney-General.

ONKAPARINGA CRIME PREVENTION COMMITTEE

The Hon. I.F. EVANS (Minister for Industry and Trade): I lay on the table the ministerial statement relating to the Onkaparinga Crime Prevention Committee made earlier today by the Attorney-General.

GRIEVANCE DEBATE

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

Mrs GERAGHTY (Torrens): Today I asked the Minister for Government Enterprises a question concerning the Government's contracting out work to Electrix, which is a New Zealand company. That contracting out was at the expense of ETSA and ETSA workers. I am quite convinced that the Minister knows about this, but he has fobbed it off, so I hope he will come back with an answer quickly. As I understand it, this work is to fix problems on 132 KV circuits, and much of the work will have to be performed and completed while the circuits are still live. According to senior staff, this is not an uncommon practice and can be performed by the ETSA utilities, because they have the expertise and technology to adapt their work methods to meet the special needs required. The question we are asking is why the Government is under selling this State's skills and available technologies by contracting out this work to a foreign (New Zealand) company. I am told that Electrix will be bringing with it in greater part its own work force to do the work that the Government has contracted out.

The Government has a responsibility to the people in this State to say how many South Australian jobs will be lost and how much of the Government's capital will be lost to the State and the nation as a result of moneys that will be delivered through this contract to another country. At a time of high unemployment and low confidence in the States's economy, one would think that the Government could have shown confidence in South Australian corporations, its work force and the resources that we have here. I have no idea—and I know the workers of ETSA have no idea—how this will help us win any international orders or interstate business contacts, when the Government has no confidence in its own work force.

This decision can really only be seen for what it is—a betrayal and disloyalty to the people in this State, particularly ETSA workers. The sort of message this sends is, 'Don't bother utilising South Australian companies or corporations, because we have no corporate expertise to offer, no confi-

dence in our own ability to manage business, and no confidence in the technologies and skills that our work force can provide.' This is the sort of message that, by its action in contracting out this work to Electrix, the Government is sending out to other States and the workers, particularly the workers in ETSA. A lot of them feel that they are a laughing stock because they cannot win a contract. There is not much good in going crook at private companies which transfer their operations to other States when this Government will not even give contracts to an operation which is in existence in this State, which has the expertise—good expertise—and which has a very dedicated work force. If it is not willing to provide work for ETSA workers and let them do the work, then I do not know what kind of message we are sending.

It is believed, certainly by the work force in ETSA, that overlooking ETSA utilities for this contracting work is another demonstration of the Government just thumbing its nose at the workers. If the Government is really interested in getting this State on the move, we should be the driving force in selling this State's best assets, which are our highly skilled and very dedicated workers. I continue to make the point in this place that we have incredibly skilled and incredibly dedicated workers, but their morale is falling daily when we have a Government that cannot demonstrate its own confidence in the work force. I would like the Government to examine this contract and, if there is an option, to look again at the tender that was put in by ETSA and consider providing this work to the workers that we have in this State—the very dedicated and highly skilled workers—who can perform this work.

The Hon. G.M. GUNN (Stuart): Tomorrow the people of South Australia will be able to look back with a great deal of satisfaction to what has taken place at Roxby Downs over the past 15 years when the Prime Minister opens the extension to that vast project. I well recall the opening of the first stage of the project and the negative attitude taken by the Labor Party when in Opposition, and particularly some of the statements made by the then Premier, who had the effrontery to open the project, when he described it as a mirage in the desert. I decided that we should have a little welcoming party for Premier Bannon at Roxby Downs. So, in the months before the opening I went through the newspaper cuttings and put together what I thought was an excellent little brochure which gave a run-down on his views on the project. We had it printed off and letterboxed around Roxby Downs.

The day before the opening I was walking along the corridor on the second floor in the shocking accommodation in which the Opposition was housed in those days, and the now Premier came out of his office and said to me, 'I've had a very senior person from the Western Mining board on the telephone. Bannon's lost his judgment in relation to this matter and is going absolutely bonkers about the pamphlets that he believes will be circulated tomorrow around Roxby Downs.' I said, 'Well, go back and tell him it's a bit late; it's in the system and we're not going to pull it out.' When we got up there on that fateful morning, a great deal of sniggering was going on among the invited guests: people were coming up to me saying, 'You don't happen to have a few more of those pamphlets, do you?' I did happen to have a couple of pocketfuls of them, so we handed them around. Premier Bannon took a very dim view on that occasion, and we forced him to change his speech; he had to come clean.

I want to talk about another matter today. This morning I was appalled to read in the morning newspaper of the terrible experience of a lady as she stepped out of her home at the hands of cowards who are taking it upon themselves to physically attack and beat up defenceless people. I thought we lived in a decent society, where people ought to be free to go about their business without being assaulted, handcuffed and having their personal property ripped off them by thugs and villains. It is very well for the Attorney to continue to tell us that the incidence of crime is going down. I do not think the lady who was the subject of the *Advertiser* article today would share those sentiments. It is all very well for people to say that we will put these people in gaol for lengthy periods; that in itself is a very expensive option. In my view, the money would be better spent on caring for the elderly, the needy and the sick. I repeat what I have said on a number of occasions: the time has long since passed when we should treat these people with kid gloves. They should be given a good birching.

Members interjecting:

The Hon. G.M. GUNN: Yes, they should be given a good birching. Go out and ask the public. The honourable member thinks it is all right for these cowards to break into people's homes, thump them and beat them up, vandalise their property and assault them—and then be given a packet of lollies. In my view we should give them a bit of their own medicine: we should give them a good walloping. Most are cowards and they would not stand up to someone who would deal with them on an equal footing. They would not attack somebody of their own age who would give them a punch in the nose or a whack around the ears. That would be a danger. They pick on the most vulnerable people in society who cannot defend themselves. Surely these people are entitled to the protection of the law. It is all right for the do gooders and other hangers on who attack me every time I stand up for these people. I hope some of them in future are given this sort of treatment.

I do not want to hear any more of the nonsense that crime is on a decline. My concern is that these people be protected, criminals be dealt with and, if it is necessary for the courts to have the power to give them a birching, then let them be given a birching. I believe the overwhelming majority of the public would support me and help protect these people against this sort of behaviour.

Mr WRIGHT (Lee): The Opposition has raised a series of questions about a consultancy for Olympic soccer. What has been established during that series of questions was that Mr Ciccarello was paid $378 000 for his role in a consultancy to attract seven Olympic soccer matches to South Australia. It has been confirmed that all the other capitals—Melbourne, Canberra, Brisbane, Sydney (but we will keep it out as Sydney was obviously going to get games, being the host city)—as well as Adelaide received the games that they were after. We have also established that Mr Ciccarello continued to be paid some 18 months after he delivered his final report and South Australia was awarded its seven matches.

We have also established, on asking why Major Events did not do the work, Minister Evans said that Mr Ciccarello had some special skills, but the Minister for Tourism and the Premier have highlighted, and quite correctly so, how successful Australian Major Events has been in winning bids for South Australia.

I thank the Minister for reading into *Hansard* one of my radio interviews: it is very kind of her. In her role as the Ambassador for Soccer, I presume, she also went on to ask

whether the Opposition would be asking for free tickets during the Olympic soccer. The Minister said:

> Are you going to ask for free tickets when they come?

The answer is 'No, no, no.' This Opposition will not be asking for free tickets for the soccer and the Minister can take that back and do what she likes with it. I do not know whether it is her prevail to be making an offer of free tickets as a Minister or as the Ambassador for Soccer, but the answer from the Opposition is 'No.' We have established from a series of questions over the past few weeks that South Australia would quite clearly have got these games with or without Mr Ciccarello. There is no doubt about that whatsoever.

These games were coming to South Australia, just as they were going to Canberra, Brisbane and Melbourne: all the States with the infrastructure to put on Olympic soccer matches were to get them. All the States except South Australia used their State bureaucrats to put together a simple process of answering a questionnaire and demonstrating the capability of the State to host Olympic soccer. We are the only State of all the States that have Olympic soccer that went out and hired a consultant. Why? No-one knows: no-one has any idea. However, we do know that Mr Ciccarello was paid $378 000 for a consultancy. He was paid for some 18 months after he put in his final report—some 18 months after South Australia was awarded the seven Olympic soccer matches.

It has come right out of the Minister's mouth and the Premier's mouth that Australian Major Events is highly qualified, very competent, and could have and should have done the job to ensure that South Australia received the seven Olympic soccer matches. We got the soccer but we paid $378 000 more than we had to pay. Mr Ciccarello was paid for 18 months of consultancy after the memorandum of understanding. There is more to come on this issue—much, much more to come. What still has to come out in the public domain is what we will be paying the teams that are coming to South Australia for the Olympic soccer—and, further, what the other States are paying. I will be interested to see and compare those figures.

Mr LEWIS (Hammond): On 2 March I raised the issue of problems arising from the unfair and unnecessary competition in the commercial laser sintering business. My comments on 2 March then and now are directed at the outrageous conflict that continues between the South Australian Centre for Manufacturing's Advanced Manufacturing Facility and a South Australian privately owned and operated company RPM Solutions Pty Ltd. Since my last discussion on this matter, very little if anything has been done to fix the problem, which is only exacerbating an already totally unacceptable situation.

It does so at a time when the South Australian Centre for Manufacturing is being investigated by a competition commissioner appointed by the Premier under the competitive neutrality principles of the Government, that is, under the Hilmer report requirements. It will cost the State a lot of money unless it is fixed quickly.

I refer to further information provided to me by the owner of RPM Solutions, Mr Darrick Spaven. His information on SACFM had previously indicated that the services of the AMF should have been privatised, and it conducted an assessment to determine the financial viability of doing so in January 1998. The existence of this assessment is documented and it mentions the South Australian Centre for Manufacturing's submission to the competition commissioner in December last year. In the submission, SACFM states that the AMF was not commercially viable, even assuming much higher levels of equipment utilisation than being experienced by SACFM at that time. This document, although crucial to the current investigation, has not been provided to either the competition commissioner or to Mr Spaven, even though he has attempted to get it through the Minister's offices under freedom of information legislation.

During a meeting between the South Australian Centre for Manufacturing and RPM Solutions several months after the SACFM had finished its assessment, SACFM stated that it was incurring considerable losses and would need to double its revenue in order to break even. Afterwards RPM wrote to the then Deputy Premier, the member for Bragg, indicating that the losses that SACFM was incurring further underlined the validity of RPM's previous offer to purchase the Centre for Manufacturing's equipment. Additionally, RPM reaffirmed its decision to set up a private company that would compete with the South Australian Centre for Manufacturing and asked that the Minister reconsider its offer in light of this news.

To put it simply, both the Government administration and the South Australian Centre for Manufacturing are well aware that SACFM was incurring losses and was not financially viable prior to being approached by RPM in March 1998. After having been approached with expressions of interest to purchase SACFM's equipment, the Minister denied the request whilst knowing that SACFM could not operate commercially but is required and should be forced to do so under competition policy. RPM began trading commercially in June 1998 with equipment that it was forced to import from overseas.

The SACFM, finding it difficult to compete in the new environment, proceeded to subsidise services using Government funds to maintain business and justify its existence. Interestingly enough, the South Australian Centre for Manufacturing's main role is to assist manufacturing companies within South Australia—of which RPM is a member, and a tax payer—to become more globally competitive. Some time after RPM complained the Government appointed an independent Commissioner, at further expense to the community, in order to prove what is already known and on the record in Government files.

The SACFM, along with bureaucrats, then began to conceal information in order to delay the investigation. This meant that the South Australian Centre for Manufacturing is continuing right now to still be subsidised to prop up its failing business efforts, placing further unnecessary burden on the private business which it is competing with and on the taxpayers of this State. To allow this to continue will result in a complete political embarrassment to me, and I guess to many other people in this place, and it could end up, anyway, with a costly legal battle.

Therefore, in the interests of justice and to ensure that an accurate and inclusive understanding can emerge, I believe that the Auditor-General should conduct a thorough investigation of the business and financial affairs of the South Australian Centre for Manufacturing. This will assist the Competition Commissioner's investigation. He has very little authority under present policy to gain access to the relevant information at the moment. Let us get the full facts. The Minister should direct the South Australian Centre for Manufacturing to cease all interstate and overseas work in order to become compliant.

Ms CICCARELLO (Norwood): Tomorrow is a very special day and, in order to promote it, yesterday I invited members of Parliament who have a reputation for being 'loud'—and we saw an example of that today during Question Time—to wear their 'loudest' shirt (which perhaps they have been hiding) to promote Loud Shirt Day, which is to be held tomorrow, Friday 26 March, to raise funds for the Cora Barclay Centre for children with hearing impairment. Like so many organisations which cater for special needs in our community the Cora Barclay Centre is finding it difficult to raise funds.

The centre has been helping hearing impaired children for more than 54 years. The aim of the centre is simple: to give hearing impaired children the opportunity to acquire speech and language, using whatever hearing they have, plus amplification. Teaching children to hear and speak gives them the chance to lead fulfilling, independent lives as fully integrated citizens of the hearing community. Teaching involves helping the child understand the meaning of sound in oral language through the use of a hearing aid or cochlear implant. Crucial to its success is a high level of individual attention, driven by a staff to student ratio of 1:4.

More than 900 students from metropolitan and rural South Australia have attended the centre at Gilberton or benefited from its programs since it opened in 1945. It runs an early intervention program for pre-schoolers, educational programs for primary and secondary aged children and works with children who receive cochlear implants.

Working with children in their formative pre-school years lays the foundation for future development. It is crucial for parents to receive support and guidance in their role as mentor and educator. The Cora Barclay Centre provides them with guidance, home visits, and individual programs for each child. Through reverse integration in kindergarten and playgroup, hearing impaired children participate in programs and activities shared with normal hearing children. The centre not only prepares children for formal education but provides ongoing support where needed. Teachers from ordinary schools are given invaluable skills to assist hearing impaired students in their classrooms, with a visiting teacher service.

Working closely with the Adelaide Women's and Children's Hospital cochlear implant programs, the Cora Barclay Centre has a specialised role in the education of children with implants. Cochlear implants are electrical devices that work with individually programmed speech processors that stimulate nerves leading to the brain. People who would not be able to live independently in the hearing community are given a real chance of living relatively normal lives.

The major sponsor for Loud Shirt Day, Widex, is among the world's leading and most respected developers and manufacturers of hi-tech hearing aids. It produces the world's first fully digital in-the-ear hearing aid, SENSO, which uses digital signal processing to provide clear, compact disc sound quality. The computer controlled hearing technology is squeezed onto a chip so small that the instrument can rest discreetly in the ear.

The computer samples incoming sound signals one million times per second, analyses them and automatically adjusts volume 32 000 times per second to make soft sounds audible and loud sounds more comfortable. The same computer incorporates an advanced digital speech detection system which is capable of distinguishing between speech and noise, reducing the noise content to make it easier for people to hear speech. SENSO also reduces any potential amplifier noise below the hearing threshold to eliminate the 'humming' often associated with hearing aids, and is fitted with a feedback management system to ensure that there is little risk of whistling.

Loud Shirt Day will give people a chance to find out more about the work of the Cora Barclay Centre and help to raise urgently needed funds. All people have to do is to order one of the striking T-shirts, which many of the members wore today. Mr Deputy Speaker, I also congratulate you on looking resplendent in your blue shirt and yellow tie, and I thank members for having entered into the spirit of the event, particularly my colleagues on this side of the Chamber for wearing their 'loud' shirts. People can order one of the T-shirts or donations can be made. Any donation over $2 is tax deductible. Make tomorrow a very colourful day by wearing your favourite, brightest and loudest T-shirt and make a donation for the privilege. The Cora Barclay Centre is an exceptional centre and it deserves to be supported by the community of South Australia.

Mr SCALZI (Hartley): I rise in this grievance debate and I would like briefly to refer to a point of order which I raised this morning in a debate of the honourable member for Spence with regard to the Citizenship Constitution Bill. I do not wish to discuss that motion as it has been adjourned and I am sure it will be dealt with with all the importance that it deserves. However, I did get it wrong: apparently the honourable member for Elder did not accuse me of being a racist; he was merely referring to a racist Bill—which, according to the member for Elder, is garbage.

Mr Conlon interjecting:

Mr SCALZI: Obviously he knows very little about archaeology, because we find out a lot about the past by looking at the garbage. I suppose it is the member for Hartley who proposed and drafted a Bill that is garbage, so therefore, indirectly, I am garbage. If, according to the member for Elder, the Bill is garbage, therefore the intention must be that the member and garbage equals racism and therefore the member for Hartley, according to that logic, must be racist. When he was brought to order to explain he said that I did not know what the Bill did. I believe there is room for fertile growth from both of us, if that is the case. I accept that I accused the member for Elder wrongly in the matter of being accused a racist. He was only referring to the 'garbage' which I had compiled into a Bill, which Bill I believe supports Australian citizenship above everything else.

Enough of the rubbish, I would say, but, unfortunately, it has been brought to my attention that there is room for fertile growth in this week's edition of the *Neos Kosmos*. For those members opposite who do not know what that means in Greek, it means 'New World'. I know because I used to sell the *Neos Kosmos*. Obviously, they have forgotten that I supported the paper and, in fact, sold and distributed it for them. They make the accusation that the citizenship legislation is an 'assault on Hellenism'. I refer to the reference to the Leader of the Opposition:

> South Australia Labor Leader Mike Rann has called on the Olsen Government to be 'politically condemned' for backing legislation that would prevent Australians with Greek or Cypriot citizenship from being eligible to be elected to the South Australian Parliament.

I agree with the member for Elder that we are going back to the rubbish, but with this one you can actually smell the rubbish.

First, it is not a Government Bill or a Liberal Bill, it is a private member's Bill. The article also says 'supported by all

Liberals'. Had the member for Elder been here he would have known that the member for Gordon (who had the amendment), the member for Chaffey and the member for MacKillop supported the Bill. Are they all Liberals? This article implies that if the Bill is anti-Hellenism, which means anti-Greek, it would mean that the member for Colton, one of the strongest supporters of the Bill, is anti-Greek!

Mr Condous: And anti-Cypriot.

Mr SCALZI: Can members imagine the member for Colton being anti-Greek and anti-Cypriot? There is lots of confusion about who is anti-Greek, who is anti-Australian, and I wonder why the Leader of the Opposition is concerned only about a particular section of the Mediterranean. I thought that multiculturalism referred to more than 150 different cultural groups, but he specifically puts that. I would like to see all the press releases that he had for all the different cultural groups. He can be specific.

An honourable member interjecting:

Mr SCALZI: It is sad that we cannot discuss important issues seriously—

Mr Conlon: What is sad is that you've had one idea since you have been here and it is no good.

Mr SCALZI: One idea since I got here and it's no good? It takes one to know one.

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

MEMBER FOR COLTON

Mr CONDOUS (Colton): I seek leave to make a personal explanation.

Leave granted.

Mr CONDOUS: This *Neos Kosmos* article, which has only come to my attention in the past twenty-odd minutes, I feel is a slur on my person. The statement that has been made here in the paper implies that all Liberal members—and it is not selective as to who they are talking about, all are branded—are discouraging Australian citizens of Greek or Cypriot background from running for Parliament. That is an accusation that I intend to address in the Greek media next week. However, I want to put on record here that what the Leader of the Opposition has quoted in this article is a straight out lie. I will swear on a bible in any—

The DEPUTY SPEAKER: Order! The member for Colton is straying from the opportunity that is available to make a personal explanation. There are other avenues that the honourable member may take, and I suggest that he seek that advice from the Chair.

EMERGENCY SERVICES FUNDING (MISCELLANEOUS) AMENDMENT BILL

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services) obtained leave and introduced a Bill for an Act to amend the Emergency Services Funding Act. Read a first time.

The Hon. R.L. BROKENSHIRE: I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill makes a number of amendments to the *Emergency Services Funding Act 1998*. The amendments will overcome a number of potential practical problems that have been identified in relation to the Act. The amendments have been identified during the implementation program currently being undertaken.

Currently, by virtue of section 15(1) and the definition of 'owner' in section 3(1), the Crown is liable to pay the levy assessed against land held from the Crown under lease, licence, or agreement to purchase. There is no provision in the Act that allows the Crown, or any landlord, to pass on this levy to the tenant. To overcome this, it is necessary to insert a provision in the lease or licence agreement to require the lessee or licensee to pay the amount of the levy. However, generally, due to the substantial duration of, and statutory basis for, the interests granted under the *Crown Lands Act* and the *Pastoral Land Management and Conservation Act*, in practice a legislative amendment is necessary to allow the levy to be passed on by the Crown.

Currently, the occupier of such land held from the Crown is liable for land tax and council rates and other similar taxes.

Consequently, the Bill will amend the definition of 'owner' to provide that where the land is held from the Crown under lease, licence, or agreement to purchase and the person has a right of occupation over that land, that person will be liable for the levy. Where the Crown lease, licence or agreement does not confer a right of occupation, the Crown will continue to be liable for the levy.

Under section 8 of the Act, the Valuer-General is required, on the 'relevant day', to classify each parcel of land according to land use. The 'relevant day' is defined by the Act as the day on which the notice under section 10(1) is published in the Gazette. However, due to the practice adopted by the Valuer-General, the day in which the notice is published will not necessarily coincide with the day on which the Valuer-General generally makes the assessment. In addition, the day on which the notice is published will rarely occur on the same day each year.

There is no reason why the 'relevant' day should be linked to the day on which the notice under section 10 is published in the Gazette. Consequently, the Bill will amend section 8, and make consequential amendments to section 10, to define 'relevant day' as the day specified in the section 10 notice for the purpose of section 8.

Section 12 of the Act requires the Minister to maintain specified information in an assessment book. Section 12(3) provides that certain information must be suppressed, if the Minister is satisfied that a person's address is suppressed from the roll under the Electoral Act, 1985. In most circumstances, it will not be possible to suppress such information. The information contained in the Assessment Book may be kept on the Land Ownership Titles System (LOTS) database held by the Department for Administrative and Information Services. However, for the purpose of land titles, the information, as specified in section 12(3), cannot be suppressed. Consequently, section 12(3) will be amended to provide that the Minister *may* suppress the specified information, rather than making it a mandatory requirement.

Section 14 provides that a person may copy an entry in the Assessment Book on payment of a fee fixed by the Minister. However, the person is entitled to inspect the Assessment Book without charge. As previously stated, the information to be kept in the Assessment Book may be stored in the LOTS database. Currently, a person inspecting that database for information relating to land titles must pay a fee fixed by the Minister. It would be anomalous if a person was required to pay to inspect the database for the purpose of obtaining land titles information, yet not pay if the stated purpose was to obtain information from the Assessment Book. The Bill amends section 14 to allow the Minister to fix a fee to be paid by a person before inspecting the assessment book.

On registration of a Motor Vehicle, the Act provides that the person must pay the emergency services levy imposed under Part 3 Division 2 of the Act. Section 24(7) provides that, where the registration to which the levy is payable falls partly in one financial year and partly in the next, the levy will be made up of the appropriate proportion of the levy payable in respect of the levy for that year. However, this is inconsistent with the current practice in relation to the registration of motor vehicles in that the registration fee will be the amount payable at the time of registration, regardless of whether that fee will be increased during the period of registration. The Bill will amend the Act so that, in calculating the levy, the Registrar of Motor Vehicles may assume that the levy declared for the subsequent financial year will be the same as the current levy.

Section 33 enables Regulations to be made for the remission of one or both of the levies imposed under the Act for the benefit of specified classes of persons. However, it is not clear if the Regulations may provide for remission of part of one or both of the levies. The Bill amends the Act to make it clear that Regulations made under the Act may provide for the remission of one or both levies, or part of one or both levies.

I commend this Bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 3—Interpretation

This clause amends the definition of "owner" in section 3 of the principal Act. New subsection (1a) makes it clear how to determine who owns unalienated land of the Crown that is subject to a licence.

Clause 4: Amendment of s. 8—Land uses

This clause redefines "the relevant day" for the purposes of section 8 of the principal Act.

Clause 5: Amendment of s. 9—Objection to attribution of use to land

This clause increases from 21 to 60 days the time within which an objection to the attribution of a use to land can be made. This new time limit will reflect time limits in the new Local Government legislation.

Clause 6: Amendment of s. 10—Declaring the levy and the area and land use factors

This clause makes a consequential amendment to section 10 of the principal Act.

Clause 7: Amendment of s. 11—Liability of the Crown

This clause makes a consequential amendment to section 11 of the principal Act.

Clause 8: Amendment of s. 12—Minister to keep assessment book

This clause makes the amendment to section 12 already discussed.

Clause 9: Substitution of s. 14

This clause replaces section 14 of the principal Act. The only change in the new section is that a fee is now payable for an inspection of the assessment book as well as for a copy of an entry.

Clauses 10 and 11:

These amendments insert a precise time (12.01 a.m.) at which the ownership of land on 1 July in each year is to be determined. The change will avoid the possibility of any confusion where land changes hands on 1 July.

Clause 12: Amendment of s. 24—Declaring the amount of the levy

Paragraph *(b)* of this clause amends section 24 of the principal Act in the manner already described. Paragraph *(a)* makes a small amendment that accommodates the renewal of registration for a period that extends over three or more financial years.

Clause 13: Amendment of s. 32—Service of notices

This clause amends the service provision of the principal Act by including the ability to serve notices electronically if agreed to by the person being served. This will be of value in the case of landowners with large numbers of separately assessed landholdings.

Clause 14: Amendment of s. 33—Remission of levies by regulation

This clause will allow for remission of part of a levy.

Mr CONLON secured the adjournment of the debate.

WINGFIELD WASTE DEPOT CLOSURE BILL

Second reading.

The Hon. DEAN BROWN (Minister for Human Services): 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.

Waste Management is a major issue for every Australian Government, and is a priority for every nation in the OECD. Worldwide there are intense and growing pressures to minimise the amount of waste going to landfill, and then manage landfills better in terms of their environmental and social impacts.

On 21 January 1999, the South Australian Government released a long term integrated strategy for the minimisation and management of Adelaide's waste. Overall the strategy provides for improved kerbside collection systems, resource recovery and recycling initiatives, better environmental practices in terms of landfill operations, more competitive landfill pricing and enhanced assessment of future waste operations.

To realise the Strategy, and community expectations, the Government has determined that it is necessary to legislate to close the Wingfield Landfill by the year 2004—and that no more landfills will be approved in this near northern area of Adelaide in the future.

Currently Wingfield receives about 500 000 tonnes of putrescible (essentially rotting waste) and solid waste each year amounting to 75 per cent of such waste generated in the inner northern area of Adelaide each year. In recent years the site has also taken a further 400 000 tonnes of clean fill per annum.

The Wingfield landfill has been owned and operated by the Adelaide City Council since 1956. It was established well before all of us have become more conscious about environmental issues and modern waste management practices.

- Its base is not lined with an impermeable material and its surface is unprotected leading to concerns about leachate, litter, seagulls, odour and dust.
- Essentially, the reception of rubbish continues to be indiscriminate because resource recovery at the site is in its infancy.
- Meanwhile, the ultimate height and slope configuration of the site is of particular concern to the Port Adelaide Enfield Council in terms of local residents' issues, industry development opportunities, environmental matters and general amenity.

Overriding all of these operational issues is the fact that as long as the Wingfield style of operation continues, supported by a price structure per tonne to dump waste that is the cheapest of any mainland capital, it will not be economically or environmentally possible to establish a waste minimisation and management system for Adelaide that reflects the needs of a modern city entering the next millennium.

Planning Approval and Environmental Authorisation

Today the Adelaide City Council operates the Wingfield Waste Operation pursuant to a licence issued in March 1997 by the Environmental Protection Authority (Authority) under the *Environment Protection Act 1993*.

The licence expires on 31 March 1999.

A condition of the current licence is that the waste operations do not exceed a height of 15 metres Australian Height Datum (AHD).

In mid 1995 the Authority was involved in negotiations with the Adelaide City Council to determine an acceptable closure plan for the Wingfield waste site.

The following year the Authority opposed an application by the Adelaide City Council for a height extension from 15 metres to 40 metres.

Meanwhile the then Port Adelaide Council sought to limit the height of the operation to a maximum of 15 metres AHD through the imposition of a condition attached to the Planning Approval. Aggrieved by this action the Adelaide City Council sought judicial review. In October 1998 Bleby J held that this 15 metres AHD height condition was invalid and that, in any event, the relevant planning authority was no longer the Council. The Port Adelaide Enfield Council has now sought leave to appeal this decision to the Full Court of the Supreme Court.

Meanwhile, the Adelaide City Council lodged an application with the Environmental Protection Authority on 29 January 1999 for renewal of its licence to operate at Wingfield. It did so just two months before its operating licence expired on 31 March this year and with the knowledge that the Government now supported a legislated closure regime.

The Adelaide City Council's latest application seeks to vary the existing height condition of 15 metres AHD to allow for a maximum height of 35.2 metres AHD—with a final settled height of 32 metres AHD, the latter anticipated to be reached in around five years after closure in 2004.

These latest height limits represent a welcome reduction on the 40 metres AHD limit sought by the Adelaide City Council. But contrary to the Council's very recent public relations exercise which claimed the Council sought closure of the Wingfield site by 2004 at a height of 32 metres AHD—the application to the Environmental Protection Authority actually seeks closure in 2004 at a height of 35.2 AHD metres settling to 32 metres by 2009.

The Government acknowledges the revenue generating concerns of the Wingfield operation to the future viability of the Council—and so to this time has not taken issue with the material published by the

Council in recent weeks about its real plans for closure of the Wingfield Waste site.

Closure of Wingfield

The Bill is designed to provide certainty to the Adelaide City Council, the Port Adelaide Enfield Council, all other Councils that use the site, the community and industry regarding the closure date and the final maximum post settlement height for the Wingfield landfill operations. This certainty will lead to an orderly and environmentally sound closure of operations at Wingfield. It removes the distinct possibility which we face now that the future of Wingfield is left to the Courts to resolve at some unknown date in the future. It also provides the lead times necessary to bring on stream in the near future new environmentally sound resource recovery and landfill operations that incorporate state of the art modern waste disposal technology.

The Bill sets out in fine detail all the steps that the operator (the Adelaide City Council) must undertake in terms of the preparation of a Landfill Environmental Management Plan, the responsibilities of the Environment Protection Authority in both assessing the Plan and reporting to the Minister—and then the ultimate responsibility of the Minister in adopting, amending or refusing the Plan.

Defined periods of public consultation are provided, which in many instances are more generous than already provided under the *Environment Protection Act 1993*. The Bill provides that there are no appeal rights against the Minister's decision.

Height limits at closure

As noted earlier, the Adelaide City Council is now advocating that the height for closure should be 35.2 metres AHD, with a final settled height of 32 metres AHD. They advance this proposition on the basis that the four percent slope so created is the most suitable for the promotion of stormwater management and leachate control.

However, on advice from the Environmental Protection Agency (EPA) that the Government has accepted, the Bill sets a maximum post closure settlement height of 27 metres AHD. The EPA has advised that closure at this level can be achieved in an environmentally sound manner that enables acceptable long term storm water control. It can be expected that a post settlement height of 27 metres AHD will generate less risk of leachate that a post settlement height of 32 metres AHD.

The Agency has also advised the Government that the Adelaide City Council's engineering consultant has assumed a growth rate of 8.75 per cent in the amount of waste received to calibrate the model used and hence settlement calculations. The Agency does not consider that this growth rate is sustainable nor supported by the Agency's waste figures. This growth rate also seems at variance with the Adelaide City Council's commitment to resource recovery and recycling. Importantly, if the assumed annual growth rate of waste received is not achieved by the Council, then their preferred closure landform of 35.2 metres AHD will not be achieved by 31 December 2004. Presumably, the Council would then need to seek an extension of time from the Authority. Closure at a lower height will mean that closure by 31 December 2004 could more realistically be achieved.

Meanwhile the Port Adelaide Enfield Council has resolved to support 22 metres AHD maximum closure height as its preferred option—but it is prepared to accept a height up to 27 metres AHD. The Environment Protection Agency has advised the Government that closure at 22 metres would require the design of a double liner system and drainage layer, to minimise the potential for infiltration of stormwater. This is likely to be a very expensive option and would require significant long term maintenance of the drainage layer as a result of settlement. Alternatively, additional earthworks could be carried out to reduce the external angle slopes currently between 2 metres to 15 metres and development of a multi peaks profile. Again this would be a very expensive exercise—and it would require significant post closure maintenance. In addition the Government considers that closure at 22 metres AHD would not allow the Adelaide City Council a reasonable time frame to fund the implementation of a closure plan and post closure management.

The Port Adelaide Enfield Council is seeking the establishment of a Trust fund entitled 'Wingfield Landfill Environment Rehabilitation Trust Fund' with the Adelaide City Council paying minimum levy of $4 per tonne (CPI adjusted) for the remaining life of the Wingfield depot. This levy would be in addition to the $4.52 per tonne levy currently being paid by the Adelaide City Council as a waste levy under the Environment Protection Act. The Government does not support this proposal. Powers relating to financial assurances by the operator already exist in section 51 of the *Environment Protection Act 1993*. That Act provides that in certain specified circumstances a performance bond may be applied through the mechanism of a licence issued by the Environment Protection Authority, in particular where the Authority is satisfied that such action is justified in view of the degree of risk of environmental harm.

In conclusion, legislation has not been the Government's preferred position in seeking to resolve the future orderly and environmentally sound closure of Wingfield. However, given the significantly different and long held positions of the City Council and the Port Adelaide Enfield Council, legislation is now considered necessary to ensure that the fate of Wingfield is not left to the Courts to resolve following expensive and lengthy legal arguments between warring Councils. The Government, industry, local government and the community at large, requires much greater levels of certainty in order to minimise and manage future waste demands much better than we have done so to date.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Objects of this Act

This clause sets out the objects of the Bill.

Clause 4: Interpretation

This clause defines terms used in the Bill.

Clause 5: Application of this Act

This clause provides that the new Act will apply despite any other Act or law to the contrary.

Clause 6: Use of Wingfield as a waste depot

This clause limits the use of the Adelaide City Council's waste depot at Wingfield. It cannot be used for the purposes of dumping and disposing of waste after the end of the year 2000 unless a landfill environmental management plan has been prepared by the Council and has been adopted by the Minister. Even then it cannot be used beyond 2004 and must not exceed a height of 27 metres after subsidence.

Clause 7: Preparation of the plan

This clause provides for the preparation of a Landfill Environmental Management Plan in accordance with guidelines prepared by the Environment Protection Authority. Subclause (5) requires the height of the solid waste landfill at Wingfield to be restricted to a height that after subsidence does not exceed 27 metres.

Clause 8: Public consultation

This clause provides for public consultation on the plan. Members of the public are to be invited to make written submissions and the Authority will hold a public meeting to answer questions in relation to the proposed plan.

Clause 9: Submissions etc. to be given to operator

This clause requires the operator to prepare a written response to comments made by the City of Port Adelaide Enfield and the Minister on the plan and to submissions made by members of the public.

Clause 10: Amendment of plan before Authority's report to Minister

This clause enables the plan to be amended before the Environment Protection Authority prepares its report on the plan.

Clause 11: Authority to advise Minister on adoption of plan

This clause requires the Environment Protection Authority to advise the Minister by means of a report prepared by the Authority on the plan.

Clause 12: Adoption etc. of plan by Minister

This clause enables the Minister to adopt the plan with or without amendment or to refuse to adopt it. The Minister must prepare a report setting out his or her reasons for the decision. A copy of the report must be laid before both Houses of Parliament.

Clause 13: Amendment of plan after adoption

This clause gives the Minister the ability to amend the plan after it has been adopted to correct an error or to take advantage of new data or technological advancements.

Clause 14: Recovery of costs by the Minister

This clause enables the Minister to recover reasonable costs from the Adelaide City Council incurred by the Minister in the administration of this Act.

Clause 15: No appeal against decision of Minister or Authority

This clause provides that there is no appeal against decisions of the Minister or the Environment Protection Authority in the administration of the Act.

Clause 16: Regulations

This clause provides for the making of regulations.

Mr CONLON (Elder): In supporting the second reading of this Bill, I would like to make absolutely clear what the

position of the Australian Labor Party and its parliamentary Caucus has been in regard to the closure of the Wingfield dump, because a great deal has been said about it in recent weeks, much of which has been inaccurate, dishonest, misleading or just plain ignorant. Our position is very clear, and in setting it out I need to declare an interest. I grew up on the Le Fevre Peninsula. A large part of my family still lives there, as do very comprehensive numbers of members of the branch of the member for Hart. I spent a lot of time enjoying fishing in the Port River as a child. The changes in the Port River since I was a child have been a great tragedy to me. I hope that we as a community will learn our lessons and try to undo some of the damage we have done down there.

I have a great concern for that area, which is why my position in regard to the Wingfield dump and that of the Australian Labor Party, I am happy to say, is that it should be closed as soon as it is environmentally safe to do so—and for one very good reason. No matter what has been said about our position—and I will refer to that more in a moment—one thing that everyone with an interest agrees on is that at the present time no-one would allow any sort of dump at Wingfield under existing waste management principles, let alone the dump they have there, and no-one would let a dump of that type exist anywhere any more.

Let us be absolutely clear about that: no-one contests that. The only issue in debate has been how soon it can be closed and what a safe height is.

Mr Condous interjecting:

Mr CONLON: The member for Colton no doubt will get his opportunity to be an apologist yet again for the Adelaide City Council. He can do that later if he will allow me to run through the position that the Australian Labor Party has taken. The simple truth is that there is no doubt, as the member for Colton points out, that there has been conflict about what a safe height is at which to close the dump. The position of the Australian Labor Party throughout has been that we have to be convinced that the argument we are presented with is correct. There are a number of consultants' reports. Those who would seek to delay the closure of the dump are seeking more, and we all know that you are capable of getting the answer from consultants that you wish if you ask the question the right way.

I must say that we have had to satisfy ourselves, with some concern and some debate, with the approach of the Environmental Protection Authority. Her Royal Highness the Lord Mayor of Adelaide seems to believe her own media rather too much lately. I have a great deal of respect for the Lord Mayor, and I think that she is an extremely intelligent woman. But being an extremely intelligent woman does not automatically make the rest of us a bunch of mugs.

The Lord Mayor has been bagging us around town saying that we are making a political and not a scientific decision. No, we are making a scientific decision; we just do not happen to agree with the Lord Mayor. If we are wrong in this we are wrong in good faith with the best possible intentions. Occasionally we are wrong but we are wrong in good faith. We are not making a political decision. I can assure this House that I have pursued this matter in the best interests of the Port Adelaide area, and the environmental concerns have been very forward in my mind.

I do take great umbrage at being treated like a fool by the Lord Mayor who, as I say, seems to think that no-one is quite as clever as she is. That has been our approach. The Lord Mayor today issued a press release that states that the closure height in this legislation is not consistent with EPA guidelines. If that is the case I will put on record that we have been misled by the Government and the EPA. I do not believe that we have. I do not believe the EPA has an interest in misleading us. I believe that the situation is that the Lord Mayor has made her own interpretation of the EPA guidelines and found that this is not consistent.

I am afraid that we must act on the best advice available. We have had an independent report and we have had the EPA advice and it appears that the closure height is consistent with EPA guidelines. I say this: if the EPA guidelines are wrong then we have more problems than the Wingfield dump. The EPA is, after all, largely responsible for the regulation of waste management in South Australia in so many ways. I say this, too: the shadow Minister for Environment is not here but he and I have discussed the need for a waste management authority, which is something we want to look at further. However, if this legislation is wrong we have more problems than the Wingfield dump, that is all I can say. If this is wrong then we have got very serious problems elsewhere.

As I said, our view is to close it down and to close it down quickly because every one concedes that it should not be there. You would not find a dump of this nature anywhere, and they are two inescapable facts. I was assured that the amendments which we moved in the Legislative Council and which were defeated would also have been consistent with the EPA guidelines. We will not—

Mr Condous interjecting:

Mr CONLON: Here is the answer from the member for Colton: it is not a good dump but we should not do anything about it because someone else does not have a good dump. That is the sort of logic that the member for Colton wants to bring to this debate in his apology for the Adelaide City Council. I can tell members that we have more concern for the environment than that.

Mr Condous interjecting:

Mr CONLON: I just enjoy the fact that they will make you get up and vote for this, Steve. I am looking forward to it. We moved amendments upstairs that were defeated. We want this dump closed quickly and so we will not pursue them again here. I understand that the Government will not be pursuing the re-inclusion of clause 15 which was removed in the Legislative Council, because our priority is to close it.

However, I want to refer to some of the other things that have been said about the ALP and its position on this matter. I want to refer to those noted fringe dwellers, the Democrats, and their position on this legislation. A belief is prevalent among Democrats that, at some time, they were visited by some sort of holy spirit that imbued them with all environmental knowledge and that if the Democrats do not think it right it is therefore not right—it is not correct and we are all wrong. I must say that if that is the position from which you are going to proceed then when you make an address to a House of Parliament, as the Hon. Ms Kanck did, it ultimately should, I would submit, disclose some chain of reasoning and not be a series of wild *non sequiturs*, bare assertions, and self-contradictory or almost oxymoronic statements.

The address of the Hon. Ms Kanck last night to the Legislative Council on this matter was not a chain of reasoning: it was no more than a sustained and extended fit of ill-reasoned pique. I would like to address some of the things that have been said about us in that other place and give an example of the Hon. Ms Kanck's lack of reasoning on this matter. The honourable member refers to the fact that there are enormous discrepancies in information about this dump that has come from both the Adelaide City Council and

the Port Adelaide Enfield Council. That is quite right because they have very different interests.

The Adelaide City Council concedes that it makes between $9 million and $13 million a year from the dump and so it has a natural interest in keeping it open. The Port Adelaide Enfield Council has the dump in its backyard and it has an interest in its being closed. Thus, it is not surprising that they would argue their case differently. But the Hon. Ms Kanck, not satisfied with the opinions or advice with which she has been provided from the EPA—and, as I said, it is because the Democrats have been visited with a special knowledge of the environment not given to mere mortals—said that she had been intending to use the next two months to further her own research on this issue by finding and consulting with people with expertise before she made her decision on it.

I tried to find, in her lengthy discourse, what that research was and I think I isolated it. In her contribution the Hon. Sandra Kanck said:

> In fact, Wingfield is regarded as one of the best examples in Australia of a best practice dump.

I do not know by whom it is regarded as a best practice dump; the fact is that everyone who operates it concedes that it should not be there and you would not get a licence to operate a dump like this anywhere but, apart from that, it is a best practice dump. The honourable member said:

> The argument has been made that a lot of windblown—

and here is the research—

> rubbish comes off that dump. I did not see it on the occasion that I visited the site. One weekend I drove out there and drove around the area, and again I was unable to see any.

We should have given the honourable member the extra two months—she could have driven out a couple more times. The honourable member further states:

> The EPA has confirmed my analysis that dust, odour and litter are side issues—

and the leachate and height are. Well, I thank the honourable member for at least conceding that the EPA has got that right. I am sorry, there was more research and I should refer to it. The Hon. Ms Kanck mentioned that she intended to visit the site at high tide to look at something that had been put to her by Johanna McLuskey but the weather was inclement.

No doubt if the honourable member had got the extra two months she wanted she could have completed that exhaustive research of driving down there at low tide, as well as high tide, and then we could have got a proper scientific analysis from the Hon. Ms Kanck on the height closure for the dump. The honourable member goes on to say very contradictory things. Let us not forget that the Democrats are the environmental gurus in this place: none of us cares about the environment or knows enough about it to have an opinion that is as good as theirs. But from whom does the honourable member take advice: the Employers' Chamber. She further states:

> I met with the Employers' Chamber earlier this week. It would far rather that Wingfield closed at 35 metres height as it knows that the closure will inevitably lead to increased costs for its operators. The Employers' Chamber pointed out to me that a proper economic impact statement has never been done on this matter.

The Democrats will have to decide just what their issue is. Is it the economic effects of closing the dump, because that is not what concerns the ALP? While it is not pleasing to us because it will have economic effects, we are primarily concerned with the environmental impact of it but not, apparently, the Australian Democrats. The Hon. Ms Kanck sort of manages to switch back to concerns about the environment when she states:

> I was told initially that Adelaide City Council denied there is leachate, and I was therefore ready to attack its representatives at the first meeting I had with them because I was armed with an aerial photograph of the area taken before the dump was built which revealed that the whole area was previously covered with tidal creeks and mangroves.

I am sorry, I do not know how one relates to the other. I assume the honourable member is trying to say that if the site was previously covered with tidal creeks and mangroves there is a greater likelihood of leachate. The point we were making all along is that the dump should not be there. It never should have been there. But she does not need an aerial photograph. Those of us who grew up down the Port will introduce you to people who can tell you what the natural landscape of the Port used to be. I do not know how a photograph of a tidal creek proves anything about leachate. I am sure that is because I am not imbued with the same sense of environmental science with which the Democrats are gifted.

An honourable member interjecting:

Mr CONLON: I will leave that to you. She saw the aerial photograph and she was ready to attack if they said there was no danger of leachate. What is her solution? This is it:

> Wingfield is a very potent reminder to us all that we are using our resources in a profligate manner. I see no harm in having that symbol right there in amongst us so that we are faced with it on a regular basis, so that our noses are symbolically rubbed in it and so that we are constantly reminded that we need to look after our resources and not simply throw them away.

I am sorry; I thought this was a bad place for a dump. Apparently it is a good place for a dump, because it reminds us of what bad things dumps are. My second point involves our having our noses rubbed symbolically in it. From the little research I have done on this matter, it is apparent that, if Sandra Kanck from Athelstone bought a particularly large telescope and climbed a tree, she might gain a sight of the dump. However, her eastern suburbs nose would be safe from being rubbed in it to any great degree. Of course, there are some people whose noses are rubbed in it—the people who live in Port Adelaide. Their noses are rubbed in it on a daily basis. I am glad that the Hon. Ms Kanck is quite happy for the people of Port Adelaide and surrounding areas to make the sacrifice for all the community to remind us what bad things dumps are.

As I said, she then attacked the ALP for playing politics, which is absolutely outrageous. I give this House my earnest guarantee that I believe the advice I have been given. The ALP Caucus believes the advice it has been given on the closure height of this dump, and that is what we are acting on. Our only interest is to close this dump as soon as it is environmentally safe to do so because—and I will I repeat this—it never should have been there. What are we accused of? The member for Hart is apparently involved in parish pump politics. The Hon. Sandra Kanck said:

> I suspect that part of its motivation is parish pump politics. I heard Kevin Foley, the member for Hart, speaking on radio. . .

What was it he did? He said he was going to represent the people in his electorate. Well, Kevin, how dare you represent the people in your electorate! What do you think you were elected for? As I said, I submit we have taken an intelligent and sound position on this matter, and one that does have regard to the environment. I am not saying that I am absolutely certain we are correct. However, on the balance of all the

information given to me, I am convinced this is the best course. The people at Port Adelaide have endured this dump too long. The Adelaide City Council can really not cry too much about the loss of revenue. No other council has had the benefit of such an earner for so long, and we merely want it to close, as I said, as soon as we are environmentally able to do so. That is why we support the second reading of this Bill.

I close by simply saying this: in closing this dump, it is not done with a great deal of comfort about waste management in South Australia. We believe that there is a whole lot wrong with the regime set up for waste management. I do not blame any individuals from the Environment Protection Authority. We should examine a model such as a centralised waste management authority which induces best practices in the industry, but I suspect we will not be able to do that. I will say this, too: we still have great concern about some of the things the member for Colton mentioned about the Borrelli dump at Wingfield which seems to get away with anything it chooses to do. There are bad dumps all over the place. We are concerned about the new dumps to be licensed to the north. Again, we think it is a failing in the regulatory regime about waste management. All those arguments do not make the City of Wingfield dump a good dump. It is a bad dump, and it should be closed as soon as we can close it.

Mr WILLIAMS (MacKillop): I rise today to speak against this Bill. First, I do not think this is the way to resolve the impasse that has occurred at Wingfield between the City of Port Adelaide Enfield Council and the Adelaide City Council. In the back of my mind, I wonder whether the politics of envy have a little to play here.

Mr Foley: What would you know about Port Adelaide? You stick to Millicent!

Mr WILLIAMS: It's all right. It is all very well for the previous speaker, the member for Elder, to talk about the Adelaide City Council and the city council's dump and say that the dump should never have been there. Let us not walk away from whose rubbish has been put into that dump. In fact, a small proportion of the rubbish that has found its way to Wingfield has come out of the City of Adelaide. It has come from the greater—

Mr Foley: Where does the money go?

Mr WILLIAMS: Exactly! That's exactly why I talked about the politics of envy. Maybe that little gnawing, niggling thing in the back of my mind was close to the truth of the matter: where does the money go? That is what this is about. It is not about the environment. If it is about the environment, when the dump at Wingfield is closed, where will the rubbish go?

Mr Foley: Have you ever been to Wingfield?

Mr WILLIAMS: I have indeed been to Wingfield. Where will the rubbish go then? Do the people at Dublin and Inkerman think that that is the ideal place to put a dump? The member for Elder said that it should never have been at Wingfield. I will guarantee that the people at Dublin and Inkerman would say that it should never be there, either. You could build a good argument for not having a dump anywhere. We create rubbish, and we have to dispose of it somewhere. I am saying not that Wingfield is an ideal place to dispose of the rubbish or that the methods used there are ideal but that I do not think this Bill solves any of our problems. It is not the way to go about it. As I started out saying—and the member for Hart might have confirmed this—this Bill has more to do with the politics of envy than it has to do with the environment.

I reiterate that the member for Elder mentioned there could be some economic effect. I would suggest there will be a great economic effect not just on the City of Adelaide (and I remind the House once again that the City of Adelaide is the operator, not the creator of all the waste) but on greater metropolitan Adelaide, on everybody in Adelaide because we all create waste and we all must have it disposed of somewhere.

The Port Adelaide Enfield Council operates a dump on Garden Island at Port Adelaide. I have not heard from either the Minister or the Opposition what their plans are for the imminent closure for that dump at Garden Island. I would have thought that this would be a wonderful opportunity for the Minister, the Opposition and, indeed, the local member to talk about the imminent closure of that and all the other dumps in the area.

Members interjecting:

Mr WILLIAMS: I'm looking forward to it.

Members interjecting:

The ACTING SPEAKER (Mr Scalzi): Order! There are too many interjections on my left.

Mr WILLIAMS: I will conclude by saying that this is an ill conceived Bill. This Parliament is stepping into an area that should be rightfully left to local government and the EPA. Even though the member for Hart suggests I would know nothing about this issue, I have had a fair bit of experience in local government. From my experience in local government, one of the big issues facing all local government authorities is waste disposal. I know it is a big issue—it always has been and it always will be. I question whether this is the correct way to go about this at this time. I flag that I will vote against this Bill.

Mr HILL (Kaurna): This is an important debate. Unfortunately, it relates to only one dump site, and I agree with the former speaker that we really should be debating the whole issue of waste management in this State. It is a great shame that the Government has not thought to bring before the House a comprehensive piece of legislation that deals with waste management issues in South Australia. There is nothing more certain than the fact that the current system of waste management is grossly inadequate and quite antiquated. The present system is based on two factors: first, that local government is basically in charge of waste management; and, secondly, that, it where can, private enterprise can make a quid out of it. The State Government's role is really limited to licensing in certain circumstances. It really is an inadequate system. It does not do a lot to maximise recycling or re-use, and it creates problems such as the one we currently have.

The previous speaker, who has just gone to a select committee meeting, asked where we want the waste to go. He says that, if we do not have it at Wingfield, do we want it at Inkerman or Dublin; do the people up there not object? I agree with him that people in those locations do object, and they have justifiable grievances that waste from Adelaide will be placed in their communities. The reason is the current inadequate system, whereby private entrepreneurs can go out, find spare land that has been zoned appropriately by councils, apply for a licence and, unless there is some grievous problem with the site, they get the licence and can put the waste there.

That is the wrong way of going about it. I have said before in this place that what should happen is that the EPA should be given the authority to identify the most appropriate places for landfill sites, taking into account environmental, socio-

logical, ecological and economic issues. If it had the power and authority to do that, I do not think we would have had a waste depot in Inkerman or Dublin: we would have had a different location. So, I agree with the member for MacKillop that the current system is inadequate. We need greater State control and legislation.

The present dispute is being resolved by the Parliament, and I support this method of resolution. Prior to this, the Port Adelaide and Adelaide Councils were at each other's throats in the media and the courts. What an unproductive way for local authorities to be spending their ratepayers' money—by going through the court system to decide how high Wingfield dump should be. A year ago I called on the Government to resolve this matter by bringing a Bill before the House and using the Parliament to settle this matter, so I am glad that a year or so after that call the Government has got around to doing it. I do not back away from supporting the use of Parliament to resolve this matter at Wingfield. As the Opposition spokesman has said, the Opposition supports the legislation. I have questions about two aspects of the legislation. I know the shadow spokesman has already talked about the appeal rights and limitation to appeal, and I guess we will get to that in Committee.

Mr Conlon: We've put them back in.

Mr HILL: So, that has been resolved. The other issue is the height. When the Minister for Urban Planning, the Hon. Diana Laidlaw, briefed me on this some time ago, she identified the height of 27 metres in the legislation. As I said to her then, I thought that was a political compromise based on her discussions with the two parties. I said I would much prefer any particular height left out and a clause inserted in the Bill to specify the lowest possible height consistent with environmental safeguards, with the matter being left to some authority—perhaps the EPA—to determine over time. She told me that this would not work and that we must have a particular height. I think the issue of height is a furphy. I think it is irrelevant whether it is 32, 27 or 25 metres; the issue is what is the minimum height to ensure environmental protection?

A range of reports have been produced in this regard. Both sides of the argument—Port Adelaide and Adelaide—have produced reports, which support each party's case. I do not think that on that basis we can trust either of those reports, because they are serving their own masters and there is some sort of self interest. So, what can we rely on to decide this matter? The only authority we have is the Environment Protection Authority, which has stated that 27 metres is an appropriate height to maximise environmental safeguards and minimise the length of time the dump will be open. I would like the Minister to answer questions: I will certainly ask him the questions and I want him to say chapter and verse what the EPA has said and give us the guarantees made by the EPA about the height of 27 metres. Without those guarantees I personally would be uncomfortable with this Bill. I thank both the Port Adelaide Enfield and Adelaide Councils, which have briefed me.

Mr Conlon: It's all right: I've already thanked them.

Mr HILL: I will thank them as well. I thank both of them: they briefed me in a courteous and professional way. They were very clear about their point of view, although I did not necessarily agree with either of the points of view that were put to me. I have had the opportunity to look at the Wingfield site run by the Adelaide City Council and, in comparison with the other waste management sites in that area, I have to say that it is run very well. It is clear that over time the Adelaide City Council has really got its act together and put a lot of effort into trying to manage the site in an environmentally sound way. As the member for Elder said, the unfortunate thing is that it should never have been in that location in the first place; it should not have been there. Having said that, I think they have done a very good job trying to maximise the environmental controls, accepting the fact that it is already there. What we want to see is this site closed off as soon as possible, consistent with good environmental controls. That is all we want. I think the Bill does that, but I want to hear assurances from the Minister.

Mr Foley interjecting:

Mr McEWEN (Gordon): Left, right, left, right; do you have your notes? Are you okay and you do not have to duck off and get them while you have a bit of a breather?

Mr Foley interjecting:

The ACTING SPEAKER: Order! The member for Gordon.

Mr McEWEN: I have been to Wingfield, thank you.

Mr Foley interjecting:

Mr McEWEN: I think it cost me about $147 down Port Road. You are right; thank you for reminding me of that. This is a rotten little piece of legislation, and I do not know why the Minister for Local Government Relations is not in this place screaming his head off, because this is the carrot and stick politics—the blunt instrument politics of the 1980s. It is this type of politics that has caused the failure of the Government in dealing with the whole ETSA debate.

Mr Atkinson: When we call 'Divide!', don't you forget!

Mr McEWEN: Don't you worry: we will be calling 'Divide!' on this one, and I understand that a few little toadies over there will come hopping over here. So, this will be an interesting division.

Mr ATKINSON: I rise on a point of order, Sir. It has been always been unparliamentary under the provisions of Erskine May to refer to any members as animals, and therefore I ask the member for Gordon to withdraw the reference to members of the Opposition as 'toadies'.

Mr McEWEN: I apologise for—

The ACTING SPEAKER: I ask the honourable member to withdraw.

Mr McEWEN: If I may, I will apologise to all those toadies out there for insulting them.

Mr CONLON: I rise on a point of order, Sir. The member for Gordon may not think he has to withdraw. You have asked him to withdraw and he has declined to do so and in fact has repeated the insult. I would ask him to withdraw.

The ACTING SPEAKER: I have asked the member to withdraw, but the nature of 'toadiness,' especially when it is used in a general sense—

Members interjecting:

The ACTING SPEAKER: Members will come to order. The member for Gordon.

Mr McEWEN: In the interests of harmony in the House I am happy to withdraw. I am delighted to see the Minister here, because we now have this blunt instrument, when what we need is to sponsor processes that allow autonomous, independent municipalities to deal with conflict. As soon as a row brews up, the parental hand comes in again to fix the problem for them in the belief that they are not capable of dealing with these issues themselves. The EPA has failed over many years and DAC has failed in relation to this matter. Rather than fix up the processes, the attitude is, 'Let's now solve the problem.' Along comes the Minister, riding

into the place to solve the problem. Once you do it once, you have set a precedent in terms of being 'Little Miss Fix It'. That is not the way to deal with this matter.

Here we are trying to promote and move beyond structural reform with local government into function reform. We are trying to promote the building of relationships around a shared constituency, actually defining our collective roles and defining the partnership. The parental hand still says, 'No, if the children misbehave we will clip them under the ear and take back the lollies.' That is what this Bill is about and it stinks. It is an admission of failure on the part of the State Government.

Members interjecting:

Mr McEWEN: It has nothing to do with the Lord Mayor.

Members interjecting:

Mr McEWEN: On the contrary. Members who read the local tabloid would have seen that the Lord Mayor recently referred to the Independents as being no more than blockers, so do not come into this House and suggest that I am matey with the Lord Mayor. I am coming into this House to debate a principle. I am not here protecting the Lord Mayor at all.

Mr Foley: You enjoyed lunch with her.

Mr McEWEN: I have had two lunches with her—how many have you had? We were chaperoned on both occasions, I might add.

Members interjecting:

The ACTING SPEAKER: Order, the member for Hart!

Mr McEWEN: To return to the issue at hand, this type of politics has to stop. We have to put the framework in place whereby an autonomous sphere of Government can manage its own business and, once we set a precedent, we are treading dangerous waters forever and a day. On a matter of principle alone, I must vote against this Bill.

Mr FOLEY (Hart): As the local member for Port Adelaide it is important that I make a short 20 minute contribution and today I have extensive notes from which to refer. I speak today unashamedly and with great pride as the local member for that area.

Mrs Maywald interjecting:

Mr FOLEY: The Independents call me 'the local member for dumps'. On behalf of the people of Port Adelaide, that is an appalling reflection on the good people of that area and members opposite do their profession no good at all to refer to my people in such a derogatory manner.

It is important that I put the views of locals on the record and I say from the outset that the position of the Independents is interesting. Why they are so committed to this, nobody knows; perhaps it is because they have a great feeling for this issue or perhaps it is more to do with its being another what they consider to be an inconsequential policy with which they can be seen to be attacking the Government on its record at the next election to show that from time to time they do stand up. Enough of that.

The people of Port Adelaide do not want anything particularly uncommon. They are simply sick and tired of having a dump in their backyard. I suppose they are being a bit difficult and a bit harsh to suggest that they have had enough.

Mr Conlon: Picky, picky.

Mr FOLEY: As my colleague says, they are being picky, picky, picky. People in this modern day deserve more than having rubbish dumped in their locality and in their backyard. People say that nobody really lives near the dump so what does it matter. On my last check nearly 500 people are living very close to the Wingfield dump. Many people may say, as no doubt the Lord Mayor and other people who reside in Adelaide and North Adelaide may say, 'Why would they live in Wingfield? Why would they live near a dump?' It may be that is all they can afford, that that is where they want to live or that they like that area.

I find it offensive for people to suggest from time to time that we should not care for people who live in such an environment. I have a view about that and I am elected to represent them. The people of Wingfield and Dry Creek can be assured that they will get good representation from their local member, and I will stand up to the Adelaide City Council on any matter.

The Hon. M.K. Brindal interjecting:

Mr FOLEY: I have only just taken over that area with the redistribution and you can rest assured that I will be door knocking that area and many areas. Unlike the member for Unley, I will put my constituents first.

The issue requires analysis. Let us look at this. The Adelaide City Council has said that it wants to build the dump to 35 metres. I am advised that it wants to build it to 35 metres but will have it closed by 2004.

The advice I have been given is that it will not be physically possible to grow it to 35 metres by the year 2004. There will not be enough rubbish and simply they will not be able to do it. So, guess what will happen? When it gets to 22 or 23 metres, they will come back to the Government, the Development Assessment Commission, the EPA or wherever they have to go to and request a further extension. Let us see through this: this is a money grabbing exercise by the Adelaide City Council. It has nothing to do with the environment of Port Adelaide and Wingfield but it is the Adelaide City Council wanting to keep hold of a very profitable income stream and, as long as it can get away with it, it will be allowed to get away with it. It is time for Governments to say to the Adelaide City Council, 'Enough is enough'.

The Minister can shake his head as much as he likes, but it will not stop me. At the end of the day the Parliament should make it known that the Adelaide City Council is acting irresponsibly and, if it is not prepared to get it is act together, this Parliament will. Initially I wanted the dump closed as soon as practicable. It would appear that our initial position has not been supported in another place and so we support the Government's position. Before members say, 'What about Garden Island?', I want Garden Island closed as well. If the Port Adelaide Enfield Council will not close Garden Island, it will be up to me and others to put pressure on it to close it as soon as possible.

The Hon. M.K. Brindal interjecting:

Mr FOLEY: Thank you, Minister. The other comment made by the Adelaide City Council was that it is a modern, well run landfill. Does the council think we are that stupid—that the member for Hart is that stupid? Members opposite might, and maybe the Adelaide City Council does also. Give me a break. I have been to the Wingfield dump on many occasions and, if anyone suggests it is a modern, well run landfill, I would hate to see a poorly run, modern landfill. The council then says that there is no odour or litter currently escaping from that site. Give me a break—no odour escaping from that site! I live at North Haven and we can smell the Adelaide City Council's dump at Wingfield, as can the vast majority of people living in Port Adelaide when the winds are coming from that direction. To suggest that no odour is escaping is absolute nonsense. As for no litter—give me a break!

The Democrats gave us another one of their great pieces of intellectual wisdom last night. It almost ranked with Mike Elliott's suggesting that the debt would be wiped out in 10 years. There are some things the Democrats should not comment on—that they should leave.

The Hon. M.K. Brindal interjecting:

Mr FOLEY: Exactly. At the end of the day I thought they had some environmental credibility, but clearly they do not. I had a vicious attack launched on me last night by the Hon. Sandra Kanck, when she accused me in a disgraceful manner of simply dismissing scientific argument and only being interested in representing the people of my electorate, saying that that is all I wanted to do. That was a terrifying and terrorising attack by the Hon. Sandra Kanck!

The Hon. M.K. Brindal interjecting:

Mr FOLEY: That is a good point the Minister just made: am I going to publish that? I think you are right, Minister. In Port Adelaide there is a large number of Democrat sympathisers and it is best that they know what the Democrats think of the people of Port Adelaide.

The Hon. M.K. Brindal interjecting:

Mr FOLEY: Rest assured that extracts from my speech tonight will certainly be finding their way into the letterboxes of the people of Port Adelaide—yet again well represented by their person in this Parliament.

Mr Conlon interjecting:

Mr FOLEY: I must admit, after hearing the member for Elder's speech, I did wonder whether he had some long-term interest to return to his—

An honourable member interjecting:

Mr FOLEY: Well, I would not say that; I am not sure what he did in my electorate. But I support the Port Adelaide Enfield Council's position on it. It is not a case of the Port Adelaide Enfield Council wanting one thing and the Adelaide City Council wanting another thing. I believe that the Port Adelaide Enfield Council is correct. They have had expert opinion from B.C. Tonkin and Kinhills and, indeed, the EPA. I do not want to reflect too much on the Adelaide City Council but my views on that council are not a secret. It makes we annoyed and angry and I suppose in some part disappointed that they do have such an elitist view, a real elitist view when it comes to issues of governance in this State.

People like myself from the Port simply do not take too kindly to an elitist body such as the Adelaide City Council representing the elitist suburbs of North Adelaide simply dictating and wanting to run roughshod over the ordinary folk, the ordinary people of Port Adelaide. The ordinary folk and the ordinary people of Port Adelaide will stand up to the Adelaide City Council, to the Lord Mayor and to the elite which that council, in large part, represents, because we are simply not going to be stood over by the Adelaide City Council, or anyone. Having said that, I respect that the Mayor and her council have a duty of care to the Adelaide City Council ratepayers. There is no argument on that. They have every right to run the argument and line that they have. But do not expect people in Port Adelaide to remain silent on it.

I was interested to hear today that the fiercely independent member for Gordon, and I think the member for MacKillop, have had two lunches with the Lord Mayor. The Lord Mayor has wined and dined these Independent members at least twice. Well, Sir, I know I am only one small fish in a pond, but I have not had any contact from the Lord Mayor that I can recall. I may have got a letter from Jude Munro, but I have not had any phone calls, any suggestions that I should come and have a talk to her, or anything. The only thing I can recall is that the Lord Mayor sent me an invitation to a breakfast meeting, which I assume was attended by many others, to hear the Adelaide City Council preach to us about its position.

Mr Conlon: I waited until it came out on video!

Mr FOLEY: That's right. I must say that they did send me a video. It is not that I was against the notion of a breakfast but I was not that keen on having to get up at 6 o'clock in the morning to come into Adelaide to talk about a dump over breakfast. That was not my ideal of a start to the day. I would have thought that it would be reasonable and appropriate, and clever in some sense, to make some contact with me as the local State member. I was not asking for the Lord Mayor to find her way down to Semaphore, or Jude Munro. That would not have been an unreasonable ask for me at all. I would have been quite happy to go to the Adelaide City Council myself and have a meeting with the Lord Mayor and the Chief Executive Officer, and anyone else, and have them discuss the matter with me, but I was not considered important enough to require that degree of consultation, obviously. I did have a tour of the dump that was put on, but only because my colleague the member for Kaurna was good enough to ask me to tag along. They did not even invite me to tour the dump when taking other MPs. It might be that the Lord Mayor of Adelaide simply does not like me.

The Hon. M.K. Brindal interjecting:

Mr FOLEY: I might only be a class B member—exactly.

Mr Conlon: How could anyone not like you?

Mr FOLEY: I don't know; but maybe the Lord Mayor does not like me and maybe the Chief Executive Officer does not have much time for me. However, I would have thought that a courtesy call or a suggestion to come in for a chat to see whether I could be persuaded would be a reasonable way to approach this.

Mr Conlon interjecting:

Mr FOLEY: It may have been a waste of time. Perhaps they decided, 'Why waste our time on somebody whose views we can't change?' However, the Adelaide City Council has put up a good fight. No doubt it has wasted thousands of dollars of ratepayers' money in its video productions and breakfasts, and whatever else, but that pales into insignificance considering the $8 million per year it receives. I have had it said to me, 'What will we do with our budget if we have this $8 million ripped out?' I can think of one idea: they could actually start charging people true value in their rates. They could start that next financial year. But, no, let's not do that. I remember Councillor Moran's comments that behind those expensive front doors in North Adelaide there is a lot of poverty; so we could not begin to do that could we? Well, tough luck Adelaide City Council, life and budgets in Governments are not easy things to construct.

The Hon. M.K. Brindal interjecting:

Mr FOLEY: Absolutely. They are not easy instruments to construct and the Adelaide City Council will just have to do what State and Federal Governments have to do at every budget and, that is, put a lot of hard work and lateral thinking into the way they frame their budgets. But at the end of the day the argument that they will be $8 million poorer does not in any way, shape or form concern me at all. That is just something they will have to live with. I say that not because it is something that will not be difficult but it is an income stream that they have known would come to an end at some stage, and if it has not put forward thinking into that that is their own mistake.

Why should the people of Port Adelaide have to put up with their dump that is going to be over twice the current height when it is finished so that the Adelaide City Council can rip $8 million out of the backyard of the people of Port Adelaide? That I find offensive and will not tolerate. The Adelaide City Council, of course, through its ability to secure this site many years ago, has probably never made any contribution in a financial sense to the very people whose backyard this dump lies in. I may be wrong on that, but I am not aware of any circumstances where the people of Port Adelaide have been reimbursed from the Adelaide City Council for the luxury of this dump.

My colleague the member for Elder has more than adequately torn to shreds the arguments of the Hon. Sandra Kanck in another place. My colleague the shadow Minister for Environment has more than eloquently put on the record the overall problem with the wider issue of waste management. It is simply my role tonight to do what I am elected to do, and that is to put the interests of the people of Port Adelaide first, my constituents, the people that I care for and have been elected to represent. As I said at the beginning, as with all issues, whether it be this Government with a power station, or whether it be the Adelaide City Council and its desire to pollute my electorate, we will stand up to that. I will stand with the people of Port Adelaide and I will stand up to the tirade of abuse and criticisms that will come from the Adelaide City Council no doubt following this contribution tonight.

The Hon. Dean Brown: On that basis, what height do you think it ought to be?

Mr FOLEY: About an inch above what it is now. I have acknowledged, Minister, that I have lost that battle. The point I was making before my comments were interrupted most rudely by the Minister—

The Hon. Dean Brown interjecting:

The SPEAKER: Order!

Mr FOLEY: Minister, if only I was able to stop those big trucks rumbling down the streets in my electorate on their way to the dump. If I could do that I would. But I am a realist. Even though I might be prepared to throw myself in front of these trucks, I suspect that that would not stop them; it would only make them speed up! The people of Port Adelaide, through their representative, are making their views known. I would like to commend the Port Adelaide Enfield Council and the work of the Mayor Johanna McLuskey, the local ward councillors, Harry Wierda (Chief Executive Officer) and all officers involved—

The Hon. Dean Brown interjecting:

Mr FOLEY: I understand that may be right. All the officers, including Paul Davos and his team, have put up solid evidence to rebuke the positions put forward by the Adelaide City Council. At the end of the day, the Port Adelaide Enfield Council may not have got exactly what we wanted and what it wanted, but the Adelaide City Council has not got what it wanted and, for once, this Parliament will be seen to be standing up for the little people, standing up for those people who normally get steamrollered by Parliaments, by the elite and by the upper class of this State. Today at least the people of Port Adelaide, through the will of this Parliament—and I acknowledge that the Government has had a role in this—have finally said 'Enough is enough' and have been able to stand up to the ruling elite and to the Adelaide City Council. Any role I may have had in assisting that I wear as a badge of pride.

I am disappointed that the Adelaide City Council obviously does not consider me of any importance when it comes to negotiating and debating these issues. I wonder whether it will have that view when I am the Treasurer of South Australia.

The Hon. M.K. BRINDAL (Minister for Local Government): I wish to briefly contribute to this debate to respond in part to the local government issues specifically raised in his contribution by the member for Gordon. The member for Gordon said that in an ideal world with an autonomous sphere of Government, rather than create a mentality that necessitates the intervention of the State, we should create a more mature relationship in which councils are able to resolve their own disputes. I am sure that every member of this House agrees with the member for Gordon's idealised desire that that be the case. But it is necessary to intervene in this matter. Were it not that legislation were put before this House, quite simply one legitimate entity (the Corporation of the City of Adelaide) would fight another corporate entity (the Corporation of the City of Port Adelaide Enfield) through either the ERD Court or the Supreme Court. That process would take, conservatively, three to five years to complete and would involve both publicly funded bodies in considerable expense. And in the end, there would possibly be no better resolution than this House is coming up with today.

So, the expedient being adopted quite sensibly in this House today—and I acknowledge that both of the major Parties in Parliament concur in this—is a sensible initiative to sort out a squabble between two councils in what this House considers the best interests of the people of South Australia. I would like to point out to the member for Gordon that there are some strange factors at work in local government, and the Wingfield dump encapsulates some of these problems. Every council as an autonomous local government body followed the lead of the Corporation of the City of Marion in deciding that recycling was a good way to go. Most members of this House would acknowledge that there is virtue in recycling. Having established that recycling is what we should be doing with our rubbish, most councils, with almost religious fervour, have set up recycling programs—at a cost to their ratepayers.

What is not realised is that, because of the cost of dumping solid waste at the Wingfield dump and its proximity to Adelaide, many of the recycling efforts of councils merely result in refuse reaching the Wingfield dump sorted, but by different trucks. Much of the recycled refuse of this city goes nowhere other than to the Wingfield dump.

Mr Lewis: You mean that it is not recycled; it is merely segregated and then dumped?

The Hon. M.K. BRINDAL: The member for Hammond puts it very well: that is in fact what happens, and that is happening at a cost to ratepayers, because local government decided recycling is a good thing. Having decided that, it recycles but it does not recycle—it sends it to the dump in different trucks. No matter how laudable recycling is as an initiative, the reason why it is not working in Adelaide is that the Wingfield dump, as close as it is to the city of Adelaide, provides a very cheap means of disposing of refuse. We put up the price of refuse, and I pointed this out to local governments. Local governments complained when the Government at the last election put up the solid waste levy, complaining that it was at cost to them. I pointed out that they contribute a little under 50 per cent of the entire waste of the city and its

environs but, in putting up the refuse, we were actually trying to create an environment in which their recycling would become cost effective.

One of the good outcomes of the Wingfield dump's closing, I suspect, is that it will actually create a regime in which recycling starts to become cost effective in this city. It is not a matter that is easily resolved. I understand the feelings of the member for Hart. I do not think that any member of this House would actually like the major refuse dump in his or her electorate. The fact is that solid waste from any city—and we are not just talking about solid waste from the City of Adelaide but from virtually the entire metropolitan area—has to go somewhere. At present that somewhere has been Wingfield. Because this Government has chosen to close other dumps, including the Highbury dump—and I believe that you, Sir, were the Minister at the time when that dump was closed—the Corporation of the City of Adelaide has gained an extraordinary advantage in that it is about the only dump, all the refuse is going to that dump and its profits, as members of this House have pointed out, have escalated dramatically in the past few years.

It has had a very handsome windfall because of the advantageous position in which it now finds itself—a princely windfall. Hopefully, that money is being reapplied to the benefit of the capital city. I should point out to the member for Hart that I believe that the City of Adelaide has been paying the City of Port Adelaide Enfield $1.2 million in rates over each of the last years. When it eventually gets its rehabilitated, undulating hillocks—

Mr FOLEY: And barbecues.

The Hon. M.K. BRINDAL: Yes, all those things. Be careful not to light the barbecue, because the methane gas will probably blow you up! Having said that, when you get your undulating hillocks you will actually be losing, I believe, $1.2 million in rateable revenue. Notwithstanding that, there is a problem, and the member for Hart acknowledges this. I say only to the member for Gordon that we wish that we had developed local government relations and local government as an autonomous sphere of Government to the point where it was not necessary for this Parliament to arbitrate. Clearly, in this case it is in the best interests of the Parliament of South Australia that this Parliament does make a speedy and timely decision based on all the facts, so that we save the ratepayers of Port Adelaide Enfield and those of the Corporation of the City of Adelaide inordinate amounts of money while there is a protracted and bitter battle in the appropriate court of jurisdiction—which, I might add, if it were delayed long enough could result in the Corporation of the City of Adelaide building the dump well beyond a level that anyone would contemplate.

While that battle is happening, unless there is some form of injunction, they will simply keep adding to the size of the dump. In all of those circumstances this Government is taking appropriate and proper action. The Opposition is, I believe, being entirely responsible in supporting the actions of this Government in what it was doing. I am told that the rates paid by the ACC to the Port Adelaide Enfield Council are not $1.2 million but $34 000. There is a considerable difference.

Mr Clarke: You might have had a different argument—

The Hon. M.K. BRINDAL: I can only apologise to the House and plead that it was probably a councillor of the City of Adelaide who told me the figure was $1.2 million. I thank the person who informed me.

Mr Hanna: Maybe it was on the video.

The Hon. M.K. BRINDAL: Yes. That is an object lesson to all honourable members: be careful who gives you the facts as to their accuracy. Having said that, I commend the Opposition and I commend the Government for this initiative. I believe it is a right and proper initiative and, as Minister for Local Government in direct answer to the member for Gordon, I have no hesitation in saying that this is one area at this time that the Government has a right and, indeed, a duty to the people of South Australia and to the ratepayers of those two municipalities to interfere with. Hopefully in five years this House might not be so occupied with resolving disputes between entities such as the two councils but we are living in 1999 not 2004, so I commend the initiative to the House and all members for its speedy progress.

Mr CLARKE (Ross Smith): I support the comments made by the member for Kaurna, our shadow Minister for the Environment because I think that his comments were very well made. I, too, like the member for Kaurna, would have preferred that, in terms of the settlement height of the Wingfield dump, it should be the minimum height with the maximum environmental protection. As has been pointed out, there are reports in favour of the Adelaide City Council for a higher height than this Bill provides and environmental reports, commissioned by the Port Adelaide Enfield council, which recommend a lower level, and we also have a report for the Environment Protection Agency which says somewhere in between.

I am personally a little concerned about the Environment Protection Agency because, for some time, I have had concerns with respect to the matters with which it deals, but I am not an environmental scientist and I do not know the facts. I do not know, when I read the various reports that have been put forward, as a matter of fact which report is the one that I should choose. The decision has been taken and I, like the member for Kaurna, would want to be assured by the Environment Protection Agency that the advice it has given the Government with respect to this matter will mean that the end result will provide for the maximum environmental protection. If that is not forthcoming in a totally unqualified way then that is something about which we would all have to ponder very deeply.

Another important point raised by the member for Kaurna deals with the whole issue of waste management in this State. The opening of the super dumps at Inkerman and Dublin—and I do not believe that either is a good site for a dump—involved private developers, on instruction, locating sites and then the EPA's being consulted as to whether or not they were safe. I would prefer the Government to select the sites in the first instance and look for the best environmental result, and then consult with local government or run those dumps.

If the Adelaide City Council can make $8 million a year out of running the Wingfield dump, which assists in the creation of jobs and capital works programs in the City of Adelaide, then I believe that those profits would be better used in the hands of the State Government to generate wealth within our own local community rather than in hands of private enterprise. If the mafia of the United States is into waste control and waste dumping because it is so profitable, then that is a good enough reason, I think, for State Governments to be involved in that type of enterprise. I think that we would end up with a far better environmental outcome at the end of the day.

Nonetheless, the Labor Party is not in the driver's seat, we are not in Government, and what we can do from Opposition

with respect to that matter is somewhat limited other than pointing out some of the aspects we believe would be far more desirable than the current course. Another aspect about which I am interested in relation to the closure of the Wingfield dump is the state of the Borrelli and Cleanaway dumps at Wingfield. Both of those sites are appalling. They are far below the standard of the Adelaide City Council dump and, for all of the complaints and abuse hurled at the Adelaide City Council, the Borrelli and Cleanaway dumps escape censure by members of this House and by the City of Port Adelaide Enfield Council. The criticisms of those two dumps is as an aside to the overall main abuse dumped on the Adelaide City Council.

I am not saying that, over the 50 year life of its dump, the Adelaide City Council has done everything according to Hoyle. It is only latterly, in the past few years, that it has substantially upgraded its environmental control and management of that dump, but I at least commend the council for getting started and going in the right direction. But when you go out and look at the Borrelli and Cleanaway dumps they are a disgrace. We talk about the Adelaide City Council's Wingfield dump—

The Hon. M.K. Brindal: Where are they?

Mr CLARKE: Immediately in front of the Adelaide City Council dump, and in fact they tower over the Adelaide City Council dump. In fact the Borrelli dump will get bigger. It will be 40 metres high when a transfer station is put on top of it—and approved by the City of Port Adelaide Enfield—to bail up the rubbish that will be then shipped out to Dublin, and the cost of dumping rubbish in this State will increase considerably.

The Hon. M.K. Brindal: Why didn't Kevin complain about it, then?

Mr CLARKE: I am speaking for myself, Minister. The cost of dumping rubbish will increase astronomically when it goes out to Dublin and Inkerman. Some environmentalists will say that it is a good thing because we will think more about recycling, conservation and the like. Yes, we will. Perhaps we will be more careful about the quantum of rubbish we dump. On the other hand, what I suspect will also happen, as it is increasingly happening in this State, is that there will be greater illegal dumping of waste. Anywhere on any waste ground around the State you will see an increase in illegal dumping, with all of the consequential environmental concerns that will arise from it.

Garden Island is hardly up to scratch with respect to waste management and that is managed, as I understand, by the City of Port Adelaide Enfield Council. In fact, the member for Hart said that he looks forward to its closure. Perhaps we could even look forward to an amendment to this Bill to set a date for the closure of the Garden Island dump if that is the case. If the council were to say that it cannot afford to lose the revenue stream we could say to that council, 'Well, jack up your rates,' and we will see what the consequences may be.

In effect we are dealing with side issues. I am not saying that the Wingfield dump should be located where it is or that it should continue beyond the year 2004. Certainly we have to find a system and a place that we can safely dump our rubbish in an environmentally sensitive way. That is why I believe the State Government or a consortium of local governments should control it so that the profits received go back into the local community to service our needs rather than in the hands of private profiteers. I was a bit surprised when the Minister for Local Government said that the Port Adelaide Enfield Council received $1.2 million in rate revenue from the Adelaide City Council. He corrected that figure to $34 000.

Indeed, if it was receiving $1.2 million in rate revenue, we might not have even been debating this Bill. I am sure an agreement would have been reached between the Adelaide City Council and City of Port Adelaide Enfield, because they both would have had a pecuniary interest in the running of the dump. I am sure a compromise would have been worked out between the two councils. Whether that is the Adelaide City Council's fault for not wanting to share some of the loot or whatever, I do not know. What I do know and what I am confident about is this: both the Adelaide City Council and the City of Port Adelaide Enfield are two councils for which I have a great deal of respect. I have a great deal of respect for their elected officers and all their staff, and the two mayors involved. I have a great deal of admiration and respect for both mayors. I know that both of them are committed to the environment and finding the best solutions environmentally to this problem. I do not impugn either one's motives in this area whatsoever.

I am concerned that both have strong views representing their respective councils as to what is the most environmentally safe way of handling this issue, and we are involved and yet we are a body of laypersons whose technical expertise in this area is very limited, bar that of a few. I must say that, at the end of the day, I would hate in 10 years to find that as politicians we said, 'Well, the City of Port Adelaide Enfield want 22; the Adelaide City Council says it ought to be 32; let's strike a halfway measure and go to 27 metres. Let's have the EPA give us a report that basically will err on the side of the 27 metres, which is a straight half measure, and that is it,' only to find at some future time some environmental disaster occurs, because we in this Parliament took a short-term view and took a halfway position between the two opposing sides rather than a considered scientific viewpoint.

That is why I favoured what the member for Kaurna had to say about a piece of legislation saying that this has to close but it has to be at a minimum height with the maximum environmental protection for the environment. We should allow an independent body to assess what it is, determine it free of Party or local government politics and arrive at that decision and do it. It is regrettable that the two councils concerned were not able to come to that type of agreement. As the member for Kaurna said, someone has to step in and make a decision, and it is us. It is this Parliament, and not one of us is scientifically equipped enough—perhaps other than the member for Hammond; I am not sure—to be able to absorb all the information that has been supplied by both councils and come down with an informed and considered view.

The Government has probably gone too far to stop with respect to the Dublin and Inkerman dumps. The Government is going the wrong way. It is a decision which we will rue in years to come and which ultimately will be environmentally disastrous. It has all the potential for it. We should rethink our whole waste management in this State and, rather than having private operators running dumps, where they can put the profits into their pocket, we should look at it as a State Government enterprise, if necessary with local government involvement. You cannot help but make money out of storing other people's waste. That is just a fact of modern society. People will pay money because they have to get rid of their waste. You cannot lose money on it. So, why not put the

money back into the community through State Government or local government coffers?

Mrs MAYWALD (Chaffey): My contribution to this debate will be brief. However, I have sat back, listened and found the debate to be extremely interesting. I have to say that, unusual as it may seem, I agree with a lot of points raised by the member for Ross Smith. It is evident that he has given this issue a considered thought process by which I am very impressed. I thank the honourable member for his contribution.

Mr Clarke interjecting:

Mrs MAYWALD: Yes. I also think that the member for Kaurna's contribution with respect to the major legislative framework in the future for waste management is an extremely good idea. We need to be looking at waste management for the future and not just in the *ad hoc* manner in which we are doing it. This legislation is quite extraordinary in that it brings in the Parliament as an arbitrator between two councils, particularly when this issue is already before the courts. I find that quite amazing. The other thing that I find incredible about the whole process is that I have several reports in front of me. I have the Adelaide City Council's Woodward-Clyde report; I have the report that was done by the consultants for the Port Adelaide Enfield Council; I have the EPA report; and I have the Kinhill report. All of them say different things, for different reasons, for different agenda.

When you go into it further, you see that the EPA's report states in its introduction that the report discusses the results of investigations of consultants engaged by the EPA to assess the feasibility of closing a landfill at a height of 27 metres. It does not ask the consultants to look at what is the most environmentally sound minimum maximum, if it can be said that way. That is quite extraordinary as well. Therefore, I find it difficult to support this legislation that is telling those two councils, the people involved and all the consultants that we have picked an arbitrary figure in the middle and said that 27 metres is okay. We are just politicians.

I would like to flag that the member for Gordon will be introducing some amendments during Committee, and those amendments seek to strike out any reference to a height for the closure of the dump. In actual fact, the legislation as it stands in clause 3, in part, provides:

> The objects of this Act are—
> (a) to provide for the closure of the waste depot to be conducted by Corporation of the City of Adelaide at Wingfield in an environmentally acceptable manner; and
> (b) to provide for public participation in the preparation of a Landfill Environment Management Plan setting out requirements in relation to the closure of the depot.

Let us get someone independent to do it. Why should this Parliament be deciding arbitrarily that 27 metres is the appropriate height?

I also agree with the member for Ross Smith in his assessment of the two mayors and councils involved. I have the greatest admiration for both. I found myself talking to one mayor and thinking, 'Great argument. That's terrific. Yes, they've obviously done their home.' Then I would speak to the other mayor and the people involved and I thought exactly the same thing, and I was left in limbo land. Then I would read the reports. Then we took evidence in the ERD committee. Quite honestly, I am confused, and I do not understand how any other member in this place can be anything but confused, and I also do not understand how we can be voting on legislation based on that confused collection of data that has been presented for us. I urge members of this House to support the member for Gordon in his amendments, and let us get some independence in this and take the political agenda out of the decision making process.

Mr LEWIS (Hammond): There are several points I want to make. The first is as the member for Ross Smith has stated. Both the mayors are outstanding advocates for their respective constituencies. He did not say that exactly, but I am saying it. I think that is what he meant. They are outstanding advocates for their respective constituencies. They are, in their own right, politicians. They are responsible and accountable to the people who elect them and the interests that are represented within that framework. To that extent, then, plausibility of argument is a capacity and a talent which both of them have. It does not mean that their presentation of factual material is absolutely objective. It does mean that it is absolutely valid and accurate for the conclusion to which they wish us to come and which they want their ratepayers and electors to believe that they have represented to us.

So I started to analyse the information that had been put before me, and I say at the outset then, to save time in wonderment, that I will be supporting the member for Gordon's amendment. It is environmentally sound. That is what it must be. Anything else is ridiculous. I think it was outrageous that the EPA was of its motion or otherwise directed to investigate the feasibility of closure at 27 metres with the least possible environmental damage. That should not be an objective which we seek to meet, because it may be that it is less environmentally desirable. Indeed, based on the evidence put before us, none of which was rebutted, about the soundness of the base of a stack of refuse, clearly the height at which there will be least risk to the environment—forget about litigation—will be substantially higher than 27 metres. It cannot possibly be an optimum at that height. For it to be so would require the area of the exposed surface on the top to be redesigned. The proposed geometry at present for 27 metres is grossly inappropriate. It would cause systematic sinking in the centre of the stack to the extent which means puddles, then lagoons would develop as the stack settled. It will settle to a greater extent in the centre than around the edges as time goes by.

That being so, members only have to reflect upon what happens in the natural environment where water collects in puddles in situations where there is a lot of calcium in the soil profile. The calcium is dissolved by the weak solution of carbonic acid, that is, H_2CO_3, or water and the carbon dioxide that dissolves in it as it falls through the air in the form of rain. That dissolves through a process of taking the calcium salts that are there to calcium bicarbonate, and shifts them in very dilute solution through the soil profile—indeed, the profile of the land; it is not just the soil—until, for one reason or another it is saturated and settles out again. Cavities are formed. Members know of the phenomenon in which such cavities called—believe it or not—caves come into existence.

The same thing will happen in this dump, and it will not be the calcium but the rotting organic matter that is encased in the dump that is part of the stack of refuse that is there. As it decomposes, the space it occupies will decrease, because the material of which it is comprised will be gasified by the action of the bacteria which live upon it over the years, decades and centuries for which it will stay there. That gas we are collecting, in the main, because it is methane and is toxic to vegetation and so on. What is more, it is lighter than air and rises fairly rapidly. It is spontaneously combustible

and upon combustion forms a whole lot of other gases which are very destructive of the ozone layer when they reach it. It contains what we call 'cox, nox and sox'. Forget about the cox: it is the nox and sox we have to worry about—the nitrous, nitrite and sulphurous gases that escape and do the damage in the wider environment more serious than the things which most people complain of at the present time, that is, the appearance, litter and so on.

I will come to that in a minute. Let me stick with the consequences of the sinking of the stack of refuse. The puddle occurs and, as members know, where the crevice occurs in the sheet limestone shield, that is where the water goes. It goes through that crevice in increasing volumes at increasing rates as it opens up the aperture through which it is flowing by virtue of the erosion it causes going through there. That is on the surface, and it takes the calcium that it is dissolving from there to a greater depth. In the cavities that it has formed, where it drips from the ceiling, it forms stalactites and stalagmites.

We can forget about that bit: it is not relevant. However, what is relevant is that the dump will sink in the centre, and water will shift those corrosive nitrous and sulphurous chemicals down through those crevices, cavities and channels of least resistance into a much more rapidly developing ground water mound beneath the refuse. The hydraulic pressure will shift the dissolved chemicals in that water, with the water itself, out underneath the stack. The water will rise up to the surface adjacent to the stack. While that is being and will continue to be monitored carefully—and that is responsible—it nonetheless means that, if we close at anything other than the optimum height as far as the environment is concerned, there is a certainty—and a greater measure of such certainty the lower we close it, against that environmental advice—that we will have a leachate problem. This whole process is called leaching.

That is why I must support the member for Gordon's amendment. It is based on good science to leave to someone else more expert than ourselves to determine that. Then we can begin to examine what it is that the respective constituencies of the mayors had as an agenda. In the first instance, you have to look at what will happen upon the closure of ACC-Wingfield. Whilst I know that the member for Hart did not in any sense seek to distract us from reason, he failed to mention that there is no constraint upon Garden Island and that the Port Adelaide Enfield City Council will then have a dump, a refuse disposal site, identical in its facility and ability, at about the same distance from the source of the refuse as the ACC-Wingfield disposal site is at present. They will get the revenue stream currently enjoyed by the Adelaide City Council. That must be taken into consideration by members in assessing what it is that motivates the Port Adelaide Enfield City Council to want to close Wingfield.

Further, some residents have expressed concern about odours and litter escaping from the landfill. There is no evidence of any litter escaping now. Most of the litter to which the Mayor of the Port Adelaide Enfield City Council has drawn attention cannot be shown to have come in recent times—in the past several years—from the Wingfield refuse disposal site operated by the ACC. It is valid to point to the refuse hanging in the mangroves and where it otherwise sits among the algae on the banks of the tidal creeks and so on. It is valid, and I make no disparaging remark about the Mayor's wisdom in drawing attention to that, but for her to claim that it has come from the Adelaide City Council's Wingfield landfill enterprise is wrong. There is no factual evidence to support that assertion.

The old refuse may have come in days gone by, but that is not fixed simply by closing it at 27 metres. The refuse would still hang in the mangroves and rot on the banks of the tidal creeks. We will not change that at all if we close it down today. So, we are ignoring this environmental leachate problem that I see emerging by closing it at 27 metres. It is clear from the opinion of everyone who has examined it, that it is not the optimum height. We are ignoring that and saying, 'We'll fix the eyesore if we close it at 27 metres.' That is a *non sequitur*: it does not follow. It is obvious to members that it does not follow, I am sure.

The next point we need to look at, then, is what is happening at Garden Island. Quite clearly, more refuse will be deposited there. If, as the Port Adelaide Enfield City Council asserts, the leachate that is likely to come from the Adelaide City Council's refuse disposal site places at risk the dolphins in the Port River, the fish and the other marine life—indeed, the entire ecosystem that will be impacted by that leachate—then I say to members that there is a grave danger of an even worse consequence if we allow the Barker Inlet Garden Island dump to proceed. Even worse, it is closer to the marine environment, in a far more sensitive location. All the protesting children and simple and innocent men and women supporting the proposition of the Port Adelaide Enfield City Council go for nought if they think they are doing the environment a favour. They are not: they are merely transferring the problem to a far more sensitive area at Garden Island and Barker Inlet.

In my judgment we would be fools to be hoodwinked into believing we are solving the problem if we cut it off at 27 metres. I refer to the argument that has been advanced by some and espoused in the last hour, in particular by the Minister for Local Government, the member for Unley, that we need to make it more expensive—I could not believe what I was hearing—to dispose of our refuse so that there will be more recycling undertaken. What a ridiculous approach. That will not solve anything.

Mr Atkinson: People will just dump anywhere.

Mr LEWIS: Indeed. There will be greater incentive to try to dump illegally and greater incentive to try to bury in your own backyard if you can get away with it, and plenty will. I do not see any good sense in that at all. One of the problems that will produce for us immediately is that firms which might otherwise come to South Australia will find that the cost of operating here is marginally higher in consequence of their having to meet the higher cost of taking their refuse farther afield to dispose of it, and thereby be in some measure discouraged from contemplating locating themselves in South Australia. I do not therefore believe that that is a sensible argument at all.

The one thing you do not do is close off one facility to create both an environmental problem and a higher cost environment for the operation of your enterprises and for your residents and citizens in which to live. It is like biting off your nose to spite your face.

Mr Atkinson: It would be a bit hard to bite off your nose.

Mr LEWIS: Given some of the people and the teeth I have seen around this issue, I would not be surprised. Regarding the argument on the consequences of shifting it further afield, every day several thousand kilometres more will be driven by trucks carrying refuse to Mallala. Every kilometre you drive is another contribution you make to greenhouse gas emissions from the exhausts of the trucks, so

you are contributing to the greenhouse gases as a direct consequence of every kilometre driven, and it is further to go. That is very environmentally insensitive and it is very silly for us to say that we will go further and put out more greenhouse gases into the atmosphere just because we want to resolve this dispute between two councils.

Sure, the Port Adelaide Enfield City Council gets $34 000 out of rates from the Adelaide City Council, but it will get a hell of a lot more out of the increased use of its Garden Island North Arm dump it will now develop. They say they will put in recycling and it is planning to invest a lot of money in capital equipment for compressing refuse suitable for recycling there. The Adelaide City Council is doing no less now at Wingfield. There is nothing wrong with the approach taken there. If it is such a sin to continue to conduct dumping at the landfill site of the Adelaide City Council, as seen by the Port Adelaide Enfield City Council, why the hell did it allow Borrelli's to go up so high that it settled out at 28 metres and more recently give Borrelli's permission to build a 12 metre high shed on top of its dump to take it up to 40 metres? What a beautiful monument! You have to go for eight or nine kilometres to find anything as high. You will be able to see it right across the north and western suburbs. It will be a monument forever to the stupidity and irrational argument being advanced by the Port Adelaide Enfield City Council.

I do not believe it is sincere in its argument against the Adelaide City Council dump and wanting it to be closed at 27 metres so that it can settle at 25 metres when it has just given approval for that 12 metre high shed to go on top of the 28 metre high Borrelli dump.

Mr Hanna: It needs State Government intervention.

Mr LEWIS: Yes, it needs the State Government's intervention, acting on the criterion of having an environmentally sound closure, and no other criterion: just keep it clean and do the best we can for the environment. I will support the amendment of the member for Gordon to delete any reference to height. The Cleanaway and Borrelli dumps have steep batters, that is, slopes on the sides. They are already eroding severely and no attempt has been made to establish vegetation, tolerant of the toxic gases coming from those dumps, on the slopes to try to stabilise them. Yet, the opportunity is there.

On inspecting the site we note that the Adelaide City Council has done quite a good job in that respect to stabilise its site. Its batters are much more relevant in terms of the engineering design features. They will not erode at anything like the same rate. It would take an enormous storm event after several wet days for the ground to be so wet as to be eroded in the way in which we see those gutters and gullies emerging on the edges of the dumps adjacent to it. Every member of the general public who goes down there needs to know the difference between the Borrelli dump, the Cleanaway dump and the Adelaide City Council's.

If the Parliament decides to go with the amendment to the legislation, or with the provision in the legislation presently under clause 7, for 27 metres, the least it can do is to indemnify the Adelaide City Council of the consequences of any environmental damage which arises from it. If we do not indemnify it of the consequences of environmental damage, we are being grossly irresponsible, irrational and hypocritical. We are saying, 'You have to close now; it is against the plans you have always had and currently have; it is against the best interests of an environmentally sound outcome; but you will have to cop it when it goes wrong.' The Adelaide City Council ratepayers will then have a damages bill to meet, and that is wrong. It is so wrong that it is wicked. It is an abrogation of our responsibilities.

For all those reasons, I find that, on balance, the best approach is to leave it to experts to determine for us as to what will be sound and not constrain them, as was the case in the task given to the EDA to find out how to close it best at 27 metres. We should give them the task of closing it best for the outcomes in terms of the environment. If it is not environmentally as sound as it could possibly be, it is by degrees, stupid.

Mr MEIER secured the adjournment of the debate.

EVIDENCE (CONFIDENTIAL COMMUNICATIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 March. Page 999.)

Mr ATKINSON (Spence): The Bill is the second of two Government criminal justice Bills this week that borrow their principle from Opposition private members' Bills.

An honourable member: May there be more of it.

Mr ATKINSON: Yes, indeed. The Opposition Bill borrowed by the Attorney-General is the Evidence (Sexual Offences) Amendment Bill that I moved on 2 July 1998. I refer members to page 1256 of *Hansard*. It is most gratifying for the Opposition to be rewriting so much of the State's criminal law without our being in government. This portfolio is not an area where the Premier can say that his Government is a policy locomotive and accuse the Opposition of being a policy free zone: quite the reverse.

The Bill picks up Labor's proposal for a structured judicial discretion in sexual assault cases whereby the judge could refuse the accused and his counsel access to notes of the alleged victim's counselling by a rape counsellor and that counsellor's oral testimony. What kind of notes are we discussing? Last year I attended a debate at the Union Hotel about the merits of protecting rape counselling from disclosure in sexual assault trials. Local barrister Gordon Barrett spoke against the proposal and the director of Yarrow Place Rape and Sexual Assault Service, Gill Westhorp, spoke in favour. Ms Westhorp told the gathering:

> Actual counselling doesn't usually start at the time of the crisis response. The person isn't usually in a fit state to deal with anything much at the time. Counselling notes start later in the process, often after the victim has made a detailed police statement. Counselling notes deal mainly with the aftermath of the assault, with what the client feels, how she is coping, what she might do to manage the nightmares or the anxiety attacks or the parents who blame her for what happened, or whatever it might be. The notes might have a bit more information about what is alleged to have happened, but it is likely to be a specific issue of therapeutic concern.

Later she continued:

> It is not usually therapeutic for the victim to keep going over what happened, and it is not necessary for the counsellor to know the gory details in order to provide her with a crisis response or ongoing counselling.

Ms Westhorp says the notes are not a comprehensive record of everything said in counselling. They do not record verbatim what the victim said. They are not checked by the victim for accuracy and they are not always made contemporaneously.

The Criminal Law Committee of the Law Society, in its submission against the Bill, says the most common use of the rape counselling notes by defence council in a trial is as evidence of previous inconsistent statements by the complain-

ant; that is to say, defence counsel is looking for anything in the counselling notes that might contradict the alleged victim's testimony. The Law Society says defence counsel can get the counselling notes now by subpoena if it has a legitimate forensic purpose in asking for them.

Ms Westhorp replies that the other side of legitimate forensic purpose is a fishing expedition by defence counsel, such as when Yarrow Place gets subpoenas for notes of alleged victims who are not Yarrow Place's clients or when every rape crisis service in Adelaide is subpoenaed about the same alleged victim.

This matter was first raised in the Parliament in 1997 when I asked the Minister representing the Attorney-General whether the Government had considered legislating for privilege in a rape trial for a rape counsellor's notes and, if so, what was the outcome of that consideration? The Government replied in a noncommittal way in July of that year. After the general election of October 1997 new members for Elder and Mitchell came to the House. I was encouraged to go further and introduce a private member's Bill. But for them it would not have been done. Their insistence that the private member's Bill be introduced was vindicated when the Attorney-General, the Hon. K.T. Griffin, used Question Time in another place to denounce our moving on the issue. This Government Bill is really their work.

I shall reiterate now what I said then about the principle of protecting rape counselling notes. Only in the past 20 years since laws were enacted restricting the use by the defence of the complainant's sexual reputation and her alleged sexual activities has it become common in South Australian rape trials for defence counsel to try to introduce into evidence a rape counsellor's notes and other records that contain personal information about which the victim might reasonably be expected to be granted privacy. So this technique of defence counsel is an innovation.

Defence counsel does this not so much because these records might tend to exculpate the accused at the trial but for the purpose of persuading the alleged victim to withdraw the charges. One has only to look at the statistics on the reporting of sexual assault cases, cases coming to court and conviction rates to know that defence council is likely to have better odds on having the charges withdrawn than winning a not guilty verdict, though the latter is far more common in sexual assault trials than in other criminal trials. A rape trial is difficult enough for the alleged victim without her having to undergo a public examination of her counselling notes and her psychiatric records.

It is common enough in the aftermath of a rape for the victim to blame herself, not because the accused did not commit the rape but because she thinks she might have avoided the situation. It is this understandable and entirely innocent self-accusation or self-loathing that defence counsel seeks to exploit for the purpose of knocking the alleged victim out of the trial or, should the trial go ahead, attacking the credibility of the alleged victim or raising a reasonable doubt in the mind of the jury whether the alleged victim was not consenting.

I accept that there are some cases in which these personal records might be probative of a not guilty verdict. For instance, the accusation of sexual assault may arise out of recovered memory therapy that the alleged victim has undergone with a psychiatrist. The prosecution might be alleging that the accused committed the sexual assault a generation ago and the alleged victim had not remembered the assault until recent therapy. In that kind of case the counselling notes would be highly relevant. The Criminal Law Committee of the Law Society makes the same point in its submission, citing the case of *R. v Horsfall* (1989) 51 SASR 489 in which a 9-year-old girl complained about indecent assault upon her after she had undergone a course of hypnotism, well after the alleged assault. The society's submissions states:

> The process or technique employed in treatment and counselling may have been such as to suggest or encourage a complainant to believe that offences occurred which did not in fact occur.

The Model Criminal Code Officers Committee says of the kind of Bill that we have before us:

> This would allow the judicial officer to balance the interests of the complainant and the need to protect her privacy against the right of the defendant to have access to evidence that may supply a reasonable doubt as to guilt.

In Canada, the parliamentary secretary to the Minister of Justice said in the House of Commons on the use of counselling records to attack an alleged victim's credibility:

> Have we ever heard of a police officer testifying at a trial and being required to disclose his medical records or talk about his sex life in order to establish his credibility as a witness?

The parliamentary secretary warned the House that, unless a Bill of this kind were passed, the future of rape counselling was in doubt. He said:

> Some complainants will decide not to participate as witnesses in the prosecution. Some may decide not to report an offence to the police. Others may report to the police but forgo the counselling or treatment essential to their recovery and wellbeing due to fears that these personal records, whether generated before or after the offence, will not be kept private during the court process.

This is a point made in South Australia by women associated with Yarrow Place. They say counsellors have been imprisoned by trial judges for refusing to disclose their notes written when counselling the alleged victim. Some counsellors do not ask a range of questions useful in rape counselling for fear of receiving answers they would be required to disclose at the trial. Obedience by a councillor to a court order for disclosure may damage the trust between the councillor and alleged victim.

I turn now to the provisions of the Government Bill. New section 67e will give public interest immunity from disclosure in legal proceedings to a communication by an alleged victim of sexual assault made in a therapeutic context. 'Therapeutic context' is defined as a counsellor or therapist assessing the trauma suffered by the alleged victim or psychiatric or psychological therapy provided to an alleged victim.

Exceptions to the immunity are communications made during a physical examination of the alleged victim, a communication made for the purpose of legal proceedings, or—and this is important—a communication about which reasonable grounds exist to suspect that the communication evidences criminal fraud, perjury or an attempt to pervert the course of justice.

So, an alleged victim who concocted a story for the police about being sexually assaulted, and then said things during her rape counselling or psychiatric consultation that would indicate that the sexual assault did not take place, or was in fact consensual sexual relations, could not take the benefit of the public interest immunity. The judge would see this during his preliminary examination of the notes. I shall outline the preliminary examination stage established by the Bill in a minute. Gill Westhorp concedes that it is possible that this will happen, and that is why she said in the debate I noted earlier:

At the risk of taking all the fun out of a good fight even before it's started, I'm not going to seek or defend 100 per cent protection of counsellors' notes in 100 per cent of cases.

The public interest immunity cannot be waived by the complainant, and I think that this clause is right on principle. The public interest immunity means that the communication is inaccessible and not liable to discovery without leave of the trial judge. The judge may grant leave for an application if he or she thinks that the applicant has a legitimate forensic purpose or if there is an arguable case that the evidence would materially assist the defence. After receiving an application under this division of the Act, the judge may conduct a preliminary examination of the evidence in dispute. The examination would, of course, be without the jury and without the public. The judge may ask the therapist to provide written answers to questions and the notes or to appear for oral examination.

The two matters that the judge is to weigh in deciding whether to allow the defence access to the confidential communication are:

1. the public interest in preserving the confidentiality of these communications; and

2. the public interest in preventing a miscarriage of justice that may arise from the suppression of relevant evidence.

The Bill goes on to say that, in weighing these principal considerations, the judge should also have regard to the need to encourage victims to seek therapy; the maintenance of confidentiality between counsellor and therapist; the probative value of the evidence and whether its exclusion may lead to a miscarriage of justice; the attitude of the alleged victim to the admission of the evidence (which may get around the issue of waiver by the back door); whether admission is sought on the basis of a discriminatory belief or bias; and whether access would infringe a reasonable expectation of privacy. Proposed subsection (8) of section 67f creates a presumption against granting leave.

The Criminal Law Committee of the Law Society argues that the onus should not be on the accused seeking leave but on the person attempting to resist disclosure on the ground of public interest immunity. The Law Society strongly opposes the Bill. The Opposition held a meeting to hear the Law Society's Mr Anthony Crocker argue against the Bill, and we read the submission of the society's Criminal Law Committee. Although Mr Crocker did his best, the written submission, I am afraid, lost many members of the parliamentary Labor Party when it said of Yarrow Place's worry that lack of confidentiality for rape counselling may result in victims avoiding counselling or being reticent with their counsellor:

The committee suspects, however, that such concerns are, at best, speculative and probably illusory.

The nub of the committee's objection to the Bill is that it thinks the Bill impinges dangerously on the right of an accused person to a fair trial. The committee writes:

The committee regards an accused's right to a fair trial as being the paramount public policy consideration in this debate. Whilst the committee acknowledges that there is a public interest in protecting alleged victims from undue harassment and in the minimisation of harm to those who have already suffered a traumatising experience, the committee rejects the notion that such interests are 'equally compelling' with the rights of a person accused of a sexual offence (or indeed any offence) to receive, and be seen to receive, a fair trial.

The committee goes on:

There is no fundamental right to avoid possible embarrassment.

It then states:

The interests of the particular complainant or the counselling process generally ought to be subjugated to an accused's right to a fair trial.

The Opposition supports the Bill because we think that it gets the balance between complainant and accused right. For many years, defence counsel was able to do his or her job for an accused in a rape trial without seeking access to the alleged victim's rape counselling or psychiatric notes. When Parliament deprived defence counsel of the opportunity to use the complainant's sexual reputation in the trial and then made it difficult to lead evidence of the complainant's sexual activity both before and after the alleged assault, defence counsel turned to the rape counselling notes. No injustice is done to defence counsel or to accused by subjecting their applications for the complainant's rape counselling and psychiatric notes to a preliminary examination by the trial judge to see if the notes are probative of the guilt or innocence of the accused.

The Hon. I.F. EVANS (Minister for Industry and Trade): I thank members of the Opposition for their support of the Bill.

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

EVIDENCE (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 10 March. Page 1093.)

Mr ATKINSON (Spence): Children's evidence is the main subject of the Bill. Up until now, the law of evidence has distinguished between a child and a young child, defined as a child below the age of 12. A young child cannot give evidence on oath or affirmation unless he or she indicates a belief in divine retribution for the giving of false evidence. For myself, I think that it is a good thing to fear God, and I agree with the philosopher Friedrich Nietzsche who wrote that without God there is no law. The Bill sweeps this away, I am afraid. Neither religious belief nor age is any longer the criterion. New clause 9 says that a witness is presumed to be capable of sworn evidence (that is, evidence on oath or affirmation) unless the judge determines that the witness does not have sufficient understanding of the obligation to be truthful when giving sworn evidence.

I would have resisted the removal of divine retribution from the law, but I am afraid that the ground was cut from under me by my friend Father John Fleming, who told the *Advertiser*:

I welcome the initiative as sensible. Divine retribution smacks a little of the old Calvinist tradition. It places unhealthy emphasis on punishment by God if you tell a lie.

Father John, who is not of course a Calvinist, would, I think, be a very soft confessor. If the judge decides that a person does not have sufficient understanding of the obligation to be truthful when giving sworn evidence, the judge may allow the person to give unsworn evidence if satisfied that the person understands the difference between the truth and a lie, the judge tells the person that it is important to tell the truth and the witness indicates that he or she will tell the truth.

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

Mr ATKINSON: The Bill says that if evidence is unsworn the judge must tell the jury the reason it is unsworn

and may, if the defence requests, warn the jury of the need for caution in accepting the evidence and weighing it. The Bill goes on to emphasise that there is no rule of law that compels a judge to warn a jury that it is unsafe to convict on the uncorroborated sworn evidence of the child. So, young children are treated the same as adults; the same rules are applied irrespective of age. Before I leave the question of children's evidence, I shall mention to the House an article issued by the Australian Institute of Criminology entitled 'Child Sex Abuse and the Criminal Justice System' which I read in January.

The article said that half the young women victims of sexual assaults surveyed for the article said about the court system that they would not recommend to other victims that they should report sexual abuse. Both parents and children surveyed said they would like to be kept better informed by police about the progress of the case. Complainants waited for six to 18 months between committal and trial, the average wait being 12 months. Under cross-examination the children were placed in an adversarial and stressful situation that would test the resilience of adults. I quote:

> The effects of gruelling repeated questioning can be significant in impeaching the credibility of the child witness.

Quote:

> As their concentration wanes they become more easily confused and, in the eyes of the jury, less credible.

Quote:

> All participants reported being upset and angry when directly accused of lying on many occasions during cross-examination.

Quote:

> Failure of judges or prosecutors to intervene was also interpreted by the young women as belief that other adults also believed they were lying. In view of the legislation and professional guidelines surrounding cross-examination there is ample basis for prohibiting this kind of intimidatory cross-examination.

I think that in this area of law there is irreconcilable conflict between the competing values of the accused's right to a fair trial on one side and the caring and civilised treatment of a victim of sexual assault on the other. We saw the same conflict in the very last Bill with which the House dealt. Turning now—

The Hon. M.K. Brindal: That was the Wingfield Waste Depot Closure Bill.

Mr ATKINSON: I am sorry, I must correct the Minister for Local Government: the last Bill with which the House dealt was the Evidence (Confidential Communications) Amendment Bill. It is a pity that the Minister has not read his Notice Paper more carefully. Turning now to other aspects of the Bill, I notice with dismay that the Bill abolishes the offence of giving unsworn evidence and I would like the Minister to explain to the House why this is so. It seems a pity to lower the standards expected of people who give evidence in court.

The Bill says that an interpreter must be impartial and that the interpreter must take an oath or affirmation to interpret accurately.

The Hon. M.K. Brindal: What's wrong with that?

Mr ATKINSON: If the Minister had been in the House earlier he would realise that I was supporting the Bill and, indeed, there is nothing wrong with it. But if the Minister for Local Government would like a deadlock conference on aspects of this Bill, I would be quite happy to grant him one.

The Hon. M.K. Brindal interjecting:

Mr ATKINSON: The Minister withdraws all questions, splendid. It is not normal for the Opposition to answer questions in Parliament.

The SPEAKER: Order!

Mr ATKINSON: Thank you, Sir. An accused is not entitled to make an unsworn statement unless he would be eligible to give unsworn evidence under the rule I mentioned earlier. At one time it was common for an accused in any sort of criminal trial to make an unsworn statement. Indeed, for many years it was the only option open to him apart from staying silent. The reason for this was that English speaking people took God and giving evidence on oath very seriously. If the accused, who was assumed to be desperate to get off the charge at any cost, gave sworn evidence and lied, then whether or not he succeeded in beating the charge his soul would be in hell for eternity on account of his breaching his solemn oath. The law mercifully deprived him of this fate by stopping his giving sworn evidence. One of the last unsworn statements I recall was the late Lionel Murphy's at his trial for perverting the course of justice.

The Opposition is pleased to see that the Bill requires the trial judge in sexual assault cases, where the defence draws attention to the complainant's delay in complaining, to warn the jury that the delay does not necessarily mean the alleged victim's complaint is false and that she may have had valid reasons for failing to make the complaint or for the delay.

Suppression orders are another matter affected by the Bill. Suppression orders are orders by a judge suppressing the name or anything tending to identify a party to the case. I remember once that a former member of the House, Mr Peter Duncan, was named in a trial and applied for and was granted a suppression on his name. He then made what, I think, is the only application in the State's history for a suppression order on the fact of the suppression. The change proposed would have the effect, I think, of greatly increasing the number of suppression orders issued in our courts. After the Bill is proclaimed an amendment to section 69A would allow a suppression order to be granted to prevent undue hardship to a child.

The two grounds for suppression now are undue hardship to an alleged victim of crime and to a witness or potential witness who is not a party to the proceedings. The name suppressed under the new section would hardly ever be that of the child. The name suppressed would most likely be that of the child's father, grandfather, uncle or brother who was an accused in a criminal trial. The accused would argue that the publication of his name in connection with the alleged crime would harm little Huey who attends such and such a school. I could think of cases where such an order would be merciful and justified. I could also think of cases where it would be a rort by the accused and his lawyer. We have got by without giving judges this authority for many years now and, given the hostility of some judges to media reporting of their courts, I fear the number of suppressions granted on this ground could get out of hand. I hope the Attorney-General and Adelaide's journalists and editors will monitor the operation of this new section.

Those of us who miss the old forms of divorce will be saddened to see that clause 11 repeals the section of the parent Act that provides that the findings of adultery by the Supreme Court may be admitted in other proceedings. Alas, the matrimonial jurisdiction has long since gone to the Family Court. Farewell co-respondents

The Hon. I.F. EVANS (Minister for Industry and Trade): I thank the Opposition for its support of the Bill and, in answering the question about the abolition of the offence of giving false unsworn evidence, I am advised that a person of limited understanding such that they are unable to take the oath or affirm is likely to lack the ability to form the intention to commit the offence of giving false unsworn evidence. Because of the person's defect of understanding the problem of proof would be in practice nearly insuperable. The Bill reflects this practical reality.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5.

The Hon. I.F. EVANS: I move:

Page 2, lines 17 to 26—Leave out subsections (4) and (5) and insert:

(4) If unsworn evidence is given under this section in a trial by jury, the judge—

(a) must explain to the jury the reason the evidence is unsworn; and

(b) may, and if a party so requests must, warn the jury of the need for caution in determining whether to accept the evidence and the weight to be given to it.

In moving the amendment, I will just clarify for the Committee that, as it presently stands, clause 5, subclauses (4) and (5), have the combined effect of preventing conviction upon the basis of unsworn evidence alone in the case where an accused gives evidence denying the offence. That is, the Bill provides that there must be definition by a reasonable doubt about the reliability of such evidence. However, on reflection the Government is persuaded that it should be a matter for the jury to determine in a particular case whether a reasonable doubt exists. Rather than making it impossible to convict in such circumstances, the Bill should be amended to provide for a warning to the jury. The judge should explain to the jury why it is that the witness has given evidence without the formality of an oath or affirmation. This may involve reference to the witness's limitations of understanding.

Further, it is appropriate to provide that the judge may, and if requested to do so by either party must, warn the jury of the need for caution in determining whether to accept the evidence and the weight to be attached to it. Of course, in many cases, if there is no evidence apart from the evidence of a witness who labours under a defective understanding, the jury may not be persuaded beyond reasonable doubt of the defendant's guilt. However, in some cases it is possible that, despite the witness's defective understanding, his or her evidence may suffice to convince the jury to the necessary standard, and in those cases a conviction should be possible.

This provision is not suspended to codify the law in relation to the warning to be given or to prescribe its form. The scope and content of the warning will be in all cases a matter for the trial judge. The common law clearly shows that the nature and strength of the warning required will depend on the circumstances of the case. In some matters, no more will be required than an appropriate comment from the judge to remind the jury of considerations which are relevant to the evaluation of the evidence. In others, a more detailed warning will be needed. The important thing is that matters requiring caution, such as a limitation on the witness's understanding, be adequately brought to the attention of the jury in order that the risk of any miscarriage of justice is avoided.

Of course, the common law dictates that a warning must always be balanced. This will remain the case, regardless of which party requests the warning or whether the judge gives the warning without being requested to do so. If no party requests such a warning and the judge does not consider a warning necessary, then the warning need not be given. Of course, one can anticipate that in practice where crucial evidence has been led from a witness who lacked the capacity to give formal evidence and so gave evidence unsworn, a party may well request a warning. In that case it must be given. If no party requests it but the trial judge nevertheless considers a warning appropriate, the judge is, of course, still at liberty to warn the jury as he or she sees fit. The purpose of the warning is to make sure that the jury is aware of the limited understanding of the particular witness and takes proper account of this in assessing the evidence. In this way, any possible miscarriage of justice which might result from the jury not properly considering the witness's defective understanding will be avoided.

Mr ATKINSON: What made the Government change its mind?

The Hon. I.F. EVANS: I was persuaded by the argument after general consultation.

Amendment carried.

Mr ATKINSON: Whom did the Government consult?

The Hon. I.F. EVANS: I am advised judges and the DPP.

Clause as amended passed.

Clauses 6 to 8 passed.

Clause 9.

The Hon. I.F. EVANS: I move:

Page 3, lines 13 to 16—Leave out subsection (1a) and insert:

(1a) A person may only act as an interpreter—

(a) if the person takes an oath or makes an affirmation to interpret accurately; and

(b) in a case where a party to the proceeding disputes the person's ability or impartiality as an interpreter, if the judge is satisfied as to the person's ability and impartiality.

This clause deals with interpreters. The amendment does not alter the basic effect of this clause, which is to make clear that, in the case of an interpreter, the important thing is the person's ability to interpret accurately between the witnesses and the court in the absence of any partiality which might effect the interpretation. It is to this that the court's attention is directed when swearing the interpreter, rather than to his or her cultural and religious beliefs, as is the case under the present Act. However, the amendment removes any suggestion that might have arisen from the Bill's present form of wording that the court must in every case examine the interpreter's skill and impartiality before permitting him or her to interpret. It makes clear that an interpreter will be treated as competent to interpret unless a party raises the issue. If a party does suspect an interpreter lacks the necessary skill and knowledge to interpret or is biased that party must raise the issue whereupon the court must satisfy itself on these points. The amendment is simply a clarification.

Mr ATKINSON: The clause is cast in the negative in the Bill and cast in the affirmative in the amendment. Is the Minister saying that the only time that a judge will be able to address his mind to the question of whether he is satisfied as to the interpreter's ability and impartiality will be where a party to the case raises the matter? It appears to me that it may be cast in such a way that it has to be raised by a party to the proceedings. What if the judge has doubts about the impartiality or the ability of the interpreter, and a party does not raise the matter; how would the judge's intervention be triggered? It would be under the original clause, but what about this amendment?

The Hon. I.F. EVANS: I am advised that this amendment does not alter the principle that the judge of their own right can raise the issue if they wish.

Mr ATKINSON: Let us just analyse the text a little more closely. The text of the amendment provides:

(1a) A person may only act as an interpreter—
(a) if the person takes an oath or makes an affirmation to interpret accurately; and
(b) in a case where a party to the proceeding disputes the person's ability or impartiality as an interpreter, if the judge is satisfied as to the person's ability and impartiality.

It seems to me that the judge is only to direct his or her mind to the question of ability or impartiality of the interpreter if it is raised by a party, and if it is not raised by a party then the judge's satisfaction is neither here nor there because it is not triggered. This section does not enable the judge of his own motion to intervene if he is not satisfied as to an interpreter's ability and impartiality. Is the Minister saying that the judge has a residual authority to intervene, in which case I am quite happy to accept that? However, I do not think intervention of his own motion is contemplated by the amendment, but it is contemplated by the clause.

The Hon. I.F. EVANS: I am advised that it is in the inherent powers of the court for the judge to intervene.

Mr ATKINSON: And whom did the Government consult about this amendment?

The Hon. I.F. EVANS: I am advised that the suggestion came from consultation with judges.

Mr ATKINSON: Sir—

The ACTING CHAIRMAN (Mr Venning): The member for Spence has spoken three times.

Amendment carried; clause as amended passed.

Clauses 10 to 16 passed.

Clause 17.

Mr ATKINSON: I should have said in the second reading stage that the Bill amends the law on suppression orders to make suppression orders cover the Internet. It becomes clear from this clause that this is one of the things that the Bill is doing, and it includes in the definition section a definition of 'publishing' which embraces the Internet. This is clearly a sensible change; the use of the Internet could substantially undermine the effectiveness of suppression orders. I recall that when I was a law student a famous suppression order was undermined by graffiti artists and also by students in the University Law Revue. I cannot see any means of including that in the measure, but the Internet is a sensible inclusion.

Clause passed.

Clause 18.

Mr ATKINSON: Perhaps it is because I come from a journalistic background, but I am concerned about the change to enable an order that an accused's name be suppressed if the publication of the accused's name would cause undue harm to a child. As I said in my second reading speech, I worry that this clause could be substantially abused. I know that the Attorney-General is quite hostile to public discussion of court cases after they have been concluded and the appeal period has expired. The Attorney is no great fan of media coverage of the courts, because he believes it leads to fear of crime, and as Attorney he does not want fear of crime in South Australia because it may have harsh electoral penalties for his Party. I worry that many accused could come to court saying, 'My name needs to be suppressed, because the children in the school yard of my nephew, niece, daughter or grandson will be affected by the publication of my name.' One thing is for sure: many more applications will now be made for suppression orders on the basis of this clause. So, I ask the Minister whether he shares my anxiety about how this clause could be misused.

The Hon. I.F. EVANS: I understand the point the member for Spence is making. The view is that we should place faith in the judge to make a decision on merit on each application. The judges are trained in the decision making process to judge the merits of the application, so the view is that the judges are best placed to judge on the merits of each application. In some instances it may provide a broader suppression than the member for Spence may support, but each individual application surely deserves the due consideration of the judge on merit.

Mr ATKINSON: One of my anxieties is about lack of uniformity in the way our judges handle suppression orders, and the authority to grant suppression orders will now be substantially broader. It is known that some judges are comfortable with media coverage of trials at which they preside: it is also well known that some judges are quite hostile to media coverage. Given that this clause is drawn so broadly, is there a danger that there will be inconsistency among the handling by particular judges of suppression orders sought on the basis of undue harm to a child? Will it not become well known that Judge So-and-so will suppress to keep out the media and that another judge will allow them in because he is comfortable with the media; and will this not result in media organisations—television stations and the *Advertiser*—appealing these provisions? I worry that they are drawn very broadly and we may get inconsistencies in rulings which will lead to appeals. In the way this clause is drawn, what guarantee do we have that there will be consistency in the granting or refusal of suppression orders?

The Hon. I.F. EVANS: The personal differences among judges really cannot be anticipated or legislated for. Ultimately, as these cases go before the different judges and they each judge them on the individual merits of the case, the merits or definitions of what has been accepted practice will naturally evolve.

Mr ATKINSON: I suggest to the Minister that the way to ensure that there is not much inconsistency between judges is to tie them up nice and tight legislatively so they cannot disagree with one another. It is certainly not being done under this clause.

Clause passed.

Remaining clauses (19 to 21) and title passed.

The Hon. I.F. EVANS (Minister for Industry and Trade): I move:

That this Bill be now read a third time.

Mr ATKINSON (Spence): The Opposition is still happy to support the Bill as it comes out of Committee. We sought to ask questions about the effect of various clauses, and we regard that as nothing less than our duty of scrutiny, but I would not want those questions to give the impression that we do not support the overall effect of the Bill. We do, and that is why we support the third reading.

Bill read a third time and passed.

LISTENING DEVICES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 March. Page 1185.)

Mr ATKINSON (Spence): The Government says that the Bill is designed to update the Listening Devices Act 1972 to take account of new technology, such as video cameras and tracking devices. Use of these devices now is not unlawful but the parent Act does not allow police to trespass on private property to set up and maintain these devices. The Act regulates the use of listening devices by anyone, but most of its sections are about exemptions for the police and the National Crime Authority. It is an offence to possess without the Minister's consent certain types of listening device and a person convicted of such an offence may have a court order for forfeiture of the device at his trial. Section 4 of the Act makes it an offence for a person to use a listening device to overhear, record or listen to a private conversation without the consent of a party to the conversation. This applies even if the person is himself a party to the conversation. Section 7 then exempts from the section 4 prohibition people who do these things if they do it in the course of duty, in the public interest or for the protection of the lawful interests of that person.

Owing to those sections having criminal penalties attached to them, we can assume that courts would interpret section 4 narrowly and section 7 exemptions widely, with the result that few people would be caught by the Act. For instance, reporters from the morning newspaper the *Advertiser* may covertly record via telephone jacks onto micro-cassettes many of their conversations with members of Parliament. They may do this without telling the person they are interviewing. No doubt reporters will justify this on the grounds that they need the recording to stop politicians later denying comments attributed to them in the newspaper.

In the criminal appeal of Giacco and Edgington, the accused were appealing convictions for soliciting a murder. They had approached a heroin user, Mr Seaton Hall, about committing the murder for a fee. Mr Hall went to the police and then rang the accused, holding a micro-cassette close to the telephone so that he could record the conversation. The accused on appeal sought to strike out Mr Hall's taped evidence on the grounds that it violated the Listening Devices Act. The Court of Criminal Appeal held that, although Mr Hall used a listening device to record his conversation with the accused without their consent, the recording did not breach the Act because the recording was within the scope of the exemption. Mr Justice Cox, who just recently retired from the court, said:

> In my opinion it was, in the circumstances, in the public interest that Hall should tape these conversations because it must always be in the public interest to bring to justice persons engaged in a conspiracy to murder and there were good reasons at the time to suspect that the applicants were engaged in such a conspiracy and that the appellants' conversations with Hall were designed to further it.

Contrast that outcome with the outcome in *T v. The Medical Board*, in which a patient was accusing a doctor of sexual misconduct and covertly recorded on audio tape a conversation with the doctor. The court held that this recording had not been made in the public interest nor for the protection of the lawful interests of the patient. The Bill authorises the police to search and seize an unlawful device and the record of the information derived from it. The maximum penalty for breaching the Act is two years' imprisonment or a fine of $10 000.

I turn now to the exemptions for the police and the NCA. Under the Act as it now stands, police cannot install video cameras where they are not wanted. The Bill allows the police to seek judicial authority to do this. A Supreme Court judge will now be able to authorise the covert installation, maintenance and retrieval of surveillance devices for up to 90 days. Surveillance devices include video cameras and tracking devices. This is necessary because the High Court in *Coco v. The Queen* decided that authority to use a listening device did not extend to entry onto premises for installation and maintenance.

The judge will have to consider the gravity of the criminal conduct alleged, the significance to the investigation of the information sought, the effectiveness of the proposed method and the ability to obtain the information by other means. The Opposition was concerned about the dropping of the privacy criterion from this list. The Government says privacy will continue to be a matter considered by the judges when deliberating on police applications under this Act, but it is our opinion that Parliament's dropping of that criterion will send the wrong message to the judges. The Opposition had the privacy criterion restored in another place and I am told by the Attorney-General that the Government will consent to an amendment in the Assembly to the effect that the judge must take into account 'the extent to which the privacy of a person would be likely to be interfered with by use of a listening device pursuant to a warrant'. I note the Government has done that: well done! This amendment would go a long way to allaying the unease about aspects of the Bill that has caused the Opposition to support the Democrats proposal for a public interest advocate who would appear at all applications for a warrant.

The Bill allows the judge to authorise the installation of more than one device on the one warrant. A warrant authorises police, when a serious criminal offence is suspected on reasonable grounds of having been committed or being about to be committed, to gain entry by subterfuge, to extract electricity, to take non-forcible passage through nearby premises and to use reasonable force. It has been possible to obtain the warrant by telephone if the matter is urgent. Now police are encouraged to use facsimile machines.

SAPOL will now be required to keep records of its use of these devices and the resulting tapes or transcripts, their movement within the department and their destruction. The Bill says the tapes or transcripts are to be destroyed if they are not likely to be used in an investigation or proceeding. The Police Commissioner must keep records of the use made of this Act in a register. Compliance will be monitored by the Police Complaints Authority. The PCA must investigate SAPOL's records at least every six months and it has authority to enter, inspect and interrogate police. Police will be required to keep records of the use of these devices without warrant. The example that the Attorney-General gives of use without a warrant is that permitted by section 7, namely, when police are wired for sound and conversations in their presence are monitored by nearby police. The Bill allows such monitoring, even if police are not parties to the conversation. The Government's reason for permitting this is the safety of the police officer so wired. The Bill permits the making of regulations under the Act for the first time.

The Hon. T.G. Cameron in another place has expressed concerns about protection for innocent people or people not under suspicion, whose conversations and conduct have been caught by video cameras. The Parliamentary Labor Party has also been worried about people who have been the subject of surveillance but the outcome of the surveillance is that they have been cleared of any wrongdoing.

Mr Venning: Where?

Mr ATKINSON: For the benefit of the member for Schubert, where a warrant has been granted to install a video camera to undertake surveillance in, say, a person's home or business, the warrant has proved unsuccessful in obtaining any evidence of a crime, and the people who have so been under surveillance simply do not know that they have been under surveillance but the police have a record of perhaps the intimate moments in their life or things they get up to that are not unlawful.

Mr Venning interjecting:

Mr ATKINSON: Well, so says the member for Schubert. I hope that answers his question. The Government's only response to these people appears to be that proved misuse of the tapes will be punished and the Police Complaints Authority will ensure that the tapes and transcripts are destroyed after a reasonable time. I hope the Minister when concluding this debate will confirm my impression to my satisfaction.

The Attorney-General says that the Act after these amendments will only allow the communication or publication of information in limited situations, namely, relevant proceedings or relevant investigations. Well, Sir, this is the most interesting aspect of the Bill. Before I come to the question of whether we should have a public interest advocate who is a party to each application under this Act, I shall comment on an aspect of the Bill raised by the Hon. A.J. Redford, which I think is of greater threat to our civil liberties than anything raised in the public debate so far. Material gathered by the surveillance device authorised by the Bill may be used, according to the Bill, in a 'relevant investigation', namely, an investigation of an offence under State law, or—and listen carefully—investigation of alleged misbehaviour or improper conduct of a member of the police force or an officer or employee of the State, the Commonwealth or another State or Territory of the Commonwealth. 'Relevant proceeding' is defined as a prosecution, bail application, confiscation or forfeiture of property, taking evidence on commission, extradition proceedings, a police disciplinary matter, and then, in the final paragraph, this, and I quote:

> Any other proceedings related to alleged misbehaviour or alleged improper conduct of a member of the police force or an officer or employee of the State, the Commonwealth or another State or Territory of the Commonwealth.

Misbehaviour or alleged improper conduct need not be of a criminal nature. The paragraph certainly applies to members of State Parliament. I could give the Parliament a hypothetical example of a Minister of the State who attended a tactics committee meeting of his political party on the morning before Question Time and arranges for a backbencher to ask a question about whether any members of the Opposition put pressure on anyone to withdraw criminal charges, and of course the Minister of Police then responds in Question Time, as arranged by the party tactics committee. But I will not go into that detail; I will just leave it as a dangling example of what could be done under this Bill. I could go into a lot more detail.

Mr Venning: It is hypothetical?

Mr ATKINSON: Of course; it is absolutely hypothetical. But as the Hon. A.J. Redford points out, the Act when dealing with the circumstances in which the transcripts of surveillance can be used does not define misbehaviour or impropriety. For instance, the proceedings—and I hope the Minister is listening—for which the audiotape transcripts or videotape could be produced could be a Government backed censure motion on the Notice Paper in one of the Houses of Parliament. I think the definitions of 'relevant investigation' and 'relevant proceedings' are drawn too widely. The Attorney-General's response on this matter is just waffle.

Although we have no amendment before us to limit these definitions we do have clauses that establish a public interest advocate, who would be a lawyer in private practice and who would be paid from Consolidated Revenue on a fee for service basis. The public interest advocate's job would be to appear at hearings of applications for the covert placement of listening devices or surveillance devices and to ask questions of the police applying for the warrants and put legal argument, if the facts justified it, to the Supreme Court judge that the warrant not be granted. The Hon. I. Gilfillan cites the example of Queensland where a public interest monitor has been set up by legislation to appear at warrant hearings. The most telling point the Hon. I. Gilfillan makes for the public interest advocate is that the threat of cross-examination pulls into line any police officer who might make an application on less than sustainable grounds. I am glad the member for Stuart is here.

The Government tells me that about 20 of these warrant applications are made a year and that over the past seven years there have been 143 applications, of which only four have been refused. I would like to know more about those four refused applications, and I hope the Minister will be able to tell me something about those four refused applications, such as: what were they for and why were they refused?

The Hon. G.M. Gunn interjecting:

Mr ATKINSON: Not by a magistrate; by a Supreme Court judge. The Attorney says that warrant applications are only of an administrative nature and do not need to be contested as the Democrats propose. He adds that the public interest advocate will have before him or her only the same evidence as the judge and that the proposal is a serious adverse reflection on our Supreme Court judges. I think a public interest advocate is a useful idea because he or she would become experienced in dealing with warrant applications. The advocate would see the weaknesses in a police application that perhaps a Supreme Court judge, who had never or only rarely dealt with these applications, might fail to see.

It was not the Democrats or the Opposition who reflected adversely on the judges' handling of these applications. It was one of the Attorney's Liberal Party colleagues, the Hon. A.J. Redford, who said he was not confident judges would ever knock back *ex parte* applications of this kind. It is quite common for the Attorney to wax indignant about statements he imputes to the Opposition when, in fact, they are made by the Hon. A.J. Redford.

The last matter I shall deal with is whether the clause should remain allowing the Government to prohibit by regulation the use by the public of certain tracking devices. Under the parent Act the Government can prohibit certain listening devices that are used covertly to record private conversations to which the person doing the recording is not a party; for instance, electronic stethoscopes and radio transmitters less than 30 cubic centimetres in volume. The Bill in the form in which it arrives from another place contains the clause permitting the Government to ban by regulations tracking devices that might be misused by members of the public. The Government says it does not want this authority because it is not being told anything about these devices being used inappropriately.

The Government says the provision will have no practical effect. Short of hearing argument on the matter in a deadlock conference I am inclined to agree with the Government. The Opposition supports the Bill but the Government has said that if the Bill includes the public interest advocate it will be withdrawn. The Opposition shall relish the next few hours, as we wait to see whether the Attorney's threat is carried out.

The Hon. I.F. EVANS (Minister for Industry and Trade): I thank the member for Spence for his comments.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5.

Mr ATKINSON: My questions are about the definition of 'relevant investigation' and 'relevant proceeding'. Like the Hon. A. J. Redford, I have awful difficulties with these definitions. We have already seen last year a police investigation of members of Parliament initiated by a question that arose from the Liberal Party's tactics committee meeting, and I am really interested in what could be done by a Government to harass members of the Opposition under these definitions of 'relevant investigation' or 'relevant proceeding' or, even, to indulge in covert surveillance of a member of its own Party of whom it disapproves. 'Relevant investigation' means 'investigation of an offence'. Fair enough: I do not have any quarrel with that. But it goes on in subparagraph (b) to talk about 'investigation of alleged misbehaviour'.

I know that members of Parliament never commit offences, but I think that we have all from time to time been guilty of misbehaviour, and I do not think that any member here—

The Hon. R.G. Kerin: Not Jack!

Mr ATKINSON: —apart from the member for Playford, who is of course blameless—and immaculate—would want a listening device in their parliamentary office or a covertly installed video camera in their home. This subparagraph says that a relevant investigation is the investigation of alleged misbehaviour or improper conduct of a member of a police force or an officer or employee of the State. If I am not mistaken, we are officers or employees of the State, so we can be subject to covert surveillance.

Mr Clarke: We're not employees.

Mr ATKINSON: Then we are officers, surely. This applies to State public servants, so let us not be—

Mr Clarke interjecting:

Mr ATKINSON: The member for Ross Smith agrees with covert surveillance of State public servants. I am sorry, I have real doubts about whether it is proper to allow covert surveillance not for an offence but for alleged misbehaviour or improper conduct of officers or employees of the State. Then it gets better: then we have 'relevant proceeding.' You might ask what is the relevant proceeding for the purposes of which this covert surveillance is taking place. I can understand subparagraphs (a), (b), (c), (d), (e), (f) and (g); I do not have any trouble with any of them. Then it says:

> (h) any other proceeding relating to alleged misbehaviour, or alleged improper conduct, of. . . an officer or employee of the State. . .

So, first, for political purposes you can set up a police investigation of Opposition members of the Parliament. Having done that, you may not find that they have committed any offence but you might find that they have committed alleged misbehaviour or improper conduct, because you have had the police investigating them, and then you have a relevant proceeding, which can be 'any other proceeding related to alleged misbehaviour, or alleged improper conduct'. I respectfully suggest to the Minister that a relevant proceeding might be a censure motion by the Government on an Opposition member. Then they can bring in all the evidence they have obtained by covert surveillance.

I am not saying that any Government would be crazy enough to do it, because there would be political penalties. What I am saying is that it would be legally possible under the Bill as presented to the House, and what I want is an explanation from the Minister.

The Hon. I.F. EVANS: My advice is that the legislation does not allow the use of a listening device for a relevant investigation or a relevant proceeding. The evidence must have been obtained legally, then disclosure applies for relevant investigations or relevant proceedings. They cannot just say that they suspect misbehaviour.

Mr ATKINSON: I do not think that is really a satisfactory explanation of the interaction between relevant investigation and relevant proceeding. It may be that after the investigation has commenced, and it is a relevant investigation, the police seek a warrant from a Supreme Court judge. To do that, they have to say that they suspect criminality. That is something they have to do, otherwise the Supreme Court judge will not grant the warrant. But you have already initiated that by deciding that you will go after the State officer because you think that he is guilty of criminality. All you have to do is have a reasonable suspicion of criminality, then you get the warrant.

But it may be that, after you have the warrant and have done the covert surveillance, and perhaps the criminal trial has occurred and the person who is the subject of the surveillance has been cleared at the trial—and cleared of criminality by the covert surveillance—but having obtained the covert surveillance on the suspicion of criminality you then find through the video or listening device misbehaviour or improper conduct—then you have it. I am not saying that there are any senior people in the criminal justice system in this State who have a difficulty distinguishing between the Government and the governing Party, but the material of misbehaviour or improper conduct might be passed on to the relevant Minister and then the story changes, because then criminal charges are not in question.

What is in question is a relevant proceeding, and a relevant proceeding means 'any other proceeding relating to alleged misbehaviour, or alleged improper conduct.' That might include a censure motion in the House of Assembly.

The Hon. R.G. Kerin: Or the leaking of a water contract.

Mr ATKINSON: Indeed: the Deputy Premier is quick here—the leaking of a water contract. It is not criminal conduct but behaviour that the Attorney-General and the Government of the day deems to be misbehaviour or improper conduct—a lot different from criminality. But the evidence has already been obtained, because it is one of the pleasures of Government for a Government to initiate a criminal investigation of members of the Opposition.

The ACTING CHAIRMAN (Mr Venning): Was there a question?

Mr ATKINSON: The Minister said—and this is my second contribution and I took him to try to say this as he tried to get his mind around this issue—that the Opposition and State public servants should not worry because you could obtain the warrant only on reasonable suspicion of criminality. That is what I took him to say. What I am telling the Minister is that you could get the warrant on reasonable

suspicion of criminality and then the suspicion of criminality could disappear either through other events or through the transcripts of the listening device or the tapes from the videotape.

But then the criminality having disappeared the Government—the Minister—would have the tapes, audio and visual, and then the Government could say, 'Well, they do not show criminality but they do show misbehaviour or impropriety.' I want the Minister to tell me how this legislation is drafted so that this unacceptable possibility will not occur in respect of Opposition members of Parliament and State public servants?

The Hon. I.F. EVANS: The member for Spence said that the Minister would get hold of the tapes. I am interested to know how he thinks a Minister would get hold of the tapes.

The Hon. G.M. GUNN: In relation to the matter of material collected, whether it be tapes or videos, where no offence has been committed can the Minister give me an unqualified assurance that this material will be destroyed? In relation to this definition clause I want an assurance that these provisions will not be used in relation to normal political activity and that members of Parliament in this building will be free from this sort of activity without the authority of the Presiding Officers, and I have good reasons for asking.

The Hon. I.F. EVANS: I am advised that the information is destroyed if it does not relate to a relevant investigation or indeed a relevant proceeding as defined under the Act. Could the honourable member explain the second part of his question?

The Hon. G.M. GUNN: I want to know whether an assurance can be given that these provisions will not be used for the purposes of surveillance in relation to what would be regarded as normal, robust, political activity and democracy? I will give the Minister an example. Some years ago I attended a parliamentary conference at Westminster and one of the discussions—

Mr Atkinson: As you were wont to do.

The Hon. G.M. GUNN: A number of people from this place have attended. One of the discussions revolved around the role of the Opposition, the right to oppose. One particular gentleman from an African country said that no-one had ever disagreed with the President. We had quite a debate about that. Another gentleman said that, in his country, if he went to address a political meeting he was aware that the secret police would be in attendance. As a member of Parliament I had the unfortunate experience of having one of my telephone conversations recorded illegally and passed on, and I thank the Hon. Chris Sumner for his assistance in dealing with the matter. I have a very strong view about—

Mr Atkinson: Were you the subject of surveillance under this Act?

The Hon. G.M. GUNN: A person in a public position recorded a conversation that I had with them and then that information was passed on. Basically that was an illegal activity because I was not advised of the conversation being recorded. Fortunately, the Attorney-General of the day took the same view as I did: he was horrified. I raise these matters because I think it is terribly important when we give people the ability to seek this information that there are checks and balances to ensure that it is not improperly used. It is very easy to think of reasons and excuses why public officials should have the ability to do this and, in my view, great damage can be done to innocent people.

The Hon. I.F. EVANS: I am advised that if the person is recording information without being party to the conversation and they are not using the device with consent then they must have a warrant. If they do not have a warrant then that act would be illegal.

Mr ATKINSON: I still do not think the Minister has answered my question. He asks, 'Why would a Minister have evidence gathered by the police?' There just seems to be perhaps a disturbing intimacy between this Government and certain people in law enforcement in this State. I know that the media and the Opposition discovered a decision to prosecute a prominent person by our DPP by press release faxed from the Premier's office. I know it is not decisive in making out a case but there is, I think, an unhealthy intimacy. The Opposition has concerns when we see provisions such as this in a Bill.

The member for Stuart talks about tapes being destroyed. We would hope that tapes would be destroyed if they showed no evidence of criminality but, of course, the clause is rather wider than that because it takes in alleged misbehaviour or alleged improper conduct relating to a member of the police force or an officer or employee of the State or the Commonwealth. I understand why it is drawn more broadly than civil libertarians would like because, of course, there is misconduct by police that could be the subject of disciplinary action even though it falls well short of criminal conduct.

A police officer might be drummed out of the force for misconduct even though his conduct does not amount to criminality. This is what this subparagraph is trying to do. The same may be so for a member of the Public Service, State or Commonwealth. I understand what the subparagraph is trying to do, but my anxiety is that there will have to be some pretty effective Chinese walls within the Government to prevent an oppressive Government's using this subparagraph against an Opposition or dissident members of its own Party.

The Hon. G.M. Gunn interjecting:

Mr ATKINSON: Yes, indeed, or against any law abiding citizen who happens to be an officer or employee of the State or the Commonwealth. I am worried about potential misuse of this subparagraph. I make no allegations whatsoever against the current Government. That is not my purpose, and I make none. However, all I am trying to do in my previous contributions on this clause is illustrate a potential. When you combine unhealthy intimacy together with this change to the law, then this is the place, in Committee, reviewing this Bill, where we ought to raise these possibilities and have the Minister and the Government rule them out altogether.

The Minister well knows what I am getting at. It is no good his saying, 'The shadow Attorney-General hasn't asked a question.' He knows what I am getting at. He knows what I want him to rule out, and I now invite him to do it. Because if he does not rule it out, the Opposition will stick by the idea of a public interest advocate and will stick to it right through the deadlock conference for as long as you want to go, because we will not give any Government—even us if we were elected—these kinds of powers unless they are supervised by a public interest advocate at the warrant hearing.

The Hon. I.F. EVANS: I thank the member for Spence for his comments. Having been a Minister for Police, I realise the unique relationship between Government and SAPOL, and the unique relationship between the Minister and the Commissioner. When I was there, procedures were put in place to make sure due process was absolutely followed in all instances, in some cases even going to putting things in writing to make sure that there was no misunderstanding of communication between Commissioner and Minister in

relation to certain events. When the shadow spokesman speaks of the relationship between Government and the police, I have an understanding of the—

Mr Atkinson: I said criminal justice and law enforcement. I didn't say police.

The Hon. I.F. EVANS: You said there was an intimacy between the Government and the police.

Mr Atkinson: No, I didn't say that.

The Hon. I.F. EVANS: That was my understanding of what you said.

Mr Atkinson: Well, you're wrong!

The Hon. I.F. EVANS: During the course of this debate I had the officers check, and my advice is that members of Parliament are not officers of the State.

Mr Atkinson interjecting:

The ACTING CHAIRMAN: Order! Interjections are out of order.

Mr LEWIS: I ask the Minister simply to state that it is not just members of Parliament, because I am disturbed now as the member for Spence. Honourable members will recall the debate—those of them who were here in 1981—when I made it plain to the Government of the day that I would not accept the proposition that was put forward to enable bank accounts to be examined without the knowledge of appropriate authorities—indeed, without their being properly authorised not just by some person swearing an affidavit who was in position to go and do the investigation and not just authorised by some magistrate but by a judge. I succeeded in that respect, because I have had some personal experience of what happens in countries which do not have the traditions and conventions which we have in this country. Our traditions and conventions change over time. I have even noticed in this Chamber how honourable members have neither known of nor been told about the way in which business has been conducted by convention in this Chamber or the traditions of the institution of Parliament, the relationships between the Chambers, and so on.

I am talking about what we would otherwise take for granted, because it was done a certain way last year, a decade ago, 50 years and 100 years ago can no longer be taken for granted because we now have a substantial population of people in percentage terms so great that the Anglophile traditions of the way to proceed in investigating whether or not crimes have been committed or are likely to be committed will not be part of the culture, upbringing, understanding and, therefore, commitment that some people who come to hold high office will have. They will not have come from that background, insight and understanding, and they will see the law for the way it is written for they, too, are intelligent. They will interpret the law literally and use such devices as are available to them to achieve those nefarious ends.

Mr Acting Chairman, for goodness sake—for my sake and your sake, for everybody's sake—it is most important that we understand whether or not the citizens' rights are being trammelled. I am not trying to put handcuffs on the police; I am not trying to make it easier for criminals to get away with criminality. I am just trying to make anyone who uses such devices accountable and to have the certain knowledge that they are properly authorised to use them. Otherwise, I do not trust Caesar and nor should we; after all when you see what Caligula did, it ought to shock you. Yet that came as a consequence of our not being careful enough to check. It certainly came through the Romans not being careful enough to check the powers that they gave to their emperors or that the emperors then took unto themselves away from their senate. I do not know whether I have lost the member for Stuart. If I have, I hope it is only through his failing to understand what I am getting at. The principle of the matter is we do not—

The Hon. M.D. Rann: Caligula was a horse, rather than a horse being a senator.

Mr LEWIS: Caligula turned out to be a terrible emperor, and the way in which he treated his senators—

Mr Atkinson: Was he BC or AD?

The ACTING CHAIRMAN: Order!

Mr LEWIS: He was AD.

The Hon. M.D. Rann: He was AC/DC.

Mr LEWIS: More than that. He was worse than Idi Amin. He had no compunction about eating the organs of his relatives after he had slaughtered them. Cannibalism was something in which he took particular delight, because it was an extension of his sadistic nature.

Mr Atkinson interjecting:

Mr LEWIS: I don't need to. Human frailty can lead to all sorts of excesses if power is left unaccountable and untrammelled. That is the basis of my point in participating in this debate. Without wanting to appear extreme, I want to know from the Minister that the exercise of such power will always be responsible and that any such information—however it is collected, whether in digitised form or analog form, whether written or not—will be destroyed once its purpose has been served and not used for other peripheral purposes that bear no resemblance whatever to the original reason given for obtaining the authority to get the information from the listening devices used in doing so.

The Hon. I.F. EVANS: I want to seek some further advice on this.

Progress reported; Committee to sit again.

SOIL CONSERVATION AND LAND CARE (APPEALS TRIBUNAL) AMENDMENT BILL

The Legislative Council agreed to the Bill without amendment.

SUPPLY BILL

The Legislative Council agreed to the Bill without amendment.

YEAR 2000 INFORMATION DISCLOSURE BILL

The Legislative Council agreed to the Bill without amendment.

WINGFIELD WASTE DEPOT CLOSURE BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1317.)

The Hon. G.M. GUNN (Stuart): I wish to make only a brief contribution on this measure, but I say at the outset that I am of the view that a city the size of Adelaide has to have within its close vicinity a dump which the citizens can use, which is accessible and which will not cost an arm and a leg. I am one of those who have been to the Wingfield dump on a number of occasions. This matter has caused a great deal of public debate of recent times, and it would appear to me that it is really about whether the City of Port Adelaide Enfield will be able to get a considerable amount of revenue or whether the City of Adelaide will be in a position to

continue to attract a revenue stream from its dump. I have to say from the outset that I support the view of the City of Adelaide, and I will vote accordingly in this House.

Mr Foley: You'll be crossing the floor—

The Hon. G.M. GUNN: Well, so bloody be it. I will vote to support the City of Adelaide. I will not be muzzled or told by anyone how I will vote in this Parliament, least of all the member for Hart, the Whip or the Minister.

Mr Foley interjecting:

The Hon. G.M. GUNN: You're only voting at the behest of your Labor mates at Port Adelaide; that is all you people are interested in—your Labor mates. That is what it is about, and you have no regard for the environmental issues. Even if you did—

Mr Foley: I am the member for Port Adelaide.

The Hon. G.M. GUNN: I do not care a bit who you are the member for, but I know how I will vote. I was elected to cast a vote in this Parliament, and I will cast it in what I believe to be the best interests of the people of this State. I have come to the conclusion that the best interests of the people of South Australia is to support the view put forward by the City of Adelaide. So, when it comes time to cast a vote, that is what I will do, and I will not be stood over by anyone and told how I should vote. I think this Parliament is making a grave mistake, because nowhere else in the world would you have a situation where your capital city would be disadvantaged by a narrowly based, political decision.

Mr Foley: Your Minister—your Cabinet.

The Hon. G.M. GUNN: Then stand up if it is wrong; join the member for Colton and me. I do not think it is environmentally sound to do what we are doing. To have the dump capped at 27 metres defies logic and commonsense. Has the honourable member ever built a haystack?

An honourable member interjecting:

The Hon. G.M. GUNN: Therefore, he does not understand what we are talking about. If you build a haystack, you have to put a peak on it, otherwise it fills up with water and the hay is ruined. The way you stop that is to give it a good, sharp peak. If you learn anything about carting hay, that is the first think you are taught. If you lived in the practical world you would understand some of these things. I am sure the member for Gordon would agree with me; he and others know about building haystacks. They know that you have to build a peak so you can run off the water. If you have it flat it will fill up with water and go black. It is as simple as night follows day. Having built haystacks, I know it is not much fun; you will not build them to ruin your hay, I can tell you. The same principle applies here. I am not happy with this legislation and I will vote accordingly.

Mr CONDOUS (Colton): I have read five different reports from consultants on this issue, and all five reports are different. No-one has come up with the same conclusion. People talk about getting a second opinion: if you are not feeling too well, you see a second specialist before you believe the first one. But here we have asked five specialists to give us an opinion.

Mr Lewis: But we've given them different problems to solve.

Mr CONDOUS: That's right—and they knew what report they were supposed to come up with, because the Minister directed them as to the end result she wanted. It is like a royal commission: you do the inquiry, but this has to be the final recommendation.

Mr FOLEY: I rise on a point of order, Sir. The member for Colton has just made a very serious allegation against a Minister of the Crown. He has imputed improper motives against the Minister for Urban Planning.

The SPEAKER: There is no point of order. There is no point in the Standing Orders that I can come back to.

Mr CONDOUS: The end result has been that we have five different opinions. The thing is that we have two other operators in that same location: Borrelli and Cleanaway. I do not know who referred to the height, but Borrelli is already up to about 28 metres and will now put another 12 metre high industrial building on top of the dump to be able to bale and take material out to Dublin, so we will have a structure 40 metres high, which will be the tallest in your electorate. You can allow them to do that. I can tell members that, given the 25 years that I was on the Adelaide City Council, I know how the council performs. I can tell members that the environmental state to which the Adelaide City Council will return this site will become a role model for every dump in Australia to come and see best practice environmental restoration of a dump. The Adelaide City Council will put bike ways through and clean fill on top, and plant 1.1 million trees on the site. It has already put in in excess of 110 000 trees.

Another point is that the council is legally responsible for what happens to the site for 25 years after it is closed. We are saying it cannot go to 32 metres but, if anything goes wrong, it is open to litigation. I do not think that is fair at all. A key clause covering liability issues is absent. The Adelaide City Council believes that, should it be forced into a position that its expert advice does not support, the council should have the right to bring proceedings against the Crown, and that accordingly a provision should be drafted. That is right. After all, it says it is prepared to accept the responsibility if we allow it to go to 32 metres; it will cop the financial responsibility if anything goes wrong. But I cannot see why it should be financially responsible if it is not permitted to go to that height but it must come down to 27 metres; there will be problems associated with this, but we want it to be liable. If I am to support the 27 metres that you want, I am happy to do it on one condition, namely, that this Parliament, the Crown, take over responsibility if anything goes wrong, because you are not allowing it to carry on with the restoration it wants.

Let us go back to some of the facts on this. In June 1996 the Port Adelaide Enfield Council attempted to impose the first height restriction of 15 metres at Wingfield. On 18 October 1998 Justice Bleby in the Supreme Court ruled that the Port Adelaide Enfield Council had no right to impose a height limit and that any licence granted by the EPA under the provisions of the EPA Act would have to be determined without reference to height limitations purportedly imposed by the Port Adelaide Enfield Council.

With regard to the height applications, surrounding landfills are already at higher elevations than this one, well above the approved EPA heights, and not shaped like Wingfield, therefore being more prominent on the landscape. It is a furphy that it is causing problems. As to the reasons why it should go to 32 metres, environmental and engineering experts say that 32 metres provides the required topographical shape to minimise water infiltration, resulting in environmental degradation of the site. The grade of 4 per cent, which is within the EPA guidelines, is the most suitable for water run off and prevents water pooling and subsequent leachate generation. Even the Kinhill report states:

This report is to establish the final land form and contours for the Wingfield dump at 27 metres. It has a 3 per cent gradient. The problem with the proposal—

listen to this, because the problems may come back to haunt members in their electorates, just as the member for Taylor has mosquito problems in her area—

is that it creates a flat three hectare surface at the top, which will create major ponding and leachate problems.

Would it not be fantastic if we go for 27 metres and we end up with three hectares of water sitting there breeding mozzies like hell and constituents are coming to the member for Hart and saying, 'Mr Foley, our family is being eaten alive; mozzies are coming from that dump since it has been closed down.' Let us be not political but environmental on this.

I will tell members what goes into the dump. The annual input comprises: commercial and industrial waste, 265 000 tonnes or 48 per cent of all rubbish; construction and demolition waste, which involves the building industry, people working, 129 000 tonnes or 23 per cent of the waste; and, domestic waste, 156 000 tonnes or 28 per cent. Only 4 per cent of the waste received at Wingfield comes from the City of Adelaide. The remainder comes from other council areas such as Campbelltown, Norwood Payneham and St Peters, Playford, Walkerville, Salisbury, Unley, Tea Tree Gully, the Adelaide Hills and Port Adelaide Enfield. The Wingfield Waste Management Centre services 289 000 households in metropolitan Adelaide or the equivalent of 738 000 people. Excluding 5 500 households in the Adelaide City Council area, it means that 283 000 households outside Adelaide are serviced by Wingfield.

I now refer to recycling. In August trials of recycling of concrete, timber and metal commenced in line with the EPA's integrated waste strategy requirements to reduce waste to landfills by 50 per cent in the year 2000. The management at Wingfield has shown that it can, by recycling, reduce waste to landfill by about 60 000 tonnes a year and plans to lift this to 100 000 tonnes a year, or 20 per cent of the total annual volume, by the end of this year. Over 15 tonnes of metal, 18 tonnes of timber, 40 tonnes of concrete, 40 tonnes of rubble and 128 tonnes of soil are extracted and diverted from landfill daily. You will not been able to do that out at Dublin and Inkerman. The charge presently to industry and commerce is $25 a tonne. When we move out it will be something like $55 a tonne, as it is in Victoria and New South Wales.

The member for Hart asked during the debate, 'What do they do with the money? Where does the money go?' I have the answer on where every cent of the money goes, as follows: the Adelaide City Marketing Project, $700 000; heritage asset management, $640 000; Education Industry Council (contribution by the Adelaide City Council), $400 000; economic development program, $346 000; Capital City Committee support, $200 000; ACTA (the tourism arm) financial contribution each year, $150 000; Youth Unemployment Program, $150 000; and parklands management and development plan, $120 000.

Members should note the next item as the Government does not contribute anything towards it (and I always said this to Bannon): parklands maintenance, $3.1 million; On the Streets public art and music program, $80 000; environmental management plan, $65 000; business incubator support, $50 000; traffic management study, $80 000; local area development program, $200 000; management of stormwater to prevent pollution, $20 000; and Torrens Lake study, development of conceptual model, $30 000.

I have outlined those amounts for a very clear reason, namely, that the city of Adelaide does not belong to the 18 000 ratepayers of the city of Adelaide. The $90 million that the council spends on such a small area is for the benefit of every South Australian. Every South Australian uses the parklands. Everybody comes to shop and to go to the theatres, the Zoological Gardens, the Festival Theatre and other entertainments in the city of Adelaide. So, the money coming in is going to the people.

I refer to some of the advantages of Wingfield. Wingfield has one of the largest landfill gas extraction and power generation systems in Australia, producing enough power—15 gigawatt hours of power—each year to power 5 000 homes. The Wingfield gas extraction system removes 8 000 tonnes of methane gas a year, which equates to 170 000 tonnes of carbon dioxide entering the atmosphere and potentially contributing to the greenhouse gas effect.

Regarding the Adelaide City Council being environmentally responsible, 43 ground water monitoring bores have been constructed in and around the site and are monitored on a six monthly basis to levels beyond EPA requirements to ensure the protection of the surrounding environment. Each round of sampling costs in excess of $30 000 to perform and is quality assured with duplicate samples being tested at two independent laboratories. Over five kilometres of portable litter fencing is in use at any one time, in addition to the four kilometres of 2.4 metre high boundary fence, which acts as a final line for wind blown litter defence. Each fortnight the Wingfield Waste Management Centre engages Correctional Services to collect litter on all roads and vacant areas within a 1.5 kilometre radius of the site entrance. The landfill mound, in the greening of that site, already has been planted with over 130 000 plants, costing more than $250 000, and will form part of an active green belt stretching from Mawson Lakes to the Port River.

The Stage 1 planting, consisting of 26 kilometres of native planting, involves in excess of 100 000 new plants. Stage 2, completed in August 1998, involved 30 000 new native plants, and Stage 3 is commencing in May this year.

I now quickly touch on the reports that have come forward. The Kinhill report, as I said, the report to establish the final landform, found that at 27 metres you will have a huge problem, with a three hectare surface on the top which will create major ponding and leachate problems. The Tonkin report establishes that the Wingfield dump is well run environmentally. It finds that there are no odours, dust or litter problems off site as a result of the operations of Wingfield. The Golder report, a report into potential leachate generation, finds that there are no significant differences between leachate generation rates between a landfill of 27 metres and a landfill of 35 metres. That is another opinion which is totally different.

The Port Adelaide Enfield Council also established a report to establish final landform. This report was prepared last week by Tonkin and develops a model with 35 per cent of the capped area having a gradient of 2 per cent, and this is below the EPA guideline. The reason that they came up with 2 per cent is to satisfy the Port Adelaide Enfield Council, but it is below what the requirements of the EPA are.

I will support the amendment put forward, because I believe that there should be a call for an independent inquiry. Because there is so much confusion and conflict between the various technical experts, the Environment, Resources and Development Committee of the Parliament should be asked to call witnesses and question witnesses on the technical

facts. There is a concern that the EPA's independence has been undermined and, therefore, if there is to be legislation the final post settlement height should be specified and be based on sound environmental grounds.

There is concern that the legislation does not include appeal rights and that concerns me as well. The EPA is calling for council to cease its recycling and resource recovery operations forthwith, and this is despite the Minister and the EPA separately saying that Adelaide City Council should increase its recycling at Wingfield. The whole thing is an absolute hypocrisy. The independent inquiry should be sought in order to resolve the differing environmental opinions which exist. The membership of the inquiring body should be made up of persons who have an appreciation of and are experienced in environmental issues, landfill operations, and those who have had experience in evaluating evidence, such as former judges. I am disappointed that we are about to make a decision based on—

Mr Conlon: On the EPA guidelines.

Mr CONDOUS: I will give you these facts.

Mr Conlon: Your Minister is a liar, is he?

Mr CONDOUS: The Minister invited us to go along and listen and when I asked the question of the EPA whether there would be any environmental problems if it was allowed to go to 32 metres the answer was no, absolutely not. What we have is five different consultants with five different reports. As the member for Elder says, I am not certain that we are absolutely correct. He is probably being honest and truthful, and I am saying the same thing. I am saying exactly what he said, that I am not certain that I am absolutely correct. Before we make one of the gravest decisions that we have ever made let us get independent people who are specialists in this field. Get them so that they are not political; bring them from interstate and allow them to sit in judgment and come up with a sensible report which gives us a proper insight into what it is all about.

I have heard little discussions going around that it is the silvertails in North Adelaide against the poor people in Port Adelaide. That is absolute rubbish. As I said previously, the city is for all people. It does not cater just for its 18 000 ratepayers, of which 11 000 of them every year go out into the suburbs to live and run little businesses or companies in the city. So we are talking about the $95 million-odd spent by the Adelaide City Council each year being spent in the city for the advantage of all South Australians. We are making the decision for South Australia. We are not making a decision for the Adelaide City Council. Before we make grave errors let us go into the matter properly. Let us support the amendment which is before us, which will give us something with a bit of substance and an inquiry into finding out what is right.

Mr VENNING (Schubert): I have taken much interest in this subject.

Mr Conlon interjecting:

Mr VENNING: That is an extraordinary interjection, Sir. I have taken much interest in this subject for various reasons, mainly as Chairman of the ERD Committee, of which I am just one member. We had a full briefing and inspection of this site and also a briefing from both councils involved with the Wingfield dump. Also, the ERD Committee a couple of years ago did a very expansive and detailed report on waste management issues in South Australia. I urge members to read it, because it is certainly very relevant as to what this debate is all about tonight. I have come to the conclusion, my own conclusion, that I personally prefer the position of the Adelaide City Council, because the height at 32 metres is only five metres higher than what is in the Bill, at 27 metres. That five metres is only the piece at the top. It is not the whole area. The gradient does not change. It is purely five metres on the top, the bit on the top and in the middle. It is not very wide across the base, so there is not much volume involved at all.

We have to put some certainty into this situation in relation to waste management in this State. We must allow all the stakeholders involved to plan for the future. We have to give the council itself the chance to plan the closing of this dump. We have to give all the other waste management managers the surety to know what will happen in the future as they change their mode of operation. We also have to give the new dump operators a chance to bring their sites on stream, and the two that come to mind immediately are the Dublin and Inkerman dumps. Where possible we have to put a time limit on so that these people know, without investing too much money too early, when to maximise their opportunity in relation to investing and to have these dumps open for business. So we must plan ahead.

We have heard from consultants BC Tonkin and from Kinhill that the increase in the rate of dumping will be about 8.5 per cent. I have always questioned that, and it is certainly open to conjecture, particularly if the price of dumping remains at the current $25 a tonne, which, by Australian standards, is very cheap. It is probably too cheap. The average cost is something like $45 across Australia. I believe if we do not address that gap in the two prices that figure of 8.5 will quickly rise as the Wingfield market share rises, purely on cost and purely on convenience. Also, we have to encourage recycling. If we just put a time limit on this dump all that will happen is that the councils will recycle less and it will be just fill, fill, fill. There would be no encouragement at all to actually divide the waste stream. So just putting a time limit on it would not come up with the desired result.

Certainly it is a very involved question. On the inspection I was impressed with the Adelaide City Council's efforts in recycling. Certainly some of it might be fairly infantile and small, but certainly the idea is there. Particularly, I am amazed to see the industrial waste that goes to landfill, particularly inert industrial waste. I do not know why it cannot be used as filling elsewhere in the city. Why bring it in and fill up a valuable area, valuable space for putrescibles and food waste? When we talk about Wingfield dump people assume it relates to the two dumps that are owned by Borrelli and/or Cleanaway.

Mr Conlon interjecting:

Mr VENNING: They stand there like massive monoliths, almost sheer-sided and they are flat topped. People are amazed when they go down to the dump, because you drive past them and there is Wingfield behind them. People assume incorrectly that these are the ACC Wingfield dump. You hardly see it in relation to those two monoliths that stand there as a memorial to pretty poor management in dumping.

Ms Key interjecting:

Mr VENNING: That is right. And I also note Garden Island, which you can see from all over the city.

Mr Conlon interjecting:

The SPEAKER: Order!

Mr VENNING: I was a little bemused to hear the case from the Port Adelaide Enfield Council, particularly when we know that it was using its Garden Island dump, which you can see from a distance. I thought that smacked of a double

standard. From what I saw, Wingfield was much better managed than Garden Island. I was also concerned to realise that the other two dumps there are much worse eyesores, and to know that one will have a recycling depot put on top of it amazes me. I would be happy if they could convince me—and I believe that it is Borrelli and it will be a waste transfer station—that trees will grow there and screen it. But I doubt whether they would get trees to grow there because of the problem of gases, etc. Certainly, I am a little concerned about that.

Wingfield will be much more attractive than its two near neighbours. The slopes are already treed and growing successfully. We can see the trees: they have been there for some two seasons. Also, we have seen from the plans the walking trails, cycling trails and the golf course, and it should be a beautiful area if it is finished off and properly financed. The Tonkin report spells that out quite clearly. Long-term liability is the most important issue. After this dump is closed and after we have all walked away, the Adelaide City Council is responsible, and the monitoring no doubt will go on. Various environment groups will make sure of that and make sure that no leachate is coming from the area. If it does, it will have to be attended to.

Members can imagine trying to attack a leachate problem if water is getting in. I thought that the member for Stuart's comparison of the hay stack is a perfectly relevant example of how you keep water out. I am much more used to the storing of grain, particularly in the open. You pile up the grain as steeply as you possibly can, or as steeply as the cone will allow. Obviously, the steeper you get that cone, the less the water runs in. That is basic physics, but it is a fact. You have to go back to some basic laws to consider what we are doing. The penetration is directly proportionate to the angle of that cone. Certainly, grain can be effectively stored in the open—

Mr Conlon: How big are the grain cones?

Mr VENNING: They can be as big as you like.

Mr Conlon: How wide are they?

Mr VENNING: The big grain stacks would be 200 to 300 metres wide, but it is not relevant.

Mr Conlon interjecting:

The SPEAKER: Order! Will the honourable member for Elder just contain himself.

Mr VENNING: I have read the reports, and both councils basically agree on the fact that the angle of the slopes had to be, I think, no less than 6 per cent, and, even if you took it to ridiculous lengths, the steeper the slope, the less penetration; the less penetration, the less leachate. That will be a problem for the Adelaide City Council for I think 30 years after the dump is closed, because the monitoring bores will still be there. If they pick up that water is entering, it will be the responsibility of Adelaide City Council to remedy the problem. I can understand that it wants to err on the right side to minimise the intrusion of water, particularly when you realise that the dump will be a working mass, especially in relation to the generation of gas, which is now generating electricity, which it is generating now.

As I said, it is extensively monitored at the moment and there is no problem, but when it is capped and we all walk away, we do not want to see a problem. I cannot see the trade-off of the 32 metres down to 27 metres. I believe that figure was arbitrarily chosen between the warring parties. I think that is a reasonable comment to make: that is an arbitrary figure, and I think that the extra height will not be noticed either from a distance or up close.

Mr Lewis: You won't be able to see it from the south: it will be hidden by Borrelli's.

Mr VENNING: That's right, the other two dumps hide it from the city. I have visited dumps all over Australia. I visited the Brisbane dump, which is run by Cleanaway and which is right in the heart of the city. If a dump can be attractive, that is certainly one. I know that none of us wants it in our backyard, but they are certainly not the dumps of old. When it is kept closed, we have to make sure that the Adelaide City Council is given some surety that it has a chance of keeping it environmentally safe.

I am very pleased with the briefing we have had. We have to plan ahead in waste management, because it is a big issue. There is big money in waste management, and part of this debate has been the underlying money that is said to be there. The debate has been contradictory, complicated, with all sorts of agenda proposed by the opponents. If the Wingfield dump were closed tomorrow, it would cause great problems, but I believe that we have three to five years to plan the waste management stream for our city of Adelaide and, indeed, for the State. This time has to be used wisely. This legislation and whatever happens to the Adelaide City Council dump at Wingfield will cause things to happen. We cannot send the wrong messages, so I believe that the fee has to be raised to a realistic level. As soon as this dump closes, the cost of dumping will be almost doubled as we cart to Dublin and Inkerman.

Also, via the system we have to encourage recycling. I cannot believe that as Adelaide builds we tip our building waste into landfills. We should have been keeping out of our landfills and saving that space for the more difficult products. I have much interest in listening to this debate and will be interested to see what the amendment does.

Ms CICCARELLO (Norwood): I am very uncomfortable about the process that this House has observed in coming to a decision about the Wingfield waste management centre, or dump, whatever we wish to call it. I have been present at briefings about the centre and have been very impressed, as other speakers have been, by the presentations of all the different parties. I have read the various reports, and it is very difficult to work out what is the correct decision to take over this issue. In terms of the principal proponents, we have heard a lot about the two Mayors involved, Johanna McLuskey and Jane Lomax-Smith. I have known both women for many years during my experience in local government, and the credentials of both of them are excellent.

Nobody here has questioned Johanna McLuskey's credentials, although some aspersions have been cast on the Lord Mayor. I have known Jane Lomax-Smith for a number of years, and I remember the days when we used to both be considered loopy greenies because of our environmental concerns. I think that she can hold her head high up in terms of environmental issues. She is trained as a scientist, and I think there can be no question about her ability to reach a logical decision. Whether we agree with the decision or not is another thing. My former council of Kensington and Norwood was involved in a regional waste management centre, the Highbury dump, which was run by East Waste, which also includes the councils of St Peter's, Burnside, Campbelltown and Payneham.

In fact, there is some on-going litigation in this matter because concerns have been expressed about this particular waste management centre. QC's have been involved and many experts and, again, no real agreement has been reached

as to what position is the correct one. With regard to the members for Schubert and Colton, one honourable member talked about hypocrisy and the other talked about double standards. I think that that is very true when discussing this issue because we are considering the Wingfield Waste Management Depot but located just next to it is the Borrelli dump, which is the worst eyesore in the metropolitan area, as well as the Cleanaway dump.

I just wonder why concerns were not expressed about the Borrelli dump previously and also what is being done now to remediate the site and to minimise the waste which is being scattered as the sides erode and break down. We know how high that site is already and a waste transfer station will be built on top of it which will make it even worse than it is currently, taking it to a height of approximately 40 metres. Then we have Garden Island and I think that that site and how it is managed also needs to be questioned. Much has been said about the Adelaide City Council and the $8 million revenue it earns, but we must not forget that that money is spent not only on the ratepayers of the Adelaide City Council but the people of South Australia because we all enjoy the benefits of the infrastructure and facilities that are available in the city area. We should be thankful that the city council is spending that money.

We must also not lose sight of the fact that once Wingfield is closed and we move the rubbish out to Dublin, Inkerman or wherever else the cost of waste transfer will be much more than it is currently. I think the current cost of transporting waste, in terms of my own council, is approximately $25 a tonne and it will increase to approximately $45 or $50 per tonne. Who will bear the increase of that cost: the ratepayers of the metropolitan area! The other aspect we have perhaps lost sight of is the concerns country councils have also expressed with regard to the transfer of waste because it will be putting enormous pressure on their infrastructure. Country roads which are already under pressure and which need a lot of money spent on them will be further damaged by more heavy transport travelling along it.

I am sorry that we have not taken a much more long term view of this issue because I think we need to look at a statewide Waste Management Strategy and not just react to things *ad hoc*. We will be facing this problem for many years—if not us then future generations. We should be looking a lot more at countries overseas and see how they are handling the waste management issue much better than we are.

Europe, which is a small country and which is much more densely populated than Australia, does not have the luxury of having so much land available. It is being very creative in the way in which it handles its waste management strategies. We need to be a little more proactive in what we do. We must also look at the source, concentrate on waste minimisation, and perhaps start looking at the producers and why we need to have so much packaging on a lot of our goods. It needs to be a much broader issue than just looking at the Wingfield Waste Management Centre in isolation. I hope that this Parliament in the coming months does look at adopting a proper waste management strategy; that will be to the benefit of South Australia.

The Hon. DEAN BROWN (Minister for Human Services): In closing the second reading debate, I am not quite sure what to say. I thank all members on both sides of the House for a very varied and unexpected contribution to the debate—a very unpredictable contribution. I guess it highlights that waste is an issue of growing concern within the community. It highlights, I think, that this Parliament and the Government need to focus more sharply on the whole issue of waste.

Mr Hill: That's what I said.

The Hon. DEAN BROWN: I see. The contributions made by members also highlight how handling of waste has changed very dramatically. I can recall that a few years ago, when I first came to this place, I went on my first overseas study tour to London.

Members interjecting:

The Hon. DEAN BROWN: I think that has been my only study tour. It was rather interesting because I saw in the centre of London how they were handling waste. I must say that they were well ahead of what we are doing here. Last year, whilst in Holland looking at health issues, I spent about two hours at one of the most modern incinerators which handled an enormous amount of waste. I had seen one of these incinerators operating first in London years ago but the extent to which now there have been dramatic changes is very pleasing in terms of the way they use this waste.

The other important issue that must be more effectively addressed is how you use the organic matter, even dead organic matter, and recycle it. I have a very significant industry in my electorate called Peats Soil at Willunga. I recently visited that site and that company takes 35 000 tonnes of green waste out of the Marion council area, mulches it and sells it, particularly to the vineyards but also to domestic homes around Adelaide. Mixed in with the waste is chicken and pig manure, high nitrate water from the brewery and even off-cuts from the sawmill on Range Road near Meadows.

All of that is going into this compost together with some mushroom mulch which is producing what is clearly a fabulous mulch. I highlight that because I think that we need to start to change our attitude in the way we dispose of a lot of materials. As a community we need to be recycling much more of our organic material. The opportunity is there. There are one or two examples where it has been done well and I just highlighted one of those. Many council areas are in fact wasting their green waste. The debate tonight has been interesting simply because it has been so varied and because people are becoming increasingly passionate about what happens to waste and using it more effectively within the community.

The other issue, of course, is one of recycling and, in many ways, South Australia has done that more effectively than other States of Australia, particularly with glass and PET bottles. I thank the members of the House who have contributed to the debate and I now look forward to its rapid passage through Committee.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3.

Mr McEWEN: I move:

Page 1, lines 22-24—Leave out paragraph (c).

Mr CONLON: I rise to oppose strongly the member for Gordon's amendment. The member for Gordon—

The Hon. G.M. Gunn: Why?

The CHAIRMAN: Order!

Mr CONLON: I will explain why if you just sit back and relax. I am being interjected on by Graham Gunn—the member for Stuart, I apologise—who, in 27 years in this

place, has never disclosed that he knows anything about anything. He says that we should design dumps the way he designed his haystacks. That has been his contribution. And he says I do not make sense! Thank you, member for Stuart.

An honourable member interjecting:

Mr CONLON: That's right. As I understand it, his haystacks are about three metres across and the Wingfield dump is several kilometres across.

Members interjecting:

The CHAIRMAN: Order!

Mr CONLON: But, of course, he treats them as exactly the same. I do not think I will spend a lot of time on the member for Stuart's contribution.

Members interjecting:

The CHAIRMAN: Order!

Mr CONLON: There is a fundamental illogicality in the amendment. As I understand it, the amendment proposes—unless it has been changed since I was last in here—to remove the height limit. Is that it?

Mr McEwen: Read the amendment!

The CHAIRMAN: Order! The member for Elder has the floor.

Mr CONLON: I am referring to a later amendment; I apologise. I refer to the later amendment. The Independents and the members for Stuart and Schubert—so very closely the correctly named seat—have bought lock, stock and barrel the argument of the Adelaide City Council. I want to make sure that people understand this: I have no criticism of the current Lord Mayor. I may have made some jocular remarks before, but I have the highest regard for her. I am talking about the Adelaide City Council as a corporate body on this, and the Adelaide City Council has less than no creditability on this matter. It was given guidelines seven years ago calling upon it to close this dump and start adopting the EPA's guidelines on angles, and it did nothing about it. It built a big flat dump so it could improve the height of it when pressure was put upon it, and it has litigated every step of the process. Every time someone has tried to have it closed, it has litigated it.

It is understandable that the member for Colton, with his former interests, would be an apologist for it. However, the number of people who swallowed hook, line and sinker the line of the Adelaide City Council, I find remarkable. Let me put this on the record: the Adelaide City Council's closure height of this dump is nothing but a Lygon Street ambit claim, and it would be grateful if you were mug enough to give it everything it asked for. The purpose of this legislation is to stop the perpetual litigation about the closure of this dump. I repeat what I said before: every member who took part in the debate—despite those who are worried about costs and are talking about best practices—would agree that this dump would not be approved on modern principles. Even the City Council and the Wingfield Waste Management Centre itself would say that. They all agree it has to be closed. In opposing all the member for Gordon's amendments, I ask: how on earth could you have swallowed this tripe?

The Hon. DEAN BROWN: I point out that, if this amendment was passed, then there would be no stated level or cap on the dump, because the purpose of the amendment is to remove the following subclause:

> to restrict the height of the solid waste landfill at Wingfield (including any capping material covering it) so that, after subsidence, it does not exceed 27 metres (Australian Heights Datum).

Clearly, that would defeat the whole purpose of the legislation and, as the Minister would say, allow unfettered use of this dump to go higher and higher. I urge the Committee to vote against the amendment.

Mr CONLON: I refer to the complete illogicality of the amendment. The amendment will leave it entirely in the hands of the EPA. Is that correct? What if the EPA said that we can close it at 27 metres and possibly below it, and it will be in the hands of the EPA? What on earth is the purpose of your amendment?

Mr LEWIS: Methinks the member for Elder and the Minister misunderstand the purpose and consequential effect of the amendment. What, indeed, will happen is that the height at which it will be closed will be determined without fetter by good science in the examination of what will be in the best interests of the environment. By deleting clause 3(c), we do away with any constraint on height and simply rely upon paragraphs (a) and (b). Clause 3(a) tells us it has to be closed in an environmentally acceptable manner. Clause 3(b) tells us that it has to be done with public participation in the preparation of a landfill environmental management plan. You see, where the EPA had its hands tied before was that it was told to come up with a proposal to close it at 27 metres in a way which would minimise detrimental consequences for the environment. It was given a constraint that was not in any way sensible in respect of whether or not it was scientifically sound. It was told to say how it could be closed at 27 metres to minimise adverse consequences for the environment, not how it could be closed to minimise adverse consequences for the environment. The two are entirely different.

Mr Conlon: That's not the question they were asked.

Mr LEWIS: That was the task they were given. There is no question about that.

Mr Conlon: You'd better look at the Government's advisers.

Mr LEWIS: I don't have to look at the Government's advisers; I know what I'm talking about. More particularly, if it is not closed in a way that minimises the risk of damage to the environment but a forced closure which might not do that, then we are deliberately building in more risk than we need.

An honourable member interjecting:

Mr LEWIS: It does not matter about what they were told or not told. The fact is we want to do it in an environmentally acceptable manner where we minimise risk to the environment. This year, next year, in the next 10 years, the next 100 years any alternative approach is less than adequate. If the honourable member cannot see that point, then he cannot see simple logic. It is unfortunate that the Bill comes to us from the other place with this constraint at 27 metres. It is deliberately playing politics. There is no question about the fact that the ALP want to turn Johanna McLuskey into a hero.

Mr Conlon: That has nothing to do with it, Peter.

Mr LEWIS: It has absolutely everything to do with it! You will endorse her for a seat and, if she is seen to have won a great victory for the people in the community where that seat is located, somewhere in Port Adelaide Enfield—

Mr Foley: That's my electorate.

Mr LEWIS: Oh, come on! Yours is a subset. The member for Hart knows that his electorate is an insignificant subset of the total area of Port Adelaide Enfield, and the numbers of electors in Port Adelaide Enfield are many fold greater than the number of people he represents in Hart. He knows also that Johanna McLuskey has joined the ALP.

Mr Conlon: If you believe that about me, you misapprehend me completely.

Mr LEWIS: No; you lead me to that conclusion. I do not believe anything: I come to conclusions on the evidence before me, and the evidence before me leaves me with no alternative but to do that. I say to the member for Gordon, more strength to his arm. What he is suggesting allows good science to be used. It is commonsense to approach it on that basis and enable the Environment Protection Authority (the EPA) to do the job of determining that and to do it in consultation with the public by enabling them to participate in it.

I think rank hypocrisy is involved in this whole proposition from the Port Adelaide Enfield Council in consequence of its own dump facility very near—adjacent to, beside the water, in fact in the North Arm or Barker Inlet. It does not matter; the water will run off in a number of different directions from that site. It is far more unstable than the Wingfield site yet it continues to use it. If it was genuinely concerned about the height of the thing in terms of its silhouette on the horizon, it again shows its hypocrisy, because it would close nowhere near as high as the Borrelli landfill, the top of which will be that 12 metre high shed it has given approval to erect. It would also be guilty of hypocrisy in that, over the years that this controversy has raged, it has allowed that landfill and Cleanaway's landfill to be constructed with slopes, angles of repose or batters—call them you what you like—which are far too steep and which cannot therefore be soundly and securely covered with overburden which traps the refuse inside it.

Any argument that another approach facilitates recycling is nonsense, because the Barker Inlet location will now receive at the same price range all the things that are presently going into the Wingfield site of the Adelaide City Council. The Barker Inlet site will get them, and Port Adelaide Enfield City Council will get that revenue. Whether or not that was part of its decision, I leave members and the public outside to judge. I commend the member for Gordon for his good sense.

Mr FOLEY: I do not commend the member for Gordon for his amendment.

Mr Lewis: You've got a vested interest.

Mr FOLEY: Exactly. I do have a vested interest: I am the local member and I am articulating the views of my local constituency and those of the Port Adelaide Enfield Council. I make no apology for valuing the views of the Port Adelaide Enfield Council somewhat higher than those of the Adelaide City Council.

Mr Lewis interjecting:

Mr FOLEY: I have already said tonight that I would like the Garden Island dump closed as soon as possible, too.

Mr Lewis: Then move an amendment.

Mr FOLEY: I will not move to close a dump tonight when I have not even considered the ramifications of that. We have not been briefed on it. I want to make the following point. This is a Government Bill, and you are doing what you always do in the Liberal Party: you take pot shots at your own Minister and your own bit of legislation. If you sit here tonight and listen to the barrage of abuse coming from members opposite, you would think it was an Opposition sponsored piece of legislation. It is your own Bill, from the Minister in another place, Diana Laidlaw. What is it with this Party of yours that you have to take the hatchet to your own members, your own Ministers?

Members interjecting:

Mr FOLEY: I find it extraordinary that the Labor Party is having to defend a piece of legislation that has been put forward by a Liberal Minister. As I have just been advised—

Mr Williams interjecting:

Mr FOLEY: No; we have expressed our views, but at present we do not have about a dozen members as there are on your side who are abusing it. As I said earlier, 581 people are living in Wingfield. That might not matter to people who live in leafy parts of Adelaide and nice, rural country towns and whatever but, if you are a resident of Wingfield, the height of the Wingfield dump is something that will often occupy your mind. I make no apology for standing up for those 581 people.

Mr Lewis: They can't even see Borrelli's from there.

Mr FOLEY: They can't even see it? Well, they can smell it; you can smell it down where I live at North Haven, I can assure you of that.

Mr Lewis: Your underwear smells more than that at 100 metres.

The CHAIRMAN: Order! Will the members in the gallery please take a seat.

Mr FOLEY: I thought you were calling for order on what the honourable member said about me.

An honourable member: Birds.

Mr FOLEY: We have problems with birds.

The CHAIRMAN: Order! Will the members in the Speaker's gallery please take a seat.

Mr FOLEY: A very large number of sea birds infest our area and affect industry and local residents. The height of 27 metres is supported by a very eminent company, BC Tonkin, and Kinhill and the EPA have looked at it. I know that I am not supposed to show displays, but let us look at a display: eyes this way, those who are interested. Rory, Mitch and Ivan: I will give a little lecture here. What we are talking about is that area from the Port Adelaide Enfield Council and that from the Adelaide City Council.

The CHAIRMAN: Order! It is against Standing Orders for the honourable member to display an item in the House.

Mr FOLEY: I understand that, Sir but you were looking the other way and I took advantage; I apologise. As the Port Adelaide Enfield Council has in my view quite correctly pointed out, that brown bit that I am not displaying—

The CHAIRMAN: Order!

Mr FOLEY: That brown bit is what the Port Adelaide Enfield Council calls 'ACC extra profit'. At what point will we see through this masquerade? At what point will we realise that this is about the Adelaide City Council? Good luck to it; if I were in its shoes, I would probably be doing the same. But at the end of the day it is wanting to maximise its financial gain from this dump. As I said earlier to those members who were listening, the advice provided to me is that it would probably be impossible to reach 35 metres by the year 2004. So, the council will simply say, 'We are up to 30 metres or 29 metres. We just need two or three more years to get to 35.' Well, for every year it is open it is another $8 million. Let us be realistic about this. It has been a very good income earner for the council. Good luck to it; I do not begrudge it that.

Mr Condous: That will be $8 million for the people of South Australia.

Mr FOLEY: Sure, Steve: you say $8 million for the people of South Australia, but what about the 581 people who live in Wingfield? What do you say about them, Steve?

The CHAIRMAN: Order! The honourable member will refer to members by their correct title.

Mr FOLEY: Yes; the member for Colton. I will allow the member for Adelaide and others to defend their constituents; I will defend mine. The 581 people of Wingfield deserve better.

Mr Lewis: Use facts.

Mr FOLEY: I have given you a fact. As I pointed out earlier, the Port Adelaide Enfield Council engineering design can still provide the haystack that the member for Stuart is so keen to have. It is signed off by BC Tonkin and Kinhill, and the EPA is comfortable with it. This is not an issue that half a dozen people have thought up in a back room.

Mr Atkinson: At least you are representing your constituents, unlike another member, who votes on personal interest.

Mr FOLEY: Who's that? We are talking about eight metres. Let us remember that the dump at present is only at 15 metres. To get to 27 metres we are allowing almost a doubling in the dump. You would have thought that we were allowing only another six months or two metres. The dump will almost double before it reaches the height required by this legislation. What is it with you guys opposite? Did not you discuss this in your Caucus?

Mr Lewis: We don't have a Caucus.

Mr FOLEY: You don't have a Caucus? No wonder you have made such a hash of running the Government for the past six years. I urge members to oppose the amendment as it is an emotive amendment that goes against the whole design of the legislation. The initial preference for us was 25 metres. We have now agreed to go to 27 metres, but you still want to go the whole way. At the end of the day some sense should prevail here tonight and we should oppose the amendment moved by the member for Gordon and see it for what it is.

Mr WILLIAMS: I support the amendment. In the comments made by the member for Hart—and I respect him for supporting his constituents, although I question whether he is supporting them as best as he might—he said, 'I do not know why with this amendment you want to go all the way.' The amendment does not specify the height at all but leaves that decision to the people best able to make that decision, and that is certainly not the people in this House. It is certainly not people like the member for Elder, who had a cheap shot at the member for Stuart a little while ago because he referred to the building of a haystack. If the member for Elder knew what he was talking about, he would realise that farmers from time immemorial understood about water leaching into things and angles of repose to stop water going in. Haystacks for years have been designed so that water would run off and not soak in. The first engineers were those people who collected and stored their food and fodder: they became very successful at so doing. We owe our existence to the success that earlier generations were able to achieve. It was a cheap shot that displayed the member for Elder's lack of understanding.

Mr Conlon interjecting:

Mr WILLIAMS: It is the principle involved in the design of a haystack—it keeps the water out of it. The answer today is to build a haystack with a flat top and put a sheet of plastic over it, but if you build a haystack properly it keeps the water out without a sheet of plastic. You can do the same with anything. It does not have to be hay: it can be rubbish or anything.

The reason I questioned the representation by the member for Hart of his electors was that he said, 'But you can smell it from where I am.' This amendment has nothing to do with the length of time the dump will remain open.

Members interjecting:

Mr WILLIAMS: No, it does not. The date of closure of the Wingfield dump would be unchanged by this amendment. Again, you are misrepresenting this amendment. This amendment will not alter, so the smell will be there until the same day.

Mr Hill interjecting:

The CHAIRMAN: Order! The member for MacKillop has the floor.

Mr WILLIAMS: I refer to comments I made in the second reading stage of this Bill when I questioned whether the politics of envy are not working here, because one of the major reasons for the member for Hart's supporting the Bill is to screw the City of Adelaide and to stop it making any profit from the Wingfield dump.

Mr Foley interjecting:

Mr WILLIAMS: And where will your people dump their rubbish?

Mr Foley interjecting:

Mr WILLIAMS: Yes, in somebody else's backyard—at Inkerman or Dublin. The rubbish has to be dumped somewhere. This amendment is about the people best able to make the decision being charged with that responsibility. This Bill—

Mr Conlon interjecting:

The CHAIRMAN: Order!

Mr WILLIAMS: As the interjector is saying, there are as many different opinions as people you talk to, which is one of the problems. I would like to see, as a matter of principle, this decision go back to the people who should be making the decision, to stop this Parliament—

Mr Conlon interjecting:

Mr WILLIAMS: What is your problem with the amendment?

Mr Conlon: Why do you need it?

The CHAIRMAN: Order! The member for Elder will have the opportunity to speak if he so desires. There should not be a discussion across the floor. The member for MacKillop.

Mr WILLIAMS: Thank you for your direction, Sir. This Bill, as the member for Gordon pointed out in his second reading contribution, sets a precedent of this Parliament doing things it was never charged to do. This is one of the problems we have in the governance of South Australia: the Parliament rides roughshod over other agencies that are charged with certain responsibilities. I do not believe that is the role of this Parliament. Agencies are set up to control this sort of activity and here we are as a Parliament riding roughshod over those agencies for, to my mind, the worst reasons possible, to which I alluded in my second reading contribution.

Mr CLARKE: Will the Minister advise the Committee whether the advice that the Government has received from the Environment Protection Agency is absolutely unqualified and that the position set down in the Government's Bill is what the Environment Protection Agency deems is the minimum height with the maximum environmental protection? Is that the advice of the EPA?

The Hon. DEAN BROWN: Without wanting to read the whole thrust of the report prepared by the EPA, I will at least read a few paragraphs from its conclusion, as follows:

> The EPA is of the opinion that the landfill can be effectively closed at 27 metres and there are no significant benefits to be achieved in relation to long-term stormwater control and post-closure management justifying a height extension to 35 metres.

That is the crux of the conclusion. That answers the question the honourable member has asked. It goes on to say:

> The ACC has based their assessment of a closure height of 35 metres on a growth rate for waste of 8.75 per cent. The EPA believes this to be optimistic and, if the projected growth rate did not eventuate, the ACC would need to apply for an extension of time in order to complete the landfill of 35 metres in accordance with the design profile. Closure at 27 metres provides the flexibility of continuing landfill to the year 2004, if the assumed waste growth rate is not achieved. With the waste assumed to be at filled capacity at 29 per cent, the longer the landfill remains open the more leachate will be generated due to the large surface area of the landfill exposed to rainfall. Completing the landfill at 35 metres could result in more leachate being generated and greater contaminant loads due to the additional volume of contaminated material contained in the landfill. This is also potential for leachate to be generated for a longer period of time.

Finally, the consolidation of the waste will cause more leachate to be released by the landfill for the 35 metre height, as compared with the 27 metres. Leachate will be released from the waste over a period of about 10 years as consolidation occurs. The proposed leachate collection system may have limited effectiveness in the interception of leachate from the landfill. Further investigation and detailed design is required before its effectiveness can be confirmed. I think that really answers the question put by the honourable member.

Mr CLARKE: I listened very carefully to what the Minister said. As a further point of clarification: does the EPA in its professional opinion to the Government give an assurance to this House that a settling height of 27 metres will protect the environment from leachate?

The Hon. DEAN BROWN: Again, I think I can answer that by quoting a little more of the conclusion by the EPA:

> In the opinion of the EPA, development of legislation restricting the height and time frame for disposal is preferable, as it:
> 1. ensures an orderly closure of the landfill;
> 2. provides a compromise between the preferred options of Port Adelaide Enfield and ACC. It enables ACC to obtain revenue from implementation of closure and post closure management, provides certainty to the waste management industry, and enables companies which have received planning approval for new landfills to more effectively plan development of their landfills and associated resources recovery and transfer facilities and, finally, provides a reasonable time frame for ACC to assess its options for after use of the site, should the ACC wish to continue with the waste management industry.

I think the first point in particular answers the honourable member's question, and that is, yes, the EPA does believe that this leads to an orderly protection. If you look at what I said earlier, it also says in relation to closure at 27 metres—and I will repeat it again so that I am not accused of misquoting:

> The EPA is of the opinion the landfill can be effectively closed at 27 metres and that there are no significant benefits to be achieved in relation to long-term stormwater control and post closure management justifying a height extension to 35 metres.

The point is that there will be no benefit going beyond 27 metres and it believes it can be satisfactorily closed at 27 metres.

Mr CONLON: I just want to stress the point that I tried to make before about the fundamental illogicality of this amendment. The amendment says we should not have the height limit that has been devised by the EPA in the legislation, that instead what we should do is leave it to the EPA to devise the height limit. If you cannot see that, I cannot make it more clear.

Mr McEWEN: First, I must compliment the Minister on trying to make fair weather of hard going and trying to defend the indefensible. I appreciate the responsibility he has. Let me come to the complete fundamental illogicality just for a second. We need to look at the Bill in its entirety and note that what we are now doing is at least putting in place a process whereby democracy can take its course and, what is more, a time frame within which that process must be concluded. We have actually said that we are not going to make a judgment in terms of the 27 metres; we are going to put in place an appropriate process to make that judgment; and we are going to say that you need to put that in place and conclude it by 31 December 2004 because there will be no licence beyond that point.

If the EPA to this point has not done its job properly that needs to be sorted out with the Minister. That is not the place of this Bill.

Members interjecting:

Mr McEWEN: I am arguing with the Committee at large. I am sorry if I am actually pointing my person at an individual. I will address the Presiding Officer, which is appropriate. We ought to put principle before politics. We ought to put a process in place that allows this to occur. The alternative is that we set ourselves up as judge and jury and start making decisions in our own right, or have best guess situations, or as in this case, I think, just tossing a coin. Then the abuse starts, because, if you dare question the Minister in relation to this, then over dinner you will be called, and I quote, 'a wimpy little shit'. If that is the way the Minister actually approaches her colleagues and tries to debate in a professional way—

Members interjecting:

Mr McEWEN: I am quoting the Minister, but I am not indicating as to whom the Minister might have used the phrase.

Members interjecting:

Mr McEWEN: I am not telling you who; all I am saying is, and I will repeat it if you did not hear me the first time—

Members interjecting:

Mr McEWEN: The point I am trying to make is that this is a matter of principle. Let us put the process in place and take the politics out of that.

The Hon. DEAN BROWN: Mr Chairman, I think it is appropriate to ask that that comment be withdrawn. I think it is unparliamentary and I would ask the member to withdraw.

The CHAIRMAN: The Chair is of the opinion that it is unparliamentary and I ask the member for Gordon to withdraw that comment. I am sure the member for Gordon knows the comment I am referring to, without referring to it again.

Mr McEWEN: I will not refer to it again, Sir, but I am not calling anyone anything; I am simply reporting—

The CHAIRMAN: Order! The Chair has asked the member for Gordon to withdraw the comment.

Mr McEWEN: I will withdraw the comment and at a later date someone can explain to me why.

Mr CONDOUS: Mr Chairman, I am looking for guidance from you on this matter. I do not know whether the member for Elder was throwing away a line, but he indicated to me during the course of my contribution that, should this amendment be defeated, if I moved that Garden Island be closed he would support it. I have spoken to the Parliamentary Draftsman, and I want to foreshadow an amendment that 6(5) applies equally to Garden Island. Because I have been advised by the Parliamentary Draftsman—

The CHAIRMAN: Order! We are on clause 3 at this stage. If the member is referring to clause 6(5) the matter can be dealt with when we get to that clause.

The Committee divided on the amendment:

AYES (7)

Condous, S. G.	Gunn, G. M.
Lewis, I. P.	Maywald, K. A.
McEwen, R. J. (teller)	Scalzi, G.
Williams, M. R.	

NOES (37)

Armitage, M. H.	Atkinson, M. J.
Bedford, F. E.	Breuer, L. R.
Brindal, M. K.	Brokenshire, R. L.
Brown, D. C. (teller)	Buckby, M. R.
Ciccarello, V.	Clarke, R. D.
Conlon, P. F.	De Laine, M. R.
Evans, I. F.	Foley, K. O.
Geraghty, R. K.	Hall, J. L.
Hamilton-Smith, M. L.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Ingerson, G. A.	Kerin, R. G.
Key, S. W.	Kotz, D. C.
Koutsantonis, T.	Matthew, W. A.
Meier, E. J.	Oswald, J. K. G.
Penfold, E. M.	Rankine, J. M.
Snelling, J. J.	Stevens, L.
Such, R. B.	Thompson, M. G.
Venning, I. H.	White, P. L.
Wright, M. J.	

Majority of 30 for the Noes.

Amendment thus negatived; clause passed.

Clauses 4 and 5 passed.

Clause 6.

Mr CONDOUS: I want to foreshadow an amendment. I have had advice from the Parliamentary Draftsman that, because the Bill refers only to Wingfield and my foreshadowed amendment was that clause 6(5) applies equally to Garden Island; and since the member for Elder was so keen to support me and I am sure that the member for Hart would like to champion himself to the electorate and the people that he represents in closing Garden Island at the same time as the Wingfield dump, I would like advice from you, Sir, on how I could have progress reported for the purpose of adjourning the Bill to 25 May to allow Garden Island to be included, so that the people of Wingfield have no dumps there at all.

Members interjecting:

The CHAIRMAN: Order! The member for Colton has sought advice. As far as the Chair is concerned, we believe that the amendment being foreshadowed is outside the scope of the Bill. It would require an instruction from the House to the Committee to enable it to consider such an amendment. The only way that that could happen would be for the member for Colton to move to report progress.

Mr CONDOUS: I am happy to move to report progress and, as I said, have the whole matter adjourned to 25 May. I move:

That progress be reported.

The Committee divided on the motion:

AYES (7)

Condous, S. G. (teller)	Gunn, G. M.
Lewis, I. P.	Maywald, K.
McEwin, R. J.	Scalzi, G.
Williams, M. R.	

NOES (37

Armitage, Hon. M. H.	Atkinson, M. J.
Bedford, F. E.	Breuer, L. R.
Brindal, Hon. M. K.	Brokenshire, R. L.
Brown, Hon. D. C.(teller)	Buckby, Hon. M. R.
Ciccarello, V.	Clarke, R. D.
Conlon, P. F.	De Laine, M. R.
Evans, Hon. I. F.	Foley, K. O.
Geraghty, R. K.	Hall, Hon. J. L.
Hamilton-Smith, M. L. J.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Ingerson, Hon. G. A.	Kerin, Hon. R. G.
Key, S. W.	Kotz, Hon. D. C.
Koutsantonis, T.	Matthew, Hon. W. A.
Meier, E. J.	Oswald, Hon. J. K. G.
Penfold, E. M.	Rankine, J. M.
Snelling, J. J.	Stevens, L.
Such, Hon. R. B.	Thompson, M. G.
Venning, I. H.	White, P. L.
Wright, M. J.	

Majority of 30 for the Noes.

Motion thus negatived.

Clause passed.

Clause 7.

The CHAIRMAN: I presume that the member for Gordon will not be proceeding with his amendment?

Mr McEWEN: That is correct.

Clause passed.

Remaining clauses (8 to 15) and title passed.

The Hon. DEAN BROWN (Minister for Human Services): I move:

That this Bill be now read a third time.

Mr LEWIS (Hammond): As the Bill comes out of Committee, I cannot help but comment upon what I see as the rank hypocrisy, particularly on the part of the members for Hart and Elder.

Mr Foley: It's your Bill.

Mr LEWIS: I do not own anything in here any more than anyone else. Members need to remember that they are elected as individuals and that whatever legislation they support or reject they are each personally accountable for it. Notwithstanding that, as it stands the legislation allows the Garden Island dump to proceed the moment the Adelaide City Council's dump at Wingfield is closed.

Mr FOLEY: I rise on a point of order, Sir. A third reading speech should talk about the Bill as it comes out of Committee. This Bill deals with the Wingfield dump: it deals with no other dump. It is totally incorrect to say that it does not deal with the Garden Island dump: it does not deal with any other dump in South Australia because it is—

The SPEAKER: The honourable member has made his point. I uphold the point of order in that it is a restrictive debate. However, the honourable member is still developing his argument; he may pull it together, in which case he many be in order. The Chair will be taking careful note of the way in which he does develop his argument.

Mr LEWIS: Thank you, Mr Speaker. The Geographic Names Board has given pieces of this earth different names and they are less than a kilometre apart. The hypocrisy of the member for Hart in attempting to gag my comment upon the thrust of the legislation as it comes out of Committee is more than obvious now to any member in that another dump close by will continue and, if anything, it will be a greater hazard

to the environment than the Adelaide City Council's dump at Wingfield; and, if anything, it will also represent a bigger risk to health because it will be closer to a greater number of residents; and, if anything, also, the measure as it comes out of Committee ignores optimising the best possible outcome for the environment.

It does not provide for that opportunity and I am disappointed that members see it as simply a means of satisfying the demands being made by what are clearly the selfish interests of the people represented by the member for Hart and others in the Port Adelaide Enfield City Council against the interests—

Mr FOLEY: On a point of order, Sir—

The SPEAKER: No, you do not need to. The honourable member is now starting to stray out of a third reading speech into a general debate. I ask him to return to the third reading.

Mr LEWIS: By closing one dump less than a kilometre away from another dump does not serve the interests of the environment at all nor the interests of the residents.

Mr CONLON: I rise on a point of order, Mr Speaker. The member seems to have difficulty with the ruling of the Deputy Speaker, which was that an amendment concerning Garden Island was not cognate with the Bill. The member's debate is to the extent of reflecting upon the correctness of that ruling.

The SPEAKER: Order! I do not take any point of order on what the honourable member's contribution was.

Mr CLARKE (Ross Smith): My contribution will be brief. Given that there was, as the Minister pointed out, a variety of contributions made by both sides of the House tonight on this issue, I can only trust that the Environmental Protection Agency and its professional advice is proved correct, or it will be held accountable.

Bill read a third time and passed.

LISTENING DEVICES (MISCELLANEOUS) AMENDMENT BILL

In Committee (resumed on motion).

(Continued from page 1327.)

Clause 5.

The Hon. I.F. EVANS: I have sought further advice on the issue raised by the members for Spence, Stuart and Hammond. The position is this: when they seek a warrant for likely criminal activity—

Members interjecting:

The CHAIRMAN: Order! There is far too much discussion in the Chamber. Will members take their seats and refrain from talking.

The Hon. I.F. EVANS: —to obtain a warrant they must suspect criminal activity, so they apply to a Supreme Court not a magistrate for a warrant. The court must be satisfied that there may be some criminal conduct of sufficient gravity that is explained on the application of the warrant. So it is criminal activity based. The judge has to make a judgment on the case of the application, and obviously sets out criteria in relation to the warrant, then can issue a warrant if that is the judgment of the Supreme Court judge. Then, under the terms of the warrant, the police then have authority to install the device and collect the evidence. Once they collect the evidence, there are basically three scenarios. If the evidence indicates criminal activity, then that would follow the normal process of investigation, and that is what we would expect the police to do. If the evidence suggests there is no criminal activity and no breach of other code or misbehaviour then that evidence is destroyed.

Then it comes to the point that the member for Spence raises: if there is no criminal activity but some breach of other code, what happens to that evidence? At that point the police have to make a judgment. They can, if they think the evidence of misbehaviour or breach of other code is likely to be called, retain the evidence. If they think that the evidence they hold is unlikely to be called, then they have a discretion to destroy the evidence.

Mr Atkinson: Discretion?

The Hon. I.F. EVANS: They can destroy the evidence.

Mr Atkinson: Or not destroy it.

The Hon. I.F. EVANS: Or not destroy it: that is the discretion of the police. The public interest safeguard there is that the Police Complaints Authority under the Bill inspects the records every six months and can ask about and look at what evidence is being held for what reason. Therefore, the public interest is protected through that mechanism. I repeat that some members raised issues such as, 'Could this be used by members of Parliament or to investigate members of Parliament?' I make the point that members of Parliament are not officers of the State. That clarifies the points raised by the members.

Mr ATKINSON: I am pleased that the Minister has given such a detailed reply. It is good that the Police Complaints Authority will be able to review the holding of tapes relating to alleged misconduct or misbehaviour that is unlikely to be called. How could police possibly make that judgment—whether the tapes are likely to be called—when the conduct is not criminality? The Minister refers to tapes that reveal evidence about breaches of codes. What are those codes for possible breach of which the tapes can be held?

The Hon. I.F. EVANS: I used the word 'codes'; the member for Spence may well use other language. Under legislation such as the Public Sector Management Act there are misconduct provisions. I was using 'codes' in that sense where it relates to codes of conduct set out under other Acts.

Mr ATKINSON: The Minister neglected to answer one of my questions. He neglected to answer my first question, which was: if the conduct does not involve criminality who are the police to make a judgment about whether the evidence is likely to be called if it is, say, some Public Service tribunal?

The Hon. I.F. EVANS: The advice to me is that they already make that judgment under the existing Act.

Mr Atkinson interjecting:

The Hon. I.F. EVANS: No, all I am saying is that the procedure already exists. There is already an established procedure to make that judgment.

Clause passed.

Clause 6 passed.

Clause 7.

The Hon. I.F. EVANS: I move:

Page 4, line 6—Leave out 'sections are substituted' and substitute:

section is substituted

Page 4, line 21 to page 6, line 22 (inclusive)—Leave out proposed new sections 5A to 5G (inclusive).

The first amendment is consequential on the second amendment, so I will speak to the second amendment. These amendments delete the provisions that create an Office of Public Interest Advocate. This office was inserted in the Bill in the other place. The stated intention of the office is to

ensure that an individual is protected from unnecessarily intrusive police investigation. However, the Government believes that the creation of Office of Public Interest Advocate will not effectively strengthen the protection to the suspect or the public. The Bill already provides protection to the public against unnecessary police intrusion by requiring the police to seek a warrant for the use of a listening device or installation of a surveillance device from a Supreme Court judge, setting out clear criteria against proposed new section 6(6) against which a Supreme Court judge may assess an application for a warrant and requiring the Commissioner of Police to maintain a register of warrants that will be audited by the Police Complaints Authority to ensure there is compliance with recording requirements.

Also, the member for Spence made comments earlier in his contribution about installing an amendment in relation to making a judgment about the extent to which the privacy of a person would be likely to be interfered with by the use or type of device to which the warrant relates, and the Government is moving a amendment in respect of that.

Mr ATKINSON: Sir, I appeal for the attention of the members for Stuart and Hammond.

Members interjecting:

The CHAIRMAN: Order!

Mr ATKINSON: The fact that the Government would seek to delete this clause should be of great concern to them. I think those members—

The Hon. I.F. Evans interjecting:

Mr ATKINSON: No, not this one; that was the last clause.

The Hon. I.F. Evans interjecting:

Mr ATKINSON: Whether the Opposition supports the Government's move to remove the public interest advocate depends very much on what we hear from the Attorney during the deadlock conference. But, I think the members for Hammond and Stuart ought to listen carefully to this clause, because the Government is seeking to remove the public interest advocate. So, the Government is happy for video cameras and bugging devices to be installed in people's homes without their consent on a warrant issued by a Supreme Court judge, but there would be no-one at all at the warrant hearing representing the interests of privacy or the public. So, the Government seeks to delete the provision for a public interest advocate, who would be a barrister hired on a fee-for-service basis, (remember there are only 20 of these hearings a year) and who would appear at the *ex parte* hearing and scrutinise the police's application for warrants.

I am sorry if the Minister got the impression that the Opposition would withdraw its support for that clause based on his meritorious investigations into the points I raised on a previous clause. He has satisfied me on the previous clause—not fully, but enough for us to support it—but he has certainly not satisfied me that we do not need a public interest advocate to be present at these warrant hearings and to scrutinise the police's application for a warrant. As the Hon. A.J. Redford said in another place, there is a danger of the judges who grant these warrants basically cozying up to the police and not scrutinising the application for a warrant as carefully as they should. We may need a public interest advocate who is present at these hearings—this is not bureaucracy; it will not be a full-time or part-time position—on a fee-for-service basis, going to these 20 hearings a year, testing the police case and asking some awkward questions.

This public interest advocate would develop a certain expertise by attending these hearings which a Supreme Court judge may not have before, because that might be the first hearing the Supreme Court judge has ever had in this area. You do not necessarily have the same Supreme Court judge. So, the police could put it over a Supreme Court judge. What we need is someone there who knows this area of law; the public interest advocate would be that person. So, I appeal to the Independents and the members for Hammond and Stuart. Here is an opportunity for a bit of scrutiny in this area; do not knock it out just because the Hon. K.T. Griffin wants it out.

The Hon. G.M. GUNN: People would know that I have always had a great deal of concern when we have altered the onus of proof on these provisions. Having personally experienced some difficulties with illegal activities and knowing how improper activities have taken place in this building, I can personally see nothing wrong whatsoever. We have an Ombudsman. When the Minister's father proposed that provision many years ago he was publicly ridiculed for doing it, even by Don Dunstan, but it was not too long afterwards that they embraced that concept. In a modern society, where bureaucracy is more sophisticated and the community is not aware of the sort of modern techniques that can be used against them, I for one can see no problem with a member of the legal profession who has practised in this area being present. In my view, the only people who would be opposed to it are those with something to hide. If you do not have anything to hide and you have a watertight case, you will get it through in five minutes. I rest my case.

The Hon. I.F. EVANS: It is my understanding that, since 1972, warrants in relation to listening devices have been issued by Supreme Court judge acting alone without a public interest advocate.

Mr Atkinson: And only four warrants have ever been refused.

The Hon. I.F. EVANS: It may well be that only four warrants have ever been refused, but the facts may well be that the details of the submission warranted the granting of all the rest. We cannot judge that, because we have not heard the submissions. I make the point that the Government believes that the public interest advocate will not provide any other factual information to the judge regarding the investigation, because he or she has access only to the same documents given to the judge. When testing the application, the public interest advocate will be undertaking the role that the Supreme Court judge undertakes in determining whether or not to issue a warrant. The Supreme Court judges are experienced in dealing with *ex parte* applications, and section 66 gives very clear guidance as to the matters the judge must address in his or her own mind before issuing a warrant. There appears to be little value in having a person who asserts to the judge that the information provided does not appear to satisfy criteria in section 66 if the judge is of the opinion that the criteria are satisfied and proceeds to issue a warrant.

Procedural steps are also currently in place to test the applications. Prior to making the application, the Crown Solicitor's office checks the grounds for the intended application against the criteria set out in section 66. If the solicitor believes that the criteria under the Act are not met, the solicitor will recommend that the application not be made. Where the application is made to the court, a representative of the Crown Solicitor's office attends most, if not all, applications for warrants on behalf of SAPOL. In the application proceedings, the Solicitor generally adopts the role of informing the court of all relevant matters without bias and, if necessary, the solicitor will highlight for the judge

areas which may have been seen as a weakness in the application.

It is also important to realise that often applications are made in urgent circumstances, although the circumstances are not so urgent to justify the application being made by telephone. There is still a need to deal with the matters quickly. Arranging times convenient to both judge and public interest advocate is likely to be extremely difficult; as a result, opportunities to obtain the desired information may be lost. On the basis of this information, the Government believes that the creation of an office of public interest advocate is unnecessary and does not provide a benefit to the suspect or the public.

The Hon. G.M. GUNN: I thank the Minister for his explanation, but I do not understand why there is some difficulty with this clause. If these devices are put in someone's home or office, it is not only the person under surveillance who will be recorded but also other members of a person's family or anyone present. I do have some concern about what appears to me to be a pretty modest insurance against improper and illegal activities, when I personally know of illegal activities in relation to phone tapping. I have to say that I have some concerns that the Minister seems to be unable or unwilling to accept this provision. I do not want to delay the House; I would far sooner be home in bed myself, but I feel strongly about it.

The Hon. I.F. EVANS: The point the member raises about other people being recorded when they attend premises where a device has been installed has been the case since the Act was first put in place in 1972.

Mr Atkinson interjecting:

The Hon. I.F. EVANS: No, but where is the evidence that that has created some difficulty?

Mr Atkinson: We don't know: it's secret.

The Hon. I.F. EVANS: All I am saying is that the procedure under this Act is the same as currently exists.

Mr HANNA: I lend my support to the concept of a public interest advocate if we are to have these heightened powers in relation to listening devices. I was particularly disturbed at the Minister's response that there is no need for one because a judge is present. It is a fundamental premise of our judicial system that there should be an argument for and against a particular accused person or, in a case such as this, a particular operation that would otherwise be illegal. It is essential that two viewpoints be presented and it is not sufficient for a solicitor from the Crown Solicitor's Office to be present; there needs to be somebody especially given the task of looking at the interests of the citizen—and, as the member for Stuart rightly pointed out, not necessarily an accused or suspected person but the interests of the citizen who might have their behaviour and conversations tapped into. It is a critical part of this Bill, especially at a time when we are looking at increasing the powers generally of police in relation to putting in listening devices.

The Hon. I.F. EVANS: The judge can issue a warrant if he is satisfied that, in certain circumstances or after listening to the case, there are reasonable grounds, which are set out in the Act. I do not think the honourable member was present when I gave a commitment earlier—

Mr Hanna: I heard every word, Minister.

The Hon. I.F. EVANS: I was not sure whether the honourable member was present when I gave a commitment earlier that the Government would move an amendment so that the judge has to consider the extent to which the privacy of the people is likely to be interfered with by the use or type of device to which the warrant relates. That adds a further protection—

Mr HANNA: On a point of order, Sir, it is my understanding that there was a tradition in this place that the absence or otherwise of members was not referred to, and it is a tradition which I have seen fallen down over the past few years. It is very rude and improper of the Minister to refer to me in this particular case, especially since I was closely following the debate.

The ACTING CHAIRMAN (Mr Venning): There is no point of order. The member has the opportunity to speak again after the Minister has finished his response. I do not believe that he was unduly rude.

The Hon. I.F. EVANS: I was trying to offer an explanation. If I offended the honourable member in any way, I apologise. I was simply trying to explain something. I was not aware of whether he was in the Chamber or heard the debate. If that offended him, I apologise. I was simply trying to progress the debate.

Mr CLARKE: I support the comments of the shadow Attorney-General, the member for Spence, and the member for Mitchell. I understand that the Minister is saying, 'Don't worry about it; the judge will be around. He will look after the interests of the citizen that is about to have their privacy invaded, and the judge will be looking at these broader issues, rather than having the benefit of the advice of this other third party.' Frankly, I am deeply suspicious of increasing powers on the invasion of privacy of people. In a small State like South Australia there is a danger, although not necessarily real today, for too much of a close connection between judges and the police on these type of issues, without a third party being present.

This may sound a bit like heresy but, if you think I trust the cops on everything, I do not. It is not because I think they are necessarily bent or corrupt, because overwhelmingly that is not the case, but there is always a temptation for them to zealously do their job, which could injure quite profoundly a citizen who, it has to be taken as read, is innocent until proven guilty. Therefore, if members think I will support an extension of powers, subject only to the override of a judge, who has a close working relationship from time to time with the police authorities and who could be influenced (and I am not saying in a corrupt manner but simply because in a small State like South Australia they all know one another) to invade a person's privacy, you have another think coming. Not one iota! I have seen too much invasion of personal privacy and I speak from some experience. What I have experienced I would not want to wish on anybody else.

The Committee divided on the amendments:

AYES (23)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F. (teller)	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Lewis, I. P.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	Meier, E. J.
Oswald, J. K. G.	Scalzi, G.
Such, R. B.	Venning, I. H.
Williams, M. R.	

NOES (19)

Atkinson, M. J. (teller)	Bedford, F. E.
Ciccarello, V.	Clarke, R. D.

NOES (cont.)

Conlon, P. F.	De Laine, M. R.
Foley, K. O.	Geraghty, R. K.
Hanna, K.	Hill, J. D.
Hurley, A. K.	Key, S. W.
Koutsantonis, T.	Rankine, J. M.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	White, P. L.
Wright, M. J.	

PAIR(S)

Olsen, J. W.	Breuer, L. R.
Penfold, E. M.	Rann M. D.

Majority of 4 for the Ayes.

Amendments thus carried; clause as amended passed.

Clause 8.

The Hon. I.F. EVANS: I move:

Page 7—

Lines 5 to 11—Leave out proposed subsection (4a).

Lines 15 and 16—Leave out proposed paragraph (a) and insert:

(a) if the warrant is for the use of a listening device, the extent to which the privacy of a person would be likely to be interfered with by use of the listening device; and

The first amendment is consequential on the amendments to clause 7 that have just been passed. The second amendment overcomes an anomaly that currently exists in relation to the proposed new section 6(6)(a). The proposed new section 6(6)(a) provides that when considering an application for a warrant under the Act the judge will be required to take into account the extent to which the privacy of a person would be likely to be interfered with by the use of the type of device to which the warrant relates. This provision was inserted in the Bill after the debate in the other place.

The Government has received advice that it may be anomalous for the court to consider the extent to which the privacy of a person would be interfered with by the use of a surveillance device when the warrant is only required for the installation of the surveillance device. This amendment will ensure that the judge will only be required to consider the interference with privacy from the use of a device when the judge is being asked to authorise the use of that device; that is, it will provide that when the warrant is for the use of a listening device the court will be required to consider the extent to which the privacy of a person is interfered with by the use of the listening device. This provision is the same as paragraph (a) in the current section 6(6) of the Act.

Amendments carried; clause as amended passed.

Clause 9.

The Hon. I.F. EVANS: I move:

Page 9, lines 19 to 21—Leave out proposed paragraph (h).

Page 10, lines 7 to 11—Leave out proposed paragraph (h) and insert:

(h) the applicant must, as soon as practicable after the issue of the warrant, forward to the judge an affidavit verifying the facts referred to in paragraph (c) and a copy of the duplicate warrant.

Mr ATKINSON: Minister, I presume these are consequential on the Government's removal of the public interest advocate?

The Hon. I.F. EVANS: Yes.

Amendments carried; clause as amended passed.

Clause 10.

The Hon. I.F. EVANS: I move:

Page 13—

Line 26—Leave out 'following paragraphs' and insert:
following paragraph

Lines 33 and 34—Leave out proposed paragraph (d).

Amendments carried; clause as amended passed.

Clause 11.

The Hon. I.F. EVANS: I move:

Page 14, lines 5 to 10—Leave out proposed subsection (1).

Amendment carried; clause as amended passed.

Clause 12 passed.

Clause 13.

The Hon. I.F. EVANS: I move:

Page 17, line 13 to page 18, line 2 (inclusive)—Leave out this clause and substitute:

Amendment of s. 8—Possession, etc., of declared listening device

13. Section 8 of the principal Act is amended by striking out the penalty provision at the foot of subsection (2) and substituting the following penalty provision:

Maximum penalty: $10 000 or imprisonment for 2 years.

Amendment carried; clause as amended passed.

Clause 14.

The Hon. I.F. EVANS: I move:

Page 18, lines 13 and 14—Leave out 'or tracking'.

Amendment carried; clause as amended passed.

Clause 15.

The Hon. I.F. EVANS: I move:

Page 19, lines 20 and 21—Leave out proposed paragraph (c).

Amendment carried; clause as amended passed.

Clause 16 passed.

Schedule.

The Hon. I.F. EVANS: I move:

Page 20, after line 11—Insert the following statute law revision amendments:

Section 8(1)	Strike out 'shall apply' and substitute 'applies'.
Section 8(2)	Strike out 'shall' and substitute 'must'. Strike out 'hereby'. Insert 'or her' after 'his'.
Section 8(3)	Strike out 'of this section'.
Section 8(4)	Strike out 'upon' and substitute 'on'. Strike out 'shall' and substitute 'will'.
Section 8(5)	Strike out 'shall be deemed' and substitute 'will be taken'.
Section 8(6)	Strike out 'Chief Executive Officer as defined in the Government Management and Employment Act 1985' and substitute 'Chief Executive as defined in the Public Sector Management Act 1995'.

Amendments carried; schedule as amended passed.

Title passed.

Bill read a third time and passed.

TRANS-TASMAN MUTUAL RECOGNITION (SOUTH AUSTRALIA) BILL

The Legislative Council agreed to the Bill without any amendment.

INDUSTRIAL AND EMPLOYEE RELATIONS (WORKPLACE RELATIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 March. Page 1274)

Ms HURLEY (Deputy Leader of the Opposition): I move:

That the debate be adjourned.

The House divided on the motion:

AYES (22

Atkinson, M. J.	Bedford, F. E.
Ciccarello, V.	Clarke, R. D.
Conlon, P. F.	De Laine, M. R.
Foley, K. O.	Geraghty, R. K.
Hanna, K.	Hill, J. D.
Hurley, A. K. (teller)	Key, S. W.
Koutsantonis, T.	Maywald, K. A.
McEwen, R. J.	Rankine, J. M.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	White, P. L.
Williams, M. R.	Wright, M. J.

NOES (20)

Armitage, M. H. (teller)	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Lewis, I. P.
Matthew, W. A.	Meier, E. J.
Scalzi, G.	Such, R. B.
Venning, I. H.	Wotton, D. C.

PAIR(S)

Breuer, L. R.	Olsen, J. W.
Rann, M. D.	Penfold, E. M.

Majority of 2 for the Ayes.

Motion carried; debate thus adjourned.

NURSES BILL

The Legislative Council agreed to the Bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly.

No. 1 Page 1, line 20 (clause 3)—Leave out 'roll of nurses' and insert: nurses roll

No. 2. Page 2 (clause 3)—After line 7 insert the following:

'mental health nurse' means a person who is authorised under this Act to practise mental health nursing;

'mental health nurses register'—see section 22(2a)(c);

'mental health nursing' means nursing care provided to a person in the field of mental health;

'midwife' means a person who is authorised under this Act to practise midwifery;

'midwifery' means care, assistance or support provided to a mother or child in relation to pregnancy or the birth of a child;

'midwives register—see section 22(2a)(b);

No. 3. Page 2 (clause 3)—After line 8 insert the following: 'nurses roll' or 'roll' means the roll under section 22(1)(b);

No. 4. Page 2, lines 14 to 18 (clause 3)—Leave out the definitions and note in these lines and insert: 'registered' means registered under this Act;

No. 5. Page 2, lines 20 to 22 (clause 3)—Leave out the definition of 'roll' or 'roll of nurses'.

No. 6. Page 2 (clause 3)—After line 22 insert the following: 'special practice area'—see subsection (3);

No. 7. Page 3 (clause 3)—After line 9 insert the following:

(3) For the purposes of this Act, the following are special practice areas:

(a) midwifery;

(b) mental health nursing;

(c) any other area of nursing recognised by the Board as being a special practice area (see section 16).

No. 8. Page 4, line 19 (clause 5)—After 'this Act' insert: chosen at an election conducted in accordance with the regulations

No. 9. Page 4, line 24 (clause 5)—Leave out subclause (2) and insert new subclause as follows:

(2) At least six members of the Board must be women and at least one member of the Board must be a man.

No. 10. Page 4 (clause 5)—After line 24 insert the following:

(2a) An election under subsection (1)(b) must be conducted in accordance with principles of proportional representation.

(2b) Every person registered or enrolled under this Act will be entitled to vote at an election under subsection (1)(b).

No. 11. Page 4, line 25 (clause 5)—After 'a member of the Board' insert: under subsection (1)(b)

No. 12. Page 6, line 8 (clause 10)—Leave out 'two' and insert: three

No. 13. Page 9, line 13 (clause 16)—Leave out 'and professional standards'.

No. 14. Page 9 (clause 16)—After line 13 insert the following:

(fa) to endorse professional standards, including definitions and titles;

No. 15. Page 9 (clause 16)—After line 15 insert the following:

(ga) to determine and recognise special practice areas for the purposes of this Act;

No. 16. Page 9, line 25 (clause 16)—Leave out '(f)'.

No. 17. Page 10 (clause 16)—After line 4 insert the following:

(4) Special practice areas will be those fields of nursing (in addition to the fields of midwifery and mental health nursing) that, in the opinion of the Board, require recognition under this Act as fields of nursing that require nurses who practise in those fields without supervision to have special qualifications, experience and authorisation.

No. 18. Page 12, lines 8 to 18 (clause 22)—Leave out subclause (2) and insert new subclause as follows:

(2) The register will be a register of persons to whom the Board has granted registration under this Act.

(2a) The register will be made up of the following parts:

(a) the general nurses register;

(b) the midwives register;

(c) the mental health nurses register;

(d) other parts (or 'registers') for other areas of nursing recognised by the Board as being special practice areas (if any).

(2b) The register must include, in relation to each registered person—

(a) the person's full name, personal address and business address (if any); and

(b) the qualifications for registration held by the person; and

(c) details of any specialist qualifications held by the person and determined by the Board to be appropriate for inclusion on the register; and

(d) details of any condition or limitation that applies to the person under this Act; and

(e) details concerning the outcome of any action taken against the person by the Board under Part 5,

and may include other information as the Board thinks fit.

No. 19. Page 12, line 23 (clause 22)—Leave out 'nursing'.

No. 20. Page 12, lines 25 and 26 (clause 22)—Leave out paragraphs (d) and (e) and insert new paragraph as follows:

(d) details of any condition or limitation that applies to the person under this Act;

No. 21. Page 13, line 5 (clause 22)—Leave out 'nurse or an enrolled nurse' and insert: or enrolled person

No. 22. Page 13, line 12 (clause 22)—Leave out '(2)(b) to (e) or (3)(b) to (e)' and insert: (2a)(b), (c) or (d) or (3)(b), (c) or (d)

No. 23. Page 13, line 22 (clause 23)—After 'on' insert: an appropriate part of

No. 24. Page 13, lines 29 and 30 (clause 23)—Leave out 'in the field of nursing' and insert: as a nurse

No. 25. Page 13 (clause 23)—After line 30 insert the following:

(3) However, unless subsection (4) applies, only a nurse registered in a special practice area may practise in that area without supervision.

(4) The Board may, on conditions determined by the Board, authorise a registered nurse to practise without supervision in a special practice area in which the person is not registered.

(5) The Board may, as it thinks fit, by written notice to a nurse who holds an authorisation under subsection (4)—

(a) vary conditions that apply under that subsection;

(b) revoke an authorisation under that subsection.

No. 26. Page 14, lines 10 to 21 (clause 24)—Leave out subclauses (2), (3), (4) and (5) and insert new subclauses as follow:

(2) Subject to this Act, enrolment as a nurse authorises the enrolled nurse to practise in all fields of nursing under the supervision of a registered nurse who is authorised under this Act to practise in the relevant field without supervision.

(3) The Board may, on conditions determined by the Board, authorise an enrolled nurse to practise in a field or fields of nursing without the supervision of an appropriately qualified registered nurse (or without the supervision of a registered nurse at all).

(4) However—

(a) the Board must not give an authorisation under subsection (3) unless or until the Board has obtained the advice of a panel established by the Board under subsection (5); and

(b) the Board must, in determining whether to give an authorisation under subsection (3), consider—

(i) issues associated with public access to nursing care; and

(ii) the public interest in ensuring that appropriate standards of nursing care are maintained; and

(iii) the qualifications, experience and competency of the particular person.

(5) The Board must establish an expert advisory panel to consider any application under subsection (3).

(6) The panel must include—

(a) at least one person nominated by the Australian Nursing Federation (SA Branch); and

(b) at least one person nominated by the Royal College of Nursing, Australia (SA Branch).

(7) The Board may, as it thinks fit, by written notice to an enrolled nurse who holds an authorisation under subsection (3)—

(a) vary conditions that apply under that subsection;

(b) revoke an authorisation under that subsection.

(8) The Board must not give an authorisation under subsection (3) until at least six months have elapsed from the commencement of that subsection.

(9) The Board must, during the period of six months from the commencement of subsection (3), consult with the Australian Nursing Federation (SA Branch) and the Royal College of Nursing, Australia (SA Branch) on the implementation and operation of that subsection.

No. 27. Page 17 (clause 33)—After line 18 insert the following:

(2) A nurse can be registered on two or more parts of the register at the same time.

No. 28 Page 18 (clause 39)—After line 27 insert the following:

(3a) A person who is registered or enrolled under this Act must not perform a function in the provision of nursing care that the person is not authorised to perform under this Act.

(3b) A person must not require another to perform a function in provision of nursing care that the other person is not authorised to perform under this Act.

No. 29. Page 18, lines 28 to 30 (clause 39)—Leave out all words in these lines and insert:

A person who is not registered as a midwife under this Act must not—

No. 30. Page 18, lines 34 to 36 (clause 39)—Leave out subclause (5) and insert new subclause as follows:

(5) A person must not hold out another as a midwife unless the other person is registered as a midwife under this Act.

No. 31. Page 19, lines 1 to 3 (clause 39)—Leave out all words in these lines and insert:

A person who is not registered as a mental health nurse under this Act must not—

No. 32. Page 19, lines 9 to 11 (clause 39)—Leave out subclause (7) and insert new subclauses as follow:

(7) A person must not hold out another as a mental health nurse unless the person is registered as a mental health nurse under this Act.

(8) A person who is not registered in another special practice area under this Act must not—

(a) take or use a title calculated to induce the belief on the part of another that the person is a nurse who is entitled to practise in that area; or

(b) hold himself or herself out as being entitled to practise as a nurse in that area.

No. 33 Page 21, line 27 (clause 46)—Leave out '(a) or'.

No. 34. Page 28, line 18 (clause 63)—Leave out 'in' and insert: to

No. 35. Page 28—After line 23 insert new clause as follows: Review of special authorisations

64. (1) The Board must, by 30 June 2002, complete a review on the operation of section 24(3) of this Act.

(2) The Board must, in conducting a review under subsection (1), consult—

(a) with appropriate organisations and associations that, in the opinion of the Board, represent the interests of nurses in the State; and

(b) with the public generally.

(3) The Board must prepare a report on the outcome of the review and provide a copy of the report to the Minister by the date referred to in subsection (1).

(4) The Minister must, within six sitting days after receiving a report under subsection (3), have copies of the report laid before both Houses of Parliament.

No. 36. Page 29, lines 24 to 35 and page 30, lines 1 to 14 (Schedule)—Leave out subclauses (1) and (2) and insert new subclauses as follow:

(1) The following provisions apply with respect to registration under the repealed Act:

(a) a nurse registered under the repealed Act immediately before the commencement of this clause will, on that commencement, be taken to be registered on the appropriate register under this Act; and

(b) a specialist nursing qualification held by a nurse that is noted on a register under the repealed Act immediately before the commencement of this clause will, on that commencement, be taken to be noted on the appropriate register under this Act.

(2) The following provisions apply with respect to enrolment under the repealed Act:

(a) a nurse enrolled under the repealed Act immediately before the commencement of this clause will, on that commencement, be taken to be enrolled on the roll under this Act; and

(b) a specialist nursing qualification held by a nurse that is noted on a roll under the repealed Act immediately before the commencement of this clause will, on that commencement, be taken to be noted on the roll under this Act.

Consideration in Committee.

Amendments Nos 1 to 8.

The Hon. DEAN BROWN: I move:

That Amendments Nos 1 to 8 be agreed to.

I indicate to the Committee that it is my intention to accept all of the amendments with the exception of amendment No. 9. I suggest that we have a general debate on amendments 1 to 8 because they cover the key issues of the Bill. We can then deal with Amendment 9 and then the remaining amendments. I understand that other members are happy to deal with the amendments in that way. There has been considerable debate on this Bill in the other place. There has also been considerable discussion outside the Parliament itself. I have met with all of the parties involved at various stages and discussed various amendments that have been put forward.

Members can see how extensive those amendments are because, as the Bill comes back to this House, there are 36 different amendments. I can tell members that there were many more times that number of amendments in the Upper House that had to be resolved. I would like to acknowledge from the outset the very goodwill shown by all of the parties involved in wanting to satisfactorily work through and reach agreement to ensure that, at the end, we had legislation that was quite workable. I want to acknowledge the input and support in principle given by the Labor Party, the Australian Democrats and the two Independents in the other place, the Hon. Mr Cameron and the Hon. Mr Xenophon.

As I said, the Bill as it comes back to this House has some amendments but the principles of the Bill are exactly the same as when it left here. We still have one Nursing Board

to cover all nurses in the State. We have what I suppose could be called a segmented register but one register. Having dealt with segmented waiting lists today—waiting lists for the Housing Trust—I now understand what all these things are. We now have a segmented register but a single register, hence it has been picked up as a register for mental health nurses and midwives.

One board still covers all nurses, and that was a principle that both sides of this House put down very strongly, and I am delighted to see the Bill still in that format. I indicated that the Bill recognises areas of specialisation. At the same time, though, we also want to acknowledge the broad scope of nursing. If members can imagine, the Bill as it now stands covers the broad spectrum of all nursing but, at the same time, now acknowledges areas of specialisation, such as midwifery and mental health; and also gives the board the ability to recognise other specialist areas.

Again, I am delighted that this has been picked up because specialist areas such as intensive care and trauma nursing should be acknowledged. I would imagine that another four or five areas of specialisation will be added to the two initially nominated areas of specialisation of midwifery and mental health nursing. I want to thank all members. It is quite remarkable that a Bill such as this, with so many variations and factors, reached a resolution in the other place and did so without having to go to a deadlock conference. I particularly want to acknowledge the support and help given to me by the shadow Minister for Health. I have appreciated that.

Numerous meetings have been held between the parties involved, including the Nurses Federation, and the Bill that has now come through is very satisfactory. It is groundbreaking in a number of key areas. It has achieved all of the basic and important principles put down in the drafting of the Bill. It has been a number of years, in terms of the consultation, and now I think we have had a very satisfactory outcome. I urge the Committee to support the first eight amendments.

Ms STEVENS: I also believe that there has been an overall good result from this process. It certainly has been a long process. Since my time in this House I remember that the debate on this Bill commenced a couple of years ago under the former Minister for Health, but I do know from others who have been around much longer than I that it goes back almost as far as 1990 when the first report was tabled in relation to the need for a new Bill and changes to the current Nurses Act 1984. It is a very important piece of legislation. There are 23 000 nurses. It is the biggest work force in our health system and probably the biggest single set of professionals in a particular area in our State.

This is a very critical Bill. There has been a lot of goodwill and I thank the Minister for that. I must say, again, that it is a pleasure dealing with this Minister. It is certainly a very different kettle of fish from my past experiences in this place with the former Minister for Health. It is a pleasure to deal with the Minister knowing that he is willing to listen and negotiate to try to reach a result. I would also like to pay tribute to other people who have helped in this process. I would like to thank my colleague the Hon. Paul Holloway in the other place who did a very important and excellent job dealing with 100 amendments.

He did an excellent job and has put many hours of work into this Bill. I would like to thank the Australian Nurses Federation and Gail Gago, Rob Bonner and Pam Wilkinson for the long hours and effort they put into very carefully explaining and going through issues and for providing us with much evidence and detail. I would like to pay tribute to the Nurses Board and Helen Tolstoshev and her staff for their help and willingness in providing information, explaining issues and taking telephone calls from people who did not understand certain issues, so I thank them. I would also like to thank Richard Dennis who did the drafting so well and so patiently and who helped us through the myriad of clauses.

The Minister has mentioned a number of areas and I agree with the comments he has already made in relation to those particular areas of the Bill. I, too, think that we have come out of this process with a good piece of legislation and one that will see this profession certainly through the near to medium future.

A number of major issues have been covered. The first issue related to midwives and the naming of the Act. I want to put on the record and reiterate the position of the Australian Labor Party in relation to midwives. This was done in the other place by the Hon. Paul Holloway but I want to do it again here just briefly. The Opposition received many letters from and held discussions with the Australian College of Midwives and the Midwives Action Group. In fact, the Midwives Action Group was keen to have a separate Act. I certainly spent time talking with members of that group, and I made quite clear to them at the time that they needed to have wide support throughout professional bodies in order for this to proceed at this time. However, the requests from midwives fell into six main areas: first, the retention of a separate register; secondly, a definition of 'midwife' and of the scope of practice of midwifery to be in the Act; thirdly, that there be no doctor on the Nurses' Board; fourthly, that only qualified registered midwives be able to provide midwifery care; fifthly, a dedicated position for a midwife on the board; and, sixthly, the Act to be called the Nurses and Midwives Act.

The Opposition went forward with four out of those six requests on behalf of midwives. We did not support a dedicated position on the board, but we have supported a mechanism that will enable midwives to get themselves a position on the board if they get their act together and organise themselves. As I said before, we did not support changing the name of the Act to the Nurses and Midwives Act. We believe that implicit in doing this is an acknowledgment that midwifery and nursing are separate professions. We accept that the College of Midwives and the Midwives Action Group believe this. However, we know that there are significant stakeholders who do not hold this position at this time. They include: the Nurses Board, the Royal College of Nursing, and the Australian Nursing Federation, both at a national and State level.

We believe that this issue needs to be resolved through the profession. We believe discussions need to occur, and we know these discussions are occurring in other jurisdictions outside South Australia. I have a copy of an article from a very recent issue of a journal called the *Lamp*, which is published by the New South Wales Nurses Association. The article is entitled, 'Are midwives nurses?' It outlines a range of issues for discussion within the profession. The challenge for midwives now is to progress that argument through their profession and, as I have said before, we have the possibility that we may have direct entry in South Australia. I have said to midwives, 'Let's wait and see what happens with direct entry and what happens as the issue is progressed through the professional bodies.' In a few years, perhaps it will be time to look again at the issue. We do not believe the time is right now and that is why we did not support the proposition.

I was disappointed by the comments made by the Hon. Sandra Kanck about my involvement. She said that I had conned the midwives into believing that I supported their cause. I find that quite offensive because I have always been completely honest with the midwives about listening to their concerns but saying clearly to them that in terms of a separate Act or sharing the name of an Act more work needed to be done by them in gaining wider support of the profession.

I would like to move onto the matter of the Nurses Board. The Opposition would have preferred to see some differences in the final result on the Nurses Board. We would have preferred to have had as the Chair of the board a nurse registered or enrolled under this Act. The Hon. Paul Holloway and I spent some time the other night researching other Acts from other professions. We found that all the professions that we researched had a majority of practising professionals on their board. Of course, if we had had a nurse registered or enrolled under this Act as chair of the board, this would have given a majority. It would have given six out of 11 being registered or enrolled under this Act. As it stands now, we have only five who must be registered or enrolled under this Act and elected. The sixth—the chair of the board, the presiding member—simply has to have a nursing qualification.

People can follow up the situation on the other boards if they wish to by looking at the *Hansard* of the other place. However, the boards under the Dentists Act, the Medical Practitioners Act, the Chiropractors Act, the chiropodists, occupational therapists, pharmacists, physiotherapists, optometrists and psychologists all have a majority of their members practising in those professions on the board. In some ways it is a disappointment because it means that the nurses are still the poor cousins, and the profession deserves better than this. In response to this, the Government has argued, and all other parties agreed with the Government, that there were eminent people that it would like to be able to choose to be the presiding member and these eminent persons would have previously had nursing qualifications but would no longer be practising. Our position is that, if you wanted an eminent person on, you could have still put them on in the other category where we have persons nominated by the Minister. So there was still an opportunity to put those people on the board (even if they were not the chair).

The Opposition still stands by our position that we would not have had a doctor on the board by virtue of their being a doctor. We were not supported by any other party on that. We still believe that that is an important principle. We believe that the nursing profession has grown up, and it is past that position, but that was not supported. We were very pleased that people did accept our amendment that ensured that the deputy chair of the board will be a nurse registered or enrolled under this Act. So at least the deputy presiding member will come from that group. We were a little surprised at the proportional representation for election to the board being stated in the legislation.

A quorum having been formed:

Motion carried.

The Hon. DEAN BROWN: I move:

That the sitting of the House be extended beyond midnight.

Motion carried.

Ms STEVENS: As I was saying in relation to procedures for election of persons to the Nurses Board, the Opposition would have been happy to leave the actual mechanism of election to regulations, but the Government was willing to support an election in accordance with the principles of proportional representation. The Opposition also supports that amendment. I have some further points to make, but I will wait until the next batch of amendments is moved.

Motion carried.

Amendment No. 9.

The Hon. DEAN BROWN: I move:

That amendment No. 9 be disagreed to.

This amendment provides that at least six members of the board must be women and at least one must be a man. Here we have five of the 11 members being open to a democratic vote. That means that future Ministers or I may be put into an absolute straitjacket in determining the other six positions, and frankly that is not in the interests of either democracy or selecting an effective board. This is a nonsensical amendment. You have to wonder how it was accepted in the other place, but I suppose they cannot be perfect, as we are. So, I would hope that this House insists on this amendment being defeated and that the Upper House has the commonsense to knock it out when it gets back up there.

Ms STEVENS: The Opposition supports the position as outlined by the Minister. We agree entirely with his comments.

Motion carried.

Amendments Nos 10 to 36.

The Hon. DEAN BROWN: I move:

That amendments Nos 10 to 36 be agreed to.

I do not think there is any need to go through the details. I would like to take this opportunity as it will be my last opportunity to speak on this Bill—I hope—to acknowledge my appreciation of the staff of the Nurses Board, and my own personal staff have worked pretty tirelessly on this. The staff of the Nurses Board and the Department of Human Services have worked on this Bill now for four or five years, and there has been enormous consultation with literally hundreds of people and most groups in the community. Particularly in the past two or three months, there have been intense negotiations back and forth and the fact that the Bill is coming out the way it is with basic agreement and in an improved form reflects the extent of the effort that has been put in by those people. So, I acknowledge the support of the staff of the Nurses Board, the staff of the Department of Human Services and my own staff.

Ms STEVENS: I would like to make a few comments on particular issues in the remaining amendments. The Minister referred to the amendments to clause 22, which deals with the register issue, and we are certainly happy with the result. We had put another position, but we were happy to support this one as the next best option. It was not greatly different from the position we put up and we were happy to support it. I believe that it does what we all wanted, it will certainly satisfy the concerns of midwives and mental health nurses and also it will allow the opportunity for other special practice areas to be included. So, we are quite happy with that one.

I turn to clause 23. The Opposition had considerable concerns about this when the Bill was debated in the House of Assembly before Christmas and, after discussions with the Minister, staff and others, we are pleased that there has been some modification of the original position. Perhaps it was not modification of intent, but certainly there was modification in the way the intent has been expressed. Certainly, the fears that were held regarding the original Bill that came before the

House have been dispelled with the final result, so we are pleased with what has happened with clause 23.

Clause 24 deals with enrolled nurse supervision. This was a major issue of concern for many people. I acknowledge that the amendment before us now is different from where we started. I must acknowledge that the Government has modified its position following the discussions that we had with it. I know that the ANF had discussions with it and I believe other parties had discussions. I acknowledge that theposition is a lot better than it was. We still have some concerns as it did not go far enough for us. We know that this is the first legislation of its kind in Australia containing this provision. We believe it is important to proceed with caution. We and the people we worked with accepted that this would happen and we wanted to ensure that it would happen with the most safety in terms of patient care and standards of health care. We believe that it is important to proceed with caution. Our position was not accepted and the compromise position does not go as far as we wanted it to go.

I was concerned when, in the other place, the Hon. Paul Holloway asked the Minister whether she would rule out an enrolled nurse working without supervision in a hospital. The answer came back that the Minister did not want to confine herself to making a comment on that situation. That is our concern. Our understanding was that this would occur in a doctor's surgery, in domiciliary care or in small settings. We certainly did not expect it to be the case in a hospital. We were concerned about this situation. However, we did not win the day, but we will be watching with great interest. We are very pleased that there will at least be a review in 2002, when these issues can be looked at, along with the ramifications of the change.

My final point relates to unqualified workers. Again, our position was not supported by other parties in relation to the need to have some coverage in this legislation for unqualified workers who work in nursing homes in community settings. We were not successful in getting our amendment accepted. We still hold concerns regarding that care. The argument put to us was that this was not nursing care and therefore it should not be covered by the Nurses Act. We believe that other mechanisms that exist now do not adequately cover this very important issue and there is a significant and serious gap in the regulation of care of very vulnerable people in our community. I have covered all the issues. I thank everyone involved and look forward to this Bill's being proclaimed and getting under way.

Motion carried.

EVIDENCE (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council agreed to the amendments made by the House of Assembly without amendment.

COLLECTIONS FOR CHARITABLE PURPOSES (DEFINITION OF CHARITABLE PURPOSE) AMENDMENT BILL

The Legislative Council agreed to the Bill without amendment.

NURSES BILL

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

ADJOURNMENT

At 12.36 a.m. the House adjourned until Tuesday 25 May at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 23 March 1999

QUESTIONS ON NOTICE

SAND DREDGING, MOANA

87. **Mr HILL:** Does the Government intend offshore sand dredging in the Moana vicinity and, if so, what consultation process will be undertaken with the local community prior to dredging?

The Hon. D.C. KOTZ: The Coast Protection Board's investigation into offshore sand resources for the metropolitan beach replenishment program identified a potential area offshore from Moana. This area is currently being investigated to determine its extent and suitability as a sand source, and any potential environmental constraints.

If the area proves to hold a viable sand deposit, the Board will invite the Onkaparinga Council to participate in a consultation program to publicly discuss use of the sand, and its environmental, social and economic implications, before any decision is taken to dredge.

The Coast Protection Board has advised council of its investigation program and desire to work with it on a consultation process.

ELECTRICITY, PRIVATISATION

92. **Mr CLARKE:** If either of ETSA or Optima Energy are sold or leased—

1. What will be the position of existing or future workers compensation claims arising from when these entities were publicly owned and operated;

2. What will be the position of past employees diagnosed with asbestos related compensable injuries incurred during public ownership or control and will the Government provide ongoing health monitoring and medical expenses to past employees and, if not, why not; and

3. Who will be responsible for asbestos removal from existing plant and equipment?

The Hon. M.R. BUCKBY: The Treasurer has provided the following information:

I refer the honourable member to answers provided in the Legislative Council on 10 February 1999 to similar questions asked by the Hon T G Cameron.

POKER MACHINES

95. **Mr ATKINSON:** Are gaming machines that systematically display near miss combinations permitted in this State?

The Hon. M.R. BUCKBY: The Treasurer has provided the following information:

While it is not clear what 'systematically display near miss combinations play' means, it is assumed that the honourable member is referring to machines and games where combinations of like symbols appearing on the screen of a gaming machine do not fall on a play line. It is also assumed that the honourable member is suggesting that these near miss combinations are displayed as part of the programming of the machine or game.

Although it is understandable that some people might think that such 'near misses' are programmed, this is not the case.

The gaming machine technical standards, which set out the requirements for approval of games and machines in South Australia, place emphasis on ensuring that the game outcome is random. The result of each game is determined by a random selection of game symbols by using a Random Number Generator (RNG). To achieve random game outcomes the results produced by the RNG must be proven to:

- be statistically independent;
- be uniformly distributed over their range;
- be unpredictable; and
- pass recognised statistical tests.

Prior to approval of a game or gaming machine, the Liquor and Gaming Commissioner engages specialist testing laboratories which, as part of testing the game for compliance with the standard, rigorously test the RNG to ensure it meets the above requirements.

A machine that is programmed to produce a higher than expected number of 'near misses' would not meet the 'randomness' requirements of the South Australian Technical Standard and therefore would not be approved by the Liquor and Gaming Commissioner.

ADELAIDE CASINO

96. **Mr ATKINSON:** Does the Adelaide Casino use aromatic devices in its public areas?

The Hon. M.R. BUCKBY: The Treasurer has provided the following information:

I am advised by the Managing Director of the Adelaide Casino that the Casino provides 12 separate toilet facilities, of which six have battery operated air freshener units with aerosol metered sprays.

Two of the other toilet facilities have an ozone purification machine. In addition to this, throughout parts of the complex a liquid air freshener is used when required.

TAFE REFRIGERATION CLASSES

97. **Mr ATKINSON:** Are night classes in refrigeration at Regency TAFE to be discontinued in the second term and, if so, why?

The Hon. M.R. BUCKBY: Currently there are two groups of students undertaking night classes in refrigeration twice per week at Regency Institute of TAFE. These classes will continue through term 2 and subsequent terms to allow continuing students to complete their course.

For new students, there is a current waiting list for refrigeration classes and Regency is in the process of finalising an additional two night classes for commencement in term 2, 1999.

EDUCATION, TRAINING AND EMPLOYMENT DEPARTMENT

104. **Ms WHITE:**

1. How many Department of Education, Training and Employment employees will have annual salaries in excess of $100 000 during 1999?

2. How many DETE employees have received TVSPs since the formation of the new department on 23 October 1997 and what has been the cumulative dollar value of these TVSPs (including leave entitlements) and those which have been granted but not yet paid out?

The Hon. M.R. BUCKBY:

1. At this time there are 13 employees across DETE who have annual salaries in excess of $100 000.

2. Total separation from the Department of Education, Training and Employment and the dollar figures since 23 October 1997 are as follows:

Total separation	367
TVSP payment	$27 386 053
LSL payment	$8 374 405
Rec. leave payment	$1 078 592
Total dollar payments	$36 839 050

FISHING LICENCES

107. **Mr HILL:** How many current fishing licences carry endorsements authorising the licensees to take cockles, what are the names and addresses of these licensees, what type of fishing licence is held by each licensee and what are the conditions of each endorsement?

The Hon. R.G. KERIN: Licence holders in the following fisheries are permitted to take cockle species within South Australian waters (the number of licence holders in each fishery is indicated in brackets):

- Marine Scalefish Fishery (427);
- Restricted Marine Scalefish Fishery (45);
- Lakes and Coorong Fishery (37);
- Northern Zone Rock Lobster Fishery (71); and
- Southern Zone Rock Lobster Fishery (183).

A register of all licence holders detailing their names and addresses has been provided to Mr Hill.

There are two gear types (cockle rakes and cockle nets) used to take cockles and the following table details the gear quantity for the various fisheries with access to cockles:

	Cockle rake	Cockle net
Marine Scalefish Fishery	175	45
Restricted Marine Scalefish Fishery	9	0
Lakes and Coorong Fishery	26	8
Northern Zone Rock Lobster Fishery	12	3
Southern Zone Rock Lobster Fishery	0	0

All other licence holders in these fisheries, without specific gear endorsements, are permitted to take cockles by hand.

Catch and effort data provided by the South Australian Research and Development Institute indicates that very few fishers have utilised their entitlement. During the year 1997-98 a total of 14 fishers accessed mud cockles and a further 11 fishers recorded catches of the Goolwa cockle.

Access to the fishery is under both regulated conditions and licence conditions. In summary the following management measures apply:

- Minimum size limit;
  For Goolwa cockle 3.5 cm
  For Cockles taken in Coffin Bay 3.8 cm
  For Cockles taken elsewhere 3.0 cm
- A closed season on Goolwa cockles from 1 June to 31 October (inclusive); and
- A permanently closed area on the taking of cockles in Coffin Bay for commercial licence holders.

NETHERBY KINDERGARTEN

109. **Ms WHITE:**

1. What is the Minister's decision and the reasons for that decision on the site of Netherby Kindergarten's new accommodation, when will work commence and will construction adversely impact upon the Waite Arboretum and, if so, how?

2. Which other sites were considered and what were the assessments of their suitability?

The Hon. M.R. BUCKBY: No decision has been made in relation to the future of the Netherby Kindergarten as I am awaiting the finalisation of additional key information.

As the final decision on Netherby Kindergarten has not yet been taken, no alternative sites have been excluded from my deliberations.

MARINE BIODIVERSITY

110. **Mr HILL:**

1. Does the Government support the development of a network of protected marine biodiversity areas across the State and, if so, how?

2. When will the 1998 'Marine Biodiversity Strategy for South Australia' report be released?

The Hon. R.G. KERIN:

1. In September 1998 the Government released the document 'Our Seas and Coasts. A Marine and Estuarine Strategy for South Australia.' Among the many important initiatives in this document, the Government undertook to: 'Using interim guidelines for establishing the national system of MPA's'. . . (Marine Protected Areas) '. . . identify and recommend areas of South Australian waters to be part of a system of MPA's'. The strategy intends that the system be in place by the year 2003.

2. The 1998 'Marine Biodiversity Strategy for South Australia' report is presently being printed and is expected to be released this month. It should be understood, however, that the report is a technical document which identifies areas of high biodiversity and conservation value in the State's waters. It does not outline or even suggest a means by which MPA's will be identified or recommended. That is a further step in the process, a process which will necessarily engage the various users of the State's waters and the general community in a detailed and comprehensive dialogue.'